CHAPTER 15, LAND USE AND DEVELOPMENT
Table of Contents

ARTICLE I, PURPOSE		
§ 15-1	Purpose.	1
ARTICLE II, DEFINITIONS		
§ 15-2.1.	Definitions; word usage.	1
§ 15-2.2.	Pinelands Area definitions.	21
ARTICLE III, ADMINISTRATIVE PROCEDURES		
§ 15-3.1.	Planning Board: establishment; membership; terms; vacancies; officers.	1
§ 15-3.2.	Planning Board Attorney; experts and other staff; authorization of expenditures.	1
§ 15-3.3.	Powers and duties.	1
§ 15-3.4.	Adoption of rules and regulations; transcripts.	3
§ 15-3.5.	Zoning Board: establishment; membership; terms; vacancies; officers.	3
§ 15-3.6.	Zoning Board Attorney; experts and other staff; authorization of expenditures.	4
§ 15-3.7.	Adoption of rules and regulations.	4
§ 15-3.8.	Powers and duties.	4
§ 15-3.9.	Appeals and applications.	5
§ 15-3.10.	Power to reverse or modify decisions.	5
§ 15-3.11.	Expiration of variances.	5
§ 15-3.12.	Powers granted by law.	6
§ 15-3.13.	Applicability.	8
ARTICLE IV, ZONING DISTRICTS		
§ 15-4.1.	Designation of zoning districts.	1
§ 15-4.2.	Zoning Map.	1
§ 15-4.3.	Zone boundaries.	1
§ 15-4.4.	R-5A Residential Zone.	2
§ 15-4.5.	R-3A Residential Zone.	4
§ 15-4.6.	R-1A Residential Zone.	5
§ 15-4.7.	R-400 Residential Zone.	7
§ 15-4.8.	R-200 Residential Zone.	7
§ 15-4.9.	R-150 Residential Zone.	12
§ 15-4.10.	R-100 Residential Zone.	13
§ 15-4.11.	R-75 Residential Zone.	14
§ 15-4.12.	R-75A Residential Zone.	15
§ 15-4.13.	R-70 Residential Zone.	16
§ 15-4.14.	R-50 Residential Zone.	16
§ 15-4.15.	PRC Planned Retirement Community Zone.	18
§ 15-4.16.	PRD Planned Residential Development Zone.	23
§ 15-4.17.	MF Multi-Family Zone.	37
§ 15-4.18.	NB Neighborhood Residential Zone.	41
§ 15-4.19.	GB General Business Zone.	42
§ 15-4.20.	HB Highway Business Zone.	45
§ 15-4.21.	MC Marine Commercial Zone	47
§ 15-4.22.	LI Light Industry Zone	48

§ 15-4.23.	SC/GB Senior Citizen/General Business Zone.	50
§ 15-4.24.	WFD Waterfront Development Zone.	52
§ 15-4.24.1	Cemetery Zone	54
§ 15-4.24.2	Scenic Gateway Overlay Zone	55
§ 15-4.24.3	Route 9 Gateway Overlay Zone	59
	Pinelands Area Zones	
§ 15-4.25.	PA Preservation Area Zone.	68
§ 15-4.26.	FA Forest Area Zone.	71
§ 15-4.27.	FAC Forest Area Cluster Zone.	73
§ 15-4.28.	PV Pinelands Village Zone.	74
§ 15-4.29.	Dwellings on 3.2 acre lots.	75
§ 15-4.30.	Additional provisions for cultural housing.	75
§ 15-4.31.	Density transfer program.	76
§ 15-4.32.	Compliance.	76
§ 15-4.33.	Violations and penalties.	76
ARTICLE V, CONDITIONAL USES		
§ 15-5.1.	Guiding principles and general provisions.	1
§ 15-5.2.	Antennas and towers.	2
§ 15-5.3.	Automobile repair shop.	7
§ 15-5.4.	Automobile sales establishment.	8
§ 15-5.5.	Automobile service station.	9
§ 15-5.6.	Car washes.	10
§ 15-5.7.	Cemeteries and mausoleums.	10
§ 15-5.8.	Child care centers; nursery schools; day-care centers.	10
§ 15-5.9.	Churches.	11
§ 15-5.10.	Commercial recreation activities.	11
§ 15-5.11.	Community residences for developmentally disabled and community shelters for victims of domestic violence.	12
§ 15-5.12.	Health-care facilities.	13
§ 15-5.13.	Home occupation.	14
§ 15-5.14.	Home professional office.	15
§ 15-5.15.	Hospitals, philanthropic or eleemosynary uses.	15
§ 15-5.16.	Hotels and motels.	16
§ 15-5.17.	Kennels.	16
§ 15-5.18.	Long-term facilities, assisted living facilities, residential health care facilities, and continuing care retirement communities.	17
§ 15-5.19.	Public utilities.	17
§ 15-5.20.	Mini-storage.	18
§ 15-5.21.	Truck terminals.	18
§ 15-5.22.	Veterinary clinics.	19
§ 15-5.23.	Sexually-oriented businesses	19
§ 15-5.24.	Boat repair shop and boat storage	20
ARTICLE VI, NON-CONFORMING USES		
§ 15-6.1.	Continuance.	1
§ 15-6.2.	Abandonment.	1
§ 15-6.3.	Restoration.	1
§ 15-6.4.	Reversion.	1

§ 15-6.5.	Alterations.	1
§ 15-6.6.	Prior approved construction.	1
§ 15-6.7.	District boundary changes.	2
§ 15-6.8.	Pre-existing non-conforming single-family detached dwellings lots	2
§ 15-6.9.	Nonconforming lots	2
§ 15-6.10.	Exceptions to the front yard requirements of lots fronting on Route 9 in the General Business (GB) Zone	3
ARTICLE VII, GENERAL PROVISIONS		
§ 15-7.1.	Application of regulations.	1
§ 15-7.2.	Height.	1
§ 15-7.3.	Lighting.	2
§ 15-7.4.	Natural features.	2
§ 15-7.5.	Principal use.	2
§ 15-7.6.	Signs (general).	2
§ 15-7.7.	Storage of boats, travel trailers and commercial vehicles.	4
§ 15-7.8.	Yard areas.	5
§ 15-7.9.	Private, residential swimming pools.	6
§ 15-7.10.	Frontage on improved streets.	7
§ 15-7.11.	Sight triangles at intersections.	7
§ 15-7.12.	Number of principal buildings.	8
§ 15-7.13.	Contiguous lot ownership.	8
§ 15-7.14.	Accessory Building	8
§ 15-7.15	Private storm drain inlet retrofitting	8
ARTIVLE VIII, GENERAL ADMINISTRATION		
§ 15-8.1.	Jurisdiction.	1
§ 15-8.2.	Applications requiring public hearing.	1
§ 15-8.3.	Time periods for decisions.	1
§ 15-8.4.	Waiver of requirements and conditional approvals.	1
§ 15-8.5.	Conflicts of interest.	2
§ 15-8.6.	Meetings.	3
§ 15-8.7.	Hearings.	3
§ 15-8.8.	Notice requirements for hearings.	4
§ 15-8.9.	Decisions.	5
§ 15-8.10.	Payment of taxes; corporate disclosure.	5
§ 15-8.11.	Reservation of public areas.	6
§ 15-8.12.	Permits and approvals.	6
§ 15-8.13.	Resolutions of approvals.	8
§ 15-8.14.	Zoning Officer duties.	8
§ 15-8.15.	Development permits and procedures.	9
§ 15-8.16.	Boat lifts and davits.	10
ARTICLE IX, APPLICATION REQUIREMENTS		
§ 15-9.	Application requirements.	1
ARTICLE X, SUBDIVISIONS AND SITE PLANS		
§ 15-10.1.	Pre-application conference and concept plan procedures.	1
§ 15-10.2.	Minor subdivision action.	2
§ 15-10.3.	Minor subdivision filing.	3
§ 15-10.4.	Major subdivision action.	3

§ 15-10.5.	Preliminary plat.	3
§ 15-10.6.	Action by municipal agency on preliminary plat.	3
§ 15-10.7.	Final plat procedure.	4
§ 15-10.8.	Action by municipal agency on final plat.	4
§ 15-10.9.	Filing of original tracing.	5
§ 15-10.10.	Posting of maps.	6
§ 15-10.11.	Sale before approval.	6
§ 15-10.12.	Certificate of approval.	6
§ 15-10.13.	When site plan approval required; use of Pinelands development credits.	6
§ 15-10.14.	Minor site plans.	7
§ 15-10.15.	Preliminary site plan procedure.	7
§ 15-10.16.	Action by municipal agency on preliminary site plan.	8
§ 15-10.17.	Final site plan procedure.	8
§ 15-10.18.	Action by municipal agency on final site plan.	8
ARTICLE XI, DESIGN GUIDELINES AND STANDARDS		
§ 15-11.1.	Purpose.	1
§ 15-11.2.	General requirements.	1
§ 15-11.3.	Blocks.	2
§ 15-11.4.	Lots.	2
§ 15-11.5.	Bulkheading.	4
§ 15-11.6.	Soil erosion and sedimentation control.	4
§ 15-11.7.	Buffers.	4
§ 15-11.8.	Landscaping.	6
§ 15-11.9.	Bulk storage.	16
§ 15-11.10.	Floodplain regulations.	17
§ 15-11.11.	Easements.	18
§ 15-11.12.	Water supply and sanitary sewer facilities.	19
§ 15-11.13.	Public utilities.	20
§ 15-11.14.	Fire protection.	22
§ 15-11.15.	Homeowners' association.	22
§ 15-11.16.	Miscellaneous performance standards.	24
§ 15-11.17.	Open space and recreation.	26
§ 15-11.18.	Solid waste management.	26
ARTICLE XII, IMPROVEMENT STANDARDS		
§ 15-12.1.	Specific design standards and construction details.	1
§ 15-12.2.	Streets and streetlighting.	1
§ 15-12.3.	Curbs; non-residential development.	7
§ 15-12.4.	Curbs; residential development.	7
§ 15-12.5.	Monuments.	7
§ 15-12.6.	Planting details and tree varieties.	8
§ 15-12.7.	Trees.	9
§ 15-12.8.	Sidewalks; non-residential development.	16
§ 15-12.8.1	Sidewalks; residential development.	17
§ 15-12.9.	Sight triangles.	17
§ 15-12.10.	Grading, topsoil and seeding.	17
§ 15-12.11.	Stormwater control ordinance for areas that are not within the Pinelands Area	19
§ 15-12.12.	Drainage.	52

§ 15-12.13.	Township acceptance of stormwater management system.	59
§ 15-12.14.	Stormwater management maintenance fee.	59
§ 15-12.15.	Driveways.	60
§ 15-12.16.	Off-street parking and loading area.	61
§ 15-12.17.	Fences.	71
§ 15-12.18.	Groundwater quality protection: best management practices.	72
§ 15-12.19.	Lighting.	73
ARTICLE XIII, SUPPLEMENTARY STANDARDS PINELANDS AREA		
§ 15-13.1.	Supplementary design and performance standards.	1
§ 15-13.2.	Additional procedure requirements for development approval.	4
§ 15-13.3.	Supplemental information requirements.	7
§ 15-13.4.	Supplemental Pinelands Area design and development standards and management programs.	10
§ 15-13.5.	Stormwater control Ordinance for areas within the Pinelands area	31
ARTICLE XIV, IMPROVEMENTS AND ASSESSMENTS		
§ 15-14.1.	Off-site and off-tract improvements.	1
§ 15-14.2.	Recreation.	2
ARTICLE XV, SPECIFICATIONS AND DOCUMENTS TO BE SUBMITTED		
§ 15-15.1.	Concept plan checklist.	1
§ 15-15.2.	Subdivision plat details.	2
§ 15-15.3.	Site plan checklist.	11
§ 15-15.4.	Site plan details.	11
§ 15-15.5.	Minor site plan details.	17
§ 15-15.6.	Environmental impact statement.	19
ARTICLE XVI, DEVELOPMENT REVIEW FEES		
§ 15-16.1.	Administrative fees for all development applications.	1
§ 15-16.2.	Resolution preparation fee.	3
§ 15-16.3.	Escrow fees.	3
§ 15-16.4.	Inspection fees for on-site and off-site improvements.	6
§ 15-16.5.	General escrow fee provisions.	7
§ 15-16.6.	Tax Map maintenance fee.	8
§ 15-16.7.	Exemption from fees.	9
ARTCILE XVII, BONDING AND INSPECTION REQUIREMENTS		
§ 15-17.1.	Improvements to be considered.	1
§ 15-17.2.	Improvement determination criteria.	2
§ 15-17.3.	Improvements required prior to issuance of certificate of occupancy.	2
§ 15-17.4.	Inspection requirements.	3
§ 15-17.5.	Performance guarantees.	4
§ 15-17.6.	Certification of improvements; maintenance guarantee.	8
ARTICLE XVIII, MASTER PLAN		
§ 15-18.1.	Preparation; contents; modifications.	1
§ 15-18.2.	Reexamination.	2
§ 15-18.3.	Notice concerning Master Plan.	2
ARTICLE XIX, ENFORCEMENT		
§ 15-19.	Violations and penalties.	1
ARTICLE XX, MANDATORY DEVELOPMENT FEES		

§ 15-20.	Mandatory Development Fees	1
ARTICLE XXI, AFFORDABLE HOUSING		
§ 15-21.	Intent	1
ARTICLE XXII,		
§ 15-22.	Reserved	1
ARTICLE XXIII, AFFIRMATIVE MARKETING		
§ 15-23.	Affirmative Marketing	1
ARTICLE XXIV SMALL WIND ENERGY SYSTEMS AND SOLAR ENERGY SYSTEMS		
§ 15-24.1	Purpose	1
§ 15-24.2	Definitions	1
§ 15-24.3	Standards for Small Wind Energy Systems	2
§ 15-24.4	Standards for Solar Energy Systems	3
§ 15-24.5	Approval Required	5
§ 15-24.6	Permit Requirements	5
§ 15-24.7	Abandonment	6
§ 15-24.8	Zoning Permit Procedure	6
§ 15-24.9	Violations	7
§ 15-24.10	Administration and Enforcement	7
§ 15-24.11	Penalties	7

ARTICLE I
Purpose

§ 15-1. Purpose. [Amended 5/10/2001 by Ord. No. 2001-08]

The purposes of this chapter are to establish a pattern for the use of land and buildings based on the Land Use Element of the Master Plan and to effectuate the Master Plan as enacted in order to encourage municipal action to guide the appropriate development of land in a manner which will promote the public health, safety, morals and general welfare of the people. This chapter is intended to regulate the use of land within the zoning districts; secure safety from fire, flood, panic and other natural and man-made disasters; provide adequate light, air and open space; limit and restrict buildings and structures according to their type and the nature and extent of their use and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes; regulate the bulk, height, number of stories and size of buildings and other structures; avoid a conflict with the development and general welfare of neighboring municipalities, the County and the State; establish appropriate population densities and concentrations contributing to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; provide sufficient space for agricultural, residential, recreational, commercial and industrial uses and open spaces; encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment; promote the conservation of open space and valuable natural resources and prevent urban sprawl and degradation of the environment through improper use of land; encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land; promote orderly development of the Pinelands Area so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historic, scenic, cultural and recreational resources of the Pinelands; and implement the goals and objectives of the Pinelands Protection Act (N.J.S.A. 13:18A-1 *et seq.*) and the Pinelands Comprehensive Management Plan.

ARTICLE II
Definitions

§ 15-2.1. Definitions; word usage.

A. As used in this chapter, the following definitions shall apply throughout the Township, including the Pinelands Area; provided, however, that in the event of a conflict between a definition of a Township wide application and a Pinelands Area definition, the Pinelands Area definition shall control in the Pinelands Area. The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. The definitions set forth in the Municipal Land Use Law and which are not set forth in Subsection B. below are adopted herein by reference. Where a term has been defined both in Subsection B. below and in the Municipal Land Use Law and there is a conflict between the definitions for said term, the definition set forth in Subsection B. below shall govern in regard to the application of this chapter.

B. As used in this chapter, the following terms shall have the meanings indicated: **[Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 12/12/2002 by Ord. No. 2002-040]; [Amended 4/21/2004 by Ord. No. 2004-00]**

ACCESSORY BUILDING – A building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. Any building with a gross floor area in excess of 900 square feet or containing living space shall not be considered an accessory building. An accessory building attached to a principal building shall comply in all respects with the requirements applicable to the principal building.

ACCESSORY USE - A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADMINISTRATIVE OFFICER - The Planning Board Engineer for Planning Board matters; the Board of Adjustment Engineer for Board of Adjustment matters; the Zoning Officer for Official Map matters; the Township Clerk for Township Committee matters; and the Township Assessor for certification of subdivision approval.

ADULT DAY HEALTH CARE FACILITY – An establishment which is licensed by the New Jersey Department of Health pursuant to N.J.S.A. 26:2H-1 *et seq*. to provide preventive, diagnostic, therapeutic and rehabilitative services under medical supervision to meet the needs of functionally impaired adult patients exclusively on an outpatient basis.

ADVERSE AFFECT - Development designs, situations or existing features on a developer's property or any nearby property creating, imposing, aggravating or leading to impractical, unsafe, unsatisfactory or non-complying conditions, such as layout inconsistent with the development regulations; insufficient street width; unsuitable street

grade; unsuitable street location; inconvenient street system; inadequate utilities, such as water, drainage and sewerage; unsuitable size, shape and location for any area reserved for public use or land for open space in a planned development; infringement upon land designated as subject to flooding; and the creation of conditions leading to soil erosion from wind or water, from excavation or grading, all as set forth in N.J.S.A. 40:55D-38 and measured against the design and performance standards of this chapter.

AGRICULTURAL USE - A land use to derive income from the production, keeping or maintenance of crops and/or raising of livestock.

ALTERATION - Any change or rearrangement in supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in use, or any change in ingress or egress, or any enlargement or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. Normal repairs and maintenance shall not be considered as an alteration.

ANIMAL CARE FACILITY - Boarding and training kennels, pounds, grooming facilities, and similar facilities operated either as commercial facilities or on a nonprofit or philanthropic basis (compare with definition of "Veterinary hospital").

ASSISTED LIVING FACILITY – A residence, licensed by the New Jersey Department of Health pursuant to N.J.A.C. 8:33-1 *et seq.*, for the frail elderly that provides apartment-style living units and congregate dining, personal care and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services and transportation. Assisted living residences, as defined herein, shall include comprehensive personal care homes.

AUTOMOBILE BODY SHOP – Any building, premises, and land in which or upon which bodywork or refinishing work is performed upon vehicles.

AUTOMOBILE REPAIR SHOP - A building, premises, and land in which or upon which a business, service, or industry involving maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

AUTOMOBILE SALES – The use of any building, premises, and land for the display and sale of new or used automobiles generally including light trucks or vans, trailers, or recreation vehicles, which use may include any vehicle preparation or repair work conducted as an approved accessory use.

AUTOMOBILE SERVICE STATION - The use of any building, premises, and land for the retail dispensing or sales of vehicular fuels which use may include the servicing and repair of vehicles or sale and installation of lubricants, tires, batteries, and similar vehicle accessories as approved accessory uses.

AWNING – A roof-like cover that is temporary or portable in nature, which projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

BASEMENT – A space having one-half or more of its floor-to-ceiling height above average level of the finished grade of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet.

BERM - A mound of soil, either natural or man-made, used to screen and visually separate, in part or entirely, one area, site or property from the view of another area.

BILLBOARD - See, "Sign."

BOATLIFT - A frame structure, usually metal construction and electric powered, attached to a bulkhead or pilings which is designed to elevate a boat or other type of personal watercraft above the surface of the water.

BUFFER - An area within a property or site, generally adjacent to and parallel to the property line, consisting of either natural existing vegetation or created by the use of trees, shrubs, fences, berms, walls, open space, landscaped area, or a combination thereof, designed to physically separate or screen one use of property from another so as to limit view and/or sound in order to prevent or control adverse affects. Buildings, structures, driveways, parking or loading areas and other uses of land shall be permitted within any buffer area unless otherwise expressed by another section of this chapter.

BUILDABLE AREA - The area of a lot remaining after the minimum yard, setback, and open space requirements of this chapter have been met. Buildable area also does not include wetlands, buffers, or easements of record.

BUILDING – Any structure having a roof supported by columns or walls and intended for the temporary or permanent shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING AREA – The total of areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings, exclusive of unroofed porches, terraces or steps having vertical faces, which at all points are less then three feet above the level of the ground.

BUILDING COVERAGE – The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

BUILDING HEIGHT FOR ALL ZONES OTHER THAN R-50 AND R-70 - The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of the building. **[Amended 4/21/2004 by Ord. No. 2004-06]**

BUILDING HEIGHT FOR R-50 AND R-70 – the vertical dimensions measured from the average elevation of the top of the curb, or average gutter elevation where no curbing exists or is proposed, along lot frontage to the highest point of the building. **[Amended 4/21/2004 by Ord. No. 2004-06]**

BUILDING LINE (SETBACK) – A line parallel to the street line touching that part of a building closest to the street. This line is formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building (setback) line.

BUILDING, PRINCIPAL – A structure in which is conducted the principal use of the site on which it is situated.

BULK STORAGE - The stockpiling, warehousing or wholesaling of materials, which may or may not be enclosed within a structure, including but not limited to sand, gravel, dirt, asphalt, pipes, plumbing supplies, metal, concrete, lumber and insulation.

BUSINESS OFFICE - A commercial establishment, which does not offer a product or merchandise for sale to the public, but does offer a service to the public. However, personal services, such as barbershops and beauty shops and repair services, such as radio and television shops, are not to be included within the definition of business office.

CALIPER - The diameter of a tree trunk measured, in inches, at breast height.

CARPORT – A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

CELLAR – Non-habitable space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half feet.

CERTIFICATE OF OCCUPANCY – A document issued by the appropriate governmental authority, as designated in this chapter, which permits the occupancy or use of a building, structure, or premises and certifies that all requirements or regulations provided in this chapter and all other applicable requirements or regulations have been complied with.

CHANGE OF USE – Any use that substantially differs from the previous use of a building or land such as, but not limited to, the following:

(1) Any change from a residential use to any nonresidential use;
(2) Any change in use from any permitted or existing use to any conditional use;

(3) Any change from nonresidential use to any other use for which any standard set forth in this chapter is greater or more restrictive;
(4) Any increase in the number of dwelling units in a building or structure;
(5) Any change from an industrial use to any other industrial use or to any other use category;
(6) Any change in use which increases the time periods during which the use occurs or is operated such as from seasonal operation to year-round operation.

CHECKLIST - A list of items that must be submitted with an application to the Planning Board or Board of Adjustment for the purpose of determining a complete application.

CHILD CARE CENTER- A child care facility for which a license is required from the Department of Human Services pursuant to P.L. 1983, c. 492 (N.J.S.A. 30:5B-1 *et seq.*).

CLUB – A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. Any club or organization which is commercial in nature (e.g. tennis club, health club, and racquetball club) shall not be considered a "club" for purposes of this chapter.

CLUBHOUSE - A building, or portion thereof, used by a club or social organization and which is not adjacent to or operated by or in connection with a public bar, tavern, café or other public place.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED - Any community residential facility licensed pursuant to P.L. 1977, c. 448 (NJSA A.30: 11B-1 *et seq.*) providing food, shelter and personal guidance, under such supervision as required, to no more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include but not be limited to group homes, halfway houses, intermediate-care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act (P.L. 1971,c. 136; NJSA 26:2H-1 *et seq.*) and this chapter.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE - Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulations of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:141 *et seq.*) providing food, shelter, medical care, legal assistance, personal guidance and other services to no more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who require their shelter and assistance in order to protect their physical or psychological welfare.

COMPLETE APPLICATION - An application for development, which complies in all respects, shall be complete, for purposes of the appropriate submission requirements set forth in this chapter.

CONFORMING LOT - A lot which conforms to all zone requirements for the zone in which it is located.

CONSERVATION EASEMENT - A grant or grants to the municipality sufficient to permit the municipality to reserve and conserve the area so defined from future development.

CONVENTIONAL DEVELOPMENT - Development other than planned development or cluster development.

DAVIT – A single or pair of curved uprights projecting over the waterway for suspending or raising and lowering a boat or other personal watercraft.

DENSITY – The number of dwelling units per gross area of land to be developed. See "Residential density, gross."

DETENTION FACILITY - A stormwater system, which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a "detention facility" impounds runoff only temporarily, it is normally dry during nonrainfall periods.

DEVELOPMENT - The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill, and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required pursuant to this chapter.

DUPLEX – A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

DWELLING, ATTACHED – A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

DWELLING, DETACHED - A building containing one (1) dwelling unit that is not attached to any other dwelling by any means.

DWELLING, MULTIPLE-FAMILY - A building under a single roof, with or without firewall partitions, containing three (3) or more dwelling units and designed for occupancy by three (3) or more households living as families.

DWELLING, PATIO HOME - A one-family dwelling on a separate lot, with open space setbacks on three (3) sides and with a court.

DWELLING, QUADRUPLEX - Four (4) attached dwellings in one (1) building, in which each unit has two (2) open exposures and shares one (1) or two (2) walls with an adjoining unit or units.

DWELLING, SINGLE-FAMILY DETACHED - A building containing one (1) dwelling unit that is not attached to any other dwelling by any means and designed for the use of a single household, including one (1) or more people living as a family.

DWELLING, SINGLE-FAMILY SEMI-DETACHED – A one-family dwelling attached to one (1) other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

DWELLING, TOWNHOUSE – A one-family dwelling in a row or series (i.e. not located over another unit) of at least three (3) attached single-family dwelling units separated from one another by vertical common fire-resistant walls from basement to roof. Each townhouse has its own front and rear access to the outside.

DWELLING, TWO-FAMILY - A building on a single lot containing two (2) dwelling units and designed for or occupied exclusively by two (2) households living independently of each other. Each dwelling unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT - A building or part thereof having cooking, sleeping, and sanitary facilities designed, occupied, or intended as a separate living quarter by one (1) family maintaining a household which is entirely separated from any other "dwelling unit" in the building by vertical or horizontal floors, and with an independent means of access.

ELEVATION – (1) A vertical distance above or below a fixed reference level; (2) a fully dimensional drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

ESSENTIAL SERVICES - Underground gas, electrical, telephone, telegraph, steam or water transmission or distribution systems, including mains, drams, sewers, pipes, conduits, and cables including the equipment and appurtenances necessary for these systems such as fire alarm boxes, police call boxes, light standards, poles, traffic signals, hydrants and other related equipment and accessories in connection therewith reasonably necessary for the furnishing of an adequate level of service by public utilities or municipal or governmental agencies or for the public health or safety or welfare.

EVERGREEN TREE - A woody plant with one (1) main stem and foliage which will remain on the plant in its green condition throughout the year and which will exhibit a mature height of at least twelve (12) feet to fifteen (15) feet.

EXEMPT DEVELOPMENT – That site plan and/or subdivision approval shall not be required for the following:

(1) Construction, additions, or alterations related to single-family detached or two-family detached dwellings on individual lots.
(2) Interior alterations which do not increase the required number of off-street parking spaces.
(3) Any change of use of land or structure to a use for which the standards of this chapter are the same or less restrictive or stringent.
(4) Any increase in the total number of employees, number of employees in any shift or the number of vehicles to be stored or parked on the site not exceeding fifteen percent (15%) of the amount existing at the time of passage of this chapter or as set forth at the time of a previous site plan approval.
(5) Construction or installation of underground facilities which do not alter the general use, appearance or grade of the site, provided that the underground installation of fuel-oil tanks or tanks for the storage of flammable or combustible liquids or materials shall have been approved by the Bureau of Fire Prevention.
(6) The construction or alteration of or addition to an off-street parking area which provides an increase of five (5) or fewer vehicle parking spaces as compared to the last approved and/or developed site plan or the number existing at the time of the adoption of this chapter, except in conjunction with or subsequent to any condemnation or taking proceeding.
(7) Divisions of property, and conveyances so as to combine existing lots, which are not considered to be subdivisions in accordance with the definition of "subdivision" contained within this article.
(8) Home professional offices of less than five hundred (500) square feet within existing buildings located in districts where such home professional offices are permitted accessory used or conditional uses, provided that such office does not require more than five (5) off-street parking spaces pursuant to the provisions of this chapter.
(9) Erection of a tent in any zone where tents are permitted accessory use for thirty (30) days or less and not more than twice per calendar year.
(10) Modification to site to improve handicap accessibility not involving additional building area.
(11) Installation of solid waste storage container(s) and enclosure(s) conforming to the requirements of §15-11.18., Solid waste management, and subject to compliance with any prior development approvals.
(12) Building additions that increase the square footage of the building by up to 1,000 square feet, and do not require variances or waivers from this chapter. **[Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 12/23/2002 by Ord. No. 2002-043]**

FAMILY – A group of persons not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single household unit under a common household management plan based on an intentionally structured relationship

providing organization and stability. A family organization implies a permanent and long-term relationship as opposed to one that is short-term or transient.

FAMILY DAY CARE HOME - The private residence of a family care provider which is approved and registered pursuant to the "Family Day Care Provider Registration Act," P.L. 1987, c. 27 (N.J.S.A. 30:5B-16 *et seq.*) in which child care services are regularly provided to no fewer than three (3) and no more than five (5) children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

(1) The child being cared for is legally related to the provider; or,
(2) The child is being cared for as part of a cooperative agreement between the parents for the care of their children by one (1) or more of the parents, where no payment for the care is being provided.

FENCE – An artificially constructed barrier of any material or combination.

FLOATING HOME - Any vessel in fact used, designed or occupied as a permanent dwelling unit, business, office or source of any occupation or for any private or social club of whatever nature, including but not limited to a structure constructed upon a barge, primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked within the corporate limits of the Township, whether such vessel is self-propelled or not, and whose volume coefficient is greater than three thousand (3,000) square feet. "Volume coefficient" is the ratio of the habitable space of a vessel measured in cubic feet and the draft of a vessel measured in feet of depth.

FLOATING HOME MARINA - That area within the Township covered by any waterway within the Township where one (1) or more sites or locations are rented or offered for rent, sold or offered for sale for the location of floating homes.

FLOOD FRINGE - The portion of the flood hazard area outside the floodway based on the total area inundated during the regulatory base flood plus 25 percent of the regulatory base flood discharge.

FLOOD HAZARD AREA - The floodway and relative flat area adjoining the floodway which has been or may be hereafter covered by flood water and which area, the improper development and general use of which, would constitute a threat to the public's safety, health and general welfare. The flood hazard area shall constitute the total area inundated by the flood hazard design flood.

FLOODPLAIN - The channel and the generally flat terrain adjoining the channel of a stream, pond, lake or swamp which is subject to periodic flooding.

FLOODWAY - The channel of a natural stream and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the flood water or flood

flow of any natural stream. This shall constitute the portions of the floodplain needed for passage of the floodway design flood without appreciable rise in the water surface profile.

FLOOR AREA - The sum of the gross horizontal areas of the floor or several floors of a building or structure. In the case of business or commercial buildings, floor area includes showcase facilities and storage and sales facilities. In the case of residential buildings, the floor area shall not include open porches or open decks, garages or basements, cellars or other floor areas with floor-to-ceiling headroom of less than seven (7) feet three (3) inches. In the case of multi-family dwellings, areas used for public halls, stairways, elevator shafts, and interior vehicular parking shall not be counted as floor area.

FLOOR AREA RATIO – The gross floor area of all buildings or structures on a lot divided by the total lot area.

GARAGE – A building or structure intended or suitable for the storage of motor vehicles.

GARAGE, PRIVATE – A garage used as an accessory to the main building, which provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC - Any garage, other than a private garage, available to the public, operated for gain and which is used for the equipping, adjusting, storage, rental, repair, inspecting, grading, washing, polishing or other cleaning, maintenance and servicing of gasoline or oil or other fuel for vehicular propulsion. This term shall include gasoline filling and motor vehicle service stations and all gasoline and oil pumps maintained in conjunction therewith but shall not be construed to include motor vehicle showrooms for new and used motor vehicles.

GOLF COURSE – An area of 50 or more contiguous acres containing a full-size professional golf course, at least nine holes in length, together with the necessary and usual accessory uses and structures, such as but not limited to clubhouse facilities, dining and refreshment facilities, swimming pools, tennis courts and the like, provided that the operation of such facilities is incidental to the operation of the "golf course."

GRADE – (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface.

GRADE, FINISHED - The completed elevation of the ground level after development including lawns, walks and roads as shown on municipally reviewed plans or designs conforming to established municipal standards.

GREEN SPACE - The total portion of the lot or tract required to be covered by vegetation.

GROUND COVER - Low-growing [under three (3) feet in height] woody or herbaceous plants, grasses, or other landscaping that form a dense mat-like covering of the area in which they are planted preventing soil from being blown or washed away and further preventing the growth of undesirable (weed) plants.

HEDGE - Several plants, usually planted in a formal line or row, at a very tight spacing in order to achieve a continuous line or mass of foliage to shield, screen, separate or protect a lot(s) or a portion of a lot(s).

HEALTH CARE FACILITY - A facility or institution, whether public or private, engaged principally in providing services for health maintenance and the diagnosis or treatment of human disease, pain, injury, deformity or physical or mental condition, including but not limited to general hospital or special hospitals, psychiatric hospitals, public health centers, diagnostic and treatment centers, rehabilitation centers, extended care facilities, skilled nursing homes, nursing homes, intermediate care facilities, outpatient clinics, bioanalytical laboratories (except as specifically excluded hereunder) or central services facilities serving one (1) or more institutions, but, excluding institutions that provide healing solely by prayer and excluding such bioanaltyical laboratories that are independently owned and operated and are not owned, operated, managed or controlled, in whole or in part, directly or indirectly, by any one (1) or more health care facilities, and the predominant source of business of which is not by contract with health care facilities within the State of New Jersey, and which solicit or accept specimens and operate predominately in interstate commerce.

HOME OCCUPATION – Any gainful employment, or occupation, of one or more members of the resident family, which shall constitute, either entirely or partly, the means of livelihood of such member or members and which shall be conducted in clearly secondary or accessory use to the primary residential use of the principal structure. Such occupation may be pursued in the principal dwelling structure or in a secondary building which is accessory to such principal structure. The retail sale of goods or services in structures designed or altered to make such activities the primary use of the site shall not be construed hereunder to be a home occupation.

HOMEOWNERS' ASSOCIATION - An incorporated, nonprofit community association operating under a recorded land agreement through which:

(1) Each lot owner, condominium owner, stockholder under a cooperative development or other owner of property or interests in the project shall be a member.
(2) Each occupied dwelling unit is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the unit by the association or by the municipality.
(3) Each owner and tenant has a right to use the common property.

HOME PROFESSIONAL OFFICE - A home occupation consisting of the office of a practitioner of a recognized profession carried out in accordance with the provisions of Section 15-5.13.

HOTEL - A series of attached or detached dwelling units operated as a single business, containing individual sleeping or living units with bathrooms and closet space, with or without kitchens, designed for or used to provide housing accommodations, for consideration, to tourists, transients and travelers and held out to the public as accommodations by the day, week or month. Wherever in this chapter the word "hotel" appears and restrictions are set forth to apply to the use of land for the operation of a "hotel," it shall be considered synonymous with the word "motel," and the same restrictions and requirements shall apply to the construction and operation of a "motel."

HOUSEHOLD – A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation of serving of food within the dwelling unit.

IMPERVIOUS SURFACE COVERAGE – The percentage of the total area of a lot or tract, after deduction for natural tidal, non-tidal bodies of water, wetlands or other State- or federally-regulated non-buildable lands, covered by buildings, structures, parking areas, drives, curbs, sidewalks, and other impervious surface coverage, shall include a surface that has been compacted or covered with a layer of material so that it is made resistant to infiltration by water. Examples of such materials shall include: dry laid brick or concrete pavers on compacted sand beds, dry laid cut stone or tile on compacted sand beds, wood decks and concrete patios (including stamped concrete). Detention and retention basins and dry wells shall not be considered impervious surfaces; however, graveled areas underlain by impermeable materials, such as non-porous plastic, shall be considered impervious surfaces. Where porous filter fabric is used under non-compacted gravel to allow water infiltration and prevent vegetative growth, such a surface shall not be considered impervious. **[Amended 12/13/2007 by Ord. No. 2007-26]**

INDUSTRIAL OR OFFICE PARK - A total tract comprehensively planned, designed and approved for industrial or office uses, whether or not the buildings are erected in one (1) development stage or over a period of time, but where the streets, utilities and lots and/or tenant's parcels are set forth on a plan for the entire tract prior to construction of any portion of the tract. As development takes place in accordance with the approved plans, changes may be made in the plans for the undeveloped section to accommodate subsequent land needs, provided that the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities.

INFILTRATION FACILITY - A stormwater system, which temporarily impounds runoff and discharges it via infiltration through the surrounding soil. While an "infiltration facility" may also be equipped with an outlet structure to discharge impounded runoff, such discharge is normally reserved for overflow and other emergency conditions. Since an "infiltration facility" impounds runoff only temporarily, it is normally dry during nonrainfall periods.

ISLAND - In road and parking area design, a raised planting area, usually curbed, placed to guide traffic, separate lanes, limit paving (impervious surface), preserve existing vegetation and increase aesthetic quality.

JUNKYARD - An area or structure used for the collecting, storage, buying, trading or abandonment of any refuse and/or discarded material or the dismantling, demolition, salvaging or abandonment of processing structures, automobiles, boats, outboard motor engines, or other vehicle equipment and machinery or parts thereof, with the deposit of domestic, commercial, industrial or sanitary waste or garbage excluded.

LOADING SPACE - An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading material.

LOT – A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA – The acreage and/or square footage contained within the lot lines of the property. Any portion of the lot included in a street right-of-way shall not be included in calculating lot area. Portions of lots encumbered by easements shall be included in calculating lot area. Portions of lots below the mean high-water line shall not be considered in any lot area, depth, rear yard setback or building coverage calculation/determination. **[Amended 12/23/2002 by Ord. No. 2002-043]**

LOT, CORNER - Any lot which occupies the interior angle of the intersection of two (2) street lines. On all "corner lots," the required building setback line paralleling both street frontages shall not be less than the minimum front yard setback requirements of an adjoining interior lot fronting on said street. On all "corner lots," the lot width shall be equal to or greater than the minimum depth of lot requirements of the zoning district. The required lot width and lot depth shall be measured along the required front yard building setback line. All "corner lots" shall have two (2) front yards, one (1) side yard and one (1) rear yard.

LOT COVERAGE – The area of a lot covered by buildings and structures expressed as a percentage of the total lot area.

LOT DEPTH - The shortest horizontal distance between the front lot line and a line drawn parallel to the front line through the midpoint of the rear lot line.

LOT FRONTAGE - The "lot frontage" shall be measured along the street line between the property side lines and in no case shall be less than two-thirds (2/3) of the required width of the lot.

LOT LINE - A line of record forming all or a portion of the exterior boundary of a lot. The "lot line" is the same as the street line for that portion of a lot abutting a street. "Lot lines" extend vertically in both directions from ground level.

LOT, THROUGH - A lot which fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

LOT WIDTH - The distance between the side lines of a lot measured at the minimum required front building setback line.

MAJOR SUBDIVISION - Any subdivision not classified as a minor subdivision.

MARINA - Any waterfront facility wherein berthing spaces for any watercraft or boats are offered for rental by the operator. A "marina" shall be deemed to include, in addition, automobile parking facilities, sanitary facilities, motor fuel sales, boat sales, repairs, maintenance and service; excluding, however, facilities for the construction of new boats. For the purpose of this chapter, the rental of one (1) or more berthing spaces to other than the residents of the property contiguous to the same shall be deemed to constitute a "marina," and the same shall conform to all provisions of this chapter pertaining to "marinas."

MEAN HIGH WATERLINE – The line formed by the intersection of the tidal plane of mean high tide with the shore.

MINING - An extractive process involving the removal of soil, earth, sand, clay, ground, humus peat or ilmenite.

MINOR SITE PLAN – A development plan which:

(1) Proposes building alterations, additions or expansion of an existing use or another permitted use in the same zoning district and/or six (6) or fewer additional parking spaces.
(2) Exterior façade – alterations are proposed and/or new building construction or additions do not exceed 2,000 square feet of gross floor area.
(3) Does not involve any proposed planned development, cluster development or mixed-use residential development.
(4) Does not involve any new street or extension of any off-site or off-tract potable sewer improvement that would service more than one (1) lot.
(5) Does not require soil disturbance of five thousand (5,000) square feet or more.
(6) Contains that information reasonably required so that the Board and its professionals may make an informed, intelligent determination as to whether the requirements established for approval of a "minor site plan" can be met.

MINOR SUBDIVISION - Any subdivision resulting in not more than three (3) lots including the remainder of the original lot, all lots fronting on an existing improved street and not involving any new street or road, provided that the following conditions have

been met: **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]**

(1) That curbs and sidewalks have been installed or that the developer agrees to install and post performance guarantees for curbs and sidewalks, or that curbs and sidewalks are not required due to specific conditions in the area.
(2) That the subdivision does not require the extension of municipal facilities at the expense of the municipality.
(3) That the subdivision and construction resulting therefrom will not adversely affect drainage patterns of the basin in which the lots are situated.
(4) That the subdivision will not adversely affect the development of the remainder of the parcel or the adjoining property.
(5) That the subdivision is not in conflict with any provision or portion of the Master Plan, Official Map or this chapter.
(6) That no portion of the lands involved have constituted a part of a minor subdivision within two (2) years preceding the application.

MOBILE HOME - A dwelling unit, manufactured in one (1) or more sections, designed for long-term occupancy, containing living and sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported on its own wheels after fabrication or on a flatbed or on other trailers, arriving at the site where it is to be occupied as a complete dwelling, usually including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this chapter, travel trailers and campers are not considered "mobile homes." A "mobile home" may be placed on a permanent or nonpermanent foundation; provided, however, that in the event that a nonpermanent foundation is used, the "mobile home" shall be installed and anchored in accordance with the requirements set forth in 24 CFR 3280.305 and 3280.306 and the requirements of the New Jersey Uniform Construction Code.

MOBILE HOME PARK - Any site, lot or tract of land upon which two (2) or more authorized mobile homes are parked, permanently or temporarily, either free of charge or for revenue purposes, and includes any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MODEL HOME - Any house or residential structure constructed as a sales exhibit for a builder, housing development or subdivision.

MOTEL - The same as “hotel,” as defined herein.

MULCH - A layer of organic material such as shredded wood or leaf litter, placed on the surface of the soil around plantings to aid plant growth by retaining moisture, preventing weed growth, holding soil in place, protecting root systems and providing a neat, easily maintained surface immediately around the base of the plant.

OFFICE - A place for the transaction of business where reports are prepared, records kept or services rendered, but where no retail sales are offered and where no manufacturing, assembling or fabrication takes place.

OFF-STREET PARKING SPACE - An off-street parking area for passenger vehicles, including the storage area of each vehicle and necessary maneuvering area of each vehicle. Space for maneuvering incidental to parking or unloading shall not encroach upon any public way. Every off-street parking facility shall be accessible from a public street. Accessory garage space(s) for the storage of one (1) or two (2) automobiles shall be considered "off-street parking space(s)."

ORNAMENTAL TREE - A woody plant which will exhibit a mature height of at least twelve (12) to fifteen (15) feet, but not usually greater than twenty (20) to twenty-five (25) feet, which provides distinct flowers, bark or leaf coloration, fruit or form of visual variety and interest.

RESIDENTIAL DENSITY, GROSS - The number of dwelling units per gross acre of land area, including streets, easements and open space portions of a development.

RESIDENTIAL DENSITY, NET – The number of dwelling units which may be or are developed per acre of land, exclusive of areas used for public access and/or open space and natural or nontidal bodies of water, tidal wetlands regulated under the NJ Wetlands Act of 1970 and freshwater wetlands regulated under the NJ Freshwater Wetlands Protection Act of 1987 or flood hazard areas established by NJDEP or FEMA.

RESTAURANT - Any establishment, however designated, regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room, equipped for the preparing, cooking and serving of foods for its customers and in which no other business, except such as is incidental to such establishment, is conducted. However, a snack bar at a public or community recreation facility, operated solely by the public agency controlling the recreation facility for the convenience of the patrons of the facility, shall not be deemed a "restaurant" for purposes of this chapter.

RESTAURANT, FAST-FOOD - An establishment where patrons are served prepared foods, soft drinks, ice cream and similar confections for principal consumption outside the confines of the principal building or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

RETAIL STORE - An establishment with a primary purpose of the sale of goods or articles, individually or in small quantities, directly to the consumer.

RETENTION FACILITY - A stormwater system which, similar to a detention facility, temporarily impounds runoff and discharges its outflow through a hydraulic structure to a downstream conveyance system. Unlike a detention facility, however, a "retention facility" also includes a permanent impoundment and, therefore, is normally wet, even

during nonrainfall periods. Storm runoff inflows are temporarily stored above this permanent impoundment.

SCREEN - A structure, berm or planting which will provide a continuous visual obstruction of a site(s) or portion of a site(s).

SETBACK - The horizontal distance between the nearest part of the building or structure and any front, side or rear lot line measured perpendicular to such lot lines. Overhanging eaves of not more than two (2) feet shall be excluded from the measurement of the required setback.

SETBACK LINE (BUILDING LINE) - A line drawn parallel to a street line or lot line and drawn to the point of the building nearest to the street line or lot line, beyond which a building shall not project. The minimum yard requirements shall be the minimum required setbacks. All setbacks from public streets shall be measured from the required right-of-way width.

SEXUALLY-ORIENTED BUSINESS - **[Amended 12/27/2001 by Ord. No. 2001-035]**

(1) A commercial establishment, which, as one of its principal business purposes, offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical areas"; or still or motion picture machines, projectors or other image-producing devices which show images t one person per machine at any one time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area", or instruments, deices, or paraphernalia which are designed for use in connection with a "specified sexual activity"; or

(2) A commercial establishment, which regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area";

(3) "Person" means: an individual, proprietorship, partnership, corporation, association, or other legal entity.

(4) "Specified anatomical area" means: (1) less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (b) human genitals in a discernibly turgid state, even if covered.

(5) "Specified sexual activity" means: (a) the fondling or other erotic touching of covered or uncovered human genitals, pubic region, or female breasts; or (b) any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse."

SHADE TREE - A woody plant, with one (1) main stem, which will exhibit a mature height of at least twenty (20) to twenty-five (25) feet and have a distinct head of foliage.

SHRUB(S) - A woody plant (evergreen or deciduous), which will exhibit a mature height of at least two (2) feet and usually not greater than twelve (12) feet.

SIGHT TRIANGLE - A triangle area abutting two (2) intersecting streets, where vision is unobstructed to motorists entering the intersection. The "sight triangle" is formed by the intersecting street side lines and a line connecting a point on each side line a set distance from the intersection.

SIGN - Any structure, either on its own supports or attached to another structure, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, religious or like campaign, drive, movement or event.

SIGN AREA - The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign.

SIGN, COMMERCIAL - Any sign which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises. This shall include billboards and off-premises signs indicating the direction to a particular place.

SITE PLAN, MAJOR - All site plans for new development not defined or classified as minor site plans or exempt development.

SPECIMEN TREES – The largest known individual trees of each species in the state of New Jersey. The New Jersey Department of Environmental Protection, Bureau of Forestry, maintains a list of such trees, which is incorporated herein by reference. Any trees which are equal to or larger than said trees; also any trees so designated by the Little Egg Harbor Environmental Commission.

STORY - That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a "story," and if less than two (2) feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a "story" if it averages more than five (5) feet above ground.

STREET LINE - The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on an adopted Master Plan or Official Map or as required by this chapter, forming the dividing line between the street and the lot.

STRUCTURE – Anything constructed, assembled or erected, the use of which required the location on the ground or attachment to something having location on or in the ground, and shall include tanks, towers, advertising signs or devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels, or other supports, used for business or living purposes. The word "structure" shall not apply to service utilities entirely below ground or pavements, curbs, sidewalks, patios or gasoline fuel pumps.

SUBDIVISION – The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; conveyances so as to combine existing lots by deed or other instrument; the conveyance of one (1) or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the Administrative Officer to conform to the requirements of the municipal development regulations and area shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION COMMITTEE - A subcommittee of not more than three (3) Planning Board members, appointed by the Chairman of the Board, for the purpose of classifying subdivisions in accordance with the provisions of this chapter and having such further duties related to land subdivision as may be conferred on this community by the Board.

SUBSTANTIALLY IMPROVED - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, to the condition existing before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

SWIMMING POOL - Facilities constructed above or below grade, having a depth of more than two (2) feet and/or water surface of one hundred (100) square feet or more, and designed and maintained for swimming purposes. The term shall also include all appurtenant buildings, structures or equipment accessory thereto.

TRACT - An area of land comprised of one (1) or more lots, having sufficient dimensions and area to meet the requirements of this chapter for the use(s) intended.

TREE – Any living deciduous tree having a trunk of a diameter greater than three (3) inches [diameter measured at four (4) feet from ground level], any living coniferous tree having a trunk of a diameter greater than four (4) inches or any living dogwood (cornus florida) or American holly (ilex opaca) having a diameter of one (1) inch or greater.

TREE CLUSTER – Three or more deciduous trees with a caliper of 3.5 inches measured at breast height located not more than 10 feet apart.

USE - The purpose for which a lot, structure or building is designed, arranged or intended or for which it is or may be occupied or maintained.

VARIANCE - A departure from any provision of a zoning ordinance pursuant to Section 47 and Sections 29.26. 57c and 57d of P.L. 1975, c. 291.

VEHICLE CAMPER - A motorized or portable vehicle designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and including motorized coaches, pickup campers, tent trailers and similar equipment and having a length not exceeding thirty-five (35) feet.

VETERINARY HOSPITAL – A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

VIDEO ARCADE - A commercial business established primarily to offer a place where a person or player may play any one (1) of a number of video games, pinball tables or other amusement machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize or to attempt to attain a score or result.

YARD – An open unoccupied space on the same lot with a building and unobstructed from the ground to the sky.

YARD, FRONT – A yard extending the full width of the lot and not less in depth from the minimum distance required between the street line and the front yard building setback in each district.

YARD, REAR – A yard extending the full width of the lot between the rear line of the principal building and the rear lot line.

YARD, SIDE – A yard between the exterior of the side wall of the principal building and the side lot line which extends through from the front yard to the rear yard.

C. Words and phrases. Unless the natural construction of the word indicates otherwise, all words used in the present tense include the future; the singular number includes the plural; and the plural, the singular. The word "building" includes the word "structure" or any part thereof; the word "occupied" includes the words "designed or intended to be occupied"; the word "used" includes "arranged, designed or intended to be used"; the word "person" includes individuals, firms, partnerships and corporations. The word

"shall" is always mandatory and not directory. The word "may" is permissive. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

D. Additional definitions can be found in §15-12.11.E, §15-13.5.K and §15-13.5.O.3.b. **[Amended 12/13/2007 by Ord. No. 2007-26]**

§ 15-2.2. Pinelands Area definitions. . [Amended 5/10/2001 by Ord. No. 2001-08]

The following definitions shall apply to those portions of the Township of Little Egg Harbor that are located within the Pinelands Area: agricultural employee housing, agricultural or horticultural purpose or use; development; forestry; habitat; historic resource; hydrophytes; immediate family; impermeable surface; navigable waters; off-site commercial advertising sign; person; Pinelands; Pinelands resource related use; recommended management practice; recreation facility, intensive; recreational facility, low intensive; seasonal high water table; sign; specimen tree; submerged land; structural alteration; vegetation; and wetland soils, the meanings ascribed to them in N.J.A.C. 7:50-2.11.

AGRICULTURAL COMMERCIAL ESTABLISHMENT – A retail sales establishment primarily intended to sell agricultural products produced in the Pinelands. An agricultural commercial establishment may be seasonal or year round and may or may not be associated directly with a farm; however, it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products, nor does it include agricultural processing facilities.

ANIMALS, THREATENED OR ENDANGERED – Those animals specified in N.J.A.C. 7:50-6.32.

APPLICATION FOR DEVELOPMENT – Any application filed with any permitting agency for any approval, authorization or permit which is a prerequisite to initiating development in the Pinelands Area, except as provided in Subsection 15-13.1.A.(4) of this chapter.

APPROVAL AGENCY – Any board, body or other authority within the Township of Little Egg Harbor with authority to approve or disapprove subdivisions, site plans, construction permits or other applications for development approval.

CAMPER – A portable structure, which is self-propelled or mounted on or towed by another vehicle, designed and used for temporary living for travel, recreation, vacation, or other short-term uses. Camper does not include mobile homes or trailers.

CAMPSITE – A place used or suitable for camping on which temporary shelter such as a tent or camper may be placed and occupied on a temporary and seasonal basis.

CERTIFICATE OF APPROPRIATENESS – A certificate issued by the Planning Board or Board of Adjustment pursuant to Subsection 15-13.4.A.(15) for the construction,

alteration, remodeling, removal or demolition of any structure, area or site designated in N.J.A.C. 7:50-6.156 or as may be designated by the Board in accordance with the provisions of this section.

CERTIFICATE OF FILING – A certificate issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 that a complete application for development has been filed.

COMMISSION – The Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act.

COMPREHENSIVE MANAGEMENT PLAN – The plan adopted by the Commission pursuant to Section 7 of the Pinelands Protection Act, as amended.

CONTIGUOUS LANDS – Land which is connected or adjacent to other land so as to permit the land to be used as a functional unit; provided that separation by lot line, streams, dedicated public roads which are not paved, right-of-ways, and easements shall not affect the contiguity of land unless a substantial physical barrier is created which prevents the land from being used as a functional unit.

DENSITY – The average number of housing units per unit of land.

DEVELOPMENT – The change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two (2) or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

(1) A change in type of use of a structure or land;
(2) A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
(3) A material increase in the intensity use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
(4) Commencement of resource extraction or drilling or excavation on a parcel of land;
(5) Demolition of a structure or removal of trees;
(6) Commencement of forestry activities;
(7) Deposit of refuse, solid or liquid waste, fill or a parcel of land;
(8) In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
(9) Alteration, either physically or chemically, of a shore, bank or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

DEVELOPMENT APPROVAL – Any approval granted by an approval agency, including appeals to the governing body, except Certificates of Occupancy and variances,

pursuant to N.J.S.A. 40:55D-70 which do not otherwise include issuance of a construction permit, subdivision or site plan approval.

DEVELOPMENT, MAJOR – Any division or subdivision of land into 5 or more parcels; any construction or expansion of any housing development of five (5) or more units; any construction or expansion of any commercial or industrial use or structure on a site of more than 3 acres; or any grading, clearing or disturbance of any area in excess of 5,000 square feet for other than agricultural or horticultural purposes.

DEVELOPMENT, MINOR – Any development other than major development excepting those items listed in Subsection 15-13.1.A.(4) of this chapter.

ELECTRIC DISTRIBUTION LINES – All electric lines other than electric transmission lines.

ELECTRIC TRANSMISSION LINES – Electric lines which are part of an electric company's transmission and subtransmission system, which provide a direct connection between a generating station or substation of the utility company and (1) another substation of the utility company; or (2) a substation of or interconnection point with another interconnecting utility company; or (3) a substation of a high-load customer of the utility.

FISH AND WILDLIFE MANAGEMENT – The changing of the characteristics and interactions of fish and wildlife population and their habitats in order to promote, protect and enhance the ecological integrity of those populations.

FORESTRY – The planting, cultivating and harvesting of trees for the production of wood products, including firewood. It includes such practices as reforestation, site preparation and other silvicultural practices. For purposes of this chapter, the following activities shall not be defined as forestry and, although they may otherwise require an application for development, they shall not require the issuance of a forestry permit:

(1) Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;
(2) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
(3) Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
(4) Removal of trees necessary for the maintenance of utility or public right-of-ways;
(5) Removal or planting of trees for the personal use of the parcel owner; and,
(6) Removal of trees for public safety.

HEIGHT – The vertical distance of a building measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs. For structures, the vertical distance measures from grade to the highest point; provided, however, that no height

limitation in this chapter shall apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity: antennas which do not exceed a height of 200 feet and which are necessary to an otherwise permitted use, silos, barns and other agricultural structures, church spires, cupolas, domes, monuments, water towers, fire observation towers, electric transmission lines and supporting structures, windmills, smokestacks, derricks, conveyors, flag poles and masts, aerials, solar energy facilities, chimneys and similar structures to be placed above the roof level and not intended for human occupancy. The height limitations in this chapter shall also not apply to the antenna and any supporting structure of a local communication facility of greater than 35 feet, provided that the standards set forth in N.J.A.C. 7:50-5.4(c) are met.

INSTITUTIONAL USE – Any land used for the following public or private purposes: churches; cemeteries; public office buildings; educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries; cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; and other similar facilities. For purposes of this ordinance, institutional use shall not include medical offices which are not associated with hospitals or other medical health service facilities, nor shall it include assisted living facilities.

INTERIM RULES AND REGULATIONS – The regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:1G-1 *et seq.*

LAND – The surface and subsurface of the earth as well as improvements and fixtures on, above or below the surface and any water found thereon.

LOCAL COMMUNICATIONS FACILITY – An antenna and any support structure, together with any accessory facilities, which complies with the standards in N.J.A.C. 7:50-5.4 and which is intended to serve a limited, localized audience through point to point communication, including cellular telephone calls, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters.

PARCEL – Any quantity of land, consisting of one (1) or more lots that are capable of being described with such definiteness that its location and boundaries may be established.

PINELANDS AREA – The area designated in Subsection A of Section 10 of the Pinelands Protection Act.

PINELANDS DEVELOPMENT CREDIT – A use right allocated to certain lands within the Township pursuant to N.J.A.C. 7:50-5.43 that can be used to secure a residential density bonus in other municipalities which have adopted appropriate ordinances permitting their use.

PINELANDS DEVELOPMENT REVIEW BOARD – The agency responsible from February 8, 1979 until June 28, 1979 for the review of and action on applications for development in the Pinelands Area which required approvals of other state agencies, except where the Pinelands Commission acted on applications during that time period.

PINELANDS PROTECTION ACT – N.J.S.A. 13:18A-1 to 29.

PLANTS, THREATENED OR ENDANGERED – A Pinelands plant species whose survival worldwide, nationwide, or in the state is in jeopardy.

PRESERVATION AREA (PINELANDS PRESERVATION AREA) – The area designated in Subsection B of Section 10 of the Pinelands Protection Act, and shown on the Pinelands Area Master Plan Map of Little Egg Harbor Township.

PROTECTION AREA (PINELANDS PROTECTION AREA) – All lands located in the Pinelands Area which are not within the Preservation Area.

PUBLIC SERVICE INFRASTRUCTURE – Sewer service, gas, electricity, water, telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity.

RECORD TREE – The largest tree of a particular species in New Jersey based on its circumference at 4.5 feet above ground level. A listing of the largest known tree of each species and its location is maintained at the principal offices of the Commission.

RESOURCE EXTRACTION – The dredging, digging, extraction, mining and quarrying of sand, gravel, clay or ilmenite for commercial purposes, not including, however, the private or agricultural extraction and use of extracted material by a landowner.

UTILITY DISTRIBUTION LINES – Lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage, or stormwater discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. Utility distribution lines do not include electric transmission lines.

WETLANDS – The meaning ascribed to the word in N.J.A.C. 7:50-6.3.

WETLANDS, COASTAL – The meaning ascribed to the word in N.J.A.C. 7:50-6.4.

WETLANDS, INLAND – The meaning ascribed to the word in N.J.A.C. 7:50-6.5.

ARTICLE III
Administrative Procedure

§ 15-3.1. Planning Board: establishment; membership; terms; vacancies; officers.

A. There is hereby established, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, in the Township of Little Egg Harbor, a Planning Board of nine (9) members, consisting of Class I, Class II, Class III and Class IV members.

B. Class I, Class II, Class III and Class IV members shall be appointed in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-23, as amended.

C. Terms of office. The terms of office of the members of the Planning Board shall be as set forth in N.J.S.A. 40:55D-23, as amended.

D. Alternate members. The Mayor may appoint two (2) alternates to the Planning Board. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of alternate members shall be as set forth in N.J.S.A. 40:55D-23.1, as amended.

E. All appointments of Class IV members and alternates to the Planning Board shall commence as of January 1 of the year of appointment and shall terminate on December 31 of the last year of the term of the appointment.

§ 15-3.2. Planning Board Attorney; experts and other staff; authorization of expenditures.

A. The Attorney to the Planning Board shall be an Attorney other than the Municipal Attorney and shall be appointed by the Planning Board for a term of one (1) year commencing January 1. Appointment to such office made after January 1 of any year shall be limited to the calendar year, and such term shall terminate on December 31 of the year of appointment. The Attorney to the Board shall receive such compensation as shall be fixed by contract between the Attorney and the Board.

B. The Planning Board may also employ or contract for and fix the compensation of experts and other staff and services as it may deem necessary.

C. The Board shall not authorize expenditures, which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 15-3.3. Powers and duties.

The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:

A. To make and adopt and from time to time reexamine and/or amend a Master Plan for the physical development of the Township in accordance with the provisions of N.J.S.A. 40:55D-28 and 40:55D-89.

B. To exercise subdivision control and site plan review in accordance with the provisions of this chapter and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 *et seq.*, and to grant deminimis exceptions to the adopted Residential Site Improvement Standards (RSIS).

C. To consider and make a report to the Township Committee within thirty-five (35) days after referral as to any proposed development regulation submitted to it, pursuant to the provisions of N.J.S.A. 40:55D-26a, and also to pass upon other matters specifically referred to the Planning Board by the Zoning Board of Adjustment, pursuant to the provisions of N.J.S.A. 40:55D-26b.

D. Variances and issuance of permits.

(1) Powers.

(a) Whenever the proposed development requires the approval, pursuant to this chapter, of a subdivision, site plan or conditional use, but not a variance pursuant to N.J.S.A. 40:55D-70d, to grant, to the same extent and subject to the same restrictions as the Board of Adjustment, variances pursuant to Subsection 57c of the Municipal Land Use Law, provided that for applications in the Pinelands Area, variances granted which constitute waivers from the Comprehensive Management Plan shall be submitted to the Pinelands Commission for review and action only after consideration and approval by the Planning Board.

(b) In accordance with the provisions of N.J.S.A. 40:55D-34, to direct the issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood-control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.

(c) In accordance with the provisions of N.J.S.A. 40:55D-36, to direct the issuance of a permit for a building or structure not related to a street.

(2) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be. The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinances.

§ 15-3.4. Adoption of rules and regulations; transcripts.

A. The Board shall adopt rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 *et seq.*) shall apply.

B. When any hearing before a Planning Board shall carry over two (2) or more meetings, a member of the Board who was absent for one (1) or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that such Board member has available to him a transcript or recording of the meeting from which he was absent and certifies, in writing, to the Board that he has read such transcript or listened to such recording.

§ 15-3.5. Zoning Board of Adjustment: establishment; membership; terms; vacancies; officers.

A. There is hereby established in the Township of Little Egg Harbor, pursuant to the Municipal Land Use Law, a Board of Adjustment consisting of seven (7) members appointed by the Township Committee.

B. The Zoning Board of Adjustment shall not have more than four alternate members, whom shall be appointed by the Township Committee. Alternate members shall be designated at the time of appointment by the Township Committee as "Alternate No. 1," "Alternate No. 2," "Alternate No. 3," and "Alternate No. 4." **[Amended 5/10/2007 by Ord. No. 2007-009]**

C. The terms of the members first appointed under this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed in the case of regular members, evenly over the first four years after their appointment and, in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term or a regular member shall not exceed four years and that the initial term of an alternate member shall not exceed two years. Thereafter, the term of each regular member shall be four years and the term of each alternate member shall be two years. The terms of not more than two alternate members shall expire in any one year. All regular members and any alternate members shall be residents of the Township of Little Egg Harbor. **[Amended 5/10/2007 by Ord. No. 2007-009]**

D. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

E. The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall select a Secretary, who may or may not be either a Board member or a municipal employee.

§ 15-3.6 Board of Adjustment Attorney; experts and other staff; authorization of expenditures.

A. There may be an Office of Attorney to the Board of Adjustment. The Attorney to the Board of Adjustment shall be an Attorney other than the Municipal Attorney and whose term of office shall be one (1) year, commencing January 1. Appointments to this office made after January 1 shall be limited and shall terminate on the following December 31. The Board may employ the services of an Attorney and pay such compensation as shall be fixed by contract between the Attorney and the Zoning Board of Adjustment.

B. The Board shall not authorize expenditures, which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The Township Committee shall make provisions in its budget and appropriate funds for the expenses of the Board.

§ 15-3.7. Adoption of rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 *et seq.*) shall apply.

§ 15-3.8. Powers and duties.

A. The powers of the Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 *et seq.*, and amendments and supplements thereto, and with the provisions of this article.

B. It is further the intent of this article to confer upon the Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of the Zoning Regulations or any term, clause, sentence or word thereof and the Zoning Map in accordance with the general rules of construction applicable to legislative enactments.

C. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances in accordance with the general or specific rules contained herein and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this chapter would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in the Municipal Land Use Law or subsequent statutes in such case made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

D. In the case of variance applications, other than a "d" variance application under N.J.S.A. 40:55D-70, variances granted which constitute a waiver of requirements, standards or

criteria contained in the Comprehensive Management Plan shall be submitted to the Pinelands Commission for review and action only after consideration and approval by the Board of Adjustment. In regard to a "d" variance application before the Board of Adjustment under N.J.S.A. 40:55D-70, the application shall not be deemed complete for hearing by the Board of Adjustment until such time as the applicant has produced a certificate of filing from the Pinelands Commission concerning the "d" variance application.

E. Any municipal variance approval which grants relief from the density or lot area requirements set forth in Article IV for a residential or principal nonresidential use in the Pinelands Village Zone shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of the permitted without the variance. **[Amended 5/10/2001 by Ord. No. 2001-08]**

F. To exercise the powers and duties set forth in Subsection 15-13.4.(15) with regard to historic resources in the Pinelands Area.

§ 15-3.9. Appeals and applications.

A. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of the Zoning Officer or Building Official in accordance with N.J.S.A. 40:55D-72. The appellant shall file three (3) copies of the notice of appeal with the Secretary of the Board of Adjustment. The notice of appeal shall specify the grounds for such appeal.

B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to an administrative officer.

C. An appeal to the Board of Adjustment shall stay all proceedings arising from the appealed action. See N.J.S.A. 40:55D-75 for full text and exceptions.

§ 15-3.10. Power to reverse or modify decisions.

In exercising the above-mentioned powers, the Board of Adjustment may reverse, affirm or modify the action appealed from in accordance with N.J.S.A. 40:55D-74.

§ 15-3.11. Expiration of variances.

Any variance from the terms of this chapter hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by the variance or unless such permitted use has actually been commenced within one (1) year from the date of entry of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding; except, further,

that in the case of a variance which also involved a subdivision or site plan approval, the variance shall extend for the full period of preliminary or final approval or any extension thereof pursuant to the Municipal Land Use Law.

§ 15-3.12. Powers granted by law.

A. The Board of Adjustment shall have the power:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the Zoning Ordinance.

(2) To hear and decide requests for interpretation of the Zoning Map or Ordinance or decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the Act.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of the Municipal Land Use Law would result in peculiar and exceptional and undue hardship upon the developer of such property, to grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

(4) Where, in an application or appeal relating to a specific piece of property, the purposes of the Act would be advanced by a deviation from the Zoning Ordinance requirement, and the benefit of the deviation would substantially outweigh any detriment, to grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law; provided, however, that no variance from those departures enumerated in Subsection A(5) of this section shall be granted under this subsection; and provided, further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.

(5) In particular cases and for special reasons, to grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law to permit:

(a) A use or principal structure in a district restricted against such use or principal structure.

(b) An expansion of a nonconforming use.

(c) Deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use.

(d) An increase in the permitted floor area ratio, as defined in N.J.S.A. 40:44D-4.

(e) An increase in the permitted density, as defined herein, except as applied to the required lot area for a lot or lots for detached one or two-dwelling unit buildings, which lot or lots are either isolated, undersized lots or lots

resulting from a minor subdivision. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members.

(f) A height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted for a principal structure.

B. If an application for development requests one (1) or more variances but not a variance for a purpose enumerated in § 15-3.12.A(5), the decision on the requested variance or variances shall be rendered under § 15-3.12.A(3) and (4).

C. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinances. In respect of any airport hazard areas delineated under the Air Safety and Hazardous Zoning Act of 1983, P.L. 1988, c. 260 (N.J.S.A. 6:1-80 *et seq.*), no variance or other relief may be granted under the terms of this chapter permitting in the creation or establishment of a nonconforming use which would be prohibited under the standards promulgated pursuant to that act, except upon issuance of a permit by the Commissioner of Transportation. An application under this chapter may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

D. The Board of Adjustment shall have the power to direct issuance of a permit, pursuant to N.J.S.A. 40:55D-34, for a building or structure in the bed of a mapped street or public drainageway, flood-control basin or public area reserved on the Official Map, but only by an affirmative vote of a majority of the full authorized membership of the Board. The Board of Adjustment shall not exercise this power if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60(b).

E. The Board of Adjustment shall have the power to direct issuance of a permit, pursuant to N.J.S.A. 40:55D-36, for a building or structure not related to a street. The Board of Adjustment shall not exercise this power if the proposed development requires approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of a permit pursuant to N.J.S.A. 40:55D-60(c).

F. The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to Article 6 of the Municipal Land Use Law or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to this chapter.

G. Any municipal variance approval which grants relief from the density or lot area requirements set forth in Article IV for a residential or principal nonresidential use in the Pinelands Village Zone shall require that Pinelands Development Credits be used for all

dwelling units or lots in excess of that permitted without the variance. **[Amended 5/10/2001 by Ord. No. 2001-08]**

§ 15-3.13. Applicability.

Except as otherwise provided for in N.J.S.A. 40:55D-31, the provisions of Chapter 15 shall not be applicable to the Township of Little Egg Harbor Township Municipal Utilities Authority. All other public agencies shall be bound by the provisions of Chapter 15 except when specifically exempted by applicable state law which supercedes this Ordinance. In such cases, the subject public agency shall comply with N.J.S.A. 40:55D-31 and shall submit an application for courtesy review by the appropriate Board.

ARTICLE IV
Zoning Districts

§15-4.1. Designation of zoning districts.

R-5A	Residential Zone
R-3A	Residential Zone
R-1A	Residential Zone
R-400	Residential Zone
R-200	Residential Zone
R-150	Residential Zone
R-100	Residential Zone
R-75	Residential Zone
R-75A	Residential Zone
R-70	Residential Zone
R-50	Residential Zone
PRC	Planned Retirement Community Zone
PRD	Planned Residential Development Zone
MF	Multi-Family Residential Zone
NB	Neighborhood Business Zone
GB	General Business Zone
HB	Highway Business Zone
MC	Marine Commercial Zone
LI	Light Industry Zone
SC/GB	Senior Citizen/General Business Zone
SB	Special Business Zone
WFD	Waterfront Development Zone
	Pinelands Area Zones
PA	Preservation Area Zone
FA	Forest Area Zone
FAC	Forest Area Cluster Zone
PV	Pinelands Village Zone

§15-4.2. Zoning Map.

The boundaries of all zoning districts set forth in this chapter are shown on a map entitled "Zoning Map, Township of Little Egg Harbor, Ocean County, New Jersey, dated November 2007," and said map is hereby made a part of this section and is on file in the Township Clerk's office. **[Amended 12/27/2001 by Ord. No. 2001-031]; [Amended 4/25/2002 by Ord. No. 2002-09]; [Amended 12/30/2002 by Ord. No. 2002-046]; [Amended 6/26/2003 by Ord. No. 2003-10]; [Amended 12/13/2007 by Ord. No. 2007-27]**

§15-4.3. Zone boundaries.

A. Zone boundaries are intended to follow street, lot lines, hypothetical extensions of lot lines, property lines, or other natural lines such as centerlines of watercourses, ditches or

lagoons, unless such district or zone boundary is fixed by dimension on the Zoning Map or by description and shall include contiguous riparian lands subsequently acquired and/or filled and lands acquired by accretion or stream diversion by natural causes.

B. Where a zone boundary fixed by dimension on the Zoning Map approximately follows and is not more than 20 feet from a lot line, such lot line shall be constructed to be the zone boundary.

C. In un-subdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.

D. Boundaries indicated as approximately following municipality limits shall be construed as following municipal limits.

E. Where a zoning lot is located in part in one zoning district and in part in another zoning district, the entire lot may be used for permitted uses in the zone containing the majority (greater than 50%) of the land area of the split zoned lot and all zoning requirements for that zone shall apply to the entire lot. **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040][[amended 2/8/2005] by Ord. No. 2005-02]**

§15-4.4. R-5A Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Detached single-family dwellings units.
(2) Golf courses.
(3) Stables housing horses for private use.
(4) Federal, State, County, and municipal buildings and grounds, including fire and first aid buildings, public schools, parks, playgrounds or other recreational uses.
(5) Private or parochial schools not operated for profit; except, however that public and private colleges or universities shall not be permitted.
(6) Community residences for the developmentally disabled, housing no more than six (6) persons (excluding resident staff).
(7) Community shelters for victims of domestic violence housing no more than six (6) persons (excluding resident staff).
(8) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Dog pens, provided they are located behind the rear building line and not in the required side or rear yard setback for the respective zone.
(2) Farm buildings for the storage of farm animals, farm products or equipment or for the processing of farm products, and which are located on the same premises as the principal use or building.

(3) Farm markets for the sale of produce and farm products grown or raised on the premises.
(4) Fences and walls subject to the provisions of Subsection 15-12.17.
(5) Nurseries and greenhouses.
(6) Off-street parking.
(7) Private residential swimming pools, subject to the provisions of Subsection 15-7.9.
(8) Satellite dish antennas, subject to the provisions of Subsection 15-5.2.
(9) Sheds (garden, storage, or tool).
(10) Signs, subject to the provisions of Subsection 15-7.6.
(11) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use and building.
(12) Family day care home.
(13) Home occupations subject to the provisions of 15-5.13 **[Amended 12/27/2001 by Ord. No. 2001-035]**

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Cemeteries and mausoleums.
(2) Churches and places of worship.
(3) Community residences for the developmentally disabled, housing between seven and fifteen persons, excluding resident staff.
(4) Community shelters for victims of domestic violence housing between seven and fifteen persons, excluding resident staff.
(5) Public utilities.

D. Signs:

(1) One lighted office announcement sign not more than 2 square feet in area.
(2) One lighted sign not to exceed 20 square feet in area for each access drive to a permitted or conditional use, plus additional signs not to exceed 4 square feet in area to provide direction to a specific building or buildings and to off-street parking areas.

E. Area, yard and building requirements:

(1) Minimum lot area: 5 acres.
(2) Minimum lot width: 200 feet.
(3) Minimum lot depth: 200 feet.
(4) Minimum front yard setback: 50 feet.
(5) Minimum side yard setback: 20 feet.
(6) Minimum combined side yard setback: 50 feet.
(7) Minimum rear yard setback: 50 feet.
(8) Minimum accessory building side and rear yard setback: 15 feet.
(9) Maximum building height is 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**

(10) Maximum percent building coverage: 3 percent.

§15-4.5. R-3A Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Same as permitted in the R-5A Zone District with the exception of farm and agricultural activities, and private and parochial schools.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-5A Zone District with the exception of farm buildings for the storage of farm animals, farm products or equipment or for the processing of farm products, and which are located on the same premises as the principal use or building, as well as farm markets for the sale of produce and farm products grown or raised on the premises. Nurseries and greenhouses are non-permitted accessory uses within the R-3A Zone.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Cemeteries and mausoleums.
(2) Churches and places of worship.
(3) Community residences for the developmentally disabled, housing between seven and fifteen persons, excluding resident staff.
(4) Community shelters for victims of domestic violence housing between seven and fifteen persons, excluding resident staff.
(5) Public utilities.
(6) Communication antennas and towers.

D. Signs:

(1) One lighted office announcement sign not more than 2 square feet in area.
(2) One lighted sign not to exceed 20 square feet in area for each access drive to a permitted or conditional use, plus additional signs not to exceed 4 square feet in area to provide direction to a specific building or buildings and to off-street parking areas.

E. Area, yard and building requirements:

(1) Minimum lot area: 3 acres.
(2) Minimum lot width: 150 feet.
(3) Minimum lot depth: 200 feet.
(4) Minimum front yard setback: 50 feet.
(5) Minimum side yard setback: 20 feet.
(6) Minimum combined side yard setback: 50 feet.
(7) Minimum rear yard setback: 50 feet.

(8) Minimum accessory building side and rear yard setback: 15 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 5 percent.

F. Cluster development option. An owner, developer or subdivider may elect to develop lots for detached single-family lots which will preserve desirable open spaces, conservation areas, floodplains and wetlands and/or provide areas and land for other public or quasi-public active recreational or open space purposes compatible with residential uses by permitting a reduction of lot sizes subject to the following requirements.

(1) Required findings by the Planning Board:
(a) The proposed layout will produce economy in layout and design.
(b) The open space to be created must be suitable for public or quasi-public passive or active recreational uses and/or valuable for the protection of the natural environment and/or necessary for a public or quasi-public purpose.
(c) There are reasonable assurances that the improvement and maintenance of the open space or active or passive recreational facilities can be secured by the methods and arrangements proposed by the methods and arrangements proposed by the developer.
(d) The proposal is consistent with the intent and purposes of the Master Plan.
(2) Minimum tract size. The minimum size of a tract or parcel of land proposed for development under the cluster development provisions of this section shall be one hundred (100) contiguous acres.
(3) Maximum density (gross residential density). The maximum number of residential building lots for each cluster development shall be computed on the basis of one (1) residential building lot per three (3) acres of gross tract areas. Calculations resulting in a fraction shall be rounded to the nearest whole number.
(4) Area, yard and setback requirements. The minimum building lot requirements for cluster development shall be as follows:
(a) Same as permitted in the R-1A Zone.

§ 15-4.6. R-1A Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Detached single-family residential dwelling units.
(2) Essential services.
(3) Federal, State, county and municipal buildings and grounds, including fire and first aid buildings, public schools, parks, playgrounds or other recreational uses. **[Amended 6/9/2005 by Ord. No. 2005-14]**

B. Permitted accessory uses of buildings and structures are as follows:

(1) Dog pens, provided they are located behind the rear building line and not in the required side or rear yard setback for the respective zone.

(2) Fences and walls subject to the provisions of Subsection 15-12.17.
(3) Private residential swimming pools.
(4) Satellite dish antennas subject to the provisions of Subsection 15-5.2.
(5) Sheds, garden or tool storage units.
(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use and building.
(7) Home occupations subject to the provisions of 15-5.13 **[Amended 12/27/2001 by Ord. No. 2001-035]**

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows: **[Amended 12/27/2001 by Ord. No. 2001-035]**

(1) Same as permitted in the R-3A Zone District with the exception of cemeteries, mausoleums, churches, and places of worship.
(2) Home professional office.
(3) **[Amended 12/27/2001 by Ord. No. 2001-035]**
(4) Planned retirement community in accordance with the provisions of 15-4.15, except as provided below, provided the tract is located north of Frog Pond Road and east of North Green Street (also known as Ocean County Route 539), and is in compliance with the following standards:
(a) The minimum lot area for single-family detached dwellings shall e 6,500 square feet with a minimum lot width of not less than 65 feet. **[Amended 6/26/2003 by Ord. No. 2003-10]**

D. Signs:

(1) One lighted office announcement sign not more than 2 square feet in area.
(2) One lighted sign not to exceed 20 square feet in area for each access drive to a permitted or conditional use, plus additional signs not to exceed 4 square feet in area to provide direction to a specific building or buildings and to off-street parking areas.

E. Area, yard and building requirements:

(1) Minimum lot area: 43,560 square feet.
(2) Minimum lot width: 150 feet.
(3) Minimum lot depth: 200 feet.
(4) Minimum front yard setback: 50 feet.
(5) Minimum side yard setback: 20 feet.
(6) Minimum combined side yard setback: 50 feet.
(7) Minimum rear yard setback: 40 feet.
(8) Minimum accessory building side and rear yard setback: 15 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 20 percent.

§ 15-4.7. R-400 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Detached single-family residential dwelling units.
(2) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-1A Zone.

C. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows: **[Amended 12/27/2001 by Ord. No. 2001-035]**

(1) Public utilities.
(2) Home professional office.

D. Signs:

(1) One lighted office announcement sign not more than 2 square feet in area.
(2) One lighted sign not to exceed 20 square feet in area for each access drive to a permitted or conditional use, plus additional signs not to exceed 4 square feet in area to provide direction to a specific building or buildings and to off-street parking areas.

E. Area, yard and building requirements:

(1) Minimum lot area: 35,000 square feet.
(2) Minimum lot width: 150 feet.
(3) Minimum lot depth: 175 feet.
(4) Minimum front yard setback: 50 feet.
(5) Minimum side yard setback: 20 feet.
(6) Minimum combined side yard setback: 50 feet.
(7) Minimum rear yard setback: 40 feet.
(8) Minimum accessory building side and rear yard setback: 15 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 20 percent.

§ 15-4.8. R-200 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Detached single-family dwellings units.
(2) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Dog pens, provided they are located behind the rear building line and not in the required side or rear yard setback for the respective zone.
(2) Fences and walls subject to the provisions of Subsection 15-12.17.
(3) Off-street parking.
(4) Private residential swimming pools
(5) Satellite dish antennas subject to the provisions of Subsection 15-5.2.
(6) Sheds, garden or tool storage units.
(7) Home occupations subject to the provisions of 15-5.13 **[Amended 12/27/2001 by Ord. No. 2001-035]**
(8) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use and building.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows: **[Amended 12/27/2001 by Ord. No. 2001-035]**

(1) Public utilities.
(2) Cluster Development in accordance with Subsection 15-4.8.F.
(3) Planned retirement community in accordance with the provisions of Subsection 15-4.15.
(4) Home professional office.

D. Signs:

(1) One (1) lighted office announcement sign not more than two square feet in area.
(2) Reserved.

E. Area, yard and building requirements:

(1) Minimum lot area: 20,000 square feet.
(2) Minimum lot width: 125 feet.
(3) Minimum lot depth: 150 feet.
(4) Minimum front yard setback: 40 feet.
(5) Minimum side yard setback: 15 feet.
(6) Minimum combined side yard setback: 35 feet.
(7) Minimum rear yard setback: 30 feet.
(8) Minimum accessory building side and rear yard setback: 15 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 20 percent.

F. Cluster development. In accordance with the regulations of this section, an owner, developer or subdivider may elect to develop lots for single-family detached dwellings in a manner which will preserve desirable open spaces, conservation areas, floodplains and wetlands and/or to provide areas and lands for other public or quasi-public purposes compatible with residential uses by permitting a reduction of lot sizes and the application

of certain other regulations hereinafter stated without increasing the number of lots in the total areas to be developed.

(1) Required findings by Planning Board. Prior to granting approval of any cluster (reduced-lot-size) development election, the Planning Board must find that:
   (a) The proposal will produce economy in layout and design.
   (b) The proposal is not inconsistent with and will not create hazards relating to traffic patterns already established by surrounding development.
   (c) Open space to be created by the proposal must be suitable for passive or active recreation uses and/or valuable for protection of the natural environment and/or necessary for a public or quasi-public purpose.
   (d) There is reasonable assurance that the improvement and maintenance of the open space can be secured by the methods and arrangements proposed by the developer.
   (e) The proposal is consistent with the intent and purposes of the Master Plan.

(2) General standards.
   (a) All dwelling units shall be connected to public water and sewer systems.
   (b) The maximum number of residential building lots shall be determined in accordance with the provisions of this chapter.
   (c) A cluster development shall consist of at least one or more contiguous tracts of land containing not less than 50 acres in the R-200 Zone and 40 acres in the R-150 Zone.

(3) All open space lands shall meet the following requirements:
   (a) A minimum of 30 percent of the gross area of the tract shall be restricted to open space purposes.
   (b) The minimum size of any open space parcel shall be two acres.
   (c) It shall be an integral part of the development and shall be located to best suit the purpose(s) for which it is intended.
   (d) Nothing herein shall obligate the Township to accept land offered by the developer. Every parcel offered to and accepted by the Township shall be conveyed by deed at the time final plat approval is granted and such acceptance is subject to any conditions the Township may impose. The deed shall contain restrictions stating to what use(s) such land(s) shall be restricted.
   (e) Any lands offered to the Township shall be subject to the approval by the governing body after review and recommendation by the approving authority. The approving authority shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands, and such existing features may enhance or detract from the intended use of the lands. The approving authority may request an opinion from other agencies or individuals as to the advisability of accepting any lands to be offered.
   (f) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Planning Board which ensures that:
      [1] The open space area will not be further subdivided in the future.

[2] The use of the open space areas will continue in perpetuity for the purpose specified.

[3] Appropriate provisions are made for the maintenance of the open space area.

[4] All open space shall be clearly indicated on the final plat by metes and bounds.

(g) All lands set aside for open space shall be developed with active and passive recreational facilities to service the needs of the future resident population. The Planning Board shall have complete and final determination as to the adequacy, usefulness and functionalism of the lands set aside for open spaces. Active and passive recreational facilities shall include but not be limited to the following: ball fields, multi-purpose fields, tennis courts, multi-purpose court areas, children's playground equipment, passive picnic or sitting areas, swimming pools, bicycle paths, and jogging trails.

(h) There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units generally respecting a minimum width of 50 feet and periodically widening out into significant and usable reasonable areas.

(i) The configuration of the open space area should be so arranged that connections can be made to existing or future adjacent open spaces.

(j) Land so dedicated for open spaces shall include, wherever feasible, nature features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make similar landscaping improvements.

(k) Development of open space and recreational facilities shall proceed at the same rate as development of the dwelling units. To assure compliance with this subsection, the building inspector shall, from time to time, following the approval of the cluster development, review building permits and shall make an inspection of the open space and recreational facilities to examine the work taking place on the site. If he shall determine that open space and recreational facilities are not being developed at the same rate as dwelling units, he shall report back to the Township Committee, which may take such action as it may deem appropriate, including the issuance of stop-work notices or revocation of building permits until such time as parity in development has been reached.

(l) The Board may require a developer to make certain site preparation improvements to the open spaces. The Board may provide that the site preparation improvements are made a part of the plan and are noted therein. Same may include the following:

[1] Removal of dead trees or diseased trees.

[2] Thinning of trees or other growth to encourage more desirable growth.

[3] Removal of trees in areas planned for ponds, lakes or active recreational facilities. The Board may require the assistance of experts to determine the foregoing.

[4] Grading and seeding.

[5] Improvement or protection of the natural drainage system by the use of protective facilities. The Board may require the assistance of experts to determine the foregoing.

(m) Wherever possible, all the following land areas and features shall be preserved as open space:

[1] Wetlands and flood plain areas as defined by Little Egg Harbor Township ordinance, State statute, regulation or Master Plan.

[2] Areas containing significant numbers of trees.

[3] Lands with sloped of more than ten percent.

[4] Lands with seasonal high water tables of less than 18 inches.

(4) Calculation of permitted number of residential building lots for cluster developments. When selecting the cluster option in the R-200 Zone or R-150 Zone, the maximum number of residential building lots that can be developed shall be based on the following definitions and calculations:

(a) "Net Buildable Area" shall be determined by the following calculation:

Net Buildable Area (E) = A – B – C – D, where;

A = Gross tract area in square feet.

B = Area of tract mapped as wetlands and/or wetlands transition areas pursuant to the New Jersey Freshwater Wetlands Protection Act.

