

ARTICLE IV - PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD
AND THE ZONING BOARD OF ADJUSTMENT

Section 2.23 Meetings

- A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of C.291, P.L. 1975 or the "Sunshine Law".
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law (N.J.S.A. 10:4-6). An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 30:55D-9.

Section 2.24 Minutes

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for use as provided for in the rules of the Board.

Section 2.25 Notice requirements for hearings

- A. Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55d-1 et. seq. or pursuant to the determination of the municipal agency in question, the applicant shall give notice thereof as follows:

1. Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.
2. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which applicant's land is located. Such notice shall be given by:
 - a. Serving a copy thereof on the owner shown on the said current tax duplicates or his agent in charge of the property; or
 - b. Mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return envelope is not required.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

3. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B of this Section to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.
4. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.
5. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.
6. Notice shall be given by personal service or certified mail to the director of the Division of State and Regional Planning in the Department of

Community Affairs of a hearing on an application for development of property which exceed one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Borough Clerk pursuant to N.J.S.A. 40:55D-10.

- B. All notices hereinabove specified in this Section shall be given at least ten (10) days prior to the date fixed for the hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing for the development application. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with C.40:55D-14.
- C. Form of Notice. All notices required to be given pursuant to the terms of this Ordinance shall state the date, time, and place of the hearing, the nature of the matters to be considered, and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicates in the Borough Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.
- D. List of property owners furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12(c) the Borough Tax Assessor shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of ten (10) dollars, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this Section.

Section 2.26 Hearings

- A. Rules. The Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of c.40:55D-1 et. seq. or of this ordinance.
- B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoena to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law" C.38, P.L. 1953 (C.2A;67A-1 et. seq.) shall apply.

- C. Testimony. The testimony of all witnesses to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial, or unduly repetitious evidence.
- E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical, or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

Section 2.27 Decisions

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.
- B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the board for such service. A copy of the decision shall also be filed in the office of the Borough Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents to the municipality.
- C. Publication of Decision. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

Section 2.28 Conflicts of Interest

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a

particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in further discussion or decision relating thereto.

Section 2.29 (Payment of Taxes)

Pursuant to the provisions of C.40:55D-39 and C.40:55D-65, every application for development submitted to the Planning Board or the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are granted by either board shall be conditional upon either the prompt payment of such taxes or assessments, or the taking of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

Section 2.30 Fee Schedule

- A. Minor Subdivision
 1. Application fee - \$50.00
 2. Review fee deposit - \$200.00 per lot with a minimum deposit of \$65.00 for legal and engineering review, including map revisions required by the subdivision.
- B. Major Subdivision
 1. Application fee - \$100.00
- C. Major Subdivision Preliminary Review
 1. Application fee - \$100.00
 2. Review fee deposit - \$100.00 per lot, with a minimum deposit of \$1,000.00 for legal and engineering review.
- D. Major Subdivision Final Review
 1. Application fee - \$400.00
 2. Review fee deposit - \$50.00 per lot, with a minimum deposit of \$1,000.00 for legal and engineering review, including tax map revisions required by the subdivision.
- E. Conditional Use
 1. Application fee - \$50.00
 2. Review fee deposit - \$2.00 per gross square foot of building floor area included in the proposed development, plus \$200.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$200.00
- F. Site Plan, Preliminary Review
 1. Application fee - \$100.00
 2. Review fee deposit - \$100.00 per lot or fraction thereof submitted for review, with a minimum of \$500.00 for legal and engineering review.
- G. Site Plan, Final Review
 1. Application fee - \$100.00
 2. Review fee deposit - \$100.00 per lot or fraction thereof submitted for review, with a minimum of \$500.00 for legal and engineering review.
 - Reduced fee for certain residential applicants.
 - When the subject matter of an application consists of an addition, whether attached or detached, to an existing single-family residential home, or alterations thereto, by the owner of said residence, and as a result thereof, site plan approval, subdivision approval or variance fees shall be as follows:
 - A. Application Fee - \$50.00
 - Review fee deposit - \$300.00
 - The determination of the appropriate application fee shall be at the discretion of the Planning Board and/or Zoning Board and said determination shall be binding on the applicant.
- H. Use Variance
 1. Application fee - \$25.00
 2. Review fee deposit - \$2.00 per gross square foot of building floor area included in the proposed development, plus \$100.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$100.00

