

ORD. (79-3)

LAND DEVELOPMENT ORDINANCE

of the

TOWNSHIP of ELSINBORO

SALEM COUNTY, N.J.

PREPARED BY THE SALEM COUNTY PLANNING STAFF UNDER THE SUPERVISION  
OF ITS PLANNING DIRECTOR, CHRISTOPHER J. WARREN, LICENSE NO. 2003

A COMPREHENSIVE ORDINANCE REGULATING AND LIMITING THE USES OF LAND AND THE USES AND LOCATIONS OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS AND OTHER OPEN SPACES; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE TOWNSHIP OF ELSINBORO INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF SAID TOWNSHIP BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION AND SITE PLANNING OF LAND WITHIN THE TOWNSHIP; ESTABLISHING A PLANNING BOARD AND BOARD OF ADJUSTMENT; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED by the Township Committee of the Township of Elsinboro in the County of Salem and State of New Jersey, pursuant to the authority conferred by Chapter 291, P.L. 1975, the "Municipal Land Use Law", and Chapter 115, P.L. 1976 as follows.

LAND DEVELOPMENT ORDINANCE  
TOWNSHIP OF ELSINBORO  
SALEM COUNTY, NEW JERSEY

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LAND DEVELOPMENT ORDINANCE  
ELSINBORO TOWNSHIP

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TOWNSHIP OF ELSINBORO  
SALEM COUNTY, NEW JERSEY

Ordinance No.

CHAPTER I - TITLE AND PURPOSE  
ARTICLE I - TITLE

Section 1.1 Title

A comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Elsinboro into districts for such purposes; adopting a map of said Township boundaries and the classification of such districts; establishing rules, regulations, and standards governing the subdivision and site planning of land within the Township; establishing a Planning Board and Board of Adjustment; and prescribing penalties for the violation of its provisions.

Section 1.2 Short Title

This Ordinance shall be known and may be cited at the "Land Development Ordinance of the Township of Elsinboro".

ARTICLE II - PURPOSE

Section 1.3 Purposes Enumerated

It is the general purpose of the Ordinance to encourage and guide the appropriate use and development of all land and natural resources within the Township of Elsinboro in a manner which will promote the health, safety, morals, and general welfare of the community and which will further the following related and more specific objectives:

1. To guide and regulate the orderly growth and development of the Township in accordance with a comprehensive plan.
2. To ensure that the development of the Township of Elsinboro does not conflict with the development and general welfare of neighboring municipalities, the County, and State as a whole.
3. To promote the establishment of appropriate population densities and concentrations that will contribute to the well being of the community and the preservation and conservation of the natural environment and natural resources.
4. To protect the established character and the social and economic well being of the community.
5. To provide sufficient space in appropriate locations for a variety of land uses according to their respective environmental requirements.

6. To promote the conservation of open space, prime agricultural lands, and other valuable natural resources and to prevent environmental degradation through the improper use of land.
7. To encourage the location and design of safe and efficient transportation routes which will promote the free flow of traffic and pedestrians.
8. To promote a desirable and attractive visual environment through creative development techniques and good community design.
9. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

#### ARTICLE III - DEFINITIONS

##### Section 1.4 Intent

- A. For the purposes of this Ordinance, the following rules of construction shall apply:
  1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  2. Words used in the singular include the plural and vice versa.
  3. Any word tense includes every tense of the word.
  4. The word "shall" is mandatory, the word "may" is permissive.
  5. The word "used" and "occupies" includes the words "designed, intended, or arranged to be" used or occupied.
  6. The words "building" includes the words "structure", "dwelling" or "residence" and includes "or any part thereof".
  7. The word "lot" includes the words "plot", "premises", and "tract".
  8. The word "zone" includes district and vice versa.
- B. Whenever a term is used in the Ordinance which is defined in N.J.S.A. 40:55D-1 et. Seq. such term is intended to have the meaning as defined in said statute, unless specifically defined to the contrary in this Ordinance.
- C. Any word or term not defined herein shall be used with a meaning of standard usage.



## Section 1.5      Words and Phrases Defined

Unless otherwise stated in context, the words and phrases set forth in the following paragraphs shall have the meaning therein indicated.

Accessory Building, Structure or Use: A use or structure located on the same lot as a principal use or structure and which is customarily incidental and subordinate to the principal use or structure.

Administrative Officer: The Zoning Officer of the Township of Elsinboro.

Adverse Effect: Conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdivided property or off-tract property such as, but not limited to, improper circulation and drainage rights of way, inadequate drainage facilities, insufficient street widths, unsuitable street grades, unsuitable street locations to accomodate prospective traffic or coordinate and compose a convenient system, locating lots in manner not adaptable for the intended purposes without danger to health or safety, providing for lots of insufficient size, and neither providing nor making future allowance for access to the interior portion of the lot or for other facilities required by this Ordinance.

Agricultural Purposes: Farming and related pursuits not including the erection, alteration, enlargement, or reconstruction of a structure for residential occupancy.

Alterations or Additions, Structural: Any change in or additions to the supporting members of a building such as walls, beams, columns, guides, posts or piers.

Application for Development: The application or appeal forms and all accompanying documents required by this Ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

Approving Authority: The Elsinboro Township Planning Board, unless a different agency is designated by ordinance when acting pursuant to the authority of N.J.S.A. 40:55D-1 et seq.

Basement: A story of a building that is partly underground which has more than one-half (1/2) its interior height, measured from the floor to finished ceiling, below the average finished grade of the ground adjoining the building.

Bedroom: A room planned, designated, or used primarily for sleeping.

Building: Any structure or extension thereof or addition thereto having a roof supported by such things as columns, posts, piers, or walls which is permanently affixed to the land and intended for the shelter, business, housing, or enclosing of persons, animals, or property.

Building Area: The aggregate area occupied by all buildings on a lot as measured on a horizontal plane around the periphery of the facades and including the area under the roof of any structure not having walls.

Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Setback Line: The line parallel to the street at a distance therefrom equal to the depth of the front yard required for the district under consideration.

Campground: A facility operated by a public, private, or non-profit organization providing the natural setting upon which two or more campsites are located, established or maintained for occupancy by camping units, camp trailers, or camp cars for periods of temporary occupancy by the general public for recreation, education, or vacation purposes.

Certificate of Occupancy: A document which shall be deemed to authorize and be required for each occupancy and use of the building or the land to which it applies, and shall continue in effect only so long as such building and the use thereof and the use of the land is in full conformity with the provisions of this Ordinance and any requirements made pursuant thereto.

Channel: The identifiable bed and banks of a stream which convey a normal, constant or intermittent flow of a stream.

Club: Any organization catering exclusively to members and their guests or any organization for religious, vocational, civic or recreational purposes which is not conducted for financial gain.

Conditional Use: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for location or operation of such use contained in this Ordinance, and upon the issuance of an authorization thereof by the Planning Board.

Coverage: That percentage of the plot or lot area covered by all buildings and impervious materials. Any area of a lot covered with porous materials will not be included in the calculation of coverage.

Density, Gross: The number of dwelling units per acre of gross area of a site.

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 other structure; any mining, excavation or landfill; any use or change in the use of any building or other structure or land; or the extension of use of land for which permission may be required pursuant to N.J.S.A. 40:55D-1 et. seq.

Drainage Easement: A limited property right assigned by deed or other legal means permitting the use of a specified area for the installation and maintenance of storm water sewers or drainage ditches, or the restriction of areas along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Dwelling: A building designed or used primarily for family residence. The word "dwelling" shall not include boarding or rooming houses, hotels, motels or other structures designed or used for transient purposes.

Dwelling, Multiple Family: A building containing two or more dwelling units in accordance with the provisions of this Ordinance.

Dwelling, Single Family: A detached building used for one dwelling unit only.

Earth Extraction: The removal of sand, topsoil, gravel, fill dirt, or mineral or clay products for sale or use at another location, but not including agricultural soil conservation works, excavations incidental to agricultural operations or the process of grading as part of site preparation.

Erosion: The detachment and movement of soil or rock fragments by water, ice and gravity.

Essential Service: Structures and physical improvements, whether publicly or privately owned, necessary to permit the orderly development of an area, including such facilities as streets; water, sewerage, gas, telephone and electric lines; supporting structures such as man-holes, catch basins, pumping stations, solid waste collection stations; transformer stations and utility poles; but not including generating or storage plants; processing stations, maintenance yards or administration headquarter facilities.

Family: Any number of persons living together in a single dwelling unit but not including more than six (6) persons unrelated by blood, marriage, or adoption.

Farm: Any parcel of land involving more than five (5) acres which is used for gain in the raising of agricultural products:

Farm Building: Any buildings used for storing agriculture equipment or farm product or housing livestock or poultry. The term "farm building" shall not include residential dwelling.

Fence or Wall: A structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

Flood Plain: The area adjoining any natural stream and including any water or drainage course or body of water subject to periodic flooding or overflow.

Floodway: Any portion of a flood plain lying within fifty (50) feet of the adjacent channel edge of a natural stream or within twenty-five (25) feet from the edge of a lake or center line of any water-course other than a natural stream.

Floor Area, Gross: The sum of the horizontal areas of the several floors of a building, excluding basement space, but including the area of permanently roofed porches and terraces. All dimensions shall be measured from the outside face of exterior walls or from the center line of a party or common wall.

Floor Area, Gross Habitable: The portion of gross floor area assigned for human habitation and fully enclosed by the inside surfaces of walls, windows, doors, and partitions; having a head room of at least six (6) feet, six (6) inches; including living, eating, cooking and other household space but excluding garages, carports, porches, unheated sheds and basements. Attics or portions thereof may be considered habitable floor area provided they are fully finished and meet the proper height requirements.

Garage: A freestanding or attached building or an area included in the principal building for utilization in the storage and maintenance of one or more motor vehicles.

Gasoline Service Station: Any area of land, including the structures thereon, used for the retail sale of petroleum products or sale of motor vehicle accessories and services.

General Purpose Agriculture: Any parcel of land that is used for the raising of agricultural or horticultural products, livestock, poultry and their resultant products, but excluding uses defined as intensive fowl or swine farms by this Ordinance.

Golf Course: A tract of seventy five (75) acres or more containing a full size professional golf course at least eighteen (18) holes in length, together with appropriate accessory uses and structures such as clubhouses, restaurants, driving ranges and putting areas, providing the operation of such are incidental to the golf course operation.

Historic Site: Any building, structure, area or property that is significant in the history, architecture, archaeology or culture of the nation, state, or community and listed as such in the Township Master Plan.

Home Occupation: An occupation or profession which is clearly incidental to the use of the lot and dwelling for residential purposes and which complies with the standards and requirements of the Zoning Chapter.

Impervious Materials: Materials that do not permit the natural absorption and permeation of soils by rain or other surface water including but not limited to concrete, asphalt, chemical treatment of soils or artificial ground covering.

Impervious Materials Coverage: That percentage of a lot or site covered by impervious materials which shall include facilities such as swimming pools, tennis courts and other recreational courts, as well as roads, walkways, patio, driveways, and parking areas.

Interested Party: Any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under Township development regulations or whose right to use, acquire, or enjoy property under said regulations has been denied, violated or infringed upon by any action or failure to act.

Intensive Fowl or Swine Farm: A farm intended primarily for the commercial breeding or raising of poultry and their byproducts or swine. Farms with or proposed to have more than twenty (20) pigs or more than ten (10) head of fowl per acre shall be considered intensive operations.

Junk Yard: The use of more than one thousand (1000) square feet in the case of an agricultural parcel or more than two hundred (200) square feet of the area of any other lot for the storage, keeping, processing or abandonment of wastepaper, rags, scrap metal or other discarded material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof.

Kennel: Any building or land parcel used for the commercial keeping of dogs and/or other household pets. The keeping of more than five (5) such adult animals on any one property shall be deemed to constitute a kennel.

Land Mining: Defined the same as earth excavation under this Ordinance.

Loading Space: An off-street space not less than twelve (12) feet in width, sixty (60) feet in length, and with fifteen (15) feet of vertical clearance available for the loading or unloading of trucks.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area: The area contained within the lot lines of a lot, excluding any portions of a street right-of-way.

Lot, Corner: A lot on the junction of two or more intersecting streets where the interior angles of intersection does not exceed 135 degrees. Each corner lot shall have two (2) front yards, one (1) side yard, and one (1) rear yard.

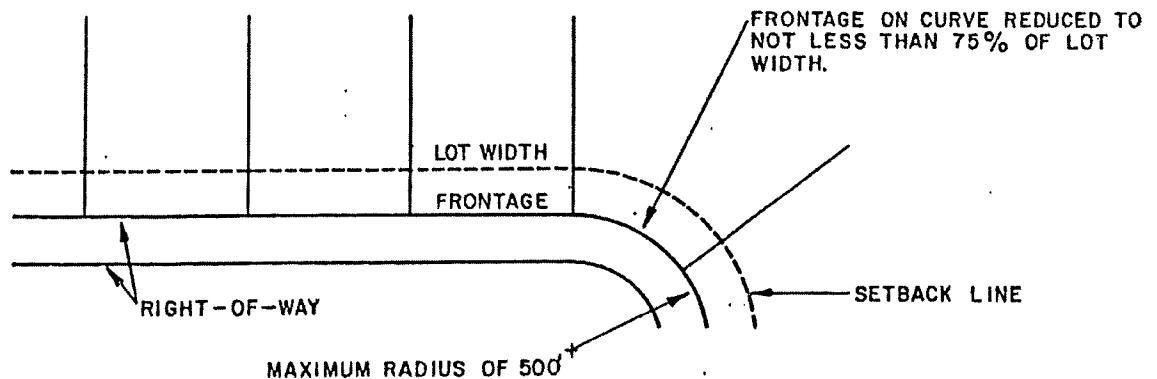
Lot Depth: The mean horizontal distance between the front and rear lot lines measured in the general direction of the side lot lines.

Lot, Frontage: The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy five percent (75%) of the required lot width. In the case of a corner lot, either street frontage which meets the minimum frontage required for that zone may be considered the lot frontage.

## LOT FRONTAGE

## LOT WIDTH

SCALE: 1"=200'



Lot Line - Front: The right of way of the street or road on which the lot fronts or abuts.

Lot Line - Rear: A lot line other than a street line which is the furthestest lot line from the street.

Lot Line - Side: Any lot line other than a front or rear lot line.

Lot Width: The horizontal distance between side lot lines measured at the building setback line.

Maintenance Guarantee: Any security, other than cash, which may be accepted by the municipality for the maintenance of any improvements pursuant to the provisions of this Ordinance.

Major Subdivision: Any division of land not classified as a minor subdivision.

Master Plan: A composite of the mapped and written proposals recommending the physical development growth policy of the municipality which have been duly adopted by the Planning Board.

Migrant Labor Housing: Any farm building other than a principal dwelling, which complies with state migrant housing laws and this Ordinance, used for temporary residence by farm laborers during the growing season.

Minor Subdivision: A subdivision of land that does not involve (1) the creation of more than two lots, in addition to any one retained parcel, (2) planned development, (3) any new street, or (4) the extension of any off-tract improvement. In counting lots to determine whether or not a proposed subdivision is a minor subdivision, the following lots shall be counted:

- a) All lots to be created by the proposed subdivision,
- b) All lot(s) in excess of one that are to be retained by the subdivider.
- c) No lots shall be counted twice and in case of resubdivision, any lot eliminated or replaced shall be deducted.
- d) All lots created by prior subdivision out of the original parcel within the last six (6) years.

Non-Conforming Lot, Structure, or Use: A lot, of which the area, dimension, or location; or, a structure of which the size, dimension or lot location; or, an activity of use upon a lot or within a structure which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located.

Off-Site: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or located on a contiguous portion of a street or right-of-way.

Off-Tract: Not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

On-Site: Located on the lot in question.

On-Tract: Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining such open space, and provided that improvement shall be limited to those buildings, structures, streets, off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Parking, Off-Street: A space off the street right-of-way, which, exclusive of driveways and aisles giving access thereto, is not less than ten (10) feet wide and twenty (20) feet long if in an enclosed garage, or not less than eight and one-half (8 1/2) feet wide by nineteen (19) feet long if in the open and which is available and accessible for the parking of a motor vehicle.

Performance Guarantee: Any security which may be accepted by the municipality pursuant to this Ordinance, and provided that not more than ten per cent (10%) of the total performance guarantee shall be required in cash.

Permitted Use: Any use of land or buildings as permitted by this Ordinance.

Planned Development:

Planned Commercial Development: An area of a minimum contiguous acreage as specified by the Zoning Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses, or both and meeting the other standards specified in this Ordinance.

Planning Board: The established Planning Board of the Township of Elsinboro.

Plat: A map or maps of a subdivision or site plan and is used interchangeably with "plan" in the ordinance.



Preliminary Approval: The conferral of certain rights pursuant to the provisions of this Ordinance prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

Principal Use: The main purpose for which a lot or building is used.

Restaurant: Any establishment, however designed, at which food is sold for consumption on the premises. However, a snack bar or a refreshment stand at a public or community swimming pool, playground, playfield or park operated solely by the agency or group operating recreational facilities and for the convenience of the patrons shall not be deemed to be a "restaurant". "Restaurant" does not include take-out or drive-in establishments which permit the consumption of food within motor vehicles.

Resubdivision: Either the further division or relocation of lot lines of any lots within a subdivision previously made and approved or recorded according to law, or the alteration of any street or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument. The designation of a subdivision as a "resubdivision" shall be determined on the basis of the tract or parcel of land affected without regard to any change in ownership.

Reverse Frontage: The provision in the design of a land development allowing for lots adjacent to an abutting existing road to front on an internal street, without any direct access from the adjacent lots to the existing road. (See Plates)

Right-of-Way Lines: The boundary lines of land used or intended for use as streets and utilities and from which setbacks or front yard depths and lot depths shall be measured. Where existing records are vague or show a lesser dimension, they shall be considered to be not less than fifty (50) feet apart, twenty-five (25) feet from the center line thereof.

Roadside Stand: A permanent structure together with it surrounding display area and supporting off-street parking area designed for the retail sale of farm produce and located as an accessory use in accordance with the provisions of this Ordinance. The intermittent sale of homegrown produce as an accessory use not involving a building or structure, not occupying more than three hundred (300) feet and not creating any undue traffic hazards shall not be deemed to constitute a "roadside stand".

Shopping Center: A group of commercial establishments built on one tract that is planned and developed as an operating unit; it provides on-site parking in definite relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated.

Sight Triangle Easement: A triangular shaped area at the intersection of two roads established in accordance with the requirements of this Ordinance in which visual obstructions are permitted in order to promote traffic safety. (see Plates)

Sign: Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illustration or insignia used to identify, advertise or promote the interest of any person, business, or product when the same is placed in view of the general public.

Site Plan: A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood-plains, marshes, and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices, and (3) any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this Ordinance.

Story: That portion of a building included between the surface of any floor and the ceiling above it, provided that there is a clear headroom of six (6) feet six (6) inches or more.

Street: Any street, avenue, boulevard, road, parkway, drive, or other way which (1) is an existing state, county or municipal roadway, or (2) is shown on a plat heretofore approved pursuant to law; or (3) is approved by official action as provided by N.J.S.A. 40:55D-1 et seq.; or (4) is shown on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of the Planning Board and the grant to the Board of the power to review plats. The term "street" includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. Streets and roads in the Township are classified according to their function as follows:

- a) Minor Arterial - A highway serving regional traffic movement as its primary purpose and only abutting property as a matter of course. The design of this highway is intended to be superior to any of the other listed classes to ensure maximum efficiency and safety in the movement of regional traffic.
- b) County Major Collector - A County road of primary importance which is designed to supplement the arterial network. The purpose is to serve both regional and County needs by collecting local traffic and leading it to arterials and abutting property only as a matter of course. To maintain and improve the efficiency of the route, the design is superior to other County roads and all access is to be strictly controlled.
- c) County Minor Collector - A County road of secondary importance which is designed to collect concentrated residential traffic and lead it to major collectors or the arterial network. Minor collectors complete the important County Collector road network. The access and design of these roads are to be controlled to maintain the integrity of the County road system.

- d) County - Local Road or Township Collector - A County road which serves only local purposes is defined as a County - Local Road and is intended to be designed and treated as a Township through road. Both of these types of roads should be designed and are intended to provide access to adjacent property and to channel traffic from minor streets to the County collector system. Direct access from abutting land would be permitted in minor development provided the proposed design of the roads is maintained.
- e) Minor Street - All minor streets are designed and intended to serve abutting property as their primary purpose and to discourage all other traffic not generated by the development. Types of minor streets are as follows:
1. Marginal Service Street - An internal street running along the edge of a land development, allowing for several lots to have access to a adjoining existing road via a common access point defined by a buffer strip between the internal street and the adjoining existing road. (see plate
  2. Cul-de-Sac - A minor land service street closed at one end, being no more than 750 feet in length, and having an adequate vehicle turning area at the closed end.
  3. Loop Street - A through land service street serving a maximum of twenty (20) residential units which begins and ends on the same existing or proposed road.

Street Line: The right-of-way line of a street, road, or other public right-of-way used or intended for use by vehicular traffic.

Structure: Anything constructed, assembled, or erected which requires location on the ground or attachment to something having such location on the ground including buildings, fences, tanks, towers, signs, advertising devices, and swimming pools.

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 Ordinance if no new streets are created: (1) divisions of land found by the Planning Board to be for agricultural purposes, as defined by this Ordinance, and in which all resulting parcels are five (5) acres or larger in size; (2) divisions of property by testamentary or interstate provision; (3) divisions of property upon court order; and (4) conveyances so as to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "resubdivision". However, any readjustment of lot lines resulting in no new lots shall not be considered a subdivision but shall require Planning Board review and approval.

Swimming Club: A public or privately owned pool open to the public or an annual membership basis, having dressing rooms, off-street parking and other appropriate accessory facilities.

Swimming Pool, Private: A non-commercial, privately owned pool constituting an accessory use to a residential unit or units and located on the same lot therewith. A wading pool with a depth of less than eighteen (18) inches and portable swimming devices located above ground level, with an area of less than one hundred twenty-five (125) square feet and a water depth of less than three (3) feet, temporary in character and constructed or material other than concrete or masonry shall not be deemed a swimming pool.

Township: The Township of Elsinboro, Salem County, New Jersey.

Variance: Permission to depart from the literal requirements of the Zoning Chapter or other development regulations specified in this Ordinance pursuant to N.J.S.A. 40:55D-1et seq.

Watercourse: Any land area or use either naturally formed or artificially designed for the storage, passage, retention or flow of water, including but not limited to the following: lake, pond, canal, ditch, stream or swale.

Yard: An open space on the same lot with the principal building, unobstructed by buildings or structures from the ground to the sky, except by fences, walls, poles and posts, or except as otherwise provided in this Ordinance.

Yard, Front: The yard extending across the entire width of the lot between the street right-of-way line and the nearest part of the principal building. The setback line shall be synonymous with the rearmost limit of the required "front yard" area.

Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum depth required by district regulations with the setback line parallel with the rear lot line.

Yard, Side: A yard extending along the side lot line from the front yard to the rear lot line. In the case of corner lots there shall be only one side yard, adjacent to the interior lot line. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with the setback line parallel to the side lot line.

## CHAPTER II - DEVELOPMENT PROCEDURES

### ARTICLE I - PLANNING BOARD

#### Section 2.1 Establishment; Composition

- A. There is hereby established, pursuant to N.J.S.A. 40:55D-1 et Seq., in the Township of ~~Englisinboro~~, a Planning Board of nine (9) members consisting of the following three classes:
- Class I.. The Mayor.
  - Class II. One of the officials of the municipality other than a member of the governing body to be appointed by the Mayor.
  - Class IV. Seven (7) other citizens of the municipality to be appointed by the Mayor.
- B. The members of Class IV shall hold no other municipal office except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) may be a member of the Board of Education.

#### Section 2.2 Terms of Office

- A. The term of the member composing Class I shall correspond with his official tenure.
- B. The term of the member composing Class II shall be for one (1) year or terminate at the completion of their respective terms of office whichever occurs first.
- C. The terms of all Class IV members first appointed pursuant to this ordinance shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four (4) years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for a term of four (4) years or less, as needed to evenly distribute expiration dates as provided above.
- D. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.
- E. All terms shall run from January 1 of the year in which the appointment was made.

#### Section 2.3 Vacancies and Removal

- A. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as provided above for the unexpired term.
- B. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

#### Section 2.4 Organization

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a municipal employee designated by it.

Section 2.5 Experts and Staff.

- A. There is hereby created the office of Planning Board Solicitor. The Planning Board may annually appoint and fix the compensation of the Planning Board Solicitor who shall be an attorney other than the municipal attorney.
- B. The Planning Board may also employ or contract for the services of experts and staff as it may deem necessary. The Board shall not, however, exceed exclusive of gifts or grants, the amount appropriated by the governing body for its use.

Section 2.6 Powers and Duties Generally.

- A. The Planning Board shall have the following powers and duties:
  1. To make and adopt and from time to time amend a master plan for the physical development of the municipality including any areas outside its boundaries, which in the board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of C.40:55D-28.
  2. To administer provisions of all development regulations of the municipality in accordance with the provisions of said regulations and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et Seq.
  3. To consider and make recommendations to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of C.40:55D-26(a), and also pass upon other matters specifically referred to the Planning Board by the governing body, pursuant to the provisions of C.40:55D-26(b).
  4. To assemble data on a continuing basis as part of a continuous planning process.
  5. To Annually participate in the preparation and review of a municipal capital improvements program projected over a term of six (6) years and amendments thereto when requested by the Township Committee.
  6. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
  7. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:
    - a. Variances pursuant to subsection 57c of Chapter 291, P.L. 1975, from lot area, lot dimensional set back, and yard requirements shall not be granted for more than one lot.
    - b. Direction pursuant to section 25 of said Act for issuance of permit for building or structure in the bed of a mapped street or public drainage way, flood control basin, or public area reserved pursuant to section 23 of said Act.
    - c. Direction pursuant to section 27 of said Act for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested under this subsection, the hearing notice on the development application shall include reference to the type of relief requested.

ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

- B. The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this Ordinance.

## ARTICLE II - DEVELOPMENT REVIEW PROCEDURES

### Section 2.7 Application Procedures.

Any applicant for subdivision, site plan or conditional use review and approval within the jurisdiction of the Planning Board shall obtain all necessary forms from the Planning Board Secretary. Said officer shall inform the applicant of the steps to be taken in securing Planning Board action and of the board's regular meeting dates. The applicant shall submit six (6) copies of plat or plans together with a completed application form and all required accompanying documents and fees to the Planning Board Secretary at least ten (10) days prior to the next regularly scheduled meeting. The Secretary shall immediately forward a copy of the plat or plans to the Township Engineer and such other persons as designated by the Planning Board.

### Section 2.8 General Review Procedures.

- A. All subdivisions and site plans as defined by this Ordinance are subject to the review and approval requirements specified herein.
- B. The Planning Board shall determine on the basis of advice from the Township Engineer and the Planning Board Secretary, that the application is complete and properly submitted and therefore subject to review or that the application is incomplete, in which case the developer shall be advised within forty-five (45) days of his initial submission as to the additional materials required. An amended application shall be submitted in the same manner as the original application.
- C. Any applicant for subdivision or site plan approval may make a sketch plat or plan submission for purposes of classification and informal discussion. A conceptual sketch of the proposed site plan or subdivision is strongly recommended for major development prior to any sketch plat submission. The submission of a conceptual sketch need not meet sketch plat information requirements and affords the applicant the opportunity to discuss the proposal in its formative stages and receive the advice of the Planning Board. If a sketch submission results in classification as a major subdivision, the application shall not be deemed to be complete until all preliminary application requirements have been met. Notwithstanding these procedures for sketch submissions, nothing shall prohibit an applicant from initially submitting to the Planning Board for preliminary major subdivision approval.
- D. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (c. 40:2706.3) in the case of a subdivision, or Section 8 of P.L. 1968, c. 285 (c.40:27-6.6) in the case of a site plan, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by ~~the~~ failure to report thereon within the required period.

### Section 2.9 Minor Subdivision Approval.

Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application or within such further time as may be consented to by the applicant. Said approval shall not be subject to notice requirements or a public hearing and shall be the final action

or the Board which may be conditioned upon improvement provisions pursuant to N.J.S.A. 40:55D-38. Failure of the Planning Board to act within the prescribed period shall constitute minor subdivision approval. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless within such period, a plat in conformity with such approval and the Map Filing Law, or a deed clearly describing the approved minor subdivision is filed by the developer with the County Clerk, Township Engineer, and Township Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County Clerk. The zoning requirements and approval terms and conditions shall not be changed for a period of two (2) years after the date of minor subdivision approval provided the subdivision has been duly recorded.

#### **Section 2.10 Major Subdivisions and Site Plans.**

##### **A. Preliminary Approval.**

1. Upon submission of a complete preliminary application for a subdivision of ten (10) or fewer lots or a site plan of ten (10) acres or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of submission or within such time as may be consented to be the developer. Upon submission of a complete preliminary application for a subdivision of more than ten (10) lots, a site plan of more than ten (10) acres, or planned development application, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days or within such further time as may be consented to by the developer. All such applications shall be subject to a public hearing after proper notice. Failure to act within the period prescribed shall constitute preliminary approval of the subdivision or site plan.

2. In the event, preliminary approval of a subdivision or site plan is denied because of failure to comply with municipal or regional development regulations, a notation to that effect together with the signature of the Planning Board Secretary shall be placed on the plat and reasons for the decision shall be stated in the denial resolution.

3. Preliminary approval of a major subdivision, site plan, or planned development shall be granted by resolution which shall set forth any conditions that must be met, including required performance guarantees, and plat changes that must be made precedent to final action. A notation indicating preliminary approval shall be placed on each plat and plan together with the signature of the Chairman and Secretary of the Planning Board. This preliminary approval does not authorize the recording of a subdivision or the issuance of a building permit for a site plan.

4. Preliminary approval of a subdivision plat or site plan shall confer upon the developer the following rights:

a. That the zoning requirements, and the general terms and conditions on which preliminary approval was granted shall not be changed for a three (3) year period from the date of preliminary approval unless modified by ordinance provisions relating to public health or safety.

b. 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 subdivision plat or site plan; and

c. That the applicant may apply for and the Planning Board may grant extensions of one (1) year or longer as provided in N.J.S.A. 40:55D-49.



**B. Final Approval.**

1. Application for final major subdivision or site plan approval shall be granted or denied within forty-five (45) days of submission of a complete final application or within such further time as consented to by the developer. Failure of the Planning Board to act within the prescribed period shall constitute final approval.

2. Final approval of a major subdivision, site plan, or planned development shall be granted only after all requirements and conditions imposed at the time of preliminary approval have been complied with and all required easements have been submitted and approved as to content by the Township Engineer and approved as to form by the Township Solicitor.

3. Final approval of a major subdivision shall expire ninety-five (95) days from the date of the signing of the plat unless, within such period, a plat meeting the "Map Filing Law" and bearing the signature of the Chairman and Secretary of the Planning Board shall have been duly filed with the County Clerk. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

4. Final approval of a major subdivision or site plan shall confer upon the developer the following rights:

a. Zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer in Subsection A of this Section shall not be changed for a period of two (2) years after the date of final approval; provided that in the case of a major subdivision the rights conferred by this Section shall expire if the plat has not been duly and properly recorded. The Planning Board may extend such protection periods by extensions of one (1) year but not exceeding three such extensions. The granting of final approval of a major subdivision or site plan terminates the time period of preliminary approval given pursuant to Subsection A of this Section for any portion granted final approval.

b. In the case of a subdivision or site plan of planned development or residential cluster of fifty (50) acres or more or a conventional subdivision or site plan for one hundred fifty (150) acres or more, the Planning Board may extend the period of protection as provided in N.J.S.A. 40:55D-52.

5. Upon final approval, copies of the approved plat or plans shall be distributed by the Planning Board Secretary to the Planning Board files, Township Engineer, Zoning Officer, Tax Assessor, County Planning Board, and the applicant.

**Section 2.11 Conditional Use Approval**

In exercising its power to grant conditional uses pursuant to N.J.S.A. 40:55D-67 and Subsection A (2) of Section 2.6 of this ordinance, the Planning Board shall grant or deny a conditional use application within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant. Said application shall be subject to a public hearing after proper notice. The review of the conditional use application shall include any required site plan review within this prescribed period. Failure of the Planning Board to act within the prescribed period shall constitute approval of the application.

#### **Section 2.12 Ancillary Powers.**

Whenever the Planning Board is called upon to exercise its ancillary powers before granting approval for a variance or for the issuance of building permits as set forth in Subsection A (6) of Section 2.6 of this ordinance, the Planning Board shall grant or deny approval of the application within ninety-five (95) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval.

#### **Section 2.13 Simultaneous Review and Approval.**

The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board, or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board whether it be for subdivision, conditional use or site plan approval shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this section, notice of the hearing on the plat shall include reference to the request for such conditional use.

#### **Section 2.14 Exception in Application Regulation.**

The Planning Board when acting upon application for a preliminary or minor subdivision approval or preliminary site plan approval shall have the power to grant such exceptions from the requirements for approval as may be reasonable and within the general purpose and intent of the provisions for review and approval of this ordinance, if the literal enforcement of one or more provisions of this ordinance is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question, provided such exceptions and the reasons therefore shall be recorded in the minutes.

#### **Section 2.15 Appeals to Township Committee**

An appeal from any final decision of the Planning Board may be taken to the Township Committee provided such appeal shall be taken in accordance with C. 40: 55D-17.

### **ARTICLE III - ZONING BOARD OF ADJUSTMENT**

#### **Section 2.16 Establishment, Composition**

- A. A Zoning Board of Adjustment is hereby established pursuant to C. 40: 55D-69 et seq. consisting of seven (7) residents of the Township of Elsinboro appointed by the Mayor with the approval of the Township Committee to serve for terms of four (4) years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Nothing in this Chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed, at which time their replacement shall be appointed for a term of four (4) years or less as needed to evenly distribute expiration dates as provided above.
- B. No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.

**Section 2.17 Vacancies and Removal**

- A. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- B. A member may be removed by the governing body for cause, but only after a public hearing if requested by him.

**Section 2.18 Organization**

The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary who may be either a member of the Board or a municipal employee designated by it.

**Section 2.19 Experts and Staff**

- A. There is hereby created the office of Zoning Board of Adjustment Solicitor. The Board of Adjustment may annually appoint and fix the compensation of the Board of Adjustment Solicitor who shall be an attorney other than the municipal attorney.
- B. The Zoning Board of Adjustment may also employ or contract for the services of experts and staff as it may deem necessary. The Board shall not, however, exceed exclusive of gifts or grants, the amount appropriated for its use by the governing body.

**Section 2.20 Powers**

- A. The Zoning Board of Adjustment shall have the following powers as granted by law:
  - 1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or referral made by an administrative official or agency based on or made in the enforcement of the zoning ordinance. The Board may reverse or affirm, wholly or partly or may modify the order requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.
  - 2. Hear and decide requests for interpretation of the zoning map or ordinance as provided in the Elsinboro Township development regulations or for decisions on other special questions upon which such Board is authorized to pass by the Zoning Chapter.
  - 3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation in the zoning ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to grant upon an application or an appeal relating to such property, a variance from such strict application, so as to relieve such difficulties or hardship, provided, however, that no variance shall be granted under this paragraph to allow a structure or use in a district restricted against such structure or use; and further, provided 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 shall review a request for a variance pursuant to N.J.S.A. 40:550-60.

4. Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least two-thirds of the full authorized membership of the Board.

5. Direct issuance of a permit pursuant to C.40:55D-34 for a building or structure in the bed of a mapped street or public drainage-way, flood control basin, or public area reserved on the official map, but only by the affirmative vote of a majority of the full authorized membership of the Board.

6. Direct issuance of a permit pursuant to C.40:55D-36 for a building or structure on a lot not abutting a street as required by C.40:55D-35.

- B. No variance or other relief may be granted under the provisions 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 ordinance. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning Board, for its report which the Zoning Board of Adjustment shall act.
- C. 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, site plan, or conditional use approval whenever the Board is reviewing an application for approval of a use variance pursuant to Subsection A (4) of this Section.

#### Section 2.21 Appeals and Applications

- A. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Each appeal shall be taken within the 65 days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with 3 copies of said notice with the Secretary of the Board of Adjustment. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. Applications may be made to the Board of Adjustment under any of its powers without prior application to an administrative officer. Three (3) copies of a completed application form, six (6) copies of all plats or plans, along with all required accompanying documents and fees shall be filed with the Board of Adjustment Secretary at least ten (10) days prior to the date set for the hearing. The applicant shall obtain all necessary forms from the Board of Adjustment Secretary. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.
- C. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate of stay would, in his opinion, cause imminent

peril to life or property. In such cases, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice to the officer from whom the appeal is taken and on due cause shown.

- D. The Board of Adjustment shall render its decision not later than 120 days after:
1. An appeal is taken from the decision of an administrative officer, or
  2. The submission of a complete application for development to the Board pursuant to the provisions of C.40:55D-72b. Failure of the Board to render a decision within such 120 day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.
- E. Expiration of Variance. Any variance from the terms of the Ordinance hereafter granted by the Zoning Board of Adjustment permitting the erection or alteration of any structure or structures shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said Ordinance, or unless such permitted use has actually been commenced, within nine (9) months from the date of publication of the notice of determination of the Board of Adjustment, provided that a longer period of time such expiration may be granted by the Board of Adjustment, redundant as a term and condition of the variance where the Board finds such an enlarged time period reasonably necessary and appropriate due to circumstances clearly demonstrated by the applicant at the hearing; except, however, that the running of the period of limitation herein provided shall be suspended from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the Township Committee or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

#### Section 2.22 Appeal to Township Committee

An appeal from any decision of the Zoning Board of Adjustment may be taken to the Township Committee provided that such appeal shall be made within ten (10) days of the date of publication of the Board's final decision. Such appeal shall be taken in accordance with C.40:55D-17.

### ARTICLE IV - PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT

#### Section 2.23 Meetings

- A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of the Municipal Land Use or Open Public Meetings Law.

- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law (N.J.S.A. 10:4-6). An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

**Section 2.24 Minutes**

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for use as provided for in the rules of the Board.

**Section 2.25 Notice requirements for hearings**

- A. Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et. seq., or pursuant to the determination of the municipal agency in question, the applicant shall give notice thereof as follows:
1. Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.
  2. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which applicant's land is located. Such notice shall be given by:
    - a. Serving a copy thereof on the owner shown on the said current tax duplicates or his agent in charge of the property; or
    - b. Mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

3. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B of this Section to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

4. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown

on the Official County Map or on the County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.

5. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

6. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceed one-hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Township Clerk pursuant to N.J.S.A. 40:55D-10.

- B. All notices hereinabove specified in this Section shall be given at least ten (10) days prior to the date fixed for the hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing for the development application. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with C.40:55D-14.
- C. Form of Notice. All notices required to be given pursuant to the terms of this Ordinance shall state the date, time, and place of the hearing, the nature of the matters to be considered, and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.
- D. List of property owners furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12(c) the Township Tax Assessor shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of ten dollars (\$10), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this Section.

#### **Section 2.26 Hearings.**

- A. Rules. The Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of C.40:55D-1 et. seq. or of this ordinance.
- B. Oaths. The officer presiding at the hearing 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" C.38, P.L. 1953 (C.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, mechanical, or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

#### Section 2.27 Decisions.

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.
- B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the board for such service. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality.
- C. Publication of Decision. 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 Zoning Board of Adjustment, as the case may be, without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

#### Section 2.28 Conflicts of Interest

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in further discussion or decision relating thereto.

#### Section 2.29 Payment of Taxes

Pursuant to the provisions of C.40:55D-39 and C.40:55D-65, every application for development submitted to the Planning Board or the the Zoning 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 said 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.

#### Section 2.30 Fees

Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment shall be established by a separate fee schedule.



## CHAPTER III - ZONING

### ARTICLE I - ZONING DISTRICT REGULATIONS

#### Section 3.1 Zoning District Designation

- A. For the purposes of this Ordinance, the Township of Elsinboro is hereby divided into districts as follows:

|        |                                |
|--------|--------------------------------|
| "Cons" | Conservation                   |
| "RR-A" | Rural Residential-Agricultural |
| "LR"   | Low Density Residential        |
| "MR"   | Medium Density Residential     |

- B. District Map. The boundaries of these zoning districts are established on the map entitled "Elsinboro Township Zoning Map", dated February 1, 1979, or as may be subsequently amended. Said map and all notions, references, and dates pertaining to zoning and zoning districts shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if they were fully described herein.

- C. Interpretation. Where uncertainty exists as to the exact location of any boundary shown on said zoning map, the following rules shall apply:

1. Zoning boundary lines are intended to follow the line of streets, railroad right-of-ways, or stream channels and other natural features where possible. Where zoning boundaries do not follow such features, it shall be determined either by the dimensions shown on the map or by use of the graphic scale shown thereon.
2. Where boundary lines are not fixed by dimensions and where they do not scale more than ten (10) feet distant from a plat or tax map line, such lot lines shall be construed to be the boundary line.
3. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 and 2 above, the Board of Adjustment shall interpret the district boundaries.

#### Section 3.2 District Regulations

District regulations as set forth in the Elsinboro Township Zoning Ordinance Schedule of District Regulations" and in specified supplementary sections are hereby adopted by reference and declared to be a part of this ordinance.

**Section 3.3      Justification and Intent of District Category, Location and Regulation**

The zoning district categories, location, and regulation have been based upon the Township land use policy established in the Elsinboro Township Land Use Plan (December 1978). The justification and intent of each zoning district as expressed in the adopted plan are summarized below:

**Cons. - Conservation District**

The Conservation District includes the extensive wetlands of the Township and much of the flood prone areas. The intent of the regulations for the district is to preserve the sensitive ecological balance in this part of the Township and to preclude development. Development of any type would only be permitted in extraordinary circumstances because of the sensitive ecology, severe limitations for development, and the flood prone nature of the area.

**RR-A - Rural Residential-Agricultural District**

The Rural Residential-Agricultural District encompasses most of the inland portion of the Township. This area is characterized by prime agricultural soils amidst large poorly drained areas. The intent of this zoning district is to maintain land economics favorable to farming activity and to minimize the potential for and impact of residential development in this area. Because of the moderate and severe limitations for the on-site disposal of septic effluent, only rural residential development is permitted on a minimum lot size in excess of one acre.

**LR - Low Density Residential**

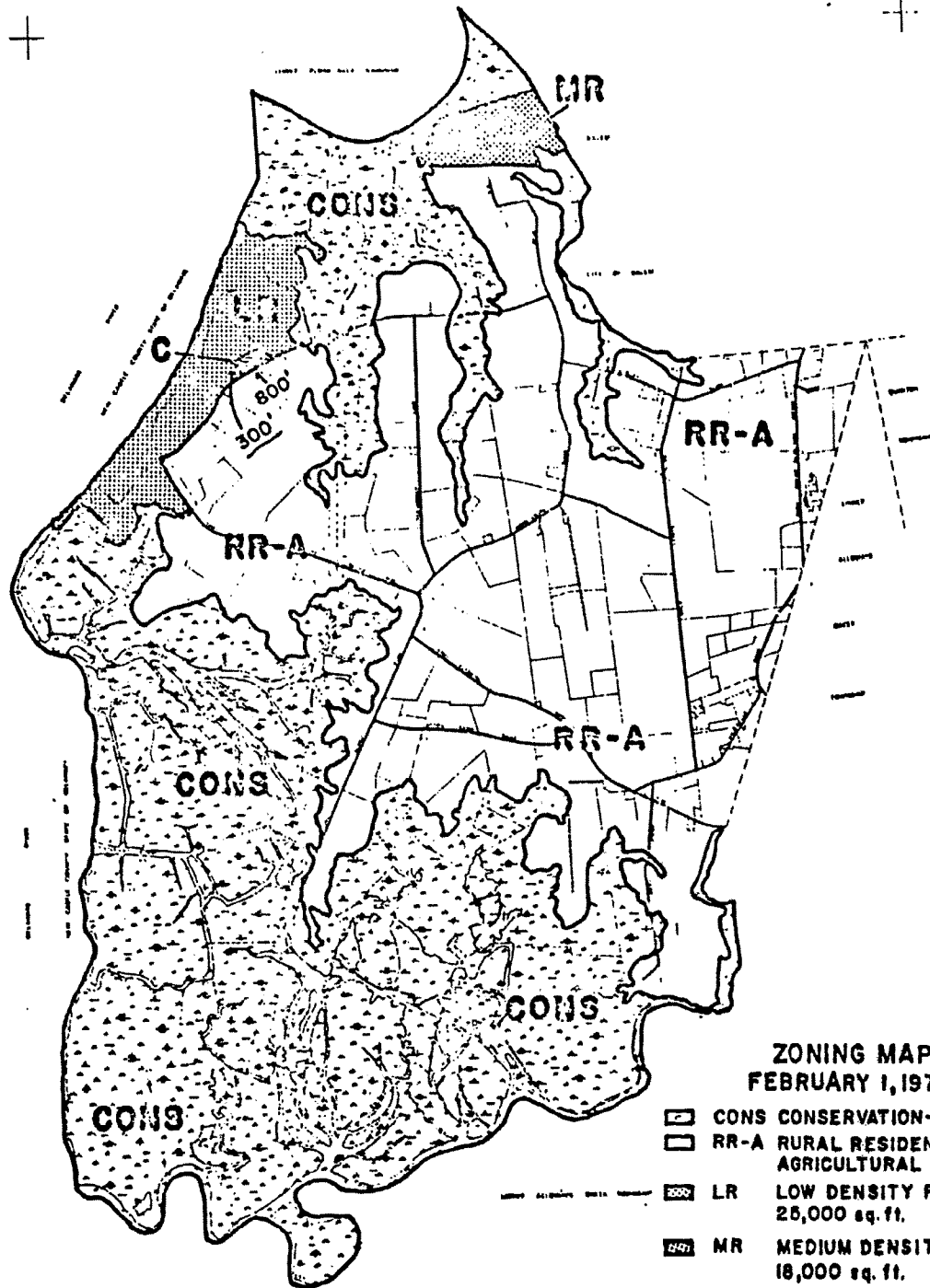
The Low Density Residential district include much of the area along the Delaware River. The intent of the zoning district regulations is to encourage continued residential development in this area in deference to other parts of the Township. The density of permitted development is based on the capability of the land to support residential development.

**MR - Medium Density Residential**






Residential development is also encouraged in this partially developed area near Salem City. The Medium Density Residential district is appropriate for some continued residential growth because of excellent development capabilities as well as the proximity to facilities, services, and employment in Salem City.. Concentrated residential development will be confined to this district to prevent further impacts on agricultural activities.

**C - Commercial District**

The intent of the Commercial district is to encourage limited retail commercial establishments and professional services to locate in proximity to the existing and proposed residential area (LR) in the western part of the Township.



# **ZONING MAP** **FEBRUARY 1, 1979**

-  **CON** CONSERVATION-5 ACRES
-  **RR-A** RURAL RESIDENTIAL-  
AGRICULTURAL 50,000 sq. ft.
-  **LR** LOW DENSITY RESIDENTIAL-  
25,000 sq. ft.
-  **MR** MEDIUM DENSITY RESIDENTIAL-  
18,000 sq. ft.
-  **C** COMMERCIAL

**ELSINBORO TOWNSHIP**  
 SALEM COUNTY NEW JERSEY

ELSINBORO TOWNSHIP ZONING ORDINANCE  
SCHEDULE OF DISTRICT REGULATIONS  
MAXIMUM-MINIMUM BUILDING STANDARDS

| ZONE  | TYPE OF USE               | MINIMUM LOT SIZE |       |       | MINIMUM YARD DIMENSIONS |     |     | MAXIMUM HEIGHT | MAXIMUM LOT COVERAGE (%) |               |
|-------|---------------------------|------------------|-------|-------|-------------------------|-----|-----|----------------|--------------------------|---------------|
|       |                           | AREA             | WIDTH | DEPTH | FT.                     | SD. | RR. |                | BUILDING                 | IMP. MATERIAL |
| CONS. | Principal Uses            | 5 acres          | 300'  | 400'  | 60'                     | 30' | 60' | 35'            | 5                        | 5             |
|       | Accessory Uses            |                  |       |       | 60'                     | 25' | 25' | 35'            |                          |               |
| RR-A  | Principal Uses            | 50,000 sq. ft.   | 175   | 200'  | 50'                     | 25' | 50' | 35'            | 15                       | 15            |
|       | Accessory Uses            |                  |       |       | 50'                     | 25' | 20' | 35'            |                          |               |
| LR    | Principal Uses            | 25,000 sq. ft.   | 125   | 175'  | 40'                     | 20' | 35' | 35'            | 20                       | 25            |
|       | Accessory Uses            |                  |       |       | 40'                     | 10' | 10' | 25'            |                          |               |
| MR    | Principal Uses            | 18,000 sq. ft.   | 100'  | 150'  | 35'                     | 15' | 30' | 35'            | 20                       | 25            |
|       | Accessory Uses            |                  |       |       | 35'                     | 10' | 10' | 25'            |                          |               |
| C     | Principal Uses            | 25,000 sq. ft.   | 125'  | 175'  | 50'                     | 20' | 30' | 35'            | 40                       | 35            |
|       | Commercial Accessory Uses |                  |       |       | 40'                     | 20' | 20' | 35'            |                          |               |

RESIDENTIAL DWELLING UNITS - MINIMUM FLOOR AREA

| No. of Bedrooms | Minimum Net Habitable Floor Area | Gross Habitable Floor Area<br>(Including Storage) |
|-----------------|----------------------------------|---|
|                 |                                  | Single-Family Dwelling Unit                       |
| 1               | 660                              | 800   |
| 2               | 900                              | 1080  |
| 3               | 1200                             | 1440  |
| 4               | 1600                             | 1920  |
| 5               | 2000                             | 2400  |

ELSINBORO TOWNSHIP ZONING ORDINANCE  
SCHEDULE OF DISTRICT REGULATION  
USE REGULATIONS

| <u>DISTRICT</u> | <u>PERMITTED USES</u>  | <u>CONDITIONAL USES</u>   |
|-----------------|--|---|
| LR.             | <p>A. Principal Uses</p> <ol style="list-style-type: none"><li>1. Principal uses permitted by right in MR district</li></ol> <p>B. Accessory Uses</p> <ol style="list-style-type: none"><li>1. Accessory uses permitted by right in MR district</li></ol>  | <ol style="list-style-type: none"><li>1. Any use permitted as a conditional use in the MR district</li></ol>                                  |
| C               | <p>A. Principal Uses</p> <ol style="list-style-type: none"><li>1. Stores and shops for the conduct of retail business or the provision of personal services</li><li>2. Banks, insurance, real estate, business, and professional offices</li><li>3. Restaurants</li><li>4. Public, educational, recreational, cultural, or civic uses</li><li>5. Convenience food stores</li></ol> <p>B. Accessory Uses</p> <ol style="list-style-type: none"><li>1. Accessory uses permitted by right in the LR district</li><li>2. Any use customarily incidental to a permitted principal use</li></ol> | <ol style="list-style-type: none"><li>1. Service stations (per Section 3.20)</li><li>2. Planned shopping centers (per Section 3.27)</li></ol> |

ELSI... TOW... ZON... ORD...  
SCHEDULE OF DISTRICT REGULATION  
USE REGULATIONS

PERMITTED USES

In each district, only the use listed below shall be permitted by right. All uses in the following list other than detached single family dwellings, general purpose agriculture, and normally incidental accessory uses thereto, shall be subject to Site Plan Review requirements in addition to complying with other applicable requirements.