C = Open space requirement calculated by multiplying .30 times the result of A minus B. Note: The open space requirement of <u>net</u> land area herein, 30 percent, is for the sole purpose of a density calculation. The density formula shall not modify in any way the 30 percent open space requirement of <u>gross</u> area of a tract provided in Section 15-4.8.F.(3)(a). **[Amended 12/27/2001 by Ord. No. 2001-035]**

D = Infrastructure requirements (streets, drainage improvements, other utilities) calculated by multiplying .20 times the result of A minus B minus C. **[Amended 12/27/2001 by Ord. No. 2001-035]**

E = Net Buildable Area in square feet.

(b) The maximum number of building lots to be permitted under the cluster option shall be determined based upon the following formula (calculation to be rounded to the closest whole number):

[1] R-150 Zone

$$\text{Maximum Number of Building Lots} = \frac{\text{Net Buildable Area (E)}}{\text{8,000 square feet}}$$

[2] R-200 Zone

$$\text{Maximum Number of Building Lots} = \frac{\text{Net Buildable Area (E)}}{\text{12,500 square feet}}$$

(5) Area, yard and building requirements for building lots under cluster option:

(a) R-150 Zone

[1] Minimum lot area: 8,000 square feet.
[2] Minimum lot width: 75 feet.
[3] Minimum lot depth: 100 feet.
[4] Minimum front yard setback: 25 feet.
[5] Minimum side yard setback: 10 feet.
[6] Minimum combined side setback: 20 feet.
[7] Minimum rear yard setback: 25 feet.
[8] Minimum accessory building side and rear yard setback: 10 feet.
[9] Maximum height: 35 feet.
[10] Maximum building lot coverage: 30 percent.

(b) R-200 Zone

[1] Minimum lot area: 12,500 square feet.
[2] Minimum lot width: 80 feet.
[3] Minimum lot depth: 125 feet.
[4] Minimum front yard setback: 30 feet.
[5] Minimum side yard setback: 10 feet.
[6] Minimum combined side setback: 20 feet.
[7] Minimum rear yard setback: 30 feet.
[8] Minimum accessory building side and rear yard setback: 10 feet.
[9] Maximum height: 35 feet.
[10] Maximum building lot coverage: 30 percent.

§ 15-4.9. R-150 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Same as permitted in the R-200 Residential Zone District.

C. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-200 Residential Zone District.

C. Conditional uses, subject to the provisions of Article V of this chapter, are as follows:

(1) Same as permitted in the R-200 Residential Zone District.

D. Signs:

(1) Same as permitted in the R-200 Residential Zone District.

E. Area, yard and building requirements:

(1) Minimum lot area: 15,000 square feet.

(2) Minimum lot width: 100 feet.
(3) Minimum lot depth: 125 feet.
(4) Minimum front yard setback: 40 feet.
(5) Minimum side yard setback: 10 feet.
(6) Minimum combined side yard setback: 25 feet.
(7) Minimum rear yard setback: 30 feet.
(8) Minimum accessory building side and rear yard setback: 10 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 30 percent.

F. Cluster development:

(1) Permitted in accordance with requirements of Subsection 15-4.8.F.

§ 15-4.10. R-100 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Same as permitted in the R-150 Residential Zone.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-150 Residential Zone.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Reserved.

D. Signs:

(1) Same as permitted in the R-150 Residential Zone District.

E. Area, yard and building requirements:

(1) Minimum lot area: 10,000 square feet.
(2) Minimum lot width: 80 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 30 feet.
(5) Minimum side yard setback: 10 feet.
(6) Minimum combined side yard setback: 25 feet.
(7) Minimum rear yard setback: 30 feet.
(8) Minimum accessory building side and rear yard setback: 10 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 30 percent.
(11) Maximum building height for lots located in Areas of Special Flood Hazard as set forth in §185-7: 40 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

F. Area yard and building requirements of lots which adjoin the Ocean County Atlantis Golf Course. The golf course tract consists of the following lots: Block 285, Lot 11.01; Block 326.35, Lots 1 and 27.01; and Block 326.100, Lots 12.03, 12.05 and 64.

(1) Minimum lot area: 10,000 square feet.
(2) Minimum lot width: 80 feet.
(3) Minimum lot depth: 110 feet.
(4) Minimum front yard setback: 30 feet.
(5) Minimum side yard setback: 10 feet.
(6) Minimum combined side yard setback: 25 feet.
(7) Minimum rear yard setback: 50 feet.
(8) Minimum accessory building* side and rear yard setback: 25 feet.
(9) Maximum building height: 35 feet and 2 ½ stories.
(10) Maximum percent building coverage: 30 percent.
* Private residential swimming pools, all types, shall comply with the rear yard setback requirements.

§ 15-4.11. R-75 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Same as permitted in the R-100 Residential Zone District, with the exception of dog pens.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-100 Residential Zone District.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Reserved.

D. Signs:

(1) Same as permitted in the R-200 Residential Zone District.

E. Area, yard and building requirements:

(1) Minimum lot area: 7,500 square feet.
(2) Minimum lot width: 75 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 20 feet.
(5) Minimum side yard setback: 5 feet.
(6) Minimum combined side yard setback: 15 feet.
(7) Minimum rear yard setback: 25 feet.

(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 30 percent.

F. Area yard and building requirements of lots which adjoin the Ocean County Atlantis Golf Course. The golf course tract consists of the following lots: Block 285, Lot 11.01; Block 326.35, Lots 1 and 27.01; and Block 326.100, Lots 12.03, 12.05 and 64.

(1) Minimum lot area: 7,500 square feet.
(2) Minimum lot width: 75 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 20 feet.
(5) Minimum side yard setback: 5 feet.
(6) Minimum combined side yard setback: 15 feet.
(7) Minimum rear yard setback: 50 feet.
(8) Minimum accessory building* side and rear yard setback: 25 feet.
(9) Maximum building height: 35 feet.
(10) Maximum percent building coverage: 30 percent.
* Private residential swimming pools, all types, shall comply with the rear yard setback requirements.

§ 15-4.12. R-75A Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Same as permitted in the R-75 Residential Zone District.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-75 Residential Zone District.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Reserved.

D. Signs:

(1) Same as permitted in the R-75 Residential Zone District.

E. Area, yard and building requirements:

(1) Minimum lot area: 7,500 square feet.
(2) Minimum lot width: 75 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 25 feet.
(5) Minimum side yard setback: 8 feet.

(6) Minimum combined side yard setback: 20 feet.
(7) Minimum rear yard setback: 25 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 30 percent.
(11) Maximum building height for lots located in Areas of Special Flood Hazard as set forth in §185-7: 40 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

§ 15-4.13. R-70 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Same as permitted in the R-75 Residential Zone District.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Same as permitted in the R-75 Residential Zone District.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Same as permitted in the R-75 Residential Zone District.

D. Signs:

(1) Same as permitted in the R-75 Residential Zone District.

E. Area, yard and building requirements:

(1) Minimum lot area: 7,000 square feet.
(2) Minimum lot width: 70 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 20 feet.
(5) Minimum side yard setback: 5 feet.
(6) Minimum combined side yard setback: 15 feet.
(7) Minimum rear yard setback: 20 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 30 percent.
(11) Maximum building height for lots located in Areas of Special Flood Hazard as set forth in §185-7: 40 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

§ 15-4.14. R-50 Residential Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Detached single-family dwellings units.

(2) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Fences and walls subject to the provisions of Subsection 15-12.17.
(2) Off-street parking.
(3) Private residential swimming pools.
(4) Satellite dish antennas, subject to the provisions of Subsection 15-5.2.
(5) Sheds (garden, storage, or tool).
(6) Home occupations subject to the provisions of 15-5.13. **[Amended 12/27/2001 by Ord. No. 2001-035]**

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Same as permitted in the R-75 Residential Zone District.

D. Signs:

(1) Same as permitted in the R-75 Residential Zone District.

E. Area, yard and building requirements:

(1) Minimum lot area: 5,000 square feet.
(2) Minimum lot width: 50 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 20 feet.
(5) Minimum side yard setback: 5 feet.
(6) Minimum combined side yard setback: 15 feet.
(7) Minimum rear yard setback: 20 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
(10) Maximum percent building coverage: 30 percent.
(11) Maximum building height for lots located in Areas of Special Flood Hazard as set forth in §185-7: 40 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

F. Exemption to the minimum lot area, lot depth and rear yard setback requirements: **[Amended 12/23/2002 by Ord. No. 2002-043]**

(1) Notwithstanding the minimum lot area, lot depth and rear yard setback requirements set forth in Subsection E. above, the following lot area, lot depth and rear yard setback requirements shall apply only to lagoon, or other waterfront, detached single-family building lots shown on a final major subdivision plat and/or minor subdivision plat filed on or before November 1, 1987:
(a) Minimum lot area: 4,350 square feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**
(b) Lot depth: 87 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

(c) Rear yard setback: 20 feet; 15 feet if a bulkheaded lot.

(d) No accessory structure shall be constructed closer than 15 feet to the bulkhead.

§ 15-4.15. PRC Planned Retirement Community Zone.

A. The Planned Retirement Community Zone hereinafter referred to as "PRC" is defined as a community or district having one or more parcels of land with a contiguous total acreage of at least 100 acres forming a land block to be dedicated to the use of a planned retirement community; through its corporation, association or owners, the land shall be restricted, by bylaws, rules, regulations and restrictions of record, to use by permanent residents in their late adult years. Ownership of the residential units and the area comprising a PRC may be in accordance with the provisions on N.J.S.A. 46:8B-1 *et seq.*, or the ownership may be as is commonly refereed to as "fee simple" with open space to be maintained through assessment against property owners within the confines of the community.

(1) Permitted Uses:

(a) Detached single-family dwelling not part of a planned retirement community, subject to the requirements for detached single-family dwellings in the R-75 Zone.

(b) Detached single-family, two-family and multi-family dwelling units (townhouses) to be part of a planned retirement community subject to the conditions of this subsection.

(c) Attached single-family dwelling with no side yard between adjacent dwellings, but no more than four (4) such units so attached (townhouses).

(d) Essential services.

(2) Required accessory uses:

(a) Off-street parking.

(3) Permitted accessory uses. The following accessory uses shall be permitted for the sole use or service of the planned retirement community residents and their guests:

(a) Recreational and cultural facilities for the sole use of the residents of the community and their guests, including the following: clubhouse, swimming pool, shuffleboard courts and picnic grounds. Recreational and cultural facilities shall not be limited to the foregoing, so that the applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the community and no advertising shall be permitted.

(b) Buildings and structures for the maintenance or administration of the planned retirement community.

(4) Permitted signs:

(a) One free standing sign not to exceed 40 square feet in area for the purpose of identifying the name of the planned retirement community. Such identification sign shall be located near the primary access road into the planned retirement community and may utilize flood light illumination,

provided that the light is not directed onto adjoining property or into the eyes of passing motorists.

(b) Additional non-illuminated signs not to exceed four (4) square feet in area necessary to provide directions to specific buildings, parking areas, etc.

(5) Conditional uses. The following conditional uses shall be permitted for the sole service of the PRC residents subject to the provisions of Section 15-5. of this chapter:

(a) Neighborhood shopping facilities.

(b) Medical facilities.

(c) On-site public utilities excluding substations switching stations or storage facilities of any nature.

(6) Minimum requirements:

(a) Planned retirement communities shall be limited to occupancy by persons 55 years of age or older, with the following exceptions:

[1] The husband or wife under the age of 55 whom is residing with his or her spouse who is of the age of 55 or older.

[2] Children residing with their parent or parents, if such child (or children), is over the age of 18 and if one of the parents with whom the child or children is residing is 55 years of age or older.

[3] Full time occupancy shall be limited to three (3) individuals.

(b) No building, structure or land shall be used or erected, altered, enlarged, or maintained as a planned retirement community within the Planned Retirement Community Zone unless it is in accordance with a site development plan reviewed and approved pursuant to the site plan review and/or subdivision approval provisions of the ordinance.

(c) The minimum area for a planned retirement community shall be 100 acres, provided that an area of less than 100 acres may be added to an existing planned retirement community if contiguous thereto and in compliance with the ordinance.

(d) The maximum residential density of a planned retirement community shall be four (4) dwelling units per acre of residential land planned and approved pursuant to this chapter. Same shall be calculated by dividing the proposed number of dwelling units by the number of acres in the development, excluding land under permanent bodies of flowing streams of water, preexisting development of the tract and one-half of all land within a floodplain area as defined either in this chapter or any other ordinance of the Township of Little Egg Harbor.

(e) Not more than 25 percent of the gross project area shall be covered by building or structures including accessory uses and conditional uses.

(f) The height of any building shall not exceed 35 feet and shall be limited to two and one-half stories; provided, however, that water towers and attendant facilities and similar structures shall have no height limit but shall be reviewed on an individual basis.

(g) Not less than 25 percent of the entire acreage of the PRC tract shall be used for a green area or open space. “Green area” or “open space,” for the purpose of this subsection, is defined as those areas of the PRC tract not

committed to use for residential buildings and public or private right-of-ways. There may be included in the green area those areas used for recreational purposes.

(h) No structure or building shall contain more that four (4) dwelling units.

(i) No building or structure other than an entrance gatehouse, wall or fence, shall be located within 50 feet of any exterior boundary.

(j) Minimum lot size.

[1] Minimum lot size for single-family detached dwellings in the PRC shall be 6,000 square feet with a minimum width of not less than 60 feet.

[2] Attached dwellings or townhouses shall have a minimum lot size of 1,500 square feet for each unit. The minimum width of such townhouse units shall be 20 feet at the building setback line.

(k) Single-family dwelling setbacks. Front yards, side yards, and rear yards of single-family dwelling buildings shall comply with the following minimum dimensions:

[1] Front yard setbacks shall be at least 25 feet. On a corner lot all residential buildings shall be at least 20 feet from any street upon which the lot does not front.

[2] A side yard shall be a minimum of six (6) feet with a total of both side yards being 16 feet on each lot. In no event, however, shall buildings be less than 14 feet apart.

[3] Rear yard setbacks shall be at least 20 feet (except the rear yard setback of lots which have rear property lines abutting common open space shall have a minimum of ten (10) feet).

(l) Attached dwelling setbacks. Attached dwelling units or townhouse structures shall have the following front yard, side yard and rear yard setbacks:

[1] Front yard setbacks shall be at least 20 feet.

[2] Side yard setbacks shall be at least 20 feet.

[3] Rear yard setbacks shall be at least 20 feet.

(m) Minimum floor space per dwelling unit: Efficiency unit, 800 square feet; one-bedroom unit, 800 square feet; two-bedroom unit, 975 square feet; three-bedroom units, 1,000 square feet.

(n) Off-street parking requirements shall be in accordance with the provisions of this chapter.

(o) Front, side and rear yard setbacks for non-residential accessory and conditional use buildings and structures within the Planned Retirement Community Zone: Minimum front yard setback, 50 feet; minimum side yard setback, 35 feet; and minimum rear yard setback, 50 feet.

(7) Plan review shall be required by the appropriate municipal agency for all proposed PRC development. All submissions, review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district regulations, and compliance shall conform to the provisions as set forth in this chapter.

(8) Streets:

(a) Streets may be either dedicated to the public use or private in nature, at the option of the Township Committee. In any event, same shall be constructed in accordance with the provisions of NJAC 5:21 (Residential Site Improvement Standards).

(b) With the exceptions of those roads which are required to be dedicated for public use by either the Board, the Township Committee or the County of Ocean, or unless a previously approved Master Development Plan or final plat dictate differently, all roads are to remain private roadways and are to be the property and responsibility of a homeowners' association or analogous body for the care and maintenance of the roadways, green areas and recreational facilities. Provisions shall be made for the permanent maintenance of private roadways. Private roadways shall not become the obligation of the Township of Little Egg Harbor.

(9) Screening strips. There shall be provided an adequate screening strip along the exterior boundary lines of a PRC, which screening strip shall consist of fencing or plantings or a combination of both, the adequacy of which shall be determined by the Board.

(10) Water and sewer facilities. No individual wells or individual sewage disposal systems shall be permitted. Each dwelling unit shall be serviced by a central water system and waste disposal system approved by the jurisdictional utility and all applicable bodies. The implementation and placement of these facilities shall be subject to the requirements of this chapter.

(12) Maintenance of association-owned properties. The maintenance of the green areas, private roadways, driveways, common courtyards, recreational areas, lakes and other improvements not intended to be individually owned shall be provided by an association organized under the Nonprofit Corporation Statute of the State of New Jersey (Title 15) and formed for that purpose. The applicant shall, in the form of restrictions and covenants to be recorded, provide the title to the aforesaid enumerated areas shall be conveyed to the association, whose members shall be owners of lots or other interests, or to such other persons as a majority of the members shall designate from time to time duly adopted bylaws. Said restriction and covenants shall also provide that in the event the nonprofit association shall cease to function through lack of participation of its members or be dissolved, the Township of Little Egg Harbor shall have the right by special assessment to assess the lot owners in the development or tract, annually, a sum of money which would be sufficient to pay the taxes on the park, recreational and other areas and for the proper upkeep, maintenance and preservation of same. Such restrictions and covenants shall further provide that the same shall not be altered, amended, voided or released, in whole or in part, without the written consent of the Township Committee and except upon proper notice being given by the applicant or any other party in interest to all owners of lots in the PRC.

(13) Recreational areas:

(a) There shall be in each PRC at least one clubhouse or community building. There shall be at least six (6) square feet of clubhouse building space provided for each proposed dwelling unit. The clubhouse shall be completed and in operation before the one hundredth dwelling unit, or

prior to twenty-five percent (25%), of the proposed has been completed and a certificate of occupancy issued therefore.

(b) Each PRC shall provide a site or sites for recreational facilities for the use of its residents. Recreational facilities shall include, but shall not be limited to, such facilities as shuffleboard lanes, barbecue grills, picnic benches and indoor recreation facilities. Swimming pools, not less than 2,500 square feet in size shall be required. Such additional recreational facilities may be required by the Board, in its discretion, as will be beneficial to the residents of the community. All grounds surrounding recreational and administrative facilities shall be appropriately landscaped and shall be provided with adequate walkways. Underground irrigation shall be installed for such areas.

(c) Where a PRC is a conventional fee simple development, covenants and restrictions and plat plans shall indicate that recreational areas and green areas shall be dedicated to a homeowner's association or analogous body.

(14) Procedural requirements:

(a) All subdivision plans and site plans shall be submitted to the Board in accordance with the requirements of this chapter.

(b) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:

[1] Covenants and restrictions for the community or any other plan for restriction upon the community property.

[2] Proposed master deed or deeds.

[3] By-laws of the proposed homeowners' association.

[4] Proposed agreement of sale.

[5] Proposed form of deed.

(c) The documents shall be forwarded to the Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy in ensuring that the community shall be constituted so as to be consistent with the purposes and requirements of this subsection. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.

(d) In addition to the foregoing, it shall be mandatory for any applicant to provide the Board and the Township Committee with copies of all submissions to be made to any state agency, pursuant to the Retirement Community Full Disclosure Act, at all stages of development.

§ 15-4.16. PRD Planned Residential Development Zone.

A. The Planned Residential Development Zone, hereinafter referred to as "PRD," is defined as a community or district having one or more parcels of land with a contiguous total acreage of one hundred (100) acres forming a land block to be dedicated to the use of a multi-family and planned adult community with a minimum of ten (10%) percent of the total units developed as adult housing. The purpose of the zone is to encourage adult

housing and provide a means for the preservation of land areas in the Township. Particularly, in those sections of the municipality zoned for conventional small lot development. The zone offers development incentives in an effort to maximize the use of land by permitting greater densities on developed portions of the tract and requiring the dedication of areas of public/private open spaces, active recreation and adult housing units. It is the intent of this provision to encourage the preservation of land areas in their natural state, provide for active and passive open space areas in conjunction with the new residential growth and encourage innovative design techniques in the layout and development of new residential construction. Development shall be permitted on a fee simple or condominium ownership basis. **[Amended on 12/13/2007 by Ord. No. 2007-26]**

(1) No golf course or designated open space that provides all or any portion of the developed or undeveloped open space or area requirement of an approved PRD shall be subdivided or otherwise modified as to use, size or extent for additional residential units or new commercial uses within the Planned Residential Development. **[Amended on 6/28/2012 by Ord. No. 2012-08]**

B. Submission procedures and requirements. An applicant who elects to apply for the development of a parcel of land under the provision of the zone shall commence the processing of such an application by initiating the following steps:

(1) The applicant shall schedule and attend a Pre-Application Conference with the New Jersey Department of Environmental Protection, Division of Coastal Resources in accordance with the Coastal Resource and Development Policies (CAFRA) to ascertain and delineate the buildable area of the tract. Those portions of the tract determined by CAFRA to be not suitable for development and which are outside any regulated wetlands may be counted towards the required minimum contiguous acreage but shall not comprise any of the required minimum buildable acreage.

(2) After an applicant has concluded the CAFRA Pre-Application Conference and provided the parcel of land can meet all of the minimum standards specified in paragraphs A. (1), (2) and (3) above, a "concept plan" shall be submitted to the Planning Board for consideration and review.

C. Permitted uses: **[Amended on 6/28/2012 by Ord. No. 2012-08]**

(1) Detached single-family dwellings.

(2) Detached single-family, two-family and multi-family dwelling units (townhouses) to be part of a planned adult community subject to the conditions of this subsection.

(3) Federal, State, County, and municipal buildings and grounds, including schools, parks and playgrounds, but not garages, warehouses and storage and maintenance yards.

(4) Essential services.

(5) Golf courses.

D. Required accessory uses:

(1) Private swimming pools.
(2) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

E. Permitted accessory uses:

(1) Private swimming pools.
(2) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

F. Other permitted accessory uses. The following accessory uses shall be permitted for the sole use or service of the planned adult community residents and their guests:

(1) Recreational and cultural facilities for the sole use of the residents of the community and their guests including the following: clubhouse, swimming pool, shuffleboard courts and picnic grounds. Recreational and cultural facilities shall not be limited to the foregoing, so that the applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the community and no advertising shall be permitted. Nothing in this paragraph shall preclude the applicant from dedicating land and facility to Township ownership for use and enjoyment of all Township residents.
(2) Non-commercial amusement facilities.
(3) Buildings and structures for the maintenance or administration of the planned retirement community.

G. Permitted signs:

(1) Two (2) free-standing signs located at the primary entrance to a development not to exceed 32 square feet in area for the purpose of advertising the name of the development. Flood lighting may illuminate such sign provided that the light is not directed onto adjoining property or into the eyes of passing motorists.
(2) One (1) lighted professional office announcement sign not exceeding two (2) square feet in area.
(3) One (1) lighted sign not to exceed 20 square feet in area for each access drive to a permitted or approved conditional use, plus additional signs not to exceed four (4) square feet in area to provide direction to a specific building or buildings and to off-street parking areas.

H. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Churches and places of worship.
(2) Quasi-public utilities excluding substations, switching stations or storage facilities of any nature.

I. Other conditional uses. The following conditional uses shall be permitted for the service of the PRD residents:

(1) Neighborhood shopping facilities.
(2) Medical facilities.
(3) On-site public utilities excluding substations, switching stations or storage facilities of any nature.

J. Common open space. Every tract of land developed under the Planned Residential Development Zone shall include common open space land in accordance with the following:

(1) Land used or deeded to public agencies for roads, streets, or utilities, including utility easements, shall not be defined as common open space. However, bodies of water located within the tract may be counted as common open space.
(2) All lands set aside for open space shall be developed with active and passive recreational facilities to service the needs of the future resident population.
(3) There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units generally respecting a minimum width of ten feet and periodically widening out into significant and usable recreation areas.
(4) It shall be an integral part of the development and shall be located to best suit the purpose(s) for which it is intended.
(5) Every parcel offered to and accepted by the Township shall be clearly indicated on the final plat by metes and bounds and conveyed by deed at the time final plat approval is granted and such acceptance is subject to any conditions the Township may impose. Said deeds shall contain restrictions stating what use(s) such land(s) shall be restricted.
(6) Any lands offered to the Township shall be subject to approval by the governing body after review and recommendation by the approving Land Use Board. The approving authority shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands, and such existing features that may enhance or detract from the intended use of the lands. The approving authority may request an opinion from other agencies or individuals as to the advisability of accepting any lands to be offered.
(7) No land designated for open space or part of a golf course approved as part of a Planned Residential Development shall be further subdivided or otherwise modified as to use, size or extent for additional residential units or new commercial uses within the PRD or a new PRD. **[Amended on 6/28/2012 by Ord. No. 2012-08]**

K. Common open space: standards for determination. All common open space shall be either Undeveloped Open Space (UOS) or Developed Open Space (DOS).

(1) UOS shall generally be left in its natural state. To qualify as UOS, the land shall include, wherever feasible, natural features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements when the natural cover is inadequate.

(2) There shall be no development of any kind of UOS land, except the following: footpath, jogging trail, bicycle path, nature walk, nature preserve, ecological areas, buffer, body of water, trees, shrubs and other plants, lighting, and retaining walls and other features necessary to protect the land or people who will use the land.

(a) Minimum percentage required. At least 12.0 percent of the gross project area shall consist of undeveloped open space.

(b) Developed open space; standards for determination. DOS is intended to serve the active and passive recreation needs of the residents of the community. DOS differs from UOS in that the former requires regular maintenance for the upkeep of equipment and/or vegetation. In no case shall any part of the DOS be of such size and shape as to be unsuited for the intended use. DOS shall be included in the buildable project area.

(3) All lands set aside for DOS shall be developed with active and passive recreational facilities to service the needs of the future resident population. The following are permitted use(s) of DOS land:

(a) Sitting areas, footpaths, jogging trails, nature walks, playfields, game courts, playgrounds, tot lots, swimming pools, bath houses, beach areas, community centers, garden plots for use of residents.

(b) To encourage the retention or creation of ponds and lakes for aesthetic and/or recreational purposes, 20 percent of the area of any ponds or lakes included in the buildable project area may be counted upon request of the applicant, as DOS.

(4) Minimum percentage required. At least 3.0 percent of the buildable project area shall consist of developed open space consistent with the following:

(a) Required playground space: Children's playground with a total area of at least 100 square feet times the number of dwelling units in the project shall be constructed and considered as part of DOS. Outdoor play equipment such as swings, slides, jungle gyms, etc., shall be installed in these playgrounds in sufficient amount and variety to service the resident children. Baseball, football and soccer fields shall not be considered as playground space for the purpose of this paragraph.

(b) Recreation for the elderly: Where dwelling units are designed for and are to be occupied exclusively by elderly persons, a proportion of the playground space required herein may be equipped with outdoor recreation equipment suitable for elderly persons.

(c) Location of recreation space: All recreation space to be provided in accordance with the above shall be located within convenient walking distance of the residence it is intended to serve.

(d) Installation, timing and development of recreation space: No certificate of occupancy shall be issued for any dwelling until 100 square feet of

recreation space attributable to that dwelling unit has been completed and restricted be deed. Additionally, DOS and recreational facilities shall proceed at the same rate as development of the dwelling units. To assure compliance with this section, the Construction Official shall, from time to time, following the approval of the development, review building permits and shall make an inspection of open space and recreational facilities to examine the work taking place on the site. If the Construction Official shall determine that open space and recreational facilities are not being developed at the same rate as dwelling units, they shall report back to the Township Committee, which may take such action as it may deem appropriate, including the issuance of stop-work notices or revocation of building permits until such time as parity in development has been reached.

L. General UOS and DOS development standards and criteria:

(1) The Board may require a developer to make certain site preparation improvements part of the plan and are noted therein. Same may include the following:

(a) Removal of dead trees or diseased trees.

(b) Thinning of trees or other growth to encourage more desirable growth.

(c) Removal of trees in areas planned for ponds, lakes or active recreational facilities. The Board may require the assistance of experts to determine the foregoing.

(d) Grading and seeding.

(e) Improvements or protection of the natural drainage system by the use of protective structures, stabilization measures and similar improvements.

(2) Wherever possible, all of the following land areas and features shall be preserved as open space:

(a) Wetlands and floodplain areas as defined by Little Egg Harbor Township Ordinance, State statute, regulation or Master Plan.

(b) Areas containing significant number of trees.

(c) Lands with slopes of more than ten percent.

(d) Lands with seasonal high water tables of less that 18 inches.

(3) The configuration of the open space areas shall be so arranged that connections can be made to existing or future adjacent open spaces.

M. Density calculations:

(1) The maximum permitted gross residential density of a PRD shall be four (4) dwelling units per acre.

(2) The maximum permitted net residential density of a PRD shall be six (6) dwelling units per acre.

N. Townhouse general standards:

(1) Maximum building height. No building shall exceed 35 feet in height and 2.5 stories.

(2) Area and yard requirements:

(a) The minimum townhouse area to be dedicated for use shall be ten acres including the areas of existing streets and water areas within the tract boundary lines. All plans shall delineate the boundaries of the portion(s) of the tract devoted to each use.

The minimum tract building setbacks for townhouses shall be as follows:

Front	75 feet
Side	30 feet
Rear	30 feet

(b) Minimum building yard areas for townhouses shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be 40 feet for front yards, 25 feet for side yards and 50 feet for rear yards. No building as measured radially from any corners shall be closer to any other building corner than the combined distances of the side yard requirements for each building. The combined distance of two (2) side yards shall exclude any driveway or vehicular access, such driveways or vehicular access width being in addition to the combined side yard width. No building shall be located closer than 50 feet to the future right-of-way line of any existing public street.

(3) No townhouse structure shall be more than four (4) dwelling units in any unbroken building line. A setback of not less than four (4) feet shall be deemed a satisfactory break in the building line.

(4) All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of a typical unit shall be required. Any room other than kitchen, bathroom, closet, or combined living/dining room shall be counted as a bedroom for purposes hereof.

(5) Land area equal to at least 150 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for use by the residents of the development, such areas shall be an integral part of the development, and each shall be at least 10,000 square feet in size, at least 75 feet wide, and have a grade less than five percent.

(6) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting, as well as assuring that the capacity of any natural or man-made drainage system is deficient to handle the water generated and anticipated both from the site and contributing upstream areas.

(7) Gross floor area minimums:
   (a) Townhouses.
   (b) One-bedroom unit, 800 square feet.
   (c) Two-bedroom unit, 900 square feet.
   (d) Three- bedroom unit, 1,000 square feet.

(8) Plan review shall be required by the appropriate municipal agency on townhouses. All submissions, review procedures, development review fee, site plan regulations, permits and approvals, design and performance standards, zoning district regulations, and compliance shall conform to the provisions as set forth in this chapter.

(9) A homeowners' association may be permitted in townhouse developments in accordance with the provisions of Subsection 15-11.15. of this chapter.

O. Townhouses.

(1) Within the PRD district allowing townhouses, no townhouse development shall take place unless the following minimum standards are met, in addition to the other requirements of this chapter:
   (a) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit.
   (b) All dwelling units shall be connected to approved and functioning public water and sanitary systems prior to the issuance of a certificate of occupancy.
   (c) All parking facilities shall be on the same site as the building and located within 150 feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking, and there shall be no parking along interior streets. The total area devoted to parking shall not exceed 20 percent of the tract, and the total aggregate area devoted to both parking and interior streets shall not exceed 35 percent of the tract.
   (d) No townhouse dwelling unit shall be less than 20 feet wide. Building coverage shall not exceed 20 percent of the tract area. Number of dwelling units in one (1) building shall not exceed eight (8).
   (e) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each dwelling unit for the laundering and artificial drying of laundry of occupants of each dwelling unit.

(f) All streets, both internal and external, (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found to be necessary in the public interest (including recreational facilities) shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issues. In lieu of total completion of landscaping improvements only, and adequate performance bond properly guaranteeing the completion may be accepted. Such bond value will be set at the time of posting and will be held by the Clerk of Little Egg Harbor after approval by the Township Attorney as to form and surety, for a period of no more than one (1) year, during which time the landscaping improvements shall be completed, or the bond will be forfeited. This section shall not be construed as relieving the developer of the performance bond requirements in accordance with this chapter.

P. Attached single-family general standards (within Planned Residential Development District).

(1) Attached patio homes or twin units built on a zero lot line concept shall be permitted provided there are no more than two (2) dwelling units per structure and the following minimum requirements are met:

(a) Minimum lot area: 6,500 square feet.
(b) Minimum lot width: 65 feet.
(c) Minimum lot depth: 100 feet.
(d) Minimum front yard setback: 30 feet.
(e) Minimum side yard setback: 0 feet.
(f) Minimum combined side yards: 15 feet.
(g) Minimum rear yard setback: 20 feet.
(h) Minimum accessory building side and rear yard setback: 5 feet.
(i) Maximum building height: 35 feet.
(j) Maximum percent building lot coverage: 30 percent.

Q. Detached single-family general standards.

(1) Within the planned residential development. Single-family detached units shall be built in accordance with and in compliance with the area, yard, and bulk requirements of R-50 Residential Zone as specified in Subsection 15-4.14, except that the minimum lot area shall be 6,500 square feet, the minimum lot width shall be 65 feet and the minimum front yard setback shall be 30 feet.

R. Minimum requirements of planned adult community within the PRD:

(1) Planned retirement communities shall be limited to occupancy by persons 55 years of age or older, with the following exceptions:

(a) The husband or wife under the age of 55 who is residing with his or her spouse who is of the age of 55 years or older.

(b) Children residing with their parent or parents, if such a child (or children) is over the age of 18 and if one of the parents with whom the child or children is residing is 55 years of age or older.

(c) Full time occupancy shall be limited to three (3) individuals.

(2) No building, structure or land shall be used or erected, altered, enlarged, or maintained as a planned retirement community within the Planned Retirement Community Zone unless it is in accordance with a site development plan reviewed and approved pursuant to the site plan review and/or subdivision approval provisions of the section.

(3) The minimum area of land within the development to be dedicated to the planned residential development shall be 30 acres.

(4) The maximum permitted net residential density of a planned retirement community shall be six (6) dwelling units per acre of residential land planned and approved pursuant to this chapter. Same shall be calculated by dividing the proposed number of dwelling units by the number of acres in the development, excluding land under permanent bodies of flowing streams of water, pre-existing development of tract and one-half of all land within a floodplain area as defined either in this chapter or any other ordinance of the Township of Little Egg Harbor.

(5) Not more than 25 percent of the gross project area shall be covered by buildings or structures, including accessory uses and conditional uses.

(6) The height of any building shall not exceed 35 feet and shall be limited to two and one-half stories; provided, however, that water towers and attendant facilities and similar structures shall have no height limit but shall be reviewed on an individual basis.

(7) Not less than 15 percent of the entire acreage of the PRD tract shall be used for a green area or open space. "Green area" or "open space," for the purpose of this subsection, is defined as those areas of the PRD tract not committed to use for residential buildings and public or private rights-of-way. There may be included in the green area those areas used for recreational purposes.

(8) No structure or building shall contain more than four (4) dwelling units.

(9) No building or structure other than an entrance gatehouse, wall or fence, shall be located within 50 feet of any exterior boundary.

(10) Minimum lot size:

(a) Minimum lot size for single-family detached dwellings in the PRD shall be 6,500 square feet with a minimum width of not less than 65 feet.

(b) Attached dwellings or townhouses shall have a minimum lot size of 1,500 square feet for each unit. The minimum width of such townhouse units shall be 20 feet at the building setback line.

(11) Single-family dwelling setbacks. Front yards, side yards, and rear yards of single-family dwelling buildings shall comply with the following minimum dimensions:

(a) Front yard setbacks shall be at least 25 feet. On a corner lot, all residential buildings shall be at least 20 feet from any street upon which the lot does not front.

(b) A side yard shall be a minimum of six (6) feet with a total of both side yards being 16 feet on each lot. In no event, however, shall buildings be less than 14 feet apart.

(c) Rear yard setbacks shall be at least 25 feet.

(12) Attached dwelling setbacks. Attached dwelling units or townhouse structures shall have the following front yard, side yard, and rear yard setbacks:

(a) Front yard setbacks shall be at least 20 feet.

(b) Side yard setbacks shall be at least 20 feet.

(c) Rear yard setbacks shall be at least 20 feet.

(13) Minimum floor space per dwelling unit: Efficiency unit, 675 square feet; one-bedroom unit, 800 square feet; two-bedroom unit, 975 square feet; three-bedroom unit, 1,000 square feet.

(15) Off-street parking requirements shall be in accordance with the provisions of this chapter.

(16) Front, side, and rear yard setbacks for nonresidential accessory and conditional use buildings and structures within the Planned Retirement Community Zone: minimum front yard setback, 50 feet; minimum side yard setback, 35 feet; and minimum rear yard setback, 50 feet.

(16) All planned adult communities shall provide recreational facilities and/or community amenities for the exclusive use of its residents and their guests. Such recreational facilities and/or community amenities shall include as a minimum the following:

(a) A clubhouse or indoor recreation/multi-purpose facility with a minimum floor area of five (5) square feet per dwelling unit within the planned adult community, with a minimum size of fifteen hundred (1500) square feet.

(b) Outdoor active recreational facilities that may include, but shall not be limited to, tennis courts, swimming pools, bocce courts and walking trails. Such active recreation shall be provided at a minimum of ten (10) square feet per dwelling unit in the planned adult community. **[Amended on 6/28/2012 by Ord. No. 2012-08]**

S. Streets.

(1) Streets may be either dedicated to the public use or private in nature, at the option of the Township Committee or Planning Board. In any event, same shall be constructed in accordance with the provisions of the Subdivision Ordinance of the Township of Little Egg Harbor.

T. Screening strips. There shall be provided an adequate screening strip along the exterior boundary lines of a PRD. This screening strip shall consist of fencing or plantings or a combination of both, the adequacy of which shall be determined by the Board.

U. Water and sewer facilities. No individual wells or individual sewerage disposal systems shall be permitted. Each dwelling unit shall be serviced by a central water system and waste disposal system approved by the jurisdictional utility and all applicable bodies.

The implementation and placement of these facilities shall be subject to the requirements of this chapter.

V. Maintenance of association owned properties. The maintenance of the green areas, private roads, driveways, common courtyards, recreational areas, lakes and other improvements not intended to be individually owned shall be provided by an association organized under the Nonprofit Corporation Statute of the State of New Jersey (Title 15) and formed for that purpose. The applicant shall, in the form of restrictions and covenants to be recorded, provide that title to the aforesaid enumerated areas shall be conveyed to the association, whose members shall be owners of lots or other interests, or to such other persons as a majority of the members shall designate from time to time duly adopted by-laws. Said restrictions and covenants shall also provide that in the event the nonprofit association shall cease to function through lack of participation of its members or be dissolved, the Township of Little Egg Harbor shall have the right by special assessment to assess the lot owners in the development or tract, annually, a sum of money which would be sufficient to pay the taxes on the park, recreational and other areas and for the proper upkeep, maintenance and preservation of same. Such restrictions and covenants shall further provide that the same shall not be altered, amended, voided or released, in whole or in part, without the written consent of the Township Committee and except upon proper notice being given by the applicant or any other party in interest to all owners of lots in the PRD.

W. Procedural requirements.

(1) All subdivision plans and site plans shall be submitted to the Board in accordance with the requirements of this chapter.

(2) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:

(a) Covenants and restrictions for the community or any other plan for restriction upon the community property.

(b) Proposed master deed or deeds.

(c) By-laws of the proposed homeowners' association.

(d) Proposed agreement of sale.

(e) Proposed form of deed.

(3) The documents shall be forwarded to the Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy in ensuring that the community shall be constituted so as to be consistent with the purposes and requirements of this subsection. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.

(4) In addition to the foregoing, it shall be mandatory for any applicant to provide the Board and the Township Committee with copies of all submissions to be made to any state agency, pursuant to the Retirement Community Full Disclosure Act, at all stages of development.

X. General standards and supplementary requirements:

(1) Building lot standards. Whenever possible, buildings shall front on cul-de-sacs, loop street or P-loops. Only rear lot lines of proposed building lots shall abut rear or side lot lines of the tract of land proposed for development.

(2) Utilities. All utilities shall be underground, and water and sewerage facilities shall be centralized, with no individual wells, septic tanks or cesspools permitted.

(3) All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a certificate of occupancy.

(4) Streets shall be public or private at the desecration of the Township Committee and Planning Board. All streets shall comply with the minimum design and construction standards specified in NJAC 5:21 (Residential Site Improvement Standards).

(5) There shall be no parking along any private streets in the development and "NO PARKING" signs shall be posted at the applicant's expense.

(6) All streets, both internal and external (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found to be necessary in the public interest (including recreational facilities), shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issued. In lieu of total completion of improvements, an adequate performance bond properly guaranteeing the completion may be accepted. Such bond value will be set at the time of posting and will be held by the Clerk of Little Egg Harbor for a period of no more than one (1) year, during which time said improvements shall be completed, or the bond will be forfeited. This section shall not be construed as relieving the developer of the performance bond requirements in accordance with this section.

(7) Buffers. Along all boundary lines of the PRD a 50 foot buffer shall be required. Where said buffer in wooded, it shall be left in its natural state, but if and where there is insufficient vegetative growth to provide an adequate screening said buffer shall be planted in accordance with Subsection 15-11.7. of this chapter.

Between any differing uses or activities within a project the requirements for screening, planting, buffering or any other protective or transitional features shall be no less that required under normal zoning provisions for any similar use or adjoining use.

Where attached single-family residential development in a project adjoins detached single-family residential homes without an intervening major street or permanent open space at least 50 feet in width, the portion of the perimeter of the development so adjoining shall provide for a 50 foot planted buffer. If said buffer is presently wooded, it shall remain in its natural state.

(8) Unless specified differently herein, all development under the Planned Residential Development Zone shall comply with the minimum standards of Subsection 15-4.16. of this chapter.

(9) Parking. Parking to be provided in accordance with NJAC 5:21 (Residential Site Improvement Standards) and this chapter.

(10) Sidewalks. Sidewalks to be provided in accordance with NJAC 5:21 (Residential Site Improvement Standards) and this chapter.

(11) Improvements. Improvements shall comply with the requirements of Subsections 15-12., 15-14. and 15-17. of this chapter.

(12) Inspection requirements shall be specified in Subsection 15-17.4. of this chapter.

(13) Performance guarantees. Performance guarantees, releases, inspection fees, and maintenance guarantees shall comply with the requirements of Subsection 15-17. of this chapter.

(14) Homeowners' association. A homeowners' association shall be established in accordance and compliance with Subsection 15-11.15. of this chapter. The maintenance of association owned property shall comply with Subsection 15-11.15. of this chapter.

(15) Submission procedures and application fees. All subdivision or site plan applications submitted under the provisions of this chapter shall be submitted under the provisions of this chapter shall be submitted in accordance with the rules, regulations, standards and plat details requirements for tentative (preliminary) and final major subdivision approval as set forth in Article XV of this chapter. The application fees for final approval shall be in conformance with the present fee schedule.

(16) Final Approval. In the case of a condominium development where lots are not sold on a fee simple basis, the developer shall file a final plat in accordance with the Map Filing Law showing a metes and bounds description of the perimeter of the tract and any and all lands, roads, easements, etc., dedication to the Township of Little Egg Harbor or the homeowners' association established under the provisions of this chapter.

Y. Abandonment. In the event that a plan or a section thereof is given final approval and thereafter the applicant shall abandon that plan or the section thereof that has been fully approved, the applicant shall so notify the Planning Board in writing. In the event the applicant shall fail to commence the development within 18 months, the time period is extended by the Planning Board upon written application of the applicant.

If, at any time following the commencement of a development, the applicant has done no work, or filed no application for the next scheduled stage, for a period exceeding 18 months, the Planning Board may schedule a meeting with the applicant, and at any time after the date of that meeting, may terminate the final approval.

Z. Required findings by the Planning Board. Prior to the granting of tentative approval under the provisions of the Planned Residential Development Zone, the Planning Board must find that:

(1) Sanitary sewer collection and treatment facilities are available to and are to be provided to the proposed development.
(2) The proposal will produce economy in layout and design.
(3) The proposal is not inconsistent with and will not create hazards relating to traffic patterns already established by surrounding development.
(4) Open space to be created by the proposal must be suitable for passive and active recreation uses and/or valuable for the protection of the natural environmental and necessary for a public or quasi-public purpose.
(5) There is reasonable assurance that the improvements and maintenance of the open space can be secured by the methods and arrangements proposed by the developer.
(6) The proposal is consistent with the intent and purposes of the Master Plan.
(7) The densities will not exceed the provisions of this chapter.
(8) There is an equal relationship between the development of dwelling units and UOS and DOS such that should one or more sections of the project not be built, each section will independently meet the open space and density requirements of this chapter.

AA. Definitions.
As used in this section, the following terms shall have the meanings indicated:

"BUILDABLE AREA" shall mean the portion or portions of the gross site area, exclusive of any and all wetlands and other regulated non-developable lands, upon which all building will take place and upon which the developed density shall be calculated. The buildable area shall be expressed in acres and fractions thereof.

"DEVELOPED DENSITY" shall mean the total number of dwelling units that can be constructed or will be constructed on the buildable area and expressed in terms of dwelling units per buildable area for the Planned Residential Development Zone.

"GROSS SITE AREA" shall mean the total area of a lot(s), parcel(s) or tract of land, expressed in acres and fractions thereof, exclusive of any and all wetlands which are a part of the property in question.

"MAXIMUM NUMBER OF DWELLING UNITS PERMITTED" shall mean the total number of dwelling units that can be constructed on the buildable area which is obtained by multiplying the gross site area by the specified number of dwelling units per acre for the Planned Residential Development Zone.

"TOTAL TRACT ACRES" shall mean the total area, expressed in acres and fractions thereof, of a parcel or parcels of land which is the subject of an application submitted under the provisions of the land preservation development options wetlands shall be expressed in acres and fractions thereof.

§ 15-4.17. MF Multi-Family Zone.

A. Permitted uses:

(1) Townhouses.
(2) Detached single-family dwellings.
(3) Federal, State, County and municipal buildings and grounds including schools, parks and playgrounds, but not garages, warehouses and storage and maintenance yards.
(4) Essential services.
(5) Senior citizen housing.

B. Required accessory uses:

(1) Off-street parking.

C. Permitted accessory uses:

(1) Private swimming pools.
(2) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

D. Permitted signs:

(1) One (1) free standing sign located at the primary entrance to a development not to exceed 32 square feet in area for the purpose of advertising the name of the development. Such sign may be illuminated by flood lighting provided that the light is not directed onto adjacent property or into the eyes of passing motorists.
(2) One (1) lighted professional office announcement sign not more than two (2) square feet in area.
(3) One (1) lighted home occupation announcement sign not exceeding two (2) square feet in area.
(4) One (1) lighted sign not to exceed 20 square feet in area for each access drive to a permitted or approved conditional use, plus additional signs not to exceed four (4) square feet in area to provide direction to a specific building or buildings and to off-street parking areas.

E. Conditional uses subject to the provisions of Section 15-5.of this chapter, are as follows:

(1) Churches and places of worship.
(2) Quasi-public and private club recreational areas.
(3) On-site public utilities, excluding substations, switching stations, or storage facilities of any nature.

F. Townhouse general standards:

(1) Maximum building height. No building shall exceed 35 feet in height and 2.5 stories.

(2) Area and yard requirements:

(a) Detached single-family dwellings shall be constructed in accordance with the bulk, area, and yard requirements of the R-75 District and all other applicable rules, regulations and standards of the zone.

(b) The minimum tract size shall be 5 acres including the areas of existing streets and water areas within the tract boundary lines provided they total no more than two (2) percent of the tract area. All plans shall delineate the boundaries of the portion(s) of the tract devoted to each use.

(c) Minimum building yard areas for townhouses shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be 40 feet for front yards, 25 feet for side yards and 50 feet for rear yards. No building as measured radially from any corners shall be closer to any other building corner than the combined distances of the side yard requirements for each building. The combined distance of two (2) side yards shall exclude any driveway or vehicular access, such driveway or vehicular access width being in addition to the combined side yard width. No building shall be located closer than 50 feet to the future right-of-way line of any existing public street.

(d) No townhouse structure shall be more than four (4) dwelling units in any unbroken building line. A setback of not less than four (4) feet shall be deemed a satisfactory break in the building line.

(e) All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of typical unit shall be required. Any room other than kitchen, bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.

(f) Land area equal to at least 250 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for use by the residents of the development. Such areas shall be an integral part of the development, and each shall be at least 10,000 square feet in size, at least 75 feet wide and have a grade less than five (5) percent.

(g) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or re-establish the tone of the vegetation in the areas and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the

capacity of any natural or manmade drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

(3) Gross floor area minimums:

(a) Townhouses.

[1] One-bedroom unit, 800 square feet required.

[2] Two-bedroom unit, 900 square feet required.

[3] Three-bedroom unit, 1,000 square feet required.

(4) Density:

(a) Townhouses shall not exceed a density of eight (8) units per acre.

(5) Plan review shall be required by the appropriate municipal agency. All submissions, review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district regulations, and compliance shall conform to the provisions as set forth in this chapter.

(6) A homeowners' association may be permitted in accordance with the provisions of Section 15-11.15. of this chapter.

G. Townhouses:

(1) Within the MF District allowing townhouses, no townhouse development shall take place unless the following minimum standards are met in addition to the other requirements of this chapter:

(a) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit.

(b) All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a certificate of occupancy.

(c) All parking facilities shall be on the same site as the building and located within 150 feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking, and there shall be no parking along interior streets. The total area devoted to parking shall not exceed 20 percent of the tract, and the total aggregate area devoted to both parking and interior streets shall not exceed 35 percent of the tract.

(d) No townhouse dwelling shall be less than 20 feet wide. Building coverage shall not exceed 20 percent of the tract area. Number of dwelling units in one (1) building shall not exceed eight (8).

(e) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each dwelling unit of the laundering and artificial drying of laundry of occupants of each dwelling unit.

(f) All streets, both internal and external (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found to be necessary in the public interest (including recreational facilities) shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issued. In lieu of total completion of landscaping improvements, only an adequate performance bond properly guaranteeing the completion may be accepted. Such bond value will be set at the time of posting and will be held by the Clerk of Little Egg Harbor Township after approval by the Township Attorney as to the form and surety, for a period of no more than one (1) year, during which time the landscaping improvements shall be completed, or the bond will be forfeited. This subsection shall not be construed as relieving the developer of the performance bond requirements in accordance with this chapter.

H. Senior citizen housing:

(1) Within the MF District, as a planned unit development on parcels containing a minimum of 50 acres, senior citizen residences in the form of single-family detached dwelling are permitted. Such housing shall be restricted to principal occupants of age 55 years or older, with the following exceptions: the husband or wife under the age of 55 who is residing with his or her spouse who is the ago of 55 years or older; children residing with their parent or parents, if such child (or children) is over the age of 18 and if one of the parents with whom the child or children is residing is 55 years of age or older; and, full-time occupancy shall be limited to three (3) individuals. In addition, senior citizen assisted-living facilities shall be permitted to a maximum number of 100 beds per facility. Assisted-living facilities shall also be restricted to principal occupants aged 55 years or older.

(2) Single-family detached housing shall comply with the following bulk area and yard requirements:

(a) Minimum lot area: 6,000 square feet required.
(b) Minimum lot width: 60 feet required.
(c) Minimum lot depth: 100 feet required.
(d) Minimum front yard: 20 feet required.
(e) Minimum side yard: 5 feet required.
(f) Minimum combined side yards: 15 feet required.
(g) Minimum rear yard: 20 feet required.

(3) Assisted-living housing shall be designed in accordance with the following standards:

(a) Structures for assisted-living units shall be located a minimum of 25 feet from tract boundaries, including existing and proposed public right-of ways.
(b) All parking facilities shall be on the same site as the building and located within 150 feet of the nearest entrance of the building they are intended to service.
(c) Parking shall be provided at a minimum rate of 0.5 space per unit.
(d) A landscaped buffer of at least 25 feet shall be provided between assisted-living buildings and adjoining single-family residential limits.

§ 15-4.18. NB Neighborhood Business Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Antique shop.
(2) Appliance store.
(3) Art/Graphic/Photo supply store.
(4) Artist/Photo store.
(5) Bakery.
(6) Bank and financial institution.
(7) Barbershop or beauty/hair salon.
(8) Bookstore.
(9) Business office.
(10) Candy store.
(11) Clothing/Dry goods store.
(12) Convenience store.
(13) Gift store.
(14) News/Magazine store.
(15) Produce market.
(16) Ice cream parlor.
(17) Delicatessen.
(18) Dry cleaners.
(19) Municipal parks, playgrounds and other such municipal buildings and uses as are deemed appropriate and necessary by the Township Committee.
(20) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Fences and walls subject to the provisions of Section 15-12.17.
(2) Off-street loading, subject to the provisions of Section 15-12.16.
(3) Off-street parking, subject to the provisions of Section 15-12.16.
(4) Satellite dish antennas, subject to the provisions of Section 15-5.2.
(5) Signs, subject to the provisions of Section 15-7.6.
(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Childcare centers, nursery schools and day care centers.
(2) Churches and places of worship.
(3) Public utilities.

D. Signs:

(1) One (1) free standing sign located at the primary entrance to a development not to exceed 32 square feet in area for the purpose of advertising the name of the development. Such sign may be illuminated by flood lighting, provided that the light is not directed onto adjoining properties or into the eyes of passing motorists.
(2) One (1) sign shall be permitted for each permitted use and may be an illuminated, business sign, providing that the total area of any sign should not exceed 150 square feet. Such signs shall be displayed so as not to project more than 12 inches from the surface of the building or beyond the ends of the building.

E. Area, yard and building requirements:

(1) Minimum lot area: 15,000 square feet.
(2) Minimum lot width: 120 feet.
(3) Minimum lot depth: 125 feet.
(4) Minimum front yard setback: 60 feet.
[1] The front yard setback may be decreased to the existing prevailing setback of adjoining buildings on the same street and within the same block, but in any event shall not be less than 30 feet.
(5) Minimum side yard setback: 15 feet.
(6) Minimum combined side yard setback: 30 feet.
(7) Minimum rear yard setback: 30 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 40 feet and 2 ½ stories.
(10) Maximum percent building coverage: 50 percent.

§ 15-4.19. GB General Business Zone.

A. Permitted principal uses of buildings and structures are as follows: **[Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 8/8/2002 by Ord. No. 2002-30]; [Amended 12/23/2002 by Ord. No. 2002-043]; [Amended 6/9/2005 by Ord. No. 2005-14]**

(1) All principal uses permitted in the NB Neighborhood Business Zone.
(2) Art, dance, gymnastics, music, or other similar instructional school.
(3) Auto parts store, excluding, however, auto repair shops and installation services.
(4) Bar/Cocktail lounge/nightclub.
(5) Bicycle sale, repair or rental establishment.
(6) Bowling alley.

(7) Commercial office.
(8) Building materials retail sales establishment.
(9) Commercial retail use.
(10) Contractor's office, showroom, garage, warehouse and shop; provided, however, that all materials and equipment are stored within a completely enclosed building.
(11) Department store.
(12) Municipal parks, playgrounds and other municipal buildings and uses as are deemed appropriate and necessary by the Township Committee.
(13) Federal, State, County, and other public buildings and grounds; including, public schools, parks, playgrounds or other recreational uses and areas. **[Amended 6/9/2005 by Ord. No. 2005-14]**
(14) Funeral home.
(15) Furniture store.
(16) Garden center.
(17) Indoor commercial health/recreational facility.
(18) Nurseries and greenhouses.
(19) Personal and professional service establishments.
(20) Pet shop; excluding, however, the boarding or treatment of animals.
(21) Printing, lithography, publishing or photocopying establishment.
(22) Restaurant with or without a liquor license.
(23) Shopping centers.
(24) Shops of artisans, carpenters, craftsmen, electricians, painters, plumbers, printers or other similar trade.
(25) Sign shop.
(26) Nursing home.
(27) Supermarket.
(28) Theater (indoor only).
(29) Vocation/Trade school. **[Amended 6/9/2005 by Ord. No. 2005-14]**
(30) Outside boat storage provided, however, that there shall be no boats placed or stored within ten (10) feet of any property line and the boat storage is not within any required parking area. Such screening may consist of fence, walls, natural vegetation and landscaping, or combination thereof, and shall be specifically approved by the Planning Board. Open rack storage is prohibited. **[Amended 6/27/2002 by Ord. No. 2002-017]**
(31) Combinations of two (2) or more of the above permitted uses. **[Amended 6/27/2002 by Ord. No. 2002-017]**
(32) Other uses similar to those above. **[Amended 6/27/2002 by Ord. No. 2002-017]**

B. Permitted accessory uses of buildings and structures are as follows:

(1) Bulk storage subject to the provisions of Section 15-11.9.
(2) Fences and walls subject to the provisions of Section 15-12.17.
(3) Off-street loading, subject to the provisions of Section 15-12.16.
(4) Off-street parking, subject to the provisions of Section 15-12.16.
(5) Satellite dish antennas, subject to the provisions of Section 15-5.2.

(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

C. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Automobile repair shop (motor vehicle repair shop).
(2) Automobile sales establishment for new or used cars.
(3) Automobile service station (gas station or motor vehicle service station).
(4) Car wash.
(5) Churches and places of worship.
(6) Commercial recreation activities.
(7) Health care facility.
(8) Hotel or motel.
(9) Mini-storage facility.
(10) Public utilities.
(11) Veterinary clinic hospital or animal care facility.
(12) Sexually-oriented businesses subject to the provisions of 15-23. **[Amended 12/27/2001 by Ord. No. 2001-035]**
(13) Boat repair shop and boat storage. **[Amended 12/23/2002 by Ord. No. 2002-043]**

D. Signs:

(1) Same as permitted in NB Neighborhood Business Zone.
(2) Only wall mounted signs shall be permitted for each permitted use, and may be an illuminated, business sign, provided that the total area of any sign shall not exceed 150 square feet. Such signs shall be displayed so as not to project more than 12 inches from the surface of the building or beyond the ends of the building.
(3) Identification signs. Free-standing signs may be erected to identify a shopping center and to list individual occupants, provided that not more than one (1) such sign shall be erected for each 300 feet of frontage on a public street and, further provided, that the aggregate area of all sides of any such signs shall not exceed 200 square feet. Such signs may be illuminated, but shall not be of the flashing type, shall not exceed one and one-half times the height of the principal building, not to exceed 35 feet, shall not be located within 50 feet of a public street or parking area exits or entrances or within 200 feet of the boundary of a residence zone, and shall in no way interfere with the safe functioning of any traffic control signal or directional device.
(4) Directional signs (ingress). One (1) free-standing sign may be erected at each driveway which provides a means of ingress for off-street parking facilities on the premises, shall relate only the name of the use of the facility and appropriate traffic instructions, shall not exceed 10 square feet in area for each of two (2) faces, shall be mounted so as not to obstruct vision for a height of 7 feet above ground lever, and shall not exceed 10 feet in height.
(5) Direction signs (egress). Free-standing signs may be erected on the premises for the purpose of providing directions to traffic leaving the premises, shall not

exceed 10 square feet in area on each of two (2) sides, shall be mounted so as not to obstruct vision for a height of 7 feet above ground level, and shall not exceed 10 feet in height.

(6) Traffic control signs. Free-standing signs may be erected which are necessary to control and regulate the movement of traffic on the interior roadways on the premises, provided the number and location of such signs are approved by the Planning Board. Such signs shall not exceed 4 square feet in area, and shall not exceed a height of 6 feet.

(7) Parking lot signs. Free-standing signs may be erected within the parking areas to identify particular areas or sections of the parking lot, provided that not more than one (1) such sign shall be permitted for each 40,000 square feet of parking area, and further provided that such signs shall not exceed an area of 3 square feet on each of four (4) faces, nor exceed a height of 25 feet. In addition, free-standing signs may be erected at each of a parking aisle for identification purposes, provided that such signs shall not exceed one (1) square foot in area, nor exceed a height of 11 feet. All of the above described signs must be mounted not less than 7 feet above the ground.

E. Area, yard and building requirements:

(1) Minimum lot area: 22,500 square feet.
(2) Minimum lot width: 150 feet.
(3) Minimum lot depth: 150 feet.
(4) Minimum front yard setback: 70 feet.
(5) Minimum side yard setback: 20 feet.
(6) Minimum combined side yard setback: 40 feet.
(7) Minimum rear yard setback: 40 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 40 feet and 2 ½ stories.
(10) Maximum percent building coverage: 50 percent.

§ 15-4.20. HB Highway Business Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) All principal uses permitted in the NB Neighborhood Business Zone.
(2) Art, dance, gymnastics, music, or other similar instructional school.
(3) Auto parts store, excluding, however, auto repair shops and installation services.
(4) Bar/Cocktail lounge/nightclub.
(5) Bicycle rental, repair or sales establishment.
(6) Bowling alley.
(7) Building materials retails sales establishment; excluding, however, lumberyards, or similar uses requiring outdoor storage.
(8) Commercial office.
(9) Commercial retail use.

(10) Contractor's office, showroom, garage, warehouse and shop; provided, however, that all materials and equipment are stored within a completely enclosed building.
(11) Department store.
(12) Municipal parks, playgrounds and other municipal buildings and uses as are deemed appropriate and necessary by the Township Committee.
(13) Federal, State, County, and other public buildings and grounds; excluding however, public schools, parks, playgrounds or other recreational uses and areas.
(14) Funeral home.
(15) Furniture store.
(16) Garden center.
(17) Indoor commercial health/recreational facility.
(18) Nurseries and greenhouses.
(19) Personal and professional service establishments.
(20) Pet shop; excluding, however, the boarding or treatment of animals.
(21) Printing, lithography, publishing or photocopying establishment.
(22) Restaurant with or without a liquor license.
(23) Shopping centers.
(24) Shops of artisans, carpenters, craftsmen, electricians, painters, plumbers, printers or other similar trades.
(25) Sign shop.
(26) Supermarket.
(27) Theater (indoor only).
(28) Vocation/Trade school, operated for profit.
(29) Combinations of two (2) or more of the above permitted uses in one (1) principal building.
(30) Other uses similar to those above.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Bulk storage subject to the provisions of Section 15-11.9.
(2) Fences and walls subject to the provisions of Section 15-12.17.
(3) Off-street loading, subject to the provisions of Section 15-12.16.
(4) Off-street parking, subject to the provisions of Section 15-12.16.
(5) Satellite dish antennas, subject to the provisions of Section 15-5.2.
(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

C. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Automobile repair shop (motor vehicle repair shop).
(2) Automobile sales establishment for new or used cars.
(3) Automobile service station (gas station or motor vehicle service station).
(4) Car wash.
(5) Churches and places of worship.
(6) Commercial recreation activities.
(7) Drive-in restaurant.

(8) Health care facility.
(9) Hotel or motel.
(10) Mini-storage facility.
(11) Public utilities.
(12) Veterinary clinic hospital or animal care facility.
(13) Sexually-oriented businesses subject to the provisions of 15-23. **[Amended 12/27/2001 by Ord. No. 2001-035]**

D. Signs:

(1) Same requirements as the (GB) General Business Zone.

E. Area, yard and building requirements:

(1) Minimum lot area: one acre or 43,560 square feet.
(2) Minimum lot width: 200 feet.
(3) Minimum lot depth: 200 feet.
(4) Minimum front yard setback: 70 feet.
(5) Minimum side yard setback: 25 feet.
(6) Minimum combined side yard setback: 50 feet.
(7) Minimum rear yard setback: 40 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 40 feet and 2 ½ stories.
(10) Maximum percent building coverage: 50 percent.

§ 15-4.21. MC Marine Commercial Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Boat yard for the repair and service of boats, excluding new boat construction.
(2) Marinas.
(3) Boat sales and showrooms.
(4) Retail and wholesale sale of boating supplies.
(5) Restaurants, and other eating establishments, excluding drive-in and fast food restaurants.
(6) Waste pump-out facilities.
(7) Essential services.

B. Accessory uses of buildings and structures are as follows:

(1) Fences and walls subject to the provisions of Section 15-12.17.
(2) Off-street loading, subject to the provisions of Section 15-12.16.
(3) Off-street parking, subject to the provisions of Section 15-12.16.
(4) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter:

(1) Public utilities.

D. Signs:

(1) One (1) sign shall be permitted for each permitted use, and may be an illuminated, business sign, provided that the total area of any sign should not exceed 150 square feet. Such signs shall be displayed so as not to project more than 12 inches from the surface of the building or beyond the ends of the building.

E. Area, yard and building requirements:

(1) Minimum lot area: 12,000 square feet.
(2) Minimum lot width: 120 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 40 feet.
(5) Minimum side yard setback: 15 feet.
(6) Minimum combined side yard setback: 30 feet.
(7) Minimum rear yard setback: 20 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 35 feet and 2 ½ stories.
(10) Maximum percent building coverage: 50 percent.

§ 15-4.22. LI Light Industry Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) The fabrication, assembly, or processing of goods and materials or the storage of bulk goods and materials, where such activities and materials create no significant hazard from fire or explosion or produce no toxic or corrosive fumes, gas smoke, obnoxious dust, or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent.
(2) Business, professional and governmental offices.
(3) Warehouse and storage of goods.
(4) Contractor's office, showroom, garage, warehouse, and shop; provided, however, that all materials are stored within a completely enclosed building.
(5) Contractors or craftsmen shop or equipment storage area, including general repair shop, except automobile dismantling or cannibalizing.
(6) Wholesale trade and distribution, excluding used automobiles.
(7) Wholesale building supply yards, lumber yards, yards of contractors in the construction and building trades and similar operation requiring bulk storage of materials and equipment, such as building construction supplies and the equipment.
(8) Medical and dental laboratories.
(9) Research and testing laboratories.

(10) Mailing, reproduction, commercial art and photography and stenographic services.
(11) Printing, lithography, publishing or photocopying establishment.
(12) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Bulk storage subject to the provisions of Section 15-11.9.
(2) Fences and walls subject to the provisions of Section 15-12.17.
(3) Off-street loading, subject to the provisions of Section 15-12.16.
(4) Off-street parking, subject to the provisions of Section 15-12.16.
(5) Satellite dish antennas, subject to the provisions of Section 15-5.2.
(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter:

(1) Public utilities.
(2) Truck terminals.
(3) Communications antennas and towers, limited to the northerly zone district adjacent to Route 539 and the Garden State Parkway.
(4) Sexually-oriented businesses subject to the provisions of 15-23. **[Amended 12/27/2001 by Ord. No. 2001-035]**

D. Signs:

(1) Same as permitted in the (GB) General Business Zone.

E. Area, yard and building requirements:

(1) Minimum lot area: one acre or 43,560 square feet.
(2) Minimum lot width: 200 feet.
(3) Minimum lot depth: 200 feet.
(4) Minimum front yard setback: 80 feet.
(5) Minimum side yard setback: 50 feet.
(6) Minimum combined side yard setback: 100 feet.
(7) Minimum rear yard setback: 50 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 40 feet and 2 ½ stories.
(10) Maximum percent building coverage: 50 percent.

§ 15-4.23. SC/GB Senior Citizen/ General Business Zone.

A. Permitted uses:

(1) All permitted uses in the GB, General Business, Zone as specified in Subsection 15-4.19.

(2) Public and non-profit or limited dividend housing for elderly persons. Such housing shall be referred to as senior citizen housing and shall be located and designed to serve the special needs and habits of such persons and shall contribute to their dignity and independence.

(3) For the purposes of this section, "Public and Non-Profit Limited Dividend Housing for the Elderly" shall be deemed to mean dwelling units intended and specifically designed to provide well constructed and adequate housing for elderly persons having low or moderate income, which housing shall conform to all the requirements and guidelines established by the U.S. Department of Housing and Urban Development of the New Jersey Housing and Finance Agency, whichever are more stringent, with respect to cost limitation, construction, rental costs, selling prices, and other standards for low and moderate income senior citizen housing; and, further provided that the applicant for construction of such housing in order that shelter costs shall be initiated and maintained at the lowest feasible costs. Such housing shall be occupied by individuals, 55 years of age or older, one person under age 55 may reside in a dwelling unit with an elderly person or persons as permitted above if the presence of such person is essential to the physical care or economic support of the elderly person or persons. Such dwelling units shall be attached dwelling grouped together in one or more multi-unit buildings. Each dwelling unit shall consist of complete living accommodations, including cooking, sleeping, bathroom and storage facilities.

B. Permitted accessory uses:

(1) For general business uses, same as specified in Subsection 15-4.19., exclusive of swimming pools and home occupations.

(2) For senior citizen housing, one (1) or more of the following:

(a) One (1) dwelling unit for a resident manager and his or her family who may or may not be 55 years of age or older;

(b) Health facilities;

(c) Dispensary;

(d) Indoor and outdoor recreational facilities;

(e) Worship facilities;

(f) Living and dining area for the common use of project residents;

(g) Central kitchen facilities where food may be prepared for service either in a common dining area or for distribution to individual dwelling units, however, such central kitchen facilities shall not be used by the residents for the preparation of their own individual needs;

(h) An assembly or meeting room;

(i) An outdoor storage shed for the storage of seasonal maintenance equipment;

(j) Garden plots for the use of individual tenants.

C. Permitted uses:

(1) For general business uses, same as specified in Subsection 15-4.19.
(2) For senior citizens housing, one (1) free standing sign located at the primary entrance to the project and within the required front yard and outside of any sight triangle easements. Said sign shall not exceed 32 square feet in area for the purpose of advertising the name of the project. Such sign may be illuminated by flood lighting, provided that the light is not directed onto adjoining property or into the eyes of passing motorists.
(3) Customary traffic control, circulation and directional signs.

D. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) For general business uses, same as specified in Subsection 15-4.19.
(2) For senior citizen housing, a pharmacy or doctor's office, provided the applicant can demonstrate both the need and demand for such a use and provided same is designed as an integral part of the multi-unit structure(s).

E. Area, yard and building requirements:

(1) For general business uses, same as specified in Subsection 15-4.19.
(2) For senior citizen housing, the area, yard and building requirements shall be as specified below:
    (a) Minimum lot area: 87,120 square feet.
    (b) Minimum lot width: 200 feet.
    (c) Minimum lot depth: 200 feet.
    (d) Minimum front yard setback: 50 feet.
    (e) Minimum side yard setback: 20 feet.
    (f) Minimum rear yard setback: 40 feet.
    (g) Maximum height: 35 feet.
    (h) Maximum number of dwelling units: 24 per acre.
    (i) Maximum percent coverage of all buildings: 20 percent.

F. Other requirements:

(1) There shall be provided off-street parking of at least one-half space for each one (1) dwelling unit.
(2) At least 50 percent of the selling units shall have one (1) bedroom per unit, the remainder shall be efficiency or two (2) bedroom units.
(3) Said project shall be served by complete water, sewer, telephone and gas and/or electrical facilities. All these services shall be placed underground.
(4) No dwelling shall be constructed below grade.
(5) There shall be access, at least emergency access, to all sides of the building for emergency and fire equipment.

(6) Wherever practical and feasible, sites shall be located within 0.25 miles of arterial roadways and such community facilities as public transportation, hospital or medical facilities, shopping, religious, cultural and recreational facilities.

(7) Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5 percent. Single riser grade changes in walk shall not be permitted. Outdoor area available to the residents shall permit older persons to move about without danger and with minimum effort. A barrier free design shall be provided.

(8) The project design shall be functional and provide for the safety, health and general welfare of occupants of this age group.

(9) Individually secured storage space for the occupants' use and storage space for equipment and supplies for the operation and maintenance shall be provided in suitable locations within the project.

(10) Adequate facilities shall be provided for the removal of snow, trash, garbage, and for general maintenance of the project.

(11) Portions of all front, rear and side yards which are not being used for driveways, sidewalks, parking or loading, accessory buildings or recreation areas shall be planted with trees, shrubs, plants, and lawns or ground cover in order to insure the screening, buffering, and attractiveness of the project. Where possible, the first six (6) or ten (10) feet of the required rear and side yards shall contain a heavy planting of trees, shrubs and plants.

(12) Unless specified otherwise herein, the project shall comply with all other provisions of the chapter with respect to improvements, performance and maintenance guarantees, design standards, permits and approvals, fees, approval procedures, supplementary design and performance standards, etc.

§ 15-4.24. WFD Waterfront Development Zone.

A. Permitted principal uses of buildings and structures are as follows:

(1) Marinas.
(2) Boat sales and showrooms.
(3) Retail and wholesale sale of boating supplies.
(4) Restaurants, and other eating establishments, excluding drive-in and fast food restaurants.
(5) Attached single-family townhouse dwelling units offered on a condominium or fee simple basis.
(6) Public or private docks and boat slips with appurtenant marine and water orientated accessory facilities.
(7) Business office.
(8) Essential services.

B. Permitted accessory uses of buildings and structures are as follows:

(1) Fences and walls subject to the provisions of Section 15-12.17.

(2) Off-street loading, subject to the provisions of Section 15-12.16.
(3) Off-street parking, subject to the provisions of Section 15-12.16.
(4) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:

(1) Offices.

D. Area, yard and building requirements of nonresidential uses:

(1) Minimum lot area: 12,000 square feet.
(2) Minimum lot width: 120 feet.
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 40 feet.
(5) Minimum side yard setback: 15 feet.
(6) Minimum combined side yard setback: 30 feet.
(7) Minimum rear yard setback: 20 feet.
(8) Minimum accessory building side and rear yard setback: 5 feet.
(9) Maximum building height: 40 feet and 2 ½ stories.
(10) Maximum percent building coverage: 50 percent.
(11) Buildings for boat repair and maintenance shall not be closer than 50 feet from any property line.
(12) Boats shall not be stored or displayed closer than 20 feet to any property line and shall be adequately screened and fenced.

E. Other requirements:

(1) Utilities shall be supplied to each boat slip including electricity, lighting, water supply and sewage disposal.

F. Area, yard and building requirements for attached single-family townhouse dwellings:

(1) The minimum tract size shall be five (5) acres, including the areas of existing streets and water areas within the tract boundary lines provided they total no more than two (2) percent of the tract area.
(2) The gross residential density shall not exceed eight (8) dwelling units per acre. Gross residential density shall be computed by dividing the total numbers of units by the total tract size.
(3) The net or developed residential density shall not exceed ten (10) dwelling units per acre. Net or developed residential density shall be computed on the buildable project area by the total buildable project area.
(4) A minimum of 20 percent of the total tract area shall be devoted to active or passive open space, except where a proposed project has frontage along or access to existing waterways or the water edge, a minimum of 15 percent of the total tract area shall be devoted to active or passive open space provided the waterfront

area is developed with boat slips, docks, bulkheads, fishing piers or other marine and water oriented facilities.

(5) Improvements shall comply with the requirements of Subsections 15-17.1. and 15-17.3. of this chapter.

(6) Inspection requirements shall be as specified in Subsection 15-17.4. of this chapter.

(7) Performance guarantees, releases, inspection fees and maintenance guarantees shall comply with the requirements of Subsections 15-16.4., 15-17.5. and 15-17.6. of this chapter.

(8) A homeowners' association, if required by the Board or proposed by the applicant, shall be established in accordance and compliance with Subsection 15-11.15. of this chapter. The maintenance of association owned property shall comply with Subsection 15-11.15.F. of the chapter.

(9) The maximum building height shall be 35 feet.

§ 15-4.24.1. Cemetery Zone [Amended 12/27/2001 by Ord. No. 2001-031]

A. Permitted principal use of the buildings and structures is as follows:

(1) Erection of memorial monuments, less than six (6) feet in height.

B. Signs.

(1) One (1) freestanding sign shall be permitted per lot, provided the total area of the sign shall not exceed 20 square feet and not exceed a height of four (4) feet.

C. Area and yard requirements.

(1) Minimum lot area: 21,500 square feet.
(2) Minimum lot width: 175 feet
(3) Minimum lot depth: 100 feet.
(4) Minimum front yard setback: 20 feet
(5) Minimum side yard setback: 10 feet
(6) Minimum combined sideyard setback: 20 feet
(7) Minimum rear yard setback: 20 feet.

§ 15-4.24.2. Scenic Gateway Overlay Zone. [Amended on 12/13/2007 by Ord. No. 2007-26]

A. Purpose. The purpose of the Scenic Gateway Overlay Zone is to recognize and serve the needs of the traveling public within the Township and Region, and to preserve the wooded rural character, and promote design compatibility for the development, redevelopment, and changes in land use along the Route 539 corridor.

B. The Scenic Gateway Overlay Zone is intended for properties that front the Route 539 corridor between the Garden State Parkway and the Township border shown on the

Township's zoning map. Any lot or parcel of land located at least partially within the overlay zone shall follow the requirements of this section for that portion of the lot or parcel.

C. Applicability.

(1) These standards and guidelines shall be applicable to any project within the Scenic Gateway Overlay Zone. The standards shall be applied concomitantly with the relevant use and bulk regulations defined in the underlying zoning districts. Unless otherwise noted, these standards shall apply uniformly to the underlying zoning districts; in those cases where the standard varies with the district, these provisions supersede.

(2) The scope of the standards covers all exterior aspects of the rehabilitation of existing structures, additions to existing structures, and construction of new buildings, as well as all site improvements, streetscape, signage, lighting and landscaping.

(3) In the exercise of its powers of review, the reviewing board may recommend approval, conditional approval, request modifications, or recommend denial to an application based upon its review of the materials submitted by the applicant and any additional information which it may deem appropriate.

(4) These standards shall be interpreted with flexibility. The reviewing board shall view them as a tool, since exceptional situations, requiring unique interpretations, can be expected. When applying them, the reviewing board shall carefully weigh the specific circumstances surrounding each application, and strive for design solutions that best promote the spirit and intent of the standards and guidelines

D. Permitted principal uses of buildings and structures are as follows:

(1) Neighborhood Business uses pursuant to §15-4.18 shall be permitted.

(2) General Business uses pursuant to §15-4.19 shall be permitted with the exception of the following:

(a) Auto parts store, auto repair shops and installation services.

(b) Contractor's office, showroom, garage, warehouse and shop.

(c) Funeral home.

(d) Printing, lithography, publishing or photocopying establishment.

(3) Hotels, motels, lodges or inns, including extended stay hotels and convention centers.

(4) Spas or other related health resorts

(5) Health care facilities

(6) Medical office uses

(7) Long-term care facilities

(8) Assisted living facilities

E. Permitted accessory uses of buildings and structures are as follows:

(1) Fences and walls subject to the provisions of §15-12.17.

(2) Signs, subject to the provisions of §15-7.6 and additional design standards for standards set forth below.
(3) Off-street loading, subject to the provisions of §15-12.16.
(4) Off-street parking, subject to the provisions of §15-12.16.
(5) Satellite dish antennas, subject to the provisions of §15-5.2.
(6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

F. Conditional uses, subject to the provisions of §15-5, are as follows:

(1) Childcare centers, nursery schools and day care centers.
(2) Churches and places of worship.
(3) Commercial recreation activities.
(4) Veterinary clinic hospital or animal care facility.

G. Building design standards. Buildings located in the overlay zone shall mark the transition into and out of the overlay zone in a distinct fashion, using massing, height extensions, contrasting materials and/or architectural embellishments to obtain this effect.

(1) Buildings shall be oriented towards street frontage, both functionally and visually.
(2) Buildings on corner lots shall be considered more significant structures, since they have at least two (2) front facades visibly exposed to the street. If deemed appropriate by the Board, such buildings may be designed with additional height and architectural embellishments relating to their location
(3) Focal point features incorporated into a structure's design is encouraged through the use of one or more of the following techniques:
    (a) A distinctive design that does not represent standard franchise architecture.
    (b) A vertical architectural feature or appendage (e.g., a clock tower, spire, or interesting roof form).
    (c) Exceptional landscape feature or water feature.
    (d) The creation of open spaces, passive park areas, plazas that are aesthetically pleasing and designed for public gathering, local events, community events, walking, sitting, picnicking, or bicycling,
(4) Buildings shall be located to allow for adequate fire and emergency access.
(5) In a multiple building development, individual buildings shall be oriented to compliment each other, and shall be organized around features such as courtyards, quadrangles and alleys, which encourage pedestrian activity.

H. Off-street parking and loading.

(1) Off-street parking and loading shall be provided in accordance with §15-12.16.
(2) Parking lots shall be prohibited in any front yard area.
(3) Surface parking lots shall be located to the rear of buildings and/or in the interior of a site, where the visual impact to adjacent properties and to the public right-of-

way can be minimized. Access shall, to the extent possible, be obtained from side streets, and curb cuts minimized.

(4) Parking areas for individual nonresidential uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s), where feasible, to minimize access points to the street. Such interconnection shall be established through an appropriate cross-access easement, either unilaterally established by one party or by mutual agreement. The cross-access easement shall be approved by the Board of Jurisdiction.

I. Signage. In addition to the signage standards set forth in the underlying zoning districts, the following shall apply:

(1) One (1) ground-mounted monumental sign not to exceed seventy-five (75) square feet may be erected at each driveway which provides a means of ingress and egress to the use.

(2) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity.

(3) Signs shall fit within the existing facade features, shall be mounted so that the method of installation is concealed, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(4) Whenever possible, signs located on buildings within the same blockface shall be placed at the same height, in order to create a unified sign band.

(5) Businesses located in corner buildings are permitted one (1) sign for each street frontage.

(6) Signs on roofs, dormers and balconies are prohibited.

J. Awnings and Canopies.

(1) Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, provided they complement a building's architectural style, and are compatible with its materials, colors and details. Awning shapes shall reflect the shape of the top of the opening to which they relate.

(2) Canvas is the preferred material, although other water-proofed fabrics may be considered. Metal or aluminum awnings are prohibited. Only solid or striped patterns are permitted.

(3) Awnings shall not extend more than four (4') feet from the building surface, or less than eight (8') feet from the sidewalk.

(4) Canopies are permitted, and may extend over the sidewalk, but shall not restrict pedestrian circulation, and shall follow the standards set forth for awnings

(5) Particular attention shall be taken with selection of the appropriate supporting structure and hardware, as well as with the location and method by which it is attached to the building facade

(6) In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

K. Banners and Flags.

Banners and flags are encouraged, provided they are appropriately scaled to the building and streetscape, and do not interfere with facade composition or obscure architectural details. Banners and flags shall be of cotton or heavy dacron or nylon.

L. Circulation standards. In addition to the standards set forth in §15-11.8(I), "Pedestrian Spaces," the following shall apply:

(1) The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links between the Scenic Gateway Overlay Zone and adjacent neighborhoods, open space, and mixed use areas outside the overlay zone in the Township and Tuckerton Borough. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle ways (especially off-street bicycle or multiuse paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility.

(2) Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include bike racks, off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14') feet.

(3) Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted and designed to relate to the neighborhood architectural character.

(4) Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic-calming features such as queuing streets, curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

(5) Pedestrian circulation. The street and pedestrian network must be well connected for the health, safety, and welfare of residents. Therefore, safe and attractive mid-block linkages are encouraged, as are barrier-free connections.

§15-4.24.3. Route 9 Gateway Overlay Zone. [Amended 3/14/2013 by Ord. No. 2013-03]

A. Purpose. The purpose of the Route 9 Gateway Overlay Zone is to recognize and serve the needs of the traveling public within the Township and Region and enhance the design of development in the HB and GB Districts along the Route 9 corridor to promote a desirable and attractive visual environment in a corridor that serves as an important gateway through the township.

B. The Route 9 Gateway Overlay Zone is intended for properties that front on the Route 9 corridor between the township boundaries with Bass River Township and Tuckerton Borough as shown on the Township's zoning map. Any lot or parcel of land located at least partially within the overlay zone shall follow the requirements of this section for that portion of the lot or parcel.

C. For the purpose of building and site design and regulation, the Route 9 Gateway Overlay Zone shall be divided into the following two separate subsections:

(1) Route 9 Gateway Overlay Zone South
(2) Route 9 Gateway Overlay Zone North

These two sub-areas are depicted on the township's zone map and Exhibit A herein.

D. Applicability.

(1) These standards and guidelines shall be applicable to any project within the Route 9 Gateway Overlay Zone, including both North and South subsections. The standards shall be applied concomitantly with the relevant use and bulk regulations defined in the underlying zoning districts. Unless otherwise noted, these standards shall apply uniformly to the underlying zoning districts; in those cases where the standard varies with the district, these provisions supersede.

(2) The scope of the standards covers all exterior aspects of the rehabilitation of existing structures, additions to existing structures, and construction of new buildings, as well as all site improvements, streetscape, signage, lighting and landscaping.

(3) In the exercise of its powers of review, the reviewing board may approve, conditionally approve, or deny an application based upon its review of the materials submitted by the applicant and any additional information which it may deem appropriate.

(4) These standards shall be interpreted with flexibility. The reviewing board shall view them as a tool, since exceptional situations, requiring unique interpretations, can be expected. When applying them, the reviewing board shall carefully weigh the specific circumstances surrounding each application, and strive for design solutions that best promote the spirit and intent of the standards and guidelines

E. Permitted principal uses of buildings and structures are as follows:

(1) Highway Business uses pursuant to §15-4.20(A) shall be permitted in those areas where the underlying zoning is HB.

(2) General Business uses pursuant to §15-4.19(A) shall be permitted in those areas where the underlying zoning is GB.

F. Permitted accessory uses of buildings and structures are as follows:

(1) Fences and walls subject to the provisions of §15-12.17.

(2) Signs, subject to the provisions of §15-7.6 and additional design standards for standards set forth below.

(3) Off-street loading, subject to the provisions of §15-12.16.

(4) Off-street parking, subject to the provisions of §15-12.16.

(5) Satellite dish antennas, subject to the provisions of §15-5.2.

(6) Wind and solar energy systems as may be permitted in accordance with the applicable requirements of §15-24.

(7) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

G. Conditional uses, subject to the provisions of §15-5, are as follows:

(1) Permitted conditional uses in the Highway Business district pursuant to §15-4.20(C) shall be permitted in those areas where the underlying zoning is HB.

(2) Permitted conditional uses in the General Business district pursuant to §15-4.19(C) shall be permitted in those areas where the underlying zoning is GB.

H. Building design standards. Buildings located in the Route 9 Gateway Overlay Zone shall mark the transition into and out of the overlay zone in a distinct fashion, using massing, height extensions, contrasting materials and/or architectural embellishments to obtain this effect.

(1) Buildings shall be oriented towards street frontage, both functionally and visually.

(2) Buildings on corner lots shall be considered more significant structures, since they have at least two (2) front facades visibly exposed to the street. If deemed appropriate by the Board, such buildings may be designed with additional height and architectural embellishments relating to their location

(3) Focal point features incorporated into a structure's design is encouraged through the use of one or more of the following techniques:

(a) A distinctive design that does not represent standard franchise architecture.

(b) A vertical architectural feature or appendage (e.g., a clock tower, spire, or interesting roof form).

(c) Exceptional landscape feature or water feature.

(d) The creation of open spaces, passive park areas, plazas that are aesthetically pleasing and designed for public gathering, local events, community events, walking, sitting, picnicking, or bicycling,

(4) Buildings shall be located to allow for adequate fire and emergency access.

(5) In a multiple building development, individual buildings shall be oriented to complement each other, and shall be organized around features such as courtyards, quadrangles and alleys, which encourage pedestrian activity.

I. Streetscape Design in the Route 9 Gateway Overlay Zone North. The objective shall be to provide street trees, paving, benches, lighting and other improvements to provide an ample, well-defined, unified and distinct pedestrian corridor along the Route 9 streetscape. The following standards shall apply:

(1) Provide street trees within the right-of-way in planting areas of at least ninety (90) square feet in surface area. An acceptable ground cover or mass shrub planting shall be provided in all planting areas.

(2) The quantity of trees shall be equivalent to one (1) tree of three (3) inches to three and five-tenths (3.5) inches caliper for every forty (40) feet of frontage.