All other type variances - \$25.00

(Section 2.30 amended by Ord 93-6)

development, plus \$100.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$100.00

F. Site Plan, Preliminary Review

1. Application Fee - \$70.00
2. Review Fee Deposit - \$50.00 per lot or fraction thereof submitted for review, with a minimum of \$200.00 for legal and engineering review.

G. Site Plan, final Review

1. Application Fee - \$50.00
2. Review Fee Deposit - \$50.00 per lot or fraction thereof submitted for review, with a minimum of \$100.00 for legal and engineering review.

Reduced fee for certain residential applicants.

When the subject matter of an application consists of an addition, whether attached or detached, to an existing single-family residential home, or alterations thereto, by the owner of said residence, and as a result thereof, site plan approval, subdivision approval, or variance are required, the appropriate fees shall be as follows;

- a. Application Fee - \$10.00
- b. Review Fee Deposit - \$100.00

The determination of the appropriate application fee shall be at the discretion of the Planning Board and/or Zoning Board and said determination shall be binding on the applicant.

H. Use Variance

1. Application Fee - \$15.00
2. Review Fee Deposit - \$2.00 per gross square foot of building floor area included in the proposed development, plus \$100.00 per area pro-rated for fractions of land included in the lots involved, but not less than \$100.00.

All other type variances - \$15.00

Escrow Fund Fees:

- A. Review Fee Deposit. The review fee deposit is to

be used to pay the fees of any professional personnel retained or employed by the Borough to assist in processing, reviewing, and making recommendations concerning the subject application. If at any time it becomes evident that the escrow fund is, or will become, insufficient to cover all reasonable fees for the required professional services, the applicant shall increase the fund as determined by the reviewing agency. Any excess funds in the escrow fund remaining after forty-five (45) days from the date action is taken by the Zoning Officer and/or reviewing agency with respect to the applicant shall be returned to the applicant.

Whenever a review fee is required, the developer shall deposit with the Borough treasurer a sum of money which the Borough treasurer shall, in turn, deposit in a separate escrow account and carry under the Borough's trust fund section of accounts on the books of the Borough as an inspection fee escrow fund.

- B. Inspection fees. This escrow fund shall be used to pay the fees of professional personnel employed to inspect and approve the construction of the improvements for subdivision and site plan approval. Any excess of funds in escrow at the time when all improvements have been finally accepted shall be returned to the developer. If at any time it becomes evident that the escrow fund is or will be insufficient to cover said inspection fees, the developer shall increase the fund as required by the approving Borough agency.