CONDITIONAL USES

All uses listed below and normally incidental accessory uses thereto may only be permitted in accordance with Conditional Use Review procedures as well as Site Plan Review Requirements.

---

A. Principal Uses

1. General purpose agriculture
2. Water, forest, or wildlife conservation areas and use
3. Public or non-profit parks, playgrounds, playfields, or similar open space use
4. Essential services
5. Single family dwellings

B. Accessory Uses

1. Any use customarily incidental to a principal permitted use including:
  - a. Yard sales
  - b. Home occupations (per Section 3.14)
  - c. Boat landings or docks
  - d. Fences, walls, (per Section 3.9)
  - e. Off-street parking (per Section 3.13)
  - f. Off-street loading (per Section 3.13)
  - g. Signs (per Section )

1. Hunting, and skeet clubs (per Section 3.16)
2. Campgrounds (per Section 3.17)
3. Boat Marinas

---

A. Principal Uses

1. Principal uses permitted by right in the CONS district
2. Public educational, recreational, cultural or civic uses

B. Accessory Uses

1. Accessory use permitted by right in the CONS district
2. Any use customarily incidental to a principal use including:
  - a. Roadside stands (per Section 3.15)
  - b. Swimming pools (per Section 3.12)

1. Any use permitted as a conditional use in CONS district
2. Migrant labor housing (per Section 3.23)
3. Intensive fowl or swine farms (per Section 3.18)
4. Sanitary landfill (per Section 3.19)
5. Basic utility airport
6. Public or private golf or tennis clubs
7. Public or private swimming clubs (per Section 3.24)
8. Social clubs, lodges and assembly halls
9. Private education institutions, libraries, museums and cultural facilities
10. Public utility uses (per Section 3.21)
11. Churches, chapels
12. Kennels, commercial stables, riding academies, and animal hospitals (per Section 3.22)
13. Cemeteries

---

A. Principal Uses

1. Principal Uses permitted by right in the CONS district
2. Churches, chapels
3. Public educational, recreational, cultural or civic uses

B. Accessory Uses

1. Accessory uses permitted by right in RR-A district
2. Any use customarily incidental to a per-

1. Public or private tennis clubs
2. Public or private swimming clubs (per Section 3.24)
3. Social clubs, lodges, and assembly halls
4. Private educational institutions, libraries, museums and cultural facilities
5. Kennels and animal hospitals (per Section 3.22)
6. Funeral homes
7. Cemeteries

PROHIBITED USES IN ALL ZONES

All uses not expressly permitted in the above lists are prohibited, including, not by way of limitation, the following:

1. Junkyards, including automobile wrecking;
2. Earth extraction or land mining operations;
3. Dumping or disposal of waste or scrap material of any kind, except when approved as a conditional use;
4. Bulk Storage (more than 5,000 gallons) of petroleum, petroleum products or any other flammable liquids, solids, or gases;
5. Commercial Slaughterhouses;
6. Mobile homes or trailers for human habitation on separate lots or in mobile home or trailer parks;
7. Fertilizer production or processing;
8. The use of any land, building, or equipment of any kind for the temporary or permanent storage of spent nuclear fuel or radioactive waste material of any kind. The transportation of such spent nuclear fuel or radioactive waste material through the Township shall conform to all applicable Nuclear Regulatory Commission and Department of Environmental Protection regulations.

## ARTICLE II - APPLICATION OF REGULATIONS

### Section 3.4 Use Regulations

No use or occupancy of any building, structure or land shall hereafter be changed to a different use or occupancy and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, except as hereinafter provided.

### Section 3.5 Area Regulations

- A. No building or other structure shall hereafter be erected or altered to exceed the height, to accomodate or house a greater number of families, to occupy a greater percentage of lot area, or to have a narrower or smaller rear yard, front yard, side yard or other open spaces than are herein provided, or in any other manner contrary to the provisions of this Ordinance, except as hereinafter provided.
- B. Contiguous Lots. If two or more lots or combinations of lots or portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of the Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area less than the requirements stated in this Ordinance.
- C. Corner Lots. Building Setback lines for a corner lot shall be the same as required on the adjoining lot along either block.
- D. Existing Lots. A lot failing to meet the district requirements for area or width and which is demonstrated to have been of public record and not of contiguous frontage with other lots in the same ownership at the time of enactment of this Ordinance may be used for a permitted use in the district in which it is located only upon the issuance of a variance by the approving authority after public hearing and a showing by the applicant that he cannot reasonably obtain additional space to meet Ordinance requirements. Any variance granted shall constitute the minimum adjustment necessary to permit the reasonable use of the lot.
- E. Front Yard Requirement Modifications.
  - 1. Where a lot has frontage upon a County road proposed for right-of-way widening on the Master Plan or Official Map of the County of Salem, the required front yard depth shall be measured from and parallel to the proposed right-of-way line measured at right angle unless the existing street line is a greater distance from the road centerline.
  - 2. Where a lot has frontage on any road with the street line at less than twenty-five (25) feet measured at right angle from the centerline, the required front yard depth shall be measured from a line parallel to and at that distance from the centerline.



- F. Irregularly Shaped Lots. In the case of irregularly shaped lots on cul-de-sac or curved street sections, the minimum lot width specified in the schedule shall be measured at the building setback, provided that in no case shall a distance between side lot lines be reduced to less than seventy-five percent (75%) of the minimum lot width requirement at the street line.
- G. Overlapping required space. No part of a yard, or other open space, or offstreet parking or loading space required about or in connection with any buildings for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- H. Yard Reduction. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements as established by the Ordinance.
- I. Uniformity. Within each district, the regulations set by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- J. Public Street Frontage. Every principal building shall be built upon a lot having sufficient frontage on a public street as defined in this Ordinance.
- K. Height Exceptions. All buildings and structures shall be subject to height limitations specified in the Schedule of District Regulations except spires, belfries, silos, domes, cupolas, scenery lofts, masts, flagpoles, chimneys, flues, ventilators, elevator penthouses, water tanks, towers, antennae, skylights, bulkheads, and similar decorative features and necessary mechanical appurtenances usually carved above roof level provided that the following requirements are met:
1. The total horizontal area covered by such features shall not exceed twenty percent (20%) of the area covered by the principal building. Agriculture buildings shall not be subject to the horizontal area limitation.
  2. The excess height of any structure shall not be greater than the shortest distance from such structure to any required yard nor shall the total height exceed twice the building height limitation in the District in which it is located.
- The foregoing does not pertain to transmission towers and associated right-of-way widths which are to be determined by standards in the National Electric Safety Code.
- L. Projections. Building projections including bays, chimneys, cornices and gutters may extend into required yard areas for a distance not to exceed five feet (5') and shall not be located within ten feet (10') of any property line.

- M. Minimum Gross Habitable Floor Area. The minimum gross habitable floor area specified in the Building Standards of the Schedule shall be observed in all new construction and maintained in all existing dwelling units. These standards are minimums based upon general welfare and public health consideration and vary based upon the number of bedrooms which indicate the approximate number of anticipated residents.

**Section 3.6 Continuation of Non-Conforming Uses and Structures**

- A. Any non-conforming structure or use lawfully existing at the time or enactment of this Ordinance or any subsequent amendment may be continued with the following limitations:
1. A non-conforming use shall terminate upon abandonment at any time, which shall be presumed when the actual conduct of a non-conforming use is discontinued for a period of twelve (12) consecutive months for any reason or is resumed for less than one month within a year. The structure premises, or structure and premises in combination, as the case may be, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
  2. A non-conforming use shall not be enlarged, extended, moved to a different position on the lot, or structurally altered in any way, except as may be required for normal maintenance or to prevent damage or injury. A pre-existing, non-conforming use in a structure may be changed to a use permitted in the district in which it is located.
  3. A non-conforming structure shall not be enlarged or altered in a way which increases its non-conformity and shall not be moved any distance whatever unless it will thereafter conform to the regulations of the district in which it is located.
  4. A non-conforming structure or use shall not be reconstructed except in conformance with this Ordinance should such structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction.
  5. Any non-conforming structure or use which is superceded by a permitted structure or use shall thereafter conform to the regulations of the district in which it is located and the non-conforming structure or use shall not be reinstituted.
- B. An application may be made to the Zoning Board of Adjustment for relief if a non-conforming structure or use is not permitted to be continued based upon the conditions listed in Subsection A of this Section if warranted by hardship or special reasons. Such application shall conform to the procedures listed in Section 2.20.

## ARTICLE III - SUPPLEMENTARY DISTRICT REGULATIONS

### Section 3.7 Flood Hazard Areas

The specific purpose and intent of this section is to prevent excessive and unsafe development in areas deemed unfit by reason of flood danger, to prevent unsanitary conditions and related hazards, to minimize danger to public health by protecting water supplies, recharge areas and the natural drainage system; and to promote the health, safety and welfare of the residents of Elsinboro Township and property owners in or near streams or areas subject to flooding.

- A. Floodplain designation. There are hereby designated within the Township of Elsinboro, floodplain areas comprised of those sections of the Township which are shown on the Map designated as the Elsinboro Township floodplain map which is hereby made a part of this Ordinance.

1. Map filing. For purpose of defining the application of the Floodplain area map to any specific area, the maps, data and other source material utilized to establish, define, and designate floodplain areas shall be kept on file in the Township Engineers office and shall be proof of the intended limits of the floodplain areas.

2. Floodway. Within the floodplain areas described above, there are hereby designated floodways as defined in this Ordinance.

3. Amendment. Any changes in the floodplain map may be recommended by the Township Engineer based upon a proper survey and upstream drainage calculations or as a result of an acceptable engineering delineation by an outside agency. The Township Committee may consider these recommendations for proper enactment as an amendment of this Ordinance.

- B. Procedures.

1. The designated floodplain shall be shown on all plat plans, site plans, and subdivision plats submitted to the approving authority or administrative office.

2. Applicability of floodplain boundaries or the definition of the floodway to specific sites shall be determined by the Zoning Officer.

**C. Interpretation.**

1. In case of any dispute concerning the boundaries of floodplain areas or floodways as shown on the Elsinboro Township floodplain areas map, a determination shall be made by the Township Engineer.

2. The Township Engineer may certify that the area is not within the floodplain or that the floodway is smaller than defined by this Ordinance if conclusive and documented information is submitted by the applicant.

3. Any party aggrieved by a decision of the Township Engineer as to the proper location of said boundaries may appeal to the Zoning Board of Adjustment. For the purpose of this Section, if the Township Engineer has determined the map boundary lines to be correct, any change in said boundaries applied for shall be considered by the Board of Adjustment as an application for use variance. The burden of proof in any such appeal shall be on the applicant.

4. Any appeal to utilize land located within the floodplain for purposes not permitted by this Section shall be considered by the Board of Adjustment as an application for a use variance.

**D. Permitted Uses.**

1. Within the floodway of any floodplain areas, the following uses, excluding structures, and no others, shall be permitted:

a. Pasture, grazing land;

b. Recreational uses not requiring regrading or removal of trees, shrubs or vines such as: park, picnic grove, boating club, but excluding closed structures or storage areas;

c. Game farm, fish hatchery;

d. Hunting, and fishing reserve;

e. Wildlife sanctuary, woodland preserve or arboretum;

f. Open areas needed to meet yard and area requirements for any permitted use in this and other zoning districts as specified in this Ordinance.



TOPOGRAPHY  
FLOOD PRONE AREAS

WATER  
FLOOD PRONE AREA

MAP 2

ELSINBORO TOWNSHIP  
SALEM COUNTY NEW JERSEY  
PREPARED BY SALEM COUNTY PLANNING DEPT

3. Where less than twenty percent (20% of an existing lot is located within a floodplain area, the uses, as permitted and regulated by the Ordinance for the zone district in which the area is located, shall apply, provided that no structures are placed within the floodplain area and no fill encroaches upon the floodway.

4. All non-conforming uses, created as a result of the enactment of these regulations, shall not be expanded or be rebuilt or re-established in the event of their destruction or abandonment, except as provided by this subsection.

- E. **Municipal Liability.** The granting of a zoning permit in the floodplain area shall not constitute a representation, guarantee or warranty of any kind by the Township of Elsinboro, or by any official or employee thereof, of the practicability, and safety or flood proof status of the proposed use, nor shall the granting of such a permit create any liability upon the Township of Elsinboro, its officials or employees.

#### ARTICLE IV - GENERAL STANDARDS

##### Section 3.8 Signs.

- A. **Permitted Signs.** The following signs are permitted in accordance with the specified standards:

1. Official traffic signs and any other sign required by law.

2. Temporary non-illuminated real-estate signs advertising the sale, lease, or rental of the property on which such signs are located, provided:

a. The size of such sign shall not exceed six (6) square feet in a residential district and eight (8) square feet in a commercial, industrial, or agricultural district.

b. The sign shall be in compliance with side yard requirements, shall not exceed six (6) feet in height, and shall be set back ten (10) feet from the right-of-way.

c. Not more than one sign shall be erected for any one property.

d. Such sign shall be removed within ten (10) days of settlement of the sale or consummation of the lease.

3. Temporary non-illuminated real estate signs pertaining to the sale of homes or homesites within a development of five (5) or more lots and pertaining to sponsors and/or supporting agencies for publicly funded projects provided:

a. The sign shall not exceed twenty-five (25) square feet.

b. The sign shall be in compliance with side yard requirements, shall not exceed ten (10) feet in height, and shall be set back ten (10) feet from the right-of-way.

2. Within the remaining portions of floodplain areas, all uses listed in the Subsection D (1) above, together with those uses permitted and regulated by this Ordinance for the zone district shall be permitted provided that:

- a. The minimum lot area shall be two (2) acres; or the prevailing lot area requirement for the zoning district, whichever is larger.
- b. The maximum lot coverage shall be five percent (5%)
- c. Any structure proposed to be erected, constructed or located shall not have a basement;
- d. The first floor elevation of any principal use structure shall be at or above the one-hundred (100) year flood level as determined by the Township Engineer. Any fill use to raise the existing elevation of a building site shall not encroach upon the floodway of any watercourse.
- e. Any new construction or substantial improvement shall comply with the Township Flood Hazard Ordinance.
- f. No vegetation removal or regrading of the site shall be carried out within a floodplain unless expressly permitted by the Township Planning Board after site plan review. The Board shall further determine that any land disturbance activity shall be the minimum required to accomplish the use to be permitted.
- g. No zoning permit shall be issued for any use requiring new or expanded water or sewer facilities, including on-site systems, without evidence of review and approval by the proper health officials and in addition, a statement by the Township Engineer that said water and/or designed a sewer facilities are so located and/or design to avoid impairment from flooding.
- h. In the case of lots split by the floodplain area designation, all construction and accompanying land disturbance activities shall take place outside the floodplain area, unless construction within or land disturbance of the floodplain area is permitted in accordance with the provisions of this subsection.
- i. Any proposed use shall be subject to the Site Plan review requirements as provided in Chapter IV of this Ordinance. The Planning Board may attach additional reasonable conditions as necessary to comply with the intent of this Section.

- c. Not more than one such sign shall be placed within any such development unless the development fronts on more than one street, in which case one such sign may be erected on each street frontage.
  - d. The sign(s) shall be removed when all property has been transferred with single family or townhouse developments and when all units have been constructed with apartment projects. In no case, shall such a temporary sign remain standing for over one (1) year except with the approval of the Planning Board.
4. Temporary signs of architects, engineers, contractors, mechanics, tradesmen or other engaged in construction work provided.
- a. The size of such sign(s) shall not exceed six(6) square feet. One sign is permitted for each trade or profession and allowable areas may be combined, except that no sign shall exceed twenty (20) square feet in area.
  - b. The sign shall be in compliance with side yard requirements, shall not exceed ten (10) feet in height, and shall be set back ten (10) feet from the right-of-way.
  - c. Such signs shall be located only on the property where such work is being performed.
  - d. Such signs shall be removed within seven (7) days of the completion of work.
5. Identification signs for public and semi-public uses such as churches, schools, parks, and golf courses provided:
- a. The size of such sign shall not exceed twelve (12) square feet.
  - b. The sign shall be located in compliance with side yard requirements, shall not exceed six (6) feet in height, and shall be set back ten (10) feet from the right-of-way.
  - c. Not more than one such sign shall be placed on any property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
6. Identification signs for permitted professional offices provided:
- a. The size of such signs shall not exceed two (2) square feet in residential districts or four (4) square feet in commercial or industrial districts.
  - b. Not more than one such sign shall be placed on any property.



**7. Project identification signs for a residential development of five (5) or more units provided:**

- a. The size of such sign shall not exceed fourteen (14) square feet.
- b. The sign shall be located in compliance with side yard requirements, shall not exceed ten (10) feet in height, and shall be set back twenty-five (25) feet from the right-of-way.
- c. Such sign shall not contain information other than the name of the project, the street address, and the presence or lack of available dwelling units.
- d. Not more than one such sign shall be placed within any such development unless the development fronts on more than one street, in which case on such sign may be erected on each street frontage.

**8. Identification signs for a permitted business as industry provided:**

- a. The size of such sign shall not exceed an area equivalent to five percent (5%) of the front facade of the building or 100 square feet, whichever is smaller.
- b. Such sign shall be attached flat against front facade of the building except if the building is set back more than one hundred fifty (150) feet in which case, it may be freestanding.
- c. If attached, it shall not project more than one (1) foot above the roof line or away from the building.
- d. Such sign shall only display the name of the use.
- e. Only one such sign shall be erected for each business use.

**9. Identification signs for shopping centers, office buildings, or professional office centers provided:**

- a. The size of such sign shall not exceed five percent (5%) of the first floor portion of the front facade or one hundred fifty (150) square feet, whichever is smaller.
- b. Only one freestanding sign shall be permitted for each office or shopping complex and it shall be erected only on the premises to which the sign relates.
- c. The sign shall not exceed thirty-five (35) feet in height and shall be set back at least fifty (50) feet from all property lines and street lines.

10. Identification signs for Industrial Parks provided:

- a. The size of such sign shall not exceed one hundred fifty (150) square feet.
- b. Each industrial park may have one (1) freestanding sign on the premises to which the sign relates.
- c. The sign shall not exceed thirty five (35) feet in height and shall be set back at least fifty (50) feet from all property lines.

11. Identification signs for Service Stations provided:

- a. Each service station may be permitted one (1) freestanding and one (1) attached sign.
- b. The freestanding sign shall not exceed twenty (20) square feet, shall be located in compliance with all side yard requirements and shall not exceed thirty-five (35) feet. The attached sign shall not project above the roof line or away from the building more than one (1) foot and shall not exceed twenty-five (25) square feet.

12. Temporary non-illuminated political signs giving notice of political campaigns provided:

- a. The size of such sign shall not exceed sixteen (16) square feet.
- b. Such signs shall be located at least fifteen (15) feet from any street or property lines.
- c. Such signs shall only be permitted within sixty (60) days prior to any municipal, county, state, or national election and shall be removed within four (4) weeks of the election.

B. Prohibited signs. The following signs are prohibited as permanent installations:

1. Off-site advertising signs (billboards). No sign may be attached to a building or erected independently for any purpose other than to advertise a permitted use conducted on the same premises.
2. Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement.
3. Signs with red, green or blue illumination in a beam, beacon, or flashing form resembling an emergency light in any direction.
4. Pennants, banners, spinners, and valences.
5. Portable signs of any type.
6. Signs painted on the exterior walls of buildings having the physical characteristics of billboards whether or not they relate to the business transacted on the premises.

C. Sign Standards.

1. No sign shall be erected, constructed, altered or replaced except as provided in this Section.
2. No sign shall be erected which will obstruct free and clear vision on any street, nor shall obstruct the view of or be confused with any traffic sign, signal, or device.
3. No sign shall be attached to trees, fence posts, stumps, utility poles, light standards, bridges or any part of an official traffic sign or device.
4. No sign shall extend over any sidewalk or public right-of-way, or shall any sign extend beyond any property line.
5. Illumination. All sign lighting shall be designed and directed to protect the adjoining properties and streets from glare. No signs shall be illuminated with flashing lights, bare bulbs, or tubing such as neon or fluorescent. Reflectors and lights permitted in conjunction with signs will be equipped with restraining hoods or shields to concentrate the illumination of the sign.
6. All signs shall require the issuance of a zoning permit. Applications to erect or construct a sign shall be part of site plan review or shall be directed to the zoning officer for an existing use. The application shall include sufficient information and sketches to indicate compliance with this Section.
7. Maintenance. All signs, together with their supports, braces, guys, and anchors shall be maintained in good condition. Whenever a sign is deemed to be dilapidated or structurally unsafe, the zoning officer shall order the owner in writing to repair said sign or remove it. The owner shall comply with the order within ten (10) days or be subject to the penalties stipulated in this Ordinance.

Section 3.9 Fences and Walls.

A. Fences and walls may be erected, altered, or reconstructed in accordance with the following regulations:

1. Fences shall not encroach upon public right-of-ways or adjacent properties.
2. All fencing shall be in conformance with the requirements for visibility at intersections and driveways listed in Section 3.12.
3. The height of a fence on a property line in a residential area shall not exceed four (4) feet in the front and side yards and six (6) feet in the rear yard. Fences which need to exceed the height (tennis courts, swimming pools, dog runs) shall meet the required yard setbacks. Security fences around commercial, industrial or institutional uses shall not exceed ten (10) feet.

B. Construction. All fences shall be constructed in accordance with the following standards:

1. All fences shall be permanent construction and shall withstand a wind load of 15 pounds per square foot.
2. Fences shall not be erected of barbed wire, topped with metal spikes, nor constructed in any manner which may be dangerous to persons or animals except that these provisions shall not apply to a farm and except further that fences around commercial and industrial uses may be topped by a protective wire barrier.
3. All fences shall be maintained in sound condition. Whenever a fence or portion thereof is determined to be structurally unsafe, the zoning officer shall order the owner in writing, to repair said fence or remove it within ten (10) days or be subject to the penalties stipulated in this Ordinance.

#### Section 3.10 Driveways

Any driveway providing access from a public street to any permitted use or structure shall comply with the following regulations:

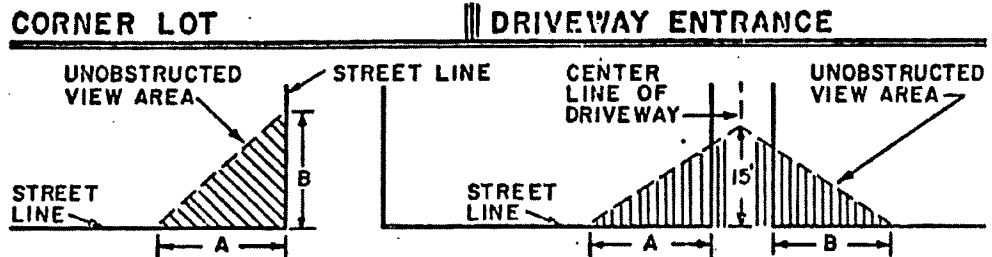
- A. Driveways shall enter the street or road right-of-way at an angle between seventy-five degrees (75°) and one hundred five degrees (105°).
- B. The portion of the driveway between the street line and the right-of-way line shall be paved according to Township specifications as a driveway extension.
- C. Any curb opening shall be properly reconstructed to the satisfaction of the Municipal Engineer or the County Engineer along County roads. Where curbing does not exist and conditions warrant, an adequate drain pipe shall be installed by the owner at the owner's expense, as determined by the Municipal Engineer.
- D. Driveway grades shall not exceed eight percent (8%) for a distance forty (40) feet from any right-of-way line.
- E. Driveway widths shall conform to the design standards specified in Section of Chapter IV. For permitted uses which are not subject to site plan review driveways shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.
- F. Driveways shall be maintained in adequate condition to permit access by emergency vehicles.

#### Section 3.11 Visibility at Intersection.

The following requirement shall apply in all districts and shall supplement the sight triangle easements required during site plan or subdivision review.

- A. Nothing shall be erected, placed, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and ten (10) feet above the center line grade of the abutting streets or driveways within the triangular area formed by the intersection street and driveway lines and,

1. For corner lots, a straight line joining points located on said line a distance of one foot for each mile of allowed speed limit from the intersection of the street lines.
2. For a driveway entering a public street, a straight line joining points located a distance of one foot for each mile of allowed speed limit along the street line and a point a distance of fifteen (15) feet along the driveway line, from the intersection of the street and driveway lines.



"A" AND "B" DISTANCES EQUAL ONE FOOT FOR EACH MILE OF ALLOWED SPEED LIMIT.

- B. Whenever a front yard requirement is modified under Section of this Ordinance, the measurement line from that Section shall be used in defining the triangular area rather than the street line.

### Section 3.12 Swimming Pools

- A. Swimming pools shall be permitted as an accessory use to a residential unit in accordance with the following standards:
1. The swimming shall not be located in the front yard and shall be setback at least twenty (20) feet from any side or rear property lines.
  2. Any portion of the perimeter of a private swimming pool that does not abut the principal dwelling or accessory building must be surrounded by a suitable fence at least five (5) feet but less than seven (7) feet in height to prevent access by small children or pets. The fence shall be setback at least fifteen (15) feet from all property lines.
  3. Any lighting used to illuminate a swimming pool shall be so directed and shielded to prevent glare on adjacent properties.
- B. All swimming pools shall be constructed to the design standards as set forth by the National Swimming Pool Institute.

**Section 3.13     Off Street Parking and Loading**

Adequate off-street parking and loading, open air or indoor, shall be provided with all new construction, the creation of new uses, or the expansion or alteration of existing uses, according to the standards specified in the site plan review chapter.