(3) If existing trees are preserved within ten (10) feet of the curb, the requirements for additional street tree plantings may be reduced.

(4) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.

(5) A walkway within the right-of-way of a minimum clear width of five (5) feet shall be provided. In areas where site furnishings are provided, the walk width shall be widened to accommodate these amenities. The walkway shall be constructed of a decorative pavement, i.e. brick pavers, as approved by the Board of jurisdiction. All walks shall include ramps for handicap access at all street comers or road crossings. The decorative paving shall be continued across all ingress and egress drives as a crosswalk, providing a well-defined continuous pedestrian walkway.

(6) Site furnishings such as benches, period lighting, kiosks, bus shelters, trash receptacles and flagpoles shall be provided as appropriate or required by the Board of jurisdiction. All site furnishings within an individual village area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.

(7) Signage within the village streetscape area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.

(8) All overhead utilities should be relocated underground whenever possible.

J. Streetscape Design in the Route 9 Gateway Overlay Zone South. The streetscape design in the Route 9 Gateway Overlay Zone South shall be designed to create a pedestrian friendly park-like open space amenity along the Route 9 frontage of properties in the overlay district. The streetscape design shall incorporate a combination of buffering and berms, landscaping, streetscape design amenities, and pedestrian walkway along the entire Route 9 street frontage. The general design of the streetscape is illustrated in Figure 1, Illustrative Plan View and shall include:

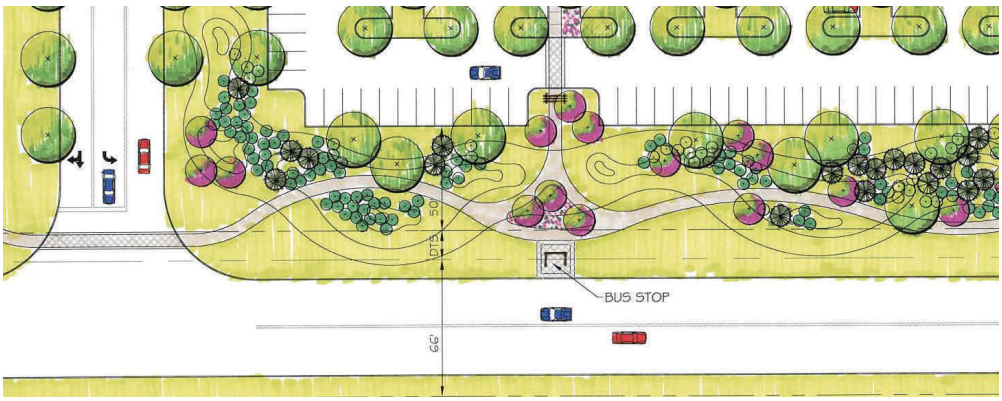


Figure 1: Illustrative streetscape plan view.

(1) A combination of nuisance and filtered buffers designed in accordance with the standards and requirements set forth in §15-11.8. Illustrative cross sections of buffers in relationship to the street are shown in Figures 2 through 4 as follows:

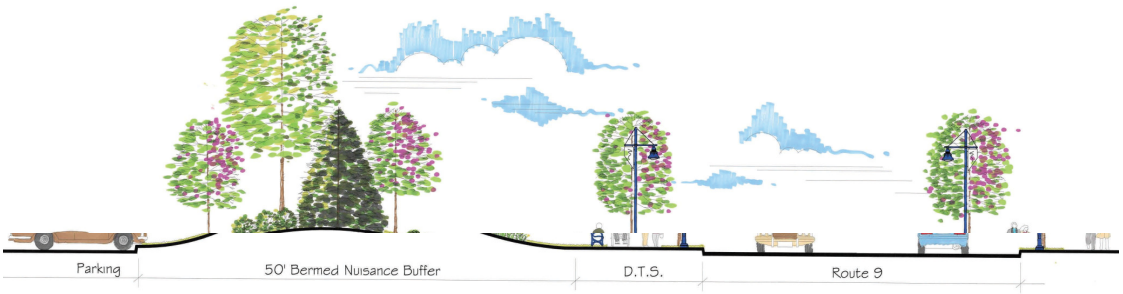


Figure 2

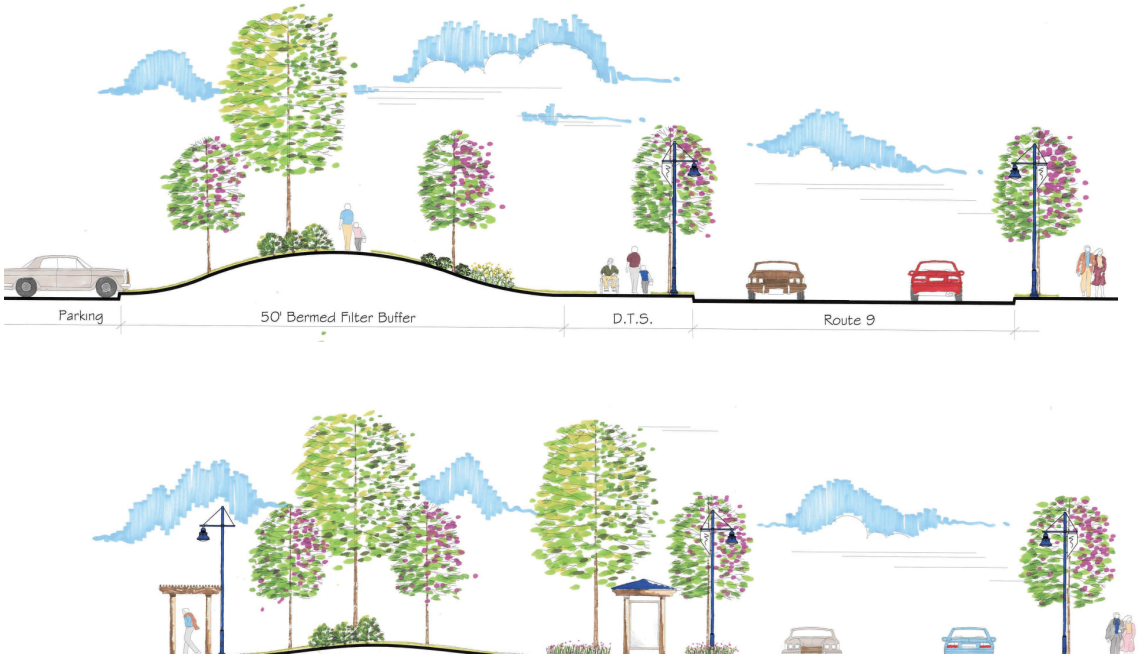


Figure 3

Figure 4

(2) A pedestrian walkway designed in accordance with the standards set forth in §15-11.8(I) and as illustrated in Figure 1.

(3) Associated pedestrian amenities and street furniture within the streetscape buffers shall be designed in accordance with §15-11.8(I).

K. Streetscape Design Elements in the Route 9 Gateway Overlay Zone. The streetscape design elements in the Route 9 Gateway Overlay Zone shall include:

(1) Street lights: Pedestrian scale, thematic style light standards shall be used along all street edges immediately adjacent to proposed developments. The horizontal spacing of the fixtures shall be consistent with Township and State regulations as required.

(a) Street lights shall not exceed fourteen feet (14') in height.

(b) Street lights shall utilize decorative poles and pole base covers.

(c) Poles shall be cast iron, aluminum, or steel and painted black.

(d) Luminaires shall incorporate night sky friendly, energy efficient, full cut-off optics. The use of LED technology is encouraged.

(e) Sample Fixture or approved equal:
Hadco CF15/17 Westbrooke

(2) Site Furnishings: Each project with street frontage shall include the provision of site furnishings consistent with the intent of this ordinance and the creation of an inviting, safe and enjoyable pedestrian experience. These furnishings shall include benches, trash and recycling receptacles, bike racks, and individual free standing planters as appropriate.

(a) Furnishings shall be constructed of non-biodegradable, vandal resistant materials such as cast iron, steel, aluminum, or recycled plastic components. All metal parts to be painted black.

(b) Furnishings shall be consistent with the intent of this ordinance and coordinated with the overall character of the proposed project.

(c) Benches shall be a minimum of six feet (6') in length and incorporate a center armrest. Benches can be backed or backless as deemed appropriate for the specific setting.

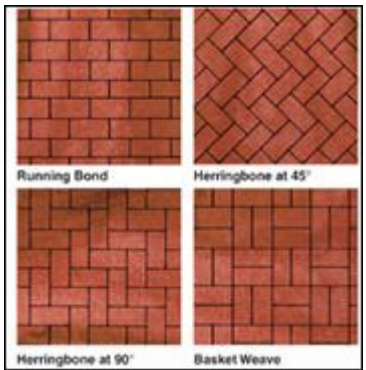
(d) Trash receptacles shall be a minimum of thirty two (32) gallon capacity and utilize the smallest possible semi-covered top or side opening to prevent the deposition of household debris and trash.

(e) Recycling receptacles shall be provided and incorporated as appropriate.

(f) Sample Selections or approved equals:
Bench: Victor Stanley, City Series, CBF-12
Trash: Victor Stanley, Economy Series, ES-335

(3) Street trees: As per §15-11.8(B).

(4) Sidewalk design: The paving patterns shown in the accompanying figure shall be applied to pedestrian walkways, with final design and material



selection subject to the approval of the Planning Board. In general, running bond patterns should be used for pedestrian-only walkways, 90 degree herringbone pattern for areas which require limited vehicular traffic and basket weave for plazas and other larger spaces.

L. Off-street parking and loading.

(1) Off-street parking and loading shall be provided in accordance with §15-12.16.

(2) Landscaping within parking lots shall be designed in accordance with the requirements of §15-11.8(G).

(3) In the Route 9 Gateway Overlay Zone North, surface parking lots shall be located to the rear of buildings and/or in the interior of a site, where the visual impact to adjacent properties and to the public right-of-way can be minimized. Access shall, to the extent possible, be obtained from side streets, and curb cuts minimized.

(4) Parking areas for individual nonresidential uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s), where feasible, to minimize access points to the street. Such interconnection shall be established through an appropriate cross-access easement, either unilaterally established by one party or by mutual agreement. The cross-access easement shall be approved by the Board of Jurisdiction.

M. Signage. In addition to the signage standards set forth in the underlying zoning districts, the following shall apply:

(1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity.

(2) Signs shall fit within the existing facade features, shall be mounted so that the method of installation is concealed, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.

(3) Whenever possible, signs located on buildings within the same block face shall be placed at the same height, in order to create a unified sign band.

(4) Businesses located in corner buildings are permitted one (1) sign for each street frontage.

(5) Signs on roofs, dormers and balconies are prohibited.

N. Awnings and Canopies—Route 9 Gateway Overlay Zone North.

(1) Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, provided they complement a building's architectural style, and are compatible with its materials, colors and details. Awning shapes shall reflect the shape of the top of the opening to which they relate.

(2) Canvas is the preferred material, although other water-proofed fabrics may be considered. Metal or aluminum awnings are prohibited. Only solid or striped patterns are permitted.

(3) Awnings shall not extend more than four (4') feet from the building surface, or less than eight (8') feet from the sidewalk.

(4) Canopies are permitted, and may extend over the sidewalk, but shall not restrict pedestrian circulation, and shall follow the standards set forth for awnings.

(5) Particular attention shall be taken with selection of the appropriate supporting structure and hardware, as well as with the location and method by which it is attached to the building façade.

(6) In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

O. Banners and Flags.

Banners and flags are encouraged, provided they are appropriately scaled to the building and streetscape, and do not interfere with facade composition or obscure architectural details. Banners and flags shall be of cotton or heavy Dacron or nylon.

P. Circulation standards. In addition to the standards set forth in §15-11.8(I), "Pedestrian Spaces," the following shall apply:

(1) The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links between the Route 9 Gateway Overlay Zone and adjacent neighborhoods, open space, and mixed use areas outside the overlay zone in the Township and Tuckerton Borough. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle ways (especially off-street bicycle or multiuse paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility.

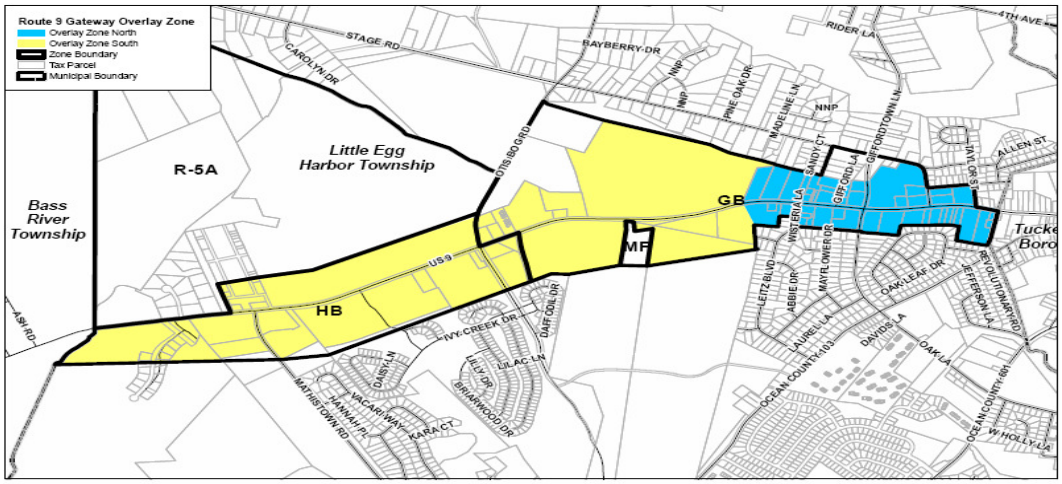
(2) Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include bike racks, off-street bicycle paths (generally shared with pedestrians and other

non-motorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14') feet.

(3) Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted and designed to relate to the neighborhood architectural character.

(4) Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic-calming features such as queuing streets, curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

(5) Pedestrian circulation. The street and pedestrian network must be well connected for the health, safety, and welfare of residents. Therefore, safe and attractive mid-block linkages are encouraged, as are barrier-free connections.



11 Tindall Road
Middletown, NJ 07748-2792
Phone: 732-671-6400
Fax: 732-671-7365

0 625 1,250 2,500 Feet

Prepared by: ARR, January 16, 2012
Source: Ocean County GIS (Tax Parcels); NJDOT(Roads); NJGIN (Municipal Boundary); Little Egg Harbor Township (Zoning Boundary)
H:\LEPL\00050\GIS\Projects\Exhibit A_Route 9 Gateway.mxd

Exhibit A: Route 9 Gateway Overlay Zone
Little Egg Harbor Township
Ocean County, New Jersey

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

§ 15-4.25. PA Preservation Area Zone.

A. Permitted uses.

(1) Residential dwellings on lots of 3.2 acres, in accordance with Subsection 15-4.29., and on lots of 1.0 acres, in accordance with Subsection 15-4.30.

(2) Agricultural employee housing as an element of, and accessory to, an active agricultural operation.

(3) Berry agriculture and horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture.

(4) Forestry.
(5) Beekeeping.
(6) Fish and wildlife management.
(7) Low intensity recreational uses, provided that:
  (a) The parcel proposed for intensity recreational use has an area of at least 50 acres;
  (b) The recreational use does not involve the use of motorized vehicles, except for necessary transportation;
  (c) Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage;
  (d) Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5 percent of the parcel; and,
  (e) No more than 1 percent of the parcel will be covered with impermeable surfaces.
(8) Public service infrastructure which is necessary to serve only the needs of the Preservation Area Zone uses. Centralized waste water treatment and collection facilities shall be permitted to service the Preservation Area Zone only in accordance with Subsection 15-13.4.A.(8)(a). **[Amended 5/10/2001 by Ord. No. 2001-08]**
(9) Signs.
(10) Accessory uses.
(11) Resource extraction operations, provided that:
  (a) The operation was authorized by a valid registration certificate issued by the New Jersey Department of Labor and Industry under N.J.S.A. 34:6-98r(h) prior to February 7, 1979, or the operation was exempt from registration requirements of the New Jersey Department of Labor and Industry and was authorized by the operating under a valid municipal permit prior to February 8, 1979;
  (b) The area of extraction is limited to the value given under the category "acreage to be mined" on the mine registration application submitted to the Department of Labor and Industry, or the municipal permit, whichever is applicable; and,
  (c) The operation has been registered with the Pinelands Commission in accordance with the requirements of N.J.A.C. 7:50-6, Part VI.

(12) Pinelands Development Credits.
(13) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for nonresidential use in the PA Zone shall be less than that needed to meet the water quality standards of Subsection 15-13.4.A.(8)(a)[4], whether or not the lot may be served by a centralized sewer treatment or collection system. **[Amended 5/10/2001 by Ord. No. 2001-08]**

B. Pinelands Development Credits established.

(1) Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the State for conservation purposes, land which

is subject to an easement limiting the use of land to nonresidential uses, or land otherwise excluded from entitlement in the paragraphs below, every parcel of land in the Preservation Area Zone shall have a use right known as "Pinelands Development Credits" that can be used to secure a density bonus for lands located in a Regional Growth Area. Pinelands Development Credits may also be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4:61 *et seq.*

(2) Pinelands Development Credits are hereby established in the Preservation Area District, at the following ratios:

(a) Uplands which are undisturbed but currently or previously approved for resource extraction pursuant to Chapter XVI: two (2) Pinelands Development Credits per 39 acres;

(b) Uplands which are mined as a result of a resource extraction permit approved pursuant to Chapter XVI: zero (0) Pinelands Development Credits per 39 acres;

(c) Other uplands: one (1) Pinelands Development Credit per 39 acres; and

(d) Wetlands: two-tenths (2/10) Pinelands Development Credit per 39 acres. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(3) The allocations established in Subparagraph 2 above shall be reduced as follows:

(a) Any property of 10 acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive Pinelands Development Credit entitlement. For such an improved property of more than 10 acres, the area actively used for such use or 10 acres, whichever is greater, shall not receive Pinelands Development Credit entitlement.

(b) The Pinelands Development Credit entitlement of a parcel of land shall be reduced by one-quarter (1/4) Pinelands Development Credit for each existing dwelling unit on the property.

(c) The Pinelands Development Credit entitlement for a parcel of land shall be reduced by one-quarter Pinelands Development Credit for each reserved right to build a dwelling unit on a parcel retained by the owner of the property pursuant to Subsection 15-4.25.B.(7) below or when a variance for cultural housing is approved by the Township pursuant to Subsection 15-4.30. of this chapter. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(d) The Pinelands Development Credit entitlement for a parcel of land shall also be reduced by one-quarter (1/4) Pinelands Development Credit for each dwelling unit approved pursuant to N.J.A.C. 7:50-4:61 *et seq.* when a waiver of strict compliance is granted by the Pinelands Commission.

(4) The owners of parcels of land which are smaller than 39 acres shall have a fractional Pinelands Development Credit at the same ratio established in Subparagraph 2 of this subsection for the area in which the parcel is located.

(5) Notwithstanding the above provisions, the owner of record of one-tenth (1/10) or greater acres of land in the Preservation Area District as of February 7, 1979 shall be entitled to one-quarter (1/4) Pinelands Development Credit, provided that the parcel of land is vacant, was not in common ownership with any contiguous land

on or after February 7, 1979 and has not been sold or transferred except to a member of the owner's immediate family. The provisions of this paragraph shall also apply to owners of record of less than one-tenth (1/10) acres of land in the Preservation Area District, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands Development Credits are allocated pursuant to Paragraph B.(2) above, which lands, when combined with the acreage of the parcel owned prior to February 7, 1979, total at least one-tenth (1/10) of an acre.

(6) No Pinelands Development Credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands Development Credit Certificate from the Pinelands Development Credit Bank, pursuant to N.J.A.C. 3:42-3, and has deed restricted the use of the land in perpetuity to those uses set forth in Paragraph (9) below by a recorded deed restriction which is in favor of a public agency or not-for-profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(7) Notwithstanding the provision of Subparagraph (6) above, an owner of property from which Pinelands Development Credits are sold may retain a right for residential development on that property provided that the recorded deed restriction expressly provides for same and that the total allocation of Pinelands Development Credits for that property is reduced by one-quarter (1/4) Pinelands Development Credit for each reserved right to build a dwelling unit. Subdivision of the property shall not be required until such time as the residential development right is exercised.

(8) No conveyance, sale or transfer of Pinelands Development Credits shall occur until the Township, the agency or organization to which the restriction is in favor, and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.

(9) Such deed restriction shall specify the number of Pinelands Development Credits sold and that the property may only be used in perpetuity for the following uses: In the Preservation Zone: berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; agriculture employee housing as an accessory use; and low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel, and no more than one percent of the parcel will be covered with impermeable surfaces. In all other Pinelands Zoning Districts: agriculture; forestry and low intensity recreational uses.

(10) Pinelands Development Credits shall be used in the following manner:

(a) When a variance of density or lot area requirements for a residential or principal nonresidential use in the PV Zone is granted by the Township, Pinelands Development Credits shall be used for all dwelling units or lots in excess of that otherwise permitted without the variance;

(b) When a variance for cultural housing is granted by the Township in accordance with Subsection 15-4.30. of this chapter; and,

(c) When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 *et seq.*

(11) In no case shall a building or construction permit be issued for any development involving the use of Pinelands Development Credits until the developer has provided the Pinelands Commission and the Township with evidence of his ownership of the requisite Pinelands Development Credits and those Pinelands Development Credits have been redeemed with the Township

§ 15-4.26. FA Forest Area Zone.

A. Permitted uses:

(1) Residential dwelling units on lots of 3.2 acres, in accordance with Subsection 15-4.29.

(2) Single-family residential dwelling units:

(a) Minimum lot area: 35 acres.

(b) Minimum lot width: 200 feet.

(c) Minimum front yard setback: 200 feet.

(d) Minimum rear yard setback: 50 feet.

(e) Minimum side yard setback: 25 feet.

(f) Minimum accessory use setback: 25 feet.

(3) Agriculture.

(4) Agricultural employee housing as an element of, and necessary to, an active agricultural operation.

(5) Forestry.

(6) Low intensity recreational uses, provided that:

(a) The parcel proposed for low intensity recreational use has an area of at least 50 acres;

(b) The recreational use does not involve the use of motorized vehicles except for necessary transportation;

(c) Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage;

(d) Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent of the parcel; and,

(e) No more than one percent of the parcel will be covered with impermeable surfaces.

(7) Institutional uses, including cemeteries, provided that:

(a) The use does not require or will not generate subsidiary or satellite development in the Forest Area;

(b) The applicant has demonstrated that adequate public service infrastructure will be available to serve the use; and,

(c) The use is primarily designed to serve the needs of the Forest Area in which the use is to be located.

(8) Pinelands resource-related industrial or manufacturing uses, excluding resource extraction and uses that rely on sand or gravel as raw products, provided that:
   (a) The parcel proposed for development has an area of at least five acres;
   (b) The principal raw material for the proposed use is found or produced in the Pinelands; and,
   (c) The use does not require or will not generate subsidiary or satellite development in a Forest Area.

(9) Campgrounds, not to exceed one campsite per gross acre, provided that the campsites may be clustered at a net density not to exceed ten (10) campsites per acre.

(10) Agricultural commercial establishments, excluding supermarkets, restaurants and convenience stores, provided that:
   (a) The principal goods or products available for sale were produced in the Pinelands;
   (b) No portion of any structure proposed for development will be more than 300 feet, measured along a line parallel to the roadway, from the closest part of a roadside retail sales and service establishment structure that was in existence on February 7, 1979; and,
   (c) The proposed use will not unduly burden pubic services, including, but not limited to, water, sewer and roads.

(11) Continuation of existing resource extraction operations in accordance with the standards of N.J.A.C. 7:50-6, Part VI.

(12) Fish and wildlife management.

(13) Residential dwelling units on lots on 1.0 acres in accordance with Subsection 15-4.30. or Subsection 15-4.31.

(14) Reserved.

(15) Signs.

(16) Accessory uses.

(17) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use in the FA Zone shall be less than that needed to meet the water quality standards of Subsection 15-13.4.A.(8)(a)[4] whether or not the lot may be served by a centralized sewer treatment or collection system. **[Amended 5/10/2001 by Ord. No. 2001-08]**

§ 15-4.27. FAC Forest Area Cluster Zone.

A. Permitted uses:

(1) Cluster (reduced lot size) development. In accordance with the regulations of this chapter, an owner, applicant, developer or subdivider may elect to develop lots in the Forest Area Cluster Zone for single-family detached dwellings subject to the following minimum requirements:
   (a) The minimum base lot size shall be 3.2 acre lots. However, an applicant shall be permitted to cluster the number of dwelling units permitted under the minimum base lot size provisions on 1.0 acre lots (43,560 square feet),

provided that the balance of the minimum base lot size (3.2 acres) is dedicated for public and/or private open space.

(b) The maximum gross density of residential building lots in the Forest Area Cluster Zone at no time shall exceed one (1) dwelling unit per 3.2 acres.

(c) The maximum developed or net density of residential building lots in the Forest Area Cluster Zone at no time shall exceed one (1) dwelling unit per one (1) acre (43,560 square feet) and the total number of dwelling units in said zone shall not exceed 40 units.

(2) Notwithstanding the density limitations or other provisions of this chapter, a single-family dwelling may be developed on any parcel of land of 1.0 acre or more in the Forest Area Cluster Zone, provided that:

(a) The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner;

(b) The parcel has been in the continuous ownership since February 7, 1979 of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation;

(c) The parcel was not in common ownership with any contiguous land on or after February 8, 1979 that contains substantial improvements; and,

(d) The parcel includes all vacant contiguous lands in common ownership on or after February 8, 1979.

(3) Signs.

(4) Accessory uses.

(5) Agriculture.

(6) Forestry.

(7) Low-intensity recreational uses, provided that:

(a) The parcel proposed for low-intensity recreational use has an area of at least 50 acres;

(b) The recreational use does not involve the use of motorized vehicles, except for necessary transportation;

(c) Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage;

(d) Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent of the parcel; and,

(e) No more than one percent of the parcel will be covered with impervious surfaces.

B. Area, yard and building requirements:

(1) Conventional development – Base lot size:

(a) Minimum lot area: 3.2 acres.

(b) Minimum lot width: 200 feet.

(c) Minimum front yard setback: 200 feet.

(d) Minimum side yard setback: 25 feet.

(e) Minimum rear yard setback: 50 feet.

(f) Maximum building height: 35 feet.
(g) Minimum accessory use setback: 25 feet.

(2) Cluster development – Reduced lot size:
(a) Minimum lot area: 1.0 acre (43,560 square feet).
(b) Minimum lot width: 150 feet.
(c) Minimum front yard setback: 50 feet.
(d) Minimum side yard setback: 20 feet.
(e) Minimum rear yard setback: 40 feet.
(f) Maximum building height: 35 feet.
(g) Minimum accessory setback: 20 feet.

(3) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use in the FAC Zone shall be less than that needed to meet the water quality standards of Subsection 15-13.4.A.(8)(a)[4], whether or not the lot may be served by a centralized sewer treatment or collection system. **[Amended 5/10/2001 by Ord. No. 2001-08]**

C. A 100 foot wide buffer shall be provided within the Forest Area Cluster Zone adjoining its southerly boundary with the Forest Area Zone. Within the 100 foot buffer, the applicant, developer, or subdivider shall construct a 50 foot wide fire break from County Route No. 539 to the Township's boundary with Eagleswood Township.

D. All lands proposed to be dedicated to the Township of Little Egg Harbor for open space purposes shall meet and comply with Subsection 15-11.17. of this section.

§ 15-4.28. PV Pinelands Village Zone.

A. Permitted uses:
(1) Residential dwelling units on 3.2 acre lots, if served by a conventional on-site septic waste water system.
(2) Residential dwelling units on 1.0 acre (43,560 square feet) lots, if served by a septic system in accordance with Subsection 15-4.30.
(3) All uses permitted in the Forest Area Zone subject to the standards and requirements contained therein, provided that:
(a) A public service infrastructure necessary to support the use is available or can be provided without any development in the Preservation Area Zone and Forest Area Zone; and,
(b) The character and magnitude of the use is compatible with existing structure and uses in the village.

B. Area, yard and building requirements:
(1) Development of residential dwellings.
(2) No residential dwelling unit or nonresidential use in the PV District shall be located on a parcel of less than 1.0 acre unless served by a centralized wastewater treatment plant.
(3) When a variance of the density or lot area requirements set forth in Paragraphs A. or B. above for a residential or principal nonresidential use in the PV Zone is

granted by the Township, Pinelands Development Credits shall be used for all dwelling units or lots in excess of that permitted without the variance.

§ 15-4.29. Dwellings on 3.2 acre lots in the Pinelands Area.

A. Residential dwelling units on 3.2 acre lots may be permitted in any Pinelands Area Zone, provided that:
   (1) The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner;
   (2) The individual whose principal residence the dwelling unit will be has not developed a dwelling unit under this section within the previous five (5) years;
   (3) The parcel of land on which the dwelling is to be located has been in the continuous ownership since February 7, 1979 of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation; and,
   (4) The person whose principal residence the dwelling unit will be has resided in the Pinelands for at least five (5) years and that person, or one (1) or more members of that person's immediate family, has resided in the Pinelands for a total of at least 20 different years.

§ 15-4.30. Additional Provisions for cultural housing.

A. Residential dwelling units on 1.0 acre lots may be permitted in any Pinelands Area Zone, provided that:
   (1) The applicant satisfies all of the requirements set forth in Subsection 15-4.29. above;
   (2) The lot to be developed existed as of February 8, 1979 or was created as a result of an approval granted by the Pinelands Development Review Board or by the Pinelands Commission pursuant to the Interim Rules and Regulations prior to January 14, 1981;
   (3) The applicant qualifies for and receives from the Township a variance from the 3.2 acre lot size requirement set forth in Subsection 15-4.29. above;
   (4) The applicant purchases and redeems one-quarter (1/4) Pinelands Development Credit; and,
   (5) Any Pinelands Development Credits allocated to the lot to be developed are reduced pursuant to Subsection 15-4.25. of this chapter.

§ 15-4.31. Density transfer program.

A. Residential dwelling units on 1.0 acre lots existing as of January 14, 1981 shall be permitted in the FA Zone, provided that:

(1) The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot proposed for development, equals at least 35 acres;
(2) All lands acquired pursuant to Paragraph A. above, which may or may not be developable, are located within the FA Zone;
(3) All noncontiguous lands acquired pursuant to Paragraphs (1) and (2) above are permanently dedicated as open space through recordation of a deed to the property with no further development permitted except agriculture, forestry and low intensity recreational uses. Any such deed restrictions shall be a form to be approved by the Township Solicitor and the Pinelands Commission;
(4) Tax assessments for the acquired noncontiguous lands are combined and assigned to the land to be developed; and,
(5) The lot proposed for development otherwise meets the minimum standards of Subsection 15-13.4. of this chapter.

§ 15-4.32. Compliance.

All zoning requirements shall be met at the time of any erection, enlargement, moving, or change in use. If a new structure is added to an existing complex of structures or if an existing structure has an addition, the site plan provisions of this chapter shall apply to the enlargement or new structure.

All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards, including conditions imposed by the approving authority as shown on the approved plat and/or included in the resolution adopted by the approving authority.

§ 15-4.33. Violations and penalties.

In case any building or structure is erected, constructed, altered, repaired, converted, or maintained or any building, structure or land is used in violation of this chapter or of any other ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land, to prevent any illegal act, conduct, business or use in or about such premises.

If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required.

ARTICLE V
Conditional Uses

§ 15-5.1. Guiding principles and general provisions.

Recognizing that certain uses, activities and structures are necessary to serve the needs and provide for the convenience of the citizens of the Township of Little Egg Harbor and at the same time, appreciating the fact that they or any one of them may be or may become inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings, such uses are designated as conditional uses subject to the standards and regulations hereby established. These standards and regulations are intended to provide the Planning Board with a guide for reviewing applications for conditional uses as provided for by this chapter. As a result of the review procedure, the applicant may be required to meet additional standards and regulations imposed by the Planning Board during site plan review which are in keeping with and will further the intent of these standards and regulations. Such standards and regulations shall be provided for and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval. In acting upon an application for conditional use approval, the Planning Board shall be guided by the following standards and principles:

A. The use for which an application is being made is specifically listed as a conditional use within the zone where the property is located.

B. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the following:

(1) The compatibility of the proposed use(s) and/or structure(s) within the existing neighborhood.
(2) The potential effect that the proposed use(s) and/or structure(s) will have upon property values.
(3) The adequacy of the proposed parking and traffic circulation for the use(s) and/or structure(s) and the potential for traffic congestion and/or the creation of undue traffic hazards.
(4) The need for such facility or use(s) to serve the area in which it is located.
(5) The adequacy of proposed drainage facilities which will serve the use(s) and/or structure(s).
(6) The adequacy of plans for screening any adverse aspects of the use(s) and/or structure(s) from adjoining properties.
(7) The adequacy of proposed outdoor lighting.
(8) Compliance with the performance standards under Section 15-11.16. of this chapter.
(9) Compliance with the standards, principles and objectives of the Master Plan.

C. All conditional uses shall also be required to obtain site plan approval, unless otherwise specified in this chapter.

D. Conditional uses shall adhere to the additional standards specified for the particular use under this article, except where no additional standards are specified herein.

E. No use specified within this article shall be considered a conditional use unless it is specifically listed as a conditional use in the zone district regulation.

§ 15-5.2. Antennas and towers.

A. Antennas and towers shall be permitted as conditional uses in the zones or areas specified and shall be required to comply with the conditions set forth below in order to be permitted as conditional uses:

(1) Any proposed antenna or tower to be located within the R-5A Zone as a conditional use must be located within the area identified as "Fish Island" on the Zoning Map, due west of Great Bay Boulevard. **[Amended 4/21/2004 by Ord. No. 2004-06]**

(2) Any proposed antenna or tower to be located within the northerly LI Zone as a conditional use must be located within the area which runs along the northbound lanes of the Garden State Parkway and lies west of Route 539.

B. General Requirements:

(1) Lot Size: For the purposes of determining whether the installation of a tower or antenna complies with development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(2) Inventory of Existing Site: Each applicant for an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing towers, antennas, or

(3) Township of Little Egg Harbor or within three (3) miles of the border thereof, including specific information about the location, height, and design of tower, each such antenna or tower. The Zoning Officer may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Township of Little Egg Harbor, provided, however, that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(4) Aesthetics: Towers and antennas shall meet the following requirements:

(a) Towers or antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color as to reduce visual obtrusiveness.

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend towers and related structures into the natural setting and surrounding buildings.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting

structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) Lighting: Towers or antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(6) State or Federal requirements: All towers or antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulation within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(7) Building codes; safety standards: To ensure the structural integrity of towers or antennas, the owner of a tower or antenna shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower or antenna, the owner shall have 30 days to bring such tower or antenna into compliance with such standards. Failure to bring such tower or antenna into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(8) Measurement: For purposes of measurement, tower setbacks, and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and County jurisdictional boundaries.

(9) Non-Essential Services: Towers and antennas shall be regulated and permitted as conditional uses pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(10) Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Officer and Business Administrator.

(11) Signs: No signs shall be allowed on an antenna or tower.

(12) Multiple antenna/tower plan: The Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

C. Applicability:

(1) New towers and antennas: All new towers and antennas in the Township of Little Egg Harbor shall be subject to these regulations, except as otherwise provided herein.

(2) Amateur radio station operators/receive only antennas: This Ordinance shall not govern any tower or the installation of any antenna that is 40 feet or less in height and is owned and operated by a Federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

(3) Antennas, towers or alternative tower structures located on property owned, leased or otherwise controlled by the Township of Little Egg Harbor in any designated land use zone shall be permitted and the terms of this Conditional Use Ordinance shall not apply to same, provided a license or lease authorizing such antenna or tower has been duly approved by the Township of Little Egg Harbor. Notwithstanding the exceptions contained in this subparagraph, antennas, towers and alternative tower structures shall be permitted in the Pinelands Area only in accordance with C.(4) below. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(4) Antennas, towers and alternative structures in the Pinelands Area must comply with the standards of N.J.A.C. 7:50-5.4(c) of the Comprehensive Management Plan and any comprehensive plan for local communications facilities approved by the Commission pursuant thereto. **[Amended 5/10/2001 by Ord. No. 2001-08]**

D. Area, bulk and yard requirements:

(1) The minimum front yard setback shall be a distance at least the height of the tower or greater.

(2) The minimum rear yard setback shall be a distance at least the height of the tower or greater.

(3) The minimum side yard setback shall be a distance at least the height of the tower or greater.

(4) The maximum height of the tower shall be 350 feet if in the R-1A Zone and 125 feet if in the LI Zone.

(5) The maximum height of associated structures shall be eight (8) feet.

(6) The maximum square footage of associated structures shall be 250 square feet.

(7) No tower shall be located within 2,500 feet of any existing residential home or residential structure.

(8) In the designated LI Zone, no tower shall be located within 1,000 feet of Route 539.

E. Additional requirements:

(1) All facilities shall be suitably secured and enclosed in a fence not less than eight (8) feet high.

(2) Except for towers and antennas to be located on Township owned or controlled property, site plan approval by the Little Egg Harbor Township Planning Board shall be required and the following information shall be provided:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and

zoning with 200 feet (including when adjacent to other municipalities), Master Plan classification for the site and all properties within the applicable separation distances set forth in Section D., adjacent roads, proposed means of access, setbacks from property lines, elevation drawings of the proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Office to be necessary to assess compliance with this Ordinance.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit or residentially zoned properties, whether platted or unplatted.

(d) The separation distance from other towers shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A Landscape Plan showing specific landscape materials.

(f) Method of fencing, finished color, if applicable, and methods of camouflage and illumination.

(g) A description of compliance with this section and all applicable Federal, State and local laws.

(h) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.

(i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other personal wireless facilities owned or operated by the applicant in the municipality.

(j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(k) A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(l) A sight line representation shall be drawn for the closest façade of each residential unit located on all properties adjacent to the subject property, the highest point of the tower. The sight line shall depict all intervening trees and buildings.

(m) In the event a communication tower is abandoned or not operated for a period of one (1) year, the same shall be removed, at the option of the Township, at the sole expense of the operator.

(n) Noise levels generated by the operation of the antenna at any property line shall be not more than 50 decibels.

(o) A report prepared by a Professional Ornithologist describing the risks posed by the tower, antenna and/or structure to threatened and endangered

species of birds; local breeding birds; known migratory birds; and the surrounding habitat.

(3) Site lighting used to illuminate a tower shall be oriented towards a tower to minimize spillage and glare onto adjacent properties.

(4) The tower and antennas shall be designed in accordance with the current edition of the Building Officials and Code Administrators National Building Code.

(5) Any generator located on the site shall be within an equipment structure. All fuel shall be contained in accordance with NJDEP requirements.

(6) Site clearing shall be minimized to preclude the removal of vegetation beyond that necessary to install and maintain the facility.

(7) Communication towers and antennas shall not cause a disruption to, or interfere with, other radio, communications, or television transmissions or equipment. If such disruption or interference is found to be caused by the operation of the communication tower, the subscribers and/or lessees shall notify their equipment operators to abate the deficiencies.

F. Availability of suitable existing towers, other structures, or alternative technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Board related to the availability of suitable existing towers, structure or alternative technology. The applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area which meets applicant's reasonable engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's reasonable engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the exiting towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Cost of alternative technology that exceeds new tower or antenna development shall not be presumed to render the technology unsuitable.

G. Definitions: As used in this Ordinance, the following terms shall have the meanings set forth below:

"ALTERNATIVE TOWER STRUCTURE" means a structure that camouflages or conceals the presence of antennas or towers.

"ANTENNA" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

"BACKHAUL NETWORK" means the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"HEIGHT" means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including any antenna.

"PRE-EXISTING TOWER AND PRE-EXISTING ANTENNA" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

"TOWER" means any structure that is designated and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio, personal wireless services and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

"PERSONAL WIRELESS SERVICES" include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

§ 15-5.3. Automobile repair shop (motor vehicle repair garage).

Automobile repair shops may be permitted as a conditional use in the zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and to the following:

A. No outdoor oil drainage pits or hydraulic lifts shall be permitted.

B. All repairs shall be performed in a fully enclosed building.

C. All vehicles awaiting repair or under repair may be stored out-of-doors and shall be screened from the public by a solid fence and/or evergreen plantings, as required by the Planning Board.

D. No vehicle awaiting repair or under repair may be stored out-of-doors within the required front yard area, within 20 feet of any side or rear lot line or within 50 feet of any adjoining lot within a residential zone.

E. If gas pumps are proposed, Section 15-5.5., referring to automobile service stations, shall also be applicable to automobile repair shops.

F. The storage of junk or dilapidated vehicles on the site shall not be permitted.

§ 15-5.4. Automobile sales establishment for new and/or used cars.

A. Automobile sales establishments for new and/or used cars may be permitted as a conditional use in the zoning district specified, provided that the lot, use and structures shall adhere to the following:

(1) The property on which an automobile sales establishment is located shall conform to the lot requirements established in the zoning district in which the conditional use is permitted.

(2) The leasing of automobiles is also permitted in conjunction with the selling of autos.

(3) A buffer area, a minimum of 25 feet in width, measured from the street right-of-way, shall be provided along all such rights-of-way upon which the site has frontage. Said buffer area shall be planted with grass and low-growing shrubbery. Buffer areas, each a minimum of 25 feet in width, shall be provided on all the side and rear property lines of the site and shall be landscaped in accordance with the provisions set forth in Section 15-11.7. Where the site of an auto sales establishment abuts a residential zoning district, the minimum width of the buffer area provided along the zone boundaries between the two (2) districts shall be increased to 50 feet. This buffer area shall also be landscaped in accordance with the provisions set forth in Section 15-11.8.

(4) No vehicles shall be displayed, stored or parked within any buffer area.

(5) All areas used for the display, storage or parking of vehicles shall be of a paved surface, which drains into a facility provided with an oil trap or similar device designed, intended and installed to prevent petroleum products from draining directly into the ground and/or public drainage system.

(6) No vehicles shall be displayed, stored or parked on any public street or within any public or private right-of-way or easement.

(7) No facilities for vehicle body work shall be permitted on the site, except those facilities designed and intended for the preparation and maintenance of vehicles sold on the same premises and where such facilities are clearly incidental and subordinate to the principal use.

(8) The delivery of autos shall take place on the premises and not on a public street or within a public right-of-way.

(9) Off-street customer parking shall be provided in accordance with the provisions established as set forth in Section 15-12.16.

§ 15-5.5. Automotive service stations.

A. Automobile service stations may be permitted in those zones specified, subject to the issuance of a conditional use permit and adherence to the minimum standards of the particular zone and the following:

(1) The motor vehicle service station shall have minimum of 150 feet of frontage on and direct access to a roadway classified as a minor rural arterial.

(2) Minimum lot size shall be one (1) acre.

(3) No vehicle shall be permitted to be standing or parking on the premises of a motor vehicle service station other than those used by the employees in the indirect or direct operation of the establishment, except for the following: no more that five (5) during working hours and no more than three (3) overnight. Overnight outdoor storage of more than three (3) vehicles shall be prohibited.

(4) Convenience shops may be permitted, provided that:

(a) The maximum gross floor area of the convenience store shall not exceed 2,000 square feet; provided, however, that the maximum gross floor area of a convenience store may be increased at rate of 1,000 square feet of additional gross floor area per acre of additional lot area over the required minimum lot area, up to a maximum of 6,000 square feet of gross floor area; and,

(b) Additional on-site parking for the convenience shops is provided in accordance with Section 15-12.16.

(5) All fuel pump islands shall be located at least 35 feet from all property lines.

(6) No outdoor oil drainage pits or hydraulic lifts shall be permitted.

(7) Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicles may be stored out-of-doors.

(8) No body work shall be permitted.

(9) Illumination shall be such that no direct glare from the lights shall fall upon adjoining streets or properties.

(10) Sales of new or used cars are prohibited.

(11) Accessory goods for sale may be displayed on the pump islands and the building island only. The outside storage of oil cans and/or antifreeze and similar products may be displayed on the respective islands, if provided for in a suitable metal stand or rack.

(12) The maximum building coverage shall be 15% of the lot area and a maximum of 20% of the lot area with a canopy. The maximum percent of lot coverage for buildings and all impervious surface areas shall be 65%.

(13) The minimum unoccupied open space shall be 30% of the lot area.

(14) A canopy, consisting of a roof-like cover that is supported by one or more columns or stanchions, without side walls, used primarily to shield fuel pumps from the elements, shall be permitted subject to the following:

(a) The minimum canopy setback shall be 25 feet.
(b) The thickness of said canopy or the dimension measured from the topside to the underside of the canopy shall be greater than 30 inches.
(c) The height of said canopy shall not exceed 15 feet, as measured to the bottom of the canopy.

§ 15-5.6. Car washes.

A. Car washes may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and the following:
(1) All mechanical activities shall be conducted within a completely enclosed building.
(2) Wastewater from the use shall be discharged into the public sanitary sewer system. No on-site septic system or dry well shall be permitted.

§15-5.7. Cemeteries and mausoleums.

A. Cemeteries and mausoleums for human internment may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and the following:
(1) Gravesites shall be set back a minimum of 100 feet from any public right-of-way line and 50 feet from all other property lines.
(2) Principal and/or accessory structures, including mausoleums, shall be set back a minimum of 200 feet from all property lines.
(3) Parking requirements shall be determined by the Planning Board and no parking shall be located closer than 100 feet to any public right-of-way.

§ 15-5.8. Child care centers; nursery schools, day care centers.

A. Child-care centers, nursery schools and day-care centers may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:
(1) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and building.
(2) The minimum required lot area for the proposed use shall be one (1) acre. Other lot and principal building bulk requirements for the respective zoning district of the proposed use shall prevail.
(3) Accessory buildings shall be located no closer than 20 feet to the rear or side property line. No accessory building shall be permitted within the required front yard setback of the front building line of the principle building, whichever is greater.
(4) All interior facilities and areas to be used by the children shall be located on the principal entrance floor and any other level which is not more than ½ story above

or below the finished grade at the location from which pedestrian access is provided to the building.

(5) A minimum of 100 square feet per rated building capacity of outdoor space devoted to recreational use shall be provided and shall be entirely fenced or otherwise protected from hazards, traffic and driveways.

(6) Basement areas shall not be utilized for child care, classrooms or recreational purposes.

(7) All loading and unloading of children shall take place on site and not in the right-of-way of a public street.

(8) No temporary or permanent residential dwelling facilities shall be provided in a child-care center, nursery school or day-care center.

(9) The use shall be licensed by the Division of Youth and Family Services, New Jersey Department of Human Services.

§ 15-5.9. Churches.

A. Churches may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

(1) A set of plans, specifications and plot plans shall be filed with the approving authority, showing overall dimensions, topographic conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which might act as a deterrent to the general welfare.

(2) Before issuing a permit, the approving authority shall determine that the following standards are met:

(a) The minimum lot area shall be 40,000 square feet and the minimum frontage shall be 200 feet.

(b) The approving authority shall determine that the site plan is appropriate to the adjacent area. It may require buffers of foliage if necessary to protect surrounding properties from the effect of light or noise generated in connection with the use of the property. Such buffer area shall be constructed in conformance with the provisions of this chapter.

§ 15-5.10. Commercial recreation activities.

A. Commercial recreation uses, such as theatres, drive-in theatres, bowling alleys, skating rinks, miniature golf courses, driving ranges, amusement parks, dance halls, commercial swimming pools, arcades and amusement machines, coin operated or otherwise, such as video and/or pinball machines, may be permitted as a conditional use in those areas specified, provided that the use and/or structure shall adhere to the minimum standards of the particular zone and the following:

(1) No building, structure, active recreation area or parking area shall be located closer than 50 feet to any residential property line.

(2) Unless elsewhere specified in this chapter, off-street parking requirements shall be determined by the Planning Board.
(3) Maximum lot coverage by buildings and structures, including swimming pools: 20 percent.
(4) Minimum unoccupied open space: 20 percent.
(5) Notwithstanding the foregoing, no conditional use permit shall be required for the accessory use of five (5) or less amusement machines, coin-operated or otherwise, including but not limited to video and/or pinball machines in any establishment, provided that the use of five (5) or less machines is clearly an accessory use in such establishment.
(6) Notwithstanding the foregoing, no conditional use permit shall be required for the placement of over five (5) amusement machines, coin-operated or otherwise, including but not limited to video and/or pinball machines in any establishment presently approved or used as a commercial recreation use, provided that such placement of said amusement machines is a secondary use.

§ 15-5.11. Community residences for developmentally disabled and community shelters for victims of domestic violence.

A. Community residences for developmentally disabled and community shelters for victims of domestic violence, housing between 7 and 15 persons, excluding resident staff, may be permitted in those zoning districts specified, subject to the issuance of a conditional use permit, and shall adhere to the minimum requirements of the particular zone and the following standards:
(1) A statement is submitted with the application setting forth the full particulars regarding the use, activities and buildings.
(2) The required minimum lot area shall be 4,000 square feet for each developmentally disabled person and employee housed at the residence, but not less than the minimum lot area required for single-family homes in the zone.
(3) The required minimum gross habitable floor area shall be 240 square feet for each developmentally disabled person and employee housed at the residence.
(4) No conditional use permit shall be granted if the number of developmentally disabled and mentally ill persons residing at such community residences exceeds 0.5% of the population of the Township.
(5) No community residence for the developmentally disabled shall be located upon a lot containing any other principal use, nor shall any structure or facility on the site be utilized to provide services for any persons not residing on the site.
(6) No community residence for the developmentally disabled shall be in excess of two (2) stories in height, exclusive of basement areas. Basement areas shall not be utilized to house patients.
(7) Each community residence for the developmentally disabled shall submit proof of licensing by the Department of Human Services of the State of New Jersey.
(8) No community residence for the developmentally disabled shall be located within 1,500 feet of any other community residence for the developmentally disabled.
(9) No community residence for the developmentally disabled shall be located on any arterial roadway.

(10) No community residence for the developmentally disabled shall be located in areas of heavy vehicular or pedestrian traffic congestion, or in any area where, by reason of any condition existing in proximity to the proposed community residence for the developmentally disabled, the occupants of said proposed community residence for the developmentally disabled would be exposed to undue hazard.

(11) Each community residence for the developmentally disabled shall provide one (1) off-street parking space for each employee on the shift employing the largest number of persons, plus one (1) off-street parking space for each three (3) developmentally disabled persons, or fraction thereof, residing at the site. The required off-street parking shall be subject to the provisions of this chapter and shall be screened from adjacent residentially zoned properties.

(12) No building utilized as a community residence for the developmentally disabled shall be constructed or altered so as to be inharmonious with the residential character of adjacent structures or provide services for any person not residing on the site.

§ 15-5.12. Health-care facilities.

A. Health-care facilities may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:

(1) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and requirements;

(2) The lot upon which the use is proposed and the building shall conform to the following minimum standards and requirements:

<u>Minimum Area, Yard and Building Requirements</u>

(a)	Lot requirements:	
	Lot area (acres)	5.0
	Lot width (feet)	200
	Lot frontage (feet)	200
	Lot depth (feet)	250
(b)	Principal building requirements:	
	Front yard setback (feet)	100
	Rear yard setback (feet)	50
	Side yard setback, each side (feet)	50
	Maximum building height (feet)	35
(c)	Accessory building requirements:	
	Front yard setback (feet)	Not permitted
	Rear yard setback (feet)	30
	Side yard setback (feet)	30
	Maximum building height (feet)	25
	Maximum building coverage (combined coverage of all principal and accessory buildings) (percent)	25

(3) A minimum of 16 patient beds shall be provided;

(4) Basement areas in health-care facilities shall not be included in calculating building height, nor shall these areas be utilized to house patients or for recreation areas; and,

(5) All health-care facilities shall be licensed by and/or meet all applicable standards of Federal, State and County regulatory agencies.

§ 15-5.13. Home occupation.

A. Home occupations: A home occupation may be permitted in those districts specified, subject to the following conditions:

(1) In addition to meeting the definitional requirement of this chapter, a home occupation shall further be defined as an accessory use that:

(a) Is clearly accessory and incidental to the detached single-family principal use of the structure and property.

(b) Is conducted entirely within the dwelling or accessory building.

(c) Is conducted by and limited to a member or members of the immediate family residing full-time in the single-family dwelling and no more than one (1) employee or family member not residing in the principal dwelling.

(d) Occupies not more than 10% of the total floor area of the residential structure provided that the gross floor area of the structure shall meet or exceed the minimum habitable floor area requirement of the zone.

(e) Does not alter the residential appearance of a principal residential structure or the residential appearance of the property upon which it is conducted.

(f) Does not involve outdoor storage of equipment or materials.

(g) Does not involve signage other than a single lighted or unlighted identification sign not exceeding two (2) square feet in area.

(h) Does not involve the retail sale of goods and/or services offered or produced by the home occupation from the property.

(i) Does not involve truck deliveries (except parcel delivery services, e.g. UPS) and no more than an average of ten (10) vehicle visits per week, including parcel delivery services (residential family or permitted employees shall not be included in this calculation).

(j) Does not constitute a nuisance to adjacent residential property for reasons of noise, odor, congestion, traffic, vibration, electrical interference and other causes.

(k) The total floor area utilized for home occupation within an accessory building does not exceed more than 10% of the total floor area of the principal dwelling.

(l) The quantity and type of solid waste disposal is the same as other residential uses in the zone.

(m) Minimum lot area: 20,000 square feet or the minimum lot area required in the zone, whichever is greater.

(2) The cumulative total floor area of all the home occupations conducted on any lot does not exceed 10% of the floor area of the principal dwelling.

(3) Permit requirements for home occupation.

(a) Prior to commencement of any home occupation use, a zoning permit for the home occupation use shall be issued by the Zoning Officer. The zoning permit shall be valid for a term of one (1) year (twelve months).

(b) Zoning permits for the home occupation shall be renewed on an annual basis upon satisfactory application to the Zoning Officer.

(c) The annual fee for a zoning permit for a home occupation shall be in accordance with Article XVI.

(d) Where required, proof of necessary Federal, State and/or County approvals must be submitted with an application for a home occupation.

§ 15-5.14. Home professional office.

A. "Home professional office" may be permitted as a conditional use in those zones specified, provided that the use and/or structure shall adhere to the minimum standards of the particular zone and the following:

(1) A professional office shall be conducted entirely within the dwelling or accessory building to the dwelling, which is the bona fide residence of the practitioner.

(2) Not more than two (2) persons outside the family shall be employed on the premises.

(3) Advertising shall be limited to the display of a professional nameplate not exceeding two (2) square feet in area.

(4) Such use shall only be permitted as part of a detached single-family dwelling and that when such use is part of a residence there remains in the living quarters the minimum habitable floor area as required by this chapter.

(5) The lot fronts on and has access to a street other than the "local street" per the Master Plan.

(6) Minimum lot area: 20,000 square feet or the minimum lot area required in the zone, whichever is greater.

§ 15-5.15. Hospitals, philanthropic or eleemosynary uses.

A. Hospitals and philanthropic or eleemosynary uses may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:

(1) Minimum area, yard and building requirements:

(a) Lot requirements:

Lot area (acres)	5.0
Lot width (feet)	200
Lot frontage (feet)	200
Lot depth (feet)	250

(b) Principal building requirements:

Front yard setback (feet)	100
Rear yard setback (feet)	100
Side yard setback, each side (feet)	100
Maximum building height (feet)	100

(c) Accessory building requirements:

Front yard setback (feet)	Not permitted
Rear yard setback (feet)	50
Side yard setback (feet)	50
Maximum building height (feet)	25
Maximum building coverage (combined coverage of all principal and accessory buildings) (percent)	25

(2) The site shall have frontage on and direct access to a major arterial or minor arterial;
(3) Off-street parking shall be provided in accordance with the requirements set forth in Section 15-12.16.;
(4) The proposal use shall not be detrimental to the values of adjacent properties; and,
(5) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.

§ 15-5.16. Hotels and motels.

A. Hotels and motels may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:
(1) Minimum lot area: one (1) acre.
(2) Minimum lot area per unit: 1,500 square feet.
(3) Efficiency apartments may be permitted by the Planning Board, provided that the applicant satisfactorily demonstrates that they will be utilized primarily for transients.
(4) Maximum lot coverage: 20 percent.
(5) Minimum unoccupied open space: 20 percent.
(6) No building shall be located closer than 50 feet to any property line.
(7) Minimum number of units: 20.
(8) No accessory building or parking area shall be located closer than 20 feet to a residential property line.
(9) No additional parking shall be required for swimming pools, provided that the pools are not open for use by the general public but are primarily for use of the guests at the hotel or motel. Swimming pools shall otherwise be subject to the provisions of Section 15-7.9. of this chapter.

§ 15-5.17. Kennels.

A. Kennels may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:
(1) The minimum lot area shall be one (1) acre.
(2) No structures, enclosures, pens, or runs shall be located closer than 50 feet to any lot line.
(3) Sufficient space shall be provided indoors for all animals kept at the facility and no animals shall be kept out of doors between 9:00 p.m. and 7:00 a.m.

(4) Not more than ten (10) dogs or cats or combination thereof for each acre of lot area shall be kept at any time.
(5) Outdoor runs or pens shall be visually screened from adjoining properties.
(6) Any such kennel shall also be approved by the Board of Health to insure proper sanitation and compliance with applicable State and local health codes.

§ 15-5.18. Long-term facilities, assisted living facilities, residential health care facilities; and, continuing care retirement communities.

A. Long-term care facilities, assisted living facilities, residential health care facilities; and, continuing care retirement communities, may be permitted as a conditional use in the zoning district specified provided that the lot, use and structure adhere to the minimum standard of the particular zone and the following:
(1) Minimum lot area shall be three (3) acres.
(2) Minimum lot width shall be 200 feet.
(3) Minimum lot depth shall be 200 feet.
(4) Minimum front yard setback shall be 50 feet.
(5) Minimum side yard setback shall be 50 feet.
(6) Minimum rear yard setback shall be 50 feet.
(7) Maximum percent of building and impervious coverage shall be 65 percent.

§ 15-5.19. Public utilities.

A. Public utility uses, such as water towers, pumping stations, electric substations, radio towers, transmission lines and switching stations, which must be provided above ground, may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:
(1) A statement shall be submitted with the application setting forth the reasons that the proposed installation must be provided above ground in a specific location why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
(2) Maximum lot coverage by buildings and structures, including swimming pools: 20 percent of the lot area.
(3) Minimum unoccupied open space: 20 percent.
(4) No building, structure, recreation area or parking area shall be located closer than 50 feet to a residential property line.
(5) The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate with the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless additional land is acquired and supplemental application is made to the Planning Board.
(6) Off-street parking requirements shall be determined by the Planning Board except that where swimming pools are provided, the off-street parking requirements shall be not less than the requirements under 101-8.8C, plus such additional parking as may be deemed necessary by the Planning Board.

(7) The property must front on and have access to a principal arterial roadway.

§ 15-5.20. Mini-storage (self-storage facility/mini-warehouse).

A. Self-storage facilities may be permitted in those districts specified, subject to the issuance of a conditional use permit and adherence to the minimum requirements of the particular zone and the following standards:

(1) Minimum lot area: three (3) acres.
(2) Minimum side and rear yard setback: 30 feet.
(3) Minimum width of landscape buffer between all residential uses and residential zones along side and near property lines: 25 feet.
(4) Minimum width of landscape buffer along side and rear property lines, all other uses: 20 feet.
(5) Screening shall be required in the front yard area to enhance the appearance or screen the self-storage facility from roadways. Such screening may consist of fences, walls, natural vegetation and landscaping, or some combination thereof, and shall be specifically approved by the Planning Board.
(6) Maximum building height: 24 feet and two (2) stories.
(7) Lighting shall be in strict accordance with the requirements of Section 15-12.19.
(8) No flammable materials, hazardous chemicals or explosives shall be permitted to be stored.
(9) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or similar equipment shall be prohibited.
(10) Auctions, wholesale and retail sales, and garage and miscellaneous other sales shall be prohibited.
(11) The operation of power tools, spray painting, compressors and other similar equipment shall be prohibited.
(12) Outdoor storage shall be limited to the storage of boats, boat trailers and recreation vehicles, and any such storage shall not be visible from any property line.
(13) Maximum building coverage: 35 percent.

§ 15-5.21. Truck terminals.

A. Truck terminals may be permitted as a conditional use in the zoning district specified, provided that the lot, use and structures shall adhere to the following:

(1) The required minimum lot area shall be three (3) acres.
(2) Principal buildings and accessory building requirements and other lot bulk requirements for the particular zone within which the site is located shall apply.
(3) The required minimum unoccupied open space shall be 35 percent.
(4) No trucks shall be parked, stored or otherwise maneuvered within the front yard setback area.
(5) A heavily landscaped buffer area, a minimum of 25 feet in width, shall be provided along all rear and side property lines, where the parking, storing or maneuvering of trucks shall be prohibited.

(6) Trucks, including tractor or trailer units, parked or stored on the lot shall be arranged in an orderly manner in allocated spaces, as shown on an approved site plan.
(7) Trailer units shall be parked or stored only on paved surfaces, and concrete surfaces shall be required under trailer support devices (e.g. crank-down wheels or pads).
(8) All repair and service operations shall take place within completely enclosed buildings in compliance with setback requirements for the zone.
(9) At least ten (10) percent of the area devoted to truck parking and storage shall be landscaped. The landscaping should be located in protected areas along walkways, center islands and at the ends of the bays.

§ 15-5.22. Veterinary clinics.

A. Veterinary clinics or hospitals or animal care facilities may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:
(1) Minimum lot size: one (1) acre.
(2) Minimum front yard setback, principal or accessory structures, including kennels, pens and runs: 100 feet.
(3) Minimum side and rear yard setbacks, principal or accessory structures, including kennels, pens and runs: 50 feet.
(4) No building or area used for kennels, pens or runs shall be located closer than 150 feet to any dwelling.
(5) Sufficient space shall be provided indoors for all animals kept at the facility, and no animals may be kept out-of-doors between 9:00 p.m. and 7:00 a.m.
(6) Detailed plans and proposals for sanitary sewage and solid waste disposal shall be submitted to the Planning Board.
(7) Provisions shall be made for noise control which as a minimum shall include:
(a) Soundproofing of all enclosed structures.
(b) Noise baffles or dense screening and landscaping of all outside pens, kennels, cages and runs.
(c) Secondary buffer plantings between pens, kennels, cages and runs and any exterior property line buffer strip when required by the Planning Board.
(8) All such facilities shall be licensed by and meet the requirements of any appropriate County, State or Federal regulatory agencies.
(9) The property must front on a street classified as a major collector of minor or principal arterial roadway.

§ 15-5.23. Sexually-oriented businesses. [Amended 12/27/2001 by Ord. No. 2001-035]

Sexually-oriented businesses as defined herein may be permitted as a conditional use in the GB, HB or LI zones provided that the use and/or structures shall adhere to the minimum standards of the particular zone and shall meet the applicable criteria as required pursuant to this Chapter. Sexually-oriented businesses shall meet all of the provisions of the New Jersey Code of Criminal Justice as N.J.S. 2C:34-7, including the following locational and site requirements:

A. No person shall operate a sexually-oriented business within 1,000 feet of any existing sexually-oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, or within 1,000 feet of any area zoned for residential use.

B. Every sexually-oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.

C. No sexually-oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving that the premises are off limits to minors. Both signs shall be building-mounted and shall not extend more than 12 inches from the face of the building. The identification sign shall in no case be greater than 40 square feet in size.

D. This subsection shall no apply to a sexually-oriented business already lawfully operating on the effective date of this ordinance where another sexually-oriented business, an elementary or secondary school or school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, is subsequently established within 1,000 feet.

§ 15-5.24. Boat repair shop and boat storage. [Amended 12/23/2002 by Ord. No. 2002-043]

A. Boat repair shops may be permitted as a conditional use in the zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and to the following:
   (1) No outdoor oil drainage pits shall be permitted.
   (2) All repairs shall be performed in a specifically designated and approved area. Boat repair may include general boat maintenance activities, such as painting, sanding and winterizing, provided that all maintenance is performed in the designated area. Power washing shall be permitted provided the activity takes place in an approved containment area. Fiberglass repairs of boat hulls shall be permitted provided the repairs are performed within an approved and designated containment area.
   (3) Sales of boats shall be permitted, however, no more than five (5) boats may be displayed on the premises at any one time. Boats for sale may not be displayed in a location that is less than twenty-five (25) feet from the front property line.
   (4) Year round boat storage shall be permitted as an accessory use and in conjunction with the boat repair activity.
   (5) Open or closed rack storage shall be prohibited.
   (6) No boats shall be stored in the required front yard setback area.

(7) No boats shall be placed or stored within twenty (20) feet of the side and rear yards property lines.

(8) All boats shall be screened from the public view by a solid fence and/or evergreen plantings, as required by the Planning Board.

(9) A minimum ten (10) foot wide landscape buffer, consisting of a fence and vegetation, shall be provided along the side and rear yards property lines.

(10) In the event that the foregoing standards conflict with any other standards in the chapter, these standards shall control.

(11) Boat repair shops and boat storage shall also comply with the following design standards. Relief from these standards may be granted pursuant to N.J.S.A. 40:55D-70c.

(a) Repair and maintenance materials, including flammable liquids, shall be stored in a fully enclosed building and in accordance with the standards set forth in Ordinance Section 15-11.18E. and any other applicable local, State and Federal standards.

(b) All repairs and maintenance activities on boats and facilities situated on the premises shall be performed by personnel employed by the boat repair/storage establishment, not individual boat owners.

(c) The hours of operation shall be limited to the time period between dawn to dusk.

(d) The storage of junk or dilapidated boats on the site shall not be permitted. All boats shall be, in the opinion of the Zoning Officer, in good working order, unless scheduled for repair. All boats shall have current registrations. The Code Enforcement Officer, upon just cause, may grant extensions to the registration requirement for up to forty-five (45) days.

(e) Boats shall be stored on trailers or blocks.

(f) Trailer storage shall be permitted.

ARTICLE VI
Non-Conforming Uses, Lots and Buildings

§ 15-6.1. Continuance.

A. Except as otherwise provided in this chapter, the lawful use of the land or a building existing at the date of the adoption of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however, that:
   (1) No nonconforming lot shall be further reduced in size.
   (2) No nonconforming building shall be enlarged, extended or increased unless such enlargement is conforming.
   (3) No nonconforming use may be expanded.

§ 15-6.2. Abandonment.

A nonconforming use shall be presumed to be abandoned when there occurs a cessation of such use or activity by an apparent act or failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied, except in conformance with this chapter.

§ 15-6.3. Restoration.

If any nonconforming building shall be destroyed by reasons of windstorm, fire, explosion, act of God, or otherwise, to an extent of more than partial destruction as provided for in N.J.R.S. 40:55D-68, then such destruction shall be deemed complete destruction, and the structure may not be rebuilt, restored or repaired, except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Construction Official.

§ 15-6.4. Reversion.

No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

§ 15-6.5. Alterations.

A nonconforming building may be altered, but not enlarged or extended, during its life to an extent not exceeding the aggregate fifty (50) percent of the assessed value, as recorded in the records of the Tax Assessor, unless said building is changed to a building conforming to the requirements of this chapter.

§ 15-6.6. Prior approved construction.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and substantial construction has taken place prior to the date of the adoption of this chapter.

§ 15-6.7. District boundary changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the provisions of this chapter shall also apply to any nonconforming uses existing therein or created thereby.

§ 15-6.8. Pre-existing non-conforming single-family detached dwellings/lots. [Amended 6/26/2003 by Ord. No. 2003-10]

In the case of a detached single-family dwelling and a lot in the R-1A, R-3A and R-5A zones, which were conforming on December 29, 2002, said detached single-family dwelling may be enlarged or extended provided: 1) The proposed addition, enlargement, or extension complies with all of the regulations of the zone district in which the structure was situated on December 29, 2002; or 2) At the time of and since the adoption of Ordinance No. 02-46 on December 30, 2002, which rendered the lot nonconforming, either the owner of the lot does not and did not own adjoining property, which would otherwise render the property more conforming or conforming, or the owner of such property has consolidated by deed, or does agree to consolidate by deed, the adjoining land owned in common to render the property more conforming or conforming to the current zoning requirements.

§ 15-6.9. Nonconforming lots [Amended 6/26/2003 by Ord. No. 2003-10]

A single construction permit permitting the construction of one (1) detached single-family dwelling may be issued for any parcel of land in the R-1A, R-3A and R-5A Residential Zones with an area less than required for a lot in the zone in which the lot is located provided: 1) The proposed single-family detached dwelling and lot comply with all the zoning requirements of the zone district in which the lot was located on December 29, 2002; or 2) At the time of and since the adoption of Ordinance No. 02-46 on December 30, 2002, which rendered the lot nonconforming, the owner of the lot does not and did not own a contiguous lot (or lots), not qualifying under this section, in and of itself, which would otherwise render the property more conforming or conforming. The owner of such non-qualifying property shall consolidate by deed, or shall agree to consolidate by deed, the adjoining lot (or lots) to render the property more conforming or conforming to the current zoning requirements.

Notwithstanding the above, the provisions of this section will expire on December 31, 2003. This expiration provision shall not be construed to affect any parcel with rights conferred pursuant to a valid building permit or approval granted by the Planning Board of Zoning Board of Adjustment.

§ 15-6.10. Exceptions to the front yard requirements of lots fronting on Route 9 in the General Business (GB) Zone [Amended 9/11/2003 by Ord. No. 2003-22]

Notwithstanding an existing nonconforming front yard setback of a non-residential structure fronting on Route 9 in the General Business (GB) Zone, such structure may be enlarged or extended within the required front yard setback area provided that: such enlargement does not extend beyond the existing non-conforming front yard setback; does not enlarge or extend the structure into any other required side or rear yard, which is now conforming; and the current or proposed use of the structure is a permitted use within the GB Zone. The proposed enlargement or extension, which would otherwise be non-conforming except as otherwise permitted pursuant to this subsection, may not exceed 1,000 square feet in total floor area.

ARTICLE VII
General Provisions

§ 15-7.1. Application of regulations.

Except as herein otherwise provided:

A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used, for any purposes or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located.

B. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the zone in which such building or open space is located.

C. No off-street parking area or loading or unloading area provided to meet the minimum off-street parking, loading or unloading requirements for one use or structure shall be considered as providing off-street parking, loading or unloading area for a use or structure on any other lot, unless specifically permitted elsewhere in this chapter.

D. No subdivision may be approved unless each lot contained in said subdivision complies with all the requirements of the zone in which said lot is located or unless a variance has been granted therefrom.

E. No use shall be considered a permitted use or a conditional use in a zone district unless included as such in the particular zone district.

§ 15-7.2. Height.

The height limitations of this chapter shall not apply to church spires, non-commercial antennas, belfries, cupolas, chimneys, ventilators, skylights, solar heating equipment, focal point features such as clock tower or spire, and other mechanical appurtenances usually carried above the normal roofline, provided that no fire hazard is created, and provided that such exception covers not more than ten (10%) percent of the roof or ground area. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve. Provisions of this chapter shall permit the erection of parapet walls or cornices for ornament without windows above the building height limit by not more than five (5') feet. Quasi-public buildings and public buildings, schools, churches and other similar permitted uses may exceed the height limit herein established, provided that such uses shall increase the front, rear and side yards one (1') foot for each foot by which such building exceeds the height limit established for the district within which the use is located, but in no case shall any building have a height greater than fifty (50') feet. **[Amended on 12/13/2007 by Ord. No. 2007-26]**

§ 15-7.3. Lighting.

All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall average a maximum of one-foot candles over the entire area. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences, and overhead sky glow. No lighting shall shine directly or reflect into windows, or onto streets and driveways in such a manner as to interfere with driver vision. No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating, beam, or other intermittent frequency. The intensity of such light sources, light shielding, the direction and reflection of the lighting, and similar characteristics shall be subject to the site plan approval by the approving authority. The objective of these specification is to minimize undesirable offsite effects.

§ 15-7.4. Natural features.

Natural features such as trees, brooks, swamps, hilltops, and views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area.

§ 15-7.5. Principal use.

No lot shall have erected upon it more than one principal permitted use. No more than one principal building shall be permitted on one lot except that commercial uses, shipping centers, apartments and condominium projects, and industrial complexes, all receiving site plan approval, may be permitted to have more than one building on a lot in accordance with standards of the zoning district in which it is located.

§ 15-7.6. Signs (general).

No billboards shall be erected. No sign of any type shall be permitted to obstruct driving vision, traffic signals, sight triangles, and traffic direction and identification signs.

A. Animated, flashing, and illusionary signs. Signs using mechanical and/or electrical devices to revolve, flash, or display movement or the illusion of movement are prohibited.

B. Attached signs. Attached signs shall be affixed parallel to the wall to which they are attached and the face of the sign shall project no more than 12 inches from the surface of the wall.

C. Height. The uppermost part of an attached sign shall not exceed the base of the second floor window sill in a two or more story structure, or the base of the roof or 25 feet, whichever is lower, in either a one-story structure or a structure without windows. The

uppermost part of a free standing sign shall not exceed 20 feet. The lowest portion of any sign which projects above an area traversed either by motor vehicles or pedestrians shall be at least 15 feet and ten 10 feet, respectively.

D. Illuminated signs. Illuminated signs shall be arranged to reflect the light and glare away from adjoining lots and streets. No sign shall be permitted that has a beam, beacon or flashing illumination. All signs lighted exteriorly shall have the light source shielded from adjoining lots, streets, and interior drives. All lights shall be either shielded or have translucent fixtures to reduce offsite effects.

E. Location. Attached signs may be located anywhere that does not conflict with any height, obstruction to vision, and similar regulation of this chapter. Free standing signs shall be located only in the front yard and shall be no closer to a side lot line than the minimum side yard for the principal building, but in any event no closer to a street right-of-way than 20 feet and not located in any sight triangle.

F. Maintenance. Signs shall be constructed to durable materials, maintained in good condition and not allowed to become dilapidated.

G. Real estate signs. Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be, if not attached to the building, set back at least one-half the building setback, but need not exceed 15 feet from all street and property lines. Signs shall not exceed eight square feet for residential advertising or 35 square feet for commercial and industrial uses. Signs shall be removed at the expense of the advertiser within 15 days after the termination or completion of the matter being advertised. Real estate signs do not require a building permit. No more than one sign shall be permitted along each street on which the building has frontage. Real estate signs shall be permitted only on the lot which the sign is advertising.

H. Sign areas and dimension. Sign area shall include all lettering, wording, coloring and accompanying designs and symbols, together with the background, whether open or enclosed, but not including any supporting framework and bracing incidental to the display itself. A freestanding sign with two exposures shall have a total sign area consisting of the area of one side of the sign, but both sides may be used. Street number designations, postal boxes, family names or residences, onsite traffic directional and parking signs, signs posting property as “private property,” “no hunting,” or similar purposes, and “danger” signs around utility and other danger areas are permitted, but are not to be considered in calculating the sign area. The maximum dimension in any direction along the surface of a sign shall be ten (10) feet.

I. Temporary signs. No more than one sign advertising the name of the building under construction, general contractor, sub-contractor, financing institution, any public agencies or officials, and the professional personnel who worked on the project are permitted on a construction site beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy for the structure or the expiration of the

building permit, whichever comes first. Such signs shall not exceed an area of 32 square feet.

§ 15-7.7. Storage of boats, travel trailers and commercial vehicles.

Storage of mobile homes or manufactured homes is specifically prohibited. The outdoor storage of an unoccupied recreational vehicle, motor homes, travel trailer, camper or boat shall be permitted on single-family properties, provided that:

A. Such storage shall not be located closer than three feet from any side or rear lot line or ten feet from any street line.

B. Travel trailer, camper or boat shall not exceed 35 feet in length and eight (8) feet in width.

C. Only one such trailer, camper, boat shall be permitted to be stored outdoors in any required yard area on any single-family residential lot.

D. No travel trailer, camper or boat stored in conformance with this subsection shall remain in such storage for longer than 12 consecutive months.

E. Any such vehicles stored in accordance with this subsection shall not be occupied and shall not be provided with utility connections other than required for vehicle maintenance and shall not be used for the storage of any non-recreational material.

F. Automobiles, station wagons, small pickups or panel trucks with less than one ton load capacity, jeep vehicles, travelalls and similar types of vehicles used for commercial purposes are permitted in all zones. Trucks and other commercial vehicles, not mentioned above, shall not be parked overnight or stored overnight in any residential zone except for vehicles engaged in construction parked or stored on an active construction site.

G. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency for the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction provided a temporary permit has been issued for its use by the building inspector. This subsection shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises or the recreational use of same in campgrounds in conformance with all applicable ordinances and codes.

H. The use of one (1) recreational vehicle/travel trailer/motor home/camper may be permitted, for the purpose of security, upon those seasonal businesses, such as marinas, from March 1 to December 31 of each year. The aforementioned vehicle, as used for

security purposes, must be removed and absent from the property between January 1 and February 28 of each year. **[Amended 7/24/2003 by Ord. No. 2003-17]**

§ 15-7.8. Yard areas.

A. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter, shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

B. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located, except as otherwise provided in this chapter.

C. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into the minimum required yards more than 24 inches, unless otherwise permitted by this chapter. Unroofed entrance porches or steps, which do not rise above the height of the floor level of the ground floor, may extend into any yard providing the total area of all such porches, which extend into such yards, does not exceed 100 square feet.

D. No principle structure shall be constructed closer than twenty (20) feet to the water's edge of any stream, lake, lagoon or other body of water, in addition, no accessory structure shall be constructed closer than fifteen (15) feet to the water's edge of any stream, lake, lagoon or other body of water.

E. Additions or alterations to existing single-family dwellings that remain within the existing footprint of the enclosed roofed area shall be permitted.

F. Within any residential zone, no heating, ventilating and/or air-conditioning units, ducts, heaters, furnaces, well pumps or other aboveground mechanicals shall be placed within four feet of any property line nor within any front yard setback. Air conditioning units requiring replacement due to destruction by flood or fire may be placed within three feet of any property line but shall not be placed within any front yard setback. **[Amended 1/24/2013 by Ord. No. 2013-01]**

G. Access ramps. Access ramps for handicapped individuals shall be exempt from the building setback requirements for the particular zoning district.

H. Unroofed patios, decks or terraces shall be considered part of the principal structure and shall not extend into any yard area unless such unroofed patio, deck or terrace does not rise more than eighteen (18) inches above ground level.

I. In order to accommodate elevated building construction in Areas of Special Flood Hazard as set forth in §185-7, uncovered stairs may encroach into the required front yard setback as required to elevate the building to the minimum of the ABFE or the BFE, plus any required freeboard. No such additional encroachment shall exceed five (5) feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

§15-7.9. Private, residential swimming pools.

A. Permanent underground.
   (1) Permanent aboveground: aboveground pools equipped with fences built above the top level of the pool.
   (2) Temporary aboveground: aboveground pools not equipped with fences built above the top of the pool.

B. Lighting. All lighting fixtures for a private swimming pool shall be installed so as to comply with all applicable safety regulation and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.

C. Electric lines. No overhead electric lines shall be carried across any swimming pool or wading area.

D. An application for a permit to construct a private swimming pool shall include a plot plan or survey of the property clearly showing the location of the proposed pool with setback distances from the property lines and distances from buildings and structures on the property. The plan shall be adequate for the Construction Official to clearly identify the proposed pool location in the field.

E. Pools that are less than twenty-four (24) inches deep or having a surface area less than two hundred fifty (250) square feet, except when such pools are permanently equipped with a water-re-circulation system or involve structural materials, shall not require a permit.

F. If required by the Construction Official, the application for an in-ground swimming pool shall include a grading plan showing existing and proposed grades and the proposed flow of surface drainage. This plan shall also show the location of the proposed pool and any appurtenances and be signed and sealed by a professional engineer licensed to practice in the State of New Jersey.

G. Pump location.
   (1) A pump or a filtration or pumping station for a private residential swimming pool shall be situated a minimum of fifteen (15) feet from the rear lot line.
   (2) The location of a pump of a filtration or pumping station for a private residential swimming pool shall meet the minimum required side yard setback distances for principal buildings, as specified in this chapter, for the zoning district within which the property is located.

H. Enclosure.

(1) In-ground pools shall be surrounded entirely by a fence, with no openings greater than a two-inch square, and shall be capable of holding a live load of two hundred fifty (250) pounds between posts located not more than eight (8) feet apart; however, the residence may serve as part of the enclosure. The fence shall be located not less than six (6) feet from the closest edge of the pool. Fences shall be at least four (4) feet high above grade and no more than six (6) feet in height, an, if made of wire, they must be of the chain-link type. All supporting structures shall be on the inside of the fence, and the top of such support shall be at least one (1) inch lower than the top of the fence.

(2) Permanent aboveground pools constructed with an attached deck and fence being at least four (4) feet in height above ground level and capable of holding a live load of two hundred fifty (250) pounds between posts located not more than eight (8) feet apart need no additional fencing.

(3) Temporary aboveground pools, when not in use, must be emptied or covered with a suitable protective covering, securely fastened or locked in place unless enclosed by a fence meeting the requirements for a permanent underground pool.

I. Any opening or openings in the fence to afford entry to the pool shall be equipped with a gate similar to the fence and shall extend from not more than two (2) inches above the ground to the height of the fence. The gate shall be of a self-closing type, opening outwardly only, and shall be equipped with a lock and key or padlock and chain and shall be kept locked, except when the pool is in use.

§ 15-7.10. Frontage on improved street.

A. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Township requirements or for which such improvement has been guaranteed by the posting of a performance guaranty pursuant to this chapter unless relief has been granted under the provisions of N.J.S.A. 40:55D-36.

B. Where a building lot has frontage on a street which the Master Plan or the Official Map of the Township or the Subdivision and Site Plan Resolution of the County of Ocean indicates is proposed for right-of-way widening or the street does not conform to the minimum right-of-way width requirements in this chapter or the above-indicated documents, the required front yard setback shall be measured from such required or proposed right-of-way line.

C. Access to every lot shall conform to the standards of the State Highway Access Management Code or any County or Municipal Access Management Code adopted.

§ 15-7.11. Sight triangles at intersections.

Unless more stringent regulations are provided by other provisions of this chapter, at the intersection of two or more streets, no hedge, fence, screening strip or wall higher than 30 inches above curb level and no obstruction to vision, other than a post not exceeding one foot in

diameter, shall be permitted on any lot within the triangular area formed by two intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point on each street line located 25 feet from the intersection of the street lines.

§ 15-7.12. Number of principal buildings.

No lot utilized for single-family or two-family dwelling purposes shall contain more than one (1) principal building.

§ 15-7.13. Contiguous lot ownership.

Where two (2) or more lots created by the filing of a map pursuant to the Map Filing Law prior to establishment of the Planning Board have any contiguous lines and are in single ownership and one (1) or more of the lots is nonconforming in any aspect, the lots involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be conveyed or divided except through the filing of an approved subdivision in accordance with the provisions of this chapter.

§ 15-7.14. Accessory Buildings. [Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]

Unless otherwise specified in this Chapter, accessory buildings shall conform to the following regulations:

A. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Chapter for principal buildings within the appropriate zone.

B. Accessory buildings shall not exceed fifteen (15) feet in height.

C. Accessory buildings or structures must be located on the same lot as the principal use to which they are an accessory.

D. Accessory buildings shall not occupy a front yard setback in any zone and no more than 35 percent of the available rear yard area in any zone.

E. Detached accessory buildings shall not be located closer to the street than the front building line of the principal structure and shall be governed by the individual zoning district requirements for the side and rear yard setback limits.

F. Any building with a gross floor area in excess of 900 square feet or containing living space shall not be considered an accessory building.

§ 15-7.15. Private storm drain inlet retrofitting. [Amended 3/25/2010 by Ord. No. 2010-06]

A. Purpose. An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Little Egg Harbor so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. When not inconsistent with the contest, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – A conveyance or system or conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Little Egg Harbor or other public body, and is designed and used for collecting and conveying Stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport Stormwater from streets and other sources.

(2) PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

(3) STORM DRAIN INLET – An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening, slotted inlet, and combination inlet.

(4) WATERS OF THE STATE – The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

(1) Already meets the design standard below t control passage of solid and floatable materials; or

(2) Is retrofitted or replaced to meet the standard in Section D below prior to the completion of the project.

D. Design Standard. Storm drain inlets identified in Section C above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section D(3) below.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect Stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and Stormwater basing floors.

(2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(3) This standard does not apply:

(a) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(b) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactures treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[1] A rectangular space four and give-eights inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inches.

(c) Where flows are conveyed through a trash truck rack that has parallel bars with one-inch (1") spacing between the bars; or

(d) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement. This ordinance shall be enforced by the Police Department and the Code Enforcement Official of the Township of Little Egg Harbor.

Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty allowable under N.J.S.A. 40:49-5, as well as any other penalties allowed for said statute.

ARTICLE VIII.
General Administration

§ 15-8.1. Jurisdiction.

A. The Planning Board shall have exclusive jurisdiction over subdivisions, site plans, conditional uses, the granting of variances in certain instances and such other items as set forth in §15-3.3.

B. The Board of Adjustment shall have exclusive jurisdiction over the granting of a variance from the terms and provisions of the Zoning Regulations, except as set forth above, and such other items as set forth in §15-3.8., 15-3.9., 15-3.10. and 15-4.

C. The Administrative Officer shall, within fourteen (14) days after receipt of a development application, make a determination as to whether the Board to which the application is made has jurisdiction.

§ 15-8.2. Applications requiring public hearing.

The following development applications shall require notice of a public hearing by the Planning Board or Board of Adjustment prior to making a decision:

A. Major subdivisions.

B. Any application involving a variance of any kind.

C. Any application for a conditional use.

D. Any application filed pursuant to § 15-10. and 15-14.

E. Any application for a planned residential development.

F. Any application for relief of zoning requirements.

§ 15-8.3. Time periods for decisions.

Unless the developer agrees to an extension, after submission of a complete application, a Board must grant or deny approval of a development application within the time periods established by the Municipal Land Use Law.

§ 15-8.4. Waiver of requirements and conditional approvals.

A. The rules, regulations and standards contained in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. Any action taken by the municipal agency under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the

welfare of the entire community. However, if the developer or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impractical or will exact undue hardship, the municipal agency may permit such variations or modifications as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

B. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or any other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the approving authority shall process such application for development in accordance with this chapter; and if such application for development complies with the requirements of this chapter, the approving authority shall approve such application conditioned on removal of such legal barrier to development.

C. In the event that development proposed by an application for development requires an approval by a governmental agency other than the approving authority, the approving authority shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency, provided that the approving authority shall make a decision on any application for development within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant, unless the approving authority is prevented or relieved from so acting by the operation of law.

§15-8.5. Conflicts of interest.

A. No member of the Planning Board or Board of Adjustment shall act on any matter in which he/she has, either directly or indirectly, any personal or financial interest in accordance with N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1.

B. If the Planning Board lacks a quorum because any of its regular members or alternate members is prohibited by Subsection A. above from acting on a matter due to the member's personal or financial interests, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interests, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice.

C. If the Board of Adjustment lacks a quorum because any of its members or alternate members is prohibited by Subsection A. above from acting on a matter due to the member's personal or financial interests, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of

Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interests, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

§ 15-8.6. Meetings.

A. Regular meetings of both the Planning Board and Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process or lack of a quorum. All regular and special meetings shall be open to the public.

B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which special meetings shall be held on notice to its members and the public, in accordance with the provisions of the Open Public Meetings Act, P.L. 1975, c. 231.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by a majority vote of the members of the municipal agency present at the meeting, except as otherwise required by statute. Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of Section 25 or 57d of the act shall be deemed an action denying the application. Nothing herein shall be construed to contravene any act providing for procedures for the Township Committee.