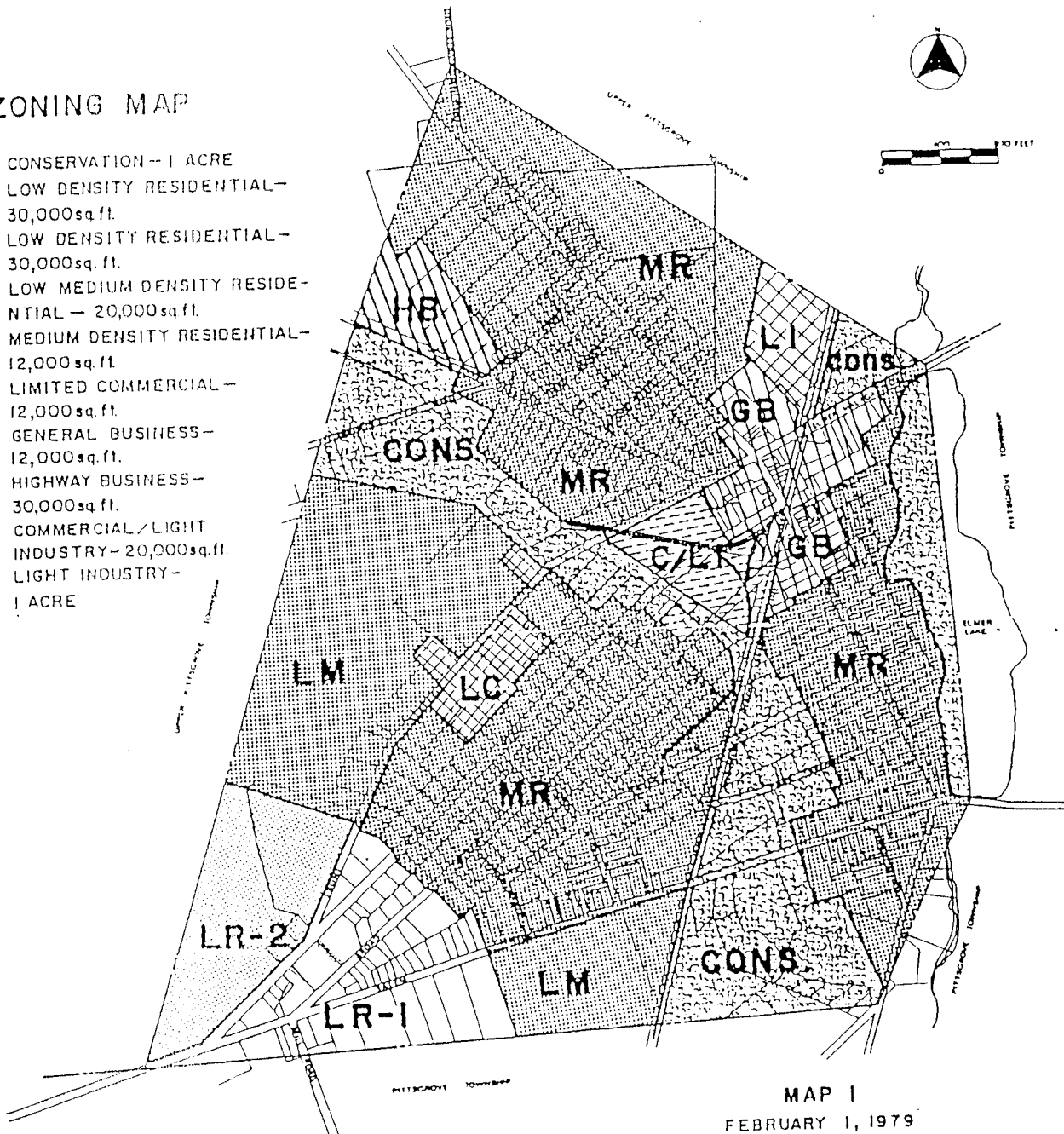
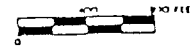
Prior to final approval of the plat, the developer is required to deposit with the Borough treasurer, a sum of money, as defined below, which the Borough treasurer shall, in turn, deposit in a separate escrow account and carry under the Borough's trust fund section of accounts on the books of the Borough as an inspection fee escrow fund. The amount of money so deposited, exclusive of all other fees, shall equal six (6) percent of the cost of all improvements required as a condition of subdivision or site plan approval as such cost is estimated by the Borough engineer. However, there shall be a minimum inspection fee escrow deposit of \$300.00 even though the aforesaid computation produces a lesser amount, unless there are no improvements required for subdivision or site plan approval in which case there shall be no inspection fee escrow fund established.

Specialized Expert Testimony:

When the applicant intends to present specialized expert testimony which is beyond the expertise of the staff and consultants serving the approving authority, the applicant shall increase the review fee deposit account by a minimum of \$500.00 for each such expert who will testify, in order to enable the approving authority to hire expert consultants to review this testimony.

