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Article 30

Conditional Uses

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**§ 120-30.1 Authority.** The Planning Board shall have the authority to receive applications for conditional uses and to approve such applications where the considerations and conditions are met as hereinafter outlined in this article.

**§ 120-30.2 Purpose.** Recognizing that certain uses, activities and structures may be necessary to serve the needs and convenience of the Borough and its residents, and at the same time recognizing that such uses may be or become detrimental to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and the character of the surrounding area, such uses are hereby designated as conditional uses. The conditional uses indicated in this section shall be permitted only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this article, and only upon the issuance of an authorization therefor by the Board.

**§ 120-30.3 Criteria for approval.** The following criteria shall be considered by the Planning Board in reviewing applications for conditional uses:

**A. The type and location of the proposed use in relation to the needs and growth pattern of the Borough.**

**B. The adequacy of the site area for the use proposed.**

**C. The arrangement of buildings and structures, driveways, parking and loading areas and other site plan features, with respect to compatibility with adjoining present and prospective uses as permitted by this Part 3.**

**§ 120-30.4 Conditions of approval. The approval of a conditional use may be subject to conditions, which may include or relate to, but are not limited to, design of buildings, aesthetics and appearance, plantings and their maintenance as screens between dissimilar uses, other landscaping features, hours of operation of the proposed use, lighting, density or extent of use, nuisance factors and public health measures.**

**§ 120-30.5 List of conditional uses; zones where permitted. The conditional uses indicated below shall be permitted only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this article, and only upon the issuance of an authorization therefor by the Board. The conditional uses and the zones in which they are permitted are limited to the following:**

**A. Residential public utility facilities, excluding wireless telecommunications facilities: in residential zones.**

**B. Community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, either of the foregoing which house fewer than 16 persons, excluding resident staff, as regulated in N.J.S.A. 40:55D-66.1 and 40:55D-66.2: in residential zones.**

**C. Renewable energy facilities, which must comply with all bulk standards of the zone; facilities may be attached to the primary residence, provided no new variances are created: in residential zones.**

**D. Nonprofit chartered membership organizations: in nonresidential zones.**

**E. Residential-type public utility facilities: in nonresidential zones.**

**F. Gasoline and automotive service stations presently existing: in nonresidential zones.**

**G. Private commercial parking lots as a principal use: in nonresidential zones.**

**H. Multifamily apartment buildings with a density of less than 26 units per acre: in the C Commercial Zone District.**

**§ 120-30.6 Nonprofit chartered membership organizations. Buildings operated by chartered membership organizations for the benefit of the public and not for profit, and the office or offices of charitable organizations are permitted only in nonresidential zone districts and only if all of the following requirements are complied with:**

**A. Certificate of incorporation. The application shall be accompanied by the existing or proposed** certificate of incorporation and bylaws of the organization and such material as may be required to guarantee to the satisfaction of the Planning Board the following: (1) The organization is, or will be, a bona fide nonprofit group organized solely for charitable purposes or for the benefit and enjoyment of its members who shall primarily be residents of the Borough and the surrounding communities. (2) The organization will not engage in sales of products or materials to the general public or otherwise engage in activities normally carried on as a business or commercial activity, except that: (a) The premises may be made available on a rental basis for meetings of other groups, private social functions and the like. (b) The organization may conduct intermittent commercial activities open to the general public designed solely to raise funds to support the purposes of the organization or for related or affiliated organizations with charitable, educational or religious purposes, provided such activities are conducted inside of a building or structure. Such activities shall also be permitted outside of a building or structure under the authority of a special license granted by the governing body, which shall contain such conditions as are considered necessary for the public health, safety and welfare. This subsection shall not prevent the organization from hiring or otherwise engaging profit-making organizations to conduct fund-raising activities, even though a portion of the funds raised is taken by such profit-making organization as a fee. (c) Sales of items, products, or materials related to or accessory to the primary function or activities of the organization conducted on the premises, such as, but not limited to, food or alcoholic beverages (if the organization holds a license for the sale of same), athletic equipment, and the like, are permitted on a continuous basis, provided such sales are conducted inside the building or structure. (3) Overnight accommodations shall not be provided. (4) The hours of use are fixed in a manner in which the property rights of nearby property owners will not be adversely affected. (5) Activities of the organization will be carried on primarily within an enclosed building or structure.