E. All regular meetings and all special meetings shall be open to the public, and notice shall be given in accordance with the provisions of N.J.S.A. 40:55D-9.

F. Application for development in the Pinelands Area shall be bound by the meeting requirements specified in the Little Egg Harbor Township Pinelands Area development requirements.

G. Minutes of every regular or special meeting shall be kept in accordance with N.J.S.A. 40:55D-9. Said minutes shall be made available within ten (10) days following each meeting. The minutes shall be marked "unapproved" if not yet adopted.

§ 15-8.7. Hearings.

A. Rules. The Planning Board and Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-10 *et seq.*

B. Oaths. The officer presiding at the hearings, or such person as he may designate, shall have power to administer oaths and issue subpoenas 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 P.L. 1953, c. 1983 (N.J.S.A. 2A:67A-1 *et seq.*), shall apply.

C. Testimony. The testimony of all witnesses, relating 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 or mechanical or electronic means. The Board shall allow a transcript, or duplicate recording in lieu thereof, to be made on request by any interested party.

F. Resolution of memorialization:

(1) Each decision on any application for development shall be reduced to writing as provided in this subsection and shall include findings of fact and conclusions based thereon.

(2) Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application.

(3) The municipal agency shall provide such written decision, findings and conclusion in accordance with the time limits set forth in N.J.S.A. 40:55D-10g.

(4) The adoption of a resolution of memorialization, pursuant to this subsection, shall be governed by the provisions of N.J.S.A. 40:55D-10g.

(5) Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications.

§ 15-8.8. Notice requirements for hearings.

A. Whenever a hearing is required on any application for development pursuant to N.J.S.A. 40:55D-10 *et seq.* or pursuant to the determination of the municipal agency in question, the applicant shall give notice in accordance with the standards set forth in N.J.S.A. 40:55D-12.

(1) All notices herein above specified in this section shall be given at least ten (10) days prior to the date fixed for hearing, and the developer shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

(2) Any notice made by certified mail as herein above required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

(3) All notices required to be given pursuant to the terms of this chapter shall comply with the conditions set forth in N.J.S.A. 40:55D-11.

(4) Application for development in the Pinelands Area shall be bound by the notice of hearing requirements specified in the Little Egg Harbor Township Pinelands Area development requirements.

(5) Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor shall, within seven (7) days after receipt of a request therefore and upon receipt of payment of a fee of ten dollars ($10.00), make and certify a list from the current tax rolls of names and addresses of owners to whom the applicant is required to give notice pursuant to this section.

B. All appeals of a Zoning Officer's decision and all minor site plan applications shall satisfy the notice requirements set forth in §15-8.9.A.

§ 15-8.9. Decisions.

A. Each decision on any application for development shall be set forth in writing and shall include findings of fact and conclusions based thereon.

B. A copy of the decision shall be made available in accordance with N.J.S.A. 40:55D-10h.

C. Notice of any grant of preliminary and/or final approval for any development application in the Pinelands Area shall be given by the applicant to the Commission as set forth in the Little Egg Harbor Township Pinelands Area development requirements.

D. 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 Board of Adjustment, as the case may be. A reasonable charge may be made to the applicant for such publication. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of such decision.

§ 15-8.10. Payment of taxes; corporate disclosure.

A. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or the 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 delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

B. Pursuant to N.J.S.A. 40:55D-48.1 *et seq.*, a corporation or partnership applying to the Planning Board or the Board of Adjustment for permission to subdivide a parcel of land or applying for a variance or for approval of a site plan shall list the names and addresses

of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class or at least ten percent (10%) of the interest in the partnership, as the case may be.

C. A corporation or partnership owning ten percent (10%) or more of the stock of a corporation or ten-percent or greater interest in a partnership, subject to disclosure pursuant to Subsection B., must disclose stockholder information in accordance with N.J.S.A. 40:55D-48.2.

§ 15-8.11. Reservation of public areas.

A. Before approving a subdivision or site plan, the Planning Board may require that streets, public drainageways, flood-control basins and public areas designated for reservation on the Master Plan or Official Map must be shown on the plat in locations and sizes suitable to their intended uses and may reserve judgment on those reservations for a period of one (1) year in accordance with N.J.S.A. 40:55D-44.

B. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use pursuant to N.J.S.A. 40:55D-A4.

C. Upon the submission to the approving authority of an application for development showing development proposed for an area reserved on the Official Map or Master Plan, the Secretary of the approving authority shall notify the Township Committee, in writing, of such application and that the approving authority intends to grant approval for development in the reserved area unless the Township Committee notifies the approving authority, prior to the date for final approval, that it intends to reserve the area in question and will provide compensation to the developer for such reservation. The notice of intent to reserve shall be in the form of a resolution by the Township Committee. The Township Committee shall thereupon proceed either to reach an agreement with the developer as to the amount of compensation to be paid for such reservation or negotiate a purchase price for the reserved site. Upon the Township arriving at the amount to be paid the developer by way of compensation for reservation or purchase, the amount shall be deposited in escrow for the benefit of the developer.

§ 15-8.12. Permits and approvals.

A. Development permits, building permits, certificates of occupancy. No building permit, development permit or certificate of occupancy shall be issued for a parcel of land or structure on which improvements were undertaken in violation of the provisions of this chapter or for use of a lot which was created by subdivision after the effective date of, and not in conformity with the provisions of this chapter. No site improvements such as, but not limited to, excavation or construction of improvements shall be commenced except in conformance with this chapter in accordance with plat approvals and the issuance of required permits. No development or building permit shall be issued until all fee payments in connection therewith have been verified by the Municipal Clerk.

In the Pinelands Area, no building permit or development permit shall be issued unless the requirements of Article XIII have been met.

B. Development permit. A development permit shall hereafter be obtained from the Zoning Officer prior to the issuance of a building permit for the construction, erection or alteration of any structure or upon a change in use of a structure or land.

(1) Home improvement exemptions. The following home improvements are exempt from development permit requirements:

(a) All interior improvements.

(b) Exterior.

[1] Repair and/or renewal of existing attachments, trim, gutters and downspouts, roofing, chimney, siding, masonry, doors and windows and damaged curbs, sidewalks or driveways.

[2] All painting.

[3] New trim, gutter and downspouts, roofing including converting flat to "A" type not to exceed present roof lines plus overhead, sliding doors and or windows.

[4] All existing or new fencing, decks, bulk heading or docks of any nature shall be at the determination of the Zoning Official.

[5] No exempt home improvement shall increase the size including height, width or length of the existing building.

[6] The Construction Official shall determine if BOCA Code 1307.0, special inspections, applies to any building permit application.

C. Building permit. No building or structure shall be erected, restored, added to or structurally altered until a permit therefore has been issued by the Construction Code Official. No building permit shall be issued unless the applicant shall have first secured a development permit.

D. Certificate of occupancy. No building or other structure hereafter constructed, erected or altered, and no lot or area of land hereafter put into use, shall be occupied or used in whole or in part for any use whatsoever and no change of use of any building, structure, lot or area of land or part thereof shall hereafter be made until a certificate of occupancy shall have been issued by the Construction Code Official certifying that such building, other structure, lot or area of land, or part thereof, complies with all applicable provisions of this chapter. Certificates of occupancy shall be granted or denied by the Construction Code Official within ten days from the date of application therefore by the owner of the premises for such use or occupancy, his reasons for doing so shall be stated in detail on at least one copy of the application and that copy returned to the applicant.

(1) For purposes of obtaining a certificate of occupancy, the applicant shall submit an "as-built survey" to the Zoning Officer and Construction Official. The "as-built survey" shall, at a minimum, contain the same information and detail as required in Section 15-8.15.B.(1).

(2) A temporary certificate of occupancy may be issued by the Chief Construction Code Official with respect to site plan approval in accordance with the following requirements:

(a) Upon application by a person, firm, or corporation which has secured site plan approval and upon proof of undue hardship, expense and delay occasioned by such conditions as weather, unavailability of material due to strikes rationing or lack of transportation, and where structures are erected upon the site and the site has been sufficiently improved to support limited commercial operation of the developed site other than a site for multiple-residential use, but in no event when less than 75 percent completed, the Township Committee may, in its discretion, direct the Construction Code Official of the Township to issue a temporary certificate of occupancy for a period not to exceed 180 days to permit the applicant to make such limited use of the improved site as shall be set forth in a resolution of the Township Committee. The Township Committee shall impose such conditions as it shall determine to be necessary to be imposed upon such limited use, including but not limited to the provision for the imposition of penalties for failure to complete the site development in accordance with site plan approval and the provision as to when applicant shall obtain final inspection and approval of the development site. Such limited use may not have been installed at the time application is made for a temporary certificate of occupancy.

(b) In considering an application for a temporary certificate of occupancy, the Township Committee shall have particular regard to the nature of the surfacing of the parking area and the number of parking spaces available, bearing in mind the nature of the operation, the type of customers served thereby and the frequency of entrance and exit of vehicular and pedestrian traffic.

§ 15-8.13. Resolutions of approval.

Prior to the subdivision or resubdivision of land within the Township and as a condition of filing of subdivision plats with the county Recording Officer, a resolution of approval of the Planning Board is required as is the approval of site plans by resolution of the Planning Board as a condition for the issuance of a permit for any development. The resolution of approval of the Board of Adjustment has jurisdiction over the subdivision or site plan pursuant to Subsection 15-3.8. of this chapter.

§ 15-8.14. Zoning Officer duties.

A. Appointment and duties. The Township Committee may appoint a Zoning Officer who shall be authorized to and shall administer and enforce the provisions of this chapter. At the discretion of the Township Committee the position may be held by the Construction Code Official. The Construction Code Official or Zoning Officer, as the case may be, shall have the powers and the duties to:

(1) Receive applications for permits to construct, alter, use or occupy any building or land and shall issue such permits to applicants having complied with the provisions of this chapter. In no case shall a permit be granted by the Official for

the construction, alteration and use of any building or land that would be in violation of this chapter.

(2) The Official or his duly authorized agent will have the right to enter into and inspect any building or premises and examine any plans during the day time course of this duties to determine whether or not any construction, alteration or use of any building or use of land is in conformance with any permit issued therefore under the provisions of the chapter.

(3) The Official shall order, in writing, the remedying of any condition, or the cessation of any construction, alteration or use found to be in violation of any provision of this chapter or of any conditions which may have been attached to the issuance of a permit to construct, alter or use a building or lot by an official or official body of the Township of Little Egg Harbor action under this chapter.

B. Records. The Construction Code Official or Zoning Officer, as may be the case, shall keep record of all applications for permits and certificates issued and denied, together with all notations, of specific conditions involved. He/she shall file and safely keep copies of site plans and information supplemental thereto which shall be part of the records of his/her office and shall be available for the use of the Township Committee and of other officials of the Township of Little Egg Harbor, County or State. The Construction Code Official or Zoning Officer, as the case may be, shall prepare a monthly report for the Township Committee summarizing for the period since the last previous report all permits issued and all violations found and consequent actions taken by him/her. A copy of each such report shall be filed with the Tax Assessor.

C. Cases of doubt. Should the Official be in doubt as to the meaning or intent of any provision of this chapter as to the location of a district boundary line on the Zoning Map or as to the propriety of issuing any permit in the particular case, he/she shall appeal the matter to the Board of Adjustment for interpretation and decision.

§ 15-8.15. Development permits and procedures.

A. No construction, alteration or excavation for any building or other structure nor any use of building or land shall be begun without the issuance of a permit by the Construction Code Official indicating that the proposal is in compliance with the provisions and requirements of this chapter. A permit issued in accordance with the building code of this Township of Little Egg Harbor and satisfying the requirements thereto shall also satisfy the additional requirements of this chapter.

B. All applications for permits shall be made on forms provided by the Construction Code Official. Each such application shall be accompanied by a site plan prepared in triplicate and drawn to such scale as required to show exact dimensions and locations of all buildings, yards, lot lines, off street parking and such other appropriate details and information as may be necessary to provide for the administration of this chapter. All dimensions shown on these plans relating to the lot to be used or built upon shall be based on an actual survey, deed description or an approved subdivision plat. Where approval of the site plan is required by the Township Planning Board, submittals shall

meet the requirements of the chapter. One copy of the approved site plan shall be returned to the applicant, together with the permit issued by the Construction Code Official and with such conditions as may have been attached thereto by an official body of the Township of Little Egg Harbor acting under this chapter. In those instances where permits are not granted, the applicant shall be advised in writing as to the specific conditions involved. The lot and excavations shall be staked on the ground and an inspection thereof shall be made by the Construction Code Official before work is begun.

(1) The site plan shall also require the detail of proposed projections such as, but not limited to bay windows, awnings, steps, decks, chimneys, overhangs, and air conditioner units.

C. The construction or alteration of any building or buildings for which a permit was issued must be begun within six months after the date of issuance and any such construction or alterations shall be completed or fully effected within one year after the date of issuance, after which time such permit shall become void and subject to reapplication. The Construction Code Official, at his/her discretion, may issue a new permit granting a reasonable continuation of time where unavoidable conditions prevented the initiation or completion of work within these prescribed time periods.

§ 15-8.16. Boat lifts and davits.

A. The Township has determined that boat lifting devices are permitted as an accessory structure to residential property which front lagoons or waterways and shown on a final major subdivision plat and/or filed minor subdivision plat as of November 1, 1987.

(1) Definitions:

BOAT LIFT – A metal frame structure, usually electric powered, attached to a bulkhead or pilings, which elevates a boat to a higher position or out of the water.

DAVIT – A single pair of curved uprights over the bulkhead for suspending or raising and lowering a boat.

(2) Applicability: The provisions of this chapter shall apply to all residential property that fronts lagoons or waterways.

(3) Permit required; application fee:

(a) Permit required: No person including the property owner shall construct a boat lift device unless a permit is obtained for such construction.

(b) Application fee: As set forth in §15-16.1.

(4) Issuance of permits:

(a) Issuance of permits: The Zoning Officer shall require the applicant to submit the following documentation with the application:

[1] Sealed drawings from a licensed engineer or architect.

[2] Copies of all DEP and Army Corps of Engineers approvals and permits.

[3] Electrical permit when a boat lift is electrically operated.

[4] Other permits as required.

[5] Proof of notification to adjacent property owners and the permit shall be issued in conformance with the conditions set forth in Subsections (5) & (6).

(b) Appeal: In the event of any denial, the applicant seeking appeal from the decision of the Zoning Officer may appeal to the Zoning Board of Adjustment.

(5) General requirements and design standards:

The purpose of this section is to establish a general uniform set of guidelines to assist the Zoning Officer, Construction Officials and applicant in the installation of a boat lift device prior to the issuance of a "Certificate of Use."

(a) One lifting device per lot.

(b) No lifting device may be constructed unless a principal structure exists on the lot and the lot abuts a lagoon or waterway.

(c) Boats, when lifted, must be parallel to the bulkhead.

(d) Reflective tape for marine use shall be affixed to all structures, davits and poles used for boat lifting.

(e) No boat, when lifted parallel to the bulkhead, can extend beyond the side yard setback lines of the lot.

(f) The storage of all boats shall comply with the Township's Boat Storage Ordinance.

(g) Appropriate inspections by Construction Code Officials are required and must follow installation.

(h) No lifting device may extend into the lagoon or waterway more than eight (8) feet beyond the bulkhead.

(i) The highest part of the hull of the boat shall not exceed a height of four (4) feet above the bulkhead.

(j) No boat can be greater in length than 40% of the bulkhead length.

(k) Davits cannot exceed four (4) inches in diameter and be no higher than five (5) feet above the bulkhead.

(6) Certificate of use. No boat lift device constructed shall be put into use in whole or part for any use whatsoever until a "Certificate of Use" shall have been issued by the Zoning Officer certifying that such structure complies with all applicable provisions of this chapter. "Certificates of Use" shall be granted or denied by the Zoning Officer within ten (10) days from the date of application therefore by the owner of the property for such use, the reasons for doing so shall be stated in detail on at least one (1) copy of the application and that copy returned to the owner.

ARTICLE IX
Application Requirements

§ 15-9. Application requirements.

A. An application for development shall include the items specified in Schedule A of this chapter, which constitutes a checklist of items to be submitted for subdivision and site plan review. A copy of this checklist shall be completed by the applicant and submitted with the application form.

B. Completion of application; time limits:

(1) A subdivision and site plan application shall be complete for purposes of commencing the applicable time period for action by the Planning Board when so certified by the Planning Board or its authorized committee or designee. In the event that the Board, committee or designee does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period unless:

(a) The application lacks information indicated on the checklist of items to be submitted as specified in Schedule A and provided in writing to the applicant; and,

(b) The Planning Board or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application.

(2) The applicant may request that one (1) or more of the submission requirements be waived, in which event the Board or its authorized committee shall grant or deny the request within forty-five (45) days of the date of its submission. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the applicant is entitled to approval of the application. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents as is reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board.

C. An applicant may appeal the Administrative Officer's decision concerning completeness of an application to the Board which has jurisdiction to hear the application. The Board shall have forty-five (45) days after receipt of a written request to schedule a public hearing, at which time the Board will determine if the application is complete. The Board shall affirm, modify or reverse the decision of the Administrative Officer.

D. For an application to be placed on the agenda of a Board meeting, it must be deemed complete by the Administrative Officer a minimum of seven (7) days prior to a caucus

meeting or twenty-one (21) days prior to a regular public hearing if there is no caucus meeting scheduled for that month.

ARTICLE X
Subdivisions and Site Plans

§ 15-10.1. Pre-application conference and concept plan procedures.

For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference and/or concept plan in accordance with the following requirements:

A. Pre-application conference.

(1) At the request of the applicant, the Planning Board shall authorize a pre-application conference. The purpose of this conference is to:

(a) Acquaint the applicant with the substantive and procedural requirements of the Subdivision and Site Plan Ordinance.

(b) Provide for an exchange of information regarding the proposed development plan and applicable elements of the Master Plan, Zoning Ordinance and other development requirements.

(c) Advise the applicant of any public sources of information that may aid the application.

(d) Otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

(e) Review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences.

(f) Permit input into the general design of the project.

(2) The pre-application conference allows the applicant to meet with appropriate municipal representatives. These individuals, who shall be designated by the Mayor and/or Committee, may include:

(a) The Municipal Engineer.

(b) The Municipal Planner.

(c) The Municipal Construction Officer and Zoning Officer.

(d) Representative(s) from the Planning Board and the Board of Adjustment.

(e) Representatives from the Municipal Environmental, Historic Preservation and other commissions, as deemed appropriate.

(f) The Subdivision and Site Plan Committee or its representative(s), if this committee is established.

(g) Any other municipal representative(s) invited by the Planning Board Chairperson.

(3) Applicants seeking a pre-application conference shall submit the information stipulated in § 15-10.1. of this chapter fifteen (15) days prior to the pre-application conference.

(4) The applicant shall not be required to pay a fee for the pre-application conference. If requested and paid for by the applicant, a brief written summary of the pre-application conference shall be provided within forty-five (45) working days after the final meeting.

(5) The applicant shall not be bound by the determination of the pre-application conference, nor shall the Planning Board or Subdivision and Site Plan Committee be bound by any such review.

B. Concept plan:

(1) In addition or as an alternative to the pre-application conference, at the request of the applicant, the Planning Board or the Subdivision and Site Plan Committee shall grant an informal review of a concept plan for a development for which the applicant intends to prepare and submit an application for development. The purpose of the concept plan is to provide the Planning Board or Subdivision and Site Plan Committee input in the formative stages of subdivision and site plan design.

(2) Applicants seeking concept plan informal review shall submit the items stipulated in § 15-10.1. fifteen (15) days before the concept plan meeting. These items provide the Subdivider and Planning Board or Subdivision and Site Plan Committee with an opportunity to discuss the development proposal in its formative stages.

(3) A brief written summary of the concept plan review shall be provided within forty-five (45) working days after the final meeting.

(4) The applicant may be charged reasonable fees for concept plan review. The amount of any fees for such informal review shall be a credit towards fees for review of the application for development.

(5) The applicant shall not be bound by any concept plan for which review is requested, nor shall the Planning Board or Subdivision and Site Plan Committee be bound by any such review. The municipality may require notice of the concept plan meeting pursuant to N.J.S.A. 40:55D-12.

§ 15-10.2. Minor subdivision action.

A. A developer shall, prior to subdividing or re-subdividing land, submit to the Administrative Officer five (5) copies of a complete application for classification and/or minor subdivision approval, the fees as required in § 15-16.1. and eight (8) copies of the sketch plat drawn to specifications pursuant to § 15-15.2., for purposes of classification and preliminary discussions and distribution as hereinafter provided for.

B. A notation to the effect of approval shall be made on the sketch plat marked "proposed subdivision," and none of the lots or plots resulting from such subdivision may be re-subdivided by minor subdivision within two (2) years from the date of approval. After approval of the Planning Board or Board of Adjustment, one (1) copy of the sketch plat marked "proposed subdivision" shall be signed by the municipal agency and forwarded to the developer following compliance with any or all conditions. No further approval shall be required by any municipal agency. The remaining copies of the approved sketch plat shall be sent to the Township Engineer, Building Official, Tax Assessor, County Planning Board, Little Egg Harbor Municipal Utilities Authority and, in the case of the Board of Adjustment granting a subdivision, the Township Planning Board.

§ 15-10.3. Minor subdivision filing.

A. Minor subdivision shall be subject to the conditions set forth in N.J.S.A. 40:55D-47.

B. Any such deed or plat accepted for such filing shall have been signed by the Chairman, Secretary and Board Engineer of the municipal agency. Failure to record such plat or deed within the prescribed time shall render the approval null and void.

§ 15-10.4. Major subdivision action.

If the sketch plat is classified by the Board or its Committee as a major subdivision, a notation to that effect shall be made on the plat, which shall then be returned, following the meeting, to the developer for compliance with the procedures for preliminary and final approval.

§ 15-10.5. Preliminary plat.

Twenty (20) legible prints of the preliminary plat drawn to the specifications pursuant to §15-15.2., together with six (6) completed application forms for preliminary approval and the fees as required in §15-16.1., shall be submitted to the Administrative Officer.

§15-10.6. Action by municipal agency on preliminary plat.

A. The municipal agency shall act on the preliminary plat within the time prescribed in § 15-8.3.

B. If the municipal agency acts favorably on a preliminary plat, with or without conditions, a notation to that effect shall be made on the plat, and it shall be returned to the developer for compliance with final approval requirements.

C. If the municipal agency disapproves a preliminary plat, the reasons for such action shall be noted on the plat and returned to the developer.

D. Pursuant to N.J.S.A. 40:55D-49, the following rights shall be conferred upon the developer for a period of three (3) years from the date on which the resolution of preliminary approval is adopted:
   (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, subject to the conditions set forth in N.J.S.A. 40:55D-49.
   (2) That the developer may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary plat.
   (3) That the developer may apply for and the municipal agency may grant extensions on such preliminary approval as provided by N.J.S.A. 40:55D-49.

E. In the case of a subdivision or site plan for an area of fifty (50) acres or more, the municipal agency may grant the rights referred to in Subsection D.(1), (2) and (3) above for such periods of time longer than three (3) years, subject to the conditions set forth in N.J.S.A. 40:55D-49.

F. Whenever the Planning Board grants an extension of preliminary approval pursuant to Subsection D. or E. of this section, and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

G. The Planning Board shall grant an extension of preliminary approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities, and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of the preliminary approval or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning Board from granting an extension pursuant to Subsections D. and E. above.

§ 15-10.7. Final plat procedure.

The original tracing, twenty (20) legible prints of the plat drawn to the specifications of §15-10.8., together with five (5) completed application forms for final approval and the fees as required in §15-16.1., shall be submitted to the Administrative Officer. The final plat shall be submitted to the Administrative Officer within three (3) years after the date of the preliminary approval or extension. **[Amended 6/12/2003 by Ord. No. 2003-12]**

§ 15-10.8. Action by municipal agency on final plat. [Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]

A. After a determination that a complete application has been submitted, the municipal agency shall act on the final plat within the time prescribed in §15-8.3.

B. If the municipal agency acts favorably on a final plat, with or without conditions, a notation to that effect shall be made on the plat, and it shall be returned to the developer. However, prior to the signing of the final plat, the applicant shall submit the required performance bond, cash guaranty and construction/inspection fees.

C. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to § 15-10.6., whether conditionally or otherwise, shall not be changed for two (2) years after the date on which the resolution of final approval is adopted, provided that the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in § 15-10.9. If the developer has followed the standards prescribed for final approval and has duly recorded the plat as required, the municipal agency may extend such period of protection for

extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of the Municipal Land Use Law, the granting of final approval terminates the time period of preliminary approval pursuant to § 15-10.6. for the section granted final approval.

D. Whenever the Planning Board grants an extension of final approval pursuant to this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what otherwise would be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

E. The Planning Board shall grant an extension of final approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities, and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of the final approval or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning Board from granting an extension pursuant to Subsection C. of this section.

F. Deleted in its entirety. **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/02 by Ord. No. 2002-40]**

§15-10.9. Filing of original tracing.

A. After the original tracing has been signed by the appropriate officials, the tracing shall be returned to the developer and the developer shall proceed to file the same with the County Recording Officer within ninety-five (95) days of the signing of the plat.

B. The municipal agency may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of the signing of the plat.

C. The Planning Board may extend the ninety-five- or one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legal required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for an extension either before or after the original expiration date.

D. Within ten (10) days of the filing of the original tracing with the County Recording Officer, the developer shall submit to the Board the following copies of the filed plat: twelve (12) legible prints of the filed plat and two (2) Mylar copies.

§ 15-10.10. Posting of maps.

A. The sales office of all major subdivisions consisting of ten (10) or more lots, as shown on the developer's preliminary plats, shall display at all times within the development sales office or a model home located on the premises the following maps:
   (1) The approved preliminary plat of the subdivision.
   (2) The approved final plat of the subdivision.

B. Each map shall clearly show and delineate the location of the developer's subdivision.

§ 15-10.11. Sale before approval.

If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, such person may be subject to penalties as set forth in N.J.S.A. 40:55D-55.

§ 15-10.12. Certificate of approval.

A. A prospective purchaser, mortgagor or any other person interested in any land which forms part of a subdivision or which formed part of such subdivision three (3) years preceding may apply in writing to the Zoning Officer for certification verifying that the subdivision has been approved pursuant to N.J.S.A. 40:55D-56.

B. The Zoning Officer shall make and issue such certificate within fifteen (15) days after the receipt of such written application and a fee of ten dollars ($10.00). The Zoning Officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his or her office.

C. Each certificate shall be designated as a "certificate as to approval of subdivision of land" and shall certify that the conditions required by N.J.S.A. 40:55D-56 have been fulfilled.

D. The Zoning Officer shall be entitled to demand and receive for such certificate issued by him or her a fee pursuant to §15-16.1. of seventy-five dollars ($75.00). The fees so collected by the Zoning Officer shall be paid by him or her to the Township.

§ 15-10.13. When site plan approval required; use of Pinelands development credits.

A. No building permit, zoning permit, certificate of occupancy or conditional use permit shall be issued for the construction or alteration of any structure, except as otherwise provided by State law, unless a final site plan shall have first been approved by the Planning Board or Board of Adjustment, in conjunction with the processing of a use variance, in accordance with the terms of this chapter and the Municipal Land Use Law.

However, no site plan approval shall be required for a conditional use permit for a home occupation unless in the sole discretion of the Planning Board it is deemed necessary. In addition, no building permit, zoning permit or certificate of occupancy shall be issued for a change of use of a structure where the new use requires a greater amount of parking under the Township Ordinances than was required for the old use. **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]**

B. No development involving the use of Pinelands development credits shall be approved until the developer has provided the Pinelands Commission and the approving authority with evidence of his ownership of the requisite Pinelands development credits; provided, however, that the approving authority may grant preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final site plan approval. For such a final site plan, the developer shall provide evidence of Pinelands development credit ownership to secure the same proportion of lots or residential units as was approved for Pinelands development credit use in the preliminary approval.

§ 15-10.14. Minor site plans.

A. Twenty (20) legible prints of the minor site plan drawn in conformance with the standards, plat detail requirements for minor site plans in accordance with 15-15.4., together with five (5) completed application forms and the fees as required in § 15-16.1., shall be submitted to the Board Secretary.

B. Minor site plan approval shall be deemed to be final approval of the site plan by the Board.

C. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval is granted shall not be changed for a period of two (2) years from the date of minor site plan approval.

D. The Planning Board shall grant an extension of the time period provided in Subsection C. above for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities, and that the developer applied promptly for and diligently pursued the approvals. A developer shall apply for this extension before what would otherwise be the expiration date or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

§ 15-10.15. Preliminary site plan procedure.

Twenty (20) legible prints of the preliminary site plan and preliminary architectural plans and elevations, together with five (5) completed application forms for preliminary site plan approval and the fees as required in § 15-16.1., shall be submitted to the Board Secretary.

§ 15-10.16. Action by municipal agency on preliminary site plan.

A. The municipal agency shall act on the preliminary site plan within the time prescribed in § 15-8.3.

B. If the municipal agency acts favorably on a preliminary site plat, with or without conditions, a notation to that effect shall be made on the plan, and it shall be returned to the developer for compliance with the final approval requirements.

C. If the municipal agency disapproves a preliminary site plan, the reasons for such action shall be noted on the plan and returned to the developer.

D. The rights conferred by preliminary site plan approval shall be the same as those set forth in § 15-10.6.

§ 15-10.17. Final site plan procedure. [Amended 6/12/2003 by Ord. No. 2003-12]

Twenty (20) legible prints of the final site plan, drawn together with all necessary documentation, five (5) completed application forms for site plan approval and the fees as required in §15-16.1., shall be submitted to the Board Secretary, together with a reproducible Mylar of the final plan and final construction plans. A final plat shall be submitted to the Administrative Officer within three (3) years after the date of the preliminary approval or extension.

§ 15-10.18. Action by municipal agency on final site plan.

A. After determination that a complete application has been submitted, the municipal agency shall act on the final site plan within the time prescribed in § 15-8.3. Prior to the signing the municipal agency stating that performance guaranty has been approved as to form and amount to assure completion of all required improvements.

B. If the municipal agency acts favorably on a final site plan, with or without conditions, a notation to that effect shall be made on the plan, and it shall be returned to the developer. However, prior to the signing of the final plat by the Board Engineer, the applicant shall post with the Township Clerk a performance guarantee as set forth in § 15-17.5.

C. The zoning requirements applicable to the preliminary site plan approval first granted and all other rights conferred upon the developer pursuant to § 15-10.6., whether conditionally or otherwise, shall not be changed for two (2) years after the date on which the resolution of final approval is adopted. If the developer has followed the standards

prescribed for final site plan approval, the municipal agency may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of the Municipal Land Use Law, the granting of final site plan approval terminates the time period of preliminary site plan approval pursuant to § 15-10.6. for the section granted final site plan approval. If a site plan has been approved prior to the enactment of this chapter and if the developer has followed the standards prescribed for final approval, has duly recorded the plat, if required, and has initiated substantial improvement of the project, the developer shall be permitted to continue the project in accordance with the approved plat.

D. Extension of final approval by the Planning Board on a site plan shall also comply with requirements of § 15-10.8: D. and E.

ARTICLE XI
Design Guidelines and Standards

[HISTORY: Adopted by the Township Committee of the Township of Little Egg Harbor 5/10/2001 by Ord. No. 2001-08. Amendments noted where applicable.]

§ 15-11.1. Purpose.

The purpose of this article is to establish a general uniform set of performance and design standards to guide and assist the Township and future developers in the preparation, submission and review of all developmental proposals. The standards shall be applicable to all site plans, subdivisions and other development applications to come before an approving authority in the Township. These general requirements are supplementary to the site plan and subdivision design standards outlined elsewhere in this chapter and shall constitute the minimum performance standards applicable to all future growth and development in Little Egg Harbor Township. In addition to the requirements of this section, all development applications in the Pinelands Area shall be bound by the Supplemental Pinelands Area Design and Development Standards and management programs, as specified in the Little Egg Harbor Township Pinelands Area Development Requirements.

§ 15-11.2. General requirements.

A. Minor modifications or changes in approved plans and specifications may be effected only upon written approval of the Board Engineer, but some changes may require further review and approval of the Planning Board prior to making any changes.

B. Any application for development shall demonstrate conformance to design standards that will encourage sound development patterns within the Township. Where either an Official Map and/or Master Plan have been adopted, the development shall conform to the proposals and conditions shown thereon. The streets, school sites, etc., shown on the officially adopted Master Plan shall be considered in the approval of plats. In accordance with good design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the approving authority. All improvements shall be installed and connected with existing facilities or installed in required locations to enable future connections with approved systems or contemplated systems and shall be adequate to handle all present and probable future development.

C. Land which the approving authority finds to be in areas identified in the Master Plan as having severe or moderate soil characteristics, particularly the land related to flooding, improper drainage, wetlands, adverse soil conditions, adverse topography, utility casements or other features which can reasonably be expected to be harmful to the health, safety and general welfare of the present or future inhabitants of the development and/or its surrounding areas, shall not be subdivided and site plans shall not be approved unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this chapter and all other regulations.

D. Whenever a development abuts or crosses a municipal boundary, access to those lots within the Township shall be from within the Township as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the approving authority may require documentation that such access is legally established and that the access road is adequately improved.

E. No buildings shall be erected, no existing buildings shall be enlarged or rebuilt nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot area and building location regulations designated for the district or zone in which the building or open space is located.

F. No lot shall be used in any zone nor shall any structure be erected, altered or occupied for any purpose except as indicated in each zone under permitted uses or conditional use permits, except that model homes and sales homes shall be permitted as a matter of right in all residential zones. Six (6) model homes shall be permitted for each development.

G. No subdivision or site plan approval may be given unless each lot contained in the subdivision or site plan complies with all the requirements of the zone in which the lot is located, unless a variance is granted.

H. Each lot shall be provided with frontage on a street in accordance with the schedule of requirements.

I. No lot shall have erected on it more than one (1) residential building, except as elsewhere permitted in this chapter.

§ 15-11.3. Blocks.

Block length, width and acreage shall be sufficient to accommodate the size lot required in the zoning district and to provide for convenient access, circulation control and traffic safety. Blocks over one thousand (1,000) feet long in residential areas shall be discouraged, but where they are used, pedestrian crosswalks and/or bikeways between lots may be required in locations deemed necessary by the approving authority and shall be at least eight (8) feet wide and be straight from street to street. Blocks over one thousand five hundred (1,500) feet in residential areas shall be prohibited unless access to adjoining properties is not feasible due to prevailing physical characteristics or environmental reasons or would not provide for the extension of any new future streets in a logical, reasonable or practical fashion. For commercial and industrial uses, block lengths shall be sufficient to meet area and yard requirements for such uses and to provide proper street access and circulation patterns. In all cases, wherever feasible in the opinion of the Planning Board and Planning Board Engineer, all blocks shall be laid out in a curvilinear configuration with tangent sections being no straighter than five hundred (500) feet.

§ 15-11.4. Lots.

A. Lot dimensions and area shall not be less than the requirements of the zoning provisions.

B. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

C. Each lot must front upon a public street, paved, with a right-of-way of at least fifty (50) feet, except as otherwise provided herein.

D. Where extra width has either been dedicated or anticipated for widening of existing streets, zoning considerations shall begin at such new street line, and all setbacks shall be measured from such line.

E. Where two (2) or more contiguous lots are under the same ownership, regardless of whether or not each may have been approved as a portion of a subdivision acquired by separate conveyance or by other operation of law, and one (1) or more of the lots does not conform to the minimum area and/or dimension requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot, and the provisions of this chapter shall apply.

F. Whenever land has been dedicated or conveyed to the Township by the owner of a lot in order to meet the minimum street width requirements or to implement the Master Plan, and which lot existed at the effective date of this chapter, the Construction Code Official shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the minimum requirements.

G. Through lots with frontage on two (2) streets will be permitted only under the following conditions: where the length of the lot between both streets is such that future division of the lot into two (2) lots is impractical and access shall be to the street with the lower traffic function, and the portion of the lot abutting the other street shall be clearly labeled on the plat and in any deed that street access is prohibited.

H. Wherever deemed practical and feasible, all lots shall be laid out in a curvilinear fashion, with lot lines being radial to the curve.

I. In a subdivision abutting an expressway or arterial road one (1) of the following shall be required:
   (1) The frontage shall be reversed so that the lots contiguous to such roadways will front on a street with a lower traffic function with an additional lot depth or width of fifty (50) feet as an easement exclusively for buffering to be provided by the developer along the arterial street;
   (2) A marginal service road shall be provided along such arterial road and shall be separated from it by a raised/planting island divider strip of at least twenty (20) feet in width; or,
   (3) Such other means of separating through and local traffic and of providing a suitable buffer shall be provided as the Board of jurisdiction may determine to be appropriate.

§ 15-11.5. Bulkheading.

A. Any development, regardless of size, on tidal lagoons, navigable waterways or other bodies of water, whether such water bodies are either existing or proposed, shall provide for bulkheading. Any development, regardless of size, on nontidal bodies of water, whether such water bodies are either existing or proposed, shall provide for bulkheading or other appropriate permanent bank stabilization acceptable to the Planning Board.

B. Bulkheads shall be constructed in accordance with Chapter 14 of the Code of Little Egg Harbor Township. New or reconstructed lagoons shall have a minimum width of one hundred (100) feet and shall be provided with suitable turning basins.

C. The Planning Board may consider waiver and/or modification of this requirement when necessary, provided that minimum lot sizes may be maintained and that all development may be made reasonably secure from erosion.

§ 15-11.6. Soil erosion and sedimentation control.

A. All site plans and subdivisions shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development, including anticipated starting and completion dates. The purpose is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community.

B. No building permit shall be issued for any development application until all provisions of the State of New Jersey Soil Erosion and Sediment Control Act, P.L. 1975, c. 251, as amended, have been satisfied.

§15-11.7. Buffers.

A. Buffer areas, as defined in this chapter, shall be developed in an aesthetic manner for the primary purpose of screening views, providing physical separation and reducing noise and glare beyond the buffer area. Buffer area widths shall be measured horizontally and perpendicularly to lot and street lines. No structure, activity, storage of materials or parking of vehicles shall be permitted in a buffer area. The preservation of all desirable existing vegetation in a buffer area shall be assured through sensitive grading and development practices. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of property being screened; the distance between the use and the adjoining property or street; differences in elevation; the type of buffer, such as planting, berming, preservation of existing vegetation, a wall, hedge or fence; buffer height; buffer width; and other combinations of man-made and natural features. The buffer shall be designed, planted, graded or developed with the general guideline that the closer a use or activity is to a property line or the more intense

the use, the more effective the buffer must be in obscuring light, vision and reducing noise beyond the lot.

B. In the Highway Business Zone there shall be a twenty-five foot buffer area from the front property line and a fifteen-foot buffer area from the side property line. The only improvements to be constructed in this buffer area, other than landscaping, are to be those improvements necessary to provide ingress and egress to the subject site.

C. In the Neighborhood Business and General Business Zones, there shall be a fifteen-foot buffer area from the front property line and side property line; provided, however, that in regard to those lots which front on a state highway, there shall be a twenty-five-foot buffer area from the front property line. The only improvements to be constructed in this buffer area, other than landscaping, are to be those improvements necessary to provide ingress and egress to the subject site.

D. In the Industrial Zone, lots having a depth of three hundred (300) feet or less shall have a forty-foot buffer area from the front property line. This buffer area shall be increased to fifty (50) feet when the lot depth is greater than three hundred (300) feet. In addition, all lots shall have ten-foot buffer areas from the side and rear property lines. The only improvements to be constructed in these buffer areas, other than landscaping, are to be those improvements necessary to provide ingress and egress to the subject site.

E. In all other zones, except residential, the minimum front buffer area shall be thirty-five (35) feet, the minimum side buffer area shall be fifteen (15) feet and the minimum rear buffer area shall be twenty (20) feet unless otherwise provided herein.

F. In order to provide adequate buffering between uses of differing classifications, a buffer area shall be provided in conjunction with any nonresidential or higher density residential use abutting a lot zoned or used for residential purposes. The minimum width of such a buffer area shall be not less than thirty (30) feet for a building or group of buildings up to twenty thousand (20,000) square feet in area, except in the HB Zone where it shall be no less than fifty (50) feet. The width of the buffer area shall be increased one (1) foot for each one thousand (1,000) square feet or fraction thereof if the building or group of buildings exceeds twenty thousand (20,000) square feet, up to a maximum buffer area width of one hundred (100) feet; except that, for light industrial uses, the minimum buffer width abutting a residential district shall not be less than one hundred (100) feet.

G. In residential subdivisions or site plans on any lot which abuts an expressway or arterial road, a buffer area and additional lot depth or width of fifty (50) feet shall be provided along the property line common with the expressway or arterial road.

H. In the Scenic Gateway Overlay Zone, there shall be a fifty (50') foot buffer area from the front property line. To the extent that the pre-development condition of the site is wooded, the natural vegetation shall be retained within the fifty (50') foot buffer per §15-11.7(A). If the site is not wooded, the fifty (50') foot buffer shall be revegetated with nursery-grown trees of species found in nearby wooded areas, subject to review and

approval of the Township Engineer. The only improvements to be constructed in this buffer area, other than supplemental landscaping and approved signage, are to be those improvements necessary to provide ingress and egress to the subject site. **[Amended 12/13/2007 by Ord. No. 2007-26]**

I. In the Route 9 Gateway Overlay Zone South, there shall be a fifty (50') foot buffer area from the front property line. To the extent that the pre-development condition of the site is wooded, the natural vegetation shall be retained within the fifty (50') foot buffer per §15-11.7(A). The only improvements to be constructed in this buffer area, other than supplemental landscaping and approved signage, are to be those improvements necessary to provide ingress and egress to the subject site. If the site is not wooded, the fifty (50') foot buffer shall be designed in accordance with the requirements of §15-11.7(H). **[Amended 3/14/2013 by Ord. No. 2013-03]**

§15-11.8. Landscaping.

A. General. All land subdivision and development shall comply with the minimum landscape architectural standards set forth herein or provide a more appropriate scheme relative to the specific aspects of a particular site or development proposal with the approval of the Board of jurisdiction. The Board of jurisdiction may require additional landscape development beyond the standards set forth if necessary to provide appropriate landscape development relative to the nature of the site and the development thereof. All landscape development should be designed to enhance the visual quality of the site and adjacent properties; provide safe vehicular and pedestrian circulation; protect against potential natural and man-made hazard; enhance the microclimate of areas for human activity; and promote the protection of health, safety and welfare. For applications in the Pinelands Area, landscaping plans shall incorporate the elements set forth in Section 15-13.4.A.(3). **[Amended 5/10/2001 by Ord. No. 2001-08]**

B. Streetscape. Landscape architectural development of the streetscape shall be provided in conjunction with all development, on all existing and proposed roads upon which the site of development has or creates frontage. Improvements consistent with one (1) of the following streetscape concepts, or an alternative concept of more appropriate design, shall be provided:

(1) Formal tree-lined avenue. This type of streetscape development is appropriate for the majority of streets within the Township with the exception of those areas which are addressed by one (1) of the other two (2) concepts provided herein. The following standards shall apply:

(a) Shade trees shall be provided along both sides of a street in the planting area provided between the street curb and the sidewalk as per § 15-12.2. and at a distance between trees of thirty (30) feet to fifty (50) feet, with trees which exhibit a narrow habit at a thirty- to forty-foot spacing and trees which exhibit a spreading habit at a forty to fifty-foot spacing. The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, street lights, sight distances and driveway aprons and shall not be planted closer than eight (8) feet to fire hydrants.

(b) All trees shall have a minimum size of three (3) inches to three and five-tenths (3.5) inches caliper.

(c) Subsequent or replacement plants shall conform to the type of existing tree in a given area, provided that, if any deviation is anticipated, it must be done only with the permission of the Township Landscape Architect and/or Environmental Commission. In a newly planted area, only one (1) type of tree may be used on a given street, unless otherwise specified by the Township Landscape Architect and/or Environmental Commission.

(d) Tree varieties which exhibit desirable characteristics, such as full symmetrical form, deep noninvasive root system and tolerance of potential drought and road salt, should be utilized.

(e) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.

(2) Informal street trees. This type of streetscape development is appropriate along streets within areas of development with an informal character. This type of treatment should occur in areas of development with meandering curvilinear roads. The following standards shall apply:

(a) Vary street tree varieties, spacing from the cartway [four (4) feet to fifteen (15) feet] and sizes [two (2) inches to six (6) inches caliper, averaging three (3) inches to three and five-tenths (3.5) inches]. Trees should be placed in an informal pattern with varied spacing. Some areas will have clustered trees, others may have an individual tree along a road. Planting design shall accentuate views and integrate contrasting landscape elements.

(b) The total number of trees shall average one (1) tree for every fifty (50) linear feet of roadway on each side of the roadway.

(c) If existing trees are preserved within ten (10) feet of the curb, the requirements for additional street tree plantings may be reduced.

(d) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.

(3) Village streetscape. This type of streetscape development is appropriate along streets within areas designated as villages by the Little Egg Harbor Township Historic Preservation Commission, or as required by the Board of jurisdiction. The objective shall be to provide street trees, paving, benches, lighting and other improvements to provide an ample, well-defined, unified and distinct pedestrian corridor along the streetscape. The following standards shall apply:

(a) Provide street trees within the right-of-way in planting areas of at least ninety (90) square feet in surface area. An acceptable ground cover or mass shrub planting shall be provided in all planting areas.

(b) The quantity of trees shall be equivalent to one (1) tree of three (3) inches to three and five-tenths (3.5) inches caliper for every forty (40) feet of frontage.

(c) If existing trees are preserved within ten (10) feet of the curb, the requirements for additional street tree plantings may be reduced.

(d) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.

(e) A walkway within the right-of-way of a minimum clear width of five (5) feet shall be provided. In areas where site furnishings are provided, the walk width shall be widened to accommodate these amenities. The walkway shall be constructed of a decorative pavement, i.e. brick pavers, as approved by the Board of jurisdiction. All walks shall include ramps for handicap access at all street corners or road crossings. The decorative paving shall be continued across all ingress and egress drives as a crosswalk, providing a well-defined continuous pedestrian walkway.

(f) Site furnishings such as benches, period lighting, kiosks, bus shelters, trash receptacles and flagpoles shall be provided as appropriate or required by the Board of jurisdiction. All site furnishings within an individual village area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.

(g) Signage within the village streetscape area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.

(h) All overhead utilities should be relocated underground whenever possible.

C. Cul-de-sac and traffic islands. Cul-de-sac and traffic planting islands provide the opportunity to soften the harshness of large paved areas, create visual interest, increase groundwater recharge, screen headlight glare into residences and preserve valuable existing vegetation. Planted traffic control islands should be provided as necessary and appropriate to define vehicular or pedestrian circulation. The following standards address the planting of islands in the turnaround portion of cul-de-sac roads; provided, however, that there remains sufficient turning radius for fire-fighting equipment and other emergency equipment. For other islands, a landscape design consistent with the concepts presented herewith should be provided. Planting of islands within parking areas shall conform to the standards set forth in Subsection G. of this section.

(1) If possible, preserve the existing trees in the area of the proposed island. Assure that the grading of the surrounding roadway is consistent with the existing grade at the dripline of the trees and provide adequate protection during construction. Limb all branches to a height of seven (7) feet and remove all vegetation which exhibits a canopy between thirty (30) inches and seven (7) feet. Provide an adequate ground cover planting as necessary to completely cover all soil and discourage weed growth. All planting must be designed to consider the level of expected maintenance and provide a neat and clean appearance.

(2) In areas void of existing stands of trees, planting similar to the following concept should be provided: provide one (1) specimen tree of four and one-half (4½) inches to five (5) inches caliper or three (3) specimen trees of two and one-half (2 ½) inches to three (3) caliper for every one thousand (1,000) square feet of

planting area with an adequate ground cover planting as necessary to complexly cover all soil and discourage weed growth at the time of planting. All plant material must exhibit a mature canopy height under thirty (30) inches or above seven (7) feet with no more than three (3) trunks in order to allow adequate visibility. All plants shall be tolerant of harsh, dry roadside conditions.

(3) All plantings within a site triangle or distance area must be approved by the Township Engineer.

(4) Extensive unplanted stone or mulch beds shall not be provided.

D. Stormwater areas. Stormwater management areas include retention and detention basins, drainage ditches and swales. This subsection does not apply to underground stormwater recharge areas, which may only be planted if approved by the Township Engineer. Sensitively designed basins and swales can be a visually pleasing benefit to the health, welfare and safety of Little Egg Harbor Township residents. The general design concept of these areas should be to de-emphasize their function creating aesthetic landscape features.

E. Open space. As a landscape feature and asset, open space is encouraged in all developments, even when not required. The objectives of the landscape treatment of open space is to provide the opportunity and space for active and passive recreation in all areas of human activity and residence, to protect and enhance the Township's natural amenities such as wooded areas, water bodies and streams and to retain or create a visually pleasing image of Little Egg Harbor Township. The following standards shall apply:

(1) Preservation open space. This type of open space is appropriate in areas adjacent to and inclusive of natural amenities to be preserved, such as wooded areas, water bodies, streams, wetlands, etc. This type of open space shall be either deed restricted from future development by conservation easements or dedicated to the Township or another public or quasi-public agency or organization. The following standards shall apply:

(a) During the site planning process the applicant must preserve valuable or unique natural amenities and designate them as preservation open space.

(b) The applicant is required to remove all undesirable debris and materials from this area.

(c) The provision of improvements such as pedestrian paths, picnic areas and planting may be required by the Board of jurisdiction when appropriate to create a visually pleasing and beneficial environment.

(2) Recreational open space. Recreational open space includes lands provided for active and passive recreation and as additions to existing recreational open space. It can take on many forms, from a tot-lot or tennis and swimming complex in a residential development, to an English landscape garden in an office park development or an outdoor promenade or eating pavilion in a commercial or industrial center. The landscape architectural design of these areas shall address safety, visual interest, microclimate and use. The following standards shall apply:

(a) Site amenities and walkways shall be provided as required by the Board of jurisdiction. Suggested minimum improvements for residential open

space include a tot-lot (play structure with slide and a separate swing set), seating and open lawn for field play. Outdoor sitting and eating areas/plazas are appropriate for commercial, office and manufacturing developments.

(b) If a recreation area fronts onto a roadway, a post and rail fence or other protective measures shall be integrated to provide protection and separation.

F. Buffers. Landscape buffers are plantings, berms or grading and fences or walls provided within the landscape buffer area as designated in § 15-11.7., or as necessary, to visually soften or screen and enhance views and minimize or separate any adverse impacts or nuisances on a site from adjacent properties or roads. The designer and the Board of jurisdiction should consider the dimension of a landscape buffer area, existing vegetation, structures and topography along with the intensity and type of land use involved relative to these standards to determine the appropriate landscape buffer. The Board of jurisdiction may require a more or less significant landscape buffer if appropriate. The following standards are provided for particular types of buffer areas:

(1) Nuisance landscape buffer. This type of landscape buffer is appropriate in buffer areas provided between commercial or residential uses and adjacent commercial or different residential uses or zones where a continuous visual screen is appropriate. The following standards shall apply:

(a) All existing tress and valuable understory vegetation should be preserved, and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation. The plans must clearly indicate all vegetation to be preserved and removed. If the Board of jurisdiction deems it appropriate, supplemental planting should be provided to provide a complete visual screen. Quantities and types of supplemental plantings must respond to the deficiencies of existing vegetation and complement the existing vegetation and the overall design must be indicated on the landscape plan. A minimum height of eight (8) feet to ten (10) feet for evergreen trees, two (2) feet to two and five-tenths (2.5) feet for shrubs and a minimum caliper of two and five-tenths (2.5) inches to three (3) inches for shade trees shall be specified for all supplemental plantings.

(b) Areas void of significant vegetation shall receive landscape architectural treatment including plantings, berming, fences or walls as appropriate. Berms, fences or walls shall be provided at a height of four (4) feet to eight (8) feet, or as necessary to provide a visual screen, with the approval of the Board of jurisdiction. The general design, form and materials of fences, walls and berms should relate to the overall design and the materials utilized for other structures on the site and be aesthetically pleasing from all sides. Planting should be provided in conjunction with berming, fencing or walls or may be provided solely to provide a complete visual screen and visually interesting and pleasing area. The following quantities and minimum size guidelines are provided. If berms, fencing or walls are provided, a decreased quantity of planting may be provided at

the discretion of the Board of jurisdiction. For every one hundred (100) linear feet or buffer area, measured at the longest line, the following must be provided:

Type	Quantity	Size
Evergreen trees	12	8 to 10 feet in height
Shade trees	3	2.5 to 3 inches caliper
Ornamental trees	As required	6 to 7 feet in height, 1 to 1 ½ inches caliper
Shrubs	As required	2 to 2 ½ feet in height

(2) Filtered buffer. This type of landscape buffer is appropriate in buffer areas or green space which is provided to soften the impact of a land use yet still allow views beyond the buffer area. In particular, this type of buffer shall be provided around the perimeter of all parking areas, internal site access roads or lanes and the perimeter of a site which abuts a land, street, road, highway or adjacent site and a complete visual screen is not appropriate. A buffer shall be provided to screen unsafe distractions such as glare from cars and light standards; to provide a visually pleasing environment; and to provide spatial definition to avoid confusion. The following standards shall apply:

(a) All existing trees and valuable understory vegetation should be preserved, and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation. The plans must clearly indicate all vegetation to be preserved and removed. If the Board of jurisdiction deems it appropriate, supplemental planting should be provided to provide a filtered visual screen. Quantities and types of supplemental plantings must respond to the deficiencies of existing vegetation and complement the existing vegetation and the overall design and must be indicated on the landscape plan. A minimum height of eight (8) to ten (10) feet for evergreen trees, two (2) to two and five-tenths (2.5) feet for shrubs, six (6) to seven (7) feet and one (1) to one and five-tenths (1.5) inches caliper for ornamental trees and a minimum caliper of two and five-tenths (2.5) to three and zero-tenths (3.0) inches for shade trees shall be specified for all supplemental plantings.

(b) Areas void of significant vegetation shall receive landscape architectural treatment including planting, berming, fences or walls as appropriate. Berms, fences or walls shall be provided at a height of two (2) feet to four (4) feet, or as necessary to provide an appropriate buffer. The general design, form and materials of fences, walls and berms should relate to the overall design and the materials utilized for other structures on the site and be aesthetically pleasing from all sides. Planting should be provided in conjunction with berming, fencing or walls or may be provided solely to

provide an appropriate screen and visually interesting and pleasing area emphasizing appropriate views. Parked vehicles shall be buffered as viewed from all areas outside of the parking area. The following quantities and minimum size guidelines are provided. If berms, fencing or walls are provided, a decreased quantity of planting may be provided at the discretion of the Board of jurisdiction. For every one hundred (100) linear feet or buffer area, measured at the longest line, the following must be provided:

Type	Quantity	Size
Evergreen trees	As required	8 to 10 feet in height
Shade trees	4	2.5 to 3 inches caliper
Ornamental trees	As required	6 to 7 feet in height, 1 to 1 ½ inches caliper
Shrubs	55	2 to 2 ½ feet in height

(3) Windbreak/heavy screening. This type of buffer is appropriate in buffer areas where the additional need of a windbreak to stop windborne debris from leaving a site is necessary or around objectionable facilities or utility structures where a dense complete visual screen is appropriate. This would include buffer areas around outdoor storage facilities, loading areas or solid waster disposal facilities (dumpsters) or when an undersized buffer area is provided and the standards specified for a Nuisance landscape buffer, are not sufficient at the discretion of the Board of jurisdiction. The following standards shall apply:

(a) Provide a fence, wall or planting which will create a dense complete visual screen. The height of the fence, wall or planting should be designed relative to the facility being screened and shall be subject to the approval of the Board of jurisdiction. The general design, form and materials of fences or walls should relate to the overall design and the materials utilized for other structures on the site or the neighborhood and be aesthetically pleasing from all sides. Planting should be included in conjunction with any fence or wall.

(b) If planting alone is provided, then a double staggered row of dense evergreen plants shall be specified. The spacing between individual plants shall be as necessary to provide a continuous hedge with plants touching at the time of installation. The installed and mature height of the plants must respond to the height of the area or facility being screened and views from adjacent areas and shall be subject to the approval of the Board of Jurisdiction.

(c) The plan submission should include an illustrative section drawing demonstrating the effectiveness of the buffer.

(4) Reverse frontage buffer. This type of buffer shall be required where the rear yards of residential units and/or lots face or front on a roadway and when any yard of a residential unit or lot faces or fronts on an expressway or arterial roadway. The following landscape architectural treatment shall be provided to screen and separate private residential spaces from the roadway:

(a) All existing trees and valuable understory vegetation should be preserved, and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation. The plans must clearly indicate all vegetation to be preserved and removed. If the Board of jurisdiction deems it appropriate, supplemental planting, berms or walls should be specified to provide a complete visual screen. Quantities and types of supplemental plantings must respond to the deficiencies of the existing vegetation and complement the existing vegetation and the overall design and must be indicated on the landscape plan. A minimum height of eight (8) to ten (10) feet for evergreen trees, two (2) feet to two and five/tenths (2.5) feet for shrubs, six (6) feet to seven (7) feet, one (1) inch to one and five-tenths (1.5) inches caliper for ornamental trees, and a minimum caliper of two and five-tenths (2.5) inches to three (3) inches for shade trees shall be specified for all supplemental plantings. The need for and the height and design of supplemental berms or walls must respond to the deficiencies of existing vegetation and the proximity of the residential unit to the road. If the Board of jurisdiction deems it appropriate, berms or walls may be required.

(b) Areas void of significant vegetation shall receive landscape architectural treatment including plantings, berming, fences or walls as appropriate. Berms, fences or walls shall be provided at a height of three (3) feet to eight (8) feet averaging five (5) feet, or as necessary to provide a visual screen at the discretion of the Board of jurisdiction. The general design, form and materials of fences, walls and berms should relate to the overall design and the materials utilized for other structures on the site and be aesthetically pleasing from all sides. The sidewalk layout shall be integrated with the buffer and the overall design and adjacent development when appropriate. Planting should be provided in conjunction with berming, fencing or walls or may be provided solely to provide an appropriate screen and visually interesting and pleasing area. The following quantities and minimum size guidelines are provided. If berms, fencing or walls are provided, a decreased quantity of plantings may be provided at the discretion of the Board of jurisdiction. For every one hundred (100) linear feet or buffer area, measured at the longest line, the following must be provided:

Type	Quantity	Size
Evergreen trees	7	8 to 10 feet in height
Shade trees	5	2.5 to 3 inches caliper

Ornamental trees	1	6 to 7 feet in height, 1 to 1 ½ inches caliper
Shrubs	15	2 to 2 ½ feet in height

G. Parking Areas. The landscape architectural treatment of all parking areas shall be designed to promote safe and convenient circulation; to limit vehicular/pedestrian conflicts; to limit paved areas; to provide shade and reduce heat island effects; and to soften the overall visual impact of parking areas. The design of all parking areas shall comply with the requirements of Section 15-12.16. Off-street parking and loading areas, with landscape architectural treatments shall be provided as follows:

(1) Shade trees within the parking area shall be provided at a minimum rate of two (2) trees for every ten (10) parking spaces.

(2) In the islands provided at the end of individual rows of parking spaces between access roads and aisles, planting shall be provided to buffer the view of parked cars, provide shade and cover the ground plane.

(3) Plant sizes shall be a minimum of two and five-tents (2.5) to three and zero-tenths (3.0) inches caliper and thirteen (13) to fifteen (15) feet in height for shade trees and two (20 to two and five-tenths (2.5) feet in height for shrubs.

(4) Large parking areas shall be subdivided into modules. Separation of modules should be achieved by a landscape island of a minimum width of ten (10) feet. Integration of pedestrian walkways within this island, aligned with building entrances or focal points, is encouraged and should be considered.

(5) Pedestrian/vehicular conflicts shall be minimized through design, yet, when necessary, clearly indicated by a change of vehicular and pedestrian paving and plant materials.

(6) Parking lot lighting should be sited within landscape islands. Trees shall not hinder safe lighting coverage.

H. Green Space. The landscape plan or site plan for all site plan and subdivision plan submissions shall address the planting of all green space in accordance with the standards set forth herein or another appropriate manner. In the site planning process, the provision and landscaping of green space or planting areas should be considered to enhance the visual quantity of a site and provide spatial or directional definition as follows:

(1) A planting area and planting around all buildings as appropriate relative to the architecture, anticipated use and to limit pavement to that necessary for access and appropriate use shall be provided.

(2) To provide immediate buffering, visual relief, and scale for large office, commercial, and industrial buildings [buildings of ten thousand (10,000) square feet or larger] larger-size trees shall be provided near the building perimeter [within seventy-five (75) feet]. The quantity of trees shall be equal to one (1) tree for every forty (40) feet of general building perimeter.

(a) The tree size shall be based upon the height of the building as follows:

Building Stories	Tree Size (caliper in inches)
1 to 2	2.5 to 3.0
3	3.0 to 3.5

(b) These trees shall be located in a manner consistent with architectural and site design and shall provide maximum visual impact. Preserved or relocated existing vegetation may be utilized to meet this requirement.

(3) In residential developments, trees shall be planted throughout a site at a rate of one (1) tree per two thousand five hundred (2,500) square feet of upland lot area or fraction thereof. In non-residential developments, trees shall be planted throughout a site at a minimum size of two and five-tenths (2.5) to three and zero-tenths (3.0) caliper and/or evergreen trees at ten (10) to twelve (12) feet in height, and forty percent (40%) shall be shade trees a minimum size of two (2) to two and five-tenths (2.5) inches caliper and/or evergreen trees at six (6) to eight (8) feet in height. Existing, mature upland forest [containing a predominance of four (4) inches in diameter at breast height (dbh) at the approval of the Board Engineer] which are preserved and adequately protected and not injured during and subsequent to construction may be deducted from the quantity of trees required at the rate of one (1) tree for every two thousand (2,000) square feet of mature upland forest. Only upland areas and existing trees which are located on the property being developed shall be considered for this requirement; plantings provided in conjunction with other ordinance requirements shall not be considered; trees within the right-of-way also are not to be considered.

(4) In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be appropriately landscaped with grading and planting of grass or other ground cover, shrubs and trees as part of the landscape plan approved by the Board of jurisdiction. Planting of trees along streets and in front yard areas shall be provided as required by ordinance and as necessary to create a harmonious, pleasant view from all roads.

I. Pedestrian spaces. All site plan and subdivision plans shall address pedestrian spaces and circulation. The objectives shall be to promote free and safe movement of pedestrians and bicycles into, in between and through the proposed and existing facilities and to provide pleasant pedestrian spaces at building entrances and nodes. The following standards shall apply:

(1) Pedestrian and bicycle access shall be provided from public roadways, parking lots and adjacent land uses where appropriate.

(2) The layout of pedestrian walkways shall be consistent with the overall design. In natural landscapes, walkways shall meander through plantings and berms. Formal landscapes may require long straight walkways. The views of pedestrians shall be visually interesting.

(3) Benches and sitting areas along pathways shall be provided where appropriate and particularly where they can incorporate or provide views of a significant landscape feature, recreational facility or interesting site design of the project.

(4) Connections to open space areas and facilities on adjacent properties shall be provided. Pedestrian easements between lots with a paved driveway may be required.

(5) Pedestrian bridges over streams, ravines or drainage swales shall be required when necessary to make connections in pedestrian system(s). They are subject to all regulatory agency permit requirements.

(6) Pedestrian amenities, such as kiosks, water fountains, pedestrian scale lighting and gazebos, shall be provided where appropriate.

(7) Bicycle parking for each building and adequate space for bicycle movements shall be provided.

(8) Building entrances, plazas, exterior malls, promenades and nodes shall receive detailed pedestrian scale landscape architectural treatments. Pedestrian/vehicular conflicts shall be avoided through design. Building entrances shall be delineated by planting islands within the parking area. Plantings shall include shade trees, evergreen and ornamental trees and shrubs, as appropriate. The planting design shall provide visual variety and interest, spatial enclosure and separation from parking areas and protection from sun and wind. Sitting areas with benches or seat walls shall be provided as appropriate.

(9) Bicycle rental, repair or sales establishment.

(10) Bowling alley.

(11) Building materials, retails sales establishment; excluding, however, lumberyards, or similar uses requiring outdoor storage.

§ 15-11.9. Bulk storage.

In zoning districts where bulk storage is a permitted accessory use, the following minimum requirements shall apply:

A. No bulk storage of materials or equipment shall be permitted in any required front yard area or within one hundred (100) feet of any public street, whichever is greater.

B. No bulk storage of materials or equipment shall be permitted between any side or rear lot line and the required side or rear setback line.

C. All bulk storage area shall be screened from public view by means of suitable fencing and/or evergreen plantings as required by the Planning Board. Where the property is adjacent to a residential zone, the screening shall meet the minimum requirements of §15-11.3. and §15-11.4. of this chapter.

D. No fence used to screen a bulk storage area shall be placed closer to any property line than the distance constitution the required front, side or rear setbacks, and all setback areas shall be landscaped in accordance with the requirements of §15-11.7. and § 15-11.8. of this chapter.

E. All service roads, driveways and bulk storage areas shall be paved with bituminous concrete or other surfacing materials, as required by the Planning Board, which shall be of sufficient strength to handle the anticipated use.

F. In no instance shall on-site bulk storage of material exceed the height of ten (10) feet.

G. No heavy equipment shall be operated or parked closer to the front property line than the required front setback plus fifty (50) feet, except as the same may be in transit to or from the site.

§15-11.10. Floodplain regulations.

A. The purposes of the following floodplain regulations are to implement the Land Use Rules and Regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood-fringe portion of a flood hazard area, to discourage construction and regrading in flood hazard areas, to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass and to prevent pollution of watercourses during low or high-water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard areas.

B. The flood hazard design elevation shall be determined on an individual basis upon stream encroachment line data from the Division of Water Resources or, in the absence of that data, the flood elevation based on a one-hundred-year storm frequency. One or the other shall be delineated on the plat. In addition, the Planning Board Engineer may, upon receipt of the application and with the consent of the landowner and at the landowner's expense, determine the precise location of a floodway and flood-fringe area by close inspection, field survey or other appropriate method and cause, if requested, the same to be marked on the ground and on the plat and notify the owner, the New Jersey Department of Environmental Protection, Division of Water Resources, and the approving authority. The assistance of the United States Department of Agriculture, Soil Conservation Service, United States Army Corps of Engineers and the New Jersey Department of Environmental Protection, Division of Water Resources, may be sought to aid in delineating the flood hazard design elevation, except that, where State and Federal agencies shall subsequently publish any reports which delineate the flood hazard design elevation of a watercourse, the report shall be the officially delineated flood hazard area as if the report were published in this chapter.

C. Any lot containing a floodway portion of a drainage course and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter, plat approval has been granted and a floodway permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources, where required by the State.

D. Any lot containing a flood-fringe portion of the flood hazard area and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter and until plat approval has been granted.

E. The procedure for reviewing any proposed regrading and/or construction shall be the same as set forth for plat review. No application shall be approved and no permit granted until all zoning violations have either been corrected or a variance granted.

F. Regulation of the flood-fringe portion of the flood hazard area shall be consistent in the approving authority's determination with the criteria and standards promulgated by the New Jersey Department of Environmental Protection governing the flood-fringe area.

G. The applicant shall submit maps, reports and other appropriate documents permitting the approving authority to evaluate whether the proposal has an inherent low flood damage potential, does not obstruct flood flows or increase flood heights and/or velocities, does not affect adversely the watercarrying capacity of any delineated floodway and/or channel, does not increase local runoff and erosion, does not unduly stress the natural environment of the floodplain or degrade the quality of surface water or the quality and quantity of groundwaters, does not require channel modification or relocation, does not require fill or the erection of structures and does not include the storage of equipment and materials.

H. Where a development is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the municipality conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate to accommodate expected stormwater runoff in the future, based upon reasonable growth potential in the municipality. The minimum width of easement for channel sections shall be the maximum design top width of the channel section segment plus twenty (20) feet, rounded to the next-highest five-foot increment. However, if the floodway is not ascertainable for a stream or open channel, the width of the drainage easement shall extend fifty (50) feet beyond the top of the bank on both sides of the drainage course.

§ 15-11.11. Easements.

A. Easements along rear property lines or elsewhere for utility installation may be required but are discouraged. Such easements shall be at least twenty (20) feet wide for one (1) utility and five (5) additional feet, if practical, for each additional utility and shall be located in consultation with the companies, municipal department concerned or other jurisdictional agencies and, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.

B. Floodplains and conservation easements shall be indicated on the preliminary and final plats and shall be shown in such a manner that their boundaries can be accurately determined.

C. The removal of trees and ground cover shall be prohibited in a conservation easement or floodplain easement, except for the following purposes: the removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes; or, approved conservation plans by the Soil Conservation District.

D. Such easement dedication shall be expressed on the plat as follows: the type of easement granted to the Township of Little Egg Harbor and the appropriate agency.

E. Property owners across whose property a drainage or utility easement exists shall be prohibited from performing any of the following actions: **[Amended 3/25/2010 by Ord. No. 2010-04]**

(1) Modifying the ground elevations or grades so as to interfere with existing drainage patterns.

(2) Installing any permanent infrastructure, including but not limited to:

(a) Concrete, brick paver, or bituminous concrete walkways;
(b) Patios;
(c) Decks;
(d) Retaining walls;
(e) Fences;
(f) Underground sprinkler systems;
(g) Storage sheds;
(h) Swimming pools;
(i) Trees, shrubs, plants, etc.

(3) Exception. Property owners may install permanent infrastructure within a drainage or utility easement only if they agree to sign an encroachment agreement with the Township of Little Egg Harbor. The property owner must agree that the property owner is responsible to reset or replace infrastructure improvements if the Township needs to disturb the easement area and complete work such that the infrastructure placed by the property owner is damaged or removed. If a property owner does not execute an encroachment agreement with the Township that is in a form acceptable to the Township, any permanent infrastructure improvements placed upon the easement by the property owner may be removed by the Township or may suffer damage if the Township required work to be done with the easement area. Any permanent infrastructure improvements constructed within an easement area by the property owner without an encroachment agreement shall be considered an illegal structure upon which the Township has no legal responsibility for replacing or repairing.

(4) Subsection E herein shall apply retroactively to any existing drainage or utility easements within the Township of Little Egg Harbor.

§ 15-11.12. Water supply and sanitary sewer facilities.

A. The developer shall make application for review and obtain the necessary final approval from the Little Egg Harbor Municipal Utilities Authority and County and State regulatory

agencies having jurisdiction. The entire system shall be designed in accordance with the jurisdictional utility and/or state agency having approval authority and shall be subject to their approval.

B. Where public water and/or sanitary sewers are not available, a potable water supply shall be provided to each lot on an individual well basis, and sanitary disposal shall be provided to each lot with an individual septic system. Such wells and septic systems shall be designed in accordance with the requirements and standards of the local, County and/or State agencies having jurisdiction thereof. However, in any event, a determination must be received, in writing, from the Little Egg Harbor Municipal Utilities Authority as to whether a comprehensive dry water system and dry sewer system shall be required.

C. Provisions shall be made in all major subdivisions for the installation of fire hydrants in those locations as approved by the Little Egg Harbor Municipal Utilities Authority. All hydrants shall conform to the standard hydrant as accepted by the Township of Little Egg Harbor, which shall conform to all current National Fire Protection Code Requirements. Fire hydrants shall be painted black until they become operational, at which time they shall be painted red.

§15-11.13. Public utilities.

A. All municipal utility services and public services shall be connected to an approved municipal utility system and/or public utility system where one exists.

B. The developer shall arrange with the servicing utilities for the underground installation of utility distribution supply lines and service connections in accordance with the provisions of the rules and regulations of that utility and any applicable standard terms and conditions incorporated as part of its tariffs as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.

C. The developer shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility, which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have theretofore been installed may be supplied with electric and telephone service utilities from such overhead lines. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.

D. Any installation, except streetlighting, to be performed by a servicing utility shall be exempt from requiring performance guaranties but shall be certified by the servicing utility, in writing, that all improvements have been satisfactorily constructed. The certification shall be provided prior to release of the performance bond. The installation

of all utilities, including streetlighting, shall be the sole cost of the developer as per ordinances of the Township of Little Egg Harbor.

E. On-site public utility uses necessary to supply needed services to the occupants of the proposed development, excluding switching stations, substations or storage facilities of any nature which must be provided above ground, may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

(1) A statement is submitted setting forth the reasons that the proposed installation must be provided above ground in a specific location and why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.

(2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.

(3) Adequate and attractive fences and other safety devices will be provided.

(4) Sufficient landscaping, including shrubs, trees and lawn, are provided and will be periodically maintained. Landscaping shall conform to §15-11.8. of this chapter.

F. All electric, telephone, television and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

G. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

H. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines as follows:

(1) Alignments and pole locations shall be carefully routed to avoid locations along horizons.

(2) Clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment.

(3) Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments.

(4) Alignments shall follow rear lot lines and other alignments.

§ 15-11.14. Fire protection.

A. Wherever a central water supply system services a development, provision shall be made for fire hydrants along streets and/or on the walls of nonresidential structures as approved by the Fire Commissioners or Board and in accordance with Fire Insurance Rating Organization Standards.

B. Where streams or ponds exist or are proposed on lands to be developed, facilities shall be provided to draft water for fire-fighting purposes. This shall include access to a public street suitable for use by firefighting equipment and construction of or improvements to ponds, dams or similar on-site or off-site development, where feasible. Such facilities shall be constructed to the satisfaction of the Board Engineer and Fire Department and in accordance with fire insurance organization standards.

C. All major site plans and major subdivisions, including cluster developments and multi-family developments, where permitted, shall be reviewed by the Little Egg Harbor Township Fire Marshal. The applicant shall submit to the Fire Marshal or other appropriate fire officials complete plans of the proposed development and shall obtain from the Fire Marshal or appropriate fire official written comments as to what items shall be incorporated in the design of the proposed development to allow, at all times, adequate access for fire-fighting and emergency vehicles. The applicant shall incorporate in the site development all fire safety and fire-protection devices and provisions as required by the Little Egg Harbor Township Fire Marshal or the appropriate fire official. In the case of all major site plans, fire hydrants conforming to the spacing and recommendations of either the National Fire Protection Association or the Little Egg Harbor Township Fire Marshal or appropriate fire official shall be provided on the site plan and shall be a specific requirement of the Township of Little Egg Harbor.

§ 15-11.15. Homeowners' association.

Homeowners' association may be established for the purposes of owning and assuming maintenance responsibilities for the common open space and common property designed within a development, provided that the approving authority is satisfied that the organization will have a sufficient number of members to reasonably expect a perpetuation of the organization in a manner enabling it to meet its obligations and responsibilities in owning and maintaining any property for the benefit of owners or residents of the development. If established, the organization shall incorporate the following provisions:

A. Membership by all property owners, condominium owners, stockholders under a cooperative development and other owners of property or interest in the project shall be mandatory. Required membership and the responsibilities upon the members shall be in writing between the organization and each member in the form of a covenant, with each agreeing to liability for his pro rata share of the organization's costs.

B. The organization shall be responsible for liability insurance, taxes, maintenance and any other obligations assumed by the organization and shall hold the municipality harmless

from any liability. The organization shall not be dissolved and shall not dispose of any open space or property by sale or otherwise, except to an organization conceived and established to own and maintain the open space or property for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space or property without first offering to dedicate the same to the municipality(ies) wherein the land is located.

C. The assessment levied by the organization upon each member may become a lien on each member's property. The organization shall be allowed to adjust the assessment to meet changing needs.

D. The organization shall clearly describe in its bylaws all the rights and obligations of each tenant and owner, including a copy of the covenant, model deeds and articles of incorporation of the organization and the fact that every tenant and property owner shall have the right to use all common properties. These shall be set forth as a condition of approval and shall be submitted prior to the granting of final approval.

E. The articles of incorporation, covenants, bylaws, model deeds and other legal instruments shall ensure that control of the organization shall be transferred to the members based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that, in the event that such organization shall fail to maintain the common open space or common property in reasonable order and condition, the Township may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the common open space or common property in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof and shall state the date and place of a hearing thereon, which shall be held within fifteen (15) days of the notice. At such hearing, the designated Township body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time, not to exceed sixty-five (65) days, within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within thirty-five (35) days or any permitted extension thereof, the Township, in order to preserve the common open space and common property and maintain the same, or designate an appropriate person or entity to maintain the same at the cost of the property owners within the development.

F. The cost of such maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the common open space and common property, in accordance with the assessed value at the time of imposition of the lien, and shall become a lien and tax on the properties and be added to and be a part of the taxes to be levied and assessed thereon and enforced and collected with interest in the same offices and in the same manner as other taxes.

G. The homeowners' association shall, on or before July 1 of each and every year, furnish the Township Committee with an annual report, including but not limited to the present disposition of all common areas and park areas owned, operated and maintained by the

association. The report shall also include a list of current officers, their addresses and telephone numbers. The report shall contain a list of emergency telephone numbers at which one (1) or more officers of the association can be reached by a Township official during any twenty-four-hour period. Each homeowners' association must immediately file with the Township Administrator all amended reports and annual reports adopted after July 1, 1999.

§ 15-11.16. Miscellaneous performance standards.

A. Electricity. Electronic equipment shall be shielded so that there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.

B. Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered and directed as approved on the site plan so that any glare, direct light, flashes or reflection will not interfere with the normal use of nearby properties, dwelling units and streets. Also see §15-12.19., Lighting., in this chapter.

C. Heat. Sources of heat, including but not limited to steam, gases, vapors or products of combustion or chemical reaction, shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.

D. Radioactivity. No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, New Jersey Department of Environmental Protection. Proof of compliance with this requirement shall be the submission of duplicate copies of the permits and certificates.

E. Vibrations.

(1) Standard. Ground-transmitted vibrations shall be measured with a seismograph or complement of the instruments capable of recording vibration displacement and frequency in the three (3) mutually perpendicular directions simultaneously.

(2) Vibration level restrictions. Vibration levels shall not exceed a particle velocity of five-tenths (0.5) inch per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of two-tenths (0.2) inch per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.

F. Airborne emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having obtained valid permits and certificates from the Bureau of Air Pollution Control pursuant to N.J.A.C. 7:27-8.

Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid permit to construct. No use, activity, operation or device shall be operated, occupied or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate. In addition to the requirements of the New Jersey Administrative Code, the following shall also apply:

(1) Steam emission. No visible emission of steam, having an equivalent capacity greater than sixty percent (60%) and expecting direct results of combustion, shall be permitted within five hundred (500) feet of a residential district.

(2) Toxic matter. Emissions of chemicals, gases, components or elements listed as being toxic matter by the American Conference of Governmental Hygienists, New Jersey Department of Labor and Industry or the United States Environmental Protection Agency shall not exceed the threshold level, as determined in accordance with ASTM D-1391, as currently amended. The emission of concentrations, levels or mass loading in excess of the threshold value shall be permitted only if the emissions of the toxic matter comply with the applicable regulations of the New Jersey Administrative Code, the New Jersey Department of Labor and Industry and the United States Environmental Protection Agency. Proof of compliance shall require the submission of duplicate copies of certificates or permits pursuant to the New Jersey Administrative Code and the New Jersey Department of Labor and Industry approving the concentrations, level or loading proposed by the applicant.

(3) Odorous matter. No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.

G. Noise emissions. The standards set forth in the Township Noise Ordinance, are incorporated herein by reference as if set forth more fully herein and repeated at length:

(1) Standard. Noise emissions shall fully comply with N.J.A.C. 7:29 *et seq.* and P.L. 1971, c. 418. Noise shall be measured with a sound-level meter complying with the standards of the American National Standards Institute, American Standards Specifications for General Purpose Sound-Level Meters, ANSI 1.4-1961, or its latest revisions. The instrument shall be set to the A-weighted response scale and the metering to the slow response. Measurements shall be conducted in accordance with the American Standard Method for the Physical Measurements of Sound, ANSI 1.2-1961, or its latest revision.

(2) Noise level restrictions. Noises shall not exceed the maximum sound levels specified in the table, except as designated below:

(a) Noise level restrictions:

Performance Category	Maximum Level Permitted [dB(A)]	Where Measured
Residential districts	55	On or beyond the neighboring use or lot line

All other districts	65	On or beyond the district boundaries

(b) In any residential district, the A-weighted sound levels shall not exceed forty-five (45) dB(A)s during the hours of 9:00 p.m. to 7:00 a.m. Whenever a residential district abuts any other district, the most restrictive of the limitations shall apply.

(3) Exclusions and permitted variations.

(a) The levels specified in the table may be exceeded once by ten (10) dB(A)'s in a single period of fifteen (15) minutes during one (1) day.

(b) Peak values of short duration, also known as "impact noises," may exceed the values specified in the table by twenty (20) dB(A)'s or have a maximum noise level of eighty (80) dB(A)'s, whichever is more restrictive.

(c) Noises such as alarms, sirens, emergency warnings devices, motor vehicles licensed by the State of New Jersey and other sources not under the direct control of a use are excluded from the above limitations.

§ 15-11.17. Open Space and Recreation. [Amended 12/10/2009 by Ord. No. 2009-12]

"Reserved"

§ 15-11.18. Solid Waste Management.

A. Provisions shall be made for the indoor or enclosed storage of garbage and refuse.

B. Outside garbage, when permitted, shall only be permitted in areas approved by the municipal agency. Such areas shall, as nearly as may be practicable, be shielded from public view and protected by adequate fencing and/or screening.

C. Screening of refuse areas. These areas adjacent to or within the parking area designated as refuse storage and pickup areas shall be properly screened to prevent the unsightly display and the scattering of debris. The following minimum requirements shall apply:

(1) The area shall be surrounded on all sides by a uniform solid fence or masonry wall not less than five (5) feet nor more than eight (8) feet in height. The fence or wall shall be located and be of such type as to promote safety and ensure against creation of an unsightly condition. The fence must at all times be maintained so as to be kept in a sound, upright, fully repaired and painted condition or, if not painted, shall be made of such material as does not corrode, rust or change appearance if left unpainted. The opening in the fence or wall shall be so located as to prevent the visual display of refuse from any adjacent parking area, building, street or site.

(2) In addition, the fence or wall shall be of a design which is consistent with the architectural design of the principle building on the site or the style of the neighborhood, including gates, which shall screen from view, entirely, the refuse containers and refuse storage areas.

(3) No refuse enclosure or area shall be located in any area considered to be a front yard or in any area of a site which fronts on any street.

(4) In addition to the fence or wall, plantings such as dense shrubs or trees shall be planted around the refuse enclosure to further screen the enclosure and enhance the enclosure aesthetically. All landscaping shall conform with §15-11.8.

D. Debris.

(1) Materials accumulated by clearing, grubbing and excavation, as above described, shall be disposed of by the developer in a manner satisfactory to the Engineer, except that materials suitable for embankment shall be used for that purpose if needed therefore. Burying of the above materials will not be permitted in any case.

(2) At the time of the tender of a plan for final approval for subdivision of real estate in this municipality, an estimate shall be made, for and on behalf of the municipality, by the Township Engineer as to the cost of removal of the development debris for the development. Before final approval of the plan, such estimate furnished by the Township Engineer shall be included in the guaranty to be furnished by the developer.

(3) The Township Code Enforcement Officer shall keep a constant check on debris from the subdivision of land and construction of buildings and shall not permit accumulations in any real estate development. In the event that there is any substantial accumulation of such debris in any development, the Building Inspector shall forthwith give written notice to the developer to remove such debris from the real estate development. In the event that such debris is not promptly removed, the Building Inspector is hereby authorized and directed to refrain from giving certificates of occupancy for building permits until the debris is cleared up and removed.

(4) Whenever the subgrade is established to be coincident with the existing ground surface, the vegetation and underlying topsoil of the existing ground surface within the excavation and embankment areas shall be stripped off to a depth of not less than four (4) inches and not more than six (6) inches. Street and roadway excavation shall be carried out so that the subgrade throughout the work is kept properly drained.

(5) Excavated materials shall be placed in an embankment when suitable therefore or shall be used for backfill or other purposes. Material in excess of that required shall be disposed of by the developer, contractor or subcontractor.

(6) Borrow excavation for road construction shall include the furnishing, transporting, placing and consolidating of materials required for embankment in excess of that obtained from other excavations and other incidental work. All borrow excavation shall be suitable for embankment and approved by the Township Engineer.

E. Storage and waste disposal.

(1) In all districts permitting such an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such storage shall be conducted in accordance with the regulations

promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.

(2) All flammable, explosive and/or combustible material shall be stored in accordance with the National Fire Protection Association or the New Jersey Department of Labor and Industry Code, whichever is more restrictive.

(3) All outdoor storage facilities for fuel, raw materials and products and equipment stored outdoors, wherever permitted, shall be enclosed by an approved safety fence and visual screen and shall conform to all yard requirements imposed upon the principal buildings in the district.

(4) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.

(5) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers that are adequate to eliminate such hazards.

E. All commercial establishments shall provide for private garbage collection. No municipal garbage collection will be provided for commercial establishments by the Township.

ARTICLE XII
Improvement Standards

§ 15-12.1. Specific design standards and construction details.

A. General. The purpose of this section is to establish a uniform set of specific design standards and construction details. The standards shall be applicable to all site plans, subdivisions and other development applications and shall be used in conjunction with the general design and performance standards outlined elsewhere in this chapter. All improvements shall be installed in complete accordance with the standards of this chapter as specified in this section and as set forth in Chapter 15, Zoning, with other particular specifications approved by the Board and Township Engineer and with all other applicable municipal, County and State regulations. All streets in residential developments shall be designed and constructed in accordance with Subchapter 4 ("Streets and Parking") of N.J.A.C. 5:21 (Residential Site Improvement Standards), as amended.

B. Standard specifications and construction details. The Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, latest edition, including all addenda, and the Standard Construction Details of the New Jersey Department of Transportation, latest revision, as modified, supplemented, amended or superseded by the requirements of this chapter, by the approval of a final plat, by particular agreement among the Board, Township Council and subdivider or by other applicable municipal, County or State regulations shall govern the completion of the required improvements. Such standard specifications and standard construction details are made a part of this chapter by this reference and will not be repeated herein. It is the responsibility of all the subdividers to familiarize themselves with these standards, copies of which may be examined at the Office of the Township Engineer and may be obtained, upon payment of the cost thereof, from the New Jersey Department of Transportation. The requirement of this chapter of an approved final plat or of particular agreements and conditions of approval and of applicable municipal, county or state regulations shall govern and prevail in the case of conflict between them and the standard specifications or standard construction details. Should the Township adopt, subsequent to the effective date of this chapter, particular and specific standard construction details for Little Egg Harbor Township, they shall govern and prevail over the Standard Construction Details of the New Jersey Department of Transportation.

§ 15-12.2. Streets and streetlighting.

A. The arrangement of streets shall provide for the extension and realignment, as appropriate, of existing collector and primary streets. The arrangement of streets now shown on the Master Plan or an Official Map shall be such as to provide for and encourage the appropriate extension of existing streets, shall conform to the topography as far as practicable and shall allow for continued logical extension into adjoining undeveloped tracts. Streets shall be designed to promote safety and shall conform to the current requirements and policies of the American Association of State Highway and

Transportation Officials (AASHTO), except as stated in the minor street design standards.