ZONING MAP

- CONS. CONSERVATION - 1 ACRE
- LR-1 LOW DENSITY RESIDENTIAL - 30,000sq. ft.
- LR-2 LOW DENSITY RESIDENTIAL - 30,000sq. ft.
- LM LOW MEDIUM DENSITY RESIDENTIAL - 20,000sq. ft.
- MR MEDIUM DENSITY RESIDENTIAL - 12,000sq. ft.
- LC LIMITED COMMERCIAL - 12,000sq. ft.
- GB GENERAL BUSINESS - 12,000sq. ft.
- 4B HIGHWAY BUSINESS - 30,000sq. ft.
- C/LI COMMERCIAL/LIGHT INDUSTRY - 20,000sq. ft.
- LI LIGHT INDUSTRY - 1 ACRE



MAP I
FEBRUARY 1, 1979

BOROUGH OF ELMER

SALEM COUNTY NEW JERSEY
PREPARED BY SALEM COUNTY PLANNING STAFF

ELMER BOROUGH ZONING ORDINANCE
 SCHEDULE OF DISTRICT REGULATIONS
 MAXIMUM-MINIMUM BUILDING STANDARDS

ZONE	TYPE OF USE	AREA	MINIMUM LOT SIZE		DEPTH	MINIMUM YARD DIMENSIONS			MAXIMUM HEIGHT	MAXIMUM BUILDING IMP. SURFACE	MAXIMUM LOT COVERAGE
			WIDTH	DEPTH		FRONT	SIDE	REAR			
Cons.	Principal Uses Accessory Uses	1 acre	150'	200'	40'	20'	40'	40'	35'	10	5
						10'	10'	10'	35'	35'	
LR-1	Principal Uses Accessory Uses	30,000'	125'	175'	35'	20'	35'	35'	35'	20	10
						10'	10'	10'	35'	35'	
LR-3	Principal Uses Accessory Uses	30,000'	125'	175'	35'	20'	35'	35'	35'	20	20
						10'	10'	10'	35'	35'	
LM	Principal Uses Accessory Uses	20,000'	100'	150'	35'	15'	30'	30'	35'	10	10
						10'	10'	10'	35'	35'	
HR	Principal Uses Accessory Uses	12,000'	80'	125'	30'	15'	30'	30'	35'	20	10
						10'	20'	25'	35'	35'	
LC	Principal Uses Accessory Uses	12,000'	80'	125'	30'	15'	30'	30'	35'	20	20
						10'	20'	30'	35'	35'	
GUB.	Principal Uses Accessory Uses	12,000'	80'	125'	30'	15'	30'	30'	35'	20	20
						10'	20'	30'	35'	35'	
H.B.	Principal Uses Accessory Uses	30,000'	125'	175'	40'	30'	40'	40'	35'	10	20
						30'	40'	40'	35'	35'	
C./L.I.	Principal Uses Accessory Uses	20,000'	100'	150'	35'	15'	30'	30'	35'	10	20
						10'	10'	10'	35'	35'	
L.I.	Principal Uses Accessory Uses	1 acre	150'	200'	40'	30'	40'	40'	35'	10	20
						30'	40'	40'	35'	35'	

RESIDENTIAL DWELLING UNITS - MINIMUM FLOOR AREA:

No. of Bedrooms	Efficiency	Minimum Net Habitable Floor Area		Gross Habitable Floor Area (Including Storage)	
		Multi-Family Dwelling Unit	Single Family Dwelling Unit	Multi-Family Dwelling Unit	Single Family Dwelling Unit
1	600	600	660	660	800
2	900	900	990	990	1030
3	1200	1200	1320	1320	1440
4	1600	1600	1760	1760	1920
5	2000	2000	2200	2200	2400

BOROUGH OF ELMER ZONING ORDINANCE
SCHEDULE OF DISTRICT REGULATION
USE REGULATIONS

DISTRICT

PERMITTED USES

In each district, only the use listed below shall be permitted by right. All uses in the following list other than detached single family dwellings, general purpose agriculture, and normally incidental accessory uses thereto, shall be subject to Site Plan Review requirements in addition to complying with other applicable requirements.