**ARTICLE V - SPECIAL STANDARDS AND REQUIREMENTS**

Each of the uses listed below shall meet the specified standards regardless of whether it is listed as a permitted use, conditional use or requires a use variance in the specific zoning district. Compliance with these standards shall be considered in any conditional use or use variance application to the approving authority except when the applicant specifies that relief is also sought from these special standards for good reason. In addition to meeting these standards, the following use must meet applicable site plan review requirements.

**Section 3.14     Home Occupation**

- A. A home occupation as defined by this Ordinance shall be permitted as an accessory use for a single family detached dwelling units in the specified zoning districts provided that the following standards are observed:
1. The home occupation shall be operated by a family member residing on the premises. No more than two (2) non-resident employees may be employed to assist in the profession, business, or service.
  2. No more than twenty-five percent (25%) of the gross habitable floor area of the residential structure or more than three hundred (300) square feet of an accessory use shall be used or occupied by the home occupation.
  3. Adequate offstreet parking shall be provided in accordance with the site plan review design standards. The parking shall not reduce the parking requirements of the residential structure and shall not encroach on any required yard areas.
  4. The residential character of the lot, building, and area shall not be changed. No occupational sounds shall be audible at any property line and no equipment utilized which will result in radio or television interference. No goods or products may be displayed which may be visible from the street.
  5. The sale of goods or commodities shall only be permitted if they have been produced on the premises or if they are incidental to a service provided on the premises.
  6. No more than one (1) sign shall be permitted on the lot identifying the home occupation. The sign shall meet the professional office standards and the sign standards of Section 3.8.

- B. The Zoning Officer shall decide whether a use meets the home occupation and standards listed in this Ordinance. If the officer is unable to decide whether a proposed use is a "home occupation" or whether a use violates the standards of this Section, the Board of Adjustment shall make the final determination.

#### Section 3.15 Roadside Stands.

Roadside stands as defined in this Ordinance may only be established in accordance with the Schedule of District regulations and in accordance with the following standards and regulations:

- A. The stand shall be maintained in good repair and shall not display goods closer than forty (40) feet to a street line.
- B. One (1) offstreet parking space shall be provided for every one hundred (100) square feet of display area.
- C. A maximum of three non-illuminated signs shall be permitted with a maximum total sign area of twenty-four (24) square feet. Signs shall not be permitted within ten (10) feet of any property or street line.
- D. The majority of the farm products sold shall be grown on the premises.
- E. There shall be only one (1) entrance and one (1) exit on to the street which shall meet the standards listed in the site plan review chapter.

#### Section 3.16 Hunting, , and Skeet Clubs

- A. Any hunting, , or skeet clubs shall be operated as a non-profit enterprise on a land parcel in excess of one hundred (100) acres.
- B. No part of an operation involving guns or target release equipment shall be located closer than two hundred (200) feet to a property line or closer than three hundred fifty (350) feet to an existing residential use other than one incidental to the use itself.
- C. The Planning Board may require the fencing areas to prevent access to the property by children depending upon the nature of the use and the proximity to residences.

#### Section 3.17 Campgrounds

- A. Campgrounds are only permitted as conditional uses. In addition to the site plan review requirements, all campgrounds must be designed in accordance with the following requirements:
  - 1. A campground shall be located on a tract in excess of fifty (50) acres and shall not exceed a gross density of five (5) campsites per acre. The density calculation shall not include the buffer area required in A (2).

2. A buffer area shall be maintained of at least two hundred (200) feet from all street or property lines and fifty feet (50) from any lake, pond, or stream. The purpose of this buffer area is to protect the natural condition of the site, to protect the integrity and purity of streams and other waterbodies, to insure natural surrounding for campers, and to preserve the right of adjoining property owners to enjoy the full use of their premises.
  3. If the buffer area is not wooded, the developer shall provide natural screening as specified in the site plan review chapter and shall post a performance guaranty for the development of such a buffer prior to the issuance of any permits.
  4. The campground shall be designed so as not to remove, change, harm or destroy any natural feature, natural drainage, or existing vegetation on the land prior to the establishment of a camp facility.
- B. All buildings, structures, and uses must conform to the standards and requirements, as ammended from time to time, of the New Jersey Uniform Construction Code, as well as N.J.A.C. 8:22-1.1 et. seq., the New Jersey Sanitary Code, Sub-Chapter 1 Recreational Sanitation (which regulates Campgrounds).
  - C. All campground applications shall be accompanied by a letter from the County Department of Health approving the applicant's plan for all health and sanitary facilities.
  - D. Any permit issued for a campground shall be valid only so long as the camp design, density, and service facilities conform to the approved plot plan, Board of Health approved sanitary facilities, and any additional conditions specified by the Planning Board. Such camps shall also comply with any applicable requirements of state, county and municipal agencies regarding health, sanitation, fire protection and other matters.
  - E. The occupancy of any campsite shall not be permitted for more than five (5) days out of any thirty days during the period from October 1 to April 1. The violation of this requirement shall be grounds for the revocation of the conditional use permit.

**Section 3.18 Intensive fowl or swine farms.**

- A. In addition to the normal site plan review information, the following information shall be provided to the approving authority for all intensive fowl or swine operations:
  1. The purpose of the operation and the manner in which animals or fowl would be housed or ranged.
  2. The number, size, species and type of animals or fowl proposed to be kept and the number of each per gross acre.
  3. The location of any outside fowl ranges or swine pens or corrals.



4. The location of any methods for the storage, disposal, or other utilization of liquid and/or solid wastes.
  5. The design of any enclosures and the provisions for adequate lighting and ventilation.
  6. A written opinion of the County agricultural agent concerning possible nuisance characteristics and the adequacy of measures proposed to deal with them.
  7. A written report from the Soil Conservation District setting forth the adequacy of plans for liquid and/or solid waste disposal.
- B. Any intensive fowl or swine farm shall be located on a land parcel having a minimum of ten (10) acres.
  - C. Any enclosure or fenced run for the containment of fowl or swine or for the storage of animal waste on an intensive fowl or swine farm shall not be closer than two hundred (200) feet to any property or street line.
  - D. The feeding of swine upon garbage or simular refuse material, either cooked or uncooked, is specifically prohibited.
  - E. Any certificate of occupancy shall remain valid only so long as the intensive fowl or swine farm is operated in a nuisance-free manner in accordance with the above listed standards and any additional conditions inposed by the approving authority.

#### Section 3.19 Sanitary Landfills

- A. No commercial sanitary or solid waste landfills shall be operated in the Township except those that have been reviewed and approved by the Solid Waste Administration of the Department of Environmental Protection and meet the objectives of the Salem County Solid Waste Management District Plan.
- B. All sanitary landfills shall be in accordance with the following basic design principles:

1. No garbage, rubbish, refuse, tree limbs or roots, or any other waste material except clean soil, sand, gravel or rock deposited for the purpose of re-gardening or landscaping the parcel on which it is deposited, shall be dumped, pumped, or deposited in any district within five hundred (500) feet of any public road, lake, stream or property line. All facilities shall be properly buffered, and screened from adjacent areas. If the buffer area is not wooded, a dense natural screen shall be provided as required by the Planning Board.
  2. The facility shall not be objectionable due to dust, fumes, smoke, or odor or be otherwise detrimental to the public health or safety.
  3. The facility shall not interfere with the natural drainage to the extent of adversely affecting adjacent properties.
  4. All regulations and requirements of the Solid Waste Administration or Solid Waste Management District shall be adhered to.
- C. An environmental impact statement shall be submitted and address the existing conditions of the site, the effect of the proposed activity upon those conditions including adverse environmental impacts and the way the applicant proposes to eliminate, minimize, or mitigate potential adverse impacts. The conditions to be addressed in the impact statement shall include topography, geology, hydrology, vegetation, wildlife, soil, historic sites, groundwater, surface water supply and quality, and air quality.

### Section 3.20 Service Stations

- A. Information. In addition to the general site plan requirements of Chapter IV, the site plan submitted for a gasoline service station or repair garage shall include the following information:
1. The actual floor space and/or ground area to be devoted to or used for motor vehicle storage.
  2. The number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below ground, and the number and location of dispensers to be installed.
  3. The type and location of all principal and accessory structures to be constructed.
  4. The location of any church, hospital, theatre, library, public playground, athletic field, public or parochial school, firehouse, municipal building, existing service station or public garage or any other public or other building in which the public gathers within one thousand (1000) feet of the proposed structure or use.

**B. Location.**

1. No public garage or gasoline service station shall be located within four hundred (400) feet of any church, hospital, theatre, library, public playground, athletic field, public or parochial school, firehouse, municipal building or any public or other building in which the public gathers.
2. No public garage or service station shall be within two hundred (200) feet of an existing public garage or gasoline service station.
3. The measurements contained herein shall be made between the two nearest points of the building structures and not between lot lines, provided, however, that the measurements between the public garage or gasoline service station shall be made between the nearest point of the structure and the nearest lot line of any athletic field or public playground. The term structure as used herein shall include accessory structures such as dispensers and measurements contained herein shall be made between uses on the same or opposite side of the street.

**C. Design Standards.**

1. All gasoline service stations having no more than three (3) dispensing pumps shall have a minimum frontage of one hundred fifty (150) feet. There shall be an additional twenty five (25) feet of frontage provided for every three additional pumps of fraction thereof.
2. All gasoline pumps shall be located not less than thirty five (35) feet from any street or property lines.
3. All fuel tanks shall be installed underground and shall be located at least thirty-five (35) feet from any street or property lines.
4. The site shall be properly screened and landscaped in accordance with the site plan review requirements.
5. Any building or buildings to be erected for use as a gasoline service station or public garage or in connection therewith shall be of masonry construction exclusive of ornamentation and roof.

**D. Standards for operation.**

1. No gasoline service station or public garage shall accumulate or store any used parts or tires, whether for sale, storage or waste, on any portion of the premises, unless in the permanently enclosed building.

2. All drainage, refuse, grease drippings, oily rags or other greasy or oily material shall be kept enclosed in metal containers approved by fire underwriters for disposal.
3. Any repair of motor vehicles shall be performed in a full enclosed building and no motor vehicle parts, or partially dismantled vehicles shall be stored outside an enclosed building.

#### Section 3.21 Public Utility Uses

- A. In addition to normal site plan review requirements, the applicant shall submit the following information:
  1. A statement indicating the need and purpose of the installation.
  2. Proof shall be furnished that the proposed installation in the location specified is necessary for the efficient and convenient operation of the public utility involved and for the satisfactory and convenient provision of service by the neighborhood or area in which the use is to be located.
- B. The design of any building in connection with said use shall conform to the general character of the area in which it is to be located. The applicant shall demonstrate that the proposed use will in no way adversely affect the safe and comfortable enjoyment of neighboring properties.
- C. Adequate screening and buffering shall be provided for all such uses to prevent glare or noise beyond the limits of the parcel.

#### Section 3.22 Kennels, Animal Hospitals, Commercial Stables and Riding

##### Academies

- A. Kennels or animal hospitals having open pens or cages shall be located on a land parcel of not less than five (5) acres and shall be set back at least two hundred (200) feet from all lot lines. In cases where the use is to be carried on within a completely enclosed soundproof building, the Rural Residential district lot and yard requirements shall be observed.
- B. Commercial stables and riding academies shall be located on a land parcel of not less than ten (10) acres. All principal and accessory buildings used for the keeping of horses shall be set back a minimum of three hundred (300) feet from all property lines. No manure shall be stored within one hundred (100) feet of any property line.

#### Section 3.23 Migrant Labor housing

Migrant labor housing shall meet the following standards in addition to the other provisions of this ordinance:

- A. Migrant labor facilities must be located on the property of the farmer employing farm labor. Contract labor camps are prohibited.

- B. Occupancy of labor facilities shall be limited to migrant laborers and their dependents and shall not be permitted during the period of November 30 to February 28.
- C. All labor structures shall be located not less than one hundred (100) feet from any street line, not less than three hundred (300) feet from any adjoining property line, not less than five hundred (500) feet from any residential dwelling located on an adjacent property, and not more than 200 feet from the lot's principal dwelling.
- D. Migrant labor facilities shall comply with all appropriate regulations of the State of New Jersey.
- E. All said facilities shall be maintained in good condition. Whenever a structure is deemed to be structurally unsafe or dilapidated, the zoning officer shall order the owner in writing to remove or repair the structure. The owner shall comply with the order within thirty (30) days or be subject to the penalties stipulated in this Ordinance.

**Section 3.24 Private or Public Swimming Clubs**

**A. Organization.**

- 1. Private and public swimming clubs shall be operated on a nonprofit, annual membership basis. Proof shall be furnished that the proposed use is a bona fide nonprofit activity organized solely for the use and enjoyment of the membership.
- 2. The maximum membership of the club shall be fixed at the time of application and shall be commensurate with the size of the parcel and the scale and facilities contemplated. No expansion of the membership shall take place subsequently without supplemental application to and approval by the Board of Adjustment.

**B. Design Standards.**

- 1. The parcel involved shall have a minimum lot size of three (3) acres and shall have at least two hundred (200) feet of frontage.
- 2. No more than twenty-five percent (25%) of the lot shall be covered by impervious surfaces.
- 3. The pool, accessory structures and all accessory uses (including parking) shall not be located within seventy-five (75) feet of any property line. All boundaries shall be screened as required by the site plan review design requirements.
- 4. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when the facility is unattended.

5. Any pool established in connection with public swimming clubs shall be constructed and operated according to the requirements of N.J.S.A. 26:3-69.1 thru 69.6 as amended and supplemented. The above titled statute, commonly known as the "Swimming Pool Code of New Jersey", 1955, is hereby adopted by reference. A copy of said code is annexed hereto and made a part hereof without inclusion of the text.

#### **Section 3.25 Planned Shopping Centers**

Planned shopping centers are listed as a conditional use and must meet the standards of this Section as well as the conditional use procedures. The intent of this Section is to permit attractive, planned shopping centers which are designed as an integrated unit.

- A. Sewer and water. Proposed planned shopping centers shall indicate that adequate provisions have been made for water supply and sewerage facilities. Shopping centers shall be connected to a municipal or regional utility authority or shall develop an adequate on or off-tract system. Applications which depend on public utility agencies shall submit a document indicating approval of these agencies and the availability of sufficient capacity to accommodate this project prior to site plan review. Developments which propose the establishment of water and sewer facilities shall submit documents indicating the approval of the design, construction, and manner of operation by the Township Engineer, County Department of Health, and the New Jersey Department of Environmental Protection.
- B. A minimum lot area of five (5) acres shall be required for a planned shopping center. Such lot shall not have less than four hundred (400) feet of frontage on a public street and no structure shall be permitted within one hundred fifty (150) feet from the street.
- C. Evidence shall be submitted indicating that at least four (4) prospective tenants are interested in locating in such a facility.
- D. The maximum lot coverage of principal uses shall not exceed twenty-five percent (25%) of the lot area. The maximum lot coverage of both the buildings and impervious surfaces shall not exceed eighty-five percent (85%) of the gross lot area.

## ARTICLE VI - CONDITIONAL USE REGULATIONS

Because of the complexity of factors which affect the use of land, it is not appropriate to definitively determine all of the uses permitted in each zone. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township and region and at the same time, realizing that such uses may be or may become harmful to the public health, safety, and general welfare if located and operated without proper consideration of existing conditions and character of surrounding property, such uses are hereby designated "conditional uses" and listed as such under the appropriate zone district in the Schedule of District Regulations. The intent of this Article is to establish a procedure for the Planning Board to consider these specified uses on a case by case basis. Decisions of the Planning Board on conditional uses shall be rendered after public hearing and shall be based on the standards specified in this Article and in Article IV.

**Section 3.26 Conditional Uses.** In all requests for conditional uses, the burden of proof shall be on the applicant. The considerations and standards upon which the conditional use shall be heard and decided shall be as follows:

- A. The use for which application is being made is specifically authorized as a conditional use in the Schedule of District Regulations for the district in which it is proposed.
- B. All regulations and standards specified in the Ordinance which are applicable to the proposed use shall apply. The area, bulk, and height regulations for each district shall apply as minimum requirements except in the following instances:
  - 1. If area or dimensional regulations are specified in Article V, those standards shall apply.
  - 2. For commercial and industrial uses, the area and dimensional standards of the most restrictive commercial or industrial district shall apply, except if the prevailing zone district standards are more restrictive.
- C. The design, arrangement, and the nature of the particular use is such that the public health, safety, and welfare will be protected and reasonable consideration is afforded the neighborhood and the zoning district with regard to conservation of property values, avoidance of congestion of vehicular traffic, or the creation of any unnecessary hazard.
- D. Non-residential buildings shall be oriented so as not to face building frontage or public entrance ways in the direction of a residential neighborhood. Special consideration shall be given to the buffering and screening of all such uses from any residential use.
- E. Building and structural design shall be compatible with surrounding land uses.

- F. Whenever possible, commercial and industrial conditional uses shall gain access from roads of minor collector status or above. Traffic intensive uses, defined as generating more than 50 trips per day, shall be located on a major collector or arterial road. Applications for commercial or industrial uses which do not meet these criteria shall include a detailed traffic report prepared by a qualified traffic engineer. The traffic report shall include traffic generation calculations, peak hour calculations, and an evaluation of the internal traffic circulation plan and external access roads to handle the anticipated traffic. This traffic report shall be used to determine the appropriate level of off-tract road improvements required.
- G. The Planning Board may impose any modification or conditions it may deem necessary to carry out the intent of this Ordinance or to protect the health, safety, and general welfare of the public.

## ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

### Section 3.27 Enforcement.

- A. Appointment of Zoning Officer. The Township Committee shall appoint a zoning officer to administer and enforce the provisions of this Chapter except as otherwise provided by law or by this Chapter. The Zoning Officer shall be appointed for the term of one (1) year, beginning the first day of January and shall receive such compensation for his services as shall be fixed by ordinance of the Township Committee. The Zoning Officer may, in addition to his appointment under this Ordinance, act as the Township Building Inspector.
- B. Duties of Zoning Officer.
  - 1. The principal duty of the Zoning Officer shall be to enforce the provisions of this Chapter. The Officer shall cause the examination or inspection of any plans, buildings, or premises to determine that they are not in violation of this Chapter. The Officer shall have the right to enter any building or premises by appointment during normal daytime working hours in the course of his duties.
  - 2. If the Zoning Officer determines that any plans, buildings, or premises are in violation of the provisions of this Chapter, the Officer shall issue an order in writing to the responsible party to remedy such conditions. Said written order shall specify the nature of the violation, the remedy ordered, and the time permitted for remedial action. The Zoning Officer shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures, or additions, alterations or structural changes thereto; discontinuance of any work being done; and shall take any other action authorized by this Chapter or the provisions of applicable New Jersey Laws, to insure



compliance with or to prevent violation of Zoning requirements. The Zoning Officer shall have recourse to any and all remedies, including injunction, restraining orders, and writs of mandamus.

3. The Zoning Officer shall record and file all applications for zoning permits, together with the plans, documents, and other papers accompanying such applications. After the appropriate fees have been paid, and the Officer has determined that the application is in conformance with this Chapter, the Zoning Officer shall issue the zoning permit. At the end of each month, the Zoning Officer shall submit a report to the Township Committee indicating all zoning permits applied for and those granted, all ordinance violations and remedial actions, and all certificates of occupancy granted.

4. A record of current land use shall be maintained by the Zoning Officer. Any changes of land use shall be reviewed to insure compliance with this Chapter and shall be submitted in report form to the Planning Board every six (6) months.

C. Zoning Permits. No building or other structure shall be erected, moved, added to, or structurally altered and no lot shall be cleared, graded, or otherwise prepared for an open land use without first obtaining a zoning permit therefor from the Zoning Officer. No zoning permit shall be issued except in conformance with provisions of this Chapter or, where authorized, upon written order of the Board of Adjustment, Planning Board, or Township Committee. The zoning permit shall be in addition to a conditional use permit, a construction permit, certificate of occupancy, or any other required permit.

1. Application. All requests for zoning permits shall be made in writing to the Zoning Officer on forms supplied by the Zoning Officer and shall be signed by the owner or his authorized agent. The application shall include a description of the use or intended use or uses of the building and/or land and shall be accompanied by two copies of a site plan drawn to scale showing any existing or proposed buildings or open land uses and their exact relation to all lot and street lines. The application shall include such other information as reasonably may be required by the Zoning Officer to determine conformance with and to provide enforcement of this Chapter. The applicant shall further sign a declaration indicating that to the best of the applicant's knowledge the provisions of the Zoning Chapter have been met.

2. A zoning permit shall be granted or refused by the Zoning Officer within ten (10) days after a complete application and fee are submitted except when either conditional use review or site plan review is required. If further review is required, additional copies of a site plan shall be submitted to meet the application requirements for these reviews.

3. Duration of permits. If, after a zoning permit or conditional use permit has been authorized by the Zoning Officer or Planning Board, the applicant has not obtained the permit within a period of six (6) months from the date of such authorization or as provided by N.J.S.A. 40:55D-et seq.) then such authorization shall be null and void and no permit shall be issued thereunder unless the applicant shall have, prior to the expiration of the aforesaid six month period, made written application for an extension. Such extension shall be granted by the appropriate approval authority, for a period not to exceed six (6) months, upon good cause having been shown by the applicant.
- D. Certificates of Occupancy. It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises or both, or part thereof, hereinafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, or to continue the use of a building, structure or premises as a legal nonconforming use, until a certificate of occupancy shall have been issued therefor by the Zoning Officer, stating that the proposed use of the building or land conforms to the requirements of this and other Township ordinances.

1. Procedures.

- a. Following the completion of construction, reconstruction or alteration of any building or structure or prior to any change in the use of any building, structure, or land the applicant shall transmit, by registered mail, to the Zoning Officer a letter stating that such construction has been completed or that a new or changed use is being proposed. All applications for certificates of occupancy shall be accompanied by the required fee.
- b. Within seven (7) days of the receipt of this letter, the Zoning Officer shall make all necessary inspections of the completed structure and/or proposed use to determine conformance with the terms of this Chapter and issue either a certificate of occupancy or a letter of denial, stating the reasons therefor.
- c. The Zoning Officer shall, upon proper application accompanied by necessary proof or documentation, issue certificates of occupancy for uses existing at the effective date of this chapter in order to officially validate:
- 1). Legal conforming uses
  - 2). Legal nonconforming uses
  - 3). Legal status of uses previously approved by Board of Adjustment action.

2. A certificate of occupancy shall be issued only if the Zoning Officer finds the requirements of this Chapter or applicable supplementary actions or requirements of the Board of Adjustment, Planning Board or governing body have been complied with. Any certificate of occupancy shall be continued in force only so long as the use or building for which it was issued continues to conform to the requirements of this Chapter. A record of all certificates shall be kept on file in the office of the Zoning Officer and copies of all certificates issued shall be forwarded to the Township Tax Assessor.

**Section 3.28    Penalties**

For each and every violation of any provisions of Chapters III and IV of this Ordinance, the owner, contractor, or other persons interested as general agent, architect, building contractor, owner, tenant, or any other persons who commit, take part, or assist in any violation of this Ordinance, or who maintain any building or premises in which any violation of this Ordinance shall exist, and who shall have refused to abate said violation within five (5) days after written notice shall have been served upon him either by mail or personal service, or such further time as is provided in such notice, shall for each and every violation be imprisoned in the Salem County jail for a period not exceeding ninety (90) days or be fined not exceeding five hundred dollars (\$500) or both, at the discretion of the court before whom a conviction may be had. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this Ordinance.

CHAPTER IV - SITE PLAN REVIEW  
ARTICLE I - GENERAL PROVISIONS

**Section 4.1     Intent**

The general intent of this Chapter is to foster the planning objectives of this Ordinance listed in Chapter I. Site plan review is specifically intended to enhance the general appearance of the community, to encourage the harmonious and efficient use of the land, to protect natural resources and environmental quality, and to ensure the safe and efficient movement of traffic in the Township.

**Section 4.2     Applicability**

Site plan review shall be required for all new or expanded use except agriculture and single family residential principal and accessory uses or as otherwise provided in this Section. No building permit shall be issued for any applicable building or use or the enlargement of any building or use unless a site plan has been submitted to and approved by the Township Planning Board.

- A. Site plans shall not be required for any single family dwelling, for such accessory uses as a private garage, or other buildings incidental to single family residential or agricultural use.
- B. Site plan review will not be required in connection with the alteration or repair of an existing building or use when the Zoning Officer determines that said alteration or repair will not result in additional lot coverage, will conform with the maximum and minimum building standards, and will not increase the number of off-street parking spaces.
- C. The Planning Board may waive the requirements of this Chapter if the proposed development has secured previous site plan approval or when the Planning Board is convinced that the development will not affect existing circulation, drainage, building arrangement, landscaping, buffering, lighting and other considerations of site plan review.

ARTICLE II - PLAN INFORMATION REQUIREMENTS

**Section 4.3     Preliminary Site Plan**

In addition to the information required for a zoning permit, all site plans shall fulfill the information requirements of this Section prior to review by the approving authority.

- A. Site plans shall be prepared under the supervision of and be signed and sealed by either a New Jersey licensed Professional Engineer or a registered Architect. A plan shall be drawn in black on white at a scale not less than one inch equals fifty (50) feet.