(1) Design of minor streets. Minor streets in residential subdivisions shall be laid out so that there is no possibility of their use by traffic having neither origin nor destination at the lots to which they provide access and shall conform to the standards of this chapter.

(a) Cul-de-sac (dead-end streets) may be used where necessary but should not have a center-line length, from the intersecting street center line to the center point of the cul-de-sac, less than one hundred (100) feet nor longer than one thousand two hundred (1,200) feet and should not provide access to more than twenty-five (25) lots.

(b) When their use is possible, short loop streets are preferred to cul-de-sacs. Short loop streets should provide access to no more than forty-five (45) lots, except that where access is provided by a combination of a short loop street and cul-de-sacs, the maximum shall be sixty (60) lots, provided that the length of the loop street alone will not exceed three thousand (3,000) feet. Loop streets shall have both of their termini located on the same major street to be so classified.

(c) In all residential zones, development bounded by any arterial or collector streets shall control access to the streets by having all driveways intersect minor streets. Where the size, shape, location or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so that it is not necessary to back any vehicle onto an arterial or collector street, and abutting lots shall share a common access drive.

(2) Classification of streets. In any major subdivision, it shall be the duty of the Board to classify proposed streets according to their types. The Board, in making its decisions, shall refer to the Master Plan and shall consider conditions within the subdivision and surrounding area.

(3) Right-of-way and paving widths and street detail. Right-of-way widths, measured from lot line to lot line, graded widths and paving widths and other items shall be not less than the requirements set forth in the following Subsection A.(4) unless otherwise indicated on the Master Plan or the Official Map. Where a proposed development will result in the extension of an existing street, the paved width of the extension shall be as set forth in Subsection A.(4) hereafter or the paved width of the existing street, whichever is greater.

(4) Requirements for street classifications.

Type	Minor	Subcollector (County Roads)	Primary Collector
Right-of-way (row) width (feet)	50	6	80*
Paving widths, 2-way (feet)	30	40	40*
Curb radii at intersection (feet)	25	35	35
Tangents between reverse curves (min.)	100	200	300
Horizontal center-line radius (feet)	150	500	1,000

Maximum center-line grades	10%	8%	6%
Minimum center-line grades	1/2%	1/2%	1/2%
Max grades at intersection, 3% for distance from center-line intersection (feet)	100	150	150
Turnaround at end of cul-de-sac			
Radius of right-of-way (feet)	60		
Radius of pavement (feet)	50		
Curb face required (inches)	6	6	8
Pavement crown (inches)	6	8	8
Sidewalks			
Width (feet)	4	4	4
Setback (from front curb face)(feet)	4	5	6

NOTES:

* As designed or indicated on the Master Plan or mandated by the Ocean County Engineer, Township Planning Board or Board Engineer.

(5) Vertical geometric requirements.

(a) At all points of grade changes, where the algebraic difference in intersecting grades equals one (1) or greater, a vertical parabolic curve shall connect the intersecting grade lines. The vertical curve shall be of a length required to provide a smooth transition avoiding sharp crests or sags, provide proper drainage flow and provide the required horizontal and vertical sight and stopping distances set forth in the current requirements and policies of the American Association of State Highway and Transportation Officials (AASHTO). The vertical curve length shall be in accordance with AASHTO criteria for the design speed of the roadway, prevailing topographic conditions and existing horizontal and vertical sight obstructions. In no case shall the vertical curve lengths be less than the following minimums specified as follows:

[1] One hundred (100) feet for algebraic differences in intersection grades of one (1) or greater and less than two (2).

[2] Two hundred (200) feet for algebraic differences in intersecting grades of two (2) or greater and less than ten (10).

(b) Vertical sight distances. Vertical curves shall be a sufficient length to provide the minimum sight distances as required by current AASHTO requirements and in no case shall be less than the following:

[1] Minor streets: two hundred (200) feet.

[2] Collector streets: three hundred (300) feet.

(c) The location, by station, middle ordinate or K, length and point of vertical intersection (PVI) station must be indicated on the profiles.

(6) Where dead-end streets (cul-de-sacs) are utilized, they shall conform to the following standards:

(a) Dead-end streets of a permanent nature (where provision for the future extension of the street in the boundary of the adjoining property is impractical or impossible) or of a temporary nature (where provision is made for the future extension of the street to the boundary line of

adjoining property) shall provide a turnaround at the end with a right-of-way radius of not less than sixty (60) feet and a cartway radius of not less than fifty (50) feet. The center point for the radius shall be on the center line of the associated street or, if offset, to a point where the cartway radius also becomes a tangent to one (1) of the curblines of the associated street. If the cul-de-sac is offset, the tangent shall be on the right side of the street, wherever possible, for approaching vehicles. In the center of the turnaround, a planting island equal in dimension to the cartway radius minus the cartway width of the roadway shall be provided in lieu of excessive pavement.

(b) If a dead-end street is of a temporary nature, provisions shall be made for removal of a turnaround and reversion of the excess right-of-way to the adjoining properties as an off-tract responsibility to the developer creating the street extension when the street is extended.

(7) No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets so as to be confusing therewith. The continuation of an existing street shall have the same name. The names of new streets must be approved by the approving authority.

(8) All streets shall be curvilinear in horizontal alignment wherever deemed practical and feasible by either the Planning Board or the Planning Board Engineer and shall be designed to discourage speed and monotony. The maximum straight line distance shall not exceed one thousand (1,000) feet.

(9) Nonresidential streets. The widths of internal streets in business or industrial developments designed as a whole in accordance with a comprehensive site plan shall be determined by the Board in each case in the light of the circumstances of the particular situation and with a view to assuring the maximum safety and convenience of access for traffic and fire-fighting equipment, circulation and parking, including provisions for the loading and unloading of goods, and, in general, shall conform to collector street design standards.

(10) Subdivisions on existing streets. Subdivisions that adjoin or include existing streets which do not conform to the widths as shown on the Master Plan, the Official Map or the street width requirements of this chapter shall dedicate the required additional width along either one (1) or both sides of the street as the Board may deem necessary.

(11) Street intersections. Street intersections shall be designed according to the following standards:

(a) No more than two (2) streets shall cross the same point.

(b) Street intersections shall be at right angles wherever possible, and intersections of less than seventy degrees (70°), measured at the center line of streets, shall not be permitted.

(c) All intersections of less than ninety degrees (90°) shall be discouraged.

(12) Approaches to all intersections shall follow a straight line for at least one hundred (100) feet, measured from the intersecting street corner line to the beginning of the curve. Streets intersecting another street from opposite sides shall have at least two hundred (200) feet between the two (2) street center lines. Any development abutting an existing street which is classified as a collector street

shall be permitted not more than one (1) new street every eight hundred (800) feet on the same side of the street within the boundaries of the tract being subdivided. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development.

(13) Sight triangles shall be provided as required in this chapter.

(14) No development showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved, except where the control and disposal of land comprising such strips has been given to the governing body.

(15) Streets shall be constructed in accordance with the following standards and in accordance with the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation as herein defined.

(a) Local and minor streets:

[1] Six (6) inches of Class A or B road gravel or an approved equal.

[2] Two (2) inches of bituminous stabilized base course.

[3] One and one-half (1½) inches of FABC-1 surface course or an approved equal.

(b) Collector streets:

[1] Six (6) inches of Type 2, Class B, road gravel or an approved equal.

[2] Four (4) inches of bituminous stabilized base course.

[3] Two (2) inches of FABC-1 surface course or an approved equal.

(16) Street signs shall be enameled metal of the size and color equal and similar to the type now in use by Little Egg Harbor Township. They shall be in a workmanlike manner. At street intersections, one (1) post shall carry two (2) signs at right angles to denote the name of each street. Posts shall be ten (10) feet overall, with three (3) feet in the ground surrounded with concrete.

(17) Street and road excavations shall include the work of clearing and grubbing within the limits of the right-of-way and outside thereof, within slope areas to be graded or as otherwise prescribed. The ground surface shall be cleared of trees, brush, weeds, roots, matted leaves, debris and other unsuitable matter before street and roadway subgrade operations are commenced. Trees which do not interfere with the operations shall not be removed but shall be protected during the progress of the work. Branches of trees overhanging the traveled way shall be cut off to a height of fourteen (14) feet above it, and cuts made more than one (1) inch in diameter shall be painted. Tree stumps shall be grubbed out within the areas to be graded where the subgrade will be less than three and one-half (3½) feet above the ground surface.

B. Streetlights.

(1) Miscellaneous provisions.

(a) When required by the provisions of this chapter or by the approving authority, streetlights shall be installed in accordance with the recommended practice of street and highway lighting of the Illuminating Engineering Society along all streets within and abutting any development.

(b) Said streetlights shall be high-pressure sodium and shall meet the standards of Conectiv, (formerly Atlantic Electric) which presently are as follows:

Watts	Lumens
50	3,600
70	5,500
100	8,550
150	14,400
250	24,750
400	45,000

(c) All streetlighting standards, fixtures or luminaries which may be required shall be installed at the same time in a single process of installation. All wires and other equipment necessary to serve the streetlighting system shall be placed underground, the cost to be paid by the developer, and arrangements shall be made with the appropriate utility for carrying out this provision.

(2) In any development consisting of four (4) or more residential units or any other type of nonresidential development, the developer shall be responsible for providing streetlighting so as to provide a minimum lighting level of five-tenths (0.5) horizontal foot-candle on all local, local collector, minor arterial and principal arterial streets. The developer shall pay the full cost for the installation of any streetlights. Streetlights shall be of a type approved by the Committee and by the electric utility company serving the proposed development. Upon notice from the Township, the developer shall deposit with the Township cash or an equivalent in the amount determined by the electric utility to be the cost of the initial installation of the streetlights. The Township shall utilize said cash deposit to pay for the cost of the initial installation of said streetlights.

(3) Streetlighting shall be provided by the developer in any development which has been approved by the Planning Board, Board of Adjustment or the Committee. The Planning Board, Board of Adjustment or the Committee, in case of appeal, in approving any development shall require the developer to install streetlighting as a condition of its approval of the development. The developer shall submit a plan for the installation of streetlights to the Board Engineer for approval.

(4) Acceptance of streetlighting. If the Planning or Zoning Board includes as a condition of approval of an application for development the installation of streetlighting on a dedicated public street connected to a public utility, then upon notification in writing by the developer to the Board of jurisdiction and Township Committee that (1) the streetlighting on a dedicated public street has been installed and accepted for service by the public utility and (2) that certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by section pursuant to Section 29 of P.L. 1975, c. 291 (C.40:55D-38), the municipality shall within the 30 days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the streetlighting on the dedicated public street on a continuing basis. Compliance by the Township with the provisions of

this section shall not be deemed to constitute acceptance of the street by the municipality.

§ 15-12.3. Curbs; non-residential development.

A. Concrete curb shall be installed along every street within the development and at intersections with local roads, County roads and State highways, except in the PA, PV and FA Zones, where secondary local streets serving primarily a residential land access function shall be exempt from the curb installation requirement. The standard curb section to be used shall be not more than ten (10) feet in length and shall be set in accordance with approved lines and grades, and radial curbs shall be formed in an arc segment in a smooth curve. Chord segments are prohibited.

B. Concrete curbs shall be eight by six by eighteen (8 x 6 x 18) inches [six (6) inches exposed face], using Class B concrete having a twenty-eight-day compressive strength of four thousand five hundred (4,500) pounds per square inch.

C. Expansion joints conforming to the requirements of the New Jersey Department of Transportation shall be provided at twenty-foot intervals in all curbing, with construction joints being provided at ten-foot intervals.

D. At locations specified by the approving authority and at all intersections, the curbing shall have a barrier-free design to provide a ramp for bicycles and/or wheelchairs, details for which may be obtained from the Engineer. In certain instances, it may be necessary or desirable to construct alternate curb types. For example, these may be required by the Planning Board on the perimeter of channelizing islands or in areas of unusually heavy gutter drainage flow or may be desired by the subdivider for decorative purposes or to preserve vegetation (e.g., granite block curb, rolled concrete curb, etc.). If alternate curb types are to be permitted, an appropriate construction detail shall be submitted for approval with the preliminary and final plat.

E. All curbs and driveway aprons shall be constructed in accordance with the specifications of the Code of the Township of Little Egg Harbor as contained herein.

§ 15-12.4. Curbs; residential development.

Curbs, gutters and shoulders in all residential developments shall be designed and constructed in accordance with Subchapter 4 (Streets and Parking) of N.J.A.C. 5:21 (Residential Site Improvement Standards), as amended.

§ 15-12.5. Monuments.

Monuments shall be the size and shape required by N.J.S.A. 46:23-9.11 of the Map Filing Law, as amended, and shall be placed in accordance with the statute and indicated on the final map.

§ 15-12.6. Planting details and tree varieties.

The following shade trees or trees of equal or better quality and suitability shall be planted in the following locations. (Only nursery grown, healthy, cultivated varieties of the following species shall be utilized. All plantings must be approved by the Board of jurisdiction.)

A. Plantings along streets or areas to be dedicated to Little Egg Harbor Township adjacent to brackish waters, rivers, bay or lagoons:
   (1) Platanus acerfolia, London plane-tree.
   (2) Pyrus calleryana, callery pear.
   (3) Sophora japonica, scholartree.

B. Plantings along streets or areas to be dedicated to Little Egg Harbor Township (uplands):
   (1) Acer saccharum, sugar maple.
   (2) Acer platanoides, Norway maple.
   (3) Fraxinus americana, white ash.
   (4) Pyrus calleryana, callery pear.
   (5) Quercus borealis, red oak.
   (6) Quercus phellos, willow oak.
   (7) Sophora japonica, scholartree.
   (8) Tilia cordata, littleleaf linden.
   (9) Zelkova serrata, Zelkova.

C. Plantings along streets or areas to be dedicated to Little Egg Harbor Township (adjacent to fresh water):
   (1) Acer rubrum, red maple.
   (2) Fraxinus lanceolata, green ash.
   (3) Gleditsia triancanthos, honeylocust.
   (4) Liquidambar styraciflua, sweetgum.
   (5) Platanus acerfolia, London plane-tree.
   (6) Quercus phellos, willow oak.

D. Site plantings (adjacent to fresh or brackish waters) other than areas to be dedicated to Little Egg Harbor Township:
   (1) Any tree permitted under Subsection A. or D. of this section.
   (2) Betula populifolia, birch.
   (3) Prunus serrulata, Japanese cherry.
   (4) Crategus oxycantha, hawthorn.
   (5) Quercus palustris, pin oak.
   (6) Salix babylonica, willow.

E. Site plantings on uplands other than areas to be dedicated to Little Egg Harbor Township:
   (1) Any tree permitted under Subsection B. of this section.
   (2) Cornus florida, dogwood.
   (3) Malus species, crab apple.
   (4) Quercus alba, white oak.

(5) Pinus strobus, white pine.
(6) Pinus thunbergi, black pine.
(7) Ilex americana, holly.

F. All plantings shall be planted in accordance with the details provided herewith, and all landscape plans shall include planting details which conform to the details provided herewith and additional requirements as appropriate to assure the proper installation, survival and growth of all plantings.

G. All plantings shall conform to the standards of the American Association of Nurserymen, Inc., as set in the most recent addition of the American Standard for Nursery Stock (ANSI Z60.1). Trees which are diseased, damaged, exhibit irregular or undesirable branching, habit or form and trees with a cut or dead leader shall not be utilized.

§ 15-12.7. Trees. [Amended 5/24/2001 by Ord. No. 2001-08]; [Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 9/9/2004 by Ord. No. 2004-24]; [Amended 4/14/2005 by Ord. No. 2005-12]

The Tree and Natural Habitat Protection – MINOR & MAJOR SUBDIVISIONS AND SITE PLANS

Section 1 – Definitions

Definitions in this Ordinance are as defined in the Land Use Ordinance and as follows:

"SPECIMEN TREE" any living deciduous or coniferous tree(s) that has superior characteristics and quality when compared to trees of the same species or other trees in its vicinity within the Township of Little Egg Harbor. Such a tree must also have a circumference that is 50% of the registered circumference of the same species as noted in New Jersey's Record Trees. The determination of a "specimen tree" can be made by the Department of Community Development and Planning with the assistance of the Township Landscape Architect and Environmental Commission as needed.

"NATURAL HABITAT" shall mean an undisturbed natural area and its wild-growing plant life and vegetation, which may be in a field, the undergrowth in a stand of trees, or a forest floor, and may consist of trees, shrubs, bushes, vines, etc. Particular emphasis and preservation consideration is to be accorded holly trees and mountain laurel, which are native to the Township of Little Egg Harbor.

"ALTER" means to take action by cutting or pruning any tree, or by filling, surfacing, grading, compacting or changing the drainage pattern of the soil around any tree in a manner that threatens to diminish the vigor of the tree; provided that, as used in this chapter, the term "alter" does not include normal seasonal trimming, shaping, thinning or pruning of a tree necessary to its health and growth.

"CRITICAL FOOTPRINT AREA" shall mean any area to be occupied by a building, driveway, drainage field, septic tank or recreation area (tennis courts, swimming pools or similar facilities).

"DRIPLINE" shall mean a line connecting the tips of the outermost branches of a tree, projected vertically onto the ground.

"FARMLAND ASSESSMENT ACT" shall mean the New Jersey State Law, N.J.S.A. 514:4-23.1 *et seq.*

"WOODLAND MANAGEMENT PLAN" shall mean a plan prepared in accordance with criteria set forth in Woodland Management Plan N.J.A.C. 18:15-2.10 and which is required to be filed with the assessor and the DEP by an owner of the woodland as set forth in N.J.A.C. 18:15-2.7.

Section 2 – Purpose and Findings

A. Purpose. The intent of this provision is to encourage the preservation of existing coniferous and deciduous trees, and shrubs, growing in a natural state in the Township of Little Egg Harbor; to regulate the removal of trees and habitat; to protect the Township's natural environment; to establish the authority for tree and habitat protection; and to provide penalties for violation of this ordinance.

B. Findings. The Township finds that excessive removal and destruction of natural habitat impairs the stability and value of improved and unimproved real property in such area(s).

The Township further finds that regulations for the control of such indiscriminate destruction are within the police powers of the Township.

The Township has determined that the development of unimproved and vacant land for purposes of commercial and residential development has resulted in:

(1) The indiscriminate removal of, and excessive loss of trees.
(2) The destruction of holly trees and mountain laurel; species which are particularly indigenous to Little Egg Harbor Township.
(3) The creation of increased surface water runoff and soil erosion.
(4) The compacting of soil and resultant loss of primary sources of natural ground water necessary for the replenishment of aquifers within the Township.
(5) Loss of homeowner privacy and property values.

C. Applicability. The provisions of section 15-12.7 shall apply to all lands within the Township which are the subject of a minor subdivision, major subdivisions or site plan approval of the Planning Board or Board of Adjustment, with the exception of lands within the jurisdiction of the New Jersey Pinelands Commission. **[Amended 4/14/2005 by Ord. No. 2005-12]**

D. Permit required: Prior to the clearing, removal, and/or destruction of trees and natural habitat, a permit will be required to be obtained from the Department of Community Development and Planning.

Unauthorized clear-cutting is strictly prohibited.

No person, entity, or contractor, including the property owner shall remove, destroy, or cause to be removed or destroyed, any tree(s), holly or mountain laurel, on land that is to be developed as part of a major or minor subdivision or site plan within the Township, unless a permit is first obtained for such removal, and such removal has specifically been authorized by the Township, or there is an exemption for the property under Section L. **[Amended 4/14/2005 by Ord. No. 2005-12]**

A tree clearing permit shall be required for all work within the right-of-way, easements and stormwater management areas. A separate permit for each individual building lot and/or site plan shall also be required. Under no circumstances shall clearing of individual lots occur until all right-of-way, easements, stormwater management areas clearing has been completed and an individual lot clearing permit, including a building specific tree clearing plan has been submitted to and approved by the Department of Community Development and Planning.

E. Permit application. Application for a permit shall be made to the Department of Community Development and Planning and shall contain the information as required per "Tree Permit Form 15-12, 2001" and as follows:

(1) Location on the property, of the trees, mountain laurel, and/or holly on the removal plan. For any major or minor subdivisions, and all site plans, the tree location plan shall be indicated on a survey prepared by a licensed Land Surveyor.

(a) The plan shall indicate the number and location of tree(s), mountain laurel, and/or holly to be preserved.

(b) The plan shall indicate a limit of disturbance line.

(c) All trees greater than twelve (12) inches in caliper (DBH), American Holly greater than eight (8) feet in height, Mountain Laurel masses greater than four hundred (400) square feet, or any specimen tree (i.e. any unique or remarkable tree or species) to be removed shall be indicated on the plan. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(2) Any other information, which may reasonably be required to enable the application to be properly evaluated (i.e. Woodland Management Plan).

(3) Minor or Major Subdivision Plans or Site Plans as approved by the Planning Board or Zoning Board of Adjustment in accordance with this section 15-12.7. **[Amended 4/14/2005 by Ord. No. 2005-12]**

F. Application Fee. A tree removal permit application must be obtained from, and filed with, the Department of Community Development and Planning.

For new construction or residential building sites, a filing fee of twenty-five dollars ($25) will be required for each building lot, or buildable lot and twenty-five dollars ($25) per acre for non-residential development. **[Amended 4/14/2005 by Ord. No. 2005-12]**

G. Issuance of Tree Removal Permits. Where an application is made in connection with the construction of a building or other improvements, no building permit shall be issued until the tree removal permit has been granted.

(1) New Development. If the application is for a new development (subdivision or site plans), trees may be removed as permitted by subsection I of this ordinance for the purpose of clearing for roads, utilities, storm water management areas, building envelopes and driveways, provided a Performance Guarantee is posted pursuant to N.J.S.A. 40:55D-53 for the trees to be replanted as required by this section. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(2) Non-residential development. All existing non-residential development shall be required to obtain a removal permit prior to any removal of trees, mountain laurel, and/or holly.

H. Removal Plan. Where the application is in conjunction with an application for a subdivision, or site plan approval, a removal plan shall be submitted and shall include the following:

(1) Total acreage of the tract.

(2) A site plan, on a scale of one (1) inch equals fifty (50) feet or less, showing the location of existing wooded areas. The site plan shall include the lot and block numbers, the street address, if assigned, and a statement of compliance with the requirements of this section. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(3) The location of streams and watercourses.

(4) The location of slopes greater than ten percent (10%) where any removal is proposed.

(5) The location(s), species, and caliper of all trees ten (10) inches or greater in caliper (DBH) or greater than eight (8) feet in height for evergreens to be removed on a survey drawing and/ or site plan. The location, species, size of existing trees shall be established by onsite survey and may be accomplished by a representative 10,000 square foot sample (100' x 100') taken at one sample area per two acres of disturbance area or portion thereof. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(6) The location of specimen trees and all trees greater than twelve (12) inches in caliper (DBH), or any American Holly ten (10) feet in height, or Mountain Laurel masses four hundred (400) square feet in area, if any. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(7) The location of existing and proposed structures including parking areas, detention basins and other stormwater facilities.

(8) The location of replacement trees, including a replacement schedule indicating species, quantities and size in accordance with Section N, Mitigation Required.

(9) The removal plan shall include a schedule for compliance with this section 15-12.7 for the protection, removal and reforestation of trees. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(10) The following information may be required, at the discretion of the reviewing entity, for approval of tree removal:

(a) The quality, quantity and limits of vegetation on the remainder of the site.

(b) The location, species and caliper of each tree within the drip line of each tree to be removed.

(c) Existing contours and proposed grading.

(d) Proposed preservation methods of trees to remain, if necessary.

I. Standards for removal.

(1) Existing landscape. The intent of this section is to encourage the preservation of existing deciduous and coniferous trees, mountain laurel, and holly. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(2) Any area occupied by the Critical Footprint Area, such as a building, driveway, stormwater management areas, swales, areas requiring grading to improve stormwater flow on the site, utility lines**,** drainage field, septic tank or recreation area (tennis courts, swimming pools or similar facilities) may have the trees removed for a distance of not more than fifteen (15) feet around the perimeter of such facilities, provided that the same does not violate any buffer requirements within the zone. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(3) The permit shall be granted if there is a finding by the Township Zoning Officer and/or Township Landscape Architect or Engineer that the removal and destruction will not impair the growth and development of remaining trees on the property of the applicant or adjacent properties and would not cause erosion of soil. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(4) The Township Zoning Officer and/or Township Landscape Architect or Engineer shall view the land where the tree or trees are to be removed, as well as drainage, grade and other physical conditions existing on the subject or adjoining property, and will consider the report from the Environmental Commission when issuing a permit.

(5) Protection of trees, mountain laurel and/or holly.

(a) No structure, equipment or movable machinery, shall be permitted to be stored, parked, or operated within the dripline of any tree, which is to be saved, in order not to disturb the soil and injure the tree, except when the dripline of the tree is within the fifteen-foot area set forth in Subsection I-1 herein.

(b) If the removal of, or destruction of trees, will impede or hamper the growth and vigor of the remaining trees, removal will not be permissible unless a stump grinder is utilized.

(c) No soil material, equipment, temporary buildings, work areas, fuels, and other construction items shall be placed within the dripline of trees.

(d) Trees not subject to removal under the permit granted shall be fenced or heavily marked with ribbon so as to prevent injury or removal. The fence installation or ribbon markings must be approved by the Township Engineer prior to clearing. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(e) All planting shall follow the guidelines as set forth in the Landscaping Ordinance Sections 15-11.8.

(f) Any tree of historical or environmental significance or any tree that is significant by reason of its rarity, as determined by the Township Engineer, shall not be cut or removed unless applicant shows substantial evidence as to the necessity of the cutting or removal. The determination as to whether to cut or remove such a tree shall be in the discretion of the

Township Engineer**.** Specimen trees shall be protected in accordance with the provisions of Subsection M herein. **[Amended 4/14/2005 by Ord. No. 2005-12]**

J. Buffer. It is a requirement of this ordinance that, natural habitat buffer zones shall be preserved as per Land Use Ordinance Section 15-11.7. **[Amended 4/14/2005 by Ord. No. 2005-12]**

K. Permit revocation. The administrative office may revoke a permit when there has been a false or misleading application or for noncompliance with an approved replacement plan.

L. Exemptions. The following shall be exempt from the requirements of section 15-12.7. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(1) Commercial nurseries, fruit orchards, and agricultural uses. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(2) Christmas tree plantations.

(3) Removal of trees which are dead, dying or diseased, or trees which have suffered severe damage, or any tree or trees whose angle or growth makes them a hazard to structures or human life.

(4) Any tree growing on or over a public right of way**,** when removed by the township or other governing entity that has jurisdiction over the property upon which the tree is growing. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(5) Township approved pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines.

(6) In Township forest fire hazard areas, for purposes of fire prevention, trees and shrubs may be cleared around structures in jeopardy.

(7) Individual single family lots and individual homeowners.

M. Protection of specimen trees. Any development interfering with or affecting specimen trees is prohibited. All development is prohibited that would significantly reduce the amount of light reaching the crown of a specimen tree, alter the drainage patterns within the site where the specimen tree is located, adversely affect the quality of water reaching the site where the specimen tree is located, cause erosion or the depositing of material in or directly adjacent to the specimen tree or otherwise injure the specimen tree. The site of the specimen tree extends to the outer limit of the buffer area to avoid adverse impact, or fifty (50) feet from the tree, which ever is greater. **[Amended 4/14/2005 by Ord. No. 2005-12]**

N. Mitigation Required

(1) Mitigation for tree removal shall be required for the following actions:

(a) Removal of trees in connection with actions that require site plan or subdivision approval.

(b) Clearing of trees that occurs beyond the approved limit of clearing and or the Critical Footprint Area that was not approved as part of a prior subdivision approval. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(2) Number of Replacement Trees. Replacement shall be required in accordance with the following schedule:

Caliper of Removed Tree	Number of Replacement Trees
Mountain Laurel (1) (Min. size 3 ft. or greater)	1 (shrub)
American Holly (1) (Min. size 5 ft. or greater)	1
10 to 12 inches (all)	1
12 to 16 inches (all)	2
16 to 24 inches (all)	3
24+ inches (all)	4

The number of replacement trees may be reduced by the number of trees required to be planted as set forth in Ordinance 15-11.8 (Landscaping). **[Amended 4/14/2005 by Ord. No. 2005-12]**

(3) Replacement Species. Trees shall be replaced with the same species, or other available species that is native to New Jersey. In the case where the species is known to be disease-prone or is otherwise not ecologically or aesthetically appropriate, other species shall be permitted.

(4) Planting Standards. All replacement trees shall be nursery grown, certified and guaranteed and shall have a minimum caliper of 2.5 inches for shade trees, 1.5 inches for ornamental trees, a height of two feet for shrubs and a height of 6 feet for evergreen trees. All trees shall be balled and burlapped and planted as per Township of Little Egg Harbor standards. **[Amended 4/14/2005 by Ord. No. 2005-12]**

(5) Off-Site Contributions. If all required replacement trees cannot be provided on the subject lot(s), an off-site tract shall be selected by the Township Engineer with the approval of the Township Committee for such replanting and a replanting plan shall be prepared by the applicant for approval by the Township Landscape Architect and/or the Township Engineer**.** In lieu of the replanting requirement specified above, the applicant shall pay a cash equivalent to the Township of Little Egg Harbor for each tree not replanted as determined by the Township Landscape Architect and or the Township Engineer in accordance with subsection N.2 of 15-12.7 to be placed in a fund entitled "Little Egg Harbor Tree Bank Account" to be used for the purchase of replacement trees by the Township of Little Egg Harbor for use on public property. **[Amended 4/14/2005 by Ord. No. 2005-12]**

In the event the cash contribution is made, such contribution shall be made prior to the filing of final map and/or approval for construction. No tree removal permit shall be issued until such time as the Mitigation requirement is met as outlined above. **[Amended 4/14/2005 by Ord. No. 2005-12]**

The following contribution schedule shall apply:

Description	Value/Unit
Mountain Laurel	$100.00/Shrub
American Holly	$500.00/Tree
All Other Trees	$300.00/Tree

The above schedule of contribution fees shall be reviewed by the Landscape Architect/Township Engineer and modified as required to meet current values on a bi-annual basis. **[Amended 4/14/2005 by Ord. No. 2005-12]**

O. Silvaculture.

Tree farming and timber harvesting must be in accordance with "Timber harvesting guidelines" as promulgated by the N.J. Chapter, Society of American Foresters and the N.J. Forestry Association.

Additional silvaculture regulations of the Township as follows, are to be compiled with:

(1) Undisturbed buffer areas of natural habitat will be preserved within a hundred feet of all property lines, streets, paper streets, and/or approved or unapproved roadways.

(2) No harvesting, clearing, cutting or destruction of holly trees or mountain laurel, is permitted, save the unavoidable damage incurred to such species by felled trees. Tree harvesting debris shall be removed from such areas to facilitate the growth of such species.

P. Violation penalties. Any person violating or failing to comply with any of the provision of section 15-12.7 shall, upon conviction thereof, be punishable by a fine of not more than one thousand two hundred dollars ($1,200.00) per violation, by imprisonment for a term not to exceed ninety (90) days or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. **[Amended 4/14/2005 by Ord. No. 2005-12]**

Q. The provisions of section 15-12.7 shall be enforced by the Township Zoning officer, Code Enforcement Officer, Township Engineer, Township Planner and Township Police Department. **[Amended 4/14/2005 by Ord. No. 2005-12]**

§ 15-12.8. Sidewalks; non-residential development.

Sidewalks shall be required, except in the PA, PV and FA Zones. Sidewalks shall be at least four (4) inches thick of Class B concrete having a twenty-eight-day compressive strength of four thousand five hundred (4,500) pounds per square inch. Expansion joints shall be provided at twenty-foot intervals in sidewalks, with construction joints at four-foot intervals. Expansion joints shall also be provided at all points where sidewalks intersect or abut concrete drive aprons

and at all points where concrete drive aprons abut curbing. Concrete drive aprons shall have a thickness of at least six (6) inches and shall be of Class B concrete having a twenty-eight-day compressive strength of four thousand five hundred (4,500) pounds per square inch and shall be air-entrained. Such driveway aprons shall be reinforced with six by six (6 x 6) inches of 10/10 welded steel wire mesh.

§ 15-12.8.1. Sidewalks; residential development.

Sidewalks in all residential developments shall be designed and constructed with Subchapter 4, Streets and Parking, of N.J.A.C. 5:21 (Residential Site Improvement Standards), as amended.

§ 15-12.9. Sight triangles.

Sight triangles shall be required at each quadrant of an intersection of streets and streets and driveways. The area within sight triangles shall be maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting or structure shall be erected or maintained between thirty (30) inches and eighty-four (84) inches above the center line grade of each street or driveway intersection, excluding utility poles, street name signs and official traffic regulation signs. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees, as well as establish proper excavation and grading, to provide the sight triangle. Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer. The "sight triangle" is that area bounded by the intersecting street lines and a straight line which connects sight points located on each of the two (2) intersecting center-line street lines the following distances away from the intersecting street lines: arterial streets at three hundred (300) feet, collector streets at two hundred (200) feet, minor collector roads at one hundred twenty (120) feet and minor streets at ninety (90) feet. Sight points for driveways shall be located on the center line of the driveway a distance of thirty (30) feet from the right-of-way line of the intersecting roadway and on the center line of the intersecting roadway a distance of ninety (90) feet from the center line of the driveway. The classification of existing and proposed streets shall be those shown on the adopted Master Plan or as designated by the Planning Board at the time of the application for approval for a new street not included on the Master Plan. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the Township Land Development Ordinance." Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by the zoning provisions.

§ 15-12.10. Grading, topsoil and seeding.

All lots, open spaces and planting areas shall be graded to secure proper drainage, to prevent the collection of stormwater and to prevent an adverse impact on adjacent properties. The grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. This shall include the installation of protective barriers, such as four-foot-high snow fence or silt fence along the drip line of the tree or at a distance of not less than four

feet from shrubs and not less than 10 feet from trees. These barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized by seeding or planting. Gradings shall be designed to prevent or minimize drainage to structures or improvements when major storms, exceeding the design basis of the storm drainage system, occur. Grading plans shall have been submitted with the preliminary and final plats, and any departure from these plans must be approved in accordance with the requirements of this section for the modification of improvements. When the development of an individual lot is involved, a grading waiver may be granted with written approval by the Township Engineer.

A. Wherever possible, the land shall be graded so that the stormwater from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be directed to a system of interior yard drainage designed in accordance with this chapter.

B. Unless otherwise required by this chapter, all tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below existing or finished grade, whichever is lower.

C. The minimum slope for lawns and disturbed areas shall be one and one half percent (1½%) and, for smooth, hard-finished surfaces other than roadways, four-tenths of one percent (4/10 of 1%). **[Amended 9/8/2005 by Ord. No. 2005-21]**

D. The ground within eight (8') feet, or ten (10') feet, of a building shall be graded in accordance with the New Jersey Uniform Construction Code, so as to drain surface water away from the foundation wall. The maximum grade for lawns and disturbed areas more than ten (10') feet from a building shall be twenty-five (25%) percent, except for driveways the maximum grade shall be ten (10%) percent. **[Amended 3/25/2010 by Ord. No. 2010-05]**

E. Site grading and filling, if necessary, shall be performed such that the outside finished grade shall be above the crown of the roadway directly in front of the structure in accordance with the standards set forth in this section. All lots being filled shall be filled so as to allow complete surface draining of the lot to the street or natural drainage right-of-ways. No construction or regrading shall be permitted which creates or aggravates water stagnation, siltation or drainage problems on adjacent properties. Any topsoil disturbed during approved operations shall be redistributed throughout the site.

F. Sites requiring cuts or fills shall be designed with retaining walls and protective tile or masonry rings such that a minimum amount of trees will have to be removed in order to meet existing grades.

G. Retaining walls installed in slope-control areas shall be constructed of heavy creosoted timber or logs, reinforced concrete, other reinforced masonry or of other construction acceptable to the Board Engineer and shall be adequately designed and detailed on the final plat to carry all earth pressures, including any surcharges. The heights of retaining

walls shall not exceed one-third (1/3) of the horizontal distance from the foundation wall of any building to the face of the retaining wall.

H. The subdivider shall take all necessary precautions to prevent any siltation of streams during the construction of the subdivision. The subdivider shall provide adequate provisions to prevent all deposition of silt or other eroded material in any stream or watercourse. Such provisions may include but are not limited to construction and maintenance of siltation basins or holding ponds and diversion berms throughout the course of construction and planting areas.

I. All lots, open space and planting areas shall be seeded with a suitable stabilizing ground cover approved by the Township Engineer. On any waterfront lots or open spaces, the Board may allow a suitable stabilizing ground cover other than seeding if approved by the Township Engineer.

J. No topsoil shall be removed from the site or used as soil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of spread cover to all seeding and planting areas of the subdivision and shall be stabilized by seeding or planting. In the event that the quantity of topsoil at the site is insufficient to provide four (4) inches of cover for all seeding and planting areas, the developer shall provide and distribute a sufficient quantity of topsoil to provide such a cover. Topsoil shall be approved by the Township Engineer.

K. This section shall be applicable to all subdivisions, site plans and all individual dwelling unit(s) site disturbances.

L. If, in the opinion of the Township Engineer, the requirements of this section cannot be met, a certification from a licensed Engineer or licensed Land Surveyor setting forth an acceptable drainage and grading plan shall be necessary prior to the issuance of a certificate of occupancy.

§ 15-12.11. Stormwater Control Ordinance for areas that are not within the Pinelands Area. [Amended on 12/13/2007 by Ord. No. 2007-26]

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in subsection E.

C. Applicability.

(1) This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
   (a) Non-residential major developments; and
   (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This ordinance shall also be applicable to all major developments undertaken by Little Egg Harbor Township.

D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

E. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA PLANNING MAP – The geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

CAFRA CENTERS, CORES or NODES – Those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

COMPACTION – The increase in soil bulk density.

CORE – A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY – An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

(1) A county planning agency; or

(2) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT – The New Jersey Department of Environmental Protection.

DESIGNATED CENTER – A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER – A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 *et seq.* In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A. 4:1C-1 *et seq.*

DRAINAGE AREA – A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

ENVIRONMENTALLY CRITICAL AREAS – An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EMPOWERMENT NEIGHBORHOOD – A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

EROSION – The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FILTER MATERIAL – Washed gravel crushed stone, slag, or clean bank run gravel ranging in size from one-half (½") inch to two and one-half (2 ½") inches free of dust, ashes or clay.

IMPERVIOUS SURFACE – A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION – The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT – Any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY – Any city, borough, town, township, or village.

NET FILL – The total amount of fill created incidental to the completion of the project less that amount of excavated material removed during the completion of the project, both measured below the elevation of the edge of the flood hazard area.

NODE – An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT – A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON – Any individual, corporation, company, partnership, firm, association, Little Egg Harbor Township, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 *et seq.*

POLLUTANT – Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE – The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT – Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE – The lot or lots upon which a major development is to occur or has occurred.

SOIL – All unconsolidated mineral and organic material of any origin.

SOURCE MATERIAL – Any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) – An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP – The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER – Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER RUNOFF – Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT BASIN – An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE – Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

TIDAL FLOOD HAZARD AREA – A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

TIME OF CONCENTRATION – The time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD – A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES – A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 *et seq.*

URBAN REDEVELOPMENT AREA – Previously developed portions of areas:

(1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
(2) Designated as CAFRA Centers, Cores or Nodes;
(3) Designated as Urban Enterprise Zones; and
(4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE – The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND – An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

F. Design and Performance Standards for Stormwater Management Measures

(1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in subsection G. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

(2) The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater

management plan or Water Quality Management Plan adopted in accordance with Department rules.

G. Stormwater Management Requirements for Major Development

(1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with subsection M.

(2) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

(3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections G(6) and G(7):

(a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14') feet, provided that the access is made of permeable material.

(4) A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections G(6) and G(7) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(b) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of subsections G(6) and G(7) to the maximum extent practicable;

(c) The applicant demonstrates that, in order to meet the requirements of subsections G(6) and G(7), existing structures currently in use, such as homes and buildings, would need to be condemned; and

(d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under subsection G(4)(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsections G(6) and G(7)that were not achievable on-site.

(5) Nonstructural Stormwater Management Strategies

(a) To the maximum extent practicable, the standards in subsections G(6) and G(7)shall be met by incorporating nonstructural stormwater management strategies, set forth in subsection G(5), into the design. The applicant shall identify the nonstructural measures incorporated into the design of the

project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph (b) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

(b) Nonstructural stormwater management strategies incorporated into site design shall:

[1] Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

[2] Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

[3] Maximize the protection of natural drainage features and vegetation;

[4] Minimize the decrease in the "time of concentration" from pre-construction to post construction.

[5] Minimize land disturbance including clearing and grading;

[6] Minimize soil compaction;

[7] Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

[8] Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

[9] Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

[a] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy subsection G(5)(c) below;

[b] Site design features that help to prevent discharge of trash and debris from drainage systems;

[c] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

[d] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*, and implementing rules.

(c) Site design features identified under subsection G(5)(b)[9][b] above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see subsection G(5)(c)[4] below.

[1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect

stormwater from that surface into a storm drain or surface water body under that grate:

[a] The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

[b] A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

[2] Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

[3] Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2") inches across the smallest dimension.

[4] This standard does not apply:

[a] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

[b] Where flows from the water quality design storm as specified in subsection G(7)(a) are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(i) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(ii) A bar screen having a bar spacing of 0.5 inches.

[c] Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in subsection G(7)(a); or

[d] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(d) Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsection G(6) and G(7) shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

(e) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at www.njstormwater.org.

(6) Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

(a) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

[1] The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.* and implementing rules.

[2] The minimum design and performance standards for groundwater recharge are as follows:

[a] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at subsection I, either:

(i) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100%) percent of the average annual pre-construction groundwater recharge volume for the site; or

(ii) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

[b] This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to G(6)(a)[2][c] below.

[c] The following types of stormwater shall not be recharged:

(i) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United

States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(ii) Industrial stormwater exposed to "source material."

[d] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.

[e] The infiltration/recharge systems shall not be situated within two hundred (200') feet of a private well not within five hundred (500') feet from a municipal well.

[3] In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at subsection I, complete one of the following:

[a] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

[b] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

[c] Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are fifty (50%) percent, seventy-five (75%) percent and eighty (80%) percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction

stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

[d] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with [a], [b], and [c] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(b) Any application for a new agricultural development that meets the definition of major development at subsection E shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

(7) Stormwater Runoff Quality Standards

(a) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by eighty (80%) percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

(b) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection J, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in subsection J. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

(c) If more than one BMP in series is necessary to achieve the required eighty (80%) percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where:

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section I(3)
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

(d) If there is more than one onsite drainage area, the eighty (80%) percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

(e) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in subsections G(6) and G(7).

(f) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in subsection J.

(g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(h) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

[1] The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

[a] A three hundred (300') foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

[b] Encroachment within the designated special water resource protection area under Subsection [a] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150') feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

[2] All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 *et seq.*

[3] If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 *et seq.*, then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

[a] Stabilization measures shall not be placed within one hundred fifty (150') feet of the Category One waterway;

[b] Stormwater associated with discharges allowed by this section shall achieve a ninety-five (95%) percent TSS post-construction removal rate;

[c] Temperature shall be addressed to ensure no impact on the receiving waterway;

[d] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall

condition of the special water resource protection area will be maintained to the maximum extent practicable;

[e] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

[f] All encroachments proposed under this section shall be subject to review and approval by the Department.

[4] A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to subsection G(7)(h) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G(7)(h) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G(7)(h)[1][a] above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than one hundred fifty (150') feet as measured perpendicular to the waterway subject to this subsection.

[5] Paragraph G(7)(h) does not apply to the construction of one (1) individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

H. <u>Calculation of Stormwater Runoff and Groundwater Recharge</u>.

(1) Stormwater runoff shall be calculated in accordance with the following:

(a) The design engineer shall calculate runoff using one of the following methods:

[1] The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

[2] The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

(b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at subsection H(1)(a)[1] and the Rational and Modified

Rational Methods at subsection H(1)(a)[2]. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application. If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(c) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

(e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

(2) Groundwater recharge may be calculated in accordance with the following:

(a) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at http://www.state.nj.us/ dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

I. Standards for Structural Stormwater Management Measures.

(1) Standards for structural stormwater management measures are as follows:

(a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

(b) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one (1") inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one (1") inch and a maximum spacing between bars of six (6") inches. In addition, the design of trash racks must comply with the requirements of subsection K.4.

(c) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

(d) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half (2½")inches in diameter.

(e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at subsection K.

(2) Dams and embankments.

(a) The minimum top width for all dams and embankments are listed below. These values have been adopted from the Standards for Soil Erosion and Sediment Control in New Jersey published by the New Jersey State Soil Conservation Committee.

MINIMUM TOP WIDTHS	
Height (ft) Width (ft)	Top
0-15	10
15-20	12
20-25 or greater	14

(b) The design top elevation of all dams and embankments after all settlement has taken place, shall be equal to or greater than the maximum water surface elevation in the basin resulting from the routed freeboard hydrograph. Therefore, the design height of the dam or embankment, defined as the vertical distance from the top down to the bottom of the deepest cut, shall be increased by the amount needed to ensure the design top elevation will be maintained following all settlement. This increase shall not be less than five percent. Where necessary, the Engineer shall require consolidation tests of the undisturbed foundation soil to more accurately determine the necessary increase in design height.

(c) All earth fill shall be free from brush, roots, and other organic material subject to decomposition.

(d) Cutoff trenches are to be excavated along the dam or embankment center line to impervious subsoil.

(e) The fill material in all earth dams and embankments shall be compacted to at least ninety-five (95%) percent of the maximum dry density obtained from compaction tests performed by the appropriate method in ASTM D698.

(3) Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by subsection G of this ordinance.

(4) Manufactured treatment devices may be used to meet the requirements of subsection G of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

(5) Stormwater basin bottoms.

(a) To promote complete emptying and prevent standing water or soggy surfaces, vegetated bottoms shall have a minimum slope of two (2%) percent and shall be graded to the outlet structure or low flow channel, or low point (for infiltration basin).

(b) To promote compete emptying and prevent standing water or soggy surfaces, the lowest point in the bottom shall be at least one and one-half (1½')feet (or four (4') feet for infiltration basin) above the seasonally high groundwater level unless adequate subsurface drains are provided

(c) To provide adequate drying time, to avoid delaying scheduled maintenance efforts, and to prevent mosquito breeding, the maximum storage or ponding duration should not exceed forty-eight (48) hours.

(d) Subsurface drains connected to low flow channel, principal outlet structure, or other downstream discharge point shall be employed whenever possible to promote quick and thorough drying of the facility bottom.

(e) To minimize routine grass maintenance such as mowing and fertilizing, the use of grass varieties that relatively slow growing and tolerant of poor soil conditions are encouraged.

(f) To facilitate removal efforts, sedimentation shall be promoted at localized, readily accessible areas. The use of sediment traps at inflow and outflow points is encouraged, especially those lined with materials which have smooth, easily cleaned surfaces such as concrete. For this reason, the use of loose stone, rip rap, and other irregular linings which require manual removal of weeds, sediment, and debris should be avoided.

(g) Subsurface detention/infiltration facilities shall provide suitable access, observation points and/or monitoring wells to facilitate inspection and cleaning.

(6) Detention facilities in flood hazard areas.

(a) Whenever practicable, developments and their stormwater detention facilities should be beyond the extent of the flood hazard area of a stream. When that is not possible and detention facilities are proposed to be located partially or wholly within the flood hazard area (as defined by the New Jersey Division of Water Resources, Bureau of Flood Plain Management), or other areas which are frequently flooded, some storm conditions will make the facility ineffective at providing retention of site runoff. This will happen if the stream is already overflowing its banks and the detention basin causing the basin to be filled prior to the time it is needed. In such cases the standards established in these regulations will be modified in order to give only partial credit to detention capacities located within a flood hazard area. The credit will vary in a ration intended to reflect the probability that storage in a detention basin will be available at the time a storm occurs at the site.

(b) Detention storage provided below the elevation of the edge of the 100-year flood plain will be credited as effective storage at a reduced proportion as indicated in the table below:

SIZE OF DRAINAGE AREA*

Elevation	Less than Sq Miles	5-100 Sq Miles	Greater than 100 Sq. Miles
Less than 2'below	40%	65%	90%
Between 2' and 4' below	25%	50%	75%
Over 4" below	10%	25%	50%

*Area contributing floodwaters to the flood hazard area at the site in question.

(c) This effective detention storage will be required to provide for drainage of the developed land in accordance with the criteria already established in these regulations. However, the gross storage considered for crediting will not exceed that which would be filled by runoff of a 100-year storm from the site.

(d) As an alternative to approach (b) above, if the developer can demonstrate that the detention provided would be effective, during runoff from the 100-year 24-hour Type 11 storm, peaking simultaneously at the site and on the flood hazard area, his or her plan will be accepted as complying with provisions of subparagraph (b) above.

(e) In making computations under subparagraph (b) or (c) above, the volume of net fill added to the flood hazard area portion of the project's site will be subtracted from the capacity of effective detention storage provided.

(f) Where detention basins are proposed to be located in areas which are frequently flooded but have not been mapped as flood hazard areas, the provisions of either subparagraph (b) or (c) will be applied, utilizing the elevation of a computed 100-year flood.

(g) Developers are also required to show compliance with the flood hazard areas regulations of the Department of Environmental Protection

(7) Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:

(a) All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to Little Egg Harbor Township.

(b) During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.

(c) A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20') feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8') feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.

(d) A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other

feature that exhibits an in-place permeability rate less than one (1") inch per hour.

(e) Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoximorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.

(f) Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one (1") inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.

(g) Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.

(h) A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two (2) replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

(i) Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4') feet of the lowest elevation of the basin bottom or to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a one hundred (100%) percent safety factor to the tested rate.

(j) The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one (1") inch per hour. Soil materials that exhibit tested permeability rates slower than one (1") inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20") inches per hour regardless of the rate attained in the test procedure.

(k) After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one (1) permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.

(l) A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to Little Egg Harbor Township, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact.

The mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

(m) The Applicant shall demonstrate that stormwater infiltration BMPs meet the forty-eight (48) hour drain time requirement established in subsection H(2)(a) of this ordinance.

(8) Soil, geology, and groundwater

(a) The Board's Engineer may require additional information relative to soil structure, geology and groundwater elevations adjacent to or below the proposed basin or disposal area. However, the following information shall be required in all cases:

(b) The number of test borings or pits shall be as specified by this subsection.

(c) The minimum depth of test borings or pits shall be ten feet or four feet below the bottom elevation of the proposed basin or recharge system, whichever is greater. Power augers may be used to advance of clean out test holes to sampling depths but may not be used to retrieve soil samples. Split spoon samplers, plug samplers or other sampling devices may be used which retrieve a relatively undisturbed soil sample. Hand augers may be used as long as the test hold remains "open" and does not cave or slump.

(d) Reports of the type, nature and depth of the soil as found the depth to groundwater when encountered, and the seasonal high water table elevation shall be shown on the plans. Three options are open to the applicant for determining depth to seasonal high water table. First, if sole reliance is on the measurement of depth to groundwater (the actual physical measurement), then the test must be taken between January and April inclusive and with the absence of mottling. Second, the applicant may use available maps and data from the Soil Conservation Service provided the soil series mapped is verified by actual on-site soils testing. Or third, as determined by mottling.

(e) Locations and results or percolation/permeability tests, locations of soil borings and boring logs shall be shown on the plans.

(f) Fill material. Fill material used for stormwater facility construction shall have a percolation rate equal to or greater than existing soil conditions. Fill material shall be as free of clay soils as possible. Sieve analyses shall be performed on representative soil samples of all fill material and the effective size and the uniformity coefficient determined. Fill material shall meet or exceed the quality of the existing soil as determined by the sieve analyses. Test results shall be obtained by a certified laboratory and shall be submitted to the Township Engineer prior to the commencement of grading operations.

J. Sources for Technical Guidance.

(1) Technical guidance for stormwater management measures can be found in the documents listed at (a) and (b) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

(a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(b) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

(2) Additional technical guidance for stormwater management measures can be obtained from the following:

(a) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

(b) The Rutgers Cooperative Extension Service, 732-932-9306; and

(c) The Ocean County Soil Conservation District, 714 Lacey Road, Forked River, NJ 08731; Telephone Number: (609) 971-7002, Facsimile Number: (609) 971-3391, Email Address: info@ocscd.org, Web Address: www.ocscd.org.

K. Safety Standards for Stormwater Management Basins.

(1) This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

(2) Requirements for Trash Racks, Overflow Grates and Escape Provisions

(a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

[1] The trash rack shall have parallel bars, with no greater than six (6") inch spacing between the bars.

[2] The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

[3] The average velocity of flow through a clean trash rack is not to exceed two and one-half (2.5') feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

[4] The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

(b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

[1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

[2] The overflow grate spacing shall be no less than two inches across the smallest dimension.

[3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

(c) For purposes of this paragraph (c), escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

[1] If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in subsection K(3) a free-standing outlet structure may be exempted from this requirement.

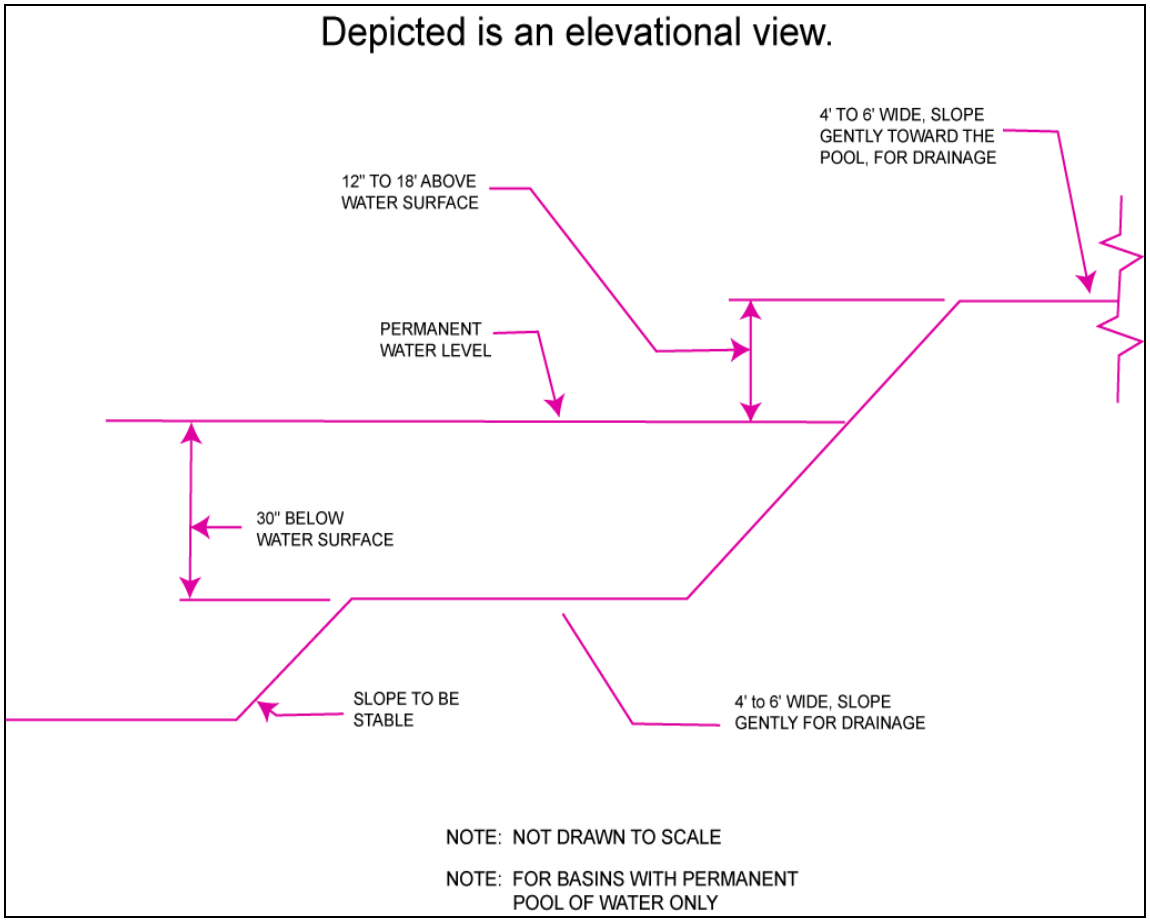
[2] Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2.5') feet. Such safety ledges shall be comprised of two (2) steps. Each step shall be four (4') feet to six (6') feet in width. One step shall be located approximately two and one-half (2.5') feet below the permanent water surface, and the second step shall be located one (1') foot to one and one-half (1.5') feet above the permanent water surface. See subsection K(4) for an illustration of safety ledges in a stormwater management basin.

[3] In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

(3) Variance or Exemption from Safety Standards

(a) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

(4) Illustration of Safety Ledges in a New Stormwater Management Basin


Depicted is an elevational view.
4' TO 6' WIDE, SLOPE GENTLY TOWARD THE POOL, FOR DRAINAGE
12" TO 18' ABOVE WATER SURFACE
PERMANENT WATER LEVEL
30" BELOW WATER SURFACE
SLOPE TO BE STABLE
4' to 6' WIDE, SLOPE GENTLY FOR DRAINAGE
NOTE: NOT DRAWN TO SCALE
NOTE: FOR BASINS WITH PERMANENT POOL OF WATER ONLY

L. Requirements for a Site Development Stormwater Plan

(1) Submission of Site Development Stormwater Plan

(a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at subsection L(3) below as part of the submission of the applicant's application for subdivision or site plan approval.

(b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

(c) The applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection L.3 of this ordinance.

(2) Site Development Stormwater Plan Approval.

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

(3) Checklist Requirements. The following information shall be required:

(a) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200') feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing two (2') foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(b) Vicinity Map. Applicants must prepare a map at a scale of one inch equals 400 feet (1" = 400') or greater on a paper print of the latest air photographs available, updated in the field to reflect current conditions, showing the relationship of the proposed development to significant features in the general surroundings. The map must indicate at least the following: roads, pedestrian ways, access to the site, adjacent land uses, existing open space, public facilities, landmarks, places of architectural and historic significance, utilities, drainage (including, specifically, streams and surface water shown on U.S.G.S. and soils maps), and other significant features not otherwise shown.

(c) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes,

wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(d) Project Description and Site Plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(e) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of subsections F through I are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(f) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

[1] Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

[2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(g) Calculations.

[1] Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in subsection G of this ordinance.

[2] When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(h) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of subsection M.

(i) Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in subsections L(3)(a) through L(3)(f) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

(j) Stormwater Review Fee. Subdivisions and site plans requiring Preliminary or Final Approval, and Road Improvement Plans, that all meet the latest definition of "Major Development" per Section E, Definitions, shall pay the Stormwater Review Fee outlined in the Land Use Land Development Ordinance Article 15-16.3.

M. Maintenance and Repair.

(1) Applicability.

(a) Projects subject to review as in subsection C of this ordinance shall comply with the requirements of subsections M(2) and M(3).

(2) General Maintenance.

(a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(c) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

(d) If the person responsible for maintenance identified under subsection M(2)(b) above is not a public agency, the maintenance plan and any future revisions based on subsection M(2)(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(e) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or

replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

(f) The person responsible for maintenance identified under subsection M(2)(b) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

(g) The person responsible for maintenance identified under subsection M(2)(b) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

(h) The person responsible for maintenance identified under subsection M(2)(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsections M(2)(f) and M(2)(7) above.

(i) The requirements of subsections M(2)(c) and M(2)(d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(j) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

(3) Stormwater Basin Access.

(a) The facility must be readily accessible from a street or other public right-of-way. Inspection and maintenance easements, connected to the street or right-of-way, should be provided around the entire facility. The exact limits of the easements and right-of-ways should be specified on the project plans and other appropriate documents.

(b) Access roads and gates shall be wide enough to allow passage of necessary maintenance vehicles and equipment, including trucks, backhoes, grass mowers, and mosquito control equipment. In general, a minimum right-of-way width of fifteen (15') feet and a minimum roadway width of twelve (12') feet is required.

(c) To facilitate entry, a curb cut shall be provided where an access road meets a curbed roadway.

(d) To allow safe movement of maintenance vehicles, access ramps shall be provided to the bottom of all detention facilities greater than three feet in depth. Access ramps should not exceed ten percent in grade.

(e) Access roads and ramps shall be stable and suitably lined to prevent rutting and other damage by maintenance vehicles and equipment.

(f) When backing-up is difficult or dangerous, turning around areas should be provided at the end of all access roads.

(g) All stormwater basins shall be perimeter fenced for safety purposes. The minimum fence height shall be six feet.

(h) To allow safe movement of maintenance personnel and safe operation of equipment, fences shall be located at least three (3') feet beyond the top or toe of any slope steeper than five horizontal to one vertical.

(i) Fences shall be constructed of durable, vandal-resistant materials. Fences must meet all municipal code requirements.

(j) Bottom fence rails shall be set at a maximum height of six (6") inches above finished grade.

(k) Facility perimeters should be sized and stabilized to allow movement and operation of maintenance and mosquito control equipment. A minimum perimeter width of twenty-five (25') feet between the facility and adjacent structures is required along at least one side of the facility. This portion of the perimeter shall be readily accessible from a street or other public or private right-of- way. Gates shall be equipped with a double lock system in cooperation with the Ocean County Mosquito Commission to permit same access to the basins.

(l) The top of bank for facilities constructed in cut and the toe of slope for facilities constructed in fill shall be located no closer than ten (10') feet to an existing or proposed property line.

(m) Detention basins shall be attractively buffered and landscaped, and designed as to minimize propaganda of insects, particularly mosquitoes. All landscaping and buffering shall be approved by the Board Engineer.

(n) For safe movement of personnel and safe operation of equipment, side slopes greater than five (5') feet in height shall not be steeper than four horizontal to one vertical. Side slopes five (5') feet or less in height shall not be steeper than three horizontal to one vertical. Flatter side slopes shall be constructed wherever possible.

(o) For safe movement of personnel and safe operation of equipment, side slopes steeper than five to one and higher than four (4') feet shall be terraced at their midpoints. The terrace shall have a minimum width of three (3') feet and shall be graded at two (2%) percent towards the lower half of the slope.

(p) Suitable access to and along side slopes shall be provided for maintenance personnel and equipment.

(4) Maintenance Guarantee. The Applicant shall provide a maintenance guarantee to ensure that all stormwater management measures required under the provisions of this ordinance will be maintained in perpetuity according to the specifications established herein. Conditioned upon Little Egg Harbor Township's approval,

this may be accomplished by various mechanisms, including, but not limited to, the following:

(a) The Applicant may be required to post a bond or other financial assurance mechanism in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures;

(b) Little Egg Harbor Township may collect an up-front fee from the Applicant in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures. This up-front fee shall be expended by Little Egg Harbor Township for the sole purpose of conducting maintenance activities (including repair and renovation, if needed) for all stormwater management measures required under the Applicant's major development application approval;

(c) The Applicant may dedicate all stormwater management measures to the Little Egg Harbor Township, subsequent to which the Township shall assume all maintenance responsibilities; or

(d) The Applicant may be required to deposit funds in escrow in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures.

(5) Stormwater management maintenance fees. For purposes of this section, the calculation of the maintenance fee will be based on the type of stormwater management system, which is to serve the development, that is, a surface system, such as a detention or retention basin and subsurface infiltration system or a combination of the above. The fee shall be determined as follows:

(a) Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied. by the twenty-five year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional twenty-five (25') feet outward from the top of the bank. The annual maintenance cost per acre shall be $1,281.25. The minimum contribution regardless of the size of the basin, will be $12,500.00.

(b) Surface infiltration system. The amount of the maintenance fee shall be determined as follows: $1.25 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of $34.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be $12,500.00.

(c) Combination systems. The required fee shall be based on a combined total of the above.

N. Penalties.

(1) Any person who violates or fails to comply with any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not less than one hundred ($100.00) dollars nor more than one thousand two hundred fifty ($1,250.00) dollars, by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

(2) The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 15-12.12. Drainage

A. All streets shall be provided with storm water inlets and pipes where same may be necessary for proper surface drainage. The system shall be adequate to carry off and/or store the stormwater and natural drainage water, which originates beyond the development boundaries and passes through the development calculated on the basis of maximum potential development as permitted under this chapter. No stormwater development as permitted under this chapter. No stormwater run-off or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structure on the other lands without proper and approved provisions being made for taking care of these conditions, including off-tract improvements. All drainage design and computation factors shall be submitted to the Board Engineer for review and approval and shall be conforming to the requirements of this chapter.

(1) The duration of storm used in computing stormwater run-off shall be the equivalent of the time required for water falling at the most remote point of the drainage area to reach the point in the drainage system under consideration.

(2) No pipe size in any storm drainage system shall be less than 15 inch diameter reinforced concrete pipe or its equivalent.

(3) Dished gutters shall not be permitted on any streets and intersections.

(4) Storm drain pipes shall be reinforced concrete pipe in all cases and shall be of the size specified and laid to the exact lines and grades approved by the Planning Board Engineer. Reinforced concrete pipe shall conform to the most current A.S.T.M. Specifications C76. All pipe shall be Class III, Wall B strength except where stronger pipe is required as determined by the board engineer. All pipe shall be designed for AASHO H20-44 loading, and shall meet the minimum cover requirements.

In locations other than within the right-of-way of public roads where, because of severe topographic conditions or the desire to minimize the destruction of trees and vegetation, corrugated aluminum pipe, pipe arch, helical corrugated pipe, or fully coated corrugated metal pipe, may be used. The material used shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert Pipe and Pipe Arch AASHO designation M-196-62 or the Standard Specification for Aluminum Alloy Helical Pipe AASHO designation M-211-65. The minimum thickness of the aluminum pipe to be used shall be: less than 24 inch diameter or equivalent, 0.075 inches; 24 inch diameter and less than 48 inch diameter or equivalent, 0.105 inches; 49 inch but less than 72 inch diameter or equivalent, 0.135 inch; and 72 inch diameter or equivalent, and larger, 0.165 inches except where stronger pipe may be required as determined by the Board Engineer.

(5) For all development, blocks and lots shall be graded to secure proper drainage away from all buildings and to prevent the collection of storm water in pools and to avoid concentration of storm water from each lot to adjacent lots. Easements or right-of-ways shall be required in accordance with Subsection 15-11.11. entitled "Easements" where storm drains are installed outside streets.

(6) Runoff. All storm drains shall be designed to carry the runoff from the entire upstream watershed. The quantity of the runoff shall be determined by the rational formula (or other formula acceptable to the Board Engineer).

(7) Conduit sizing. The sizing of conduit for the transmission of storm flow shall be determined by the use of the Manning Formula.

(8) Coefficient of runoff. The following minimum coefficients shall be used in determining runoff from all offsite contributing areas based upon permitted land use as determined by the current Zoning Ordinance:

Residential use-lot size one acre or greater……..……...C=0.30
Residential use lot size-20,000 sq. ft. or greater but less than one acre…….C=0.40
Residential use-lot size less than 20,000 square feet…….C=0.50
Multi-family use……C=0.70
Commercial use……C=0.85
Industrial use……C=0.80
Parks, and other permanent open space……C=0.20

In lieu of more detailed analysis, the above values shall be used to determine the runoff from onsite contributing areas. If the designer wishes to present a more detailed analysis the following coefficients shall be used in determining the average overall coefficient.

Paved surface (streets, drives, roofs, etc.)……..…….C=0.95
Unpaved bare surfaces……..……..C=0.60
Grassed areas (flat-less than two percent)…….…….C=0.20
Grassed areas (average between two and ten percent)……..……..C=0.30
Grassed areas (steep-more than ten percent)……..…….C=0.40

(9) Intensity or rainfall. All subdivision and site plan drainage collection systems shall be designed for a ten year frequency rainfall, or if the above results in a conduit size at least equivalent to a 27 inch reinforced concrete pipe then a 25 year frequency rainfall shall be used or if the above results in a conduit size at least equivalent to a 54 inch reinforced concrete pipe then a 50 year frequency rainfall shall be used using the applicable time of concentration.

Rainfall data shall be taken from the U.S. Department of Commerce Technical Paper No. 25 "Rainfall Intensity-Duration-Frequency Curves" using the Atlantic City weather station data. Stream relocations, bridges, box culverts, pipes over 72 inches in diameter and other critical waterways, as determined by the Board Engineer, shall be designed for a 100 year frequency rainfall. In all cases, grading should be arranged so that flood damage to buildings and parked motor vehicles can be eliminated.

Detention, retention and recharge facilities are required for certain projects and shall be designed in accordance with the provisions set forth in this chapter.

(10) Coefficient of roughness. The following coefficient of roughness shall be used in the Manning Formula to determine pipe capacity:

Concrete pipe…….C=.013
Concrete pipe box culverts……C=.015
Corrugated metal pipe/pipe arch 2-2/3 x ½ Corr……..C=.024
Corrugated metal pipe 3 x 1 Corr…….C=.026
Corrugated metal pipe/pipe arch (fully paved)……C=.015
Corrugated metal pipe arch (paved invert)……...C=.019

The following minimum values shall be used for open channels:

Concrete lined……C=.015
Earth channels……C=.025
Natural channels……C=.030-.050

(11) Velocity restrictions. In general, velocities in closed conduits at design flow should be at least two and one half feet per second but not more than that velocity which will cause erosion damage to the conduit. In general, velocities in open channels at design flow shall not be less than five-tenths foot per second and not greater than that velocity which will begin to cause erosion or scouring the channel. For unlined earth channels, the maximum velocity allowed will be two feet per second. For other channels sufficient design data and soil tests to determine the character of the channel shall be made by the subdivider and shall be made available to the Board at the time of drainage review. At the transitions between closed conduits and open channels or different types of open channels, suitable provisions must be made to accommodate the velocity transitions. These provisions may include rip rapping, gabions, lining, aprons, chutes and checks or

others, all suitable detailed and approved. For all open channel flows tailwater depth and velocity calculations shall be submitted.

(12) Drainage structures. All drainage structures including manholes, inlets, headwalls and section and box culverts shall conform to the current details of the New Jersey Department of Transportation. Unless approved otherwise by the board engineer, all curb inlets shall be standard type "B" with curb piece heights equal to the exposed curb face of the adjacent curb plus two inches. All lawn inlets shall be standard type "E." When the pipe size is such as to require a larger structure, standard type "B1" or "B2," "E1" or "E2" shall be used. If still larger sizes are required, they shall be specifically detailed using standard frames and grates.

(13) Inlet capacity. The maximum collecting capacity of an inlet shall be: five cubic feet per second for Type "b" inlets and two cubic feet per second for Type "E" inlets, and in addition to gutter flow shall also be limited to provide a maximum gutter flow surface width of eight feet.

(14) Inlet location and spacing. Inlets shall be located as follows: At all street low points; in all gutters spaced to insure that the runoff to each inlet does not exceed the collecting capacity as previously established; in yards and swales as required and as required at intersections to eliminate rocker gutters. In no event shall inlets be placed more than 600 feet apart.

(15) Alignment. Curved alignments shall not be permitted. All pipes shall be constructed on a tangent alignment.

(16) End section. All discharge pipes shall terminates with an end section which may be: precast flared concrete; flared corrugated metal; straight cast in place concrete or cast in place concrete with flared wingwalls. The final determination as to type of end treatment shall be subject to approval of the Board Engineer.

(17) Offsite drainage. All drainage systems shall terminate in an existing permanent natural body of water, drainage course, or as otherwise determined and approved by the Board Engineer.

(18) Open channels. Generally, unlined open channel cross section shall have side slopes not steeper than four to one for channel depths of two feet or less and not steeper than six to one for channel depths or more than two feet. Lined open channel sides slopes shall not be steeper than two to one. The bottom of all unlined channels and the channel side slopes to at least the design flow level will be sodded with suitable course grass sod. All unlined open channel side slopes above the design minimum flow level will be topsoiled and seeded or otherwise suitable stabilized in accordance with an approval soil disturbance permit. All unlined open channels which can be expected to have base flow of five cubic feet per second or more for at least two out of every 12 months will be provided with a

low flow channel using gabions, rip-rap, lining, one third pipe section or other arrangements approved as part of the final plat submission.

(19) N.J.D.E.P. jurisdiction. All drainage facilities carrying runoff from tributary areas larger than one half square miles or located within a flood plain must have the approval of the N.J. Division of Water Policy and Supply. All encroachments of natural waterways must be referred to the N.J. Division of Water Policy and Supply for approval in accordance with statute. The State may retain jurisdiction, in which case a permit will be necessary as set forth, or may refer the matter to the County Engineer for review.

(20) Nonpipe culverts. All nonpipe culverts shall be designed for AASHO H20-44 loading. All culverts of any type shall be carried to the roadway right-of-way and shall terminate with headwalls or other approved end treatment. All conduits terminating or beginning in open channels shall be provided with headwalls or other appropriate end treatment.

(21) Guiderails. Guiderails and/or railings shall be placed at all drainage structures where the interests of pedestrians or vehicular safety would dictate. The Board may require that any open channel other than naturally occurring streams be fenced within 48 inch high chain link fencing if the banks of the channel are steeper than one foot vertical for every four feet horizontal and either the total depth of the channel exceeds four feet or the channel would be expected to have a depth of flow greater than two feet more often than once every ten years. For maintenance purposes, gates may be required by the Board at specified intervals.

(22) General drainage requirements.

(23) All development applications must be accompanied by the drainage area map and drainage calculations. No drainage pipe or easement shall be permitted within 25 feet of any existing or proposed individual sewerage disposal system. At least one foot and zero inches of minimum cover over the top of the pipe at all times, including during construction, must be provided.

(a) Subject to review and approval by the Board, the design of a subdivision may be modified to take advantage of the natural drainage features of the land. In such review the Board will use the following criteria:

[1] The utilization of the natural drainage system to the extent possible.

[2] The maintenance of the natural drainage system as much as possible in its unimproved state.

[3] When drainage channels are required, wide shallow swales with natural vegetation will be preferred to other sections.

[4] The construction of flow-retarding devices, detention areas and recharge berms to minimize runoff value increases.

[5] Maintenance of base flow in streams, reservoirs and ponds.

[6] The reinforcement, improvement and/or extension of the natural drainage system to such extent as is necessary to eliminate flooding and excess maintenance requirements.

(b) All developments or portions of total schemes of development which, based upon the preliminary plat submission, total 15 or more acres will be expected, to the extent that the Board considers possible, to limit the total stormwater runoff from the site after development to not more than the runoff from the site in its undeveloped state. The utilization of the provisions of this subsection to limit such runoff is encouraged. However, the Board may require the use of reasonable artificial methods of detention and/or recharge if it determines that natural provisions are not feasible.

[1] The Board may waive the provisions of this subsection if the nature of the development, the character of adjacent previously developed areas or other factors make the utilization of natural drainage features or runoff limiting devices inadvisable or impractical.

[2] When a subdivider or the Engineer determines that it will be necessary to utilize design standards in addition to or other than those minimum requirements established herein, the Engineer is advised to consult with the Board Engineer prior to beginning the detailed design for review and approval of the proposed design standards. Standards utilized should generally be nationally recognized and in common use in this area.

[3] When the Board and/or Board Engineer finds it necessary, they may waive any or all of the requirements established herein and may require additional information, in accordance with N.J.S.A. 40:55D-51.

[4] The Township shall ascertain, in each drainage instance, the drainage area of which the specific subdivision is a part, and apportion the fair costs of adequate drainage for the whole drainage area among landowners who contribute to or who will contribute to the stormwater runoff if the subdivision is approved.

[5] Each applicant for a subdivision requiring provisions for overall drainage of stormwater runoff shall install an adequate drainage system in the specific subdivision and shall also pay in cash to the Township the fair cost so apportioned to the specific subdivision for the ultimate disposal of the stormwater runoff to such ultimate adequate outlet for final disposal as aforesaid. Each payment made to the Township shall be held by it in trust until the overall ultimate disposal system is constructed for the drainage area in question, at which time the trust funds raised for that drainage area may be used for such construction in and for that area.

(24) Flood plain regulations. The purposes of the following flood plain regulations are: (a) to implement the land use rules and regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood fringe portion of a flood hazard area; (b) to discourage construction and regrading

in flood hazards areas; (c) to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass; and (d) to prevent pollution of water courses during low or high water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard areas.

(a) The flood hazard design elevation shall be determined on an individual basis based upon stream encroachment line data from the division of water resources or, in the absence of that data, the flood elevation based on a 100 year storm frequency. One or the other shall be delineated on the plat. In addition, the Planning Board Engineer may, upon receipt of the application and with the consent of the landowner, and at the landowner's expense, determine the precise location of a floodway and flood fringe area by close inspection, field survey or other appropriate method and cause, if requested the same to be marked on the ground and on the plat, and notifying the owner, the N.J. Department of Environmental Protection, Division of Water Resources and the approving authority. The assistance of the United States Department of Agriculture, Soil Conservation Service, U.S. Corps of Engineers, and the New Jersey Department of Environmental Protection, Division of Water Resources may be sought to aid in delineating the flood hazard design elevation except that where State or Federal agencies shall subsequently publish any reports which delineate the flood hazard design elevation of a water course, the report shall be the officially delineated flood hazard area as if the report were published in this chapter.

(b) Any lot containing a floodway portion of a drainage course and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter, plat approval has been granted, and a floodway permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources where required by state regulations.

(c) Any lot containing a flood fringe portion of the flood hazard area an on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter and until plat approval has been granted.

(d) The procedure for reviewing any proposed regrading and/or construction shall be the same as set forth for plat review. No application shall be approved and no permit granted until all zoning violations have either been corrected or a variance granted.

(e) Regulation of the flood fringe portion of the flood hazard area shall be consistent in the approving the authority's determination with the criteria and standards promulgated by the N.J. Department of Environmental Protection governing the flood fringe area.

(f) The applicant shall submit maps, reports, and other appropriate documents permitting the approving authority to evaluate whether the proposal has an inherent low flood damage potential; does not obstruct flood flows or increase flood heights and/or velocities; does not affect adversely the

water carrying capacity of any delineated floodway and/or channel; does not increase local run-off and erosion; does not unduly stress the natural environment of the flood plain or degrade the quality of surface water or the quality and quantity of ground waters; does not require channel modification or relocation; does not require fill or the erection of structures; does not include the storage of equipment and materials.

(g) Where a development is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the municipality conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to accommodate expected storm water run-off in the future based upon reasonable growth potential in the municipality. The minimum width of easement for channel sections shall be the maximum design top width of the channel section segment plus 20 feet rounded to the next highest five-foot increment. However, if the floodway is not ascertainable for a stream or open channel, the width of drainage easement shall extend 50 feet beyond the top of bank on both sides of the drainage course.

§ 15-12.13. Township acceptance of stormwater management system.

An applicant shall be required to dedicate proposed stormwater management systems to the Township and shall enter into an agreement with the Township to that end. Such agreement shall be a condition of final approval and shall be fully executed prior to release of performance guarantees, and acceptance of the stormwater management agreement shall require payment of the fee set forth in Section 15-12.14. in consideration of the Township assuming all future maintenance of the stormwater management facilities. The form of agreement shall be approved by the Township Attorney. The agreement, upon execution, shall be recorded by the applicant in the Office of the County Clerk. The applicant shall thereafter file a copy of the recorded agreement with the Township. Upon certification by the Township Engineer that the performance guarantee for the project may be released, acceptance of the stormwater management facilities by the Township shall be specifically stated in the resolution authorizing the guarantee release. The Township shall retain the cash portion of the guarantee a sum equal to the maintenance fee approved as to amount by the Township Engineer in accordance with the formula in this chapter. In the event that the cash portion of the guarantee is less than the required maintenance fee, the developer shall post the deficit in cash. Any interim performance guarantee reductions authorized by the Township shall not be construed to mean that all or any part of the stormwater management system has been accepted by the Township nor shall any such interim reduction reduce the cash portion of the guarantee to an amount less than the required maintenance fee. It shall be the applicant's responsibility to maintain the stormwater management system during construction.

§ **15-12.14. Stormwater management maintenance fee**.

A. For purposes of this section, the calculation of the maintenance fee will be based on the type of stormwater management system which is to serve the development, that is, a

surface system, such as a detention or retention basin and subsurface infiltration system or a combination of the above. The fee shall be determined as follows:

(1) Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied by the twenty-five year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional 25 feet outward from the top of the bank. The annual maintenance cost per acre shall be $1,281.25. The minimum contribution regardless of the size of the basin, will be $12,500.00. **[Amended 10/8/2005 by Ord. No. 2005-29]**

(2) Surface infiltration system. The amount of the maintenance fee shall be determined as follows: $1.25 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of $34.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be $12,500.00. **[Amended 10/8/2005 by Ord. No. 2005-29]**

(3) Combination systems. The required fee shall be based on a combined total of the above.

§ 15-12.15. Driveways

A. Traffic circulation. The site plan shall provide a safe and efficient circulation system for the movement of vehicles and pedestrians off the site and on the tract.

B. Access driveways.

(1) All entrance and exit driveways shall be located so as to afford maximum safety and minimum disruption of traffic on the street.

(2) The dimensions of entrance and exit driveways and internal roads shall be adequate to accommodate the volume and character of vehicles anticipated to be using the site. The required dimensions for driveways and interior roads shall be as follows:

(a) Twelve (12) feet minimum for one-way operation.

(b) Twenty-four (24) feet minimum for two-way operation.

(c) Twenty-eight (28) feet minimum for fire lanes.

(3) Driveways serving a development having fifty (50) or fewer parking spaces may use a one-and-one-half-inch-high depressed curb and concrete apron driveway and concrete walk. Those having more than fifty (50) parking spaces, however, shall use curb returns of not less than ten (10) feet minimum nor twenty (20) feet maximum in radius, except as otherwise directed by the New Jersey Department of Transportation.

(4) Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage.

(5) Driveway grades shall adhere to the following: three-fourths percent (3/4%) minimum to ten percent (10%) maximum. A maximum slope of two percent (2%) for the first twenty (20) feet from the street line shall be maintained.

(6) Curb cuts to a public street shall not be closer than twenty-five (25) feet to the point of curvature or point of tangent of the corner radius curb of an intersecting street, or, if required parking spaces exceed one hundred (100), then the driveway curb cuts shall not be closer than one hundred (100) feet to the point of curvature or point of tangent of the corner radius of the intersecting street.

(7) The number of permitted driveways provided from a site shall be related to the type of street and traffic volume thereon and the number and location of other access points therefrom.

(8) Driveway pavement shall extend to the paved portion of the street with which it connects and shall be constructed with a minimum of two (2) inches of stabilized base course and one and one-half (11/2) inches of FABC surface course or an approved equal.

(9) Driveways are to be curbed on both sides.

(10) Within all residential zones within the Township, with exception of the R-50 Zone, the minimum side yard setback for a driveway shall be:

(a) Five (5) feet where the garage doors front a public street or where the garage is detached from the principal structure; or

(b) Three (3) feet where the garage doors do not front a public street (i.e., side load garage).

(11) All pavement area shall be constructed with six (6) inches of Type 2, Class A or B, gravel subbase, in addition to bituminous stabilized base course and FABC surface course as specified, or an approved equal.

(12) In parking lots having a capacity of more than one hundred (100) cars, a main access drive shall be provided from points of ingress and egress. No parking shall be permitted on the main access drive, nor shall it serve as an access aisle to adjacent parking spaces.

(13) All access drives shall provide a minimum outside turning radius of thirty (30) feet unless as a fire lane, in which case they shall provide a minimum outside turning radius of fifty (50) feet.

(14) The maximum width of a driveway depression for a two-car capacity driveway shall be twenty-three (23) feet.

§ 15-12.16. Off-street parking and loading areas.

A. Design requirements.

(1) The number and size of all parking and loading spaces shall meet the requirements of this section.

(2) Any off-street loading spaces shall have a minimum height clearance of fifteen (15) feet and be designed in accordance with the following criteria:

Loading Space		Apron/Aisle Length	
Length (feet)	Width (feet)	(90°) (feet)	(60°) (feet)
60	10	72	66

60	12	62	57
60	14	60	54

(3) Ingress to and egress from a parking or loading area shall be paved and shall include turning areas to assure ease of mobility, ample clearance and the safety of vehicles and pedestrians.

(4) Parking areas serving light-duty vehicles shall be constructed with a minimum of two (2) inches of stabilized base course and one and one-half (11/2) inches of FABC surface course, or an approved equal, and shall be sufficiently drained so as to prevent an accumulation of water on the site.

(5) All pavement areas shall be constructed with six-inch-thick Type 2, Class A or B, gravel subbase, in addition to the bituminous stabilized base course and FABC surface course as specified.

(6) A parking area shall be illuminated if used after sunset, and such illumination shall provide a minimum of five tenths (0.5) lumen per square foot throughout the area and be shielded from adjoining streets or properties. The location of the parking lot light structure shall be in accordance with the requirements of § 15-12.16.

(7) Off-street parking and loading areas shall be designed to prevent the maneuvering of vehicles into or out of parking or loading spaces within any portion of any street.

(a) The plan shall include both inside curve radius and outside curve radius for all curves on the site. This is to include the entrances to and exits from fire lanes, loading areas, parking aisles and all entrances and exits from the site. The minimum curve radius shall meet the requirements as outlined in the Design Vehicles and Minimum Turning Path Chart.

(8) Parking dimensions shall meet the following standards:

(a) Each dead-storage bay of an off-street parking space may be perpendicular with the aisle, parallel with the aisle or at any angle between sixty degrees (60°) and ninety degrees (90°).

(b) No angle parking layout shall be permitted with an angle less than sixty degrees (60°). The following are minimum stall and aisle dimensions:

Type	Aisle Width (feet)	Stall Dimensions (feet)
90-degree parking	24	9 x 18
60-degree parking	18	9 x 18
Parallel parking		
1-way operation	12	9 x 22
2-way operation	24	9 x 22

(9) Parking or loading space stripes shall be four (4) inches wide using white reflective paint. Hatch lines shall be on an angle of forty-five degrees (45°) and shall consist of stripes four (4) inches wide using yellow reflective paint two (2) feet on center.

(10) All parking and loading areas are to be curbed.

(11) No paved area shall be closer to any property line than fifteen (15) feet, unless otherwise permitted herein.

(12) The maximum grade permitted in parking areas shall be six percent (6%); the minimum grade permitted in parking areas shall be three-fourths percent (3/4%).

(13) Location of parking. Where parking is permitted between the front building line and the street line, a safety island or raised median separating the public street from the parking area shall be provided for intermediate and large parking in accordance with the following minimum requirements:

(a) The width of the safety island shall be that width between the proposed street curbline and a point five (5) feet inside the property line. When this width is less than twenty-five (25) feet, the parking area shall be reduced to provide a minimum width for the safety island of fifteen (15) feet. All required tree and shrub plantings shall be planted on the on-site portion of the safety island, with the exception of streetscape plantings as required herein.

(b) Safety islands shall be raised a minimum of six (6) inches above the adjacent parking area.

(c) Safety islands shall be topsoiled and seeded or otherwise landscaped as required by § 15-11.8.

(14) Small parking areas. Parking lots having ten (10) or fewer spaces shall comply with all applicable requirements of this chapter and shall also be bordered by a fifteen-foot unbroken, landscaped strip along side property lines from the street line to the rear lot line, unless the Board, for good cause, shall waive such requirements; provided, however, that for parking lots having ten (10) or fewer spaces, only a two-inch compacted thickness bituminous concrete FABC surface course on six-inch compacted gravel base course will be required.

(15) Intermediate-size parking areas. Parking areas having more than ten (10) spaces but fewer than one hundred one (101) spaces shall be designed to fulfill the following minimum requirements:

(a) A safety island or raised median shall be provided as herein described.