- A. Principal Uses
 - 1. Water, forest, or wildlife conservation areas and use
 - 2. Public or non-profit parks, playgrounds, playfields, or similar open space use
 - 3. Essential services
 - 4. Single family dwellings
- B. Accessory Uses
 - 1. Any use customarily incidental to a permitted principal use including:
 - a. Signs (per Section 3.8)
 - b. Fences and walls (per Section 3.9)
 - c. Off-street parking and loading (per Section 3.13)

CONDITIONAL USES

All uses listed below and normally incidental accessory uses thereto may only be permitted in accordance with Conditional Use Review procedures as well as Site Plan Review requirements.

LR-1

- A. Principal Uses
 - 1. Kennels and animal hospitals (per Section 3.17)
 - 2. Public or private tennis clubs
 - 3. Public or private swimming clubs (per Section 3.18)
 - 4. Social clubs, lodges, and assembly halls
 - 5. Private education institutions, libraries, museums and cultural facilities

B. Accessory Uses

- 1. Accessory use permitted by right in the CONS district
- 2. Any use customarily incidental to permitted principal use including:
 - a. Swimming pools (per Section 3.12)
 - b. Home occupations (per Section 3.14)

LR-2

- A. Principal Uses
 - 1. Any use permitted as a conditional use in the LR-1 district
 - 2. Hospitals, nursing homes, extended care facilities, clinics, and hospices
 - 3. Professional office buildings specifically for medical related professions and activities
 - 4. Medical laboratories

BOROUGH OF ELMER ZONING ORDINANCE SCHEDULE OF DISTRICT REGULATION:
USE REGULATIONS
CONDITIONAL USES

DISTRICT

PERMITTED USES

CONDITIONAL USES

LM	<p>A. Principal Uses</p> <ol style="list-style-type: none"> 1. Principal uses permitted by right in the LR-1 district <p>B. 1. Accessory uses permitted by right in the LR-1 district</p>	<ol style="list-style-type: none"> 1. Any use permitted as a conditional use in the LR-1 district
MR	<p>A. Principal Uses</p> <ol style="list-style-type: none"> 1. Principal uses permitted by right in the LM district <p>B. Two Family Dwellings (Per Section 3.20)</p> <p>C. Accessory Uses</p> <ol style="list-style-type: none"> 1. Accessory uses permitted by right in the LM district 	<ol style="list-style-type: none"> 1. Public or private tennis clubs 2. Public or private swimming clubs (per Section 3.18) 3. Social clubs, lodges, and assembly halls 4. Private educational institutions, libraries, museums and cultural facilities 5. Funeral homes 6. Homes for the aged 7. Apartment houses/Conversions (per Section 3.21)
LC	<p>A. Principal Uses (Medical & Civic)</p> <ol style="list-style-type: none"> 1. Medical laboratories 2. Pharmacies 3. Establishments for the sale or lease of surgical equipment and supplies. 4. Public educational, recreational, cultural uses <p>B. Accessory Uses</p> <ol style="list-style-type: none"> 1. Permitted by right in the MR district 2. Any use customarily incidental to a permitted use 	<ol style="list-style-type: none"> 1. Medical clinics 2. Funeral homes <p>(Amended by Ordinance 93-6, adopted 3/10/93)</p>
GB	<p>A. Principal Uses</p> <ol style="list-style-type: none"> 1. Stores and shops for the conduct of retail business or the provision of personal services 2. Banks, insurance, real estate, and business offices 3. Restaurants, indoor theatres, and indoor commercial recreation facilities 4. Newspaper printing facilities 5. Public educational, recreational, cultural, or civic uses 6. Administrative and research office facilities 7. Social clubs, lodges and assembly halls <p>B. Accessory Uses</p> <ol style="list-style-type: none"> 1. Accessory uses permitted by right in the LC district 2. Any use customarily incidental to a permitted principal use 	<ol style="list-style-type: none"> 1. Service stations (per Section 3.15) 2. Funeral homes

