

## ARTICLE IV SUPPLEMENTARY DISTRICT REGULATIONS

### SECTION 400 GENERAL PROVISIONS

**400.01 Applicability of Supplementary District Regulations.** The supplementary district regulations of this article are applicable to all zoning districts within Elizabeth Township unless otherwise modified by the requirements of a specific zoning district.

### SECTION 401 PUBLIC STREET FRONTAGE REQUIRED

**401.01 Public Street Frontage Required.** No new lot shall be created nor shall any building be erected upon a lot which does not possess that minimum frontage upon a public street which is required for the district in which such lot is located.

### SECTION 402 PRINCIPAL BUILDINGS PER LOT

**402.01 Principal Buildings Per Lot.** No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this zoning resolution. The construction of more than one (1) principal building or structure upon any one (1) lot shall require either the approval of a variance from the Board of Zoning Appeals or an approved Planned Development.

### SECTION 403 REDUCTION OF REQUIRED AREA OR SPACE

**403.01 Reduction of Required Area or Space Prohibited.** No lot, yard, court, parking area, or other required space shall be reduced in area or dimension, thus making said area or dimension less than the minimum required by this zoning resolution and, if said area or dimension is already less than the minimum required by this zoning resolution, it shall not be further reduced.

### SECTION 404 ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS

**404.01 Projections Into Any Yard.** Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required yard a maximum of twenty-four (24) inches.

**404.02 Unroofed Porches and Steps.** Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of fifteen (15) feet and up to within ten (10) feet of the property line within side or rear yards.

**404.03 Open Structures.** Attached open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any required yard.

**404.04 Improvements Required By Americans With Disabilities Act.** Decisions of the Board of Zoning Appeals regarding architectural projections required for persons with disabilities that necessitate encroachment into any required front, side, or rear yard shall be based upon the Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities (36 CFR Part 1191), as amended.

### SECTION 405 MAXIMUM HEIGHT REGULATIONS FOR NON-HABITABLE STRUCTURES

**405.01 Non-Habitable Structures May Exceed Maximum Height Requirement.** Spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy may exceed the maximum height requirement for the district in which the property is located, subject to the following provisions;

- A. **Maximum Height Permitted.** The maximum height of such structure shall not exceed fifty (50) feet in total height within any residential district and shall not exceed ninety (90) feet in total

height within any other type of district. Any greater overall height than those stated above shall be considered a conditional use and shall require approval by the Board of Zoning Appeals after public hearing.

- B. **Required Setback From Residential Lots.** Structures and/or appurtenances granted an exception shall be set back a distance equal to or greater than their height from any boundary of a residential lot within a residential district.
- C. **Aircraft Hazard Prohibited.** Structures and/or appurtenances shall not be granted an exception to the maximum height regulations where it is determined that a hazard will be created for the safe landing and takeoff of aircraft at an established airport or landing strip, as determined by applicable Federal, State, and local agencies.

**SECTION 406 SETBACK REQUIREMENTS FOR CORNER LOTS OR THROUGH LOTS**

- 406.01 Setback From Streets.** On a corner lot or through lot, the principal building and all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.
- 406.02 Rear Yard Required For Corner Lot.** On a corner lot, the principal structure shall be located a distance equal to or greater than the required rear yard setback from at least one (1) lot line not located along a street.
- 406.03 Rear Yard Required For Through Lot.** On a through lot, the principal structure shall be located a distance equal to or greater than the required rear yard setback from at least one (1) lot line located along a street.

**SECTION 407 FENCES, WALLS, AND VEGETATION**

- 407.01 Front Yard Height Restrictions.** No fence, wall, hedge, or structure shall be permitted within any required front yard above the height of thirty-six (36) inches.
- 407.02 Height Restrictions At Intersections.** No fence, wall, hedge, fill, or structure shall be located, nor shall any vegetation be allowed to grow on any corner lot so as to create a line-of-sight impediment above a height of thirty (30) inches within the street right-of-way.
- 407.03 Side and Rear Yard Height Restrictions.** No fence or wall shall be permitted within any side or rear yard above the height of seventy-two (72) inches.
- 407.04 Removal of Sight Obstructions.** The Zoning Inspector is hereby empowered to cause removal of all sight obstructions within the front yard related to driveways and intersections in the interest of public safety.