(b) Not more than one (1) two-way access driveway or two (2) one-way access driveways shall be provided on any one (1) street unless approval otherwise is obtained from the body, agency or official having jurisdiction over the plan.

(c) Design of the parking area shall include planting islands, which shall be a minimum of ten percent (10%) of the total parking area. These islands shall include planting as required by §15-11.8. Parking bays shall be separated from access or circulation drives by a planting island (of ten-foot minimum width) or area for the full width of a bay at the ends of rows.

(16) Large parking areas. Parking lots which have a capacity for parking more than one hundred (100) vehicles shall incorporate the following minimum design standards:

(a) No parking stalls, which shall require the use of the entrance and exit driveways as access aisles, shall be permitted.

(b) All access driveways located along one-way streets or divided highways shall be separate on-way driveways. The driveways shall be located so that vehicles enter the parking area at the beginning of the property and

exit at the far end of the property, unless other considerations, such as median openings, dictate otherwise.

(c) All directional (one-way) driveways shall be marked by appropriate signs facing all peripheral service roads serving the property as well as the parking area.

(d) No driveway shall be located less than thirty (30) feet from the existing drive.

(e) The design of the parking area shall include planting islands, which shall be a minimum of ten percent (10%) of the total parking area. These islands shall include planting as required by §15-11.8. Parking bays shall be separated from access or circulation drives by a planting island (of ten-foot minimum width) or area for the full width of a bay at the ends of rows. The parking lot shall, where possible, be subdivided into modular parking bays or lots of not greater than fifty (50) spaces each. These modules shall be separated by a landscape island of a minimum ten-foot width. When appropriate, pedestrian walkways shall be provided on these islands. A single line or row within a bay should be no more than twenty (20) spaces in length.

(f) The parking area shall contain location markers clearly visible from all areas of the parking lot Location markers shall be placed, at a minimum, at one (1) marker per twenty-five (25) parking stalls.

(17) Intermediate and large parking areas shall be designed so as to provide for a Fire Zone adjacent to the building(s). Parking shall not be permitted in a Fire Zone. Fire Zones shall be at least twenty (20) feet in width and may be used for on-site traffic circulation but shall have a turning radius of fifty (50) feet at any entrance and exit of the site. These zones shall be labeled "Fire Zones, No Stopping or Standing."

(18) Parking for the handicapped.

(a) Parking spaces for the handicapped shall be located to provide convenient access to building entrances by way of depressed curbs and ramps in accordance with state regulations. All handicapped spaces shall comply with state design standards. The number of spaces to be provided shall be determined by the following table:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

[1] One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated "Van-Accessible" as required by Subsection A.(18)(e). The vertical clearance at such spaces shall comply with Subsection A.(18)(f). All such spaces may be grouped on one (1) level of a parking structure.

[2] If Passenger Loading Zones are provided, then at least one (1) Passenger Loading Zone shall comply with Subsection A.(18)(g).

[3] At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with Subsection A.(18)(b) through (g) shall be provided in accordance with Subsection A.(18)(a), except as follows:

[a] Outpatient units and facilities: ten percent (10%) of the total number of parking spaces provided serving each such outpatient unit or facility.

[b] Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.

[4] Valet parking. Valet parking facilities shall provide a Passenger Loading Zone complying with Subsection A.(18)(g) located on an accessible route to the entrance of the facility. Subsections A.(18)(a), (a)[1] and (a)[3] in this section do not apply to valet parking facilities.

(b) Minimum number. Parking spaces required to be accessible by Subsection A.(18)(a) shall comply with Subsection A.(18)(c) through (f). Passenger Loading Zones required to be accessible by Subsection A.(18)(a) shall comply with Subsection A.(18)(f) and (g).

(c) Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

(d) Parking spaces. Accessible parking spaces shall be at least eight (8) feet wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with accessible route requirements of the Barrier Free Subcode of the New Jersey Uniform Construction Code (UCC). Two (2) accessible parking spaces may share a common aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding one to fifty (1:50) [two percent (2%)] in all directions.

(e) Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Subsection A.(18)(a) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parking in the space.

(f) Vertical clearance. A minimum vertical clearance of nine and five-tenths (9.5) feet shall be provided at accessible Passenger Loading Zones and along at least one (1) vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with Subsection A.(18)(a), a minimum vertical clearance of ninety-eight (98) inches at the parking space and along at least one (1) vehicle access route to such spaces from site entrance(s) and exit(s) shall be provided.

(g) Passenger Loading Zones. Passenger Loading Zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with the New Jersey UCC shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding one to fifty (1:50) [two percent (2%)] in all directions.

(19) Landscaping. Landscaping in parking and loading areas shall be shown on the landscaping plan. Trees shall be staggered and/or spaced so as not to interfere with driver vision and have branches no lower than six (6) feet. All areas between the parking area and the building shall be landscaped.

(20) Minimum parking requirements shall be as follows:

(a) Automotive repair garage or body shop: four (4) parking spaces per each bay.

(b) Automotive sales and service: one (1) parking space for each four hundred (400) square feet of gross floor area shall be provided for customer and employee parking. These areas shall be in addition to areas utilized for display and storage of vehicles. Site plans shall specify which parking spaces are designated for customers, employees, display and storage.

(c) Automotive service station:

[1] Gas only: four (4) parking spaces.

[2] Gas and convenience store: six (6) parking spaces.

[3] Gas, convenience store and service bays: ten (10) parking spaces.

[4] Gas, convenience store and car wash: eight (8) parking spaces.

(d) Banks: three (3) parking spaces per one thousand (1,000) square feet of gross floor area.

(e) Bar: fifteen (15) parking spaces per one thousand (1,000) square feet of gross floor area or five-tenths (0.5) parking space per seat.

(f) Barber and beauty shop: three (3) parking spaces for each beautician chair or two (2) parking spaces for each barber chair (if known), but not fewer than one (1) parking space per two hundred (200) square feet of gross floor area.

(g) Car washes: one (1) parking space per employee, plus off-street storage (stacking) space equal to at least ten (10) spaces per washing lane. For

self-wash or self-service car washes, off-street storage space shall be five (5) spaces per washing lane.

(h) Church, synagogue, temple or mosque: thirty-three hundredths (0.33) parking space per seat.

(i) Convalescent home, nursing home or residential health-care facility: one (1) parking space for each three (3) beds based on its licensed bed capacity.

(j) Fast-food establishment: one (1) parking space for each seventy-five (75) square feet of gross floor area. If located within a shopping center, then one (1) parking space for each one hundred (100) square feet of gross floor area or:

[1] Drive-up: three-tenths (0.3) parking space per seat.

[2] With drive-through: three-tenths (0.3) parking space per seat.

[3] Without drive-through: five-tenths (0.5) parking space per seat.

(k) Funeral home: five and four-tenths (5.4) parking spaces per one thousand (1,000) square feet of gross floor area.

(l) Furniture or carpet store: one and two-tenths (1.2) parking spaces per one thousand (1,000) square feet of gross leasable area.

(m) Hospital: one and eighty-three hundredths (1.83) parking spaces for each bed, based on its licensed capacity.

(n) Hotel or motel: one (1) parking space per room, plus five-tenths (0.5) parking space per employee; adjust upward for restaurants.

(o) Industrial uses:

[1] Assembly operations: one and twenty-five hundredths (1.25) parking spaces per one thousand (1,000) square feet of gross floor area.

[2] Industrial, light: two and one-tenth (2.1) parking spaces per one thousand (1,000) square feet of gross floor area or one and five-tenths (1.5) parking spaces per employee of largest shift.

[3] Manufacturing: one and six-tenths (1.6) parking spaces per one thousand (1,000) square feet of gross floor area or seven-tenths (0.7) parking spaces per employee of largest shift.

[4] Research lab: two and five-tenths (2.5) parking spaces per one thousand (1,000) square feet of gross floor area or one (1) parking space per employee of largest shift.

[5] Warehouse/high tech or flex space: sixty-six hundredths (0.66) parking space per one thousand (1,000) square feet of gross floor area.

(p) Library or museum: three and three-tenths (3.3) parking spaces per one thousand (1,000) square feet of gross floor area.

(q) Medical center: one (1) parking space for each two hundred fifty (250) square feet of gross floor area.

(r) Office uses:

[1] General: three and five-tenths 3.5) parking spaces per one thousand (1,000) square feet of gross floor area.

[2] Dental or medical: five (5) parking spaces per one thousand (1,000) square feet of gross floor area.

(s) Recreational uses:

[1] Bowling alley: four and five-tenths (4.5) parking spaces per lane.

[2] Golf course: eight (8) parking spaces per hole.

[3] Health club: eight and five-tenths (8.5) parking spaces per one thousand (1,000) square feet of gross floor area.

[4] Marina: five-tenths (0.5) parking space per boat slip.

[5] Miniature golf: one and five-tenths (1.5) parking spaces per hole.

[6] Pool hall/arcade: four (4) parking spaces per one thousand (1,000) square feet of gross floor area.

[7] Skating rink: seven (7) parking spaces per one thousand (1,000) square feet of gross floor area.

[8] Stadium: twenty-five hundredths (0.25) parking space per seat.

[9] Swimming pool: twenty-five hundredths (0.25) parking space per person in pool.

[10] Tennis court: three (3) parking spaces per court.

(t) Restaurant:

[1] High turnover: five-tenths (0.5) parking space per seat.

[2] Lower turnover: three-tenths (0.3) parking space per seat.

(21) Retail store, freestanding: four (4) parking spaces per one thousand (1,000) square feet of gross leasable area.

(22) Schools.

(a) Nursery, elementary or intermediate: one and five-tenths (1.5) parking spaces per classroom, but not less than one (1) parking space per teacher and staff.

(b) High school: twenty-three hundredths (0.23) parking space per student.

(c) College: sixty-two hundredths (0.62) parking space per student.

(23) Shopping center (includes neighborhood, community, regional and super regional):

(a) Under six hundred thousand (600,000) square feet: four (4) parking spaces per one thousand (1,000) square feet of gross leasable area; adjust upward for theaters and restaurants.

(b) Greater than six hundred thousand (600,000) square feet: five (5) parking spaces per one thousand (1,000) square feet of gross leasable area.

(24) Storage, self: one (1) parking space for each unit, plus one (1) parking space for each employee.

(25) Supermarket; freestanding: seven (7) parking spaces per one thousand (1,000) square feet of gross floor area.

(26) Theater: four-tenths (0.4) parking space per seat.

(27) Veterinary clinics or hospitals or animal care facilities: one (1) parking space for each four hundred (400) square feet of gross floor area.

(28) The parking space required for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board, based upon that use enumerated herein which is most similar to the proposed use. If there is no use enumerated herein having sufficient similarity to the proposed

use to enable the Board to establish rational parking requirements, the Board may, in its discretion, direct the applicant to furnish the Board with such data as may be necessary to enable the Board to establish rational parking requirements.

(29) Off-street parking requirements for residential land uses.

Off-Street Parking Requirements

Residential Use	Spaces
Single-family detached	
2-bedroom	1.5
3-bedroom	2.0
4-bedroom	2.5
5-bedroom	3.0
Garden apartment	
1-bedroom	1.8
2-bedroom	2.0
3-bedroom	2.1
Townhouse	
1-bedroom	1.8
2-bedroom	2.3
3-bedroom	2.4
Mobile home	
1-bedroom	1.8
2-bedroom	2.0

(30) Miscellaneous criteria for calculating the amount of parking required. In computing the number of above-required parking spaces, the following rules shall govern:

(a) Where fractional space results, the required number shall be construed to be the nearest whole number.

(b) Nothing in the above requirements shall be construed to prevent the joint use of off-street parking facilities by two (2) or more uses, provided that the total of such spaces shall not be fewer than the sum of the requirements for various individual uses computed separately by the above requirements.

(c) All required parking facilities shall be located on the same lot or parcel as the structure or use they shall serve. In the case of nonresidential uses, parking facilities may be provided on other lots or parcels but shall not be greater than three hundred (300) feet from the structure or use they shall serve.

(d) Where special traffic problems exist, the Planning Board may require a special survey of conditions, at the applicant's cost, and require the location of entrances and exits in the parking lot to be altered to minimize congestion and hazard.

B. Minimum loading requirements. Adequate off-street loading and maneuvering space shall be provided for every retail or wholesale commercial and/or industrial use. The following standards shall be applied:

(1) Required number of off-street loading spaces:

(a) Schools: one (1) loading space.

(b) Hospitals with gross floor area:

[1] Under ten thousand (10,000) square feet: one (1) loading space.

[2] From ten thousand (10,000) to thirty thousand (30,000) square feet of gross floor area: two (2) loading spaces.

(c) Funeral homes: one (1) loading space.

(d) Office, hotel, retail service, wholesale, warehouse, manufacturing or processing or repairing uses with a gross floor area:

[1] Under ten thousand (10,000) square feet: one (1) loading space required.

[2] From ten thousand (10,000) to twenty-five thousand (25,000) square feet of gross floor area: two (2) loading spaces.

[3] From twenty-five thousand one (25,001) to sixty thousand (60,000) square feet of gross floor area: three (3) loading spaces.

[4] From sixty thousand one (60,001) to one hundred thousand (100,000) square feet of gross floor area: four (4) loading spaces.

(e) Off-street loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to and that no accessory space or portion thereof shall serve as a required space for more than one (1) use.

(2) There shall be a minimum of one (1) trash/refuse enclosure and collection location, separate from any parking or loading area and located in a separate enclosure area. The refuse collection or enclosure area shall be totally enclosed and screened from view in accordance with the requirements in §15-11.18, screening of refuse area. The refuse enclosure area may be located adjacent or within the general loading area(s), provided that containers or enclosures in no way interfere with or restrict loading and unloading.

(3) Where any use is located on a tract of at least fifty (50) acres and no portion of a loading area, including maneuvering areas, is closer than two hundred (200) feet to any property line and where the length of the driveway connecting the loading area to the street is at least three hundred (300) feet, the number of off-street loading spaces may be less than the number required by the schedule above, provided that the applicant, as part of the site plan, shall document to the approving authority how the number of spaces to be provided will be adequate to meet the needs of the specific use proposed

(4) Access to truck standing, loading and unloading areas may be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles.

(5) Unless otherwise permitted, Fire Zones shall not be used as standing, loading or unloading areas.

(6) Loading areas, as required under this section, shall be provided in addition to off-street parking spaces and shall not be considered as supplying off-street parking spaces.

(7) No off-street loading or unloading area shall be permitted in any required front yard area.

C. Location of parking and loading areas.

(1) Loading spaces shall be located on the same lot as the use being served, may abut the served rather than requiring a setback from the building and shall be located to directly serve the building for which the space is being provided. Loading spaces shall be located at least twenty (20) feet from any building being served. No off-street parking or loading space shall have direct access from a street.

(2) No loading and parking spaces shall be located in any required buffer area.

(3) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.

(4) Off-street loading spaces shall have fifteen (15) feet of vertical clearance and be designed in accordance with the following criteria:

Loading Space		Apron/Aisle Length	
Length (feet)	Width (feet)	(90°) (feet)	(60°) (feet)
60	10	72	66
60	12	62	57
60	14	60	54

§ 15-12.17. Fences.

A. A "fence" or "fencing" shall be defined as any wood, masonry, metal or aluminum structure(s) or any wall or hedges constructed on the front, side or rear yard and designated to shield, screen or protect a lot(s) or a portion of a lot(s).

B. General requirements.

(1) All fences hereinafter erected, rebuilt, renovated and maintained in any residential district in the Township shall be subject to the following rules, requirements and regulations:

(a) On any lot in any residential district, no fence, wall or hedge shall be erected, built, renovated or maintained so that said fence, wall or hedge shall exceed six (6) feet in height. See-through fencing may be constructed to a maximum height of six (6) feet in accordance with all other provisions contained herein.

(b) The height of all fences, walls and hedges shall be measured from the ground elevation or finished grade a vertical distance of six (6) feet.

(c) "See-through fencing" shall be defined as any fence or fencing having a consistent density of not greater than fifty percent (50%) for all fences, living fences and hedges.

(d) Fences on lagoon properties shall be of a see-through type or variety for a minimum of fifteen (15) feet from any bulkhead or rear property line along the side line or side yard of any residential lot so as not to obstruct the view of the lagoon. The entire rear line or rear yard fence shall also be of a see-through type or variety. All living fences and hedges shall adhere to the above-stated fifteen-foot side-line regulations and shall not be constructed in a continuous non-see-through manner.

(e) All fences shall be constructed with the face or finished side away from the structural side toward the interior of the lot(s) on which they are erected.

(f) Fences which are painted or stained shall be of one (1) harmonious color throughout each individual lot(s) and blend with the character of the surrounding neighborhood.

(g) No fence shall be constructed with barbed wire or electrified or topped with spikes, sharp points or any other dangerous object(s) which may be hazardous to persons or animals.

(h) Living fences, hedges or screen plantings shall be planted no closer than six (6) inches to a property line and shall be maintained in a neatly trimmed and aesthetically pleasing condition.

(i) Fences shall not be erected on a property line without the approval, in writing, of the adjoining property owners. All fences shall be erected a minimum of six (6) inches from the property line on which they will be located.

(j) Fences shall be erected in a proper manner so as to permit the free flow of natural drainage and prohibit the blocking, obstruction, damming and/or ponding of surface water on the lot on which they are erected and on all contiguous and adjoining properties.

(k) No fence, wall or hedge shall be used as a side of a shed, building or accessory structure.

(l) No fence, wall or hedge shall encroach upon any public right-of-way, public easement or other private property(s) other than the lot(s) which it is intended to serve.

C. A fence permit shall be required and shall be issued, in conformance with these rules, regulations and requirements, by the Township Building Department for all fences, except living fences, erected in the Township.

D. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing objects shall be permitted which exceed the height of thirty (30) inches above the elevation of the existing street. This restriction shall not prohibit the construction of see-through-type fences at the height limitation prescribed above.

E. All fences placed in the front yard of a residential area shall be at least fifty percent (50%) of an open, see-through variety.

§ 15-12.18. Groundwater quality protection: best management practices.

The following principals, measures and guidelines shall be utilized, to the maximum extent practicable, to minimize the impact of development and/or activities on the quality of the township's groundwater resources and to limit the risk of contamination of the Township's potable water supply:

A. All commercial and residential development shall minimize impervious coverage and maximize the amount of natural unoccupied open space.

B. The preservation of naturally vegetated areas and landscaped areas utilizing native plant material requiring minimal fertilization and pesticide and herbicide application are encouraged.

C. Storage of hazardous materials shall, except as otherwise regulated by State or Federal regulation, allow access for physical inspection and monitoring and shall utilize the best available technology to provide for automatic and immediate alarm or detection of releases.

D. Users of hazardous materials shall have a plan to detect and control hazardous material leaks and spills, including but not limited to inspections, notification procedures and emergency containment and cleanup procedure.

§ 15-12.19. Lighting.

A. All exterior lighting shall be designed to provide a minimum lighting intensity of five-tenths (0.5) lumen per square foot. Lighting shall be of a soft or glare-free type such as sodium vapor lights, and shall not cast an illumination color which shall be distractive, obliterate or obscure the view, be ultraviolet, strobic, pulsating, flashing or of any unnatural kind or create a public nuisance, discomfort or hazard.

B. All exterior lighting fixtures shall be designed, manufactured, installed and aimed in such manner as to shield glare from reflecting onto adjacent streets, properties, residences or public areas.

C. All lighting fixtures shall conform with all applicable requirements of the BOCA Basic Energy Conservation Code and the Lighting Power Budget Determination Procedure, EMS-1, of the Illuminating Engineer's Society.

D. All site plans or other development plans proposing the use of exterior lighting, either freestanding or building-mounted, shall include complete data regarding the proposed exterior illumination, including the proposed direction and location of illumination; intensity of illumination, as expressed either in horizontal foot-candles or lumens per square foot; the hours of illumination; detail drawings and specifications of lighting fixtures, including but not limited to the type of lighting, fixture details, mounting details, mounting height and lighting isobar patterns; illumination areas as shown on the site plan; and provisions to shield glare from reflecting onto adjacent thoroughfares and properties; and, in addition, any additional specific and special detailed data deemed appropriate for the particular lighting application as required by the Township Engineer, Construction Code Official, Zoning Officer, Planning Board, Environmental Commission, Electrical Subcode Official, Police Department, Zoning Board of Adjustment or other agency.

E. The location of the parking lot light structure shall be in accordance with the requirements of § 15-11.8.

ARTICLE XIII
Supplementary Standards Pinelands Area

§15-13.1. Supplementary design and performance standards, Little Egg Harbor Township Pinelands Area.

A. General provisions. All development in the Pinelands Area of Little Egg Harbor Township shall comply with the provisions of this section.

(1) Applicability. The provision of this section shall apply only to the Pinelands Area of Little Egg Harbor Township and shall be considered supplemental to the requirements of the balance of this chapter. No land within the Pinelands Area of Little Egg Harbor Township, as defined, herein, shall be developed unless all provisions of this chapter shall have been complied with. The requirements of this section shall not apply in those portions of the Township outside of the Pinelands Area.

(2) Interpretation. Notwithstanding any other provisions of this chapter, when a requirement or definition of this section conflicts with any other provisions of this chapter, the provision of this section shall supersede the provisions of the remainder of this chapter and shall control.

(3) Expansion of existing uses and nonconforming uses.

(a) Notwithstanding the use restrictions contained in Subsections 15-4.25. through 15-4.28., any use existing on January 14, 1981 that is currently nonconforming or any use which was constructed based upon an approval granted pursuant to the Pinelands Comprehensive Management Plan that is currently nonconforming, other than intensive recreation facilities and those uses which are expressly limited in Subsection 15-13.4., may be expanded or altered provided that:

[1] The use was not abandoned or terminated subsequent to January 14, 1981;

[2] The expansion or alteration of the use is in accordance with all of the minimum standards of Subsection 15-13.4.; and

[3] The area of expansion does not exceed 50% of the floor area, the area of the use or capacity of the use, whichever is applicable, on January 14, 1981 or which was approved pursuant to N.J.A.C. 7:50-4, Part V. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(4) Special procedures regarding development in the Pinelands Area – exempt development.

(a) Except as provided in Paragraph (4)(b) below, the following shall not be subject to the procedures set forth in this section:

[1] The improvement, expansion, or reconstruction within five years of destruction or demolition, of any single-family dwelling unit or appurtenance thereto;

[2] The improvement, expansion, construction, or reconstruction of any structure accessory to a single-family dwelling;

[3] The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes;

[4] The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;

[5] The repair of existing utility distribution lines; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[6] The clearing of less than 1,500 square feet of land;

[7] The construction of any addition or accessory structure for any nonresidential use or any multi-family residential structure provided that said addition or structure will be located on or below an existing impermeable surface, that the existing use is served by public sewers, and that said addition or structure will cover an area of no more than 1,000 square feet;

[8] The demolition of any structure that is less than 50 years old;

[9] The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[10] The repair or replacement of any existing on-site waste water disposal system; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[11] The repaving of existing paved roads, provided no increase in the paved width of said roads will occur; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[12] The clearing of land solely for agricultural purposes; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[13] Fences, provided no more than 1,500 square feet of land is to be cleared; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[14] Above ground telephone equipment cabinets; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[15] Tree pruning; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[16] The following forestry activities:

[a] Normal and customary forestry practices on residentially improved parcels of land that are 5 acres or less in size;

[b] Tree harvesting, provided that no more than one (1) cord of wood per 5 acres of land is harvested in any one (1) year and that no more than five (5) cords of wood are harvested from the entire parcel in any one (1) year;

[c] Tree planting, provided that the area to be planted does not exceed 5 acres in any one (1) year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted; and

[d] Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance

occurs and that the total land area on the parcel in which the activity occurs does not exceed 5 acres in any one year; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[17] Prescribed burning and the clearing and maintaining of fire breaks; **[Amended 5/10/2001 by Ord. No. 2001-08]** or

[18] Normal and customary landscape plantings, unless a landscaping plan is required pursuant to Subsections 15-11.8. or 15-13.4.A.(3)(c). **[Amended 5/10/2001 by Ord. No. 2001-08]**

(b) The exceptions contained in Paragraph (4)(a) above shall not apply to any historic resources designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.

(c) Nothing herein shall preclude any local or State agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require any application to the Pinelands Commission pursuant to this section.

(5) Substandard lots. Notwithstanding the density limitations or other provisions of this chapter, a single-family dwelling may be developed on any parcel of land of one (1) acre or more in the Forest Area Zone, Forest Area Cluster Zone or Pinelands Village Zone, provided that: **[Amended 5/10/2001 by Ord. No. 2001-08]**

(a) The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner; **[Amended 5/10/2001 by Ord. No. 2001-08]**

(b) The parcel has been in continuous ownership since February 7, 1979 of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation; **[Amended 5/10/2001 by Ord. No. 2001-08]**

(c) The parcel was not in common ownership with any contiguous land on or after February 8, 1979 that contains substantial improvements; **[Amended 5/10/2001 by Ord. No. 2001-08]** and,

(d) The parcel includes all vacant contiguous lands in common ownership on or after February 8, 1979. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(6) Height limitations.

(a) No structure, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet except as provided in Paragraphs 2. and 3. below. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(b) The height limitation in Paragraph 1. above shall not apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity and conform with the objectives of Subsection 15-13.4.A.(9): antennas which do not exceed a height of 200 feet and which are accessory to an otherwise permitted use, silos, barns and other agricultural structures, church spires, cupolas, domes, monuments, water towers, fire observation towers, electric transmission

lines and supporting structures, windmills, smokestacks, derricks, conveyors, flag poles and masts, aerials, solar energy facilities, chimneys and similar structures to be placed above the roof level and not intended for human occupancy. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(c) The height limitation in Paragraph 1. above shall not apply to the antenna and any supporting structure of a local communication facility of greater than 35 feet, provided that the standards set forth in N.J.A.C. 7:50-5.4(c) are met. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(7) No more than one use per lot. No more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management and recreational development on agricultural lands.

§ 15-13.2. Additional procedure requirements for development approval.

A. Development approval required. No person shall carry out any development as defined in this chapter, within the Pinelands Area, without first obtaining all development approvals in accordance with the procedures set forth in this section.

B. Application requirements. In addition to any information required by Article XV and the fees mandated pursuant to Article XVI, applications for development in the Pinelands Area, shall contain the information required by Subsection 15-13.3. **[Amended 5/10/2001 by Ord. No. 2001-08]**

C. Application submission and modifications. Written notification will be given by the Township to the Pinelands Commission within seven days after a determination is made by the Township that an application for development is complete or if a determination is made by the approval agency that the application has been modified. Said notice shall contain:

(1) The name and address of the applicant;

(2) The docket number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;

(3) The date on which the application, or any change thereto, was filed and any docket number or other identifying number assigned to the application by the approval agency;

(4) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the commission;

(5) The content of any change made to the application since it was filed with the commission, including a copy of any revised plan or reports; and,

(6) The nature of the municipal approval being sought.

D. Notice of hearings or meetings. Where a hearing on an application for development approval within the Pinelands Area is required, the applicant, in addition to the requirements set forth in Subsection 15-8.8. of this chapter, shall provide notice to the Pinelands Commission by regular mail or delivery of the same to the principal office of

the commission at least five days prior to such hearing. Such notice shall contain at least the following information:

(1) The name and address of the applicant;
(2) The docket number of the certificate of filing, if any, issued by the Pinelands Commission and the date on which it was issued;
(3) The date, time and location of the meeting, hearing, or other formal proceeding;
(4) The name of the approving authority or representative thereof which will be conducting the meeting, hearing, or other formal proceeding;
(5) Any written reports or comments received by the approving authority on the application for development which have not been previously submitted to the commission;
(6) The purpose for which the meeting, hearing or other formal proceeding is to be held; and,
(7) Proof of provision of said notice shall be submitted to the local approving authority.

E. Notice of approvals. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approving authority. The applicant shall within five days of the approval give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:

(1) The name and address of the applicant;
(2) The legal description and street address, if any, of the property which the applicant proposes to develop;
(3) The docket number of the certificate of filing issued by the Pinelands Commission, if any, and the date on which it was issued;
(4) The date on which the approving authority's approval was issued;
(5) Any written reports or comments received concerning the application for development approval not previously submitted;
(6) Any revisions to the application not previously submitted to the commission;
(7) A copy of the resolution, permit, or other documentation of the approval or denial; and,
(8) The names and addresses of all persons who actively participated in the proceedings.

F. Appeal of decision. Where an appeal of a decision is made to the Board of Adjustment or governing body, the applicant shall notify the Pinelands Commission by certified mail of the decision of the Zoning Board of Adjustment or governing body within five days following the decision of such an appeal. Such notification shall contain the information set forth in Paragraph E. above.

G. Review by commission.

(1) Upon receipt of the notice of approval by the Pinelands Commission pursuant to Paragraph E. above, the Executive Director shall determine whether the application for development approval shall be reviewed by the commission in accordance with the provisions in N.J.A.C. 7:50-4.37 through N.J.A.C.7:50-4.43.

The approval of the Township shall not be effective and no development shall be carried out prior to the Executive Director determining whether the development approval will be reviewed by the commission. If the Executive Director notifies the applicant of the decision to have the commission review the application for development, no development shall be carried out until such review has been completed.

(2) Pursuant to N.J.A.C. 7:50-4.1(b) and until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the Interim Rules and Regulations shall serve as the basis for Pinelands Commission review of local approval under this section.

(3) Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.

H. Condition on prior approvals by Township approving authority. Where a prior approval has been granted by the Township, no subsequent approval of an application for development approval shall be obtained until one of the following is satisfied:

(1) Notification is received from the Pinelands Commission that review of the Township's approval is not required; or,

(2) Review of the Township's approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a final order regarding the approval is received by the Township from the Pinelands Commission.

I. Effect of Pinelands Commission's decision on Township's approval. If the commission disapproves an application for development previously approved by an approving authority, such approval shall be revoked by the approving authority and within 30 days of the Commission's action and the agency shall thereafter deny approval of the application. If the Commission approves the decision of an approving subject to conditions, the approving authority which had previously approved the application shall, within 30 days, modify its approval to include all conditions imposed by the Commission; and if final approval of the application is required, shall grant final approval only of the application for approval demonstrates that the conditions specified by the Commission have been met by the applicant.

J. Waivers. If any application for development approval conflicts with a provision of this section, adopted pursuant to the Pinelands Protection Act, the Planning Board may disapprove the application, approve the application subject to the applicant obtaining a waiver from the Pinelands Commission pursuant to N.J.A.C. 7:50-4.55, or suspend further review of the application, with the consent of the applicant, until a waiver is obtained. In no event is the Planning Board or any other approving authority authorized to waive the applicability of any provision of this section adopted pursuant to the Pinelands Protection Act.

K. Participation of Pinelands Commission in public hearings. The Pinelands Commission may participate in a hearing held in Little Egg Harbor Township involving the development of land in the Pinelands Area pursuant to N.J.A.C. 7:50-4.36 et. seq.

L. Public development. All developments proposed by Little Egg Harbor Township or any agency thereof will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.51 et. seq.

M. Conflicting provisions. The standards and regulations in this section applicable to the Pinelands Area are intended to be the minimum provisions necessary to achieve the purposes and objectives of this section and the Pinelands Protection Act. In the event of a conflict between any provisions, the stricter provision shall apply.

N. Amendments. In amending this section, the Township's Master Plan, or any other section regulating the use of land, the Township shall comply with all the requirements of N.J.A.C.7:50-3.45.

§ 15-13.3. Supplemental information requirements.

A. Minor development applications. Any application for approval of minor development shall include at least the following information:

(1) The applicant's name and address and the interest in the subject property;

(2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;

(3) The legal description, including block and lot designation and street address, if any, of the subject property;

(4) A description of all existing uses of the subject property;

(5) A brief written statement generally describing the proposed development;

(6) A USGS Quadrangle Map, or copy thereof, and a copy of the municipal Tax Map Sheet on which the boundaries of the subject property and the Pinelands Management Area Designation and the Zoning Designation are shown;

(7) A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:

(a) On-site treatment facilities. Location, size, type and capacity of any proposed on-site waste water treatment facilities; and,

(b) Soil borings and percolation tests. If on-site sewerage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 *et seq.* and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where ground water was encountered, estimating the seasonal highwater table and demonstrating that such facility is adequate to meet the water quality standards contained in Subsection 15-13.4.

(8) A location map, including the area extending at least 300 feet beyond each boundary of the subject property, showing ownership boundary lines, the

boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (intermittent streams), rivers, lakes and other water bodies and existing roads;

(9) A soils map including a county soils survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;

(10) A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;

(11) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and,

(12) When prior approval for the development has been granted by the Township, evidence of Pinelands Commission review pursuant to Subsection 15-13.2.G.

B. Major development applications. Any application for approval of major development, except for forestry or resource extraction operations, shall include at least the following information:

(1) The applicant's name and address and the interest in the subject property;

(2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;

(3) The legal description, including block and lot designation and street address, if any, of the subject property;

(4) A description of all existing uses of the subject property;

(5) A brief written statement generally describing the proposed development; the number of total units; and the floor area of all units; **[Amended 5/10/2001 by Ord. No. 2001-08]**

(6) A brief written statement generally describing the proposed development; the number of total units; and the floor area of all units to be included in the proposed development; **[Amended 5/10/2001 by Ord. No. 2001-08]**

(7) A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed waste water treatment facilities:

(a) Sanitary sewer distribution: Location, size and direction of flow of all existing and proposed sanitary sewer lines and pumping stations serving the proposed development and all existing and proposed connections to existing facilities;

(b) On-site treatment facilities. Location, size, type and capacity of any proposed on-site water treatment facilities including, except with respect

to discharges into an individual residential septic system, quantities, composition, proposed pretreatment and ultimate means of disposal;

(c) Soil borings and percolation tests: If on-site sewerage disposal is proposed, results of soil borings and percolation tests in accordance with the requirements of N.J.S.A. 58:11-23 *et seq.* and the regulations adopted pursuant thereto shall be submitted with a tract map showing the location, logs and elevations of all test holes, indicating where ground water was encountered, and estimating the seasonal high water table; and,

(d) The proposed hours and days of operation and number of employees of any nonresidential facility.

(8) A project site base map, at a scale of no less than one inch to 200 feet and including the area extending at least 300 feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings, if any, adjoining and adjacent to the subject property existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes, and other water bodies, and existing roads;

(9) A soils map including a county soils survey in conformance with the guidelines of the United States Department of Agriculture Soil Conservation Service, at the same size and scale as the project site base map, delineating all soil series at an appropriate level of detail and, in sewered projects, sufficient soil borings to confirm the accuracy of the soils map;

(10) A slope map, at the same size and scale as the project site base map, indicating contour elevations at two-foot intervals;

(11) A resource capability map, at the same size and scale at the project site base map, indicating the cumulative limitations to development due to the standards and the guidelines contained in this plan. This map should be prepared prior to any engineering, site layout or design work;

(12) A proposed development map, at the same size and scale as the project site base map, showing areas of proposed development; the location of surveyor's tape or other markers placed on the site delineating the boundaries of the property; the number of residential lots and other type of development in each general area; all proposed lot lines; areas proposed to be retained as open space; the applicable land use areas boundaries; the location of proposed facilities such as dams and impoundments, public or private water systems, storm drainage systems, public or private sewerage systems, public utilities, soil erosion and sedimentation control devices, industrial waste water discharges and solid waste disposal areas; sources of air pollution; the proposed primary network; all areas to be disturbed by construction activities; existing vegetation, identifying the predominant vegetation types in the area; and all vegetation which is to be removed or disturbed as a result of the proposed development, and the tree line before and after development;

(13) A map, at the same size and scale as the project site base map, showing storm water drainage patterns and calculations and the applicant's proposed stormwater run-off management plan, which shall contain results of all percolation tests and

soil borings performed in each recharge area including the estimated seasonal high water table;

(14) Legal instruments, evidencing the applicant's right, title or interest in any Pinelands Development Credits and any existing or proposed deed restrictions or easements relating to the subject parcel;

(15) Landscaping plans shall incorporate the elements set forth in Section 15-13.4.A.(3).; **[Amended 5/10/2001 by Ord. No. 2001-08]**

(16) All public service, infrastructure agreements, or other documentation, evidencing the availability of electric, gas, water, sewer and other necessary public service infrastructure;

(17) The cultural resources survey described in Subsection 15-13.4.A.(15);

(18) A list of all permits required for the proposed development from municipal, County, State and Federal agencies;

(19) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and,

(20) When prior approval for the development has been granted by the Township, evidence of Pinelands Commission review pursuant to Subsection 15-13.2.

§ 15-13.4. Supplemental Pinelands Area design and development standards and management programs.

A. No development in the Pinelands Area shall be carried out by any person unless it is in conformance with each of the standards set forth in this subsection. These standards shall be deemed supplemental to the normal standards and requirements of this section applicable to all development. In the case of conflict with other standards of this chapter, the design and development standards and management programs contained in this section shall supersede all other requirements and standards.

(1) Wetlands. No development in the Pinelands Area shall be permitted in a wetland or in wetlands transition areas except for the following uses:

(a) Horticulture of native Pinelands species;

(b) Berry agriculture in accordance with the requirements of this chapter;

(c) Beekeeping;

(d) Forestry in accordance with the requirements of this chapter;

(e) Fish and wildlife management, provided there is no significant adverse impact on the wetland as set forth in Paragraph (k) below;

(f) Hunting, fishing, trapping, hiking, boating and swimming, provided that such uses do not involve any structure other than those authorized in Paragraphs (g) and (h) below. Other similar low intensity recreational uses shall be permitted provided that any associated development does not have a significant adverse impact, as set forth in Paragraph (k) below, on the wetland in which the use is carried out;

(g) Docks, piers, moorings, and boat launches for the use of a landowner, provided that the use will not result in a significant adverse impact, as set

forth in Paragraph (k) below, and conforms to all State and Federal regulations;

(h) Commercial or public docks, piers, moorings, and boat launches provided that:

[1] There is a demonstrated need for the facility that cannot be met by existing facilities;

[2] The development conforms with all State and Federal regulations; and,

[3] The development will not result in a significant adverse impact, as set forth in Paragraph (k) below.

(i) Bridges, roads, trails, and utility transmission and distribution facilities and other similar linear facilities provided that:

[1] There is no feasible alternate route for the facility that does not involve the development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist;

[2] The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;

[3] The use represents a need which overrides the importance of protecting the wetland;

[4] Development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and,

[5] The resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.

(j) No development, except for those uses which are specifically authorized in Paragraph A. above, shall be carried out within 300 feet of any wetland unless the applicant has demonstrated that the proposed development will not result in a significant adverse impact on the wetlands as defined in Paragraph (k) below; and,

(k) A significant adverse impact shall be deemed to exist where it is determined that one or more of the following modifications of a wetland will have an irreversible effect on the ecological integrity of the wetland and its biotic components including but not limited to, threatened or endangered species of plants or animals:

[1] An increase in surface water runoff discharging into a wetland;

[2] A change in the normal seasonal flow patterns in the wetland;

[3] An alteration of the water table in the wetland;

[4] An increase in erosion resulting in increased sedimentation in the wetland;

[5] A change in the natural chemistry of the ground or surface water in the wetland;

[6] A loss of wetland habitat;

[7] A reduction in wetlands species composition;

[8] A change in wetlands species composition; or,

[9] A significant disturbance of areas used by indigenous and migratory wildlife for breeding, nesting or feeding.

(2) Determination under Paragraph (k) above shall consider the cumulative modifications of the wetlands due to the development being proposed and any other existing or potential development which may affect the wetland.

(3) Vegetation and landscaping.

(a) All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by this chapter. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(b) Where practical, all clearing and soil disturbance activities associates with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:

[1] Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated; and,

[2] Revegetate or landscape areas temporarily cleared or disturbed during development activities. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(c) All applications for major development shall contain a landscaping or revegetation plan which incorporates the elements set forth in Paragraph (d) below. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(d) In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans prepared pursuant to Paragraph (c) above or required pursuant to Section 15-11.8. shall incorporate the following elements:

[1] The limits of clearing shall be identified;

[2] Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical;

[3] Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal nonresidential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and,

[4] Shrubs and trees authorized by N.J.A.C. 7:50-6.25 shall be used for revegetation or landscaping purposes. Other shrubs and trees may be used in the following circumstances:

[a] When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;

[b] For limited ornamental purposes around buildings and other structures; or,

[c] When limited use of other shrubs or tree species is required for proper screening or buffering. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(e) Development prohibited in the vicinity of threatened or endangered plants. No development shall be carried out by any person in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants of the Pinelands designated in N.J.A.C. 7:50-6.27. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(4) Fish and wildlife.

(a) No development shall be carried out in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered by animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et. seq.

(b) All development shall be carried out in the Pinelands Area in a manner which avoids disturbance to distinct fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Pinelands.

(5) Forestry.

(a) Permit required. No forestry in the Pinelands Area of the Township shall be carried out by any person unless a permit for such activity has been issued by the Township Zoning Officer. Notwithstanding this requirement, no such permits shall be required for the following forestry activities:

[1] Normal and customary forestry practices on residentially improved parcels of land that are 5 acres or less in size;

[2] Tree harvesting, provided that no more than one (1) cord of wood per 5 acres of land is harvested in any one (1) year and that no more than five (5) cords of wood are harvested from the entire parcel in any one (1) year;

[3] Tree planting, provided that the area to be planted does not exceed 5 acres in any one (1) year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted;

[4] Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed 5 acres in any one (1) year; and,

[5] Prescribed burning and the clearing and maintaining of fire breaks. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(b) Forestry application requirements. The information in Paragraphs [1], [2] or [3] below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit:

[1] For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New

Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.

[2] For forestry activities on a parcel of land approved for woodland assessment that is not enrolled in the New Jersey Forest Stewardship Program:

[a] A copy of the Woodland Management Plan, the scaled map of the parcel and a completed woodland data form, prepared pursuant to the Farmland Assessment Requirements of N.J.A.C. 18:15-2.7 through 2.15;

[b] If not already contained in the Woodland Management Plan required in Paragraph [2][a] above, the following shall be submitted:

[i] The applicant's name, address and interest in the subject parcel;

[ii] The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;

[iii] The block and lot designation and street address, if any, of the subject parcel;

[iv] A brief written statement generally describing the proposed forestry activities; and,

[v] The relevant portion of a USGS Quadrangle Map, or copy thereof, and a copy of the relevant portion of the municipal tax map sheet on which the boundaries of the subject parcel and the municipal zoning designation are shown.

[c] A scaled map or statement indicating how the standards set forth in Paragraphs (c)[2], [3], [4], [6], [9] and [10] below will be met;

[d] A letter from the Office of Natural Lands Management indicating whether any threatened or endangered plants or animals have been reported on or in the immediate vicinity of the parcel and a detailed description of the measures proposed by the applicant to meet the standards for the protection of such plants and animals set forth in Sections 15-13.4.A.(3)(e) and 15-13.4.A.(4)(a);

[e] Unless the Pinelands Commission determines that it is unnecessary, a cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the

measures proposed by the applicant to treat those cultural resources in accordance with Section 15-13.4.A.(15);

[f] A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in Paragraph (c)[8] below;

[g] A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;

[h] A letter from the New Jersey State Forester indicating that the proposed forestry activities adhere to the silvicultural practices contained in the Society of American Foresters Forestry Handbook, Second Edition, pages 413 through 455;

[i] A letter from the New Jersey State Forester commenting on the extent to which the proposed forestry activities are consistent with the guidelines contained in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the Department of Environmental Protection. If the letter indicates that the proposed activities are not consistent with the Best Management Practices Manual, the applicant must submit a written statement addressing the inconsistencies in terms of their potential impact on the standards set forth in Paragraphs (c)[9] and [10] below;

[j] A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and,

[k] When prior approval for the forestry activities has been granted by the Zoning Officer or other Township approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to Section 15-13.2.

[3] For forestry activities on a parcel of land that has not been approved for woodland assessment and is not enrolled in the New Jersey Forest Stewardship Program:

[a] The information required in Paragraph (b)[2][b] through [k] above; and,

[b] A forestry activity plan which includes, as appropriate:

[i] A cover page for the forestry activity plan containing:

[A] The name, mailing address and telephone number of the owner of the subject parcel;

[B] The municipality and county in which the subject parcel is located;

[C] The block and lot designation and street address, if any, of the subject parcel;

[D] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and,

[E] The date the plan was prepared and the period of time the plan is intended to cover.

[ii] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, silvicultural prescriptions and management practices;

[iii] A description of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall be keyed to an activity map and shall include, as appropriate, the following information:

[A] The number of acres;

[B] The species composition, including overstory and understory;

[C] The general condition and quality;

[D] The structure, including age classes, diameter breast height (DBH) classes and crown classes;

[E] The overall site quality;

[F] The condition and species composition of advanced regeneration when applicable; and,

[G] The stocking levels, growth rates and volume.

[iv] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period. These may include, but are not necessarily limited to, a description of:

[A] Stand improvement practices;

[B] Site preparation practices;

[C] Harvesting practices;

[D] Regeneration and reforestation practices;

[E] Improvements, including road construction, stream crossings, landings, loading areas and skid trails; and,

[F] Herbicide treatments.

[v] A description, if appropriate, of the forest products to be harvested, including the following:

[A] Volume: cords, board feet;

[B] Diameter breast height (DBH) classes and average diameter;

[C] Age;

[D] Heights; and,

[E] Number of trees per acre.

[vi] A property map of the entire parcel which includes the following:

[A] The owner's name, address and the date the map was prepared;

[B] An arrow designating the north direction;

[C] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;

[D] The location of all property lines;

[E] A delineation of the physical features such as roads, streams and structures;

[F] The identification of soil types (a separate map may be used for this purpose);

[G] A map inset showing the location of the parcel in relation to the local area;

[H] Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be approximately keyed to the property map; and,

[I] A legend defining the symbols appearing on the map. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(c) Forestry standards. Forestry operations shall be approved if the standards set forth below will be met:

[1] All silvicultural practices shall be conducted in accordance with the standards set forth in the Society of American Foresters Forestry Handbook, Second Edition, pages 413 through 455. Submission of an approved New Jersey Forest Stewardship Plan or the letter required pursuant to Paragraph (b)[2][h] above shall serve as evidence that this standard is met;

[2] Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;

[3] All silvicultural and reforestation practices shall serve to maintain native forests, except in those areas where non-native species are proposed to be harvested;

[4] The following actions shall be required to encourage the reforestation of Atlantic White Cedar in cedar and hardwood swamps:

[a] Clearcutting cedar and managing slash;
[b] Controlling competition by other plant species;
[c] Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;
[d] Utilizing existing streams as cutting boundaries, where practical;
[e] Harvesting during dry periods or when the ground is frozen; and,
[f] Utilizing the least intrusive harvesting techniques, including the use of winches and corduroy roads, where practical.

[5] All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of threatened and endangered plants and animals set forth in Sections 15-13.4.A.(3)(e) and 15-13.4.A.(4)(a);

[6] All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.79;

[7] All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in Section 15-13.4.A.(15);

[8] Herbicide treatments shall be permitted, provided that:
[a] The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to Paragraph (b)[2][f] above;
[b] Control of competitive plant species is clearly necessary;
[c] Control of competitive plant species by other, non-chemical means is not feasible; and,
[d] All chemicals shall be expressly labeled for forestry use and shall be used in a manner that is consistent with relevant state and federal requirements;

[9] A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested or reestablished. The streamside management zone shall be at least twenty-five (25) feet in width. Where soils are severely erodible, slopes exceed ten (10) percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of seventy (70) feet to buffer the water body from adjacent forestry activities. Submission of an approved New Jersey Forest Stewardship Plan or a letter from the State Forester indicating that the proposed forestry activities are consistent with the New Jersey Forestry and Wetlands Best Management Practices Manual shall serve as evidence that this standard is met;

[10] Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to: minimize changes to surface and ground water hydrology; minimize changes to temperature and other existing surface water quality conditions; prevent unnecessary soil erosion, siltation and sedimentation; and minimize unnecessary disturbances to aquatic and forest habitats. Submission of an approved New Jersey Forest Stewardship Plan or a letter from the State Forestry and Wetlands Best Management Practices Manual shall serve as evidence that this standard is met; and,

[11] A copy of the forestry permit issued by the Township Zoning Officer shall be conspicuously posted on the parcel, which is the site of the forestry activity. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(d) Forestry permit procedures:

[1] Applications for forestry permits shall be submitted to the Zoning Officer and shall be accompanied by an application fee of twenty-five dollars ($25.00).

[2] Within fourteen (14) days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant in writing of any additional information which is necessary to complete the application. Should the Zoning Officer fail to make such a determination within fourteen (14) days, the application shall be considered to be complete as of the fifteenth (15) day following its submission.

[3] Within forty-five (45) days of determining an application to be complete pursuant to Paragraph (d)[2] above, or within such further time as may be consented to be the applicant, the Zoning Officer shall issue a forestry permit if the activities proposed in the application comply with the standards in Paragraph (c) above or disapprove any application which does not meet the requirements of Paragraph (c) above. Any such notice of disapproval shall specifically set forth the deficiencies of the application.

[4] Upon receipt of a notice of disapproval pursuant to Paragraph (d)[3] above, the applicant shall have thirty (30) days in which to correct the deficiencies and submit any necessary revisions to the application to the Zoning Officer for review. The Zoning Officer shall review the revised application to verify conformity with the standards in Paragraph (c) above and shall, within fourteen (14) days of receipt of the revised application, issue a forestry permit or disapprove the application pursuant to Paragraph (d)[3] above.

[5] Failure of the Zoning Officer to act within the time period prescribed in Paragraphs (d)[3] and [4] above shall constitute approval of the forestry application as submitted. At the request of the applicant, a certificate as to the failure of the Zoning Officer to

act shall be sufficient in lieu of the written endorsement or other evidence of municipal approval required herein.

[6] In reviewing and issuing permits for forestry applications, the Zoning Officer shall also comply with the Pinelands Area notice and review procedures set forth in Section 15-13.2.C-I.

[7] Forestry permits shall be valid for a period of ten (10) years. Nothing in this section shall be construed to prohibit any person from securing additional permits, provided that the requirements of this chapter and the Pinelands Comprehensive Management Plan are met. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(e) Administrative fees. Upon the issuance of a forestry permit pursuant to Paragraph (d)[3] above, the applicant shall be required to pay of a sum of two-hundred and fifty dollars ($250.00) which shall serve as reimbursement for any administrative costs incurred by the municipality during the ten year permit period. The applicant shall not be subject to any additional fees or escrow requirements for the duration of the forestry permit. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(f) Notification of harvesting. No harvesting shall be commenced until the applicant has provided that Zoning Officer with seventy-two (72) hours written notice of the intention to begin harvesting operations. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(6) Management practices for agriculture. All agricultural activities and fish and wildlife management activities, including the preparation of land and the planting, nurturing and harvesting of crops, shall be carried out in accordance with recommended management practices established for the particular agricultural activity by the New Jersey Department of Agriculture, the Soil Conservation Service and the New Jersey Agricultural Experimental Station at Rutgers University.

(7) Resource extraction.

(a) Except as otherwise authorized in this chapter, the extraction or mining of mineral resources other than sand, gravel, clay and ilmenite is prohibited in the Pinelands Area.

(b) Resource extraction in the Preservation Area Zone and Forest Area Zone is limited pursuant to N.J.A.C. 7:50-6, Part VI. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(c) All resource extraction operations in the Pinelands Area shall be conducted in accordance with the standards set forth in N.J.A.C. 7:50-6.68. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(d) Resource extraction permits shall be issued for a maximum period of two years. Nothing in this subsection shall be construed to prohibit any person from securing additional permits, provided that the provisions of this section are met.

(e) All parcels of land which are used for resource extraction operations shall be restored in accordance with N.J.A.C. 7:50-6.69. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(8) Water quality. All development within the Pinelands Area shall conform to the following water quality standards:

(a) All development permitted under this section shall be designed and carried out so that the quality of surface and ground water will be protected and maintained. Agricultural use shall not be considered development for purposes of this subsection.

Except as specifically authorized in this subsection, no development which degrades surface or ground water quality or which established new point sources of pollution shall be permitted. The following point and nonprofit sources may be developed and operated in the Pinelands:

[1] Development of new or the expansion of existing commercial, industrial, and waste water treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in Paragraphs [2] through [6] below, provided that: **[Amended 5/10/2001 by Ord. No. 2001-08]**

[a] There will be no direct discharge into any surface water body;

[b] All discharges from the facility or use are of a quality and quantity such that ground water exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[c] All public waste water treatment facilities are designed to accept and treat septage; and,

[d] All storage facilities, including ponds or lagoons, are lined to prevent leakage into ground water.

[2] Development of new waste water treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site waste water treatment system where a public health problem has been identified may be exempted from the standards of Paragraph [1] above, provided that:

[a] There will be no direct discharge into any surface water body;

[b] The facility is designed only to accommodate wastewater from existing residential, commercial, and industrial development;

[c] Adherence to Paragraph [1] above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and, **[Amended 5/10/2001 by Ord. No. 2001-08]**

[d] The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall ground water exiting from the parcel or entering a surface body of water

exceed five parts per million. **[Amended 5/10/2001 by Ord. No. 2001-08]**

[3] Improvements to existing commercial, industrial, and waste water that:

[a] There is no practical alternative available that would adhere to the standards of Paragraph [1][a] above; **[Amended 5/10/2001 by Ord. No. 2001-08]**

[b] There is no increase in the existing approved capacity of the facility;

[c] The design of the system and its discharge point, and the size of the parcel on which the system is located, will ensure that ground water exiting from the parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen;

[d] The depth to seasonal high water table is at least five feet;

[e] Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet;

[f] The system will be maintained and inspected in accordance with the requirements of this chapter;

[g] The technology to be used has been approved by the New Jersey Department of Environmental Protection; and,

[h] Any effluent from other than standard subsurface sewerage disposal systems will be monitored in accordance with the requirements periodically established by the Pinelands Commission.

[4] Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste water, provided that:

[a] The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this chapter;

[b] The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of Paragraph [c] below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road right-of-ways or any contiguous lands that have been deed restricted pursuant to Sections 15-4.25.B. or 15-4.31.;

[c] Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single-family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;

[d] The depth to seasonal high water table is at least five feet;

[e] Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet;

[f] The system will be maintained and inspected in accordance with the requirements of Paragraph [7] below;

[g] The technology has been approved for use by the New Jersey Department of Environmental Protection; and,

[h] Flow values for non-residential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for a specific use, but a flow value is assigned for that use in N.J.A.C. 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating flow. **[Amended 5/10/2001 by Ord. No. 2001-08]**

[5] Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the waste water, provided that:

[a] The standards set forth in Paragraphs [4][a] and [4][c] through [h] above are met;

[b] If the proposed development is nonresidential, it is located in the PV Zone; and

[c] The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water existing from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of Paragraph [4][c] above and the assumptions and requirements set forth in N.J.A.C. 7:50-6.84(a)5iv. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road right-of-ways or any contiguous lands that

have been deed restricted pursuant to Sections 15-4.25.B. or 15-4.31. **[Amended 5/10/2001 by Ord. No. 2001-08]**

[6] Surface water runoff shall comply with §15-13.5: **[Amended on 12/13/2007 by Ord. No. 2007-26]**

[a] The total runoff generated from any net increase in impervious surfaces by a 10 year storm of a 24 hour duration shall be retained and infiltrated on-site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4;

[b] The rates of runoff generated from the parcel by a 2 year, 10 year and 100 year storm, each of a 24 hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4;

[c] Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;

[d] Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of runoff wherever practical;

[e] A minimum separation of two feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect ground water quality; and,

[f] A four year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance said program. **[Amended 5/10/2001 by Ord. No. 2001-08]**

[7] Prohibited chemicals and materials.

[a] Use of the following substances is prohibited in the Pinelands Area to the extent that such use will result in direct or indirect introduction of such substances to any surface or ground water or any land:

[i] Septic tank cleaners; and,

[ii] Waste Oil.

[b] All storage facilities for de-icing chemicals shall be lined to prevent leaking into the soil, and shall be covered with an impermeable surface which shields the facility from precipitation.

[c] No person shall apply any herbicide to any road or public utility right-of-way within the Pinelands Area unless necessary to protect and adjacent agricultural activity. **[Amended 5/10/2001 by Ord. No. 2001-08]**

[8] Water Management. Interbasin transfer of water between watershed shall be avoided to the maximum extent practicable. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(9) Scenic. All new development in the Pinelands Area Preservation Area Zone and Forest Area Zone shall conform to the requirements of this subsection to ensure that development will take advantage of and enhance the visual character of the Pinelands.

(a) Except for those roads which provide for internal circulation within residentially developed areas, no building shall be located within 200 feet of the center line of a public paved road, unless environmental or other physical considerations make it impractical to do so, provided however, that the development shall be set back as close to 200 feet as practicable and the site shall be landscaped so as to provide screening from the corridor.

(b) Subparagraph (a) above shall not apply to agricultural commercial establishments.

(c) If an applicant for development approval demonstrates that existing development patterns of the corridor are such that buildings are set back less than 200 feet within 1,000 feet of the site proposed for development, then a setback shall be set for the proposed development which is consistent with the established development pattern, provided that the site is landscaped in accordance with the provisions of this chapter, so as to provide screening between the building and the corridor.

(d) Motor vehicle screening and storage. No more than ten automobiles, trucks or other vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential uses and scenic corridors. All vehicles not in operating condition shall be stored only of the gasoline tanks of such vehicles are drained. This subparagraph shall not apply to vehicles which are in operating condition and which are maintained for agricultural purposes.

(e) Location of utilities.

(f) New utility distribution lines and telephone lines to location not presently served by utilities shall be placed underground except for those lines which are located on or adjacent to active agricultural operations.

[1] Above-ground generating facilities, switching complexes, pumping stations, and substations shall be screened with vegetation from adjacent uses in accordance with Subsection 15-11.8.

[2] All electric transmission lines shall be located on existing towers or underground to the maximum extent practical.

Water shall not be exported from the Pinelands Area except as otherwise provided in N.J.S.A. 58:1A-7.1.

(10) Signs, Preservation Area Zone. The following signs shall be permitted in the Preservation Area Zone:

(a) Official public safety and information signs displaying road names, numbers and safety directions;

(b) On-site signs advertising the sale or rental of the premises, provided that:

[1] The area on one side of any such sign shall not exceed 12 square feet; and,

[2] No more than one sign is located on any parcel of land held in common ownership.

(c) On-site identification signs for schools, churches, hospitals, or similar public service institutions, provided that:

[1] The size of any such sign shall not exceed 12 square feet; and,

[2] No more than one sign is placed on any single property;

(d) Trespassing signs or signs indicating the private nature of a road, driveway, or premises and signs prohibiting or otherwise controlling fishing or hunting, provided that the size of such signs did not exceed 12 square feet.

(e) On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling, provided that:

[1] The size of any such sign shall not exceed 12 square feet; and,

[2] No more than one sign is permitted for any individual parcel of land.

(f) On-site business or advertising signs, provided that:

[1] No more than two signs are located on any one premise or on the premises leased or utilized by any one business establishment; and,

[2] The total area of such signs shall not exceed 20 square feet per side, with the maximum height to the top of the sign not to exceed 15 feet from ground level.

(g) Temporary signs advertising political parties or candidates for election, provided that the size of such sign does not exceed four square feet; and,

(h) Temporary on and off-site signs advertising civil, social or political gatherings and activities, provided that the size of such signs doe not exceed four square feet.

(11) Signs, Pinelands Area. All signs in the Pinelands Area shall comply with the following standards:

(a) No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted.

(b) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation, shall be permitted.

(c) No outdoor off-site commercial advertising sign, other than signs advertising agricultural commercial establishments, shall be permitted. Off-site outdoor signs advertising agricultural commercial establishments shall be permitted provided that:

[1] No more than two signs shall be placed in any one direction along each road directly approaching the establishment; and,

[2] No sign along four lane State or Federal highways shall exceed 50 square feet in area; and no sign along any other road shall exceed 32 square feet in area.

(d) No existing sign which does not conform to Subparagraphs (a), (b) and (c) hereof shall be permitted to continue beyond January 14, 1991.

(e) To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.

(12) Fire management. No development shall be carried out in the Pinelands Area in vegetated areas which are classified as moderate, high or extreme hazard under the Fire Hazard Classification set out in N.J.A.C. 7:50-6.113 unless such development complies with the following standards:

(a) All proposed developments, or units or sections thereof, of 25 dwelling units or more will have two access ways of a width and surface composition sufficient to accommodate and support fire fighting equipment;

(b) All dead-end roads will terminate in a manner which provides safe and efficient entry and exits for fire equipment.

(c) The right-of-ways of all roads will be maintained so that they provide and effective fire break;

(d) A fire hazard fuel break is provided around structures proposed for human use by the selective removal or thinning of trees, bushes, shrubs and ground cover as follows:

[1] In moderate fire hazard areas, a fuel break of 30 feet measured outward from the structure in which:

[a] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and,

[b] All dead plant material is removed.

[2] In high fire hazard areas, a fuel break of 75 feet measured outward from the structure in which:

[a] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and,

[b] All dead plant material is removed.

[3] In extreme high hazard areas a fuel break of 100 feet measured outward from the structure in which:

[a] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis;

[b] No pine tree (Pinus spp.) is closer than 25 feet to another pine tree; and,

[c] All dead plant material is removed.

(e) All structure will meet the following specifications:

[1] Roofs and exteriors will be constructed of fire resistant materials such as asphalt rag felt roofing, tile, slate, asbestos cement shingles, sheet iron, aluminum or brick. Fire retardant-treated wood shingles or shake type roofs are prohibited in high or extreme fire hazard areas;

[2] All projections such as balconies, decks and roof gables shall be constructed of fire resistant materials or materials treated with fire retardant chemicals;

[3] Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets;

[4] Flat roofs are prohibited in areas where vegetation is higher than the roof; and,

[5] Any openings in the roof, attic, and the floor shall be screened.

(f) All residential development of 100 dwelling units of more in high or extreme high hazard areas will have a 200 foot perimeter fuel break between all structures and the forest in which:

[1] Shrubs, understory trees and bushes and ground cover are selectively removed, mowed or pruned and maintained on an annual basis;

[2] All dead plant material is removed;

[3] Roads, right-of-ways, wetlands and waste disposal sites shall be used as fire breaks to the maximum extent practical; and,

[4] There is a specific program for maintenance.

(13) Recreation. All recreation areas and facilities in the Pinelands Area shall be designed in accordance with N.J.A.C. 7:50-6.144(a)(1)-(3) and with the New Jersey Department of Environmental Protection's publication "Administration Guidelines: Barrier Free Design Standard for Parks and Recreational Facilities."

(a) Improved bicycling facilities outside of the Pinelands Village shall be provided only in conjunction with paved roads.

(14) Location of Utilities. New utility distribution lines and telephone lines to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.

(15) Historic resource preservation.

(a) The Planning Board shall exercise all the powers and perform all the duties set forth in N.J.A.C. 7:50-6.153(a), including recommendations to the governing body for designation of historic resources, in accordance

with N.J.S.A. 40:55D-1 *et seq.*, which are determined to be significant pursuant to Paragraph (e)(2) below.

(b) Authority to issue certificates of appropriateness.

[1] The Planning Board shall issue all certificate of appropriateness except as specified in Paragraph [2] below.

[2] The Board of Adjustment shall issue certificates of appropriateness for those applications for development which it is otherwise empowered to review.

(c) Certificates of appropriateness shall be required for the following:

[1] Construction, encroachment upon, alternation, remodeling, removal, disturbance or demolition of any resource designed by the governing body or the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or any action which renders such a site inaccessible; and,

[2] Development not otherwise exempted from review pursuant to this chapter where a significant resource has been identified pursuant to Paragraph (e) below.

(d) Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b).

(e) A cultural resource survey shall accompany all applications for development in the Pinelands Village Zone and all applications for major development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the "Cultural Resource Management Plan," dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed in the National and State Registers of Historic Places on the site or within the area of the project's potential environmental impacts; a thorough search of State, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and avocational archaeologist knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey. **[Amended 5/10/2001 by Ord. No. 2001-08]**

[1] This requirement for a survey may be waived by the local approving agency if:

[a] There is insufficient evidence of significant cultural activity on the project site or, in the case of archaeological resources, within the vicinity;

[b] The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or,

[c] The evidence of cultural activity lacks any potential for significance pursuant to the standards of paragraph [2] below.

[2] A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association which reflects its significance in American history, architecture, archaeology or culture under one or more of the following criteria:

[a] The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands;

[b] The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands;

[c] The presence of structures that represent the work of a master, or that possess high artistic values, or that embody the distinctive characteristics of a type, period or method of construction, or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the Nation, State, local community or the Pinelands, although its components may lack individual distinction; or,

[d] The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands.

(f) The standards governing the issuance of certificates of appropriateness in N.J.A.C. 7:50-6.146(c) shall be followed by the Planning Board and Board of Adjustment. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(g) The effect of the issuance of a certificate of appropriateness is as follows:

[1] All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in Paragraph [2] below.

[2] A certificate of appropriateness issued as a result of the cultural resource survey requirement set forth in Paragraph (e) above shall be effective for two years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or by the Township Committee pursuant to N.J.S.A. 40:55D-1 *et seq*. within that two year period, the historic resource standards of this section shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154.

[3] The following information will be required to document resources which are not found to be significant but which are otherwise found to present graphic evidence of a cultural activity:

[a] A narrative description of the resource and its cultural environment;

[b] Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;

[c] A site plan depicting in correct scale the location of all buildings, structures and engineering resources; and

[d] A New Jersey inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.

[4] If archaeological data is discovered on a site at any time after construction has been commenced, the developer shall immediately cease construction, notify the Planning Board and the Pinelands Commission and take all reasonable steps to protect the archaeological data in accordance with the "Guidelines for Recovery, Notification, Reporting and Data Discovery" (36 C.F.R. 66). **[Amended 5/10/2001 by Ord. No. 2001-08]**

(16) Waste management. No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the Pinelands Area. The land application of waste or waste derived materials is prohibited in the Pinelands Area, except as expressly authorized in N.J.A.C. 7:50-6.79. Waste management facilities shall only be permitted in the Pinelands Area in accordance with the standards set forth in N.J.A.C. 7:50-6. **[Amended 5/10/2001 by Ord. No. 2001-08]**

(17) Air quality. Adherence to the standards of this section shall be determined by means of an air quality simulation model approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:27-18.3.

(a) All development shall adhere to the relevant air quality standards of N.J.A.C. 7:27 *et seq.*

(b) Applications for residential development of 100 or more units and any other development involving more than 300 parking spaces located in a Pinelands Area Zone shall ensure that all state ambient air quality standards in N.J.A.C. 7:27 *et seq.* for carbon monoxide shall not be exceeded at places of maximum concentration and at sensitive receptors. **[Amended 5/10/2001 by Ord. No. 2001-08]**

§15-13.5 Stormwater Control Ordinance for areas within the Pinelands Area [Amended on 12/13/2007 by Ord. No. 2007-26]

A. Purpose.

(1) It is hereby determined that:

(a) Land development projects and associated disturbance of vegetation and soil and changes in land cover, including increases in impervious cover, alter the hydrologic response of local watersheds and increase stormwater

runoff rates and volumes. If inadequately or improperly managed, this stormwater runoff can deplete groundwater resources and increase flooding, stream channel erosion, and sediment transport and deposition.

(b) This stormwater runoff contributes to increased quantities of waterborne pollutants.

(c) Increases of stormwater runoff, soil erosion and nonpoint source pollutants have occurred in the past as a result of land development, and contribute to the degradation of the water resources of Little Egg Harbor Township.

(d) Certain lands of the Little Egg Harbor Township lie within the Pinelands Area, and therefore, development in this portion of Little Egg Harbor Township is subject to the requirements of the Pinelands Protection Act (N.J.S.A. 13:18A-1 *et seq.*) and the implementing regulations and minimum standards contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 *et seq.*) (CMP). The purpose and intent of these regulations and standards is to promote orderly development of the Pinelands so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historical, scenic, cultural and recreational resources of the Pinelands.

(e) Pinelands Area resources are to be protected in accordance with Pinelands Comprehensive Management Plan at N.J.A.C. 7:50 *et seq.*, New Jersey's Stormwater Management Rules at N.J.A.C. 7:8-1.1 *et seq.* and New Jersey's surface water quality antidegradation policies contained in the New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B-1.1 *et seq.* Permitted uses shall maintain the ecological character and quality of the Pinelands, including good water quality and natural rates and volumes of flow.

(f) Increased stormwater rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the Pinelands Area have the potential to adversely affect Little Egg Harbor Township's streams and water resources and the streams and water resources of downstream municipalities.

(g) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

(h) It is in the public interest to regulate the discharge of stormwater runoff from "major development" projects, as defined in subsection K of this ordinance, conducted within the Pinelands Area, as provided in this ordinance, in order to control and minimize increases in stormwater runoff rates and volumes, to maintain groundwater recharge, and to control and minimize soil erosion, stream channel erosion and nonpoint source pollution associated with stormwater runoff.

(2) Therefore, it is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development, consistent with the statewide stormwater requirements at N.J.A.C. 7:8, the regulations and standards contained in the Pinelands CMP, and the provisions of the adopted master plan and land use ordinances of the Little Egg Harbor Township.

B. Goals and Techniques.

(1) Through this ordinance, Little Egg Harbor Township has established the following goals for stormwater control:

(a) To reduce flood damage, including damage to life and property;

(b) To minimize any increase in stormwater runoff from new development;

(c) To reduce soil erosion from any development or construction project;

(d) To assure the adequacy of existing and proposed culverts and bridges, and other in-stream structures;

(e) To maintain groundwater recharge;

(f) To minimize any increase in nonpoint pollution;

(g) To maintain the integrity of stream channels for their biological functions, as well as for drainage;

(h) To restore, protect, maintain and enhance the quality of the streams and water resources of Little Egg Harbor Township and the ecological character and quality of the Pinelands Area;

(i) To minimize pollutants in stormwater runoff from new and existing development in order to restore, protect, enhance and maintain the chemical, physical and biological integrity of the surface and groundwaters of Little Egg Harbor Township, to protect public health and to enhance the domestic, municipal, recreational, industrial and other uses of water; and

(j) To protect public safety through the proper design and operation of stormwater management basins.

(2) In order to achieve the goals for stormwater control set forth in this ordinance, the Little Egg Harbor Township has identified the following management techniques:

(a) Implementation of multiple stormwater management Best Management Practices (BMPs) may be necessary to achieve the performance standards for stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality established through this ordinance.

(b) Compliance with the stormwater runoff quantity and rate, groundwater recharge, erosion control, and stormwater runoff quality standards established through N.J.A.C. 7:8-1.1 *et seq.*, and this ordinance, shall be accomplished to the maximum extent practicable through the use of nonstructural BMPs, before relying on structural BMPs. Nonstructural BMPs are also known as Low Impact Development (LID) techniques.

(c) Nonstructural BMPs shall include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater.

(d) Source control plans shall be developed based upon physical site conditions and the origin, nature and the anticipated quantity or amount of potential pollutants.

(e) Structural BMPs, where necessary shall be integrated with nonstructural stormwater management strategies and proper maintenance plans.

(f) When using structural BMPs, multiple stormwater management measures, smaller in size and distributed spatially throughout the land development

site, shall be used wherever possible to achieve the performance standards for water quality, quantity and groundwater recharge established through this ordinance before relying on a single, larger stormwater management measure to achieve these performance standards.

C. Applicability.

(1) This ordinance shall apply to:

(a) All site plans, subdivisions and road improvement plans for major developments occurring within the Pinelands Area that require preliminary or final site plan, subdivision, or road improvement plan review; and

(b) All major development projects undertaken by Little Egg Harbor Township within the Pinelands area shall comply with this ordinance.

D. Procedures. In addition to other development review procedures set forth in the Code of the Little Egg Harbor Township, major developments located within the Pinelands Area shall comply with the stormwater management requirements and specifications set forth in this ordinance. New agricultural development that meets the definition of major development in Section K of this ordinance shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of N.J.A.C. 5.4(b) 7:8.

E. Compatibility with Other Permit and Ordinance Requirements.

(1) Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable ordinance, code, rule, regulation, statute, act or other provision of law.

(2) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive or stringent provisions or higher standards shall control.

(3) In the event that a regional stormwater management plan(s) is prepared and formally adopted pursuant to N.J.A.C. 7:8-1.1 *et seq.* for any drainage area(s) or watershed(s) of which Little Egg Harbor Township is a part, the stormwater provisions of such a plan(s) shall be adopted by Little Egg Harbor Township within one year of the adoption of a Regional Stormwater Management Plan (RSWMP) as an amendment to an Area Wide Water Quality Management Plan. Local ordinances proposed to implement the RSWMP shall be submitted to the Commission for certification within six months of the adoption of the RSWMP per N.J.A.C. 7:8 and the Pinelands CMP (N.J.A.C. 7:50.)

F. Requirements for a Site Development Stormwater Plan.

(1) Submission of Site Development Stormwater Plan.

(a) Whenever an Applicant seeks municipal approval of a site development that is subject to this ordinance, the Applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at subsection F(3) below as part of the Applicant's application for subdivision or site plan approval. In addition, Applicant shall comply with Chapter 15 Land Use and Land Development Ordinance, Article XV "Specifications of Documents to be Submitted", for additional submission requirements for subdivision or site plan approval. These required components are in addition to any other information required under any provisions of the Pinelands Commission pursuant to N.J.A.C. 7:50-1.1 *et seq.*

(b) The Applicant shall demonstrate that the site development project meets the standards set forth in this ordinance.

(c) The Applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection G(3) of this ordinance.

(2) Site Development Stormwater Plan Approval.

(a) The Applicant's site development stormwater plan shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

(3) Checklist Requirements. The following information shall be required:

(a) Topographic Base Map. The Applicant shall submit a topographic base map of the site which extends a minimum of three hundred (300') feet beyond the limits of the proposed development, at a scale of one (1") inch = two hundred (200') feet or greater, showing one (1') foot contour intervals. The map shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, highly erodible soils, perennial or intermittent streams that drain into or upstream of any Category One or Pinelands Waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing surface and subsurface human-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown. Little Egg Harbor Township or the Pinelands Commission may require upstream tributary drainage system information as necessary.

(b) Vicinity Map. Applicants must prepare a map at a scale of one inch equals 400 feet (1" = 400') or greater on a paper print of the latest air photographs available, updated in the field to reflect current conditions, showing the relationship of the proposed development to significant

features in the general surroundings. The map must indicate at least the following: roads, pedestrian ways, access to the site, adjacent land uses, existing open space, public facilities, landmarks, places of architectural and historic significance, utilities, drainage (including, specifically, streams and surface water shown on U.S.G.S. and soils maps), and other significant features not otherwise shown.

(c) Environmental Site Analysis. The Applicant shall submit a written description along with the drawings of the natural and human-made features of the site and its environs. This description should include:

[1] A discussion of environmentally critical areas, soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual or environmentally sensitive features and to those that provide particular opportunities for or constraints on development; and

[2] Detailed soil and other environmental conditions on the portion of the site proposed for installation of any stormwater BMPs, including, at a minimum: soils report based on onsite soil tests; locations and spot elevations in plan view of test pits and permeability tests; permeability test data and calculations; and any other required soil data (e.g., mounding analyses results) correlated with location and elevation of each test site; cross-section of proposed stormwater BMP with side-by-side depiction of soil profile drawn to scale and seasonal high water table elevation identified; and any other information necessary to demonstrate the suitability of the specific proposed structural and nonstructural stormwater management measures relative to the environmental conditions on the portion(s) of the site proposed for implementation of those measures.

(d) Project Description and Site Plan(s). The Applicant shall submit a map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(e) Land Use Planning and Source Control Plan.

[1] The Applicant shall submit a detailed Land Use Planning and Source Control Plan which provides a description of how the site will be developed to meet the erosion control, groundwater recharge and stormwater runoff quantity and quality standards at subsection H through use of nonstructural or low impact development techniques and source controls to the maximum extent practicable before relying on structural BMPs. The Land Use Planning and Source Control Plan shall include a detailed

narrative and associated illustrative maps and/or plans that specifically address how each of the following nine (9) nonstructural strategies identified in Subchapter 5 of the N.J.D.E.P. Stormwater Management Rules (N.J.A.C. 7:8-5) and set forth below ((e)[1][a] through (e)[1][i]) will be implemented to the maximum extent practicable to meet the standards at subsection H of this ordinance on the site. If one or more of the nine (9) nonstructural strategies will not be implemented on the site, the Applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practicable on the site.

[a] Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

[b] Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

[c] Maximize the protection of natural drainage features and vegetation;

[d] Minimize the decrease in the pre-development "time of concentration";

[e] Minimize land disturbance including clearing and grading;

[f] Minimize soil compaction and all other soil disturbance;

[g] Provide low-maintenance landscaping that provides for the retention and planting of native plants and minimizes the use of lawns, fertilizers and pesticides, in accordance with N.J.A.C. 7:50-6.24;

[h] Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and

[i] Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls shall include, but are not limited to:

[i] Site design features that help to prevent accumulation of trash and debris in drainage systems;

[ii] Site design features that help to prevent discharge of trash and debris from drainage systems;

[iii] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

[iv] Applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*, and implementing rules, when establishing vegetation after land disturbance.

[2] For sites where stormwater will be generated from "high pollutant loading areas" or where stormwater will be exposed to "source material," as defined in subsection K of this ordinance, the Applicant shall also demonstrate in the Land Use Planning and Source Control Plan that the requirements of subsection H have been met.

[3] The use of nonstructural strategies to meet the performance standards in subsection H of this ordinance is not required for development sites creating less than one (1) acre of disturbance. However, each application for major development and any other application where Little Egg Harbor Township otherwise requires a landscaping plan shall contain a landscaping or revegetation plan in accordance with the CMP standards at N.J.A.C. 7:50-6.24(c). In addition, the Applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of the Little Egg Harbor Township Land Use Land Development Ordinance, Zoning Ordinance or by conditions of zoning or variance approval.

(f) Stormwater Management Facilities Map. The Applicant shall submit a map, at the same scale as the topographic base map, depicting the following information:

[1] The total area to be disturbed, paved and/or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to manage and dispose of stormwater; and

[2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention (if applicable) and emergency spillway provisions with maximum discharge capacity of each spillway.

(g) Calculations (Groundwater recharge and stormwater runoff rate, volume and quality). The Applicant shall submit comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in subsection G. The standards for groundwater recharge and stormwater runoff rate, volume and quality required by subsection H shall be met using the methods, calculations and assumptions provided in subsection G.

(h) Inspection, Maintenance and Repair Plan. The Applicant shall submit a detailed plan describing how the proposed stormwater management measure(s) shall meet the maintenance and repair requirements of subsection J of this ordinance. Said plan shall include, at a minimum, the following elements:

[1] The frequency with which inspections will be made;

[2] The specific maintenance tasks and requirements for each proposed structural and nonstructural BMP;

[3] The name, address and telephone number for the entity responsible for implementation of the maintenance plan;

[4] The reporting requirements; and

[5] Copies of the inspection and maintenance reporting sheets.

(i) Exception from Submission Requirements. An exception may be granted by the municipal board reviewing an application, in consultation with the Board engineer, from submission of any of these required components (except F(3)(g) above, Inspection, Maintenance, and Repair Plan) if its absence will not materially affect the review process, information requested cannot feasibly be obtained or when it would create a hardship on the applicant. However, items required pursuant to the application requirements in the Pinelands CMP (N.J.A.C. 7:50-4.2(b)) shall be submitted to the N.J. Pinelands Commission unless the Executive Director waives or modifies the application requirements.

(j) Stormwater Review Fee. Subdivisions and site plans requiring Preliminary or Final Approval, and Road Improvement Plans, that all meet the latest definition of "Major Development" per Section E, Definitions, shall pay the Stormwater Review Fee outlined in the Land Use Land Development Ordinance Article 15-16.3.

G. Methodologies for the Calculation of Stormwater Runoff Rate and Volume, Stormwater Runoff Quality, and Groundwater Recharge.

(1) Method of Calculating Stormwater Runoff Rate and Volume.

(a) In complying with the Stormwater Runoff Quantity and Rate Standards in subsection H(2), the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented. Alternative methods of calculation may be utilized, provided such alternative methods are at least as protective as the NRCS methodology when considered on a regional stormwater management basis.

(b) In calculating stormwater runoff using the NRCS methodology, the design engineer shall separately calculate and then combine the runoff volumes from pervious and directly connected impervious surfaces within a drainage area within the parcel.

(c) Calculation of stormwater runoff from unconnected impervious surfaces shall be based, as applicable, upon the Two-Step method described in the current New Jersey Stormwater Best Management Practices Manual or the NRCS methodology.

(d) In calculating stormwater runoff using the NRCS methodology, the design engineer shall use appropriate 24-hour rainfall depths as developed for the

project site by the National Oceanic and Atmospheric Administration, available online at http://hdsc.nws.noaa.gov/hdsc/pfds/index.html.

(e) When calculating stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:

[1] When selecting or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods in good condition. However, another land cover may be used to calculate runoff coefficients if:

[a] Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and

[b] The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.

[2] If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations.

[3] All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

[4] In calculating pre-developed site stormwater runoff, the design engineer shall include the effects of all land features and structures, such as ponds, wetlands, depressions, hedgerows, and culverts that affect pre-developed site stormwater runoff rates and/or volumes.

[5] Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

(2) <u>Method of Calculating Stormwater Runoff Quality</u>.

(a) In complying with the Stormwater Runoff Quality Standards in subsection H(6)(a), the design engineer shall calculate the stormwater runoff rate and volume using the USDA Natural Resources Conservation Service (NRCS) Runoff Equation, Runoff Curve Numbers, and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds, as amended and supplemented.

(b) The design engineer shall also use the N.J.D.E.P. Water Quality Design Storm, which is one and one-quarter (1.25") inches of rainfall falling in a nonlinear pattern in two (2) hours. Details of the Water Quality Design Storm are shown in Table 1.

(c) Calculation of runoff volumes, peak rates, and hydrographs for the Water Quality Design Storm may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution1			
Time (minutes)	**Cumulative Rainfall (inches)**	**Time (minutes)**	**Cumulative Rainfall (inches)**
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

(d) Total Suspended Solids (TSS) reduction calculations.

[1] If more than one stormwater BMP in series is necessary to achieve the required eighty (80%) percent TSS reduction for a site, the Applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100, \text{ where:}$$

R = total TSS percent load removal from application of both BMPs;

A = the TSS percent removal rate applicable to the first BMP; and

B = the TSS percent removal rate applicable to the second BMP.

[2] If there is more than one onsite drainage area, the eighty (80%) percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub areas converge on site, in which case the

1 Source: N.J.A.C. 7:8-5.5(a).

removal rate can be demonstrated through a calculation using a weighted average.

(e) TSS removal rates for stormwater BMPs

[1] For purposes of TSS reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. The BMP Manual may be obtained from the address identified in subsection P(1) or found on the N.J.D.E.P.'s website at www.N.J.stormwater.org. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2

[2] Alternative stormwater management measures, removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the Little Egg Harbor Township. Any alternative stormwater management measure, removal rate or method of calculating the removal rate shall be subject to approval by the Little Egg Harbor Township and a copy shall be provided to the following:

[a] The Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, N.J., 08625-0418; and

[b] The New Jersey Pinelands Commission, P.O. Box 7, New Lisbon, N.J., 08064.

Table 2: Pollutant Removal Rates for BMPs**2**

Best Management Practice	**TSS Percent Removal Rate**	**Total Phosphorus Percent Removal Rate**	**Total Nitrogen Percent Removal Rate**
Bioretention Systems	90	60	30
Constructed Stormwater Wetland	90	50	30
Extended Detention Basin	40-60 (final rate based upon detention time; see New Jersey BMP Manual, Chap. 9)	20	20
Infiltration basin	80	60	50
Manufactured Treatment Device	Pollutant removal rates as certified by N.J.D.E.P.; see Section	Pollutant removal rates as certified by N.J.D.E.P.; see	Pollutant removal rates as certified by

2 Source: 7:8-5.5(c) and New Jersey BMP Manual Chapter 4.

Table 2: Pollutant Removal Rates for BMPs**2**			
	G.	Section G.	N.J.D.E.P.; Section G.
Pervious Paving Systems	80 (porous paving)	60	50
	80 (permeable pavers with storage bed)		
	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)	0 - volume reduction only (permeable pavers without storage bed)
Sand Filter	80	50	35
Vegetative Filter Strip (For filter strips with multiple vegetated covers, the final TSS removal rate should be based upon a weighted average of the adopted rates shown in Table 2, based upon the relative flow lengths through each cover type.)	60 (turf grass)	30	30
	70 (native grasses, meadow and planted woods)		
	80 (indigenous woods)		
Wet Pond / Retention Basin	50-90 (final rate based upon pool volume and detention time; see N.J. BMP Manual)	50	30

(f) Nutrient removal rates for stormwater BMPs. For purposes of post-development nutrient load reduction calculations, Table 2 presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey BMP Manual. If alternative stormwater BMPs are proposed, the Applicant shall demonstrate that the selected BMPs will achieve the nutrient removal standard required in subsection H(6).

(3) Methods of Calculating Groundwater Recharge.

(a) In complying with the groundwater recharge requirements in subsection H(3)(a)[1], the design engineer may calculate groundwater recharge in accordance with the New Jersey Groundwater Recharge Spreadsheet (NJGRS) computer program incorporated herein by reference as amended

and supplemented. Information regarding the methodology is available in subsection O(1) or from the New Jersey BMP Manual.

(b) Alternative groundwater recharge calculation methods to meet these requirements may be used upon approval by the municipal engineer.

(c) In complying with the groundwater recharge requirements in subsection H(3)(a)[2], the design engineer shall:

[1] Calculate stormwater runoff volumes in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Runoff Curve Numbers, as described in the NRCS National Engineering Handbook Part 630 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds as amended and supplemented; and

[2] Use appropriate 2-year, 24-hour rainfall depths as developed for the project site by the National Oceanic and Atmospheric Administration, available online at http://hdsc.nws.noaa.gov/hdsc/pfds/index.html.

(d) When calculating groundwater recharge or stormwater runoff for pre-developed site conditions, the design engineer shall use the following criteria:

[1] When selecting land covers or calculating Runoff Curve Numbers (CNs) for pre-developed project site conditions, the project site's land cover shall be assumed to be woods. However, another land cover may be used to calculate runoff coefficients if:

[a] Such land cover has existed at the site or portion thereof without interruption for at least five (5) years immediately prior to the time of application; and

[b] The design engineer can document the character and extent of such land cover through the use of photographs, affidavits, and/or other acceptable land use records.

[2] If more than one land cover, other than woods, has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential (including woods) shall be used for the computations.

[3] All pre-developed land covers shall be assumed to be in good hydrologic condition and, if cultivated, shall be assumed to have conservation treatment.

H. <u>Stormwater Management Performance Standards for Major Development</u>.

(1) <u>Nonstructural Stormwater Management Strategies</u>.

(a) To the maximum extent practicable, the performance standards in subsection H for major development shall be met by incorporating the nine (9) nonstructural strategies identified in Subchapter 5 of the N.J. Stormwater Management Rules (<u>N.J.A.C.</u> 7:8-5), and set forth in subsection F(3)(d)[1], into the design. The Applicant shall identify within

the Land Use Planning and Source Control Plan required by subsection F(3)(e) of this ordinance how each of the nine (9) nonstructural measures will be incorporated into the design of the project to the maximum extent practicable.

