

§ 114-35. Permitted uses.

A building or land shall be used only for the following purposes:

A. Principal uses and buildings:

- (1) Retail stores and shops; banks and financial institutions; fully enclosed restaurants; craft shops; barbershops and beauty parlors; studios for artists or photographers and sculptors; indoor health club, squash or racquetball facilities; family billiard parlor; indoor recreational facilities; indoor cinema; delicatessens; retail bakery; taverns; dinner theaters, theaters for the performing arts or other cultural facilities; electronic appliance and other service shops; nursery and garden centers; dry cleaning/laundry establishments; factory authorized new automobile sales, agencies and services, including repair shop adjacent to and in connection therewith, including new and used car lots; automobile repair shops. Storage of motor vehicles is permitted, provided that the vehicles have up-to-date inspection stickers and registration and are properly fenced from view and located in the rear of the property.
- (2) General, corporate, administrative and professional offices.
- (3) Nursing homes, convalescent facilities, continuing-care facilities or such similar use and including, as accessory uses, out-patient facilities, medical and dental offices and clinics, pediatric centers or similar medical uses, provided that such accessory uses constitute less than 50% of the total gross floor of all buildings on the lot or premises and provided that the following requirements are met. It is recognized that projects involving nursing homes, convalescent homes and continuing-care facilities will involve a Coastal Area Facilities Review Act (CAFRA) permit from the New Jersey Department of Environmental Protection and Energy (NJDEPE). Therefore, where regulations and standards of this chapter conflict with NJDEPE rules on coastal resources and development, the state rules shall be given every consideration. Such uses shall be subject to the following:
 - (a) Area and bulk requirements.
 - [1] Minimum lot size: two acres.
 - [2] Minimum lot frontage: 200 feet.
 - [3] Minimum front yard setback: 75 feet from any county right-of-way and 50 feet from any other right-of-way.
 - [4] Minimum rear and side yard setback: 50 feet.
 - [5] Maximum height and limitation: not to exceed 35 feet. **[Amended 5-23-1996 by Ord. No. 8-1996]**
 - [6] Maximum impervious coverage: 75% of the total lot area.
 - [7] Sidewalks: six feet in width.
 - [8] Minimum parking setbacks: 35 feet from any county right-of-way; 25 feet

from a residential zone; 20 feet from a municipal right-of-way or rear property line; 10 feet from a side property line; and zero feet where cross easements for parking areas are maintained.

- (b) Site plan review. All development shall be subject to Article XXII of this chapter of the Code of the City of Somers Point.
 - (c) Buffering requirements. All development shall be subject to § 114-38 of this article.
 - (d) Lighting requirements. All development shall be subject to § 114-44 of this article.
 - (e) Landscaping requirements. All development shall be subject to § 114-38 of this article.
 - (f) Design standards. All development shall be subject to Article XXIV, Design and Improvement Standards of this chapter of the Code of the City of Somers Point as well as to the following regulations, unless, after due consideration of plans, testimony and other submissions, the municipal agency waives strict compliance with the requirements of this subsection in order to promote the purposes of this article.
 - [1] Architectural compatibility. Any development shall be constructed in accordance with an overall architectural plan such that the facades, rooflines, architectural detail and landscaping of each building shall be compatible with all other existing or proposed buildings on the site.
 - [2] Conditions. The municipal agency may impose requirements to control the effect of noise, traffic movement and volume, lighting and/or intensity of such conditional activities on adjacent land uses and may require a sufficient guaranty to ensure compliance with such restrictions or conditions.
 - [3] Grouping. The principal and accessory buildings shall be arranged in a group or groups such that no building shall be less than 25 feet from any other building.
 - [4] Utilities. All utilities shall be located underground.
 - (4) Methadone clinic. **[Added 3-22-2001 by Ord. No. 1-2001]**
- B. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include:
- (1) Off-street parking.
 - (2) Garages to house delivery trucks or other commercial vehicles.
 - (3) Temporary construction trailers and one sign not exceeding 50 square feet for advertising. The prime contractor, subcontractor(s), architect, financing institution and similar data shall be included on one sign for the period of construction, beginning with

the issuance of a building permit for one year, whichever is less, provided that said trailer and sign are on the site where construction is taking place and are set back at least 15 feet from the street to the lot lines.

- (4) Appropriate facilities for placement of trash, recycling and garbage and collection and removal thereof, provided that:
 - (a) The facility is completely enclosed and so constructed that the trash, recycling and garbage shall not be visible to the general public.
 - (b) Such structure meets the approval of the Construction Official and the Board of Health.
 - (c) Such facilities fit within the overall project design.
 - (d) Such facilities are buffered from principal structures, parking facilities and pedestrian and vehicular roadways.