**B. The site plan shall clearly show the conditions on and adjacent to the site at the time of application, the features of the site which are being incorporated into the proposed use or building, and the appearance and function of the proposed use or building. At a minimum, the preliminary site plan shall include the following information, unless waived by the Planning Board:**

- 1. A key map at an appropriate scale showing the location of the site and its relationship to surrounding areas and to existing street locations.**
- 2. Name and address of owner, developer, and person preparing plan.**
- 3. The tax map sheet, block, and lot numbers.**
- 4. Certificate from the tax collector that all taxes are paid to date.**
- 5. The names of all adjoining property owners as disclosed by the most recent tax records.**
- 6. The entire property in question, even though only a portion of said property is involved in the site plan, provided, however, where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.**
- 7. The location, design, and dimensions of each new and existing use and building.**
- 8. The building or use setback distances from all property lines.**
- 9. The location, dimensions, and arrangement of streets, vehicular accessways and driveways, off-street parking areas, methods of separating land traffic and parking traffic within off-street parking areas, and loading and unloading areas.**
- 10. Existing or proposed Rights-of-Way, easements and all land to be dedicated to the municipality or reserved for specific uses.**
- 11. Location of all existing trees or tree masses, indicating general sizes and species of trees.**
- 12. The location, design, and dimensions of open areas, buffer areas, pedestrian walkways, and any recreation areas and facilities proposed by the developer.**
- 13. Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions, approximate time of planting and method of planting.**

14. Contours at two foot intervals for slopes averaging 5% or greater and one foot contours for slopes less than 5%, unless determined by the Township Engineer to be unnecessary in whole or in part.
15. Grading plan showing existing and proposed spot elevations based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.
16. The location, size, and direction of flow of all streams, brooks, ditches, lakes, and ponds. The boundaries of the floodplains of all watercourses shall also be submitted.
17. Cross sections and centerline profiles of all existing or proposed streets or watercourses.
18. Plans and design data for storm drainage facilities.
19. Preliminary plans and profiles of proposed utility layouts and water and sewer facilities.
20. If on-site sewage disposal is required, the results and location of all percolation tests and test borings shall be shown on the plan.
21. At a minimum, the floor plan and front elevation of all proposed principal buildings and all contemplated accessory buildings and structures.
22. The size, type, and location of all proposed signs.
23. The location and design of proposed lighting for buildings, signs, and grounds.

- C. The approving authority may require additional information in order to properly review and take action on a specific application. The approving authority may also rely on the information or design requirements of Chapter V - Land Subdivision where applicable or may make reasonable requests for additional information.

#### **Section 4.4 Final Site Plan**

A site plan submitted for final approval in accordance with the provisions of Chapter II Development Procedures shall contain all data and show all details required by the Planning Board in its resolution granting preliminary approval.

## ARTICLE III- SITE PLAN REVIEW STANDARDS

### Section 4.5 Review Criteria

The following factors shall be considered in the review and development of all site plans.

- A. **Circulation.** Pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading areas, and the movement of people, goods and vehicles from access roads, and within the site and adjacent to it. The Planning Board shall ensure that all parking spaces are useable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe entrance and exit to and from the site.
- B. **Site Design.** The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. In the orientation and siting of buildings, the unique characteristics of the site shall be taken into account with consideration given to relating buildings to the natural terrain; creating desirable focal points; preserving natural views; and respecting the established character of the neighborhood. The site plan shall provide for a unified design with features that tie principal, and accessory structures together and relate site features successfully and harmoniously to similar elements in surrounding Buildings.
- C. **Lighting.** Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.
- D. **Buffering.** Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the design objectives.
- E. **Landscaping.** Every effort shall be made to preserve the landscape in its natural state or to improve existing site conditions in keeping with adjacent areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, and plants.
- F. **Signs.** Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site, and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.

- G. Utilities. Storm drainage, sanitary waste disposal, water supply and solid waste disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems, and the need for improvements both on-site and off-site. Adequate fire protection shall be ensured in the review of all major developments. Solid waste disposal shall be adequate to ensure freedom from vermin and rodent infestation.
- H. Environmental Considerations. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses, topography, soil, and wildlife shall be reviewed and the design of the plan shall minimize any adverse impact on these elements. Whenever possible, the natural features of a site are to be preserved, floodplains respected, and excessive cut or fill avoided.

#### ARTICLE IV - IMPROVEMENTS AND DESIGN STANDARDS

The approving authority may require the installation of applicable improvements and may rely on the specific design standards listed in Chapter V - Land Subdivision. These improvements shall be installed in accordance with the standards specifications, and engineering inspection requirements of that Chapter. In addition to the above cited required improvement and design standards, the following additional standards shall apply to site plans. For good and sufficient reasons, the Planning Board may vary these design details as they may apply to a specific site plan application.

##### Section 4.6 Off-Street Parking

Adequate off-street parking space, open air or indoor, shall be provided with all new construction, the creation of new uses or the extension or alteration of existing uses.

- A. Parking Area Design Standards. All parking areas shall be designed in accordance with the following standards:
  - 1. The minimum parking stall dimension shall be nine feet (9') in width and eighteen feet (18') in length.
  - 2. Access driveways to parking areas shall not be less than ten feet (10') in width for one-way traffic and not less than twenty feet (20') in width for two-way traffic.
    - The location of entrances and exits shall be in accordance with the access provisions of Section 4.8. Access driveways shall be separated from parking areas by a buffer strip for a distance of fifty (50) feet from its intersection with a public road or street. Parking spaces shall not be located along access roads except if the road is designed to be wide enough to prevent vehicles from backing into the travel lane.



3. Off-street parking areas providing more than two (2) required spaces shall be designed so that no vehicle would have occasion to back into any public street.
4. Aisles and driveways within parking areas shall have the following minimum widths.
  - a) for parallel parking - twelve (12) feet
  - b) for thirty (30) degree or less angle parking - twelve (12) feet
  - c) for forty-five (45) degree or less, but greater than thirty (30) degree angle parking - thirteen (13) feet
  - d) for sixty (60) degree or less, but greater than forty-five (45) angle parking - eighteen (18) feet
  - e) for ninety (90) degree or less, but greater than sixty (60) degree parking - twenty-five (25) feet
5. Parking spaces shall be provided in accordance with the minimum requirements specified in the offstreet parking schedule (Schedule A). When the computation to determine the number of spaces results in a requirement of a fractional space, any fraction to and including one-half ( $1/2$ ) shall be disregarded and fractions exceeding one-half ( $1/2$ ) shall require one (1) space. For any other uses or combination of uses which do not fit one of the categories listed in the schedule, the approving authority should determine the required number of spaces. The specified standards are to be the basis of such a determination.
6. In parking areas for major commercial development, a one-way internal circulation system <sup>is</sup> encouraged to facilitate traffic movement and to reduce the number of conflict points.
7. Parking stalls, driveways, and aisles shall be clearly marked and delineated. The Planning Board shall require that certain areas be maintained for fire-fighting or other emergency purposes and these areas shall be properly designated.
8. All off-street parking areas shall be paved according to Township specifications except if the intensity and frequency of use is limited in which case the Planning Board may permit a gravel or stone surface.

TYPE OF USE

MINIMUM PARKING SPACES

**Residential Units:**

Single-Family detached or mobil homes  
Two-family units (duplex)  
Single family attached or townhouses

2 per unit provided on lot  
2 per unit provided on lot  
2 per unit provided on lot plus  
1 per 6 units of visitor parking,  
provided in off-street bays

**Garden Apartments**

1.5 per unit except if 2 or more  
bedrooms exceeds 40% of unit total  
then 1.75 per unit, provided in  
off-street bays

**Commercial Establishments**

Retail Store, Service Business

1 per 200 square feet of gross  
leasable area

Service Stations

2.5 for each service bay

Theaters

1 for each 4 seats

Shopping Centers

5.5 per 1,000 square feet of gross  
leasable area

Bank

6 per teller window

Hotels, Motels, Transient guest homes

1 per room

Restaurant

1 per 2 seats devoted to service

Offices, General and Professional

1 per 250 square feet of gross  
floor area

Research Laboratories

1 per employee plus ten percent<sup>1</sup>

Wholesale Store, Motor Vehicle Establishment,  
Furniture Store

Exclusive of storage space, 1 per  
400 square feet

**Community Facilities:**

Church, House of Worship

1 for each 3 seats<sup>2</sup>

Assembly Hall, Auditorium, Community Center

1 for each 100 square feet of  
gross floor area or 1 for each  
4 seats, whichever is greater

Hospital

1.5 per bed

Nursing Home, Institution for Aged

1 for each 3 beds

**Schools:**

Elementary School, Junior High Schools

1 for each employee plus 10 percent  
10 per classroom

High Schools

1 for every 2 students plus 1 per  
4 dormitory beds

College

1 per 500 square feet of gross  
floor area

Library or Museum

10 plus 1 for each 50 square feet  
devoted to chapel or slumber room

Funeral Home

**Industrial Establishments:**

Industrial, Manufacturing Use

1 per employee plus 10 percent of  
1 per 750 square feet of gross  
floor area, whichever is greater

Storage Warehouse

1 per employee plus 10 percent of  
1 per 750 square feet of gross  
floor area whichever is greater

**Recreation Facilities:**

Clubs, Golf Clubhouses, Commercial or Non-  
Commercial Uses

1 for each six persons of rated  
capacity

4 spaces per alley

1 space for each 120 square  
feet of skating area

9. Parking areas shall not be located in the required side or rear yards nor closer than ten (10) feet to the street's proposed right-of-way line in the front yard. This requirement shall be maintained to permit adequate buffering of the parking area.
  10. All parking areas shall be suitably landscaped and buffered from adjacent land uses. At least five percent (5%) of the parking area shall be landscaped (along walkways, center islands, and at the end of bays) to break up the amount of impervious surfaces. This landscaping requirement shall be in addition to the buffering provisions of Section 4.10. All double-loaded parking bays with more than twenty (20) total parking spaces shall provide a park strip at least ten (10) feet in width between aisles. The park strip shall be suitably landscaped and shall include a four (4) foot sidewalk except if exclusive walkways are provided elsewhere.
  11. Curbing and guttering shall be required for all paved parking areas to ensure adequate drainage, to define the extent of the parking area, and to separate parking bays from park strips or access roads.
- B. Existing off-street parking areas shall not be reduced or encroached upon in any way which would make them deficient for the uses served.
  - C. The collective provision of off-street parking by (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required for involved buildings or uses computed separately, unless it can be demonstrated to the satisfaction of the approving authority that the periods of need are entirely or partially mutually exclusive.
  - D. All off-street parking is to be provided on lot or contiguous to the lot and adjacent to the specified principal use. For non-residential uses in commercial districts, required parking may be located within one hundred fifty feet (150') of such use, said distance to be measured from the nearest point of the parking facility to the nearest point of the building served.

#### **Section 4.7    Off Street Loading**

Off-street loading space shall be provided with all new construction or the creation of new uses in accordance with the following standards.

- A. An off-street loading space, as defined in this Ordinance shall be required:
  1. For each ten thousand (10,000) square feet of gross floor area in a hospital.
  2. For each two thousand five hundred (2,500) square feet of gross floor area in a funeral home (dimensions of loading space may be reduced to 33 X 12').

3. For each twelve thousand (12,000) square feet of gross floor area in a commercial use or manufacturing establishment.
- D. When the computation to determine the number of required loading spaces results in a requirement of a fractional space, any fraction to and including one-half ( $1/2$ ) shall be disregarded and fractions exceeding one-half ( $1/2$ ) shall require one (1) space.
- C. Existing required loading areas together with their access ways shall not be encroached upon or reduced in any manner or devoted to any other use. The use's certificate of occupancy shall be declared invalid in the event of such occurrence.
- D. All off-street loading spaces shall be surfaced with asphaltic or portland cement concrete. The arrangement of off-street loading space shall be such that no vehicle shall have occasion to back into any public street or an internal access road of a parking area.
- E. Off-street loading areas shall be located or screened so that they cannot be seen from adjacent land uses or from the public street and shall not encroach on any required yards.

#### Section 4.8 Access

Access shall be designed in accordance with the driveway regulations in Section 3.11 as well as with the following additional standards for all site plans:

- A. Access to a site shall be provided from an improved existing or proposed public street at defined locations. For developments on parcels of land with frontage of less than one hundred fifty (150) feet, no more than two (2) one-way driveways or one (1) two-way driveway shall be permitted. The number of driveways provided from a site directly to a road for a parcel of one hundred fifty (150) feet or more shall not exceed two (2) two-way driveways or one (1) two-way driveway and two (2) one-way driveways.
- B. All entrance and exit driveways to a road shall be located to afford maximum safety to traffic on the road. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit may be located within fifty (50) feet of the tangent of the existing or proposed curb radius of that site.
- C. Whenever a development is proposed at the intersection of an arterial or major collector and a road of lesser importance, access to the development shall be gained from the County or Township road of lower functional classification.

- D. The width of a driveway at the right-of-way line shall be a minimum of twenty (20) feet and a maximum of forty (40) feet for two-way operation and a minimum of twelve (12) feet and a maximum of twenty (20) feet for one-way operation.
- E. No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit a driveway serving two or more adjacent sites to be located on or within ten (10) feet of a site property line between the adjacent site. The use of marginal access roads or joint driveways may be required by the Planning Board in an area of commercial development to collect the commercial traffic.
- F. Where two (2) or more driveways connect a single site to any one (1) road, a minimum clear distance of seventy five (75) feet shall separate the closest edge of any two (2) such driveways for a parcel with less than one-hundred fifty (150) feet of frontage and a minimum of one hundred (100) feet shall separate any two driveways for a parcel of more than one-hundred fifty (150) feet.
- G. Deceleration Lane. Where a driveway serves as an entrance to a land development providing fifty (50) or more spaces, a deceleration lane shall be provided for traffic turning right into the driveway from any arterial, major or minor collector road. The deceleration lane shall be at least two hundred (200) feet long and at least thirteen (13) feet in width. A minimum forty (40) foot curb radius will be used from the deceleration lane into the driveway. If a deceleration lane is provided, the driveway angle may be less than the seventy-five degrees (75°) required in Section 3.11.
- H. Acceleration Lane. Where a driveway serves right turning traffic from a parking area providing two hundred (200) or more parking spaces and the abutting road has a peak hour traffic volume exceeding one thousand (1000) vehicles per hour, an acceleration lane shall be provided at least two hundred (200) feet in length and at least thirteen (13) feet in width. In situations where these criteria are not met, the Planning Board may require acceleration lanes for commercial, residential, or industrial development upon the recommendation of the Township Engineer to improve traffic merging or sight conditions.

#### **Section 4.9     Lighting**

All site plan applications shall include plans for proposed exterior lighting. These plans shall include the location, type of light, radius of light and intensity in footcandles. All lighting shall be designed in accordance with the following design standards:

- A. The style of the light and the light standard shall be consistent with the architectural style of the principal building. The height of the lighting shall be in scale with the height of the principal building and shall not exceed thirty five feet (35').

- B. All lights shall be properly shielded to restrict the maximum apex of illumination to 150 degrees and to prevent glare or illumination on adjacent land uses.
- C. Lighting shall be located along streets, parking areas, and at all intersections. In addition, all building entrances and exits shall be lighted and all sidewalks shall have low or mushroom type structures. Free standing lights shall be located and designed so as not to be easily damaged by vehicles or to be a roadside safety hazard.
- D. Spotlight fixtures attached to buildings shall not be permitted except for security purposes in the rear of buildings.
- E. The appropriate intensity of lighting in footcandles and the type of lighting shall be determined by the Planning Board upon the recommendation of the Township Engineer.

#### Section 4.10 Buffering, Screening

All site plans shall provide sufficient buffering and screening to minimize any adverse impacts or nuisances of the site or from adjacent areas and to improve the physical appearance of the site. The use of buffering, such as adequately spaced deciduous trees, low hedges, bushes, berms, and other landscaping elements is used to soften the visual impact of the proposed use and to provide a break between adjacent uses of the same type or from the road. Screening is defined as a physical or natural barrier that is required to block an objectionable view or to prevent nuisance characteristics of the proposed use, such as noise or light, from extending beyond the limits of the property. Fences, walls, high hedges, mounds, and dense tree plantings (normally evergreens or Poplar trees) are examples of effective screening methods. The following general standards are to be utilized in the design of all site plans.

- A. Buffering or screening shall be required along the perimeter of all site plans unless waived by the Planning Board. Buffers shall be created along and adjacent to property lines of similar or proposed uses and along the road. Buffers may also be required on the interior of the site plan to shield parking areas. Whenever a commercial or industrial land use abuts existing or proposed residential land use, a dense natural barrier or screen shall be required. Screening may also be required around garbage collection areas, loading bays, and where interior roads run parallel with roads exterior to the site. Screening should also be considered along the rear property line to act as a backdrop for the proposed use.
- B. Wind breaks, composed of appropriate natural screening, should be considered in the prevailing wind direction to prevent wind-borne debris from leaving the site.
- C. Buffer zones shall be maintained in their natural state when wooded. When natural vegetation is sparse at certain locations, the Planning Board may require planting native to existing adjacent woodland.

- D. Fences or walls are effective screening devices. However, any proposed fence or wall shall complement the structural type and design of the principal buildings. The use of fences with high transparency (i.e. chain link fence) shall not be considered as and adequate buffer unless complemented by landscaping. High fences or walls with little, if any transparency, shall only be considered in areas appropriate for screening.
- E. The use of landscaping techniques such as terracing, and the creation of berms or mounds shall be encouraged as part of the landscaping plan and to accomplish adequate buffering or screening.

#### **Section 4.11    Landscaping**

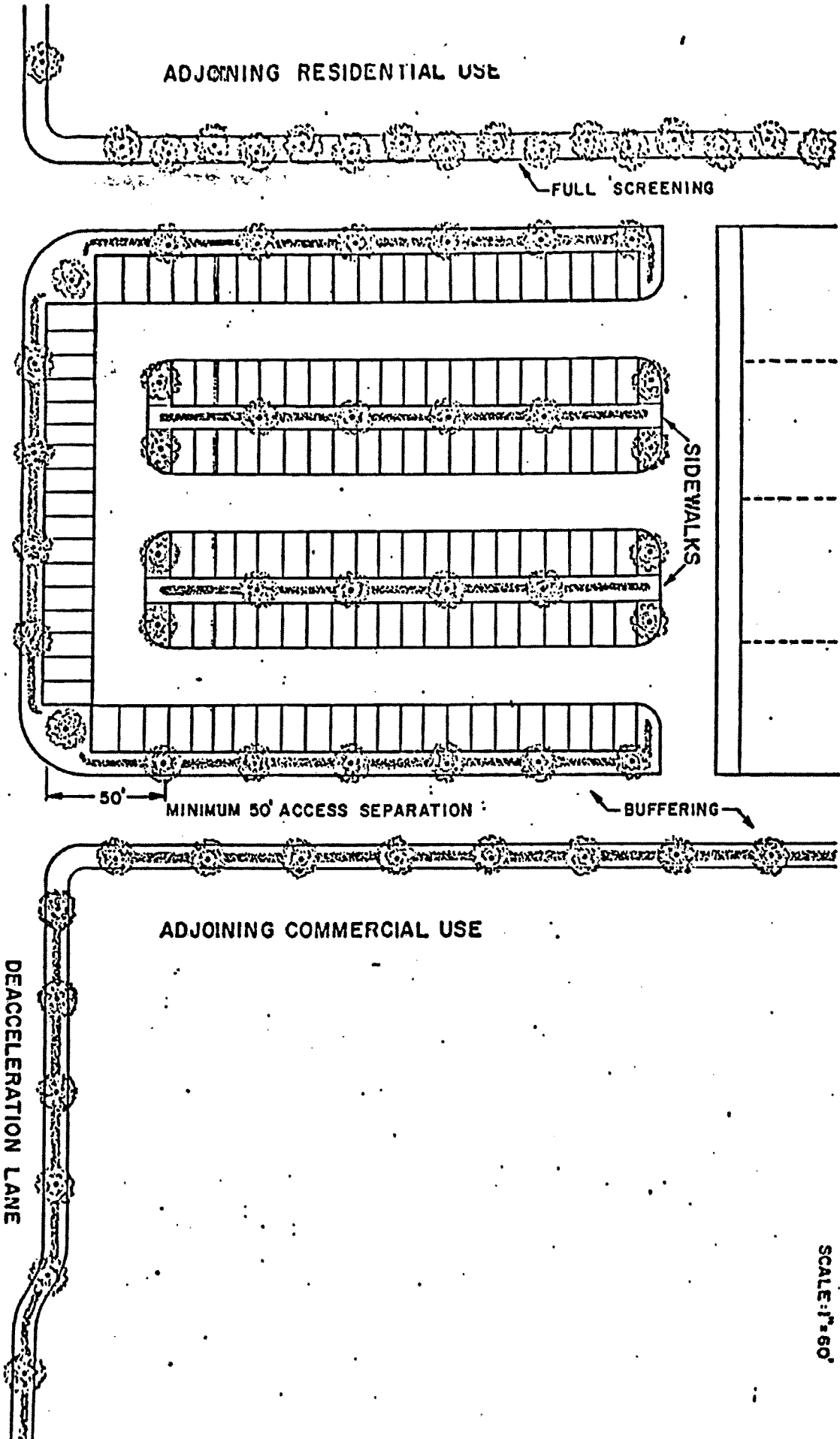
A landscaping plan shall be submitted with each site plan application. The plan shall identify and locate existing and proposed trees, shrubs, bushes, plant material, and ground cover. The plan shall also indicate any proposed alterations of the terrain for landscaping purposes. The following principles shall be followed in the development of a landscaping plan.

- A. Landscaping shall be designed to accent and complement buildings and shall be located to assist with interior climate control.
- B. The impact of any proposed landscaping plan shall be considered over time so that shrubs or trees do not grow and eventually block sight distances. This concern is particularly important at driveway entrances and in parking areas.
- C. Factors such as texture, color, shapes, and foliage shall be considered in the choice of species. In addition, the susceptibility of the species to disease and litter or maintenance problems must be considered.
- D. The preservation of existing trees and vegetation is encouraged. Specimen trees over 15" in diameter shall be incorporated in all landscaping plans. Although the alteration of the existing terrain is permitted to accomplish appropriate landscaping objectives, the grade around existing trees may not be varied more than six (6) inches except if properly designed tree wells are to be constructed.

# TYPICAL LARGE PARKING LOT

PLATE 1

SCALE: 1"=60'



TOWNSHIP COLLECTOR



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## CHAPTER V - LAND SUBDIVISION

### ARTICLE I - PLAT DETAILS AND INFORMATION REQUIREMENTS

#### Section 5.1 Minor Subdivision and Sketch Plats.

All minor subdivisions and sketch plats shall fulfill the information requirements of this Section prior to review by the approving authority.

- A. The plat shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey Land Surveyor, Professional Planner, Professional Engineer, or Registered Architect.
- B. The plat shall be based on tax map information or some other similarly accurate base at a scale of not more than 1 inch equals 200 feet to enable the entire tract to be shown on one sheet.
- C. The following information shall be shown or included on the sketch plat, unless waived by the Planning Board:
  1. A key map at a scale in which one inch equals not more than 1000 feet showing the entire subdivision and its relation to all features within one-half mile of the limits of the subdivision.
  2. Certificate from tax collector that all taxes are paid to date.
  3. Name and address of owner, subdivider, and person preparing plat.
  4. The names of all adjoining property owners as disclosed by the most recent tax records.
  5. The tax map sheet, block, and lot numbers.
  6. The location of that portion which is to be subdivided in relation to the entire tract.
  7. All existing and proposed streets within or adjoining the proposed subdivision with the right-of-way widths clearly indicated.
  8. The proposed location of any driveways or other entrances onto a public street.
  9. All existing structures, and wooded areas, with the portion to be subdivided and within two hundred (200) feet thereof.
  10. All proposed lot lines and lot lines to be eliminated by the proposed subdivision shall be clearly indicated.
  11. The location, size and direction of flow of streams, brooks, drainage structures and drainage ditches in the area to be subdivided or within two hundred (200) feet of the subdivision.

12. The location and width of all existing and proposed utility easements in the area to be subdivided.
13. The zoning classification of the property and all additional information necessary to show compliance with the applicable zoning requirements.
14. Acreage of the entire tract, the area being subdivided, and the area of each lot created.
15. Approximate lot dimensions, drawing scale, and north arrow.
16. For all applications involving the creation of more than two lots, spot elevations on lot corners, and for any application where found necessary by the Planning Board, sufficient topographic information for a proper determination of requirements, but not exceeding the topographic information requirement applicable to preliminary major subdivision applications.
17. For any application where found necessary by the Planning Board to assure that there is no adverse effect upon the development or provision of access to the remainder of tract, a rough indication of an acceptable layout of the remainder of the tract.

- D. Minor Subdivision Filing. A plat containing all of the above information which is reviewed and approved as a minor subdivision may be filed as a plat if it is a certified survey that contains the signatures of the Chairman and Planning Board Secretary and meets the requirements of the Map Filing Law.

#### Section 5.2 Preliminary Plat

A development application which is classified as a major subdivision shall not be considered complete until the information requirements of this section have been fulfilled unless waived by the Planning Board.

- A. The preliminary plat shall be clearly and legibly drawn or reproduced in black on white at a scale of not less than one inch equals fifty feet. It shall be prepared under the supervision of and be signed and sealed by a license New Jersey land surveyor and any engineering design work shall be done by a licensed New Jersey professional engineer.
- B. The plat shall be prepared in compliance with the design standards of this ordinance and shall show or be accompanied by the following information in addition to all that required for a sketch plat:
  1. Accurate bearings, Headings, and other boundary details.
  2. All required front, side, and rear setback lines.
  3. Specimen trees having a diameter in excess of twenty four (24) inches.

