

ARTICLE VIII

GENERAL REGULATIONS

**A. General Provisions**

1. No building shall hereafter be erected, and no existing building shall be moved, structurally altered, rebuilt, added to, or enlarged, and no land shall be used for any purpose other than those included among the uses listed as permitted uses in each zone by this Ordinance and meeting the requirements set forth by the schedule appended to this Ordinance in accordance with Article III. No space contiguous to any building shall be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, density, off-street parking and other regulations contained in the schedule in Article III and the text of this ordinance as it applies to the zone in which the building or use is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of this Ordinance.
2. Every principal building shall be built upon a lot with frontage upon a public street improved to meet city standards or of which such improvements have been insured by the posting of a performance guarantee pursuant to the subdivision regulations of the City. In the case of lots not comprising portions of a plan of lots approved pursuant to the subdivision regulations of the City, the minimum City standard of street improvement shall be thirty (30) foot roadway paved with a durable and permanent surface on a properly prepared subgrade, the construction of which shall be reviewed, inspected and then approved by the appropriate City authorities. These street improvements shall be made from the nearest public street to the furthestmost property line of the subject lot.
3. In the case of an irregular lot in which the side lot lines are not parallel, the average width of the lot may be substituted for the required minimum lot frontage, but the street lot frontage shall not be less than eighty (80) percent of the minimum required width prescribed by Article III.
4. No yard or other open space provided about any buildings for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on another lot; shall be considered as providing a yard or open space for a building on any other lot.

GENERAL REGULATIONS (Cont'd)

5. A. No building licensed for the sale and consumption of alcoholic beverages shall be used as a go-go bar or a gentlemen's club or offer entertainment usually afforded in said uses if building (licensed premises) is located in a residential area, recreational area, park or greenway area or within 200 feet of an area zoned residential, recreational, park or greenway or within 200 feet of any pre-existing residence, park, school, church or playground.
  - B. Any pre-existing non-conforming use not in compliance with this ordinance may be continued conditioned upon compliance with other laws adopted by the Mayor and Common Council of Gloucester City. Failure to comply with any laws regarding the registration of go-go bars or gentlemen's clubs shall be considered a discontinuance of such pre-existing non-conforming use.
6. Demolition of structures is hereby considered development. No structure on any lot or lots shall be demolished without first having had approval of a site plan for the lot or lots and/or the development thereon after demolition. Site Plan exemptions provided in Article V, Section 8., A., B., and D., for erection of residential buildings shall apply to demolition applications, with the following exceptions: No lot on which a structure proposed for demolition, which was previously a residential use, shall be exempted from Site Plan Approval if the lot is to be used for a non-residential purpose. Residential buildings adjacent or contiguous to non-residential uses and held in common ownership of the non-residential use shall not be exempt from Site Plan Approval prior to demolition.

GENERAL REGULATIONS (Cont'd)

**B. Prohibited Uses - All Districts**

1. Any use which emits excessive or objectional amounts of dust, fumes, noise, odor, smoke, vibrations or waste products.
2. Adult bookstores and related establishments.
3. Automotive salvage yards or outdoor storage of wrecked automobiles or parts thereof.
4. Occupied residential vehicles, travel trailer and/or boat trailers. Those parked or stored at private residences must be in rear or side yards in a manner so as to provide emergency access. In no case shall they be hooked-up to utility services. No such prohibited uses shall be stored in common parking areas of apartments.
5. Boats shall be occupied for no more than 48 hours and in no case shall they be hooked-up to permanent utility services.
6. The use of any mobile home, travel trailer, tractor trailer or similar mobile unit used for the sale of goods therefrom, while parked for any period of time adjacent to any building. The use of any mobile home, trailer, tractor trailer, travel trailer or similar mobile unit for storage purposes for a period in excess of one week while parked adjacent to a building.
7. Mobile, temporary or permanent signs of any kind not specified in Note 19, "Sign Regulations".
8. Any temporary or permanent obstructions at intersections, including the sight triangle thereof.
9. Any use which includes the storage of gasoline or other petroleum product not permitted in any other section of the ordinance.
10. Any use which includes the manufacturing of acid, cement, lime, gypsum or plaster of Paris or other products emit hazardous elements.
11. Any use which includes the manufacture or storage of explosives, fat, fertilizer, gas, glue, PCB's, asbestos, vinyl chloride or the reduction of garbage, offal or dead animals.

GENERAL REGULATIONS (Cont'd)

12. Any use which involves the smelting of tin, copper, zinc or iron ores.
13. Any uses which, by reason of emissions of odor, dust, gas, smoke or noise is detrimental to the health, safety or general welfare of the community.
14. Any use which creates vibrations or glare that goes beyond property lines.
15. Storage of combustible materials for other than on-on-site use and/or refining of combustible materials.
16. The outdoor storage of goods, articles, appliances, or vehicles shall be prohibited in all Commercial or Industrial districts unless items being stored are to be sold, are located behind the front setback line and are screened from visibility from any residential property. No outdoor storage of trash, junk or debris shall be permitted in any district unless it is contained in an enclosure conforming to the standards of Section V.18.C.1 of this Ordinance. Visible storage of any kind shall not be permitted on any premises in any Residential district.

The prohibited uses outlined in this section are enforceable to all sections of this ordinance.

C. Non-Conforming Uses and Structures

1. The otherwise lawful use of a building or land existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions of this ordinance, provided that:
  - a. Such use shall not be extended or enlarged without conforming to all regulations of the district in which it is located.
  - b. The existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire tract or lot.
  - c. Whenever a non-conforming use is discontinued or changes to a conforming uses, it shall not thereafter be changed back to a non-conforming use.
  - d. Whenever a non-conforming structure has been damaged by fire or other causes to the extent of 75 percent (75%) of its market values, as determined by the Tax Assessor, it shall be rebuilt or repaired in conformity with the regulations of the district in which it is located.

GENERAL REGULATIONS (Cont'd)

- e. If the non-conforming use or structure ceases operations for a period of one year or more, such discontinuance will be considered as evidence of an intent to abandon and any subsequent use shall conform to the regulations of the district in which it is located, unless adequate proof is established to the contrary.
- f. Nothing in this Article shall be deemed to prevent normal maintenance and repair of any building or the carrying-out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the construction official shall state the precise reason(s) to the Board of Adjustment why such alterations were deemed necessary.

D. Unsafe Conditions

If the construction official, upon inspection, determines that an unsafe conditions exists with respect to building soundness, he shall notify the owner of his findings and state his reasons and order the condition repaired or, in the case of signs and fences, removed within a reasonable time period.

E. Approved Final Subdivision

1. Any previously approved final subdivision, where map has filed and a bond been posted, and water and sewer are available, which has previously received approval from the Planning Board, shall be exempted from the operation of this ordinance for a period of two (2) years from the date of passage and final adoption, provided that all conditions of the approval are adhered to.
2. Said exemption shall be granted predicated upon: payment in full of water and sewer fees; payment in full of taxes to date; posting of acceptable performance guarantees; and on the premise that the development causes no condition that will endanger the health, safety or welfare of Gloucester City.

GENERAL REGULATIONS (Cont'd)

F. Undersized Lots of Record

Any preexisting, non-conforming parcel of land with an area or width less than that prescribed for a lot in the zone in which such a lot is located, may be used as a lot for any purpose permitted in the zone other than multiple dwellings notwithstanding limitations imposed by other provisions of this chapter. Such lots must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area and width shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of amendment of this Article, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width of area below the requirements stated in this chapter.