**§ 120-30.7 Additional motor vehicle and service station requirements.**

**A. In addition to any other requirements for certain specific motor vehicle uses contained**

in this chapter, all motor vehicle uses shall comply with the following requirements: (1) All outdoor fuel pumps and lubricating and other devices, if provided, shall be located at least 25 feet from any property line. (2) All fuel, oil, gasoline or similar substances shall be stored underground and at least 12 feet from any and all property lines. Such facilities shall be installed and maintained in accordance with the standards of the National Board of Fire Underwriters. (3) All dismantled automobiles, trucks, tractors, trailers and similar equipment and parts and accessories thereof shall be stored within a building or behind a solid screen fence no less than six feet high. (4) Adequate receptacles shall be provided for the deposit of all motor vehicle waste material. There shall be adequate provision for disposal of trash and refuse left on the premises relating to such motor vehicle use. (5) Adequate space shall be provided on the site for all the elements of the motor vehicle use to be incorporated on the site, including provision for off-street parking for the maximum number of motor vehicles, and off-street loading and unloading. No loading shall occur across curbs and sidewalks. Adequate access and egress with appropriate turning radii to the site shall be provided as well as adequate queuing and turnaround space on the site so that at no time is street traffic disrupted or blocked by vehicles entering or leaving the site. Queuing of vehicles on the street or shoulder waiting to enter the site shall not be permitted. All service and repair work shall be performed within enclosed buildings. (6) All loading and parking areas for motor vehicles shall be paved, curbed and drained in accordance with the Borough Code. (7) Curbs shall be constructed so as to channelize all traffic to permitted curb cuts. There shall be no more than two curb cuts on any street frontage. (8) A fence of at least six feet shall be provided along all property boundary lines, except along public street frontage. (9) When located adjacent to a residential district or use, a dense planting of evergreen bushes or trees to a width of at least 10 feet in addition to a fence shall be provided to block headlight glare and muffle noise from motor vehicles. (10) All service, storage and trash areas, and such facilities as packer units, RPZ valves, LP tanks, transformers and condensers, shall be completely screened from view from any public street or adjacent property. (11) Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or neighbors.

**B. Automobile service stations. (1) A motor vehicle service station shall have all of its pumps,** tanks and other facilities and space for the serving of motor vehicles located entirely upon private property. No facilities shall be installed for the servicing of motor vehicles standing upon a public street, and the fuel pumps shall not be located less than 25 feet from any property lines. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)] (2) Outdoor storage and display of accessories and outdoor servicing, except for the filling of tires with compressed air and the dispensing of fuel, motor oil or other fluids while the vehicle is being refueled, shall be prohibited at all times. (3) When the lot upon which a motor vehicle service station is located is within 100 feet of a lot that is used, intended or suitable for use as, or zoned for use as, a residence, the filling station or service station shall not be permitted to operate or to be open to the public between the hours of 11:00 p.m. and 6:00 a.m. on any day.



**§ 120-30.8 Residential type public utility facilities. Residential-type public utility facilities and** uses are permitted in residential zones only if they comply with the following requirements:

**A. Proof of need. Proof shall be furnished that the proposed installation in the specific location is** necessary for the proper functioning of the public utility system and for the satisfactory and convenient provision of service to the neighborhood in which the facility is to be located.

**B. Maximum height of structures. Buildings shall not exceed 15 feet in height. Other structures** or equipment shall not exceed 35 feet in height.

**C. Minimum front yard. There shall be a minimum front yard equal to the front yard required in** the zone in which the site is located.

**D. Minimum side yard. There shall be a minimum side yard equal to the height of the building or** above-grade structure or equipment, or 15 feet, whichever is greater.

**E. Minimum rear yard. There shall be a minimum rear yard equal to the height of the building or** above-grade structure or equipment, or the rear yard required in the zone in which the site is located, whichever is greater.

**F. Trip generation. The proposed use, structure or equipment shall not generate more than 10** trips per day for any purpose, including but not limited to the operation, maintenance servicing or monitoring of any improvements on the site.

**§ 120-30.9 Community shelters and residences. Community shelters for victims of domestic violence, and community residences for persons with head injuries, any of which house fewer than 16 persons, excluding resident staff, are permitted in residential zone districts and shall satisfy all of the requirements of the zone. The term "community shelters and residences" as used in this section shall mean community residence for persons with head injuries or community shelter for victims of domestic violence pursuant to N.J.S.A. 40:55D-66.1 et seq.**

**A. Basement utilization. Basement areas shall not be utilized to house persons but may be used for recreation areas.**

**B. Proof of licensing. Each community residence shall submit proof of licensing by the New Jersey Department of Human Services.**

**C. Exterior appearance. The exterior appearance of any building or site utilized as a community residence shall be constructed or altered so as to be harmonious with the residential character of adjacent structures in the residential zone. Fire escapes are permitted but must be located in the rear of the structure.**

**§ 120-30.10 Cannabis regulatory, enforcement assistance, and marketplace. [Added 6-9-2021 by Ord. No. 2021-06] The operation of retail businesses, cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis, is not permitted in any zone.**