**SECTION 408 MINIMUM RESIDENTIAL FLOOR AREA**

- 408.01 Single-Family Dwellings.** The minimum residential floor area per dwelling unit for a single-family dwelling within Elizabeth Township shall be one thousand six hundred (1600) square feet, exclusive of porches and garages. These requirements shall be applicable to all zoning districts.
- 408.02 Two-Family Dwellings.** The minimum residential floor area per dwelling unit for two-family dwellings within Elizabeth Township shall be in accordance with the following table. These requirements shall be applicable to all zoning districts.

1 Bedroom .....	660 sq. ft.
2 Bedroom .....	900 sq. ft.
3+ Bedroom .....	1,100 sq. ft. plus 120 sq. ft. for each additional bedroom over 3

**SECTION 409 SCREENING REQUIREMENTS**

- 409.01 When Required.** Hereafter, no buildings or structures shall be erected, altered or enlarged nor shall land be used for any non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved by the Zoning Inspector or the Board of Zoning Appeals, as appropriate.
- 409.02 Purpose for Screening.** Screening shall be provided for one (1) or more of the following purposes:
- A. A visual barrier to partially or completely obstruct the view of structures or activities in order to minimize or prevent nuisances;
  - B. As an acoustic screen to aid in absorbing or deflecting noise; and/or
  - C. For the containment of ambient debris and litter.
- 409.03 Types of Screening Permitted.** Screening may be one (1) of the following or a combination of two (2) or more:
- A. A solid masonry wall;
  - B. A solidly constructed decorative fence;
  - C. A louvered fence;
  - D. Dense evergreen plantings; and/or
  - E. Landscaped mounding with ground cover.
- Such screening shall be of sufficient density or opaqueness to accomplish the purposes for screening previously stated in Section 409.02.
- 409.04 Location of Screening.** Whenever any non-residential use is located upon a lot that abuts a residential zoning district, a visual screening wall, fence, mounds or planting shall be erected or placed along such mutual boundary lines. Such screening shall also be required where a multiple-family building is located upon a lot abutting a single-family residential district.
- 409.05 Height of Screening.** Visual screening walls, fences, mounds and plantings shall be not less than seventy-two (72) inches high. The maximum height of screening required in front yards shall be three (3) feet, unless the Zoning Inspector determines that a sight-distance hazard would be created.
- 409.06 Mounding Specifications.** Mounding provided in lieu of or in combination with walls, fences, and/or evergreen plantings shall consist of a strip of land as wide as necessary to obtain a maximum slope of three (3) horizontal to one (1) vertical (angle of repose) for the required height. Mounding shall be planted with a ground cover suitable to prevent erosion.
- 409.07 Required Depth for Noise Screening.** Screening for the purpose of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of mounding with plantings or ground cover or be a solid masonry wall in combination with decorative plantings.
- 409.08 Protection and Maintenance of Screening.** Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles. All screening shall be trimmed and maintained in good condition and remain free of all advertising or other signs. Live vegetation used for screening shall receive regular maintenance, including trimming, mowing, and replacement of diseased plant materials.

**SECTION 410 EXTERNAL EFFECTS**

- 410.01 Objectionable Effects Prohibited.** No land, building, or structure within any zoning district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable effect through fire, explosive hazard, noise, brilliant light, vibration, smoke, dust, fumes, odor, air pollution, heat, cold, dampness, electrical disturbance, electronic disturbance, nuclear radiation, or any similar condition to any person or property outside of the premises on which such use, building or structure is located. Such uses, when lawfully permitted under the provisions of this zoning resolution, shall be operated in a manner so as to insure that the property rights of all other parcels of land will not be adversely affected.