BOROUGH OF ELMER ZONING ORDINANCE
 SCHEDULE OF DISTRICT REGULATION
 USE REGULATIONS

CONDITIONAL USES

PERMITTED USES

DISTRICT

1. Drive-in restaurants

- HB
- A. Principal Uses
1. Public educational, recreational, cultural, or civic uses
 2. Sales and service of automobiles, and small trucks
 3. Service stations (per Section 3.15)
 4. Restaurants (except drive-in restaurants), indoor theaters, and indoor commercial recreation facilities

- B. Accessory uses
1. Accessory uses permitted by right in the GB district
 2. Any use customarily incidental to a permitted principal use

1. Public utility use (per Section 3.16)

- C/LI
- A. Principal Uses
1. Any uses permitted by right in the GB district
 2. Wholesale, warehouse, distribution and transportation facilities
 3. Farm and feed supply stores
- B. Accessory Uses
1. Accessory uses permitted by right in the LC district
 2. Any use customarily incidental to a permitted principal use

1. Public Utility uses (per Section 3.16)

- LI
- A. Principal Uses:
1. Manufacturing, assembly, fabricating, processing or packaging (per Section 3.19)
 2. Wholesale, warehouse, distribution, and transportation facilities
 3. Administrative and research office facilities
- B. Accessory Uses:
1. Any use customarily incidental to a permitted principal use.

PROHIBITED USES IN ALL ZONES

All uses not expressly permitted in the above lists are prohibited, including, but not limited to, the following:

1. Junkyards, automobile wrecking, or disassembly yards;
2. Dumping or disposal of waste or scrap material of any kind;
3. Bulk storage (more than 5,000 gallons) of petroleum, petroleum products, or any other flammable liquids, solids or gasses;
4. Mobile homes or trailers for human habitation on separate lots or in mobile home parks, with the exception that upon duly-adopted resolution of the governing body, an owner of a private residence destroyed by flood, fire or other natural calamity and thereby made uninhabitable, may place upon the premises for a period not to exceed 90 days a mobile home to be used by the property owner as a substitute residence. Extensions of the exceptions to permit use can be made by Borough Council upon further resolution for 60-day periods, which periods shall not exceed a total of 120 days;
5. Earth extraction or land mining;
6. Commercial slaughter houses;
7. Fertilizer processing and production;
8. Intensive fowl or swine farms;
9. Any use that is noxious or offensive due to odor, dust, smoke, gas, vibration or noise or that constitutes a public hazard due to danger of fire, explosion, or the emission in any form of toxic materials.

(Amended by Ord 94-9, 10/17/94)

CHAPTER III - ZONING

ARTICLE I - ZONING DISTRICT REGULATIONS

Section 3.1 Zoning District Designation

"CONS"	Conservation
"LR-1"	Low density residential 1
"LR-2"	Low density residential 2
"LM"	Low-medium density residential
"MR"	Medium density residential
"RP"	Residential professional
"LC"	Limited commercial
"GB"	General business
"HB"	Highway business
"C/L1"	Commercial - light industry
"L1"	Light industry