C. Conditional uses and buildings.

- (1) The following uses are permitted as conditional uses pursuant to N.J.S.A. 40:55D-3 and 40:55D-67, in this district when authorized by the Planning Board in accordance with the specifications and standards listed below:
 - (a) Fast-food restaurants.
 - (b) Gasoline service stations.
 - (c) Car washes.
- (2) General regulations. The following regulations applicable to all uses in this district shall also apply to all conditional uses as permitted in this district, as general regulations and not as special standards applicable only to conditional uses.
 - (a) Site plan review. Except as specifically specified and required in this section, all development shall be subject to Article XXII, Site Plan Review, of this chapter of the Code of the City of Somers Point.
 - (b) Buffering requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-38 of this article.
 - (c) Lighting requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-44 of this article.
 - (d) Landscaping requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-38 of this article.
 - (e) Area and bulk requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-36 of this article.
 - (f) Minimum floor area requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-37 of this article.

- (g) Off-street parking requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-39 of this article.
- (h) Off-street loading requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-40 of this article.
- (i) Parking and loading waivers. Except as specifically specified and required in this section, all development shall be subject to § 114-41 of this article.
- (j) Signs. Except as specifically specified and required in this section, all development shall be subject to § 114-42 of this article.
- (k) Fences. Except as specifically specified and required in this section, all development shall be subject to § 114-43 of this article.
- (l) Submission requirements. Except as specifically specified and required in this section, all development shall be subject to § 114-45 of this article.
- (m) Design standards. All development shall be subject to Article XXIV, Design and Improvement Standards, of this chapter of the Code of the City of Somers Point as well as to the following regulations.
 - [1] Architectural compatibility. At the time of site plan approval, preliminary architectural plans and elevations demonstrating the aesthetic and visual impact and character of the proposed nonconditional use in relation to surrounding land uses, shall be submitted by the applicant and approved by the Planning Board. These architectural plans and elevations shall be binding at the time of construction. The Construction Code Official shall verify that the actual construction plans are in substantial conformity with the preliminary architectural plans and elevations submitted by the applicant and approved by the municipal agency. The ultimate builder of the project, whether or not the builder was the applicant, is responsible to ensure that the project, as constructed, is in substantial conformity with the preliminary architectural plans and elevations submitted and approved by the Board.
 - [2] Utilities. All utilities shall be located underground.
- (n) Trash disposal, recycling and garbage collection and removal. Appropriate facilities shall be provided which meet the following conditions:
 - [1] The facility shall be completely enclosed and constructed so that the trash, recycling and garbage shall not be visible to the general public.
 - [2] Such structure shall meet the approval of the Construction Official and the Board of Health.
 - [3] Such facilities shall fit within the overall project design.
 - [4] Such facilities shall be buffered from principal structures, parking facilities and pedestrian and vehicular roadways.

- (3) Fast-food restaurants are subject to the standards of this chapter, the general requirements of § 114-35C(1)(a) through (n) and to the following regulations:
- (a) An application shall satisfy all procedural requirements and standards for site plan review and shall also include appropriate off-tract information to permit the Planning Board to make an informed decision as to whether the requirements set forth below have been met.
 - (b) A traffic impact study shall be submitted to the reviewing agency as to off-site circulation of motor vehicles, bicycles and pedestrians. **[Amended 9-24-1992 by Ord. No. 24-1992]**
 - (c) A traffic impact study shall be submitted to the reviewing agency as to on-site circulation of patrons' automobiles, delivery, emergency and service vehicles, bicyclists, pedestrians and other users. **[Amended 9-24-1992 by Ord. No. 24-1992]**
 - (d) In addition to the landscaping plans and details that may be required by other sections of this chapter, existing, appropriate on-site vegetation shall be maintained as much as possible. **[Amended 9-24-1992 by Ord. No. 24-1992]**
 - (e) Fast-food restaurants shall satisfy the following tract requirements in addition to requirements otherwise applicable in this zone district:
 - [1] With no drive-through window, the minimum lot size shall be 1 1/2 acres. There shall also be a minimum of 300 feet of continuous frontage on an arterial road or state highway within the General Business District. In instances involving a corner property, the lot shall have frontage on the arterial road or state highway of no less than 150 feet and combined frontage on both streets of no less than 300 feet.
 - [2] With a drive-through window, the minimum lot size shall be two acres. There shall also be a minimum of 300 feet of continuous frontage on an arterial road or state highway within the General Business District. In instances involving a corner property, the lot shall have frontage on the arterial road or state highway of no less than 150 feet and combined frontage on both streets of no less than 300 feet.
 - [3] One parking space shall be provided for every three seats, together with adequate employee parking.
 - [4] On-tract impervious coverage shall not exceed 75%.¹
 - (f) In the event of conflict between the standards above set forth and the standards generally for the General Business District, these specific standards shall apply.
- (4) Gasoline service stations shall be subject to the following regulations:

1. Editor's Note: Former Subsection C(3)(e)[5], establishing distances between fast-food restaurants, as amended 9-24-1992 by Ord. No. 24-1992, and which immediately followed this subsection, was deleted 4-8-1999 by Ord. No. 4-1999.

