

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 1064-13**

**AN ORDINANCE TO AMEND AND SUPPLEMENT
ARTICLE I, CHAPTER 255 ENTITLED “ZONING”
OF THE CODE OF THE
OF THE BOROUGH OF OLD TAPPAN**

WHEREAS, the Mayor and Council of the Borough of Old Tappan are desirous of amending certain provisions of Chapter 255, “Zoning”:

NOW THEREFORE, BE IT ORDAINED by the governing body of the Borough of Old Tappan that it does hereby amend and supplement provisions of Chapter 255 of the Code of the Borough of Old Tappan, entitled “Zoning”, as follows:

Section 1. 255-4, “DEFINITIONS”, is hereby amended to delete the definition of Coverage, Improved Lot and replace it with the definition set forth below:

COVERAGE, IMPROVED LOT

That percentage of the plot or lot area covered by all impervious surfaces, including, but not limited to, buildings and structures, parking areas, driveways, tennis courts, patios, decks, swimming pools, walkways and retention and detention basins. Special paver stones with voids for grass will be calculated as impervious coverage based upon the amount of impervious material area versus grass area as specified in the manufacturer’s literature.

Section 2. 255-42, entitled “GARAGES; OVERNIGHT PARKING OF COMMERCIAL VEHICLES”, is hereby deleted in its entirety and replaced by the following:

- A. In a private garage accessory to a dwelling in any district, the number of car spaces which may be provided shall not exceed three, except that for each one-

half acre the lot exceeds one acre, space for one additional motor vehicle may be provided, to a maximum of five car spaces in a private garage or garages.

- B. In all residential districts, where there is more than one garage space, no more than half such space may be rented to other than occupants of the premises.
- C. In a residential zone, no more than one commercial vehicle and one trailer used for commercial purposes, as defined herein, shall be stored or parked overnight in a space that is not enclosed or uncovered; provided, however, that said commercial vehicle shall only be parked or stored on a driveway located on property principally owned or leased by the owner, lessee, or principal user of the vehicle.
- D. For purposes of the foregoing provision, the term "commercial vehicle" shall be deemed to mean a motor-driven vehicle used for commercial purposes on the highways, having a gross vehicle weight of 10,000 pounds or less, which vehicle is used by the owner or lessee of the property for the transportation of people, goods, wares, merchandise, tools and/or equipment, and which is the principal vehicle used by said owner or lessee of the property in connection with said property owner's or lessee's business. "Trailer" shall be deemed to mean an enclosed trailer not to exceed 8ft. by 16ft in size.
- E. No truck or commercial vehicle shall be parked within the required front yard set back. No commercial vehicle shall be parked in such a manner as to be used as a billboard or other sign.

Section 3. Subsection H (2) of Section 255-54, entitled "Permitted accessory buildings," is supplemented to add the following provision at the end of the subsection:

“Stationary generators cannot be located within the required front yard setback and must be located a minimum of 10 feet from the property line.”

Section 4. Article I.

Section 255-72, entitled “Permit requirements for erection of fences in residential zones” is hereby deleted in its entirety and replaced by the following:

Section 255-72. Permit requirements for erection of fences in residential zones.

- A. No fence shall be constructed or erected, or replaced in a residential zone except upon the filing of an application to the Code Official, the payment of the required fee provided for hereunder and the issuance of a permit.
- B. An application for a fence permit shall state:
 - (1) The name of the owner of the property;
 - (2) The lot and block number and the street address of the property;
 - (3) A description of the fence to be erected including type or style, length and height, materials to be used in its construction and the area of the lot or property which will be enclosed by the fence;
 - (4) There shall also be submitted as part of the application a survey or plot plan of the applicant’s property showing the proposed location of the fence and the height of the fence. If the height of the fence is not uniform throughout its length, the height of the different sections or segments of the fence shall be marked. If available, the applicant shall also submit a photograph, brochure or other pictorial representation of the type of fence to be erected.
- C. At the time of filing of the application and prior to the issuance of a permit, the applicant shall pay a fee of \$40.00 for a zoning review.

- D. Upon filing of an application for a fence erection permit, the Code Official shall examine the application, and if the proposed fence complies with all requirements of this chapter and all other laws and ordinances of the Borough, a fence erection permit shall be issued. The applicant shall erect the fence within six months of the issuance of the permit. If the fence is not erected within that time, the permit shall expire and become null and void.
- E. The proposed fence shall be constructed in conformity with the plans or description and shall be located as shown on the submitted survey. If the Code Official, upon inspection, determines that the fence has not been constructed according to the plans or description or has not been located as shown on the survey, he shall notify the property owner in writing and shall order such fence to be constructed according to the plans submitted or shall order the fence to be located as shown on the survey, as the case may be. Upon receipt of such order, the owner shall, within 10 days thereof, either remove the fence or make it comply with such order. Each day the owner fails to comply with the order referred to shall be a separate violation of this section.

Section 5. Section 255-77, entitled Fences for private swimming pools, is hereby deleted in its entirety and replaced by the following.

Fences erected in connection with private swimming pools in residential zones shall separately comply with all the applicable requirements of the Uniform Construction Code.

Section 6. Section 255-79, Violations and penalties; enforcement, is hereby deleted

in its entirety and replaced by the following:

Any person who shall violate, permit, allow or suffer to be violated any provision of this article shall be subject to a fine of not more than \$500 for the first violation and not more than \$500 for each such succeeding violation. For the purposes of this section, each day that a violation remains in effect may be considered a separate violation. The provisions of this article shall be administered and enforced by the Code Official of the Borough.

Section 7. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declares unconstitutional or invalid.

Section 8. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.