- B. District Map. The boundaries of these zoning districts are established on the map entitled "Elmer Borough Zoning Map", dated February 1, 1993, or as may be subsequently amended. Said map and all notions, references, and dates pertaining to zoning and zoning districts shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of the Ordinance as if they were fully described herein. (Amended by Ordinance 93-6, adopted 3/10/93)
- C. Interpretation. Where uncertainty exists as to the exact location of any boundary shown on said zoning map, the following rules shall apply:
1. Zoning boundary lines are intended to follow the line of streets, railroad right-of-ways, or stream channels and other natural features where possible. Where zoning boundaries do not follow such features, it shall be determined either by the dimensions shown on the map or by use of the graphic scale shown thereon.
 2. Where boundary lines are not fixed by dimensions and where they do not scale more than ten (10) feet distant from a plat or tax map line, such lot lines shall be construed to be the boundary line.
 3. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 and 2 above, the Board of Adjustment shall interpret the district boundaries.

Section 3.2 District Regulations

District regulations as set forth in the "Elmer Borough Zoning Ordinance Schedule of District Regulations" and in specified supplementary sections are hereby adopted by reference and declared to be a part of this Ordinance.

Section 3.3 Justification and Intent of District Categories, Locations and Regulations

The zoning district categories, locations, and regulations have been based upon the Borough Land Use policy established in the Elmer Borough Land Use Plan, (December 1978). The justification and intent of each zoning district as expressed in the adopted plan are summarized below:

CONS - Conservation District

The Conservation District has been delineated to include any wet areas surrounding the branch of Muddy Run which crosses the Borough. Because of the flood potential, the unsuitability of the soils for development, and the area's environmental value, the intent of this district is to discourage most forms of development.

LR-1 - Low Density Residential District 1

This Low Density Residential district includes the generally undeveloped area in the southwest corner of the Borough. The intent of this zoning district is to restrict the magnitude and concentration of development in this area because of the soils' limited capability to accommodate septic effluent.

LR-2 - Low Density Residential District 2

This Low Density Residential district has a justification and intent similar to the other Low Density Residential district (LR1) noted above. This district has the additional purpose of permitting the carefully controlled development of health related support facilities, since the hospital is located within this district.

LM - Low - Medium Density Residential District

The Low-Medium Density Residential district includes two areas in the western and southern edges of the Borough which are generally undeveloped. The intent of these zoning districts is to permit higher densities than the LR districts because of better soil characteristics, while also providing a transition from the higher permitted densities of the MR district.

MR - Medium Density Residential District

The Medium Density Residential district includes the existing residential areas of the Borough and some adjoining areas. The intent of this zoning district is to encourage residential development in these areas because of good soil capabilities and the existing land use pattern.

RP - Residential - Professional

The residential-professional district has been delineated to encourage the location of professional offices and health related support facilities because of the character of existing development in this area and the proximity of the hospital.

LC - Limited Commercial District

The limited commercial district includes an area along Front Street in the western portion of the Borough. The intent of this district is to encourage mixed commercial and light industry uses, thus permitting economic development compatible with the current land use pattern. (Amended by Ordinance 93-6, adopted 3/10/93)

HB - Highway Business District

The Highway Business district includes an area along Route 40 in the western edge of the Borough. The purpose of this district is to provide a location for highway oriented commercial uses which may be inappropriate for the central business area (CB district).

C/LI - Commercial and Light Industry District

The Commercial - Light Industry district includes the area adjacent to the business district which has existing warehouses and other facilities related to the rail line. The intent of this district is to encourage mixed commercial and light industry uses, thus permitting economic development compatible with the current land use pattern.

LI - Light Industry District

The Light Industry district includes a vacant area along the rail line in the northern section of the Borough. The purpose of this district is to provide sufficient land for new light industry and distribution uses so as to broaden the economic base of the community in a manner consistent with other planning objectives of the Borough.

ARTICLE II - APPLICATION OF REGULATIONS

Section 3.4 Use Regulations

No use or occupancy of any building, structure or land shall hereafter be changed to a different use or occupancy and no structure or part thereof shall hereafter be erected,

constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, except as hereinafter provided.