- (a) Lot shall be a minimum of 20,000 square feet in area with a minimum lot depth and lot width of 125 feet.
- (b) All fuel pumps, appliances and/or pumps shall be located a minimum of 35 feet from the street lines and 25 feet from the side and rear property lines or edge of any required buffer areas so as to permit all services to be performed within the lot lines. All other services shall be performed within an enclosed building.
- (c) All fuel tanks shall be installed underground in conformance with NJDEPE regulations.
- (d) Driveway requirements.
 - [1] Driveways shall not be more than 25 feet wide at any point thereof.
 - [2] There shall be a minimum distance of 30 feet between driveways as measured from the edges of the paved portions. Driveways shall be at least 10 feet from the adjoining property line and at least 20 feet from the street line of any intersecting street.
 - [3] There shall be a maximum of two driveways on any street.
- (e) The entire area of the station or garage or sale area traversed by motor vehicles shall be macadam concrete.
- (f) No gasoline selling or service station or area so utilized shall be located within 500 feet of any property upon which a church, hospital, public or parochial school, private school, college, institution or theater shall be located nor shall said gasoline selling or service station be located within 2,000 feet of another gasoline selling or service station. Said distance shall be measured from the property or lot line on which the proposed service station is to be located on a straight line to the property line or lot line on which the church, hospital, public or parochial school, private school, college, institution, theater or gasoline or service station is located.
- (g) Buffer yard, setback, canopies and building requirements:
 - [1] A buffer yard of not less than 50 feet in width shall be provided for any special use included in this subsection shall be located within 50 feet of any residential zone. This buffer yard shall be used only as a planting strip in which hedge, evergreens, shrubbery or other suitable planting shall be provided and maintained with a visual screen year round.
 - [2] The walls of any building shall be set back a minimum 25 feet from every adjoining property line or required buffer yard and a minimum of 50 feet from a street right-of-way.
 - [3] Roof overhangs attached to or extending from the buildings shall not extend more than five feet from said building.
 - [4] Building requirement. A maximum of 20% of the area of each lot shall be occupied by buildings. No main building shall exceed one story in height.

Detached canopies shall not exceed 18 feet in height.

- (h) All lubrication, repair, maintenance or similar activities shall be performed within a completely enclosed building. In addition thereto, all displays and sale of merchandise shall be made or sold within a completely enclosed building, except as specifically provided or allowed under the terms of this chapter.
 - (i) Sufficient parking space for all vehicles of employees and patrons shall be provided, with a minimum of five spaces in any event, with the total number of spaces computed on the basis of three spaces for each lift, wheel alignment pit, bay or similar work area, which spaces shall be separate from the driveway and general apron areas giving access to the air pumps, gasoline pumps and garage doors.
 - (j) No automobile, truck, trailer or boat shall be allowed to stand on any gasoline station selling or service station selling or service station property publicly advertising such vehicle for sale.
 - (k) No part of any gasoline selling or service station may be used for residence or sleeping purposes.
 - (l) Signs shall be erected in accordance with the requirements enumerated in § 114-42 of this article, except that no sign shall be erected less than 15 feet from any curb or property line.
 - (m) All electric, gas, telephone and other utility lines and uses shall be installed underground.
- (5) Car washes shall be subject to the following special regulations:
- (a) Minimum lot size: 24,000 square feet.
 - (b) Minimum lot width: 120 feet.
 - (c) Minimum lot depth: 200 feet.
 - (d) Minimum setback from all front property lines: 50 feet.
 - (e) Minimum distance from all property lines, other than front property lines: 20 feet.
 - (f) Minimum distance between any buildings, including accessory uses, and any residential district: 50 feet.
 - (g) Minimum distance between any access driveway and residential district: 50 feet.
 - (h) Minimum distance between any access driveway and the property line shall be 200 feet for any of the following uses: church, library, school, college, nursing home, hospital and similar uses.
 - (i) Maximum width of curb cuts for one-way driveway shall not exceed 30 feet. Curb cuts for two-way driveways shall total 50 feet.
 - (j) Parking requirements include the following:

- [1] A waiting or stacking area on the lot for incoming automobiles, accessible to the entrance end of the washing equipment, to accommodate a minimum of 10 automobiles for each lane provided in the washing area.
- [2] An area beyond the exit end of the washing equipment, for a minimum of four automobiles for each lane provided in the washing area.
- [3] Entrance access driveways shall not be located within 100 feet of the intersection of any two streets.
- [4] Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
- [5] Dripping vehicles shall not be allowed on streets or highways so as to cause ice hazards in freezing weather. Equipment must be installed to prevent this condition. Site drainage shall be designed so as to prevent drainage onto public streets.