**410.02 Maintenance of Vegetation Required.** All vegetation upon any property less than five (5) acres in size within any zoning district shall be maintained in a manner reasonable and customary within the remainder of Elizabeth Township. Bona fide farm crops and fallow cropland are exempt from this provision. Grasses on all such properties shall be maintained at a height no greater than six (6) inches. All landscaping required under this zoning resolution shall be trimmed and maintained in good condition. Live vegetation used for screening or other purposes under this zoning resolution shall be maintained in a living state and receive regular maintenance, including trimming, mowing, replacement of diseased plant materials, and otherwise kept so as to accomplish its desired effect.

**410.03 TALL GRASS / TRASH / DEBRIS.** See page 95

#### **SECTION 411 OUTDOOR STORAGE**

**411.01 Storage of Flammables and Explosives.** With the exception of tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as such tanks or drums of fuel, as well as bona fide farms, no highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground outside of any I-1 Limited Industrial District. No flammables or explosives shall be stored in a manner not approved by the Elizabeth Township Fire Chief.

**411.02 Enclosure of Fuel, Raw Materials, and Product Storage Areas.** All outdoor storage facilities for fuel, raw materials, and products shall be enclosed by a fence, wall, or planting in such a manner to conceal such facilities from adjacent residential property.

**411.03 Closed Containers Required.** All materials or wastes which might cause fumes, dust, or which constitute a fire hazard or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

**411.04 Transfer Off Property.** No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

**411.05 Junk Accumulation Prohibited.** The accumulation of trash, junk vehicles, vehicle parts, rags, or any other debris within any zoning district shall be considered a nuisance per se, and shall be prohibited outside an enclosed building or an approved junk yard. The purpose of this provision is to promote the health, safety, and general welfare of the residents of Elizabeth Township by eliminating environments for breeding vermin, rodents, insects, and other infestations.

**411.06 Junk Vehicles Prohibited.** The storage of a junk or inoperable vehicle outside of a completely enclosed building is prohibited. The outdoor storage of two (2) or more junk or inoperable vehicles shall be construed to be a junk yard and is prohibited within all zoning districts without necessary and proper approval in accordance with this zoning resolution.

#### **SECTION 412 IMPROVEMENTS ON EXISTING SMALL AND NARROW LOTS IN RESIDENTIAL ZONING DISTRICTS**

**412.01 Improvements Permitted on Existing Small Lots.** Upon existing lots of record as of the effective date of this amendment to this zoning resolution (Effective Date: April 14, 2000) which are located in a residential zoning district and have a lot area less than one and one-half (1.5) acres and/or lot frontage less than the required minimum, a single-family dwelling and/or accessory building may be improved subject to the provisions of this section rather than the standards set forth in the residential zoning district in which such lot is located.

**412.02 Site Plan Required**  
A plan of the proposed improvement shall accompany the required submission material. Such plan shall be drawn to a scale of no less than one (1) inch equal to twenty (20) feet and shall accurately depict:

- A. All lot dimensions.
- B. The location, size, and use of all structures upon the lot, both existing and proposed.
- C. All proposed improvements to structures upon the lot.
- D. The location and design of driveways serving off-street parking needs.
- E. The location of any existing or proposed on-site wastewater disposal system and replacement area.
- F. A description of the existing uses on lots adjacent to the proposed lot, including the distance between any structure and the common lot line dividing the adjacent property with the property in question.

**412.03 Development Standards**

- A. Front Yard. The front yard setback shall not be less than the average distance between the principal structures and the public right-of-way for all lots on the same side of the street located within three hundred (300) feet of the property in question. In no case shall the Zoning Inspector allow a front yard setback less than ten (10) feet.
- B. Side Yard. A minimum side yard equal to or less than one-half (.5) the height of the adjacent portion of the building shall be required. In no case shall the Zoning Inspector allow a side yard setback less than eight (8) feet for principal buildings up to one and one-half (1.5) stories in height and ten (10) feet for all other principal buildings.
- C. Rear Yard. The minimum rear yard of the zoning district shall apply.
- D. Lot Coverage. In no case shall the Zoning Inspector allow lot coverage to exceed fifty percent (50%) or the required area of the on-site leaching system and replacement area, whichever requires more open space.
- E. Accessory Buildings. In no case shall the Zoning Inspector allow any accessory building closer than five (5) feet from any side lot line or closer than ten (10) feet from any rear lot line.