4. Any structures of historic significance within 200 feet of the subdivision and a statement of the impact of the development on the historic structure.
5. Topographic contours at two foot intervals for slopes averaging 5% or greater and one foot contours for slopes less than 5%. Elevations or contours need not be shown, however, for those portions of any parcel to be retained by the subdivider in an undeveloped state that are more than 200 feet from the lots being created. Contours should show existing ground elevations and proposed elevations in any areas to be regarded.
6. Streets. Cross sections and centerline profiles of proposed streets within the subdivision and existing streets which abut the subdivision.
7. Watercourses. All existing and proposed watercourses shall be shown accompanied by the following information:
  - a. When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed within the floodway of an existing stream, evidence of submission of the improvement to the Division of Water Resources shall accompany the subdivision.
  - b. Cross sections of watercourses and or drainage swales at an approximate scale showing the extent of the floodplain, top of bank, normal water level and bottom elevations at the following locations:
    - 1.) At any point where a watercourse crosses the boundary of a subdivision.
    - 2.) At fifty (50) foot intervals for a distance three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.
    - 3.) Immediately upstream and downstream of any point of junction of two (2) or more watercourses.
    - 4.) At a maximum of three hundred foot intervals along all watercourses which run through or adjacent to the subdivision.
  - c. When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and the measures to control erosion and siltation as well as typical cross sections and profiles shall be shown on the plat or accompany it.
  - d. The boundaries of the floodplains within or ad-

## **8. Drainage.**

- a. Preliminary plans and profiles at a scale of one inch equals fifty feet (1"=50') horizontally and one inch equals five feet (1"=5') vertically of all proposed and existing storm sewers, drainage swales, and streams within the subdivision together with the locations, sizes, elevations, and capacities of any existing storm drain, ditch, or stream to which the proposed facility will be connected.
  - b. The location and extent of any proposed ground-water recharge basins, retention basins, or other water conservation devices.
  - c. When deemed necessary by the Planning Board, all drainage calculations used for the design of the storm drainage system and the documents indicating conformance to the standards in this Chapter shall be submitted.
9. Utilities. Preliminary plans and profiles of proposed utility layouts shall be at a scale of not more than one inch equals fifty feet (1"=50') horizontally and one inch equals five feet (1"=5') vertically showing connections to existing and proposed utility systems.
10. On site sewage disposal. The results and location of all percolation tests and test borings shall be shown on the plat. At a minimum, a test boring and percolation test shall be taken for every four lots. When deemed necessary by the Planning Board to determine the suitability of the soil to support new construction, further percolation tests shall be submitted. Any subdivision or part thereof which does not meet the established sewage treatment requirements of Chapter 199 as revised shall not be approved unless the proposed remedy to overcome such a situation is approved by the appropriate local, county, or state agencies.
11. A copy of any protective covenants or deed restrictions applying to the land being subdivided.
12. The location of poles, distance from intersections and illumination factors for all street lighting.

## **Section 5.3 Final Plat.**

- A. The final plat shall be drawn in ink on tracing cloth or its equivalent, at a scale of not less than one inch equals 50 feet and in compliance with all the provisions of the "Map Filing Law". The final plat shall be submitted in the following form: The original or equivalent duplicate, one translucent tracing cloth or its equivalent copy, two cloth prints, and ten black on white prints.

1. All information listed in, Section 5.1, C(1-7).
2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or detection angles, and radii arcs and central angles of all curves.
3. The purpose of any easement, or land reserved or dedicated to public use, shall be designated, and the proposed use of sites other than residential shall be noted.
4. New blocks and lots shall be numbered so as to conform with the Township Tax Maps.
5. Minimum building setback line on all lots and other sites.
6. Cross sections, profiles, and established grades of all streets as approved by the Township Engineer.
7. Plans and profiles of all storm and sanitary sewers and water mains as approved by the Township Engineer.
8. Certificate from tax assessor that all taxes are paid to date.
9. A statement by the Township Engineer that he is in receipt of a map showing all utilities and exact location and elevation identifying those portions already installed and those to be installed and that the subdivider has installed all improvements in accordance with the requirements of these regulations; or has filed a corporate surety bond, a certified check, returnable to the subdivider after full compliance, or any other type of surety approved by the governing body and approved as to form by the Township Solicitor which is in sufficient amount to assure the installation and maintenance of improvements. The provisions of N.J.S.A. 40:55D-53 shall govern said bonds and the completion, inspection, and approval of said improvements and the payment of inspection fees.

## TITLE II - IMPROVEMENTS AND DESIGN STANDARDS

A developer shall comply with the following requirements and principles of land subdivision to encourage proper development patterns and the provision of adequate facilities and services in the Township.

### Section 5.4 General Requirements

- A. No subdivision shall be approved unless all lots abut an improved street as defined by this Ordinance. Any request for relief from this provision shall conform to the procedures of the N.J.S.A. 40:55D-36 or N.J.S.A. 40:55D-60.
- B. Any proposed subdivision determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon the property in question or adjacent properties may be required to be revised to remove such adverse effect prior

of sufficient size to be subdivided further, the applicant may be required to submit a sketch of the entire remaining portion to indicate a feasible plan whereby the proposed subdivision and subsequent subdivisions will not create any such adverse effect.

## **Section 5.5     Streets and Roads**

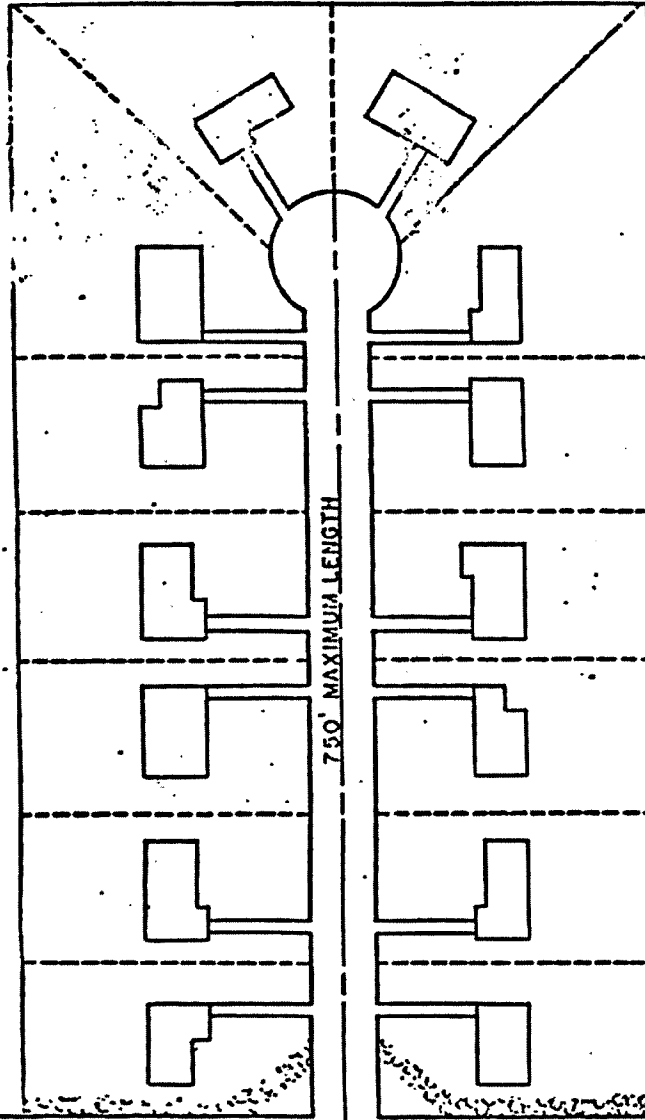
### **A.     General Design Considerations**

1. All proposed streets in a subdivision of land shall be classified as either a Loop Street, a Cul-de-Sac Street or a Township Collector as defined on Plates II, III, and IV.
2. Loop Streets, Cul-de-Sac Streets, and other existing minor streets shall be so designed and integrated into the circulation pattern of the subdivision and the immediate area so as to discourage through traffic.
3. Township Collectors shall be designed to provide for the extension and connection of existing streets except when such a connection will result in a major diversion of traffic from Major Collectors or Arterials through the subdivision.
4. When a subdivision adjoins land susceptible to being subdivided, suitable provisions shall be made for optimum access of the remaining and/or adjoining tract to existing or proposed streets within the proposed subdivision.
5. Access shall be designed in all major subdivisions according to the following standards:
  - a. All major subdivisions bounded by Arterials, Major Collectors, and Minor Collectors as defined by the Functional Classification System contained within the approved Township Master Plan shall control access to said streets by having all driveways intersect Marginal Service streets, Parallel streets, or streets intersecting said Arterials, Major Collectors, and County-Local Roads.
  - b. When a subdivision of five (5) or more lots borders on an existing Township street, or County-Local road reverse frontage or a marginal service road may be required.
  - c. When a proposed street (Township Collector) will serve more than fifty (50) lots in a fully developed subdivision, all driveways within that subdivision shall intersect Loop Streets, Cul-de-Sac Streets or marginal service roads.
6. All subdivisions which control access to existing Township or County roads by reverse frontage or marginal service roads shall construct an adequate buffer between the development and the existing street. The buffer for reverse frontage shall consist of densely planted nursery grown trees to a depth of twenty (20) feet as indicated on Plate V. Plate VI indicates the required landscaped area for marginal service roads.

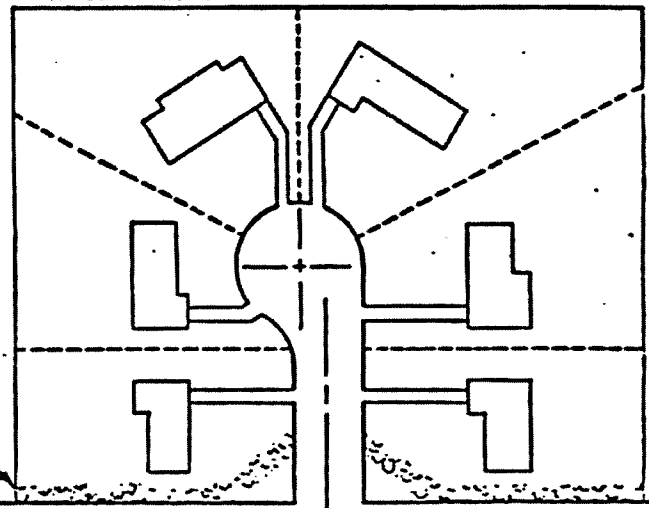
# TYPICAL CUL-DE-SACS

SCALE: 1" = 150'

MAXIMUM: 14 LOTS



MINIMUM: 6 LOTS



TOWNSHIP COLLECTOR

TOWNSHIP COLLECTOR



PLATE 3  
LOOP STREET

SCALE: 1" = 100'

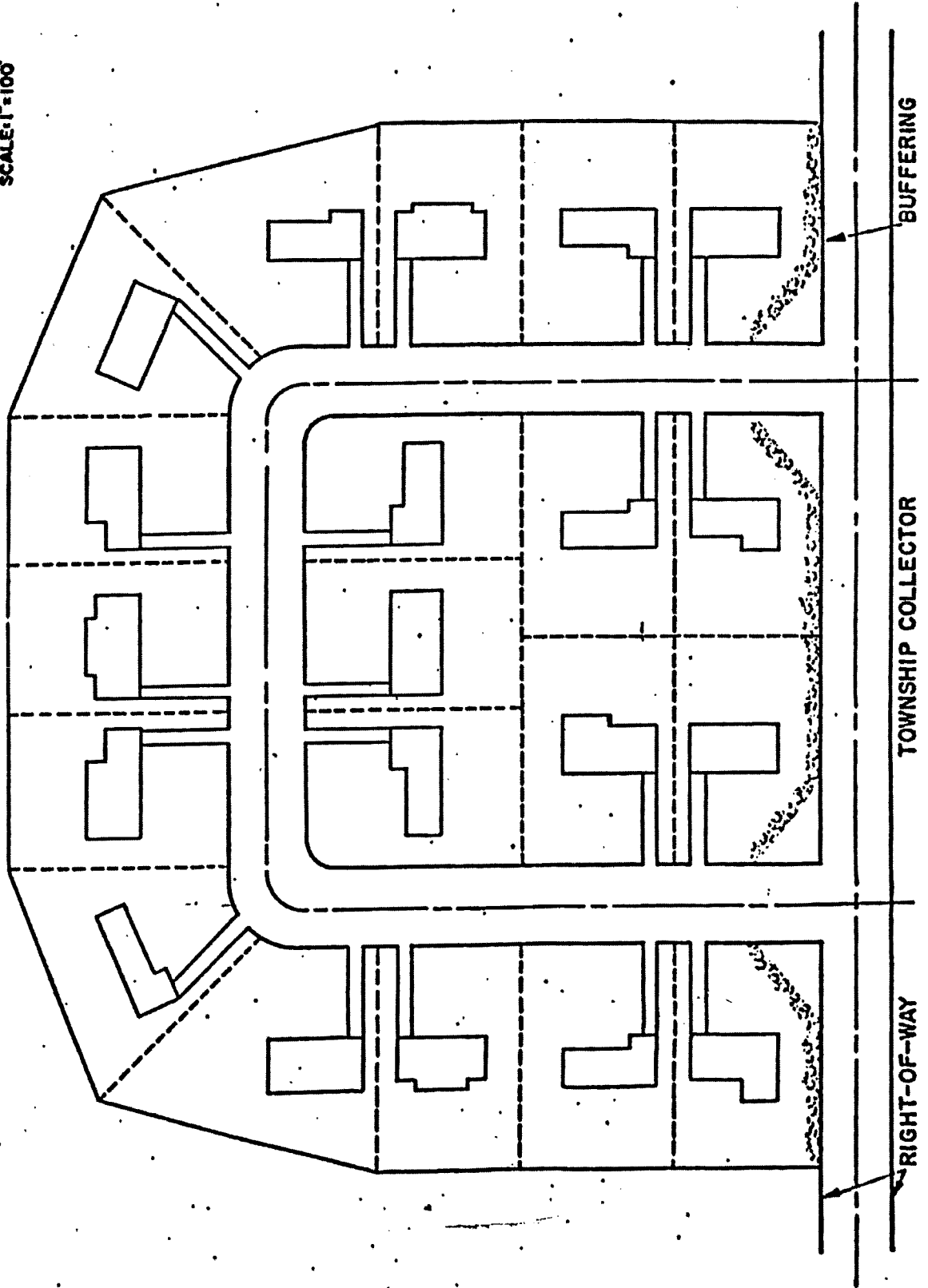
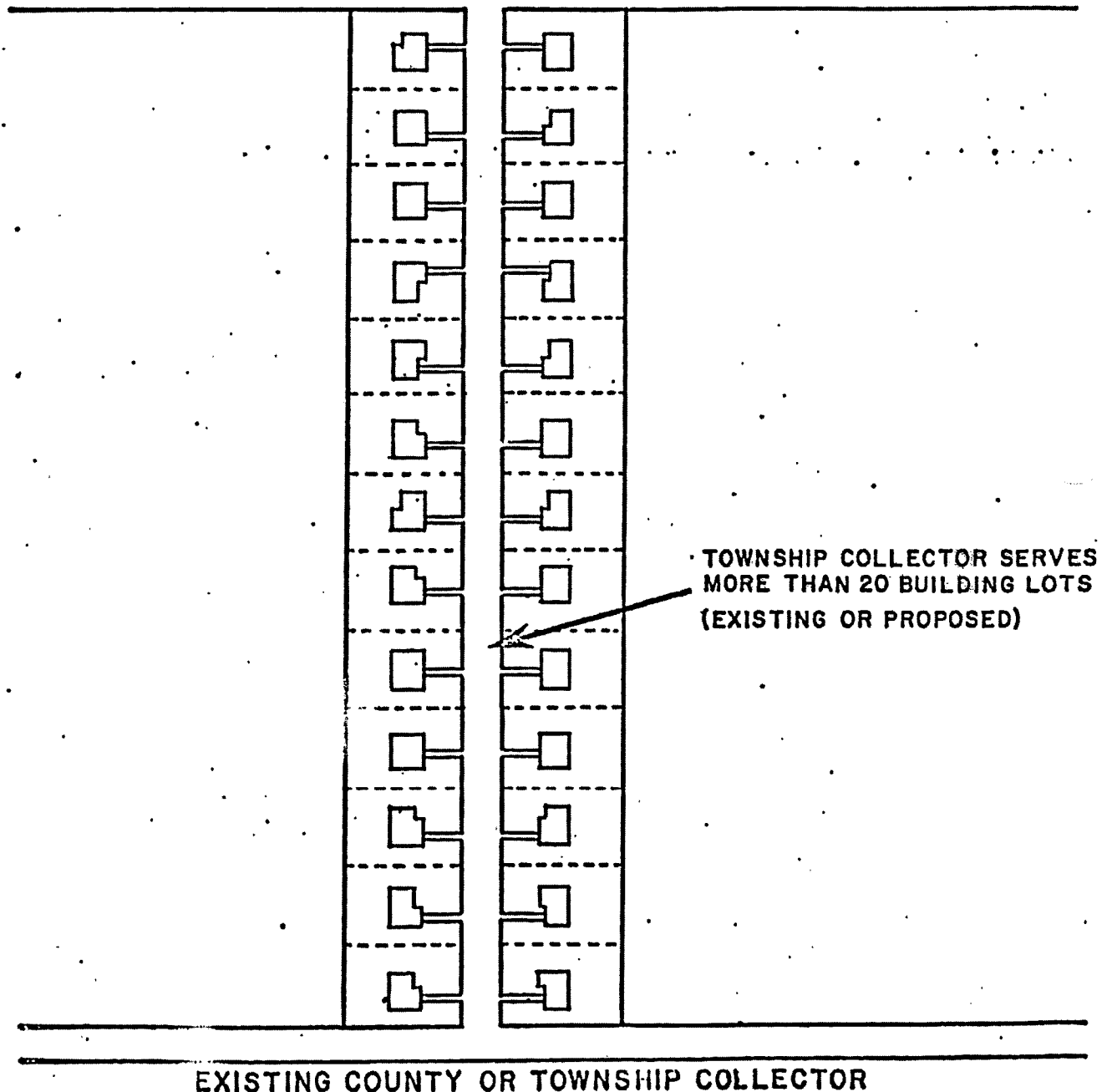


PLATE 4

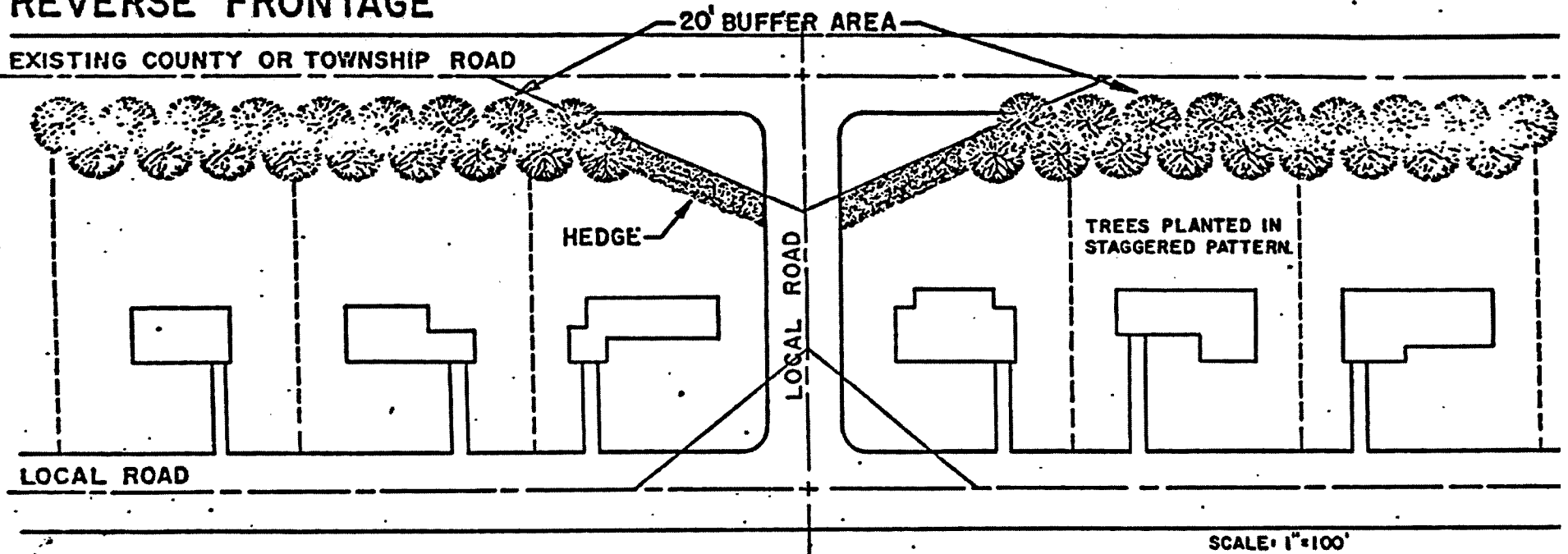
# TOWNSHIP COLLECTOR

EXISTING COUNTY OR TOWNSHIP COLLECTOR



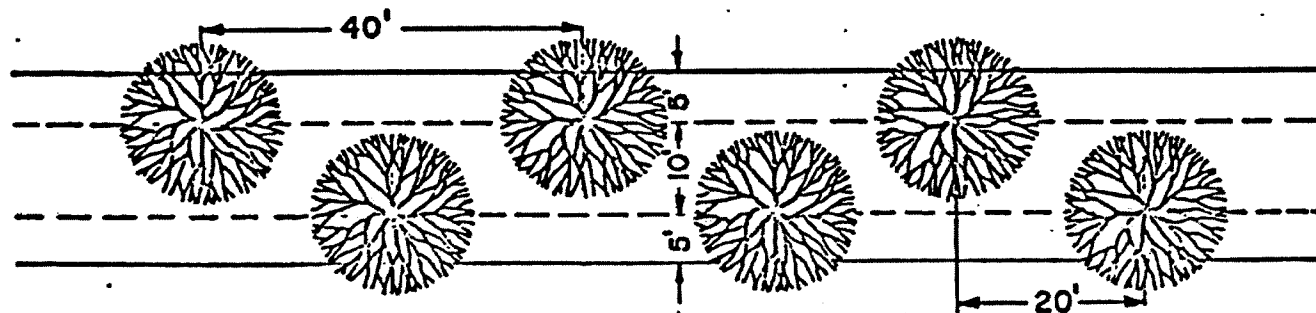
SCALE: 1" = 200 FT.

# REVERSE FRONTAGE



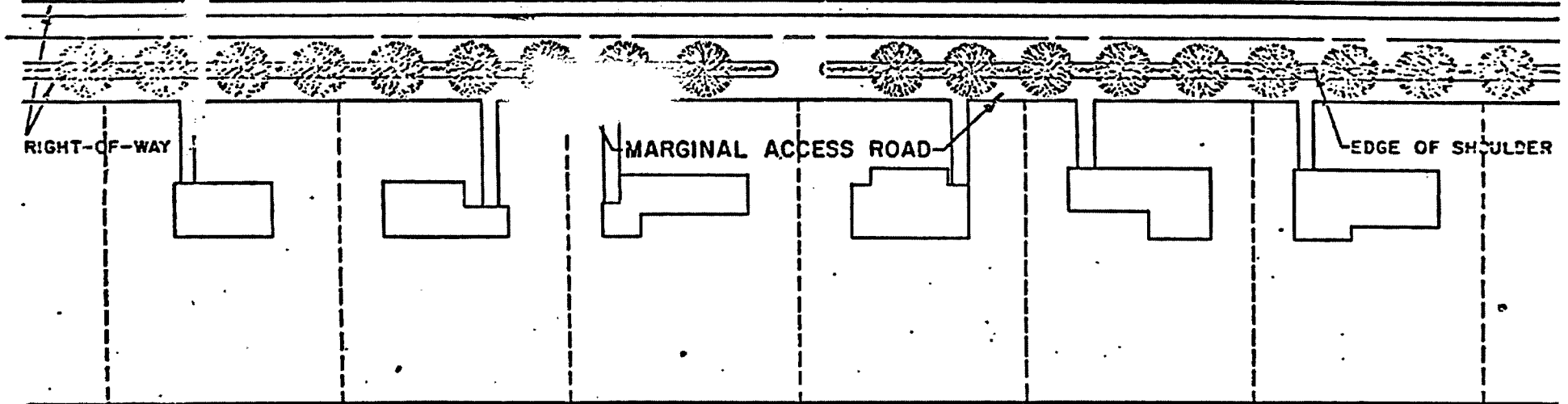
## DETAIL OF BUFFER STRIP

EXISTING ROAD



# MARGINAL ACCESS

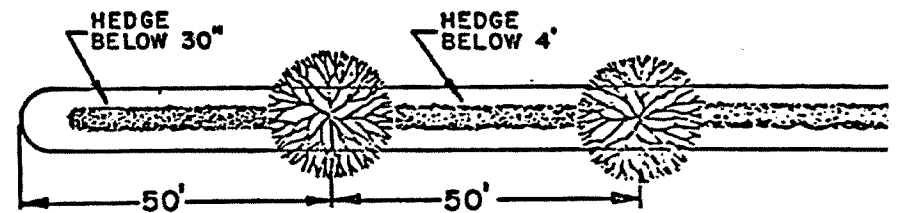
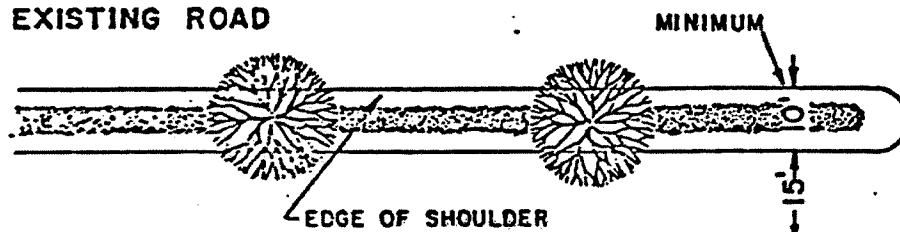
EXISTING COUNTY OR TOWNSHIP ROAD



SCALE: 1" = 100'

## DETAIL OF MEDIAN & MARGINAL ACCESS ROAD

EXISTING ROAD



DECIDUOUS TREES SPACED 50' APART.