Section 3.5 Area Regulations

- A. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yard, front yard, side yard or other open spaces than are herein provided, or in any other manner contrary to the provisions of this Ordinance, except as hereinafter provided.
- B. Contiguous lots. If two or more lots or combinations of lots or portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of the Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area less than the requirements stated in this Ordinance.
- C. Corner lots. Building setback lines for a corner lot shall be the same as required on the adjoining lot along either block.
- D. Existing lots. A lot failing to meet the district requirements for area or width and which is demonstrated to have been of public record and not of contiguous frontage with other lots in the same ownership at the time of enactment of this Ordinance may be used for a permitted use in the district in which it is located only upon the issuance of a variance by the approving authority after public hearing and a showing by the applicant that he cannot reasonably obtain additional space to meet Ordinance requirements. Any variance granted shall constitute the minimum adjustment necessary to permit the reasonable use of the lot.
- E. Front Yard Requirement Modifications
 - 1. Where a lot has frontage upon a County road proposed for right-of-way widening on the Master Plan or Official Map of the County of Salem, the required front yard depth shall be measured from and parallel to the proposed right-of-way line measured at right angle unless the existing street

line is a greater distance from the road centerline.

2. Where a lot has frontage on any road with the street line at less than twenty-five (25) feet measured at right angle from the centerline, the required front yard depth shall be measured from a line parallel to and at that distance from the centerline.
- F. Irregularly Shaped Lots. In the case of irregularly shaped lots on cul-de-sac or curved street sections, the minimum lot width specified in this schedule shall be measured at the building setback, provided that in no case shall a distance between side lot lines be reduced to less than seventy-five (75) percent of the minimum lot width requirement at the street line.
 - G. Overlapping required space. No part of a yard, or other open space, or offstreet parking or loading space required about or in connection with any buildings for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
 - H. Yard Reduction. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements as established by the Ordinance.
 - I. Uniformity. Within each district, the regulations set by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
 - J. Public Street Frontage. Every principal building shall be built upon a lot having sufficient frontage on a public street as defined in this Ordinance.
 - K. Height Exceptions. All buildings and structures shall be subject to height limitations specified in the Schedule of District Regulations except spires, belfries, silos, domes, cupolas, scenery lofts, masts, flagpoles, chimneys, flues, ventilators, elevator penthouses, water tanks, towers, antennae, skylights, bulkheads, and similar decorative features and necessary mechanical appurtenances usually carved above roof level provided that the following requirements are met:
 1. The total horizontal area covered by such features shall not exceed twenty (20) percent of the area

covered by the principal building. Agriculture buildings shall not be subject to the horizontal area limitation.

2. The excess height of any structure shall not be greater than the shortest distance from such structure to any required yard nor shall the total height exceed twice the building height limitation in the District in which it is located.

The foregoing does not pertain to transmission towers and associated right-of-way widths which are to be determined by standards in the National Electric Safety Code.

- L. Projections. Building projections including bays, chimneys, cornices and gutters may extend into required yard areas for a distance not to exceed five (5) feet and shall not be located within ten (10) feet of any property line.

Section 3.6 Continuation of Non-Conforming Uses and Structures

- A. Any non-conforming structure or use lawfully existing at the time of enactment of this Ordinance or any subsequent amendment may be continued with the following limitations:
 1. A non-conforming use shall terminate upon abandonment at any time, which shall be presumed when the actual conduct of a non-conforming use is discontinued for a period of twelve (12) consecutive months for any reason or is resumed for less than one month within a year. The structure, premises, or structure and premises in combination, as the case may be, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
 2. A non-conforming use shall not be enlarged, extended, moved to a different position on the lot, or structurally altered in any way, except as may be required for normal maintenance or to prevent damage or injury. A pre-existing, non-conforming use in a structure may be changed to a use permitted in the district in which it is located.
 3. A non-conforming structure shall not be enlarged or altered in a way which increases its non-conformity and shall not be moved any distance whatever unless it will thereafter conform to the regulations of the district in which it is located.