(b) If the Applicant contends that it is not practical for engineering, environmental or safety reasons to incorporate any of the nine (9) nonstructural strategies into the design of a particular project, the Applicant shall provide a detailed rationale establishing a basis for the contention that use of the strategy is not practical on the site. This rationale shall be submitted in accordance with the Checklist Requirements established by subsection F to Little Egg Harbor Township. A determination by Little Egg Harbor Township that this rationale is inadequate or without merit shall result in a denial of the application unless one of the following conditions are met:

[1] The Land Use Planning and Source Control Plan is amended to include a description of how all nine (9) nonstructural measures will be implemented on the development site, and the amended Plan is approved by Little Egg Harbor Township;

[2] The Land Use Planning and Source Control Plan is amended to provide an alternative nonstructural strategy or measure that is not included in the list of nine (9) nonstructural measures, but still meets the performance standards in subsection H, and the amended Plan is approved by Little Egg Harbor Township; or

[3] The Land Use Planning and Source Control Plan is amended to provide an adequate rationale for the contention that use of the particular strategy is not practical on the site, and the amended Plan is approved by Little Egg Harbor Township.

(c) In addition to all other requirements of this section, each Applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved, protected and maintained according to the minimum standards established by provisions of the Little Egg Harbor Township Land Use Land Development Ordinance, Zoning Ordinance or by conditions of zoning or variance approval. Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the N.J. State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

(d) In addition to all other requirements of this section, each application for major development, and any other application where Little Egg Harbor Township otherwise requires a landscaping plan, shall contain a landscaping or revegetation plan in accordance with the Pinelands CMP standards at N.J.A.C. 7:50-6.24(c).

(e) Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsection H shall be dedicated to a government entity; shall be subjected to a conservation easement filed

with the appropriate County Clerk's office; or shall be subjected to an equivalent form of restriction approved by the Little Egg Harbor Township that ensures that that measure, or equivalent stormwater management measure is maintained in perpetuity, as detailed in subsection J of this ordinance.

(f) Guidance for nonstructural stormwater management strategies is available in the New Jersey BMP Manual, which may be obtained from the address identified in subsection P(1) or found on the N.J.D.E.P.'s website at www.N.J.stormwater.org.

(g) Exception for major development sites creating less than one (1) acre of disturbance. The use of nonstructural strategies to meet the performance standards in subsection H of this ordinance is not required for major development creating less than one (1) acre of disturbance. However, the following requirements shall be met:

[1] Each application for major development and any other application where Little Egg Harbor Township otherwise requires a landscaping plan shall contain a landscaping or revegetation plan prepared in accordance with the Pinelands CMP standards (N.J.A.C. 7:50-6.24(c));

[2] Each Applicant shall demonstrate that, at a minimum, existing trees and vegetation on the development site will be preserved and protected according to the minimum standards established by provisions of Little Egg Harbor Township Land Use Ordinance, Zoning Ordinance or by conditions of zoning or variance approval; and

[3] Existing trees and vegetation shall be protected during construction activities in accordance with the "Standard for Tree Protection During Construction" provided in the N.J. State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

(2) Stormwater Runoff Quantity and Rate Standards.

(a) There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetlands transition area, or surface waterbody. In addition, stormwater runoff shall not be directed in such a way as to increase the volume and/or rate of discharge into any surface water body from that which existed prior to development of the site.

(b) For all major developments, the total runoff volume generated from the net increase in impervious surfaces by a ten (10) year, twenty-four (24) hour storm shall be retained and infiltrated onsite.

(c) In addition, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in subsection G, shall either:

[1] Demonstrate through hydrologic and hydraulic analysis that the post-developed stormwater runoff hydrographs from the project site for the 2-, 10-, and 100-year storms do not exceed, at any point

in time, the site's pre-developed runoff hydrographs for the same storms;

[2] Demonstrate through hydrologic and hydraulic analysis that under post-developed site conditions:

[a] There is no increase in pre-developed stormwater runoff rates from the project site for the 2-, 10-, and 100-year storms; and

[b] Any increased stormwater runoff volume or change in stormwater runoff timing for the 2-, 10-, and 100-year storms will not increase flood damage at or downstream of the project site. When performing this analysis for pre-developed site conditions, all off-site development levels shall reflect existing conditions. When performing this analysis for post-developed site conditions, all off-site development levels shall reflect full development in accordance with current zoning and land use ordinances; or

[3] Demonstrate that the peak post-developed stormwater runoff rates from the project site for the 2-, 10-, and 100-year storms are fifty (50%) percent, seventy-five (75%) percent and eighty (80%) percent, respectively, of the site's peak pre-developed stormwater runoff rates for the same storms. Peak outflow rates from onsite stormwater measures for these storms shall be adjusted where necessary to account for the discharge of increased stormwater runoff rates and/or volumes from project site areas not controlled by the onsite measures. These percentages do not have to be applied to those portions of the project site that are not proposed for development at the time of application, provided that such areas are:

[a] Protected from future development by imposition of a conservation easement, deed restriction, or other acceptable legal measures; or

[b] Would be subject to review under these standards if they are proposed for any degree of development in the future.

(d) In tidal flood hazard areas, a stormwater runoff quantity analysis in accordance with (a), (b), and (c) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(e) The standards for stormwater runoff quantity and rate required by this section shall be met using the methods, calculations and assumptions provided in subsection G.

(f) To the maximum extent practical, there shall be no direct discharge of stormwater runoff onto farm fields so as to protect farm crops from damage due to flooding, erosion and long-term saturation of cultivated crops and cropland.

(3) Groundwater Recharge Standards.

(a) For all major developments, the design engineer, using the assumptions and factors for stormwater runoff and groundwater recharge calculations contained in subsection G, shall either:

[1] Demonstrate through hydrologic and hydraulic analysis that the post-developed project site maintains one hundred (100%) percent of the site's pre-developed average annual groundwater recharge volume; or

[2] Demonstrate through hydrologic and hydraulic analysis that any increase in the project site's stormwater runoff volume for the two (2) year, twenty four (24) hour storm from pre-developed to post-developed conditions is infiltrated on-site.

(b) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all site groundwater recharge measures so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas; preventing a stormwater infiltration basin from completely draining via infiltration within forty-eight (48) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface facilities in the vicinity of the groundwater recharge measure.

(c) The standards for groundwater recharge required by this section shall be met using the methods, calculations and assumptions provided in subsection G.

(d) The infiltration/recharge systems shall not be situated within two hundred (200') feet of a private well or not within five hundred (500') feet from a municipal well.

(4) Erosion Control Standards. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*, and its implementing regulations, N.J.A.C. 2:90-1.1 through 1.4.

(5) Stormwater Runoff Quality Standards.

(a) There shall be no direct discharge of stormwater runoff from any point or nonpoint source to any wetland, wetland transition area, or surface waterbody.

(b) Stormwater management measures shall be designed to reduce the total suspended solids (TSS) load in the stormwater runoff from the post-developed site by eighty (80%) percent expressed as an annual average.

(c) Stormwater management measures shall also be designed to reduce the nutrient load in the stormwater runoff from the post-developed site by the maximum extent practicable. In achieving this reduction, the design of the development site shall include nonstructural and structural stormwater management measures that optimize nutrient removal while still achieving the groundwater recharge, runoff quantity and rate, and TSS removal standards in this section.

(d) The standards for stormwater runoff quality required by this section shall be met using the methods, calculations, assumptions and pollutant removal rates provided in subsection G.

(e) Exceptions.

[1] The preceding stormwater runoff quality standards shall not apply to the following major development sites:

[a] Major development sites where less than one quarter (0.25) acre of additional impervious surface is proposed; or

[b] Major residential development sites that create less than one (1) acre of disturbance.

[2] The TSS reduction requirement in subsection H(6)(b) shall not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the NJPDES rules (N.J.A.C. 7:14A) or in a discharge specifically exempt under a NJPDES permit from this requirement.

[3] The stormwater runoff quantity and rate standards in subsection H(2) shall still be met for all major development sites.

(6) Additional stormwater quality standards for high pollutant loading areas and areas where stormwater runoff is exposed to source material

(a) This subsection applies to the following areas of a major development as defined in subsection K of this ordinance:

[1] High pollutant loading areas (HPLAs); and

[2] Areas where stormwater is exposed to "source material."

(b) For a major development in areas described in (a)[1] or (a)[2] above, in addition to the infiltration requirements specified in subsection H(2)(b) and the groundwater recharge requirements specified in subsection H(3), the Applicant shall demonstrate in the Land Use Planning and Source Control Plan required in subsection F(3)(c) that the following requirements have been met:

[1] The extent of the areas described in (a)[1] and (a)[2] above have been minimized on the development site to the maximum extent practicable;

[2] The stormwater runoff from the areas described in (a)[1] and (a)[2] above is segregated to the maximum extent practicable from the stormwater runoff generated from the remainder of the site such that co-mingling of the stormwater runoff from the areas described in (a)[1] and (a)[2]above and the remainder of the site will be minimized;

[3] The amount of precipitation falling directly on the areas described in (a)[1] and (a)[2]above is minimized to the maximum extent practicable by means of a canopy, roof or other similar structure that reduces the generation of stormwater runoff; and

[4] The stormwater runoff from or co-mingled with the areas described in (a)[1] and (a)[2]above for the Water Quality Design Storm, defined in subsection G(2), Table 1, shall be subject to pretreatment by one or more of the following stormwater BMPs,

designed in accordance with the New Jersey BMP Manual to provide ninety (90 %) percent TSS removal:

[a] Bioretention system;

[b] Sand filter;

[c] Wet ponds which shall be hydraulically disconnected by a minimum of two (2') feet of vertical separation from the seasonal high water table and shall be designed to achieve a minimum eighty (80%) percent TSS removal rate;

[d] Constructed stormwater wetlands***;*** and/or

[e] Media filtration system manufactured treatment device with a minimum eighty (80%) percent TSS removal as verified by the New Jersey Corporation for Advanced Technology and as certified by N.J.D.E.P.

[5] If the potential for contamination of stormwater runoff by petroleum products exists onsite, prior to being conveyed to the pretreatment BMP required in subsection H(6)(b)[4] above, the stormwater runoff from the areas described in (a)[1] and (a)[2]above shall be conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons. The Applicant shall provide the reviewing agency with sufficient data to demonstrate acceptable performance of the device.

(7) Threatened and Endangered Species and Associated Habitat Standards. Stormwater management measures shall address the impacts of the development on habitat for threatened and endangered species, in accordance with N.J.A.C. 7:8-5.2(c), N.J.A.C. 7:50-6.27, and 7:50-6.33 and 34.

(8) Exceptions and Mitigation Requirements.

(a) Exceptions from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements established by this ordinance may be granted, at the discretion of the Little Egg Harbor Township, and subject to approval by the Pinelands Commission, provided that all of the following conditions are met:

[1] The exception is consistent with that allowed by the Little Egg Harbor Township;

[2] The Little Egg Harbor Township has an adopted and effective municipal stormwater management plan in accordance with N.J.A.C. 7:8-4.4, which includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11, and is also certified by the Pinelands Commission. The mitigation plan shall identify what measures are necessary to offset the deficit created by granting the exception and the municipality shall submit a written report to the county review agency and the N.J.D.E.P. describing the exception and the required mitigation. Guidance for developing municipal stormwater management plans, including mitigation plans, is available from the N.J.D.E.P., Division of Watershed Management and the New Jersey BMP Manual.

[3] The Applicant demonstrates that mitigation, in addition to the requirements of mitigation plan discussed in (b) above, will be provided consistent with one of the following options:

[a] Mitigation may be provided off-site, but within the Pinelands Area and within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standard which is lacking on the development site due to the exception; or

[b] In lieu of the required mitigation, a monetary "in lieu contribution" may be provided by the Applicant to Little Egg Harbor Township in accordance with the following:

(i) The amount of the in lieu contribution shall be determined by Little Egg Harbor Township, but the maximum in lieu contribution required shall be equivalent to the cost of implementing and maintaining the stormwater management measure(s) for which the exception is granted;

(ii) The in lieu contribution shall be used to fund an off-site stormwater control mitigation project(s) located within the Pinelands Area, within the same drainage area as the development site, and shall meet or exceed the equivalent recharge, quality or quantity performance standards which is lacking on the development site. Such mitigation project shall be identified by the Little Egg Harbor Township in the Township's adopted municipal stormwater management plan. The stormwater control project to which the monetary contribution will be applied shall be identified by Little Egg Harbor Township at the time the exception is granted. The Applicant shall amend the project description and site plan required in subsection F(3)(d) to incorporate a

description of both the standards for which an on-site exception is being granted and of the selected off-site mitigation project.

(iii) Little Egg Harbor Township shall expend the in lieu contribution to implement the selected off-site mitigation project within five (5) years from the date that payment is received. Should Little Egg Harbor Township fail to expend the in lieu contribution within the required timeframe, the mitigation option provided in subsection H(8)(a)[3][b][i] and H(8)(a)[3][b][ii] of this ordinance shall be void and Little Egg Harbor Township shall be prohibited from collecting in lieu contributions.

(b) An exception from strict compliance granted in accordance with (8)(a) above shall not constitute a waiver of strict compliance from the requirements of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50. An Applicant should contact the Pinelands Commission to determine whether a waiver of strict compliance is also required in accordance with N.J.A.C. 7:50, Subchapter 4, Part V.

I. Design, Construction, and Safety Standards for Structural Stormwater Management Measures.

(1) General Design and Construction Standards.

(a) Structural stormwater management measures shall be designed to meet the standards established in this section. These standards have been developed to protect public safety, conserve natural features, create an aesthetically pleasing site and promote proper onsite stormwater management.

(b) The following structural stormwater management measures may be utilized as part of a stormwater management system at a major land development in the Pinelands, provided that the Applicant demonstrates that they are designed, constructed and maintained so as to meet the standards and requirements established by this ordinance. If alternative stormwater management measures are proposed, the Applicant shall demonstrate that the selected measures will achieve the standards established by this ordinance.

[1] Bioretention systems;
[2] Constructed stormwater wetlands;
[3] Extended detention basins;
[4] Infiltration basins;
[5] Vegetated filter strips;
[6] Infiltration basins and trenches;
[7] Wet ponds with suitable liners**;**
[8] Pervious paving systems; and

[9] Manufactured treatment devices, provided their pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the N.J.D.E.P.

(c) Structural stormwater management measures shall be designed to take into account the existing site conditions, including environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, and drainage area and drainage patterns.

(d) Structural stormwater management measures shall be designed and constructed to be strong, durable, and corrosion resistant (measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.8 shall be deemed to meet this requirement); to minimize and facilitate maintenance and repairs; and to ensure proper functioning.

(e) For all stormwater management measures at a development site, each Applicant shall submit a detailed Inspection, Maintenance and Repair Plan consistent with the requirements of Section J of this ordinance.

(f) To the maximum extent practicable, the design engineer shall design structural stormwater management measures on the development site in a manner that:

[1] Limits site disturbance, maximizes stormwater management efficiencies, and maintains or improves aesthetic conditions;

[2] Utilizes multiple stormwater management measures, smaller in size and distributed spatially throughout the land development site, instead of a single larger structural stormwater management measure;

[3] Incorporates pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a structural stormwater management measure. Pretreatment measures may be designed in accordance with the New Jersey BMP Manual or other sources approved by the municipal engineer.

(g) Stormwater management basins shall be designed in a manner that complements and mimics the existing natural landscape, including but not limited to the following design strategies:

[1] Use of natural, non-wetland wooded depressions for stormwater runoff storage; and

[2] Establishment of attractive landscaping in and around the basin that mimics the existing vegetation and incorporates native Pinelands plants, including, but not limited to, the species listed in N.J.A.C. 7:50-6.25 and 6.26.

(h) Stormwater management basins proposed as part of a subdivision or residential use site plan shall be located entirely within a separate lot with an easement dedicated to the Township and ownership to be consistent with the State statutes and requirements of the Township Land Use and Land Development Ordinance. Maintenance and repair shall be in conformance with subsection J.

(i) Stormwater management basins shall be designed with gently sloping sides. The maximum allowable basin side slope shall be three (3) horizontal to one (1) vertical (3:1).

(j) Guidance on the design and construction of structural stormwater management measures may be found in the New Jersey BMP Manual. Other guidance sources may also be used upon approval by the municipal engineer.

(k) After all construction activities and required field testing have been completed on the development site, as-built plans depicting design and as-built elevations of all stormwater management measures shall be prepared by a Licensed Land Surveyor and submitted to the municipal engineer. Based upon the municipal engineer's review of the as-built plans, all corrections or remedial actions deemed by the municipal engineer to be necessary due to the failure to comply with the standards established by this ordinance and/or any reasons of public health or safety, shall be completed by the Applicant.

(2) Design and Construction Standards for Stormwater Infiltration BMP's.

(a) Stormwater infiltration BMP's, such as bioretention systems with infiltration, dry wells, infiltration basins, pervious paving systems with storage beds, and sand filters with infiltration, shall be designed, constructed and maintained to completely drain the total runoff volume generated by the basin's maximum design storm within forty-eight (48) hours after a storm event. Runoff storage for greater times can render the BMP ineffective and may result in anaerobic conditions, odor and both water quality and mosquito breeding problems.

(b) Stormwater infiltration BMPs shall be designed, constructed and maintained to provide a minimum separation of at least two (2') feet between the elevation of the lowest point of the bottom of the infiltration BMP and the seasonal high water table.

(c) A stormwater infiltration BMP shall be sited in suitable soils verified by field testing to have permeability rates between one (1") inch and twenty (20") inches per hour. If such site soils do not exist or if the design engineer demonstrates that it is not practical for engineering, environmental or safety reasons to site the stormwater infiltration BMP(s) in such soils, then the stormwater infiltration BMP(s) may be sited in soils verified by field testing to have permeability rates in excess of twenty (20") inches per hour, provided that a bioretention system, designed, installed and maintained in accordance with the New Jersey BMP Manual, is installed to meet one of the following conditions:

[1] The bioretention system is constructed as a separate measure designed to provide pretreatment of stormwater and to convey the pretreated stormwater into the infiltration BMP; or

[2] The bioretention system is integrated into and made part of the infiltration BMP and, as such, does not require an underdrain system. If this option is selected, the infiltration BMP shall be designed and constructed so that the maximum water depth in the

bioretention system portion of the BMP during treatment of the stormwater quality design storm is twelve (12") inches in accordance with the New Jersey BMP Manual.

(d) The minimum design permeability rate for the soil within a BMP that relies on infiltration shall be one-half (0.5) inch per hour. A factor of safety of two (2) shall be applied to the soil's field-tested permeability rate to determine the soil's design permeability rate. For example, if the field-tested permeability rate of the soil is four (4") inches per hour, its design permeability rate would be two (2") inches per hour). The minimum design permeability rate for the soil within a stormwater infiltration basin shall also be sufficient to achieve the maximum forty-eight (48) hour drain time described in (2)(a) above. The maximum design permeability shall be ten (10") inches per hour.

(e) A soil's field tested permeability rate shall be determined in accordance with the following:

[1] The pre-development field test permeability rate shall be determined according to the methodologies provided in subsection O(3)(c) of this ordinance;

[2] The results of the required field permeability tests shall demonstrate a minimum tested infiltration rate of one (1") inch per hour;

[3] After all construction activities have been completed on the site and the finished grade has been established in the infiltration BMP, post-development field permeability tests shall also be conducted according to the methodologies provided in subsection O(3)(c) of this ordinance;

[4] If the results of the post-development field permeability tests fail to achieve the minimum required design permeability rates in (e) above utilizing a factor of safety of two (2), the stormwater infiltration BMP shall be renovated and re-tested until such minimum required design permeability rates are achieved; and

[5] The results of all field permeability tests shall be certified by a Professional Engineer and transmitted to the municipal engineer.

(f) To help ensure maintenance of the design permeability rate over time, a six (6") inch layer of K5 soil shall be placed on the bottom of a stormwater infiltration BMP. This soil layer shall meet the textural and permeability specifications of a K5 soil as provided at N.J.A.C. 7:9A, Appendix A, Figure 6, and be certified to meet these specifications by a Professional Engineer licensed in the State of New Jersey. The depth to the seasonal high water table shall be measured from the bottom of the K5 sand layer.

(g) The design engineer shall assess the hydraulic impact on the groundwater table and design the project site and all stormwater infiltration basins so as to avoid adverse hydraulic impacts. Adverse hydraulic impacts include, but are not limited to: raising the groundwater table so as to cause surface ponding; flooding of basements and other subsurface structures and areas;

preventing a stormwater infiltration basin from completely draining via infiltration within forty-eight (48) hours of a design storm event; and interference with the proper operation of subsurface sewage disposal systems and other surface and subsurface structures in the vicinity of the stormwater infiltration basin.

(h) The design engineer shall conduct a groundwater mounding analysis, as defined in subsection K, of all stormwater infiltration BMPs. The mounding analysis shall be conducted in accordance with the requirements in subsection O(3)(c) Where the groundwater mounding analysis identifies adverse impacts, the stormwater infiltration BMP shall be redesigned or relocated, as appropriate.

(i) Stormwater infiltration BMPs shall be constructed in accordance with the following:

[1] To avoid sedimentation that may result in clogging and reduce the basin's permeability rate, stormwater infiltration basins shall be constructed according to the following:

[a] Unless the conditions in [b] below are met, a stormwater infiltration basin shall not be placed into operation until its drainage area is completely stabilized. Instead, upstream runoff shall be diverted around the basin and into separate, temporary stormwater management facilities and sediment basins. Such temporary facilities and basins shall be installed and utilized for stormwater management and sediment control until stabilization is achieved in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, which is incorporated herein by reference as amended and supplemented.

[b] If the design engineer determines that, for engineering, environmental or safety reasons, temporary stormwater management facilities and sediment basins cannot be constructed on the site, the stormwater infiltration basin may be placed into operation prior to the complete stabilization of its drainage area provided that the basin's bottom during this period is constructed at a depth at least two (2') feet higher than its final design elevation. All other infiltration BMP construction requirements in this section shall be followed. When the drainage area is completely stabilized, all accumulated sediment shall be removed from the infiltration BMP, which shall then be excavated to its final design elevation in accordance with the construction requirements of this section and the performance standards in subsection H.

[2] To avoid compaction of subgrade soils of BMP's that rely on infiltration, no heavy equipment such as backhoes, dump trucks or bulldozers shall be permitted to operate within the footprint of the BMP. All excavation required to construct a stormwater

infiltration BMP shall be performed by equipment placed outside the BMP. If this is not possible, the soils within the excavated area shall be renovated and tilled after construction is completed to reverse the effects of compaction. In addition, post-development soil permeability testing shall be performed in accordance with (2)(e) of this section.

[3] Earthwork associated with stormwater infiltration BMP construction, including excavation, grading, cutting or filling, shall not be performed when soil moisture content is above the lower plastic limit.

(3) Safety Standards for Structural Stormwater Management Measures. This Section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

(a) If a structural stormwater management measure has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide readily accessible means of ingress and egress from the outlet structure.

(b) A trash rack is a device intended to intercept runoff-borne trash and debris that might otherwise block the hydraulic openings in an outlet structure of a structural stormwater management measure. Trash racks shall be installed upstream of such outlet structure openings as necessary to ensure proper functioning of the structural stormwater management measure in accordance with the following:

[1] The trash rack should be constructed primarily of bars aligned in the direction of flow with one (1") inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the bars shall be spaced no greater than one-third (1/3) the width of the hydraulic opening it is protecting or six inches, whichever is less. Transverse bars aligned perpendicular to flow should be sized and spaced as necessary for rack stability and strength.

[2] The trash rack shall not adversely affect the hydraulic performance of either the outlet structure opening it is protecting or the overall outlet structure.

[3] The trash rack shall have sufficient net open area under clean conditions to limit the peak design storm velocity through it to a maximum of two and one-half (2.5') feet per second.

[4] The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

(c) An overflow grate is a device intended to protect the opening in the top of a stormwater management measure outlet structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

[1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance;

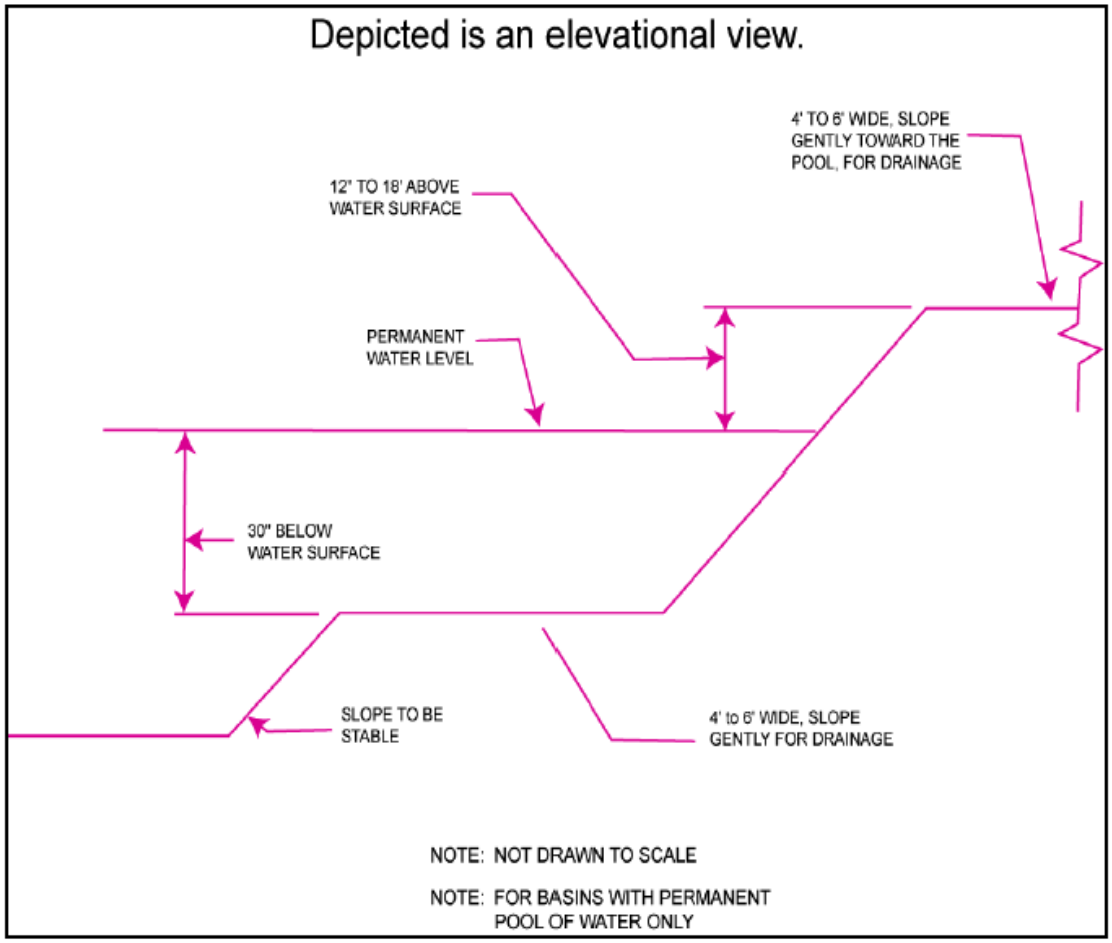
[2] The overflow grate spacing shall be no more than two (2") inches across the smallest dimension; and

[3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

(d) The maximum side slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical (3:1).

(e) Safety ledges shall be constructed on the slopes of all new structural stormwater management measures having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four (4') feet to six (6') feet in width. One step shall be located approximately two and one-half (2½") feet below the permanent water surface, and the second step shall be located one (1') foot to one and one-half (1½) feet above the permanent water surface. See [1] below, for an illustration of safety ledges in a stormwater management basin.

[1] Illustration of safety ledges.



Source: N.J.A.C. 7:8-6 Appendix A.

J. Inspection, Maintenance and Repair of Stormwater Management Measures.

(1) Applicability. Projects subject to review pursuant to subsection C of this ordinance shall comply with the requirements of subsection J(2) and J(3) below.

(2) General Inspection, Maintenance and Repair Plan.

(a) The design engineer shall prepare an Inspection, Maintenance and Repair Plan for the stormwater management measures, including both structural and nonstructural measures incorporated into the design of a major development. This plan shall be submitted as part of the Checklist Requirements established in subsection F(3). Inspection and maintenance guidelines for stormwater management measures are available in the New Jersey BMP Manual.

(b) The Inspection, Maintenance and Repair Plan shall contain the following:

[1] Accurate and comprehensive drawings of the site's stormwater management measures;

[2] Specific locations of each stormwater management measure identified by means of longitude and latitude as well as block and lot number;

[3] Specific preventative and corrective maintenance tasks and schedules for such tasks for each stormwater BMP;

[4] Cost estimates, including estimated cost of sediment, debris or trash removal; and

[5] The name, address and telephone number of the person or persons responsible for regular inspections and preventative and corrective maintenance (including repair and replacement). If the responsible person or persons is a corporation, company, partnership, firm, association, municipality or political subdivision of this State, the name and telephone number of an appropriate contact person shall also be included.

(c) The person responsible for inspection, maintenance and repair identified under subsection J(2)(b) above shall maintain a detailed log of all preventative and corrective maintenance performed for the site's stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders in the Inspection, Maintenance and Repair Plan. Said records and inspection reports shall be retained for a minimum of five (5) years.

(d) If the Inspection, Maintenance and Repair Plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for inspection and maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management measure to such person under an applicable ordinance or regulation.

(e) If the person responsible for inspection, maintenance and repair identified under subsection J(2)(c) above is not a public agency, the maintenance plan and any future revisions based on subsection J(2)(f) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan shall be undertaken.

(f) The person responsible for inspection, maintenance and repair identified under subsection J(2)(b) above shall evaluate the effectiveness of the Inspection, Maintenance and Repair Plan at least once per year and update the plan and the deed as needed.

(g) The person responsible for inspection, maintenance and repair identified under subsection J(2)(b) above shall submit the updated Inspection, Maintenance and Repair Plan and the documentation required by subsection J(2)(b) and J(2)(c) above to Little Egg Harbor Township once per year.

(h) The person responsible for inspection, maintenance and repair identified under subsection J(2)(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site the Inspection, Maintenance and Repair Plan and the documentation required by subsection J(2)(b) and J(2)(c) above.

(3) Township Acceptance of Stormwater Management System. An applicant shall be required to dedicate proposed stormwater management systems to the Township and shall enter into an agreement with the Township to that end. Such agreement shall be a condition of final approval and shall be fully executed prior to release of performance guarantees, and acceptance of the stormwater management agreement shall require payment of the fee set forth in Paragraph J(11) in

consideration of the Township assuming all future maintenance of the stormwater management facilities. The form of agreement shall be approved by the Township Attorney. The agreement, upon execution, shall be recorded by the applicant in the Office of the County Clerk. The applicant shall thereafter file a copy of the recorded agreement with the Township. Upon certification by the Township Engineer that the performance guarantee for the project may be released, acceptance of the stormwater management facilities by the Township shall be specifically stated in the resolution authorizing the guarantee release. The Township shall retain the cash portion of the guarantee a sum equal to the maintenance fee approved as to amount by the Township Engineer in accordance with the formula in this chapter. In the event that the cash portion of the guarantee is less than the required maintenance fee, the developer shall post the deficit in cash. Any interim performance guarantee reductions authorized by the Township shall not be construed to mean that all or any part of the stormwater management system has been accepted by the Township nor shall any such interim reduction reduce the cash portion of the guarantee to an amount less than the required maintenance fee. It shall be the applicant's responsibility to maintain the stormwater management system during construction.

(4) Responsibility for inspection, repair and maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. Responsibility for operation and maintenance of stormwater management facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner or owners of the property with permanent arrangements that it shall pass to any successive owner, unless assumed by a government agency. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each project the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.

(5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including, but not limited to: repairs or replacement to any associated appurtenance of the measure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; repair or replacement of linings; and restoration of infiltration function.

(6) Stormwater management measure easements shall be provided by the property owner as necessary for facility inspections and maintenance and preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities. The purpose of the easement shall be specified in the maintenance agreement.

(7) In the event that the stormwater management measure becomes a public health nuisance or danger to public safety or public health, or if it is in need of maintenance or repair, the Little Egg Harbor Township shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or the municipal engineer's

designee. Little Egg Harbor Township, at its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair within the allowable time, Little Egg Harbor Township may immediately proceed to do so with its own forces and equipment and/or through contractors. The costs and expenses of such maintenance and repair by Little Egg Harbor Township shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the maintenance and repair was performed.

(8) Requirements for Inspection, Maintenance and Repair of Stormwater BMP's that rely on Infiltration. If a stormwater infiltration BMP is incorporated into the design of a major development, the Applicant shall include the following requirements in its Inspection, Maintenance and Repair Plan:

(a) Once per month (if needed): Mow side slopes, remove litter and debris, stabilize eroded banks, repair erosion at inflow structure(s);

(b) After every storm exceeding one (1") inch of rainfall: Ensure that infiltration BMPs drain completely within forty-eight (48) seventy-two (72) hours after the storm event. If stored water fails to infiltrate forty-eight (48) seventy-two (72) hours after the end of the storm, corrective measures shall be taken. Raking or tilling by light equipment can assist in maintaining infiltration capacity and break up clogged surfaces;

(c) Four times per year (quarterly): Inspect stormwater infiltration BMPs for clogging and excessive debris and sediment accumulation within the BMP, remove sediment (if needed) when completely dry;

(d) Two times per year: Inspect for signs of damage to structures, repair eroded areas, check for signs of petroleum contamination and remediate;

(e) Once per year: Inspect BMPs for unwanted tree growth and remove if necessary, disc or otherwise aerate bottom of infiltration basin to a minimum depth of six (6") inches; and

(f) After every storm exceeding one (1") inch of rainfall: inspect and, if necessary, remove and replace K5 sand layer and accumulated sediment, to restore original infiltration rate.

(g) Additional guidance for the inspection, maintenance and repair of stormwater infiltration BMPs can be found in the New Jersey BMP Manual.

(9) Stormwater Basin Access.

(a) The facility must be readily accessible from a street or other public right-of-way. Inspection and maintenance easements, connected to the street or right-of-way, should be provided around the entire facility. The exact limits of the easements and right-of-ways should be specified on the project plans and other appropriate documents.

(b) Access roads and gates shall be wide enough to allow passage of necessary maintenance vehicles and equipment, including trucks, backhoes, grass mowers, and mosquito control equipment. In general, a minimum right-of-way width of fifteen (15') feet and a minimum roadway width of twelve (12') feet is required.

(c) To facilitate entry, a curb cut shall be provided where an access road meets a curbed roadway.

(d) To allow safe movement of maintenance vehicles, access ramps shall be provided to the bottom of all detention facilities greater than three (3') feet in depth. Access ramps should not exceed ten percent in grade.

(e) Access roads and ramps shall be stable and suitably lined to prevent rutting and other damage by maintenance vehicles and equipment.

(f) When backing up is difficult or dangerous, turning around areas should be provided at the end of all access roads.

(g) All stormwater basins shall be perimeter fenced for safety purposes. The minimum fence height shall be six feet.

(h) To allow safe movement of maintenance personnel and safe operation of equipment, fences shall be located at least three (3') feet beyond the top or toe of any slope steeper than five horizontal to one vertical.

(i) Fences shall be constructed of durable, vandal-resistant materials. Fences must meet all municipal code requirements.

(j) To minimize the amount of required trimming, fences in grassed areas should be installed, whenever practical, with a bottom rail set high enough above finished grade to allow mowing beneath it.

(k) Facility perimeters should be sized and stabilized to allow movement and operation of maintenance and mosquito control equipment. A minimum perimeter width of twenty-five (25') feet between the facility and adjacent structures is required along at least one side of the facility. This portion of the perimeter shall be readily accessible from a street or other public or private right-of- way. Gates shall be equipped with a double lock system in cooperation with the Ocean County Mosquito Commission to permit same access to the basins.

(l) The top of bank for facilities constructed in cut and the toe of slope for facilities constructed in fill shall be located no closer than ten (10') feet to an existing or proposed property line.

(m) Detention basins shall be attractively buffered and landscaped, and designed as to minimize propaganda of insects, particularly mosquitoes. All landscaping and buffering shall be approved by the Board Engineer.

(n) For safe movement of personnel and safe operation of equipment, side slopes greater than five (5') feet in height shall not be steeper than four horizontal to one cede three horizontal to one vertical. Flatter side slopes shall be constructed wherever possible.

(o) For safe movement of personnel and safe operation of equipment, side slopes steeper than five to one and higher than I feet shall be terraced at their midpoints. The terrace shall have a minimum width of three feet and shall be graded at two (2%) percent towards the lower half of the slope.

(p) Suitable access to and along side slopes shall be provided for maintenance personnel and equipment.

(10) Maintenance Guarantee. The Applicant shall provide a maintenance guarantee to ensure that all stormwater management measures required under the provisions of this ordinance will be maintained in perpetuity according to the specifications

established herein. Conditioned upon Little Egg Harbor Township's approval, this may be accomplished by various mechanisms, including, but not limited to, the following:

(a) The Applicant may be required to post a bond or other financial assurance mechanism in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures;

(b) Little Egg Harbor Township may collect an up-front fee from the Applicant in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures. This up-front fee shall be expended by Little Egg Harbor Township for the sole purpose of conducting maintenance activities (including repair and renovation, if needed) for all stormwater management measures required under the Applicant's major development application approval;

(c) The Applicant may dedicate all stormwater management measures to the Little Egg Harbor Township, subsequent to which the Township shall assume all maintenance responsibilities; or

(d) The Applicant may be required to deposit funds in escrow in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures.

(11) Stormwater Management Maintenance Fees. For purposes of this section, the calculation of the maintenance fee will be based on the type of stormwater management system, which is to serve the development, that is, a surface system, such as a detention or retention basin and subsurface infiltration system or a combination of the above. The fee shall be determined as follows:

(a) Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied. by the twenty-five (25) year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional twenty-five (25') feet outward from the top of the bank. The annual maintenance cost per acre shall be $1,281.25. The minimum contribution regardless of the size of the basin, will be $12,500.00.

(b) Surface infiltration system. The amount of the maintenance fee shall be determined as follows: $1.25 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five (25) year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of $34.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be $12,500.00.

(c) Combination systems. The required fee shall be based on a combined total of the above.

K. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. When used in this ordinance, the following terms shall have the meanings herein ascribed to them.

LITTLE EGG HARBOR TOWNSHIP – The Planning Board, Zoning Board of Adjustment or other board, agency or official of the Little Egg Harbor Township with authority to approve or disapprove subdivisions, site plans, construction permits, building permits or other applications for development approval. For the purposes of reviewing development applications and ensuring compliance with the requirements of this ordinance, Little Egg Harbor Township may designate the municipal engineer or other qualified designee to act on behalf of the Township.

AQUACULTURE – The propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environments, and their subsequent processing, packaging and marketing, including but not limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

CERTIFICATION – Either a written statement signed and sealed by a licensed New Jersey Professional Engineer attesting that a BMP design or stormwater management system conforms to or meets a particular set of standards or to action taken by the Commission pursuant to N.J.A.C. 7:50-3, Part II or Part IV. Depending upon the context in which the term is use, the terms "certify" and "certified" shall be construed accordingly.

COMPACTION – The increase in soil bulk density caused by subjecting soil to greater-than-normal loading. Compaction can also decrease soil infiltration and permeability rates.

CONSTRUCTION – The construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings, structures or components of a stormwater management system including but not limited to collection inlets, stormwater piping, swales and all other conveyance systems, and stormwater BMPs.

COUNTY REVIEW AGENCY – An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

(1) A county planning agency; or

(2) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DESIGN ENGINEER – A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGN PERMEABILITY – The tested permeability rate with a factor of safety of two (2) applied to it (e.g., if the tested permeability rate of the soils is four (4") inches per hour, the design rate would be two (2") inches per hour).

DEVELOPMENT – The change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

(1) A change in type of use of a structure or land;
(2) A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
(3) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
(4) Commencement of resource extraction or drilling or excavation on a parcel of land;
(5) Demolition of a structure or removal of trees;
(6) Commencement of forestry activities;
(7) Deposit of refuse, solid or liquid waste or fill on a parcel of land;
(8) In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
(9) Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

In the case of development on agricultural land, i.e. lands used for an agricultural use or purse as defined at N.J.A.C. 7:50-2.11, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Boards (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 *et seq.*

DEVELOPMENT, MAJOR – Any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any "development," grading, clearing or disturbance of an area in excess of five thousand square feet (5,000 ft^2). Disturbance for the purpose of this ordinance is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting or removing of vegetation.

DEVELOPMENT, MINOR – All development other than major development.

DRAINAGE AREA – A geographic area within which stormwater, sediments, or dissolved materials drain to a BMP, a stormwater management system, a particular receiving waterbody or a particular point along a receiving waterbody.

ENVIRONMENTALLY CRITICAL AREA – An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened animal species; threatened or endangered plants of the Pinelands pursuant to N.J.A.C. 7:5-6.27(a); large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. T & E habitat constitutes habitat that is critical for the survival of a local population of threatened and endangered species or habitat that is identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program, whichever is more inclusive. Threatened and endangered wildlife shall be protected in conformance with N.J.A.C. 7:50-6.33.

EXCEPTION – The approval by the approving authority of a variance or other material departure from strict compliance with any section, part, phrase or provision of this ordinance. An exception may be granted only under certain specific, narrowly-defined conditions described herein and does not constitute a waiver of strict compliance with any section, part, phrase or provision of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1.1 *et seq.*).

EXTENDED DETENTION BASIN – A facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff. It has an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants. An extended detention basin is normally designed as a multi-stage facility that provides runoff storage and attenuation for both stormwater quality and quantity management. The term "stormwater detention basin" shall have the same meaning as "extended detention basin."

FINISHED GRADE – The elevation of the surface of the ground after completion of final grading, either via cutting, filling or a combination thereof.

GRADING – Modification of a land slope by cutting and filling with the native soil or re-distribution of the native soil which is present at the site.

GROUNDWATER – Water below the land surface in a zone of saturation.

GROUNDWATER MOUNDING ANALYSIS – A test performed to demonstrate that the groundwater below a stormwater infiltration basin will not "mound up," encroach on the unsaturated zone, break the surface of the ground at the infiltration area or downslope, and create an overland flow situation.

HEAVY EQUIPMENT – Equipment, machinery, or vehicles that exert ground pressure in excess of eight (8) pounds per square inch.

HIGH POLLUTANT LOADING AREA – An area in an industrial or commercial development site: where solvents and/or petroleum products are loaded/unloaded, stored, or applied; where pesticides are loaded/unloaded or stored; where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; where recharge would be inconsistent with N.J.D.E.P.-approved remedial action work plan or landfill closure plan; and/or where a high risk exists for spills of toxic materials, such as gas stations and vehicle maintenance facilities. The term "HPLA" shall have the same meaning as "High Pollutant Loading Area."

IMPERVIOUS SURFACE – A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION -- The process by which precipitation enters the soil through its surface.

IN LIEU CONTRIBUTION – A monetary fee collected by the Little Egg Harbor Township in lieu of requiring strict on-site compliance with the groundwater recharge, stormwater runoff quantity and/or stormwater runoff quality standards established in this ordinance.

INSTALL – To assemble, construct, put in place or connect components of a stormwater management system.

MITIGATION – Acts necessary to prevent, limit, remedy or compensate for conditions that may result from those cases where an Applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in a local ordinance which is as protective as N.J.A.C. 7:8, and an exception from strict compliance is granted by Little Egg Harbor Township and the Pinelands Commission.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES MANUAL – Guidance developed by the New Jersey Department of Environmental Protection, in coordination with the New Jersey Department of Agriculture, the New Jersey Department of Community Affairs, the New Jersey Department of Transportation, municipal engineers, county engineers, consulting firms, contractors, and environmental organizations to address the standards in the New Jersey Stormwater Management Rules, N.J.A.C. 7:8. The BMP manual provides examples of ways to meet the standards contained in the rule. An Applicant may demonstrate that other proposed management practices will also achieve the standards established in the rules. The manual, and notices regarding future versions of the manual, are available from the Division of Watershed Management, N.J.D.E.P., P.O. Box 418, Trenton, New Jersey 08625; and on the N.J.D.E.P.'s website, www.N.J.stormwater.org. The term "New Jersey BMP Manual" shall have the same meaning as "New Jersey Stormwater Best Management Practices Manual."

N.J.D.E.P. – The New Jersey Department of Environmental Protection.

NJPDES – The New Jersey Pollutant Discharge Elimination System as set forth in N.J.S.A. 58:10A-1 *et seq.* and in N.J.A.C. 7:14A.

NJPDES PERMIT – A permit issued by the N.J.D.E.P. pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*, and N.J.A.C. 7:14A for a discharge of pollutants.

NONPOINT SOURCE --

(1) Any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged;

(2) Any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical, biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or

(3) Any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution.

The term "NPS" shall have the same meaning as "nonpoint source."

NONSTRUCTURAL BMP – A stormwater management measure, strategy or combination of strategies that reduces adverse stormwater runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling stormwater runoff and pollutants closer to the source. The term "Low Impact Development technique" shall have the same meaning as "nonstructural BMP."

NUTRIENT – A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERMEABILITY – The rate at which water moves through a saturated unit area of soil or rock material at hydraulic gradient of one, determined as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), N.J.A.C. 6.5 (Pit Bailing Test) or N.J.A.C. 6.6 (Piezometer Test). Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical, or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

PERMEABLE – Having a permeability of one (1") inch per hour or faster. The terms "permeable soil," "permeable rock" and "permeable fill" shall be construed accordingly.

PERSON – Any individual, corporation, company, partnership, firm, association, municipality or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

PINELANDS COMMISSION OR COMMISSION – The Commission created pursuant Section 5 of the Pinelands Protection Act, N.J.S.A. 13:18A-5.

PINELANDS CMP – The New Jersey Pinelands Comprehensive Management Plan (N.J.A.C. 7:50 1.1 *et seq.*).

POINT SOURCE – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POLLUTANT – Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substances (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), thermal waste, wrecked or discarded equipment, rock, sand, suspended solids, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

PROFESSIONAL ENGINEER – A person licensed to practice Professional Engineering in the State of New Jersey pursuant to N.J.S.A. 48:8-27 *et seq.*

RECHARGE – The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REPLICATE – One of two or more soil samples or tests taken at the same location (within five feet of each other) and depth, within the same soil horizon or substratum. In the case of fill material, replicate tests are tests performed on sub-samples of the same bulk sample packed to the same bulk density.

SAND – A particle size category consisting of mineral particles which are between 0.05 and 2.0 millimeters in equivalent spherical diameter. Also, a soil textural class having 85 percent or more of sand and a content of silt and clay such that the percentage of silt plus 1.5 times the percentage of clay does not exceed 15, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

SEASONALLY HIGH WATER TABLE – The upper limit of the shallowest zone of saturation which occurs in the soil, identified as prescribed in N.J.A.C. 7:9A-5.8.

SEDIMENT – Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE – The lot or lots upon which a major development is to occur or has occurred.

SOIL – All unconsolidated mineral and organic material of any origin which is not a rock substratum, including sediments below the biologically active and/or weathered zones.

SOURCE MATERIAL – Any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

STORMWATER – Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER INFILTRATION BMP – A basin or other facility constructed within permeable soils that provides temporary storage of stormwater runoff. An infiltration BMP does not normally have a structural outlet to discharge runoff from the stormwater quality design storm. Instead, outflow from an infiltration BMP is through the surrounding soil. The terms "infiltration measure" and "infiltration practice" shall have the same meaning as "stormwater infiltration basin."

STORMWATER MANAGEMENT MEASURE – Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. This includes, but is not limited to, structural and nonstructural stormwater Best Management Practices described in the New Jersey BMP Manual and designed to meet the standards for stormwater control contained within this ordinance. The terms "stormwater Best Management Practice" and "stormwater BMP" shall have the same meaning as "stormwater management measure."

STORMWATER RUNOFF – Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

SUITABLE SOIL – Unsaturated soil, above the seasonally high water table, which contains less than fifty (50%) percent by volume of coarse fragments and which has a tested permeability rate of between one (1") inch and twenty (20") inches per hour.

SURFACE WATER – Any waters of the State which are not groundwater.

TIME OF CONCENTRATION – The time it takes for runoff to travel from the hydraulically most distant point of the drainage area to the point of interest within a watershed.

TOTAL SUSPENDED SOLIDS – The insoluble solid matter suspended in water and stormwater that is separable by laboratory filtration in accordance with the procedure contained in the "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Control Federation. The term "TSS" shall have the same meaning as "Total Suspended Solids."

TIDAL FLOOD HAZARD AREA – A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

WATERS OF THE STATE – The ocean and its estuaries, all springs, streams and bodies of surface and groundwater, whether natural or artificial, within the boundaries of New Jersey or subject to its jurisdiction.

WATER TABLE – The upper surface of a zone of saturation.

WELL – A bored, drilled or driven shaft, or a dug hole, which extends below the seasonally high water table and which has a depth which is greater than its largest surface dimension.

WETLANDS – Those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands: A Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50 2.11, 6.4 and 6.5. The term "wetland" shall have the same meaning as "wetlands."

WET POND – A stormwater facility constructed through filling and/or excavation that provides both permanent and temporary storage of stormwater runoff. It has an outlet structure that creates a permanent pool and detains and attenuates runoff inflows and

promotes the settling of pollutants. A stormwater retention basin can also be designed as a multi-stage facility that also provides extended detention for enhanced stormwater quality design storm treatment and runoff storage and attenuation for stormwater quantity management. The term "stormwater retention basin" shall have the same meaning as "wet pond."

L. Penalties.

(1) Any person who violates or fails to comply with any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand two hundred fifty dollars ($1,250.00), by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

(2) The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

O. Appendices.

(1) Methods for Calculating Groundwater Recharge.

(a) The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Ground-Water Recharge Areas in New Jersey. Available at http://www.N.J.geology.org/geodata/dgs99-2.htm.

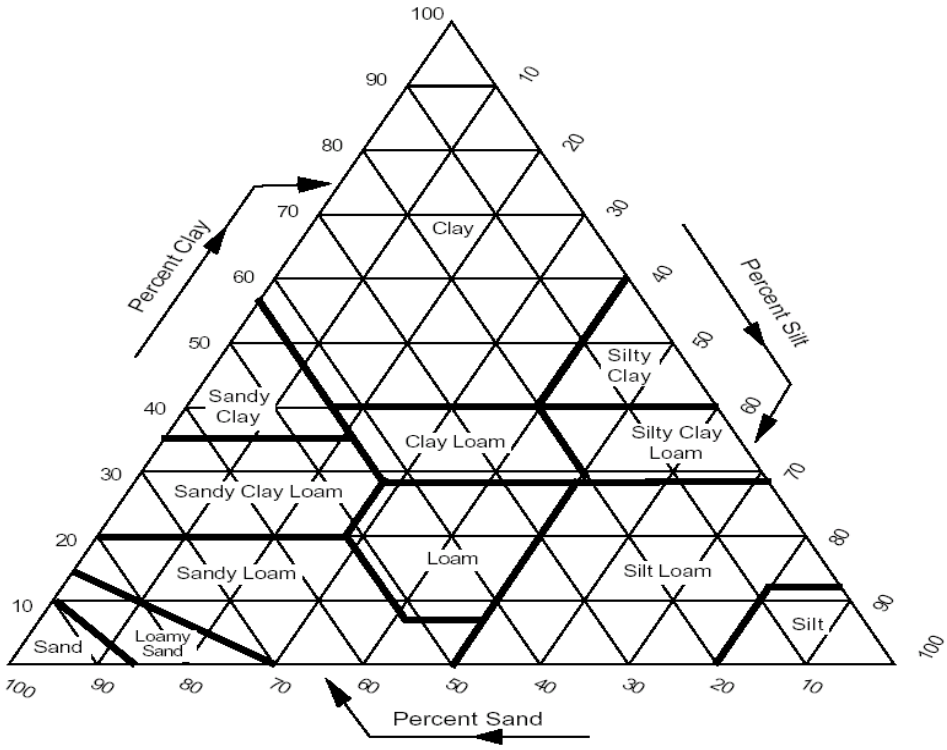
(b) The New Jersey Groundwater Recharge Spreadsheet (NJGRS). Available in the New Jersey BMP Manual, Chapter 6, at http://www.N.J.stormwater.org/bmp_manual2.htm.

(2) N.J.D.E.P. Nonstructural Strategies Point System. The New Jersey Stormwater Management Rules at N.J.A.C. 7:8-5.2(a), and subsection H(1) of this Ordinance, require nonstructural stormwater management strategies to be incorporated into the site design of a major development. A total of nine strategies are to be used to the maximum extent practical to meet the groundwater recharge, stormwater quality and stormwater quantity requirements of the Rules prior to utilizing structural stormwater management measures. The New Jersey Nonstructural Stormwater Management Strategies Point System (NSPS) provides a tool to assist planners, designers and regulators in determining that the strategies have been used to the "maximum extent practical" at a major development as required by the Rules. Refer online to http://www.njstormwater.org for information on the NSPS.

(3) Soils.

(a) USDA Soil Textural Triangle.

(b) Definitions. For the purposes of this appendix, the following terms shall



Source: US Department of Agriculture.

have the meanings herein ascribed to them.

A-HORIZON – The uppermost mineral horizon in a normal soil profile. The upper part of the A-horizon is characterized by maximum accumulation of finely divided, dark colored organic residues, known as humus, which are intimately mixed with the mineral particles of the soil.

ARTESIAN ZONE OF SATURATION – A zone of saturation which exists immediately below a hydraulically restrictive horizon, and which has an upper surface which is at a pressure greater than atmospheric, either seasonally or throughout the year.

CHROMA – The relative purity or strength of a color, a quantity which decreases with increasing grayness. Chroma is one of the three (3) variables of soil color as defined in the Munsell system of classification.

CLAY – A particle size category consisting of mineral particles which are smaller than 0.002 millimeters in equivalent spherical diameter. Also, a soil textural class having more than forty (40%) percent clay, less than forty-five (45%) percent sand, and less than forty (40%) percent silt, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

CLAY LOAM – A soil textural class having twenty-seven (27%) percent to forty (40%) percent clay and twenty (20%) percent to forty-five (45%) percent sand, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

COARSE FRAGMENT – A rock fragment contained within the soil which is greater than two millimeters in equivalent spherical diameter or which is retained on a two millimeter sieve.

COUNTY SOIL SURVEY REPORT – A report prepared by the US Department of Agriculture, Natural Resources Conservation Service which includes maps showing the distribution of soil mapping units throughout a particular county together with narrative descriptions of the soil series shown and other information relating to the uses and properties of the various soil series.

DIRECT SUPERVISION – Control over and direction of work carried out by others with full knowledge of and responsibility for such work.

EQUIVALENT SPHERICAL DIAMETER OF A PARTICLE – The diameter of a sphere which has a volume equal to the volume of the particle.

EXCESSIVELY COARSE HORIZON – A horizon of limited thickness within the soil profile which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

EXCESSIVELY COARSE SUBSTRATUM – A substratum below the soil profile which extends beyond the depth of soil profile pits and borings and which provides inadequate removal of pollutants from stormwater due to a high coarse fragment content, excessively coarse texture and/or excessively rapid permeability.

EXTREMELY FIRM CONSISTENCE – A type of soil material whose moist aggregated mass crushes only under very strong pressure; cannot be crushed between the thumb and forefinger and shall be broken apart bit by bit.

FIRM CONSISTENCE – A type of soil material whose moist aggregated mass crushes under moderate pressure between the thumb and forefinger but resistance is distinctly noticeable.

HARD CONSISTENCE – A type of soil material whose dry aggregated mass is moderately resistant to pressure; can be broken in the hands without difficulty but is barely breakable between the thumb and forefinger.

HUE – The dominant spectral color, one of the three variables of soil color defined within the Munsell system of classification.

HYDRAULICALLY RESTRICTIVE HORIZON – A horizon within the soil profile which slows or prevents the downward or lateral movement of water and which is underlain by permeable soil horizons or substrata. Any soil horizon which has a saturated permeability less than one (1") inch per hour is hydraulically restrictive.

HYDRAULICALLY RESTRICTIVE SUBSTRATUM – A substratum below the soil profile which slows or prevents the downward or lateral movement of water and which extends beyond the depth of profile pits or borings or to a massive substratum. A substratum which has a saturated permeability less than one (1") inch per hour is hydraulically restrictive.

LOAMY SAND – A soil textural class, as shown in subsection O(3)(a) (USDA Soil Textural Triangle), that has a maximum of eighty-five (85%) percent to ninety (90%) percent sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of fifteen (15); or a minimum of seventy (70%) percent to eighty-five (85%) percent sand with a percentage of silt plus one and a half (1.5) times the percentage of clay not in excess of thirty (30).

LOWER PLASTIC LIMIT – The moisture content corresponding to the transition between the plastic and semi-solid states of soil consistency. This corresponds to the lowest soil moisture content at which the soil can be molded in the fingers to form a rod or wire, one-eighth (1/8") inch in thickness, without crumbling.

MOTTLING – A color pattern observed in soil consisting of blotches or spots of contrasting color. The term "mottle" refers to an individual blotch or spot. The terms "color variegation," "iron depletion" and "iron concentration" are equivalent to the term "mottling." Mottling due to redoximorphic reactions is an indication of seasonal or periodic and recurrent saturation.

MUNSELL SYSTEM – A system of classifying soil color consisting of an alpha-numeric designation for hue, value and chroma, such as "7.5 YR 6/2," together with a descriptive color name, such as "strong brown."

O-HORIZON – A surface horizon, occurring above the A-horizon in some soils, which is composed primarily of undecomposed or partially decomposed plant remains which have not been incorporated into the mineral soil.

PERCHED ZONE OF SATURATION – A zone of saturation which occurs immediately above a hydraulically restrictive horizon and which is underlain by permeable horizons or substrata which are not permanently or seasonally saturated.

PIEZOMETER -- A device consisting of a length of metal or plastic pipe, open at the bottom or perforated within a specified interval, and used for the

determination of depth to water, permeability or hydraulic head within a specific soil horizon or substratum.

PLATY STRUCTURE – Characterized by a soil aggregate which has one axis distinctly shorter than the other two and are oriented with the short axis vertical.

REGIONAL ZONE OF SATURATION – A zone of saturation which extends vertically without interruption below the depth of soil borings and profile pits.

SANDY CLAY – A soil textural class having thirty-five (35%) percent or more of clay and forty-five (45%) percent or more of sand, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

SANDY LOAM – A soil textural class, as shown in subsection O(3)(a) (USDA Soil Textural Triangle), that has a maximum of twenty (20%) percent clay, and the percentage of silt plus twice the percentage of clay exceeds 30, and contains fifty-two (52%) percent or more sand; or less than seven (7%) percent clay, less than fifty (50%) percent silt, and between forty-three (43%) percent and fifty-two (52%) percent sand.

SILT – A particle size category consisting of mineral particles which are between 0.002 and 0.05 millimeters in equivalent spherical diameter. It also means a soil textural class having eighty (80%) percent or more of silt and twelve (12%) percent or less of clay, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

SILT LOAM – A soil textural class having fifty (50%) percent or more of silt and twelve (12%) percent to twenty-seven (27%) percent of clay; or fifty (50) percent to eighty (80%) percent of silt and less than twelve (12%) percent of clay, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

SILTY CLAY – A soil textural class having forty (40%) percent or more of clay and forty (40%) percent or more of silt, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

SILTY CLAY LOAM – A soil textural class having twenty-seven (27%) to forty (40%) percent of clay and less than twenty (20%) percent of sand, as shown in subsection O(3)(a) (USDA Soil Textural Triangle).

SOIL AGGREGATE – A naturally occurring unit of soil structure consisting of particles of sand, silt, clay, organic matter, and coarse fragments held together by the natural cohesion of the soil.

SOIL COLOR – The soil color name and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

SOIL CONSISTENCE – The resistance of a soil aggregate or clod to being crushed between the fingers or broken by the hands. Terms for describing soil consistence described are in N.J.A.C. 7:9A-5.3(h).

SOIL HORIZON – A layer within a soil profile differing from layers of soil above and below it in one or more of the soil morphological characteristics including color, texture, coarse fragment content, structure, consistence and mottling.

SOIL LOG – A description of the soil profile which includes the depth, thickness, color, texture, coarse fragment content, mottling, structure and consistence of each soil horizon or substratum.

SOIL MAPPING UNIT – An area outlined on a map in a County Soil Survey Report and marked with a letter symbol designating a soil phase, a complex of two or more soil phases, or some other descriptive term where no soil type has been identified.

SOIL PHASE – A specific type of soil which is mapped by the Natural Resources Conservation Service and which belongs to a soil series described within the County Soil Survey Report.

SOIL PROFILE – A vertical cross-section of undisturbed soil showing the characteristic horizontal layers or horizons of the soil which have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

SOIL SERIES – A grouping of soil types possessing a specific range of soil profile characteristics which are described within the County Soil Survey Report. Each soil series may consist of several "soil phases" which may differ in slope, texture of the surface horizon or stoniness.

SOIL STRUCTURAL CLASS – One of the shape classes of soil structure described in N.J.A.C. 7:9A-5.3(g).

SOIL STRUCTURE – The naturally occurring arrangement, within a soil horizon, of sand, silt and clay particles, coarse fragments and organic matter, which are held together in clusters or aggregates of similar shape and size.

SOIL TEST PIT – An excavation made for the purpose of exposing a soil profile which is to be described.

SOIL TEXTURAL CLASS – One of the classes of soil texture defined within the USDA system of classification. (Soil Survey Manual, Agricultural Handbook No. 18, USDA Soil Conservation Service 1962.)

SOIL TEXTURE – The relative proportions of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter openings.

STATIC WATER LEVEL – The depth below the ground surface or the elevation with respect to some reference level, of the water level observed within a soil profile pit or boring, or within a piezometer, after this level has stabilized or become relatively constant with the passage of time.

SUBSTRATUM – A layer of soil or rock material present below the soil profile and extending beyond the depth of soil borings or profile pits.

UNSUITABLE SOIL – All soil other than suitable soil.

USDA SYSTEM OF CLASSIFICATION – The system of classifying soil texture used by the United States Department of Agriculture which defines 12 soil textural classes based upon the weight percentages of sand, silt and clay in that portion of the soil which passes through a sieve with two millimeter (2 mm) openings. The soil textural classes are shown graphically on the USDA Soil Textural Triangle, as shown in subsection O(3)(a).

VALUE – The relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

VERY FIRM CONSISTENCE – Characterized by a moist soil which crushes under strong pressure; barely crushable between thumb and forefinger.

VERY HARD CONSISTENCE – Characterized by a dry soil which is resistant to pressure, can be broken in the hands only with difficulty; not breakable between the thumb and forefinger.

ZONE OF SATURATION – A layer within or below the soil profile which is saturated with ground water either seasonally or throughout the year. This includes both regional and perched zones.

(c) Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:

[1] All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability

tests, both passing and failing, shall be reported to Little Egg Harbor Township.

[2] During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.

[3] A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20') feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8') feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.

[4] A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than one (1") inch per hour.

[5] Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoxomorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the

seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.

[6] Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one (1") inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.

[7] Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.

[8] A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

[9] Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4') feet of the lowest elevation of the basin bottom or to a depth equal to

two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a 100% safety factor to the tested rate.

[10] The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one (1") inch per hour. Soil materials that exhibit tested permeability rates slower than one (1") inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20") inches per hour regardless of the rate attained in the test procedure.

[11] After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.

[12] A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to Little Egg Harbor Township, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact. The mounding analysis shall be

calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

[13] The Applicant shall demonstrate that stormwater infiltration BMPs meet the seventy-two (72) hour drain time requirement established in subsection I(2)(a) of this ordinance.

(4) Pretreatment Measures for Infiltration BMPs. By reducing incoming velocities and capturing coarser sediments, pretreatment can extend the functional life and increase the pollutant removal capability of infiltration measures. Therefore, the installation of pretreatment measures is recommended for all development sites. Pretreatment measures may include, but are not limited to, the following:

(a) Vegetative filter strips;

(b) Bioretention systems. Used in conjunction with a bioretention system, the infiltration basin takes the place of the standard underdrain;

(c) Sand filters;

(d) Grassed swales; and

(e) Detention basins.

(5) Collection and Conveyance.

(a) Bicycle-safe inlet grates. Site development plans that incorporate site design features that help to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

[1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

[a] The New Jersey Department of Transportation (N.J.D.O.T) bicycle safe grate, which is described in Chapter 2.4 of the N.J.D.O.T Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

[b] A different grate, if each individual clear space in that grate has an area of no more than seven (7) square inches, or is no greater than one half (0.5) inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways,

parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

[2] Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7) square inches, or be no greater than two (2") inches across the smallest dimension.

[3] This standard does not apply:

[a] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

[b] Where flows from the water quality design storm as specified in Section III are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[i] A rectangular space four and five-eighths (4 and 5/8") inches long and one and one-half (1.5") inches wide (this option does not apply for outfall netting facilities); or

[ii] A bar screen having a bar spacing of one-half (0.5") inch.

[c] Where flows are conveyed through a trash rack that has parallel bars with one (1") inch spacing between the bars, to the elevation of the water quality design storm as specified in Section III of this ordinance; or

[d] Where the N.J.D.E.P. determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(b) Catch Basins. Catch basins are storm drain inlets with or without sumps. Catch basins may provide pretreatment for other stormwater BMPs by capturing large sediments. The sediment and pollutant removal efficiency of catch basins depends on the size of the sump and the performance of routine maintenance to retain the available sediment storage space in the sump. Where catch basins with sumps are proposed, the minimum two (2') feet separation between the bottom of the sump and seasonally high water table shall be provided.

(c) Open or Perforated Conveyance Piping. Where adequate separation to the seasonal high water table exists, stormwater from the development site may be conveyed to a stormwater basin via a system of perforated pipes. These pipes may be made of PVC or corrugated metal and are available with perforations of varying size and spacing. Perforated pipe

specifications shall be certified by a Professional Engineer. A Professional Engineer shall certify that perforated conveyance piping will not act to intercept the seasonal high water table and convey groundwater to the stormwater basin. All open or perforated stormwater conveyance systems shall be installed with a minimum separation of two (2') feet from the seasonal high water table

P. Additional Sources for Technical Guidance.

(1) N.J.D.E.P. Technical Guidance Sources.

(a) New Jersey BMP Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, New Jersey 08625; or online at http://www.N.J.stormwater.org.

(b) N.J.D.E.P. Stormwater Management Facilities Maintenance Manual. Available from the Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, New Jersey 08625; or online at http://N.J.edl.rutgers.edu/ftp/PDFs/1188.pdf .

(2) Additional Guidance Sources.

(a) New Jersey Pinelands Commission, P.O. Box 7, 15 Springfield Road, New Lisbon, New Jersey 08064; Phone: 609-894-7300; Website: http://www.state.N.J.us/pinelands.

(b) State Soil Conservation Committee Standards for Soil Erosion and Sediment Control in New Jersey. Available from all State Soil Conservation Districts, including Ocean County Soil Conservation District, 714 Lacey Road, Forked River, New Jersey 08731; Phone: 609-971-7002; Fax 609-267-3347; Website: http://ocscd.org.

(c) State Soil Conservation Districts.

(d) New Jersey Department of Transportation, P.O. Box 600, Trenton, N.J. 08625-0600; Phone: 609-530-3536; Website: http://www.state.N.J.us/ transportation.

ARTICLE XIV
Improvements and Assessments

§ 15-14.1. Off-site and off-tract improvements.

A. Final approval prerequisites. Prior to the granting of final approval of any subdivision or cluster development and prior to the issuance of any building permits for any land use, including land uses which require site plan approval pursuant to this chapter and any residence or other use of property on an unimproved street or where any off-tract improvements have not been installed, the developer shall pay their pro rata share of the cost of providing any reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the development but necessitated or required by construction or improvements within the development. All payments shall be in the manner provided in Subsection C., below, it being the intent of this subsection that the developer bear that portion of the cost which bears a rational basis to the needs created by the development and/or benefits conferred upon such development.

B. Improvements required. Off-site and off-tract improvements shall include the following:
   (1) All improvements of the types described in § 15-16.4. for on-site installation, where the need for the providing of such improvements off site or off tract is, in whole or in part, made necessary by the proposed development application of the developer and where the making of such improvements will confer a benefit upon the developer's lands which are the subject of the development application.
   (2) Any improvement or facility, the installation of which is required in the public interest and the public need for which would not arise but for the improvement of the lands which are the subject of the development application and the installation of which would confer a benefit upon the developer's lands which are the subject of the development application. In addition to improvements of the type described in this chapter and referred to in Subsection B.(1) above, improvements required to maintain a safe flow of vehicular and pedestrian traffic are specifically declared to be necessary in the public interest.
   (3) The installation of new or the extension or modification of existing improvements made necessary in whole or in part by the development application which will be benefited by the improvement.

C. Developer's share of cost for improvements not installed by them. In the event that the developer shall not be required to install off-site or off-tract improvements by virtue of the provisions of this chapter, then and in that event, there shall be paid to the Township Treasurer the amount of the developer's share of the finally determined cost of the off-site or off-tract improvement. All moneys received by the Township in accordance with the provisions of this subsection shall be deposited in an interest-bearing account, and such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose. If the improvements are not initiated within a period of ten (10) years from the date of payment or other mutually agreeable period of

time, all deposited funds shall be returned to the developer, together with accumulated interest.

D. Cost allocation.

(1) Full allocation. In cases where off-tract improvements are necessitated by the proposed development and where no other property owner(s) receive(s) a special benefit thereby, the applicant may be required, at their sole expense and as a condition of approval, to provide and install such improvements.

(2) Proportionate allocation. Where it is determined that properties outside the development will also be benefited by the off-tract improvement, the allocation formulas shall be utilized in determining the proportionate share of the cost of such improvements to the developer.

(3) Predetermined allocation. In some cases, where the nature of the improvement makes it difficult to determine the extent of cost of the improvement or its allocation to a specific project, the Township Committee may enact by ordinance specific predetermined assessments.

§ 15-14.2. Recreation.

[Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 9/11/2003 by Ord. No. 2003-21]; [Amended 10/13/2005 by Ord. No. 2005-30]; [Amended 12/10/2009 by Ord. No. 2009-12]

"Reserved"

ARTICLE XV
Specifications of Documents to Be Submitted

§ 15-15.1. Concept plan checklist.

The following information and documents must be submitted to the Planning Board for a concept plan review:

A. The name and address of the owner and applicant.

B. The name, signature, license number and address of the Engineer, Land Surveyor, Architect, Professional Planner and/or Landscape Architect, as applicable, involved in the preparation of the plat.

C. A title block denoting the type of application, Tax Map sheet, County, name of municipality, block and lot and street location.

D. A key map at a specified scale showing the location of the tract with reference to surrounding properties, streets, municipal boundaries, etc., within five hundred (500) feet.

E. A schedule of required and provided zone district(s) requirements, including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.

F. A North arrow and scale.

G. The general size and location of any existing or proposed structures.

H. The general location and dimensions of any existing or proposed streets.

I. An existing copy and/or delineation of any existing or proposed deed restrictions or covenants.

J. Any existing or proposed easements or land reserved for or dedicated to public use.

K. Payment of the concept review fee.

L. All existing streets, watercourses and floodplains and the general location of wetlands or other environmentally sensitive areas on and within two hundred (200) feet of the site.

M. Existing right-of-ways and/or easements on and within two hundred (200) feet of the tract.

N. Topographical features of the subject property from the United States Coast and Geodetic Survey Map.

O. The general boundary, limits, nature and extent of wooded areas, specimen trees and other significant physical features.

P. The general vehicular and pedestrian circulation patterns.

Q. The following shall be addressed before the application can be deemed complete:
(1) Appropriate fees from the fee schedule.
(2) One (1) copy of the development application checklist.
(3) Twelve (12) copies of the subdivision plans, including the plat detail criteria set forth in:
(a) Section 15-15.2.A for minor subdivisions.
(b) Section 15-15.2.B. for preliminary approval for major subdivisions.
(c) Section 15-15.2.C. for final approval for major subdivisions.
(4) Twenty (20) copies of the development application [twelve (12) copies for Zoning Board of Adjustment "C" Variances].
(5) One (1) copy of the tax certification.
(6) One (1) copy of the notice of fees and agreement to pay the same.
(7) One (1) copy of the affidavit of ownership.
(8) One (1) copy of the disclosure of ownership (if a partnership, corporation or joint ownership).
(9) One (1) copy of the affidavit of noncollusion.
(10) Twelve (12) copies of the permit refusal from the Zoning Officer.
(11) Twelve (12) copies of the Tax Map resolution sheet (final only).
(12) Five (5) copies of the environmental assessment, if required.
(13) Five (5) copies of the traffic impact study, if required.
(14) Five (5) copies of the drainage calculations.
(15) Five (5) copies of the soils report.
(16) In the Pinelands Area, such other information as may be required under the Township Code.

R. A minimum of four (4) days prior to a public hearing, the following additional items shall be submitted:
(1) One (1) copy of the affidavit of proof of service.
(2) One (1) copy of the list of property owners within a two hundred-foot radius.
(3) One (1) copy of certified mail receipts from the post office.
(4) One (1) copy of the proof of publication from the newspaper.

§ 15-15.2. Subdivision plat details.

A. Minor subdivisions.
(1) General requirements. Minor subdivision shall be based on a land survey and shall be drawn at a scale not more than one hundred (100) feet to the inch for subdivisions up to one hundred (100) acres in size and not more than two hundred (200) feet to the inch for subdivisions over one hundred (100) acres in size and shall show or be accompanied by the information specified below.
(2) Specific requirements shall be as follows:

(a) Title block. The title block shall appear on all streets and include:

[1] The title of the minor subdivision.

[2] The name, if any.

[3] The Tax Map sheet, block and lot number(s) of the tract to be subdivided as shown on the latest Township Tax Map.

[4] The acreage of the tract to be subdivided.

[5] The date (original and all revisions).

[6] The names and addresses of the owner and the subdivider, so designated.

[7] The name(s), signature(s), address(es) and license number(s) of the land surveyor who prepared the map. (The plat should bear the embossed seal of the land surveyor.)

[8] A schedule should be placed on the map indicating the acreage of the tract, the approximate number of lots, the zone, minimum required lot areas, setbacks, yards and dimensions.

[9] In the Pinelands Area, the information required pursuant to the Township Code.

(b) Detailed information:

[1] A key map, at a scale of one (1) inch equals two thousand (2,000) feet, showing the location of the tract to be subdivided with reference to surrounding areas, existing streets which intersect or border the tract, the names of all such streets and the location of any Township boundary which is within five hundred (500) feet of the subdivision.

[2] The names of all owners of and property lines of parcels within two hundred (200) feet of land to be subdivided, including properties across the street, as shown by the most recent records of the Township.

[3] All existing streets, watercourses, floodplains, floodways and flood hazard areas within the proposed subdivision and within two hundred (200) feet of the boundaries thereof.

[4] All existing structures and uses, with an indication of those which are to be destroyed or removed, as well as the shortest distance between any existing building and a proposed or existing lot line. All front, side and rear yard setback lines shall be shown conforming to the Zoning Ordinance.

[5] The boundaries, nature and extent of wooded area and the location of any other significant physical features, including swamps, bogs and ponds, within the proposed subdivision.

[6] Existing and proposed right-of-ways and easements within and adjoining the tract, with dimensions, existing driveways, street names and the purpose of any easement. Sight triangles shall be shown. Copies of the text of any deed restrictions shall be included.

[7] A North arrow and written graphic scales.

[8] It shall be one (1) of four (4) standard sizes, namely thirty by forty-two (30 x 42) inches, twenty-four by thirty-six (24 x 36) inches, fifteen by twenty-one (15 x 21) inches or eight and one-half by thirteen (8½ x 13) inches, as measured from cutting edges. If one (1) sheet is not of sufficient size to contain the entire territory, the map may be divided into sections, to be shown on separate sheets of equal sizes, with references on each sheet to the adjoining sheets.

[9] It shall show the dimensions, bearings and curve data, including lengths of tangents, radii, arcs, chords and central angles, for all center-line and right-of-way-line curves on streets sufficient to enable the definite location of all lines and boundaries shown thereon, including drainage easements, public easements and areas dedicated for public use.

[10] Tangents, chord, arc, radius and central angle at all street corners.

[11] All dimensions, both linear and angular, of the exterior boundaries of the subdivision and all lots and all lands reserved or dedicated for public use shall balance, and either description shall close within a limit of error of not more than one (1) part in ten thousand (10,000).

[12] Each block and each lot shall be numbered in accordance with a scheme approved by the Tax Assessor.

[13] All municipal boundary lines crossing or adjacent to the territory intended to be subdivided shall be shown and designated.

[14] The names of adjoining subdivisions, if any, and the file number of the recording or the names of the owners of adjacent properties.

[15] The map shall clearly show all monumentation and property markers as required, including monuments found, monuments set and monuments to be set. An indication shall be made where monumentation found has been reset. All monuments, as required, shall be placed in compliance with the New Jersey Map Filing Law, as amended.

[16] An affidavit setting forth the names and addresses of all the record title owners of the lands proposed to be subdivided by the map and the consent, in writing, of all such owners to the approval of such map shall accompany the plat or be shown thereon.

[17] Such other information as the Board Engineer or Board may require or request during the informal discussion of the subdivision.

[18] The map must include certification blocks for the signatures of the Chairman and Secretary of the Board, the Board Engineer and such other certifications as required by law.

[19] In the Pinelands Area, such other information as may be required under the Township Code.

[20] The location, size and type of existing trees, shrubs and any significant natural features.

(c) Required documentation:

[1] Ocean County Planning Board approval, where required.

[2] Proof of payment of real estate taxes.

[3] A Certificate of Title, which may be in letter form, signed by a member of the New Jersey Bar or by a Title Officer or authorized agency of a title insurance company licensed to do business in the State of New Jersey, which certificate shall confirm that the owner of the premises in question is the applicant as shown on the plat.

[4] Such other submittals as may be required by State or local law. Unless other specific provisions are made in this chapter or by statute, all approvals required of Federal, State, County and local agencies or officials shall be obtained and evidence thereof filed with the Planning Board prior to the signing of a plat.

(3) If the Board agrees, approval may be granted conditioned upon the receipt of any necessary subsequent approval, but no approval signatures will be affixed to any plat prior to obtaining any such required approvals. The Board may determine a reasonable time for obtaining all such required approvals; and such time in no case shall exceed one hundred ninety (190) days. In the event that such required approvals are not obtained within such time, the conditional approval shall lapse, and submission of a new application will be necessary.

B. Preliminary plats for major subdivisions shall include the following:

(1) The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one hundred (100) feet to the inch, on sheets of equal size and a maximum size of thirty by forty-two (30 x 42) inches. It shall be prepared and sealed by a Land Surveyor licensed by the State of New Jersey, with design and improvements prepared by a Professional Engineer licensed by New Jersey. The preliminary plat shall be designed in compliance with the provision of § 15-10.5. and shall contain the information required by this section.

(2) Title block. The title block shall appear on all sheets and include:

(a) The title of the preliminary plat.

(b) The name, if any.

(c) The Tax Map sheet, block and lot number(s) of the tract to be subdivided as shown on the latest Township Tax Map.

(d) The acreage of the tract to be subdivided, to the nearest tenth of an acre.

(e) The date (of the original and all revisions).

(f) The names and addresses of the owner and the subdivider, so designated.

(g) A schedule shall be placed on the map indicating the acreage of the tract, the number of lots, the zone, minimum required lot areas, setbacks, yards and dimensions.

(h) The name(s), signature(s), address(es), and license number(s) of the Engineer and Land Surveyor who prepared the map. (The plat shall bear the embossed seal of the Engineer and Land Surveyor.)

(3) A key map, at a scale of one (1) inch equals two thousand (2,000) feet, showing the location of the tract to be subdivided, with reference to surrounding areas,

existing streets which intersect or border the tract, the names of all such streets and any township boundary which is within five hundred (500) feet of the site.

(4) The names of all owners of and property lines of parcels within two hundred (200) feet of the site, including properties across the street, as shown by the most recent records of the Township.

(5) The plat shall be based on a current, certified boundary survey. The date of the survey and the name of the person making the same shall be shown on the map.

(6) Existing one-foot interval contours based on United States Coast and Geodetic Survey datum (MSL-O) shall be shown extending a minimum of one hundred (100) feet beyond the boundary of the tract in question and shall be certified by a New Jersey Licensed Surveyor or Professional Engineer as to accuracy, except that where the slopes exceed five percent (5%), a two-foot interval may be used. The source of elevation base datum shall be note.

(7) All existing streets, watercourses, floodplains, floodways and flood areas within the proposed subdivision and within two hundred (200) feet of the boundaries thereof, both the width of the paving and the width of the right-of-way of each street, existing public easements and township borders within two hundred (200) feet of the subdivision.

(8) All existing structures, an indication of those which are to be destroyed or removed and the front, rear and side yard dimensions of those to remain.

(9) The boundaries, nature and extent of wooded areas and other important physical features, including swamps, bogs and ponds, within the proposed subdivision.

(10) The layout of the proposed subdivision, drawn in compliance with the provisions of this chapter.

(11) All proposed public easements or rights-of-way and the purposes thereof and proposed streets within the proposed subdivision. The proposed streets shall show the right-of-way and proposed pavement width.

(12) The existing systems of drainage of the subdivision and of any larger tract of which it is a part, together with information on how it is proposed to dispose of surface drainage.

(13) The acreage of the drainage area (or areas) of each natural or man-made watercourse traversing the subdivision, including the area within the subdivision and the area upstream from the subdivision.

(14) All proposed lot lines and the areas of all lots in square feet.

(15) A North arrow and written and graphic scales.

(16) A copy of any existing or proposed covenants or deed restrictions applying to the land being subdivided, or certification that none exists.

(17) Preliminary utility layouts showing methods of connection and sources of service.

(18) The proposed location and area, in acres or square feet, of all required or proposed open space areas.

(19) The preliminary plat shall indicate the zone and tract acreage and shall show the required minimum lot area, front, side and rear yard setback lines and the lot line dimensions and areas of each lot being created by the proposed subdivision.

(20) Preliminary construction, grading, drainage and utility plans and profiles, at a scale of one (1) inch equals one hundred (100) feet horizontally and one (1) inch

equals five (5) feet vertically, shall accompany the final plat and show the following information:

(a) A grading plan showing existing and proposed grading contours at intervals of one (1) foot throughout the tract, except that if slopes exceed five percent (5%), an interval of two (2) feet is permissible. Datum shall be United States Coast and Geodetic Survey, and the source of the datum shall be noted.

(b) The proposed spot or finished elevations at all property corners, the curb opposite property corners, corners of all proposed structures or dwellings, the first-floor elevation of all proposed structures or dwellings and drainage arrows designating direction of overland drainage flow on each lot.

(c) Complete information for storm drainage and sanitary sewer systems, including but not limited to invert, rim and top-of-casting elevation for all drainage structures and the size, length, type and class of pipe and slope of all pipe. The drainage plan shall be accompanied by complete drainage calculations made in accordance with the standards set forth herein.

(d) The slope, direction of flow and typical section for all streams, swales and ditches.

(e) Preliminary center-line profile grades, correct to one-hundredth (1/100) foot, with full information concerning vertical curve elevation.

(f) All center-line elevations of each street at a maximum interval of one hundred (100) feet.

(g) Complete construction details for all structures, including but not limited to manholes, inlets, headwalls, yard drains, culverts, bridges and pumping stations.

(h) Complete off-site information concerning final disposition of stormwater runoff and sanitary sewer connections to existing or proposed facilities.

(i) Utility layouts and cross sections (sewers, water, gas, electric, telephone, etc.) showing feasible connections to any existing or proposed utility systems; provided, however, that layouts of gas, electric and telephone lines are not required. An indication of these on a typical road cross section shall be sufficient. Layouts shall include proposed locations of fire hydrants. If private utilities are proposed, they shall comply with all local, county and state regulations.

(j) The tops of the banks and boundaries of the floodways and flood hazard areas of all existing watercourses, where such have been delineated, or the limits of alluvial soil where the boundaries of floodways and flood hazard areas have not been determined, and/or such other information as may assist the Planning Board in the determination of floodway and flood hazard area determination limits.

(k) The limits of all areas of proposed cuts and fills, exclusive of excavations for basements, shall be clearly designated.

(21) Sectionalization and staging plan. The plat may be accompanied by a preliminary sectionalization and staging plan showing the following. If the subdivision is proposed to be filed for final approval in sections, the plan shall show each such

section. The staging of the various sections in the subdivision shall be such that, if development of the subdivision were to be discontinued after the completion of any section, the developed portion of the subdivision would be provided with adequate street drainage and utility systems. The size and staging of the section in a subdivision shall be established to promote orderly development and shall be subject to the approval of the Board. In no instance shall any single section of a subdivision include more than one hundred (100) lots. During construction of the development, the developer shall fully comply with the sectionalization and staging plan in accordance with the preliminary approval. If, for any reason, the developer does not fully comply with the approved sectionalization and staging plan, no building permits shall be issued until such time as the developer makes application to and receives approval from the Board for a revised staging and sectionalization plan. The Board may modify the plan and pose time restrictions or require the developer to construct the development in accordance with an approved staging and sectionalization plan.

(22) The map must include certification for the signatures of the Chairman, the Secretary and the Board Engineer.

(23) Soil borings to a depth of ten (10) feet, indicating soil types and the seasonal high-water-table elevations, along with percolation tests, shall be submitted [one (1) for each five (5) acres] for all subdivisions where on-site sanitary sewer disposal septic systems are proposed. The location of soil borings and percolation tests shall be indicated on the plat.

(24) An affidavit setting forth the names and addresses of all record title owners of the land proposed to be subdivided by the map and the consent, in writing, of all such owners to the approval of such map shall accompany the plats or be shown.

(25) All municipal boundary lines crossing or adjacent to the territory intended to be subdivided shall be shown and designated.

(26) The names of adjoining subdivisions, if any, and the file number of the recording or the names of the owners of adjacent properties.

(27) The applicant shall be required to submit certification, in writing, from the Little Egg Harbor Municipal Utilities Authority indicating that the plans have been reviewed and approved or conditionally approved at their preliminary stage by the Municipal Utilities Authority.

(28) The preliminary plat shall indicate the limits of land clearing and land disturbance of the proposed major subdivision.

(29) In the Pinelands Area, such other information as may be required under the Township Code.

(30) The specific size and species of individual existing mature trees of a size of four (4) inches in diameter at breast height (dbh) and masses of existing mature woodland [predominantly trees greater than four (4) inches in diameter at breast height (dbh)] and any other significant natural vegetation or natural features. The plans must indicate all existing mature vegetation to be preserved, relocated (including the proposed location of transplanted trees) or removed and appropriate details and plans for tree protection fencing. The plans shall include an aerial photograph or copy of an aerial photograph with the site boundaries clearly indicated. This photograph or print must be of a scale of one (1) inch equals four

hundred (400) feet or less, must have been taken within a five-year period of the date of submission and must clearly indicate existing vegetation, structures and surrounding land uses.

(31) A preliminary landscape plan, prepared by a certified Landscape Architect. The plan shall be prepared on a halftone sheet of the Engineer's grading plan showing existing and proposed grades and shall indicate the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs, ground cover and lawn, utilizing different graphic symbols for each which are representative of the size of the plant, within a period of ten (10) years after installation, and shown to scale. The plan shall include a planting schedule indicating the quantity, common name, botanical name, installed size (including height and caliper for shade and ornamental trees), root and quality for all proposed plantings. The plan shall indicate the construction materials, location and size of any berms, walls, fences, pavements or site amenities to be provided. When appropriate or required, a graphic section illustration at a scale of one (1) inch equals ten (10) feet or larger shall be provided to indicate the effectiveness of proposed or existing materials as a buffer in relation to the height of the area being screened.