7. No subdivision 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 compromising such strips has been given to the governing body after recommendation by the Planning Board.
  8. A subdivision that adjoins or includes existing Township streets that do not conform to the right-of-way widths specified in the Township Master Plan in the street cross section requirements of this Ordinance, shall dedicate the additional land needed to conform to the right-of-way standards. If the subdivision is along one (1) side of the road, one-half (1/2) of the required extra width shall be dedicated.
  9. A Cul-de-Sac shall provide access to a minimum of six (6) lots and a maximum of fourteen (14) lots. No Cul-de-Sac shall exceed 750 feet in length. The minimum radius of a Cul-de-Sac turnaround shall be fifty (50) feet in zoning districts with a minimum lot width of 150 feet or more and sixty (60) feet in zoning districts with a lot width requirement of less than 150 feet. The right-of-way radius of the turnaround shall be sixty (60) feet and seventy (70) feet for these respective zoning districts. No Cul-de-Sac turnaround shall exceed a radius of seventy (70) feet except if an adequate landscaped circle is provided in which two-way traffic is maintained.
- B. Specific Design Requirements. The following specific design requirements shall be met in the construction of new streets or the improvements of existing streets:
1. When connecting street lines deflect from each other at any one point by more than ten degrees (10°) they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance shall be not less than one hundred (100) feet for Cul-de-Sacs, one hundred fifty (150) feet for Loop Streets, and not less than three hundred (300) feet for Collectors and Arterials.
  2. A tangent of at least two hundred (200) feet long shall be introduced between reverse curves on arterial and collector streets.
  3. Longitudinal grades on Township Collectors or roads of higher functional classification shall not exceed four percent (4%). The longitudinal grade of any other local street shall not exceed eight percent (8%). All changes in grade shall be connected by vertical curves of at least fifty (50) feet for each two percent (2%) (or portion thereof) difference in grade to insure proper sight distance which will conform to good engineering practice.

4. The longitudinal grade of any street shall not be less than one-half (1/2) of one percent (1%). Grades between one-half (1/2) of one percent (1%) and one percent (1%) may require monolithic curb and gutter construction to insure adequate drainage.

C. Intersections.

1. Street intersections shall be at a minimum angle determined by the road classification. All intersections shall be at ninety degrees (90°) except that Cul-de-Sac or Loop Streets which intersect a Township Collector or County-Local Road shall have a minimum angle of seventy five degrees (75°) and a Cul-de-Sac which intersects a Loop Street shall have a minimum angle of sixty degrees (60°).
2. No more than two (2) streets shall meet or intersect at any one point and the centerline of both intersecting streets shall pass through a common point. Any two (2) intersections shall be separated by the following distances:

| <u>Classification</u>              | <u>Minimum Distance<br/>Between Intersections</u> |
|------------------------------------|---|
| Arterials, County Collectors       | 350 feet  |
| Township Collectors, County-Locals | 250 feet  |
| Loop Streets, Cul-de-Sacs          | 200 feet  |

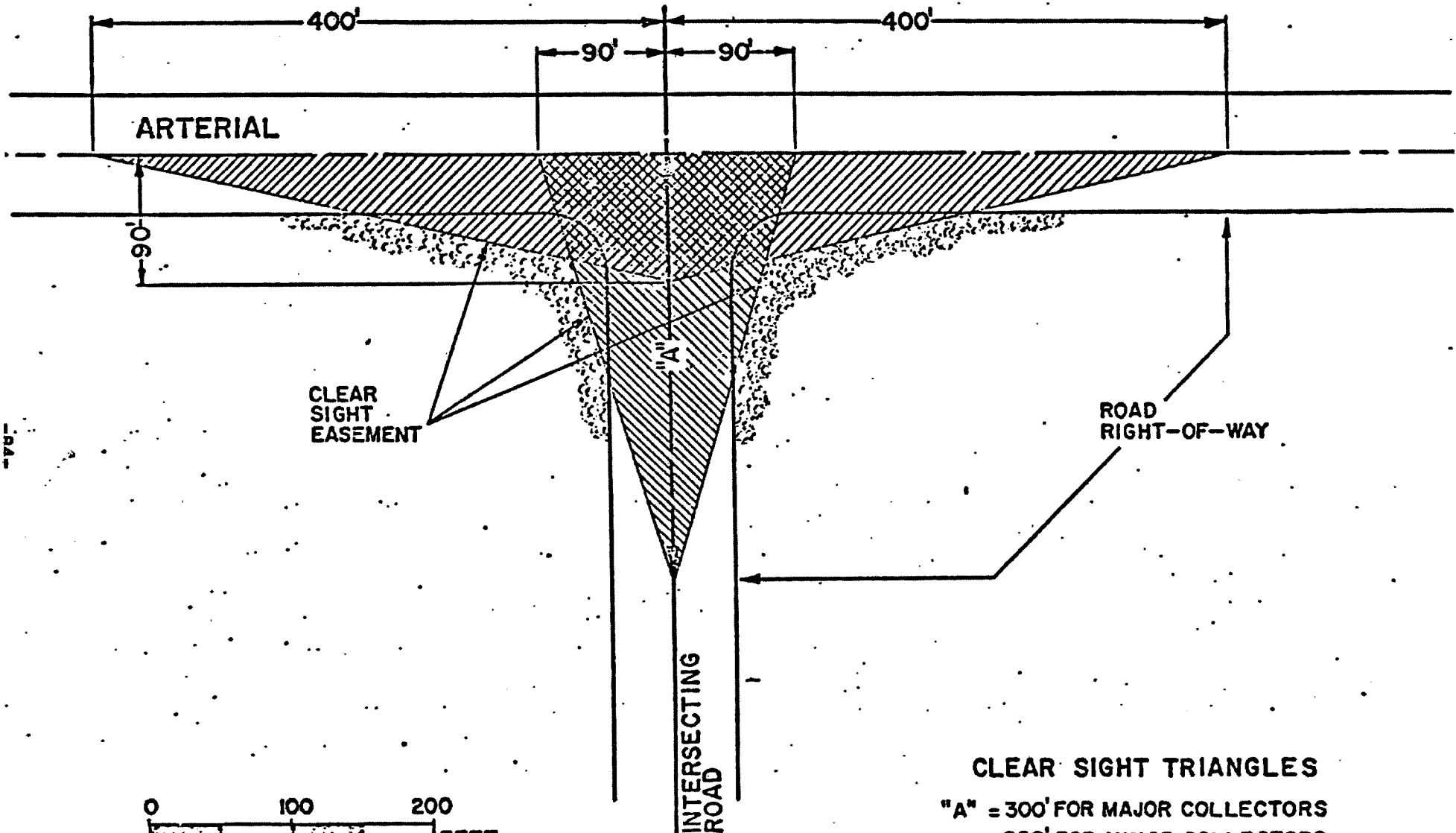
Whenever two (2) roads of different functional classification intersect, the minimum separation standards of the more important road shall be followed.

3. The maximum grades of all intersections shall be three percent (3%) except that intersections involving only Township Collectors or other local streets shall have a maximum grade of four percent (4%).
4. The block corners at intersections shall be rounded at the curbline with the street having the highest radius requirement determining the minimum standard for all curb lines.

| <u>Classification</u>              | <u>Radius</u> |
|------------------------------------|---------------|
| Arterials, County Collectors       | 40 feet       |
| Township Collectors, County-Locals | 30 feet       |
| Loops, Cul-de-Sacs                 | 20 feet       |

5. For both major and minor subdivisions, clear sight triangle easements shall be required at all intersections in addition to the right-of-way requirement described above. Within such triangles, no vision-obstructing object shall be permitted which exceeds a height of thirty (30) inches above the elevation of the intersecting streets except for street

# PLATE 7

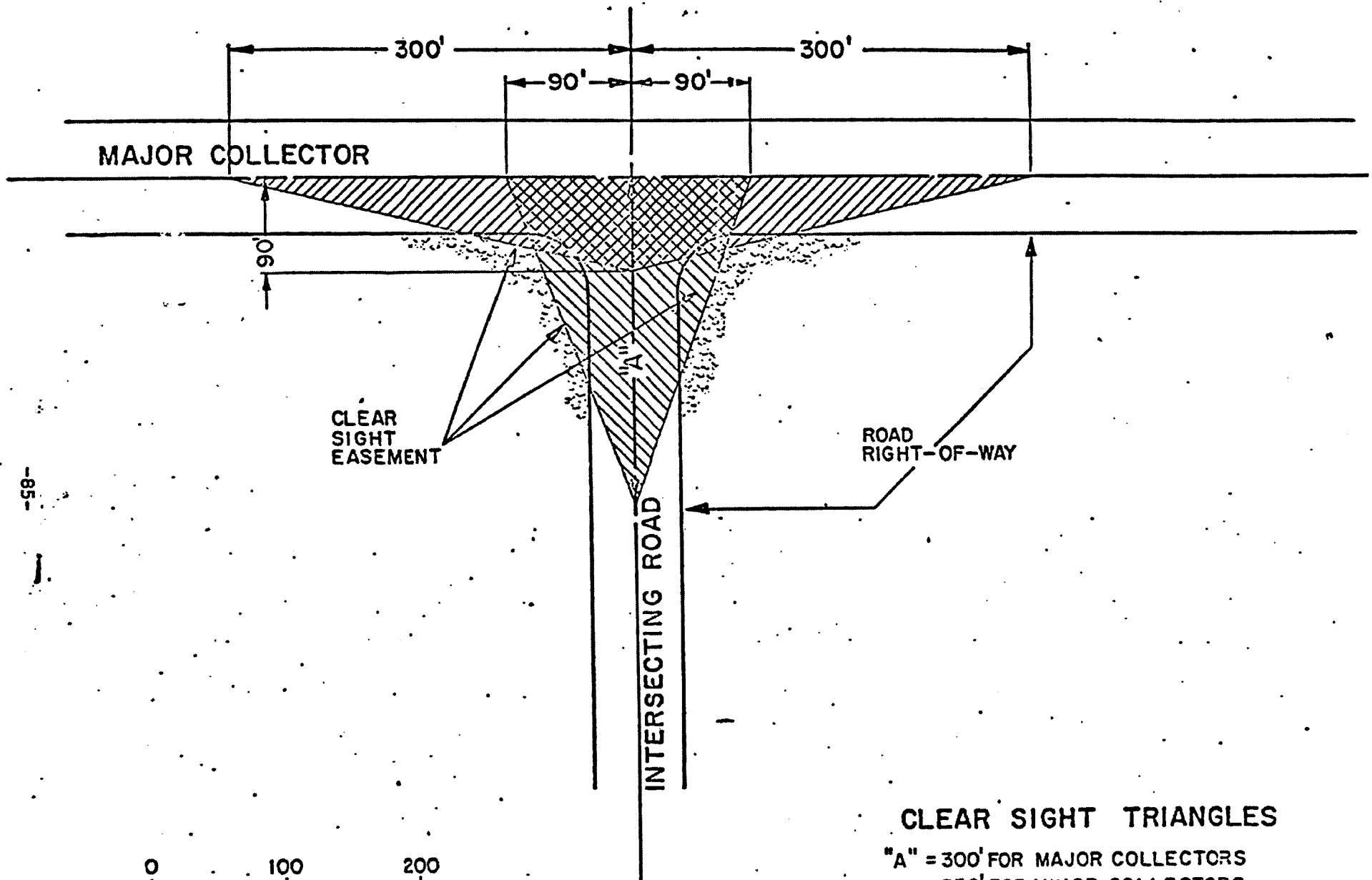


## CLEAR SIGHT TRIANGLES

"A" = 300' FOR MAJOR COLLECTORS  
 250' FOR MINOR COLLECTORS  
 200' FOR TOWNSHIP COLLECTORS,  
 COUNTY-LOCAL ROADS  
 150' FOR LOOP STREETS  
 110' CUL-DE-SACS

NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS DEPENDENT UPON ITS FUNCTIONAL CLASSIFICATION.

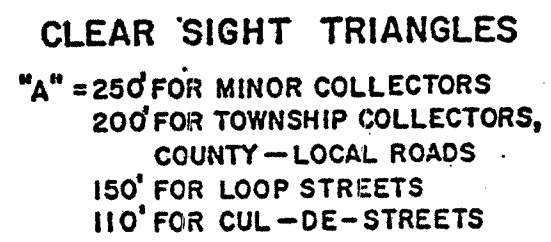
PLATE 8



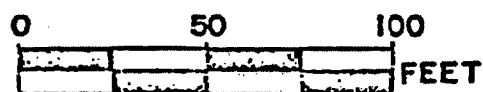
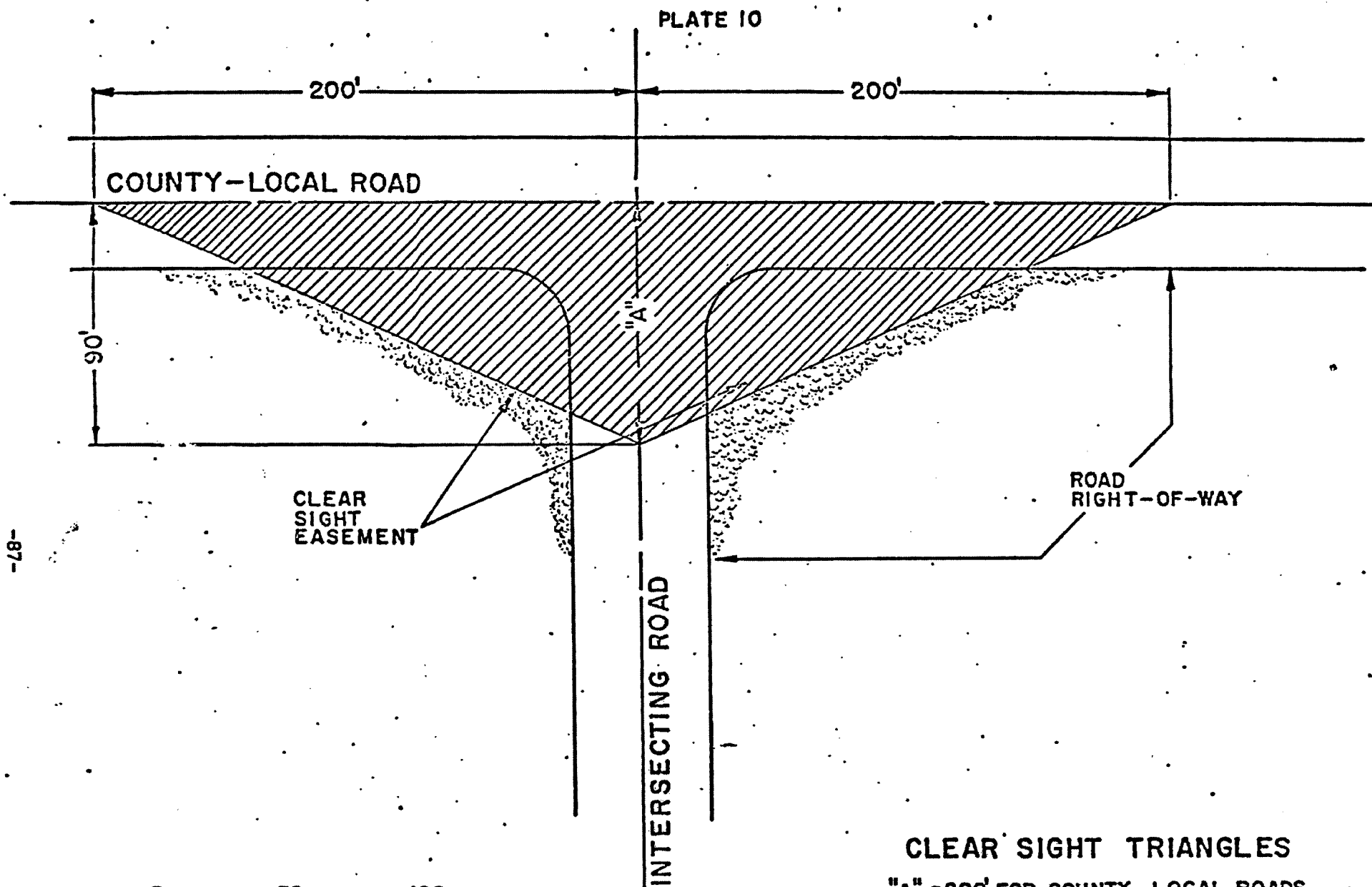
## CLEAR SIGHT TRIANGLES

- "A" = 300' FOR MAJOR COLLECTORS
- 250' FOR MINOR COLLECTORS
- 200' FOR TOWNSHIP COLLECTORS,  
COUNTY-LOCAL ROADS
- 150' FOR LOOP STREETS
- 110' FOR CUL-DE-SAC ST ( TS





NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS  
— UPON ITS FUNCTIONAL CLASSIFICATION.



### CLEAR SIGHT TRIANGLES

"A" = 200' FOR COUNTY-LOCAL ROADS,  
TOWNSHIP COLLECTORS  
150' FOR LOOP STREETS  
110' FOR CUL-DE-SAC STREETS

NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS  
DEPENDING UPON ITS FUNCTIONAL CLASSIFICATION.

lighting standards. The sight triangle is defined as the area of vision which enables a motorist entering a road to perceive oncoming vehicles and which enables oncoming vehicles to perceive the entering vehicle. This area is bounded by the intersecting street lines and the straight line connecting "sight points", one each located on the two intersecting street centerlines. Sight points are defined as being the following distances from the intersection:

| <u>Classification</u>             | <u>Distance</u> |
|-----------------------------------|-----------------|
| Arterials                         | 400 feet        |
| County Major Collectors           | 300 feet        |
| County Minor Collectors           | 250 feet        |
| Township Collectors, County-Local | 200 feet        |
| Loop Streets                      | 150 feet        |
| Cul-de-Sacs                       | 110 feet        |

These points are to be connected to a point ninety (90) feet from the intersection of the street centerlines. Plates VII - X illustrate the required sight triangle easements. The sight easement shall describe two overlapping triangles whenever the intersecting roads are of Township Collector or above functional classification. The easement for intersections involving Cul-de-Sac or loop streets shall only include the sight triangle needed for the motorist entering the intersection street.

- D. **Street Construction Standards.** All subdivisions shall be served by paved public streets with an all weather base and pavement with an adequate crown. All new streets and improvements to existing streets shall adhere to the following standards:

1. The minimum pavement width shall be in accordance with the following standards and as illustrated on Plates XI - XVI:

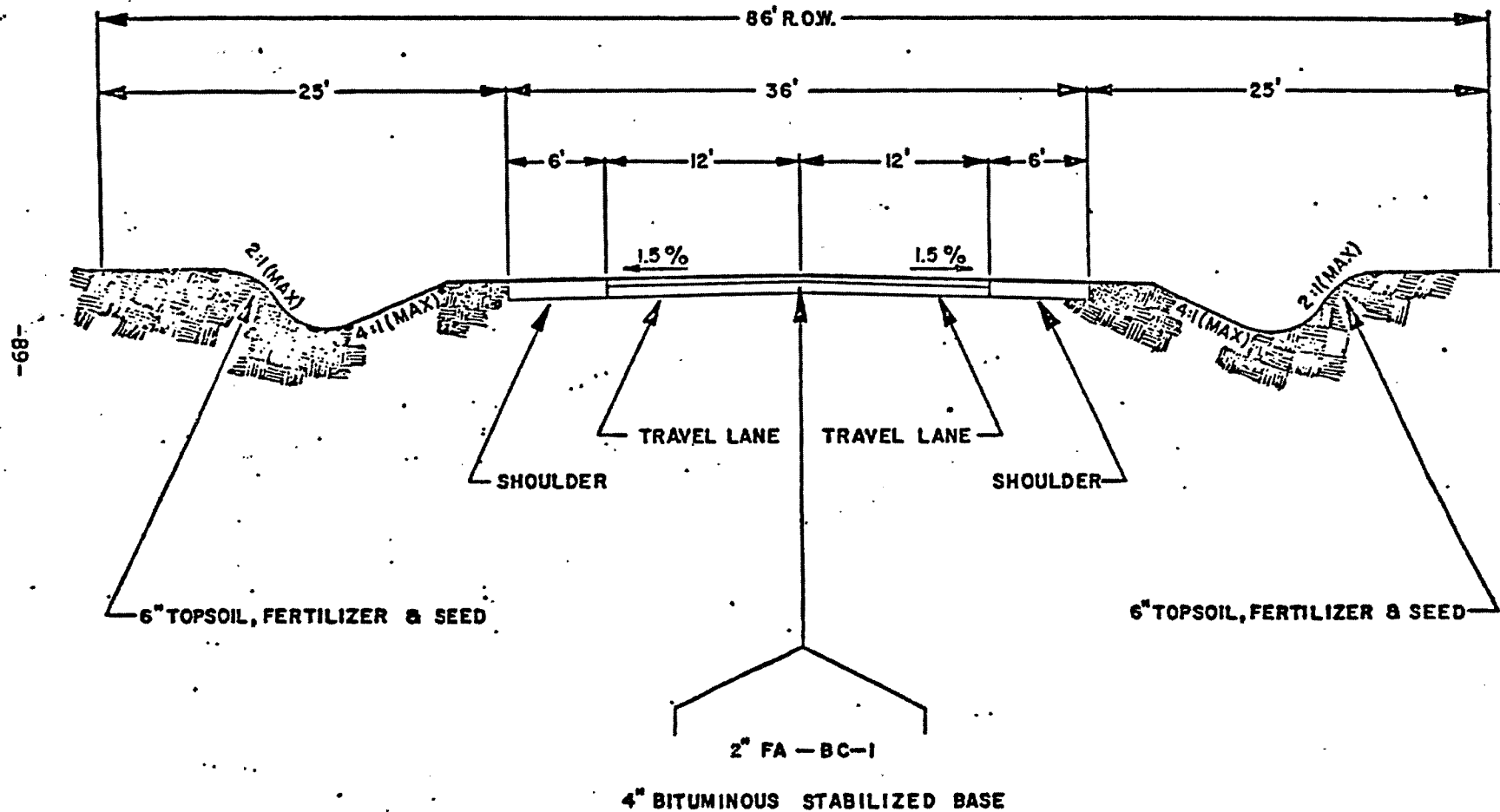
| <u>Type of Street</u>  | <u>Lanes</u> |       | <u>Shoulder</u> |          |     |
|------------------------|--------------|-------|-----------------|----------|-----|
|                        | #            | Width | Width           | Type (1) |     |
| County Major Collector | 2            | 12'   | 6'              | 1        | 86' |
| County Minor Collector | 2            | 12'   | 6'              | 2        | 66' |
| County Local           | 2            | 11'   | 6'              | 2        | 50' |
| Township Collector (2) | 2            | 11'   | 6'              | 1        | 50' |
| Loop                   | 2            | 11'   | 5'              | 1        | 50' |
| Cul-de-Sac             | 2            | 11'   | 3'              | 1        | 50' |

1. **Shoulder Types:**
  - 1 - Paved
  - 2 - Application, oil & stone and gravel

2. In areas proposed for less intense development (minimum lot sizes over 1 acre), the minimum shoulder shall be compacted gravel with oil.

PLATE II

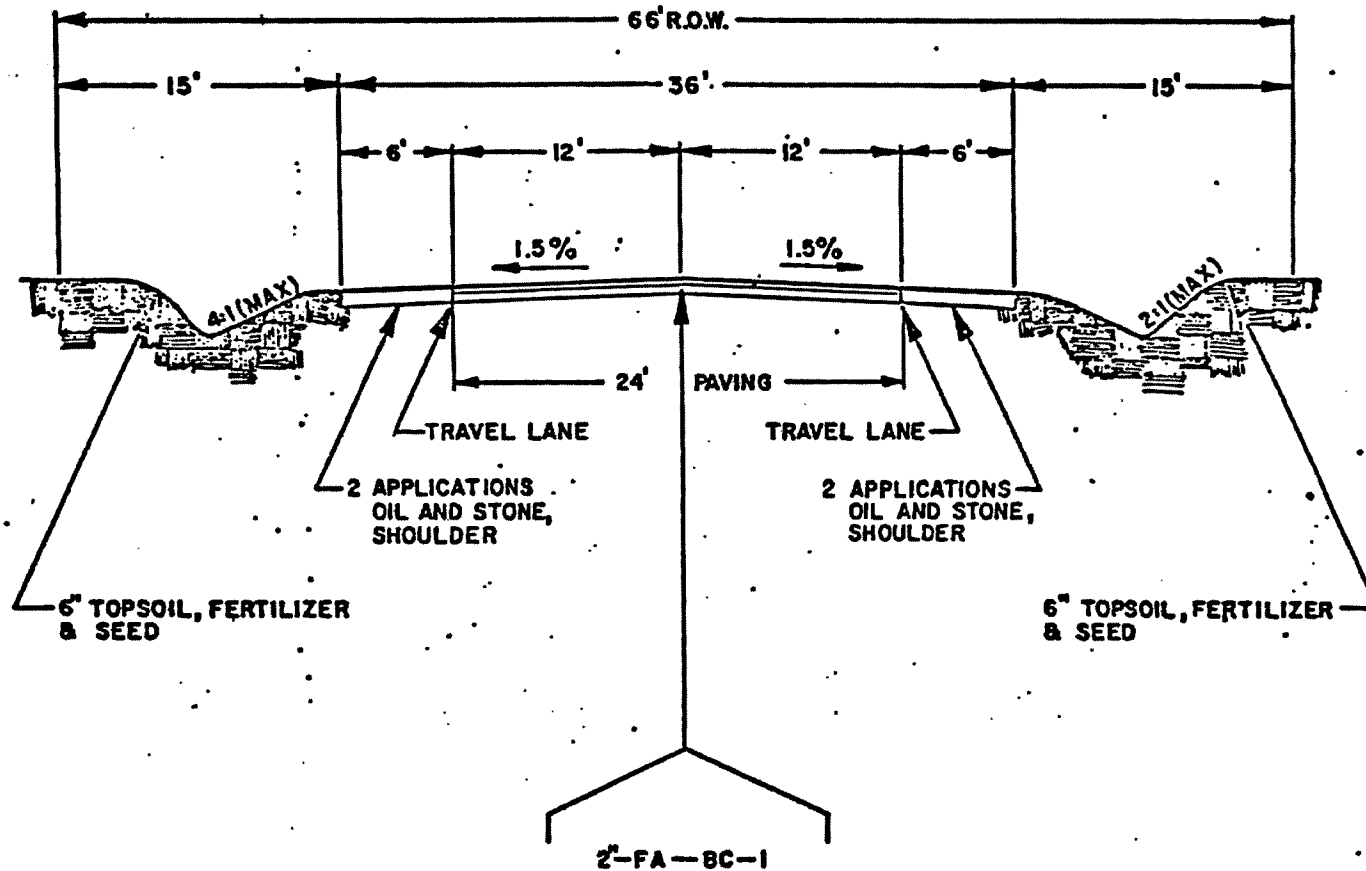
# MAJOR COLLECTOR (RURAL)



DESIGN SPEED: 60 MPH

GOALS: EXCELLENT TWO LANE FACILITY AND POSSIBLE CONVERSION TO FOUR LANE FACILITY WHERE WARRANTED.