(32) Preliminary details of all proposed recreational areas, including details of both active and passive areas, and the lot in which the recreation area, if required, is to be located shall be included as an integral part of the preliminary plan submission.

(33) Such other information as the Board and/or Board Engineer may require or request.

(34) Stormwater Control Ordinance Checklist **[Amended 12/13/2007 by Ord. No. 2007-26]**

(a) Topographic Base Map
(b) Vicinity Map
(c) Environmental Site Analysis
(d) Project Description and Site Plan
(e) Land Use Planning and Source Control Plan
(f) Stormwater Management Facilities Map
(g) Calculations
(h) Maintenance Repair Plan
(i) Waiver from Submission Requirements

C. Final plats for major subdivisions. The final plat shall be clearly and legibly drawn in final form at a scale of not less than one (1) inch equals fifty (50) feet, in compliance with the New Jersey Statutes, for purposes of recording. The final plat shall conform to the preliminary plat as approved, shall not contain more than one hundred (100) lots and, at a minimum, shall show and be accompanied by the following:

(1) Required documentation:

(a) Little Egg Harbor Municipal Utilities Authority approval.
(b) Ocean County Planning Board approval, where required.
(c) State and/or Federal regulatory agencies approval, as required.
(d) A soil disturbance permit.
(e) Proof of payment of real estate taxes.

(f) A Certificate of Title, which may be in letter form, signed by a member of the New Jersey Bar or by a Title Officer or authorized agent of a title insurance company licensed to do business in the State of New Jersey, which certificate shall confirm that the owner of the premises in question is the applicant as shown on the plat.

(g) Such other submittals as may be required by Federal, State or local law. Unless other specific provisions are made in this chapter or by statute, all approvals required of Federal, State, County and local agencies or officials shall be obtained and evidence thereof filed with the Board prior to the signing of a final plat. If the Board agrees, final approval may be granted conditioned upon the receipt of any necessary subsequent approvals, but no approval signatures will be affixed to any plat prior to obtaining any such required approvals. The Board may determine a reasonable time for obtaining all such required approvals; and such time in no case shall exceed one (1) year. In the event that such required approvals are not obtained within such time, the conditional approval shall lapse, and submission of a new application will be necessary.

(2) The final plat shall contain all general requirements, details and supporting data as required for the preliminary plat as specified in § 15-10.5.

(3) It shall show the dimensions, bearings and curve data, including the lengths of tangents, radii, arcs, chords and central angles, for all center-line and right-of-way-line curves on streets sufficient to enable the definite location of all lines and boundaries shown thereon, including drainage easements. public easements and areas dedicated for public use.

(4) Tangents, chord, arc, radius and central angle at all street corners.

(5) All dimensions, both linear and angular, of the exterior boundaries of the subdivision and all lots and lands reserved or dedicated for public use shall balance, and their description shall close within a limit of error of not more than one (1) part in ten thousand (10,000). Where feasible, the control points of the subdivision shall be referenced to three (3) permanent coordinated monuments.

(6) Any easement or land reserved for or dedicated to the public use shall be designated, and the proposed use of sites other than residential shall be noted.

(7) Each block and each lot shall be numbered in accordance with a scheme approved by the Tax Assessor.

(8) The map shall clearly show all monumentation and property markers as required, including monuments found, monuments set and monuments to be set. An indication shall be made where monumentation found has been reset. All monuments, if required, shall be placed in compliance with the Map Filing Law.

(9) Subdivision names and street names shown on the final plat shall not be the same or similar to any name of an existing subdivision or street in the Township.

(10) In addition to the final plat scale requirements of this subsection, the final plans shall include a Tax Map resolution sheet drawn to the scale of the appropriate Tax Map of Little Egg Harbor Township depicting the subdivision on the Tax Map.

§ 15-15.3. Site plan checklist.

A. The following shall be addressed before the application can be deemed complete:
   (1) Appropriate fees from the fee schedule.
   (2) One (1) copy of the development application checklist.
   (3) Twelve (12) copies of the plans, including the plat detail criteria set forth in:
      (a) Section 15-15.5. for minor site plans.
      (b) Section 15-15.4.A. for preliminary approval.
      (c) Section 15-15.4.B. for final approval.
   (4) Twenty (20) copies of development application [twelve (12) copies for Zoning Board of Adjustment "C" Variances].
   (5) One (1) copy of the tax certification.
   (6) One (1) copy of the notice of fees and agreement to pay the same.
   (7) One (1) copy of the affidavit of ownership.
   (8) One (1) copy of the disclosure of ownership (if a partnership, corporation or joint ownership).
   (9) One (1) copy of the affidavit of noncollusion.
   (10) Twelve (12) copies of the permit refusal from the Zoning Officer.
   (11) Twelve (12) copies of the Tax Map resolution sheet (final only).
   (12) Five (5) copies of the environmental assessment, if required.
   (13) Five (5) copies of the traffic impact study, if required.
   (14) Five (5) copies of the drainage calculations.
   (15) Five (5) copies of the soils report.
   (16) In the Pinelands Area, such other information as may be required under Township Code.
   (17) Stormwater Control Ordinance Checklist **[Amended 12/13/2007 by Ord. No. 2007-26]**
      (a) Topographic Base Map
      (b) Vicinity Map
      (c) Environmental Site Analysis
      (d) Project Description and Site Plan
      (e) Land Use Planning and Source Control Plan
      (f) Stormwater Management Facilities Map
      (g) Calculations
      (h) Maintenance Repair Plan
      (i) Waiver from Submission Requirements

B. A minimum of four (4) days prior to a public hearing, the following additional items shall be submitted:
   (1) One (1) copy of the affidavit of proof of service.
   (2) One (1) copy of the list of property owners within a two hundred-foot radius.
   (3) One (1) copy of certified mail receipts from the post office.
   (4) One (1) copy of proof of publication from the newspaper.

§ 15-15.4. Site plan details.

A. Preliminary site plan details shall include the following:

(1) The site plan shall be clearly and legibly drawn or reproduced, at a scale of not less than fifty (50) feet to the inch, on sheets of equal size and a maximum size of thirty by forty-two (30 x 42) inches. It shall be drawn and sealed by a Land Surveyor and/or Professional Engineer licensed by the State of New Jersey. The site plan shall be designed in compliance with the provisions of this section and shall contain the following information.

(2) Title block. The title block shall appear on all sheets and include:

(a) The title of the site plan.

(b) The name, if any.

(c) The Tax Map sheet, block and lot number(s) of the tract as shown on the latest Township Tax Map.

(d) The acreage of the tract to the nearest tenth of an acre.

(e) The date (of the original and all revisions).

(f) The names and addresses of the owner and application, so designated.

(g) A schedule shall be placed on the map indicating the acreage of the tract, the zone, minimum required lot areas, setbacks, yards and dimensions.

(h) The name(s), signature(s), address(es) and license number(s) of the Engineer and Land Surveyor who prepared the map. (The plat shall bear the embossed seal of the Engineer and Land Surveyor.)

(3) A key map, at a scale of one (1) inch equals two thousand (2,000) feet, showing the location of the tract with reference to surrounding areas, existing streets which intersect or border the tract, the names of all such streets and any Township boundary which is within five hundred (500) feet of the site.

(4) The names of all owners of and property lines of parcels within two hundred (200) feet of the site, including properties across the street, as shown by the most recent records of the Township.

(5) The plat shall be based on a current, certified boundary survey. The date of the survey and the name of the person making the same shall be shown on the map.

(6) Existing one-foot interval contours based on United States Coast and Geodetic Survey datum (MSL-O) shall be shown extending a minimum of one hundred (100) feet beyond the boundary of the tract in question and shall be certified by a New Jersey Licensed Surveyor or Professional Engineer as to accuracy, except that where the slopes exceed five percent (5%), a two-foot interval may be used. The source of elevation datum base shall be noted.

(7) All existing streets, watercourses, floodplains, floodways and flood areas within the proposed site and within two hundred (200) feet of the boundaries thereof, both the width of the paving and the width of the right-of-way of each street and existing public easements.

(8) All existing structures, an indication of those which are to be destroyed or removed and the front, rear and side yard dimensions of those to remain. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.

(9) The boundaries, nature and extent of wooded areas and other important physical features, including swamps, bogs and ponds, within the proposed site and within two hundred (200) feet thereof.

(10) All proposed public easements or right-of-ways and the purposes thereof and proposed streets within the proposed site. The proposed streets shall show the right-of-way and proposed pavement width.

(11) The existing system of drainage of the site and of any larger tract of which it is a part, together with information on how it is proposed to dispose of surface drainage.

(12) The acreage of the drainage area (or areas) of each natural or man-made watercourse traversing the site, including the area within the site and the area upstream from the site.

(13) A North arrow and written and graphic scales.

(14) A copy of any existing or proposed covenants or deed restrictions applying to the site or certification that none exist.

(15) Utility layouts showing the methods of connection and the source of service.

(16) The proposed location and area, in acres or square feet, of all required or proposed open space areas.

(17) Such other information or data as may be required by the Board in order to determine that the details of the site plan are in accordance with the standards of the ordinances of the Township and all other general laws.

(18) On-site grading and drainage plan.

(a) The plat shall show or be accompanied by a grading and drainage plan which will show locations of all existing and proposed drainage swales and channels, retention and recharge basins, the scheme of surface drainage and other items pertinent to drainage, including the approximate proposed grading contours at one-foot intervals, except that, if slopes exceed five percent (5%), a two-foot interval may be used.

(b) The plan shall outline the approximate area contributing to each inlet.

(c) All proposed drainage shall be shown, with pipe type and sizes, invert elevations, grades and direction of flow. The direction of flow of all surface waters and of all watercourses shall be shown.

(d) The grading and drainage plan shall be accompanied by drainage calculations made in accordance with standards set forth herein.

(19) Off-site drainage plan. The plat shall also be accompanied by an off-site drainage plan prepared in accordance with the following standards:

(a) The plan shall consist of an outline of the entire drainage basin in which the property is located. The terminus of the basin and existing ground contours or other basins for determining basin limits shall be shown.

(b) Pertinent off-site existing drainage, which receives or discharges runoff from or onto the site, shall be shown with elevations of inverts, pipe types and sizes or other appropriate physical data for open or nonpipe conduits.

(20) Profiles showing all proposed drainage, all existing and proposed finished roadway grades, channel section details, pipe sizes, type, inverts, road crowns and slopes and all other proposed drainage structures and connections.

(a) Sectionalization and staging plan. The plat shall be accompanied by a sectionalization and staging plan, if applicable, showing the following. If the site plan is proposed to be constructed in sections, the plan shall show each such section. The staging of the various sections shall be such that, if

development were to be discontinued after the completion of any section, the developed portion would be provided with adequate street drainage and utility systems. The size and staging of each section shall be established to promote orderly development and shall be subject to the approval of the Board. During construction of the development, the developer shall fully comply with the sectionalization and staging plan in accordance with the preliminary approach. If, for any reason, the developer does not fully comply with the approved sectionalization and staging plan, no building permits shall be issued until such time as the developer makes application to and receives approval from the Board for a revised staging and sectionalization plan. The Board may modify the plan and impose time restrictions or require the developer to construct the development in accordance with an approved staging and sectionalization plan.

(22) The map must include certification for the signatures of the Chairman, the Secretary and the Board Engineer.

(23) The proposed spot or finished elevations at all property corners, curb, corners of all proposed structures, first-floor elevation of all proposed structures and those to remain, and drainage arrows designating the direction of overland drainage flow and the proposed use or uses of land and all structures.

(24) Detailed utility layouts and cross sections (sewers, water, gas, electric, telephone, etc.) showing feasible connections to any existing or proposed utility systems; provided, however, that detailed layouts of gas, electric and telephone lines are not required. Layouts shall include the proposed location of fire hydrants. If private utilities are proposed, they shall comply with all local, county and state regulations.

(25) The limits of all areas of proposed cuts and fills, exclusive of excavations for basements, shall be clearly designated.

(26) The method of sewage and solid waste disposal shall be described.

(27) The distances measured along the right-of-way lines of existing streets abutting the property to the nearest intersections with other public streets.

(28) The vehicular circulation pattern on the site and the means of ingress to and egress from the development, showing, in particular, the size and location of driveways and curb cuts, walkways, the proposed traffic channels, acceleration and deceleration lanes, if any, and any other means of controlling vehicular and pedestrian traffic.

(29) The location and design of any on-site parking areas or loading areas, showing the size and location of spaces, bays, aisles and barriers.

(30) The location, direction of illumination, height, intensity and hours of operation of the existing or proposed outdoor lighting, to be expressed in average horizontal footcandles.

(31) The location, size and type of directional, regulatory or advisory signs or pavement markings.

(32) The location and use of existing structures within one hundred (100) feet of the tract boundaries.

(33) The specific, size and species of individual existing mature trees of a size of four (4) inches in diameter at breast height (dbh) and masses of existing mature woodland [predominantly trees greater than four (4) inches in diameter at breast height (dbh)] and any other significant natural vegetation or natural features. The plans must indicate all existing mature vegetation to be preserved, relocated (including the proposed location of transplanted trees) or removed. The plans shall include an aerial photograph or copy of an aerial photograph with the site boundaries clearly indicated. This photograph or print must be of a scale of one (1) inch equals four hundred (400) feet or less, must have been taken within a five-year period of the date of submission and must clearly indicate existing vegetation, structures and surrounding land uses.

(34) The location of driveways within one hundred (100) feet of the site boundaries.

(35) The location and type of garbage and refuse disposal facilities.

(36) Soil erosion and sedimentation control plans shall be submitted.

(37) Preliminary architectural plans and elevations shall accompany the site plan submission.

(38) The locations and type of the nearest and/or proposed fire hydrants.

(39) Sight triangles shall be provided and shown on the plat as required by this chapter.

(40) The Board may waive any of the requirements of this section of details specified to be shown on the site plan in any given application if the Board determines that strict adherence to the requirements or details would be superfluous or unduly burdensome to the applicant and not in the best interest of the Township. The Board, in its discretion, may permit an applicant to use alternative types of improvements where good cause is shown and where the proposed type of improvement would at least be the equivalent of the improvement standards in this chapter.

(41) A preliminary landscape plan. The plan shall be prepared on a halftone copy of the Engineer's grading plan, showing existing and proposed grades, and shall indicate the location and spacing of shade trees, ornamental trees, evergreen trees, shrubs, ground cover and lawn, utilizing different graphic symbols for each which are representative of the size of the plant, within a period of ten (10) years after installation, and shown to scale. The plan shall include a planting schedule indicating the quantity, common name, botanical name, installed size (including height and caliper for shade and ornamental trees), root and quality for all proposed plantings. The plan shall indicate the construction materials, location and size of any berms, walls, fences, pavements or site amenities to be provided. When appropriate or required, a graphic section illustration at a scale of one (1) inch equals ten (10) feet or larger shall be provided to indicate the effectiveness of proposed or existing materials as a buffer in relation to the height of the area being screened.

(42) The applicant shall detail what provisions are to be incorporated in the site development with regard to access for emergency and firefighting equipment and for fire safety.

(43) An environmental impact assessment shall be required where the property for which an approval is sought contains wetlands or is within two hundred (200) feet of wetlands. In addition, the Board may require an environmental impact assessment in regard to any application before the Board. Where an environmental impact assessment is required, the applicant shall provide such a submission in accordance with the requirements of § 15-15.6. and the New Jersey Department of Environmental Protection. The environmental impact assessment shall be required to be prepared and submitted with the preliminary application, and the application may be deemed incomplete without it. In those cases where an impact statement is required by the New Jersey Department of Environmental Protection or other outside agency, a copy of the same shall be submitted to the Board for its review.

(44) In the Pinelands Area, such other information as may be required under the Township Code.

B. Final site plan details. The final site plan shall be clearly and legibly drawn or reproduced at a scale of not less than fifty (50) feet to the inch, on sheets of equal size and a maximum size of thirty by forty-two (30 x 42) inches. It shall be drawn and sealed by a Land Surveyor and/or Professional Engineer licensed by the State of New Jersey. The final site plan shall conform to the preliminary site plan as approved, shall be designed in compliance with the provisions of this section in addition to the following:

(1) Required documentation:

(a) Little Egg Harbor Municipal Utilities Authority approval.

(b) Ocean County Planning Board approval, where required.

(c) State and/or Federal regulatory agency approval, as required.

(d) Ocean County Conservation District approval, where required.

(e) Proof of payment of real estate taxes.

(f) An affidavit setting forth the names and addresses of all record title owners of the subject property included on the site plan and the consent, in writing, of all such owners to the approval of such site plan shall accompany the final plat or shall be shown thereon.

(g) Such other submittals as may be required by Federal, State or local law. If the Board agrees, final approval may be granted conditioned upon the receipt of any necessary subsequent approvals, but no approval signatures will be affixed to any plat prior to obtaining any such required approvals. The Board may determine a reasonable time for obtaining all such required approvals; and such time in no case shall exceed one (1) year. In the event that such required approvals are not obtained within such time, the conditional approval shall lapse, and submission of a new application will be necessary.

(h) A written description of the proposed operations in sufficient detail to indicate the efforts of those operations in producing traffic congestion, noise, glare, air pollution, fire hazards or safety hazards; in addition, a description of the proposed number of shifts, if shiftwork operation is contemplated, together with a projection of the maximum number of

employees per shift or, where shiftwork is not contemplated, then a projection of the proposed hours of operation for commercial use.

(i) In the Pinelands Area, such other information as may be required under the Township Code.

(2) Planting details which conform with the standard details provided in § 15-11.8., details and plans for the protection of existing vegetation and plans, documents or specifications for the irrigation and maintenance of all landscape areas.

(3) Complete construction details for all structures, including but not limited to manholes, inlets, headwalls, yard drains, culverts, bridges and pumping stations.

(4) A complete signage package plan or document graphically indicating the dimensions, area, height, location, copy and type for all existing and proposed signage to be erected in conjunction with the proposed development.

§15-15.5. Minor site plan details.

A. Detail requirements.

(1) General. The minor site plan shall be drawn, signed and appropriately sealed by an Architect, Professional Engineer, Land Surveyor and/or Professional Planner licensed to practice in the State of New Jersey. Site plans shall not be drawn at a scale smaller than one inch equals 10 feet. The site plan shall be based on a certified boundary survey.

B. Title block. The title block shall appear on all sheets and shall include:

(1) Title of "Minor Site Plan."

(2) Name of the development, if any.

(3) Tax Map sheet, block and lot number of the site, as shown on the latest Township Tax Map, the date of which should also be shown.

(4) The date of original and all revisions.

(5) Names and addresses of owner and developer, so designated.

(6) Name(s), signature(s), address(es) and license number(s) of Engineer, Architect, Land Surveyor or Planner who prepared the plat and their embossed seal.

(7) If the site plan contains more than one sheet, each sheet shall be numbered and titled.

C. A schedule shall be placed on the site plan indicating:

(1) The acreage of the tract and site (the portion of the tract involved in the site plan).

(2) The floor area of the existing and proposed building, listed separately.

(3) The proposed use or uses and the floor area devoted to each use.

(4) The zone in which the site is located.

(5) Proposed and required lot dimensions and front, rear and side setbacks.

(6) Proposed and required off-street parking spaces.

(7) Square footage and percentage of the site retained in unoccupied open space.

D. North arrow and written and graphic scales.

E. Sufficient spot elevations (United States Coast and Geodetic Date) and/or contour lines to indicate the proposed system of surface drainage and the relationship of proposed grading to the land surrounding the site.

F. The tops of the banks and boundaries of the floodways and flood hazard areas of all existing watercourses, where such have been delineated, or the limits of alluvial soils where the boundaries of floodways and flood hazard areas have not been determined, and/or such other information as may assist the Planning Board in the determination of floodway and flood hazard area limits.

G. Paving and right-of-way widths of existing streets within 200 feet of the site.

H. The boundary, nature and extent of wooded areas, swamps, bogs and ponds within the site and within 200 feet thereof. Where required for a tree removal permit, on-site specimen trees shall be located on the site plan.

I. All existing structures on the site and within 200 feet, including the use thereof, indicating those to be.

J. Location, use, finished grade level, ground coverage, first floor and basement elevations, front, rear and side setbacks of all buildings and other pertinent improvements.

K. Existing and proposed public easements or right-of-ways and the purposes thereof.

L. Zone boundaries and Tax Map Sheet, lot and block numbers and names of owners of all propertied within 200 feet of the site.

M. A key map adequately showing the location of the site with reference to surrounding areas, existing streets, the names of all such streets and any zone boundary or Township boundary which is within 500 feet of the subdivision.

N. The capacity of off-street parking areas and the location and dimensions of all access drives, aisles and parking stalls.

O. The location and size of proposed loading docks.

P. Location of curbs and sidewalks.

Q. Cross section(s) showing the composition of pavement areas, curbs and sidewalks.

R. Exterior lighting plan, including the location and drawn details of all outdoor lighting standards and fixtures.

S. Landscaping and screening plan showing the location, type, spacing and number of each type of tree or shrub and the location, type and amount of each type of ground cover to be utilized.

T. Location of signs and drawn details showing the size, nature of construction, height and content of all signs.

U. Drawn details of the type of screening to be utilized for refuse storage areas, outdoor equipment and bulk storage areas.

V. Floor plans and building elevation drawings of any proposed structure or structures, or existing structures to be renovated.

W. Written description of the proposed operations in sufficient detail to indicate the effects of the use in producing traffic congestion, noise, glare, air pollution, fire hazards or safety hazards. The written description of the use, the number of shifts to be worked, the number of employees in each shift, the number of vehicles to be stored or parked on the site and provisions to be made for site maintenance.

X. Such other information as the Planning Board and/or Planning Board Engineer may request during site plan review.

Y. Stormwater Control Ordinance Checklist **[Amended 12/13/2007 by Ord. No. 2007-26]**
   (1) Topographic Base Map
   (2) Vicinity Map
   (3) Environmental Site Analysis
   (4) Project Description and Site Plan
   (5) Land Use Planning and Source Control Plan
   (6) Stormwater Management Facilities Map
   (7) Calculations
   (8) Maintenance Repair Plan
   (9) Waiver from Submission Requirements

§ 15-15.6. Environmental impact statement.

An environmental impact assessment shall be required for major subdivisions and/or major or minor site plans where the property for which an approval is sought contains wetlands or is within two hundred (200) feet of wetlands. In addition, the Planning Board may require an environmental impact assessment in regard to any application before the Board. Where an environmental impact assessment is required, the applicant shall provide such a submission in accordance with the requirements of this section, the Little Egg Harbor Township Environmental Commission and the New Jersey Department of Environmental Protection. The environmental impact assessment shall be required to be prepared and submitted with the preliminary application, and the application may be deemed incomplete without it. In those cases where an impact statement is required by the New Jersey Department of Environmental Protection or other outside agency, a copy of the same shall be submitted to the Planning Board for its review. Environmental impact assessments shall be certified by a Licensed Professional Engineer and shall include the following:

A. A composite environmental constraints map at the same scale as the preliminary plat or site plan. The applicant shall, utilizing existing map sources, present a plan indicating:
   (1) The features for preservation.
   (2) Features which represent any constraints for development, generally indicating the area most suitable for development, the areas least suitable for development and various degrees of suitability between these two (2) extremes.

B. An environmental impact statement containing data reflecting:
   (1) A statement describing and explaining the impact and effect of the proposed subdivision or site plan upon the ecological systems and environment of Little Egg Harbor Township's land and waters, giving consideration to the applicable natural processes and social values of:
      (a) Geology.
      (b) Aquifers.
      (c) Hydrology.
      (d) Depth of the seasonal high-water table.
      (e) Stormwater runoff.
      (f) Soils.
      (g) Potential soil loss.
      (h) Soil nutrient retention.
      (i) Vegetation.
      (j) Wetland and coastal vegetation.
      (k) Recreation value of vegetation.
      (l) Historic value.
      (m) Scenic features.
      (n) Wildlife: high-value areas.
      (o) Wildlife: rare and beneficial species.
      (p) Water quality.
      (q) Air quality.
   (2) When field investigations are performed to determine existing conditions, methods used shall be addressed.
   (3) Specific plans proposed by the subdivider or developer to alter, preserve or enhance and mitigate or minimize adverse impacts on the natural resources and natural features of the land within the proposed subdivision or site.

C. Borings.
   (1) Test boring, percolation rates, water levels and groundwater samples shall be submitted by a licensed engineer in accordance with the following standards:
      (a) To a two-acre site: one (1) test hole.
      (b) Two-acre site: three (3) test holes.
      (c) Three-acre site: six (6) test holes.
      (d) Five to ten-acre site: eight (8) test holes.
      (e) Eleven to forty-acre site: ten (10) test holes.
      (f) Forty-one to one-hundred-acre site: sixteen (16) test holes.
      (g) Over one-hundred-acre site: ten (10) test holes.

(2) These borings shall be distributed over the tract to adequately represent site conditions and shall be to a minimum depth of ten (10) feet.

ARTICLE XVI
Development Review Fees

§ 15-16.1. Administrative fees for all development applications.

A. The developer shall pay, at the time of filing an application with the Little Egg Harbor Township Planning and Zoning Boards, the following non-refundable administrative fees to the Township of Little Egg Harbor:

(1) Proposals involving more than one (1) use shall pay a fee equaling the sum of the fees for the component elements of the proposal. Proposals requiring a combination of approvals such as subdivision, site plan and/or variance shall pay a fee equal to the sum of the fee for each element. Administrative fees for combined application for development shall not exceed five thousand dollars ($5,000.00).

(a) Concept plan for non-binding informal review no cost.

(b) Minor subdivision: one hundred fifty dollars ($150.00).

(c) Preliminary approval - major subdivision:

[1] Zero (0) to ten (10) lots: five hundred dollars ($500.00).

[2] Eleven (11) to twenty-four (24) lots: seven hundred fifty dollars ($750.00).

[3] Twenty five (25) to one hundred (100) lots: one thousand dollars ($1,000.00).

[4] One hundred one (101) or more lots: one thousand five hundred dollars ($1,500.00).

(d) Final approval major subdivision: two hundred fifty dollars ($250.00).

(e) Plan revisions. For the revision of any subdivision plan or plans, which have been, granted approval: fifty percent (50%) of the original administrative fee for the stage of application (preliminary or final).

(f) Extension of subdivision:

[1] Extension of preliminary approval: two hundred dollars ($200.00)

[2] Extension of final approval: one hundred dollars ($100.00).

[3] Re-subdivision of final plat: one hundred dollars ($100.00).

[4] Extension of time to post bond or meet conditions: fifty dollars ($50.00).

(g) Site plans other than residential: **[Amended 7/26/2001 by Ord. No. 2001-016]**

[1] Preliminary: five hundred dollars ($500.00).

[2] Final approval: two hundred fifty dollars ($250.00).

[3] Minor site plan: one hundred dollars ($100.00).

(h) Site plans for residential uses (townhouses, condominiums, etc.):

[1] Preliminary: twenty-five dollars ($25.00) per unit; minimum fee of five hundred dollars ($500.00).

[2] Final: fifty percent (50%) of preliminary fee; minimum fee of two hundred fifty dollars ($250.00).

(i) Plan revisions. For the revision of any site plan or plans which have not been granted approval; fifty percent (50%) of the original fee for the stage of application (preliminary or final).

(j) Amendment to approved application for development, to include but not be limited to major subdivision and site plans which do not fall within the category of administrative approvals and must be reviewed by the Planning or Zoning Board: two hundred fifty dollars ($250.00).

(k) Minor subdivision plat re-approval. For the re-approval of a minor subdivision plat which has been granted a previous approval fifty percent (50%) of the original fee.

(l) Administrative approvals: two hundred dollars ($200.00).

(m) Extension of preliminary or final site plan approval: two hundred fifty dollars ($250.00).

(n) Variances and design exceptions:

[1] Hear and decide appeals:

[a] Single or two-family uses: fifty dollars ($50.00).

[b] Multi-family uses: one hundred dollars ($100.00).

[c] Other: two hundred dollars ($200.00).

[2] Interpretation of the Zoning Regulations or Zoning Map: fifty dollars ($50.00).

[3] Hardship or bulk variance: one hundred dollars ($100.00).

[4] Use variances: two hundred fifty dollars ($250.00).

[5] Building permit in conflict with Official Map or building permit for lot not related to a street: one hundred dollars ($100.00).

[6] Others, including signs and fences: fifty dollars ($50.00).

[7] Exception to design and performance standards: fifty dollars ($50.00).

(o) Conditional uses:

[1] Residential: one hundred fifty dollars ($150.00).

[2] Other: two hundred fifty dollars ($250.00).

(p) Development permits and certificates of occupancy fees: each request for a development permit and a certificate of occupancy shall be accompanied by a payment to the Township of Little Egg Harbor in the amount of $25.00 for a development permit and $40.00 per dwelling unit for a certificate of occupancy and $10.00 for each 1,000 square feet of gross floor area of a non-residential use for a certificate of occupancy.

(q) Certificate as to approval of subdivision of land: twenty dollars ($20.00).

(r) Certificate of zoning: twenty dollars ($20.00).

(s) Change of Zone request: fifty dollars ($50.00).

(t) Forestry permits. Please refer to Subsection 15-13.4.A.(5)(e). **[Amended 5/10/2001 by Ord. No. 2001-08]**

(u) Special meeting requested by applicant: one thousand five hundred dollars ($1,500.00).

(v) Reproduction of records:

[1] Duplication of tape recordings: twenty-five dollars ($25.00) per tape for the first two tapes, and ten dollars ($10.00) for each additional tape.

[2] Use of tape recording for interested party to make transcript of hearings (appellant to supply his or her own stenographer to make transcript if he or she desires): twenty-five dollars ($25.00).

[3] Photocopy of any Township minutes or records: seventy-five cents ($0.75) for the first page to the tenth page; fifty cents ($0.50) per page from the eleventh page to the twentieth page and twenty-five cents ($0.25) per page for all pages over 20 in number.

(w) Zoning permits issued in accordance with the provision of this chapter for conducting an accessory use, a home occupation, or a home professional office shall pay an application fee of seventy-five dollars ($75.00).

(x) Miscellaneous:

[1] Requests for letters of proof of payment of taxes at one dollar ($1.00) per line item.

[2] Service charge for all bounced checks in the municipality is subject to current bank fees and a municipal administrative fee of twenty dollars ($20.00).

(y) Tree Removal Permit: twenty-five dollars ($25.00). **[Amended 12/27/2001 by Ord. No. 2001-035]**

§ 15-16.2. Resolution preparation fee.

The following fees shall be paid by the applicant as an administrative fee at the time of filing the application for development with the Planning and Zoning Office:

A. The cost for the preparation of a resolution for preliminary approval or denial with or without final approval shall be one hundred fifty dollars ($150.00).

B. The cost for the preparation of a resolution for final approval shall be one hundred fifty dollars ($150.00).

C. The cost for the preparation of any other resolution shall be one hundred fifty dollars ($150.00).

§15-16.3. Escrow fees.

In addition to the above administrative fees, the developer shall, at the time of filing an application for development, pay the following escrow fees to the Township of Little Egg Harbor. Said escrow fees shall be used to pay any and all fees incurred by the Planning Board and Zoning Board of Adjustment for any time spent reviewing the application by the Board's Engineer, Planner, Attorney and any other professional hired by said Board. Proposals involving more than one (1) use shall pay a fee equaling the sum of the fees for the component elements of the proposal. Proposals requiring a combination of approvals such as subdivisions, site plan and /or variances shall pay a fee equal to the sum of the fee for each element. The total amount of

escrow fees for combined applications for development shall be a minimum of one thousand dollars ($1,000.00).

A. Concept plan for non-binding informal review: five hundred dollars ($500.00). **[Amended 4/14/2005 by Ord. No. 2005-10**

B. Minor subdivision: one thousand five hundred dollars ($1,500.00), plus three hundred dollars ($300.00) per lot for additional lots formed by the subdivision greater than two (2). **[Amended 4/14/2005 by Ord. No. 2005-10]**

C. Preliminary approval for major subdivision:
   (1) Zero (0) to ten (10) lots: two thousand five hundred dollars ($2,500.00).
   (2) Eleven (11) to twenty-four (24) lots: two thousand five hundred dollars ($2,500.00), plus sixty dollars ($60.00) per lot.
   (3) Twenty-five (25) to one hundred (100) lots: four thousand dollars ($4,000.00), plus fifty dollars ($50.00) per lot.
   (4) One hundred one (101) or more lots: nine thousand dollars ($9,000.00), plus fifteen dollars ($15.00) per lot.

D. Final approval for major subdivision: fifty percent (50%) of the preliminary approval major subdivision escrow fee account; minimum fee of two thousand dollars ($2,000.00). **[Amended 4/14/2005 by Ord. No. 2005-10**

E. Site plans other than residential preliminary approval:
   (1) Less than 2.0 acres: three thousand dollars ($3,000.00).
   (2) More than 2.0 acres: three thousand dollars ($3,000.00), plus two hundred fifty dollars ($250.00) per additional acre or portion thereof.

F. Final site plans other than residential use: fifty percent (50%) of the preliminary approval application fee; minimum fee of two thousand dollars ($2,000.00). **[Amended 4/14/2005 by Ord. No. 2005-10**

G. Minor site plan for other than residential use: one thousand dollars ($1,000.00).

H. Site plan for residential uses (townhouses, condominiums and apartments). Preliminary: one hundred twenty-five dollars ($125.00) per dwelling unit, minimum fee of three thousand dollars ($3,000.00).

I. Final site plan approval for residential uses: fifty percent (50%) of the preliminary escrow fee, minimum fee of two thousand dollars ($2,000.00). **[Amended 4/14/2005 by Ord. No. 2005-10**

J. Extension of subdivision or site plan:
   (1) Extension of preliminary approval: five hundred dollars ($500.00).
   (2) Extension of final approval: five hundred dollars ($500.00).
   (3) Re-subdivision of final plat: five hundred dollars ($500.00).

K. Administrative approvals: two hundred fifty dollars ($250.00).

L. Amendment to approved application for development, to include but not be limited to minor subdivision, major subdivision and site plans which do not fall within the category of administrative approvals and must be reviewed by the Planning Board: two thousand dollars ($2,000.00). **[Amended 4/14/2005 by Ord. No. 2005-10**

M. Variances:
(1) Use variance and density variance:
(a) Single- or two-family uses: five hundred dollars ($500.00).
(b) Multi-family uses: one thousand dollars ($1,000.00).
(c) Other: two thousand dollars ($2,000.00).
(2) Appeals: Interpretation of this chapter or Zoning Map (N.J.S.A. 40: 550-70a. and b.: two hundred twenty-five dollars ($225.00).
(3) Hardship or bulk variance (N.J.S.A. 40:550-70c.): five hundred dollars ($500.00), plus one hundred dollars ($100.00) for each additional variance of this category.
(4) Building permit in conflict with Official Map or building permit for lot not related to a street: five hundred dollars ($500.00).
(5) Others, including signs and fences: one hundred dollars ($100.00).
(6) Exception to design and performance standards: two hundred fifty dollars ($250.00) for one category design or performance standard plus one hundred fifty dollars ($150.00) for each additional category.

N. Conditional uses: two hundred fifty dollars ($250.00).

O. Certification as to approval of subdivision of land: fifty dollars ($50.00).

P. Change of Zone request: two thousand dollars ($2,000.00).

Q. Improvement plan (i.e. review of proposed streets, drainage, etc.; no major subdivision approval required): two thousand five hundred dollars ($2,500.00).

R. Stormwater Review Fee. Subdivisions and site plans requiring Preliminary or Final Approval, and Road Improvement Plans, that all meet the latest definition of "Major Development" per §15-12.11.E, Definitions, shall pay the following escrow fee: **[Amended on 12/13/2007 by Ord. No. 2007-26]**
(1) Subdivision Fees
(a) Preliminary Approval, Major Subdivision

Number of Lots	Fee
0-10	$1,500
11-24	$1,500 + $50/LOT
25-100	$2,500 + $25/LOT
101 +	$3,500 + $15/LOT

(b) Final Approval, Major Subdivision

One-half (½) of the Preliminary Major Subdivision Stormwater Review Fee, with a minimum fee of one thousand five hundred ($1,500.) for each submission.

(c) Minor Subdivisions - $1,000.00

(2) Site Plan Fee Schedule

(a) Preliminary Site Plan Application

[i] New non-residential development including any alterations; additions or changes of use

Acreage	Fee
Up to 2 acres	$2,000
Over 2.0 acres	$2,000 + $250/acre or portion thereof for each additional acre

[ii] Public, quasi-public and nonprofit institutions and agencies not subject to approval of other governmental agencies, churches and other similar uses

Acreage	Fee
Up to 2 acres	$500.00
Over 2.0 acres	$1,000.00

[iii] Residential dwelling units, such as multifamily development and condominium development

$100.00 per dwelling unit; minimum fee of $1,500.00

(b) Final Site Plan Application

[i] New construction

Acreage	Fee
Up to 2 acres	$1,000.00
Over 2.0 acres	$1,000 + $125/acre or portion thereof for each additional acre

[ii] Public and quasi-public

Acreage	Fee
Up to 2 acres	$250.00
Over 2.0 acres	$500 + $125/acre or portion thereof for each additional acre

[iii] Residential dwelling units

$75.00 per unit; minimum fee of $1,500.00

(c) Minor Site Plan Application

[i] All uses and construction: $1,000.00

§ 15-16.4. Inspection fees for on-site and off-site improvements.

A. Escrow. At least one (1) week prior to the beginning of construction or installation of any required improvements, the developer shall notify the Township Engineer, in writing, of the developer's intention to commence such work. All improvements and utility installation shall be inspected during the time of the installation by the Township

Engineer or his designee to ensure satisfactory completion, and no underground installation shall be covered until inspected by the Township Engineer or his designee. The cost of all inspections shall be the responsibility of the developer, and he shall deposit the necessary inspection fee with the Township of Little Egg Harbor prior to the start of any construction or prior to signing the final plat, whichever shall first occur. The inspection fee shall be in addition to the amount of any required performance or maintenance guaranties and shall consist of a sum equal to five percent (5%) of the cost of the required improvements as estimated by the Township Engineer. The minimum fee shall be five hundred dollars ($500.00).

B. This fee shall be held in reserve by the Township and shall be used to pay the cost of inspecting the construction. It shall be the obligation of the developer to pay for the actual cost of inspection for the construction. Any excess moneys shall be remitted to the developer upon approval of all improvements as provided herein. Any additional inspection costs shall be paid by the developer prior to the approval of the improvements by the governing body as provided for herein.

C. Replenishment of escrow account. Whenever the escrow account in which fees have been paid pursuant to this section have been depleted to twenty percent (20%) of the original escrow account, the Township Financial Officer shall notify the applicant, and the developer shall, immediately upon notification, replenish the account by depositing fifty percent (50%) of the original escrow amount with the Township. The appropriate Township Officials and professionals shall not take any further action on the development, make no further inspections, no bonds shall be released, nor shall any certificate of occupancy be issued until adequate additional fees have been deposited by the developer with the Township.

D. In the event that final approval of development has been granted in stages or sections and hence the construction of the required improvements is to be undertaken in stages or sections, bonding and inspection of improvements shall also be in stages or sections.

§ 15-16.5. General escrow fee provisions.

A. Deposit of escrows with banking institution. Whenever the fees paid shall exceed five thousand dollars ($5,000.00), it shall be deposited in a banking institution or savings and loan association in this State, insured by an agency of the Federal government, or in any other fund or depository approved for such deposits by the State of New Jersey in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Chief Financial Officer of the Township shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. If the amount of interest earned on the deposit exceeds one hundred dollars ($100.00), that entire amount shall belong to the applicant and shall be refunded to the applicant by the Township on an annual basis or at the time the deposit is repaid or applied to the purpose for which it was deposited; provided, however, that the Township shall retain for administrative expenses a sum equivalent to more that thirty-three and one third percent (33 1/3%) of the entire

amount, which shall be in addition of all other administrative expenses. In the event that the interest paid on a deposit for a year does not exceed one hundred dollars ($100.00), the same is to be retained by the Township.

B. Replenishment of escrow account. Whenever the escrow account in which fees have been paid have been depleted to twenty percent (20%) of the original escrow amount, the Township Engineer and the Township Treasurer shall notify the applicant, and the applicant shall, immediately upon notification, replenish the account by depositing fifty percent (50%) of the original escrow amount with the Township. The appropriate Board and its professionals shall not take any further action on the application or make further inspections and no bonds shall be released, nor shall any certificate of occupancy be issued until adequate additional fees have been deposited by the applicant with the Township.

C. Returning fees to the applicant. When the Township Engineer determines that there is no longer any need to retain an escrow account in which to maintain funds, the applicant shall be entitled to the return of any monies which remain in those accounts. The applicant shall follow the procedures established by the Township Treasurer to obtain a refund of said funds.

D. Any payments charged to the deposit for review of applications, review of preparation of documents, and inspection of improvements, shall be pursuant to the procedures and requirements set forth in N.J.S.A. 40:55D-53.2(c). The closeout for all deposits and escrow accounts established pursuant to this section shall be in accordance with the procedures set forth in N.J.S.A. 40:55D-53.2(d). In the event the applicant disputes any charges against the escrow account, the appeal procedure shall be followed as set forth in N.J.S.A. 40:55D-53.2 (a).

§ 15-16.6. Tax Map maintenance fee.

A. Administrative fees shall be paid by the applicant at the time of filing an application with the Little Egg Harbor Township Planning and Zoning Boards.
   (1) Minor subdivision: three hundred dollars ($300.00).
   (2) Final major subdivision:
      (a) Seven (7) to twelve (12) lots: six hundred dollars ($600.00).
      (b) Thirteen (13) to nineteen (19) lots: one thousand dollars ($1,000.00).
      (c) Twenty (20) lots or more: twelve hundred dollars ($1,200.00), plus ten dollars ($10.00) per lot.
   (3) Nonresidential site plan (final plat): four hundred dollars ($400.00).
   (4) Residential site plan (final plat): five hundred dollars($500.00), plus ten dollars ($10.00) per unit.

B. In the event that any application for development is denied and the application is no longer pending in any manner before the respective Board, then any portion of the aforementioned fee, which has not been expended by the Township Engineer, shall be refunded to the applicant.

§ 15-16.7. Exemption from fees.

The following organizations shall be exempt from any fees chargeable under this Ordinance.

A. Nonprofit volunteer fire companies, first aid squads, and veterans organizations provided that such organizations hold tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. 501 (c) or (d)].

B. The Pinelands Regional School District.

C. The Little Egg Harbor Township School District

D. The Little Egg Harbor Township Municipal Utilities Authority.

ARTICLE XVII
Bonding and Inspection Requirements

§ 15-17.1. Improvements to be considered.

A. Before recording of final subdivision plats or as a condition of final site plan approval, the developer shall furnish performance guaranties as required by §15-17.5. for the ultimate installation of the following improvements: **[Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]**

(1) Streets, grading and streetlights.
(2) Street name signs at all street intersections within or abutting the subdivision.
(3) Curbs.
(4) Sidewalks.
(5) Shade trees.
(6) Monuments. All monuments shall be of the size and shape required by Section 3q of Chapter 141 of the Laws of 1960 (N.J.S.A. 46:23-9.11q) and placed in accordance with the statute.
(7) Storm drains.
(8) Bulkheads.
(9) Landscaping, topsoil and seeding on all right-of-ways.
(10) Soil erosion and sedimentation control measures.

All improvements shall be designed, constructed and placed in accordance with any applicable standards and specifications of the Township or County, State or Federal regulatory agencies. The developer may construct improvements prior to final approval and filing of the final plat, provided that final construction drawings have been received and approved by the Township Engineer as specified under §15-10.7, upon notification to the Board forty-five (45) days prior to the start of construction, furnishing of performance guarantees and receipt of any zoning permits required under Township Code, and payment of inspection fees as specified in this chapter, seven (7) days prior to the start of construction.

B. As a condition of final approval of a subdivision application or site plan application and prior to any construction by the developer, there shall be executed by the developer and the Township of Little Egg Harbor an agreement incorporating all terms and conditions of approval imposed by the Board and the Township Ordinances. This agreement shall be referred to as a "developer's agreement." The developer's agreement shall be prepared by the Attorney to the Planning Board. The Board, by resolution of approval of the developer's agreement, shall forward same to the Township Committee for its execution. The Township Attorney shall review the developer's agreement for sufficiency of form and substance prior to execution by the proper Township Official. If the developer's agreement meets with the approval of the Township Attorney as to the sufficiency of form and substance, the Township Attorney shall present the developer's agreement to the proper Township Official for execution within thirty (30) days of the date of the submission of said developer's agreement to the Township Attorney.

Coincident with the developer posting the bond, cash performance guarantee and deposits required under this chapter, the developer's agreement shall be executed. The developer shall reimburse the municipality for all costs related to the preparation of said agreement. **[Amended 12/27/2001 by Ord. No. 2001-035]**

§ 15-17.2. Improvement determination criteria.

To determine the required improvements, the Board will consider:

A. The probable development of various parts of the Township as reflected in the Master Plan and Zoning Ordinance.

B. The necessity of safe, convenient and pleasant means for the movement of traffic.

C. The protection of the public health, safety, comfort, convenience and general welfare.

D. The presentation of the ecology and natural environment to the extent that the provision of necessary public services allows the preservation of such environment.

§ 15-17.3. Improvements required prior to issuance of certificate of occupancy.

No certificate of occupancy shall be issued for any use or building involving the installation of utilities or street improvements, parking areas, buffer areas, storm drainage facilities, the alteration of the existing grade on a lot or the utilization of a new on-site well or sanitary disposal system unless the Township Engineer or other appropriate authority shall have, where applicable, certified to the following:

A. Utilities and drainage. All utilities, including but not limited to storm drains and street lighting, shall have been properly installed and serviced to the lot, building or use.

B. Grading of street right-of-ways. All street right-of-ways necessary to provide access to the lot in question shall have been completely graded, and all slope-retaining devices or slope plantings shall have been installed.

C. Sidewalks. All sidewalks necessary to provide access to the lot in question shall have been properly installed.

D. Curbing, parking areas and streets. Curbing, driveways, complete parking areas and the bituminous base course necessary to provide access to the proposed lot, building or use shall have been properly installed.

E. Roadway obstructions. All exposed obstructions in bituminous concrete streets, such as manhole frames, water boxes, gas boxes and the like, shall be protected by building to the top of such exposures with bituminous concrete, as directed by the Township Engineer.

F. Buffer areas and grading of lots. The lot in question shall have been fully graded, and all lot grading on adjacent areas affecting drainage on or across the lot in question shall be complete, and all plantings and required buffer areas or fences shall have been provided or bonded in accordance with the requirements of the approved final plat, if any, or as required by the Township Engineer to permit proper surface drainage and prevent erosion of the soils.

G. On-site wells. All on-site wells shall have been installed, tested and approved by the Township Board of Health.

H. Public water supply. Where the proposed lot, building or use is served by a public water supply, the supply shall have been installed and tested, and all required fire hydrants or fire connections shall have been installed, tested and approved.

I. Street signs and traffic control devices. All street signs and/or traffic control devices affecting the proposed lot, building or use and required under the terms of approval of a final plat or by Federal, State, County or municipal rules, regulations or laws shall have been installed.

J. Other. Any other conditions established for issuance of a certificate of occupancy by the Board as a condition of final approval shall be complied with.

K. This subsection shall be applicable to all subdivisions, site plans and all individual dwelling unit site disturbances.

L. Completion of or posting of a performance bond guaranteeing the completion of all required recreational areas as required by the Township of Little Egg Harbor.

M. For nonresidential site plans, completion of and the posting of a maintenance bond for all improvements or in the case that all improvements have not been installed, then the posting of a performance bond guaranteeing the completion of all required on-site improvements required as part of the approved site plan.

§ 15.17.4. Inspection requirements.

A. General requirements. All improvements, except as otherwise provided, shall be subject to inspection and approval by the Township Engineer. No underground installation shall be covered until inspected and approved by the Township Engineer or those agencies having jurisdiction over the particular installation. If such installation is covered prior to inspection, it shall be uncovered or other inspection means used, such as television or other pipeline camera, as may be deemed necessary by the Township Engineer, and charges for such work will be paid for by the developer. The appropriate Engineer shall be notified by the developer at least forty-eight (48) hours prior to the start of construction.

B. Inspection not acceptance. Inspection of any work by the Township Engineer or his authorized representative shall not be considered to be final approval or rejection of the work but shall only be considered to be a determination of whether or not the specific work involved was being done to Township specifications or other required standards at the time of inspection. Any damage to such work or other unforeseen circumstances, such as the effect of the weather, other construction, changing conditions, settlement, etc., between the time of installation and the time that the developer wishes to be released from his performance guaranty shall be the full responsibility of the developer, and the work shall not be considered accepted until release of the performance guarantee.

C. Payment to contractors. No developer shall enter into any contract requiring the Township Committee, the Township Engineer or any of their agents, employees or other representatives to make any declarations, written or otherwise, as a condition of payment of the developer to a contractor as to the acceptance or rejection of the work. Neither the Township Committee, the Township Engineer nor any of their agents, employees or representatives shall make any such declaration.

§ 15-17.5. Performance guarantees.

A. No final subdivision or site plan shall be signed by the municipal agency or a zoning permit issued for site improvements by the Zoning Officer, unless the developer has filed with the Township (or with the Little Egg Harbor Municipal Utilities Authority, in the case of water and sanitary and sewerage facilities) a guarantee assuring the installation and maintenance of improvements and which meets the approval of the Township Engineer and Attorney as to sufficiency, form and execution as follows:
   (1) For subdivisions and residential site plans, all required off-tract and on-site improvements.
   (2) For nonresidential site plans, all required off-tract improvements and only those on-site improvements which will be constructed in public right-of-ways or easements. In the case of on-site improvements which are not in public right-of-ways or easements, only a maintenance guaranty is required at the time of issuance of a certificate of occupancy.

B. Such performance guarantee shall cover the cost of installation of the improvements as set forth in § 15-17.1. deemed necessary and appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments as shown on the final map and required by the Map Filing Law, culverts, storm sewers, means of sewage disposal other than sanitary sewers, drainage structures, erosion and sedimentation control devices and public improvements of open space; provided, however, that where a subdivision lies in an area to be serviced by a public utility (i.e., water, sewer, electric, etc.), the performance bond shall inure to the benefit of said utility.

C. The cost of installation of improvements shall be estimated by the Township Engineer based on documented costs for public improvements prevailing in the general area of the Township. The estimate prepared by the Township Engineer shall be appended to each

performance guarantee posted by the developer. The amount of this estimate may be appealed by the developer pursuant to the provisions of N.J.S.A. 40:55D-53.4.

D. The total performance guarantee shall be an amount equal to one hundred twenty percent (120%) of the performance guarantee cost estimate. Ten percent (10%) of the performance guarantee shall be posted in cash, certified check or irrevocable letter of credit as approved by the Planning Board attorney for compliance with the provisions of N.J.S.A. 40:55D-53.5. The remainder of the performance guarantee shall be posted entirely by either certified check, irrevocable letter of credit or surety bond, or any combination of the three (3).

E. The amount of performance guarantee may be revised by the Township Committee from time to time to update estimated costs and corresponding performance bond amounts for all remaining work. This shall be done at the two-year anniversary date from final application approval for each successive two (2) years thereafter. If the required improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon, at the option of the municipality, for the reasonable cost of the improvements not installed, and, upon receipt of the proceeds thereof, the municipality shall install such improvements or provide for the completion of all required improvements. The Township Engineer's certification that the developer has satisfactorily installed or has defaulted in meeting the required standards of the construction shall be the basis for the governing body's action which accepts or rejects the improvements, withholds approval or may extend the time allowed for installation of the improvements. All costs of installation of improvements shall be estimated by the Township Engineer in accordance with Subsection C. above.

F. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may, either prior to or after the receipt of the proceeds thereof, complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law.

G. Notification of completion.

(1) When all the required improvements have been completed, or substantially completed as provided in N.J.S.A. 40:55D-53(d), the developer may request the Township Committee, in writing, by certified mail addressed to the Township Clerk, that the Township Engineer prepare a list and report of all uncompleted or unsatisfactorily completed improvements. The request shall include the following:

(a) A statement by the applicant indicating the construction has been completed in accordance with the approved plans and specifications and that reproducible as-built plans have been transmitted to the Township Engineer.

(b) A statement by the applicant indicating which improvements remain uncompleted.

(c) One (1) reproducible copy, on material acceptable to the Engineer, and three (3) prints of the as-built plans marked with the approval of the Engineer as follows:

RECORD PLANS.

Contractor _____

Accepted by Township Engineer

_____ _____
Date

(d) If appropriate, such legal documents as are necessary to convey the interests in the facilities to the Township.

(e) If appropriate, such legal documents as are necessary to convey title to all required lands or easements to the Township.

(f) Maintenance guarantee equal to fifteen percent (15%) of the performance guaranty assuring the satisfactory performance of completed systems for a period of two (2) years.

(g) Affidavit that all contractors, subcontractors and material men have been paid.

(2) Inspection by Township Engineer; report and list.

(a) The Township Engineer shall then inspect the aforesaid improvements. The Township Engineer shall file a detailed list and report, in writing, with the Township Committee, and shall simultaneously send a copy to the developer not later than forty-five (45) days after receipt of the developer's request.

(b) The list filed by the Township Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and the extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each improvement determined to be complete and satisfactory, together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Township Engineer.

(3) In accordance with N.J.S.A. 40:55D-53e(1), the Township Committee, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost

estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to § 15-.17.5. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Committee, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the performance guaranty posted may be retained to ensure completion and acceptability of all improvements.

(4) If the Township Engineer fails to provide the list and report requested by the developer, the developer may apply to the court in a summary manner for relief.

(5) If the developer has made a cash deposit with the Township as part of the performance guarantee, then any partial reduction granted in the performance guarantee shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

(6) If any portion of the improvements shall not be approved or shall be rejected by the Township Committee, the developer shall cause the same to be completed or corrected and, upon completion or correction, the same procedure of notification as outlined herein shall be followed.

(7) The developer and/or surety shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements.

(8) Nothing contained herein shall absolve the developer or surety from latent defects in the construction or installation of the improvements should the same become ascertainable subsequent to the inspection and procedures as outlined above.

(9) If the developer fails, neglects or refuses to correct deficiencies as may be discovered by the procedures outlined or which may be found to exist as a result of an inspection of the development, the municipality is hereby authorized and empowered to correct the deficiencies after the expiration of a reasonable period of time and/or upon the failure of the developer or surety to take affirmative steps to correct such deficiencies; provided, however, that the municipality shall not be deemed liable, responsible or compellable to proceed with the corrections or installation.

(10) Nothing contained herein shall affect the obligations of any person relating to the performance of the obligations hereunder to post a sufficient maintenance guaranty relative to the required improvements.

(11) Nothing contained herein, however, shall be construed to limit the right of the developer to contest by legal proceedings any determination of the Township Committee or the Township Engineer.

H. Whenever the performance guarantee required under Subsection C. is deposited in cash or by certified check, it shall continue to be the property of the applicant and be held in trust by the Township until it is repaid or applied to the purposes for which it was deposited. The money so received shall be held in escrow and deposited in a banking institution or savings-and-loan association in this state, insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the

State of New Jersey, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Planning Board or Board of Adjustment Secretary shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. If the amount of interest earned on the deposit exceeds one hundred dollars ($100.00), that entire amount shall belong to the applicant and shall be refunded to him by the Township on an annual basis or at the time the deposit is repaid or applied for the purpose it was deposited; provided, however, that the Township may retain for administrative expenses a sum equivalent to no more than thirty-three and one-third percent (33 1/3%) of the entire amount, which shall be in lieu of all other administrative and custodial expenses.

§ 15-17.6. Certification of improvements; maintenance guarantee.

A. Upon certification and action by the Township Committee consistent with the procedures as outlined in this chapter or prior to the issuance of a Certificate of Occupancy for a nonresidential site plan, the developer may post a maintenance guarantee, in accordance with N.J.S.A. 40:55D-53a(2), for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the Township Engineer. A four (4) year maintenance guarantee is required in the Pinelands Area in accordance with Subsection 15-13.4.A.(8). Pursuant to N.J.S.A. 40:55D-53.4, the cost of the installation of improvements shall be estimated by the Township Engineer based on documented construction costs for public improvements prevailing in the general area of the municipality. **Amended 5/10/2001 by Ord. No. 2001-08]**

B. Nothing herein, however, shall be construed to limit the right of the developer to contest by legal proceedings any determination of the Township Committee or the Township Engineer.

C. The developer shall reimburse the municipality for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements.

ARTICLE XVIII
Master Plan

§ 15-18.1. Preparation; contents; modifications.

A. The Planning Board shall prepare and, after public hearing, adopt or amend a Master Plan, or component parts thereof, to guide the use of lands within the Township in a manner which protects public health and safety and promotes the general welfare.

B. The Master Plan must contain a land use plan element, specifically providing for Subsection B.(1) through (4) set forth below; in addition, the plan may provide for Subsection B.(5) through (13) as set forth below:

(1) The relationship to the statement of objectives, principles, assumptions, policies and standards of a Master Plan element providing natural conditions, topography, soil conditions, water supply, drainage, floodplain areas, marshes and woodlands.

(2) The existing and proposed location, extent and intensity of development to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes.

(3) The existing and proposed location of any airports and airport hazard areas.

(4) A statement of the standards of population density and recommended development intensity.

(5) A housing plan.

(6) A circulation plan element designed to effectuate the efficient movement of people and goods.

(7) A utility service plan analyzing the need for the present and future general location of water supply and distribution facilities, including a stormwater management plan required pursuant to the provisions of N.J.S.A. 40:55D-93 *et seq.*

(8) A community facilities plan element showing the existing and proposed location and type of educational and cultural activities, historical sites, libraries, etc.

(9) A recreation plan.

(10) A conservation plan which, among other things, includes a systematic analysis of the impact of each other component and element of the Master Plan on the present and future preservation, conservation and utilization of the resources.

(11) An economic plan element considering all aspects of economic development and sustained economic vitality.

(12) An historic preservation plan indicating the location, significance, proposed utilization and means for preservation of historical sites.

(13) Appendixes or separate reports containing the technical foundation for the Master Plan and its constituent elements.

C. The Master Plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

D. The Master Plan shall include a specific policy statement indicating the relationship of the proposed development of the Township as developed in the Master Plan to the Master

Plan of contiguous municipalities, the Master Plan of Ocean County and any comprehensive guide plan pursuant to Section 15 of P.L. 1961, c. 47.

E. The Planning Board may undertake and enact amendments, changes and revisions to its Master Plan for the Pinelands Area, provided that changes to the certified Municipal Master Plan and Land Development Ordinance are completed pursuant to N.J.A.C. 7:50-3.45.

§15-18.2. Reexamination.

A. The Township Committee shall, at least every six (6) years, provide for a general reexamination of the Master Plan and this chapter by the Planning Board, which shall prepare a report on the findings of such reexamination, a copy of which shall be sent to the County Planning Board and the Municipal Clerk of each adjoining municipality. The six-year period shall commence with the adoption or termination of the last general reexamination of such plan and regulations.

B. Such report shall state:
   (1) The major problems and objectives relating to land development in the Township at the time of such adoption, last revision or reexamination, if any.
   (2) The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
   (3) The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or regulations, as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources and changes in State, County and Township policies and objectives.
   (4) The specific changes recommended for such plan or regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

§15-18.3. Notice concerning Master Plan.

A. Public notice of a hearing on adoption, revision or amendment of the Master Plan shall be given by publication in the official newspaper of the Township at least ten (10) days prior to the date of the hearing.

B. Notice by personal service or certified mail to the Clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a Master Plan involving property situated within two hundred (200) feet of such adjoining municipality shall be given at least ten (10) days prior to the date of any hearing.

C. Notice shall be given by personal service or certified mail to the County Planning Board and, in the Pinelands Area, to the Pinelands Commission of:

(1) All hearings on adoption, revision or amendment of the Township Master Plan at least ten (10) days prior to the date of the hearing. Such notice shall include a copy of any proposed Master Plan or any revision or amendment thereto.

(2) The adoption, revision or amendment of the Township Master Plan not more than thirty (30) days after the date of such adoption, revision or amendment. Such notice shall include a copy of the Master Plan or revision or amendment thereto.

ARTICLE XIX
Enforcement

§ 15-19.1. Violations and penalties.

A. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00), by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

ARTICLE XX
Mandatory Development Fees

§ 15-20. Mandatory Development Fees
[Amended 2/26/2004 by Ord. No. 2004-003]; [Amended 4/8/2004 by Ord. No. 2004-05]; [Amended 11/22/2004 by Ord. No. 2004-27]

A. Purpose – The purpose of the mandatory development fee is to provide funding for the Township's Housing Element and Fair Share Plan approved by the governing body of the Township.

B. Definitions – The following words used in this subsection are intended to have the same meaning as given to them by the New Jersey Supreme Court in the Mount Laurel II decision and as clarified or otherwise modified by subsequent decisions, if any, by a Court of competent jurisdiction, and N.J.A.C. 5:93-1.3, if applicable:

(1) "Affordable" means a sales price or rent within the means of a low or moderate income household as defined in N.J.A.C. 5:93-7.4.

(2) "Council" or "COAH" means the New Jersey Council on Affordable Housing.

(3) "Development fees" means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

(4) "Equalized Assessed Valuation" means the value of property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios as required by law. Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

(5) "Inclusionary Development" means a residential development in which a substantial percentage of the housing units is provided for a reasonable range of low and moderate income households.

(6) "Judgment of response" means a judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

(7) "Substantive Certification" means a determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Fair Housing Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions therein.

(8) "Mandatory Development Fee" means a fee paid pursuant to a Mandatory Fee Ordinance.

(9) "Mandatory Fee Ordinance" means an ordinance which prohibits development pursuant to an existing permitted use in the zoning ordinance without compelling the affected developer to contribute monies to the municipality's affordable housing trust fund.

(10) All other terms contained herein shall be as set forth in the Municipal Land Use Act, N.J.S.A. 40:55D-1 *et seq*. and Chapter 15, "Land Use and Development."

C. Residential Development Fees: Amount – All developers of residential major subdivisions shall pay a mandatory development fee equal to (1%) of the equalized assessed valuation for each residential unit constructed. This mandatory fee shall be calculated as follows: 0.01% x equalized assessed valuation x number of units. **[Amended 12/22/2005 by Ord. No. 2005-35]**

If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(5), then additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six (6%) percent rather than the development fee of one (1%) percent. However, if the zoning on the site is changed during the two-year period preceding the filing of a "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two (2) years preceding the filing of the "d" variance application with the Little Egg Harbor Township Zoning Board of Adjustment. **[Amended 12/22/2005 by Ord. No. 2005-35]**

D. Non-Residential Development Fees: Amount – All non-residential developers shall pay a mandatory development fee equal to one percent (1.0%) for new construction of less than 10,000 square feet of gross floor area or two percent (2.0%) for new construction greater than 10,000 square feet of gross floor area of the total equalized assessed valuation of the non-residential development, provided however, no development fee shall be required where the total equalized assessed value of the development is less than $15,000 as established by the Tax Assessor. This mandatory fee shall be calculated as follows: 1.0% (or 2.0%) x total equalized assessed valuation. **[Amended 5/8/2008 by Ord. No. 2008-06]**

If a "d" variance is granted pursuant to N.J.SA. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6 percent rather than the development fee of one percent (1.0%) or two percent (2.0%). However, if the zoning on a site has changed during the two-year period preceding filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application. **[Amended 5/8/2008 by Ord. No. 2008-06]**

E. Collection of Fees.

(1) Fifty percent (50%) of the total mandatory development fee owed by Little Egg Harbor Township, whether for residential or non-residential development, shall be paid prior to the issuance of any building permit required in connection with the development, and shall be calculated as follows:

(a) For residential developments, the fifty percent (50%) payment required prior to the issuance of any building permit shall be calculated using an estimated equalized valuation of each residential unit as determined by the Little Egg Harbor Township Tax Assessor.

(b) For non-residential developments, the fifty percent (50%) payment required prior to the issuance of any building permit shall be calculated using an estimated total equalized assessed valuation of the non-residential development as determined by the Little Egg Harbor Township Tax Assessor.

(2) The remaining portion of the development fee shall be paid prior to the issuance of any Certificate of Occupancy for any development or any part thereof, whether residential or non-residential, and shall be calculated using the actual assessed valuation of the development as determined by the Little Egg Harbor Township Tax Assessor.

(3) Because the initial payment required prior to the issuance of a building permit is calculated using an estimated assessed valuation based on estimates for construction costs, the following adjustments are permitted to compensate for differences between the estimated assessed valuation and the actual assessed valuation:

If the estimated assessed valuation used to calculate the initial fifty percent (50%) payment was over-estimated or under-estimated, causing the actual assessed valuation to be less than or greater than the estimated assessed valuation used to calculate the initial fifty percent (50%) payment, the developer's Certificate of Occupancy payment shall be equal to the difference between the actual assessed valuation and the initial fifty percent (50%) payment as determined by the Little Egg Harbor Township Tax Assessor.

F. Eligible Exactions, Ineligible Exactions and Exemptions.

(1) Inclusionary developments, as defined herein, are exempt from development fees.

(2) Developments that have received preliminary or final approval, prior to the effective date of this Ordinance, are exempt from development fees during the effective period of said approval, unless the developer seeks a substantial change in the approvals granted.

(3) Low and moderate income dwelling units shall be exempt from paying development fees.

(4) Development that expands an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

(5) Houses of worship, including but not limited to churches, temples, synagogues and other religious organizations which are exempt under 26 U.S.C.A. 501(c)(3), are exempt from development fees.

G. Housing Trust Fund.

(1) All mandatory development fees collected pursuant to this Ordinance shall be deposited in the interest bearing escrow account entitled the "Affordable Housing Trust Fund:" Mandatory Fee Account. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH.

(2) If COAH determines that Little Egg Harbor Township's spending is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this Ordinance shall be expended.

H. Use of Funds.

(1) Money deposited in a housing trust fund may be used for any activity approved for addressing the Township's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructures to low and moderate income housing sites; assistance designed to render units to be more affordable to low and moderate income households; and administrative costs necessary to implement the Township's housing element. The expenditure of all money shall conform to the spending plan approved by COAH.

(2) At least thirty percent (30%) of the revenues collected from development fees collected pursuant to this Ordinance shall be devoted to rendering existing units more affordable to low and moderate income households unless exempt as per N.J.A.C. 5:93-8.16(c). Examples of such activities include, but are not limited to, down payment and closing cost assistance, low interest loans and rental assistance.

(3) Not more than twenty percent (20%) of the revenues collected from development fees collected pursuant to this Ordinance shall be expended on administrative expenses necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.

ARTICLE XXI
Affordable Housing

§15-21. Intent. [Amended 10/21/2004 by Ord. No. 2004-25]

This section of the Township of Little Egg Harbor Code sets forth regulations regarding low and moderate income housing units in Little Egg Harbor Township that are consistent with the provisions of N.J.A.C. 5:93-1.1 *et seq.* as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and Little Egg Harbor Township's constitutional obligation to provide for its fair share of low and moderate income housing.

A. Definitions.

AFFORDABLE HOUSING ADMINISTRATOR (AH ADMINISTRATOR) – The Township Administrator or other Municipal Official(s) and/or designee(s) appointed or contracted by the Township Council of the Township of Little Egg Harbor to administer the compliance and/or implementation of the Township's Affordable Housing Plan.

DEVELOPER'S AFFORDABLE HOUSING PLAN – A plan submitted by the developer and approved by the Affordable Housing Administrator which shall identify the manner in which the developer plans to develop, price, market and restrict the low and moderate income dwelling units in accordance with this Article.

EXEMPT SALES – Includes the transfer of ownership between husband and wife and transfers of ownership between former spouses as a result of a judicial decree of divorce or a judicial separation but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executors deed to a Class A beneficiary and a transfer of ownership by court order.

FAIR MARKET VALUE – The unrestricted price of a low or moderate income housing unit if sold at current real estate market rate.

INCLUSIONARY DEVELOPMENT – A residential housing development in which a percentage of the housing units are reserved for low and moderate income households.

LOW-INCOME HOUSING – Housing affordable according to Federal Department of Housing and Urban Development standards and Council on Affordable Housing (COAH) standards for homeownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the dwelling is located in and subject to affordability controls promulgated by COAH.

MODERATE-INCOME HOUSING – Housing affordable according to Federal Department of Housing and Urban Development and COAH standards for homeownership and rental costs and occupied or reserved for occupancy by households with a gross household income of more than 50 percent but less than 80 percent of the

median gross household income for households of the same size within the housing region in which the house is located and subject to COAH affordability controls.

PRICE DIFFERENTIAL – The difference between the controlled unit sale price and the fair market value as determined at the date of the proposed contract of sale after reasonable real estate broker fees have been paid.

REPAYMENT CLAUSE – Obligation of a seller exercising a repayment option to pay 95 percent of the price differential to a municipality at closing for use within the municipal housing plan.

REPAYMENT OPTION – The option of a seller of a low or moderate income unit to sell a unit pursuant to N.J.A.C. 5:93-12.7 [sic per N.J.A.C. 5:93-1.3] at a fair market value subject to compliance with the terms of a repayment clause.

SET ASIDE – The percentage of housing units devoted to low and moderate income households within an inclusionary development.

UNIT COMPLETION – The receipt of any temporary or final certificate of occupancy.

A. Little Egg Harbor Township's fair share obligation will be divided equally between low and moderate income households as per N.J.A.C. 5:93-2.20.

B. Except for inclusionary developments constructed pursuant to low income tax credit regulations, the following shall apply:
   (1) At least half of all units within each inclusionary development will be affordable to low income households; and
   (2) At least half of all rental units will be affordable to low income households; and
   (3) At least one-third of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.

C. Inclusionary developments that are not age-restricted will be constructed in conjunction with realistic market demands so that:
   (1) The combination of efficiency and one bedroom units is at least 10 percent and no greater than 20 percent of the total low and moderate income units; and
   (2) At least 30 percent of all low and moderate income units are two bedroom units; and
   (3) Low and moderate income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of age-restricted low and moderate income units within the inclusionary development.
   (4) At least 20 percent of all low and moderate income units shall be 3-bedroom units.

D. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:

(1) Efficiency units will be affordable to a one person household; and
(2) One bedroom units will be affordable to 1.5 person households; and
(3) Two bedroom units will be affordable to three person households; and
(4) Three bedroom units will be affordable to 4.5 person households; and
(5) Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b); and
(6) The maximum sales prices of low and moderate income units within each inclusionary development will be affordable to households earning no more than 70 percent of median income. In averaging an affordability range of 55 percent for sales units, the municipal ordinance will require moderate income sales units to be available for at least two different prices and low income sales units to be available for at least two different prices.
(7) For both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an inclusionary development; and
(8) Low income units will be reserved for households with a gross household income less than or equal to 50 percent of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80 percent of the median income approved by COAH as per N.J.A.C. 5:93-7.4(i); and
(9) The regulations outlined in N.J.A.C. 5:93-9.15 and 9.16 will be applicable for purchased and rental units.

E. For rental units, developers and/or municipal sponsors may:
(1) Establish one rent for a low income unit and one for a moderate income unit for each bedroom distribution; and
(2) Gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30 percent of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4(h). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey.
(3) The maximum rents of low and moderate income units within each inclusionary development will be affordable to households earning no more than 60 percent of median income. In averaging an affordability range of 52 percent for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low income unit and one rent for a moderate income unit for each bedroom distribution.

F. For sale units:
(1) The initial price of a low and moderate income owner-occupied for-sale housing unit will be established to that after a downpayment of five percent, the monthly principal, interest, homeowner and private mortgage insurance, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fee do not exceed 28 percent of eligible gross monthly income; and

(2) Master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at current state percentage of those paid by market purchasers. This state percentage is consistent with the requirements of N.J.A.C. 5:93-7.4(g). Once established within the master deed, the (state percentage) percentage will not be amended without prior approval from COAH; and

(3) Little Egg Harbor Township will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3; and

(4) Little Egg Harbor Township will require a certificate of reoccupancy for any occupancy of a low or moderate income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c); and

(5) Municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 to -9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9; and

(6) The continued application of options to create, rehabilitate or maintain low and moderate income sale units will be consistent with N.J.A.C. 5:93-9.10; and

(7) Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and

(8) The regulations detailed in N.J.A.C. 5:93-9.12 to -9.14 will be applicable to low and moderate income units that are for sale units.

G. In zoning for inclusionary developments, the following is required:

(1) Low and moderate income units will be built in accordance with N.J.A.C. 5:93-5.6(d):

Minimum % of Low/Moderate Income Units Completed	% of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90
100	

(2) A design of inclusionary development that integrates low and moderate income units with market units is encouraged per N.J.A.C. 5:93-5.6(f).

H. A development fee ordinance was approved by COAH and adopted by Little Egg Harbor Township.

I. To provide assurances that low and moderate income units are created with controls on affordability over time and that low and moderate income households occupy these units, Little Egg Harbor Township will designate an AH Administrator with the responsibility of ensuring the affordability of sales and rental units over time. The AH Administrator will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).

(1) In addition, the AH Administrator will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low and moderate income units; and

(2) Newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years.

(3) Newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years.

The AH Administrator will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred to as Technical Appendix E as found in N.J.A.C. 5:93; and

(4) Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to 30-year controls on affordability. The AH Administrator will require COAH's appropriate deed restrictions and mortgage lien.

J. Regarding rehabilitated units:

(1) Rehabilitated owner-occupied single family housing units that are improved to code standard will be subject to affordability controls for at least six years; and

(2) Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years; and

K. Regarding rental units:

(1) Newly constructed low and moderate income rental units will remain affordable to low and moderate income households for at least 30 years. The AH Administrator will require the deed restriction and lien and deed of easement referred to as Technical Appendix H as found in N.J.A.C. 5:93; and

(2) Affordability controls in accessory apartments will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.9); and

(3) Alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurances that such a facility will house low and moderate income households for at least 10 years except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.8).

L. Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq*., incorporates the need to eliminate unnecessary cost generating features from Little Egg Harbor Township's land use ordinances. Accordingly, Little Egg Harbor Township will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on certain affordable housing developments. Little Egg Harbor Township will adhere to the components of N.J.A.C. 5:93-10.1 to -10.3.

M. Little Egg Harbor Township has a fair share obligation of 225 units of which 195 is new construction. This ordinance will apply to all developments that contain proposed low and moderate income units that are listed below and any future developments that may occur.

ARTICLE XXII

§15-22. Reserved [Amended 10/22/2004 by Ord. No. 2004-25]

ARTICLE XXIII
Affirmative Marketing

§15-23. Affirmative Marketing [Amended 10/22/2004 by Ord. No. 2004-25]

A. The AH Administrator shall develop and implement an affirmative marketing program for affordable housing units that shall apply to all new developments that contain low and moderate income housing units.

B. The affirmative marketing plan is a regional marketing strategy designed to attract income eligible households of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan shall address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financity or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Township of Little Egg harbor is in the housing region consisting of Monmouth, Mercer and Ocean Counties. The affirmative marketing plan is a continuing program and shall meet the following requirements:

(1) All newspaper articles, announcements and requests for applicants for low and moderate income housing shall appear in the following regional newspaper(s):
- The Asbury Park Press
- Atlantic City Press
- Tuckerton Beacon

(2) The initial advertising of affordable housing shall take the form of at least one press release and one paid display advertisement in the above newspaper(s). Additional advertising and publicity will be on an "as needed" basis. At a minimum, the paid display advertisement shall include the following
(a) Street address of units
(b) Directors to housing units
(c) Number of bedrooms per unit
(d) Size of units
(e) Prices or rents of units
(f) Income range for qualifying households
(g) Location of applications including business house and where/how applications may be obtained.

(3) All newspaper articles, announcements and requests for application for low and moderate income housing will appear in the following neighborhood-oriented newspapers, religious publications and organization newsletters within the region:
- The Tuckerton Leader

(4) The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region:
(a) Municipal Building
(b) Ocean County Library, Little Egg Harbor Branch
(c) Developer's sales/rental office on-site

(d) Senior center
(e) Ocean County Planning Board/CDBG Program

(5) The following is a listing of community contact person(s) and/or organization(s) in Monmouth, Mercer and Ocean Counties that will aid n the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for affordable housing within the region:
(a) Ocean County

(6) Applications will be mailed to prospective applicants upon request.

(7) Additionally, applications will be sent to the chief administrative employees of each of the following agencies in the counties of Monmouth, Mercer and Ocean:
(a) Monmouth County Library
(b) Mercer County Library
(c) Ocean County Library
(d) Monmouth County Office on Aging
(e) Mercer County Office on Aging
(f) Ocean County Office on Aging

(8) Applicants for re-rentals or re-sale of affordable housing will be considered on a first-come, first-served basis. A list of interested persons will be maintained by the AH Administrator. Tenant or owner selection for new units will on a random basis in accordance with N.J.A.C. 5:93-11.1.

Little Egg Harbor Township is ultimately responsible for administering the affirmative marketing program. Little Egg Harbor Township has delegated this responsibility to Ocean County with regard to the rehabilitation obligation. Ocean County will income qualify low and moderate income households; place income eligible households in low and moderate income units upon initial occupancy; provide for the initial occupancy of low and moderate income units with income qualified households; continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; assist with advertising and outreach to low and moderate income households if in contract; and enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9.3. The Affordable Housing Administrator within Little Egg Harbor Township is the designated housing officer to act as liaison to Ocean County. Ocean County will provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements and landlord/tenant law.

(9) Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. Little Egg Harbor Township intends to comply the N.J.A.C. 5:93-11.7.

(10) Developers/builders/sponsors of low and moderate income housing units may assist in the marketing of the affordable units in their respective development if so designated by Little Egg Harbor Township.

(11) The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.

(12) Little Egg Harbor Township will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.

ARTICLE XXIV
Small Wind Energy Systems and Solar Energy Systems

[HISTORY: Adopted by the Township Committee of the Township of Little Egg Harbor 3/14/2013 by Ord. No. 2013-04]

§15-24.1 Purpose

A. Facilitate the permitting of small wind energy systems and solar energy systems; and,

B. Preserve and protect public health, safety and welfare without significantly increasing the cost or decreasing the efficiency of a small wind energy system or solar energy system.

§15-24.2 Definitions

A. ADMINISTRATOR – means the Little Egg Harbor Township Zoning Officer.

B. BOARD – means the Little Egg Harbor Zoning Board or other authority having jurisdiction.

C. ENERGY SYSTEM – means small wind energy system or solar energy system, as defined herein.

D. OWNER – shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

E. ROTOR DIAMETER – means the cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

F. SMALL WIND ENERGY SYSTEM – means a wind energy system, as defined in this section, that:
   1) is used to generate electricity; and,
   2) has a nameplate capacity of 100 kilowatts or less.

G. SOLAR ENERGY SYSTEM – means a system and all associated equipment that converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels, solar tubes, or some other device or structure that captures solar energy.

H. SOLAR PANELS – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

I. TOTAL SYSTEM HEIGHT – means, in relation to a small wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.

J. TOWER – means a monopole, freestanding, or guyed structure that supports a wind generator.

K. WIND ENERGY SYSTEM – means a wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

L. WIND GENERATOR – means equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

§15-24.3 Standards for Small Wind Energy Systems

A small wind energy system shall be a permitted use in all industrial zones subject to the following requirements:

A. Lot Size. Small wind energy systems are permitted on tax parcels, or tracts of land that are under common ownership, that have a total area of at least twenty (20) acres.

B. Setbacks. A tower for a small wind energy system shall be set back a distance equal to 150 percent of the total system height. No portion of the wind generator shall extend beyond the setback line, nor into the following:
   1) the right-of-way of any public or private roadway;
   2) any overhead utility lines.

C. Placement. The following regulations apply:
   1) small wind energy systems shall not be located within a front yard area;
   2) small wind energy systems shall not be permitted as a rooftop installation;
   3) all parts of small wind energy systems, including guy wires, shall be located on the same property.

D. Access.
   1) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. At a minimum, security shall include locking equipment cabinets and perimeter fencing.
   2) The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of ten (10) feet above the ground.

E. Lighting. A small wind energy system shall not be artificially lighted unless the Federal Aviation Administration requires such lighting.

F. Safety. The following regulations apply:
   1) Wind generators shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower.
   2) All moving parts of the small wind energy system shall be a minimum of twelve

(12) feet above ground level.

3) The blades on the small wind energy system shall be constructed of a corrosion-resistant material

G. Noise. Small wind energy systems shall operate at no greater than fifty-five (55) decibels, as measured at the boundary of the tax parcel, or tract of land under common ownership, on which it is located.

1) Limit overages during short-term events such as utility outages and severe windstorms are permitted.

H. Appearance. The design of small wind energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

I. Trees. An applicant shall locate a wind or solar energy system so that tree removal is not required to the extent practical. Any tree removal shall be subject to the requirements of §15-12.7, the Township's Tree and Natural Habitat Protection ordinance.

J. Signs. There shall be no signs that are visible from any public road posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

K. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9.

L. Electrical and structural design. Electrical and structural design shall be governed by the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and technical bulletins issued pursuant to Section 2 of P.L.2009, c.244 (C.40:55D-66.13).

§15-24.4 Standards for Solar Energy Systems

Solar energy systems shall be permitted as a rooftop installation in any zoning district. The solar energy system shall not exceed a height of twelve (12) inches from the rooftop, except on flat roofs where one end of the solar collection device used in the solar energy system may be separated from the roofline by up to five (5) feet. In no event shall the placement of a solar energy system on a rooftop result in a total height, including building and solar energy system, than what is permitted for the principle building in the zoning district where they are located.

Solar energy systems that include an elevated panel or plate, or a canopy or array thereof, and are installed over the ground, shall be a permitted use in all industrial zone districts. A solar energy system that is installed over the ground shall be subject to the following requirements:

A. Lot Size. Solar energy systems that are installed over the ground are permitted on tax parcels, or tracts of land that are under common ownership, that have a total area of at

least twenty (20) acres.

B. Setbacks. Solar energy systems that are installed over the ground shall be set back in accordance with the prevailing zone district standard for accessory buildings or twenty-five (25) feet, whichever is greater.

C. Placement. Solar energy systems that are installed over the ground shall not be located within a front yard area.

D. Height. Solar energy systems that are installed over the ground shall not exceed a height of fifteen (15) feet.

E. Cover. Solar panels shall not be considered to be part of a site's impervious cover or surface. Solar panels shall be excluded from all impervious cover or surface calculations.

F. Appearance. The design of solar energy systems that are installed over the ground shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

The following requirements apply to all solar energy systems:

A. Cadmium telluride prohibited. Devices including cadmium telluride are prohibited due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies, and the environment.

B. Glare. Solar energy systems shall be located so that any glare is directed away from adjacent properties.

C. Access. All ground-mounted and exterior electrical and control equipment shall be labeled and secured to prevent unauthorized access. At a minimum, security shall include locking equipment cabinets and perimeter fencing.

D. Trees. An applicant shall locate solar energy systems so that tree removal is not required to the extent practical. Any tree removal shall be subject to the requirements of §15-12.7, the Township's Tree and Natural Habitat Protection ordinance.

E. Signs. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

F. Noise. Solar energy systems shall operate at no greater than forty (40) decibels, as measured at the boundary of the tax parcel, or tract of land under common ownership, on which it is located.

G. Utility notification and interconnection. Solar energy systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9.

H. Electrical and structural design. Electrical and structural design shall be governed by the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and technical bulletins issued pursuant to Section 2 of P.L.2009, c.244 (C.40:55D-66.13).

§15-24.5 Approval Required

All applications for small wind energy systems and solar energy systems shall be presented to the planning or zoning board for administrative approval.

§15-24.6 Permit Requirements

A. Permit. A zoning permit and construction permit shall be required for the installation of each energy system.

B. Documents. The zoning and building permit applications shall be accompanied by a plot plan which includes the following:

(1) Property lines and physical dimensions of the property;
(2) Location, dimensions, and types of existing major structures on the property;
(3) The right-of-way of any public or private road that is contiguous with the property;
(4) The location of any overhead utility lines;
(5) Energy system operating and maintenance plan;
(6) Decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction of removal of system;
(7) For small wind energy systems:
  (a) Location of the proposed small wind energy system;
  (b) Small wind energy system specifications, including, at a minimum: manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), safety equipment, and any other information determined by the Administrator to be necessary for the complete review of the application;
(8) For solar energy systems:
  (a) Location of the proposed solar energy system;
  (b) Solar energy system specifications, including, at a minimum: manufacturer and model, solar collection device type, size and quantity, safety equipment, and any other information determined by the Administrator to be necessary for the complete review of the application.

C. Fees. The required application fee must be remitted with each application for a zoning or building permit.

D. Expiration. A zoning permit issued pursuant to this ordinance shall expire if:
(1) The energy system is not installed and functioning within twenty-four (24) months from the date the permit is issued; or
(2) The energy system is out of service or otherwise unused for a continuous period

of twelve (12) months.

§15-24.7 Abandonment

A. An energy system that is out-of-service for a continuous period of twelve (12) months shall be deemed abandoned.

B. The Administrator may issue a Notice of Abandonment to the Owner of an energy system that is deemed abandoned. One copy of the notice shall be sent via regular mail without signature confirmation (i.e., return receipt), and one copy of the notice shall be sent via certified mail with signature confirmation (i.e., return receipt).

C. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from the date of Notice receipt.

D. If the Owner provides information that demonstrates that the energy system in question has not been abandoned, the Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn.

E. If the Administrator determines that the energy system has been abandoned, the Owner of the energy system shall remove said energy system within ninety (90) days after the Owner receives the Notice of Abandonment.

F. The removal of an energy system shall require a demolition permit.

G. Upon removal of an energy system, the site shall be cleaned, restored and vegetated to blend with the existing surrounding vegetation at the time of abandonment.

H. When an owner of an energy system has been notified to remove same and has not done so within ninety (90) days after receiving said notice, then the Township may remove the energy system and place a lien upon the property for the cost of the removal.

I. Removal will be in accordance with the decommissioning plan submitted at the time of application.

§15-24.8 Zoning Permit Procedure

A. An Owner shall submit an application to the Administrator for a zoning permit for an energy system.

B. The Administrator shall issue a permit or deny the application within one (1) month as consistent with Municipal Land Use Law of the date on which the application is received.

C. If the application is approved, the Administrator will return one (1) signed copy of the application with the zoning permit and retain the other copy with the application.

D. If the application is rejected, the Administrator will notify the applicant in writing and

provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to the appropriate appeals authority. The applicant may reapply if the deficiencies specified by the Administrator are resolved.

§15-24.9 Violations

A. It is unlawful for any person to construct, install, or operate an energy system that is not in compliance with this ordinance.

B. Energy systems installed prior to the adoption of this ordinance are exempt from the requirements of this ordinance, except for provisions regarding abandonment.

§15-24.10 Administration and Enforcement

A. This ordinance shall be administered by the Administrator or another official designated by the Administrator.

B. At any time, the Administrator may enter any property for which a permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit are met.

C. The Administrator may issue orders to abate any violation of this ordinance.

D. The Administrator may issue a citation for any violation of this ordinance.

E. The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

§15-24.11 Penalties

A. Any person who fails to comply with any provision of this ordinance shall be subject to enforcement and penalties as stipulated in the Code of the Township of Little Egg Harbor.

B. Nothing in this section shall be construed to prevent the Governing Body of Little Egg Harbor Township from using any other lawful means to enforce this ordinance.