PLATE 12  
**MINOR COLLECTOR**  
 (RURAL)



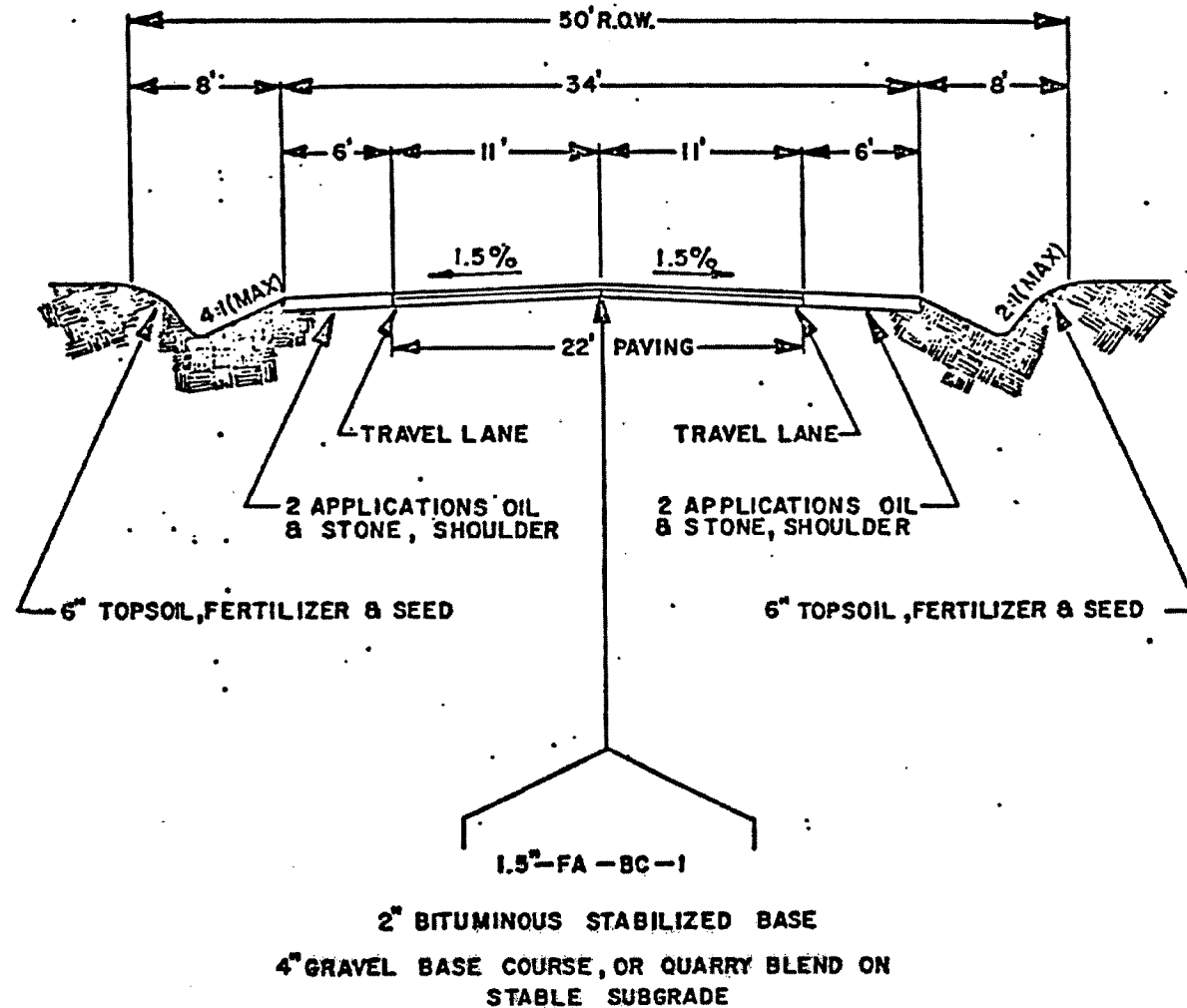
2" BITUMINOUS STABILIZED BASE  
 6" GRAVEL BASE COURSE, OR QUARRY BLEND ON  
 STABLE SUBGRADE

DESIGN SPEED: 55 M.P.H.

GOAL: EXCELLENT TWO-LANE FACILITY

PLATE 13

# COUNTY LOCAL (RURAL)

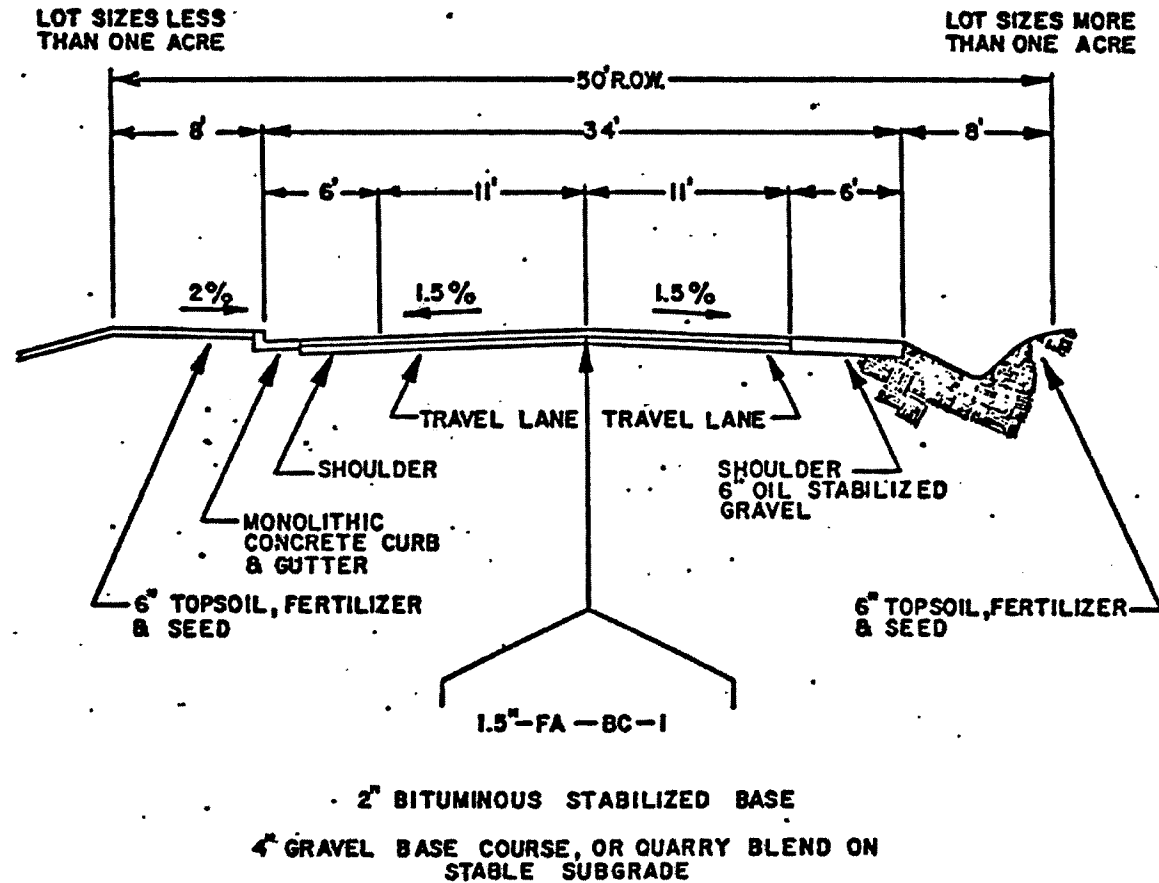


DESIGN SPEED: 50 M.P.H.

GOAL: ADEQUATE TWO LANE FACILITY

PLATE 14

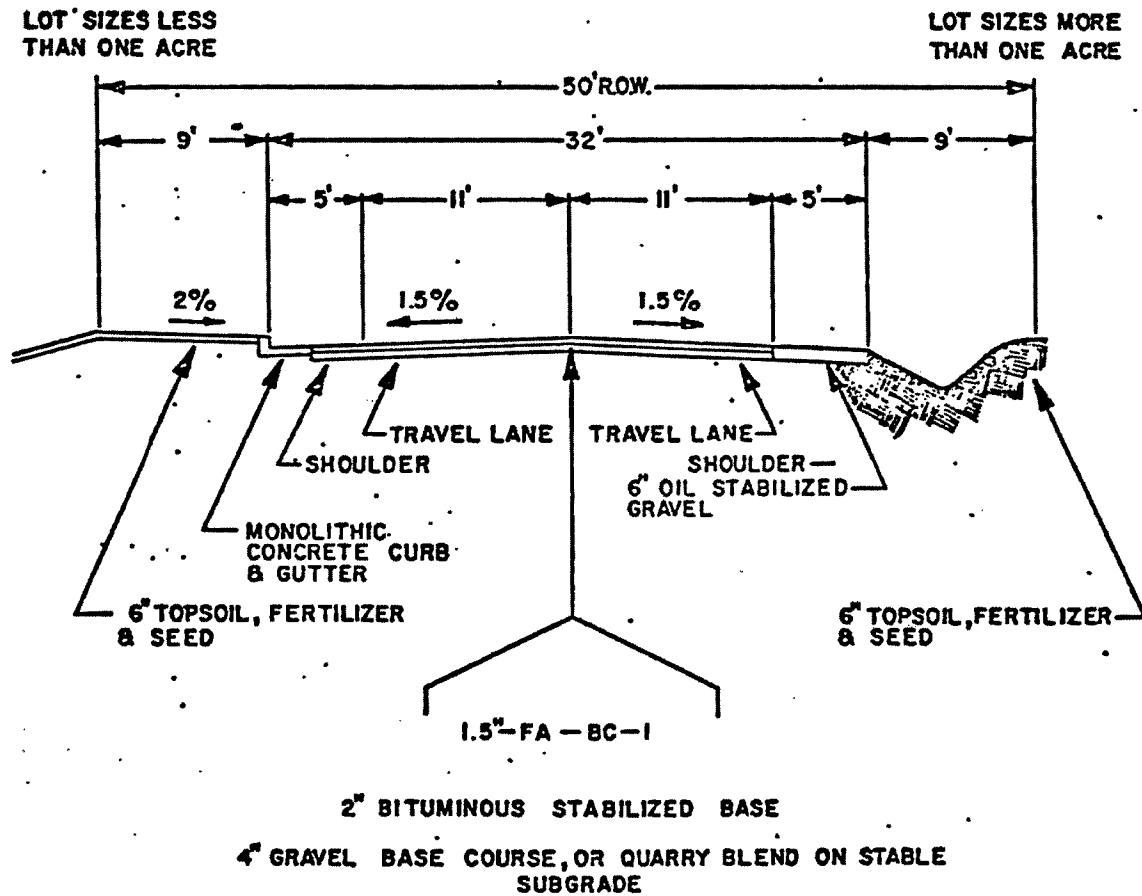
# TOWNSHIP COLLECTOR



DESIGN SPEED: 50 M.P.H.

GOAL: SERVES MORE THAN 20 UNITS.  
WHEN 50 UNITS OR MORE  
ARE SERVED, REVERSE FRONT-  
AGE MAY BE REQUIRED.

# PLATE 15 LOOP STREETS

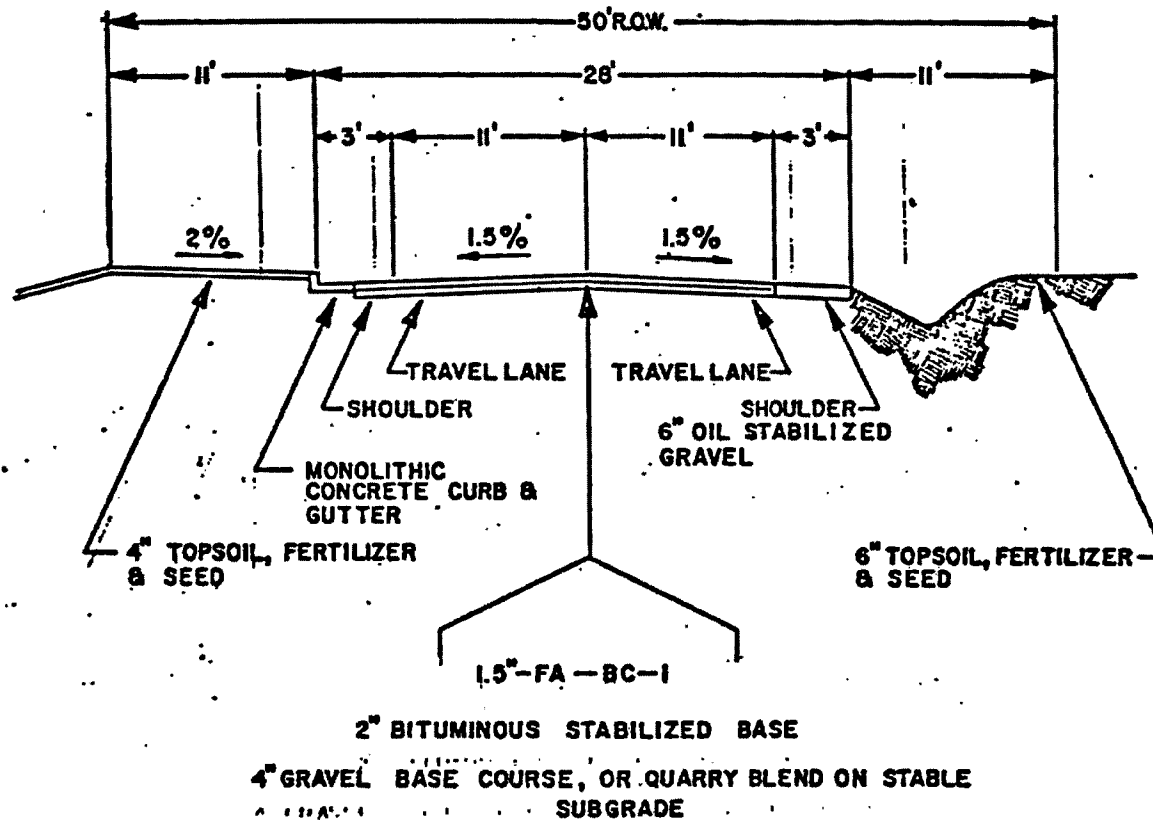


DESIGN SPEED: 35 M.P.H.

GOAL: SERVES NO MORE THAN 20 UNITS.



# CUL-DE-SAC STREETS

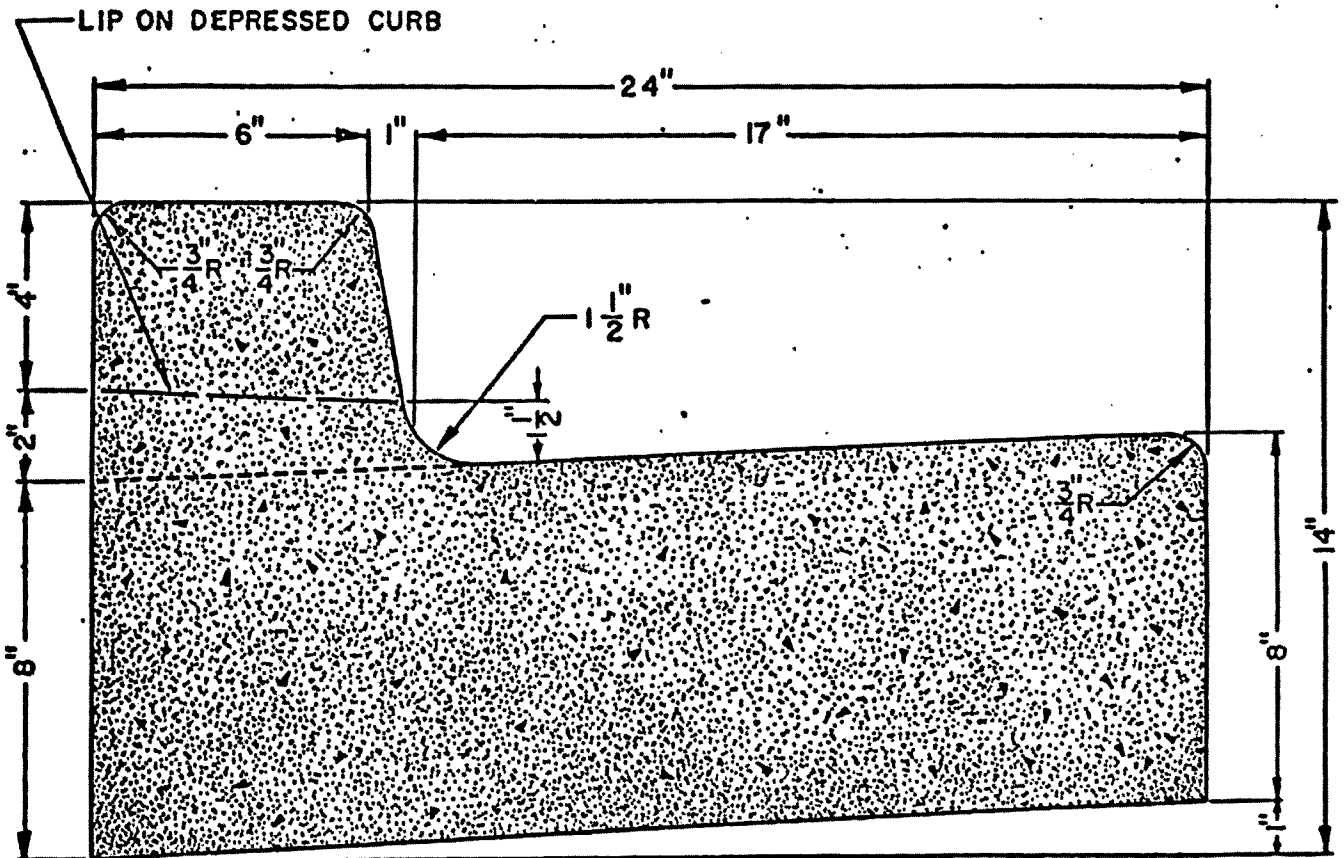


DESIGN SPEED: 30 M.P.H.

GOAL: SERVES NO MORE THAN 14 UNITS

2. All new and existing streets shall be constructed or improved to fulfill the above minimum requirements. The subdivider shall be responsible for improving only one-half (1/2) of the street immediately adjacent to the subdivision, except in cases where offsite contributions are required. If offsite contributions are required the subdivider may be responsible for improving more than one half (1/2) of the street and other nearby streets or intersections.
3. Deceleration and Acceleration lanes shall be constructed outside of the normal cartway as determined necessary by the Township Engineer.
4. The minimum total asphalt surface thickness for all pavements shall be three and one half (3 1/2) inches of FABC-2, Mix No. 5, Two (2) inches to be laid and used as running surface until all settlement is completed, then brought to final grade with a one and one half (1 1/2) inch overlay and such additional material as shall be needed to compensate for settlement. The minimum subbase shall be four (4) inches of soil aggregate Type 5, Class A, or, as an alternate subbase, with Planning Board approval, six (6) inches of soil aggregate Type 2, Class B. No bituminous concrete pavement shall be laid until the existing subbase has been prepared and thoroughly compacted with an approved roller.
5. The minimum requirements of any new street shall be in accordance with the specifications and procedures set forth in the New Jersey State Highway Department Standard Specifications (1961) and all addendum or revisions thereto.
6. Whenever curbing and guttering are required under this Ordinance, it shall be constructed in a manner approved by the Township Engineer. If concrete, the curbing and gutters shall meet the following specifications:
  - a. The concrete to be used for curbs and gutters shall be Class B concrete as specified in the New Jersey State Highway Specifications for Curbs and Gutters.
  - b. Expansion joints shall be provided at intervals of twenty (20) feet.
  - c. Concrete curbs shall be eight (8) inches wide at their base and not less than 6" inches (6) wide above the roadway pavement. The rear top corner of this curb shall have a radius of one-fourth (1/4) inch and the front top corner shall have a radius of one and one-half (1 1/2) inches.

PLATE 17



SCALE:  $\frac{1}{4}'' = 1''$

CONCRETE CURB & GUTTER

d. Combination curbs and gutters shall be constructed on a base of sand, or other similar pervious material six (6) inches in depth and extending twelve (12) inches beyond the rear face of the curb and twelve (12) inches beyond the face of the curb. The total width of the curb and gutter shall be thirty (30) inches. The dimensions of the particular parts of the combined curb and gutter shall be as follows: (See Plate (4) as attached).

1. The top of the curb shall be six (6) inches in width.
2. The rear of the curb shall be twelve (12) inches in height.
3. The width of the curb at the gutter elevation shall be seven (7) inches.
4. The height of the curb face at the gutter shall be six (6) inches and the depth of the gutter at the street face shall also be six (6) inches.
5. All exposed edges shall be rounded with a radius of three fourths ( $3/4$ ) inch to one (1) inch.

e. Openings for driveway access shall be in such width as shall be determined by the Township Engineer, but in no case more than fifteen (15) feet at the edge of the pavement. The curb at such driveway openings shall be depressed to the extent that one and one-half inches ( $1\ 1/2$ ) extend above the finished pavement. The rear top corner of this curb shall have a radius of one-fourth inch ( $1/4$ ) and the front top corner shall have a radius of one and one-half inches ( $1\ 1/2$ ).

7. All work shall be inspected through the course of construction by the Township Engineer or his duly authorized representative who shall be notified forty eight (48) hours in advance before any work is started or completed.

## **Section 5.6     Drainage**

### **A.     General Design Considerations**

1.    The drainage system of a proposed subdivision should be adequate to carry off and/or store the stormwater and natural drainage water which originates not only within the subdivision boundaries, but also that which originates from the total natural watershed surrounding the property in question.
2.    The drainage system shall be designed to control the amount and rate of stormwater run-off. A general principle for major subdivision design shall be to not increase the parcel's amount or rate of stormwater run-off by the use of structural and non-structural measures.
3.    Whenever possible, any major development's drainage system shall be designed for the recharge of groundwater and the retention of stormwater on-site.
4.    Provisions shall be made to limit the amount of sedimentation and other pollutants that may enter a natural watercourse as a result of the development.
5.    Where possible, a subdivision's stormwater management design shall preserve stream channels, floodplains, and wetlands in their natural condition to act as buffers against flooding and pollution.
6.    No stormwater run-off or natural drainage water shall be so diverted as to overload existing drainage systems, create flooding, or require the construction of additional drainage facilities in other private or public lands without proper and approved provisions being made for remedying these off-site or off-tract conditions.
7.    For all subdivisions, land subject to periodic or occasional flooding (floodplain areas) shall not be plotted for residential occupancy nor for any other purpose which may endanger life or property or aggravate the flood hazard. Such land within a plat shall be considered for open land use.

### **B.     Specific Design Considerations.**

1.    For all subdivisions where the average elevation of the lot or the elevation of the building site is below the crown of the existing or proposed road, the lot shall be properly graded to ensure proper drainage away from buildings and to prevent the ponding of stormwaters in front, side, or rear yards. A grading plan must be submitted for such lots to ensure proper drainage prior to subdivision approval.

2. All streets shall be provided with catch basins and pipes where necessary for proper surface drainage. Dry wells are specifically prohibited as alternatives to catch basins, or as a method of recharge.
3. The materials used for drainage facilities and appurtenances shall be in conformance with Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, 1961, and all addenda. The technique for calculations and design parameters shall be by the rational method for drainage sheds less than four (4) acres and the Soil Conservation Service method for drainage sheds above four (4) acres. The following recurrence interval parameter shall be adhered to: minor inlets, two (2) years; low points, five (5) years; sump inlets, ten (10) years; minor stream structure, (fifty (50) acres or less) ten (10) years; major stream structures with no headwaters, twenty-five (25) years; and major stream structures with maximum headwater, one hundred (100) years. Single Type "B" inlets shall not be designed to catch more than five and one-half (5 1/2) cubic feet per second, regardless of head, but shall not be spaced greater than five hundred (500) feet center to center. Discharge and collection systems shall not be designed for inlet head under any circumstances.
4. Drainage structures which are located on state or county highway rights-of-way shall be approved by the State or County Highway Engineer's office, and a letter from that office indicating such approval shall be directed to the Township Planning Board and shall be received prior to the final plat approval. Drainage structures proposed on a brook or stream with a drainage area of one-half (1/2) square mile (three hundred twenty (320) acres or greater shall be approved by the New Jersey Division of Water Policy and Supply, and a letter from the office shall be directed to the Planning Board Chairman.
5. All proposed subdivisions or developments abutting a brook or stream whose drainage area, up to and including the subdivision or development, is greater than fifty (50) acres shall be required to secure a stream encroachment permit from the New Jersey Division of Water Policy and Supply, Bureau of Floodplain Management prior to the authorization of final approval. Furthermore, a copy of the permit shall be forwarded to the Planning Board and shall be attached to the final engineering plans of same.
6. Road drainage. The use of swales for road drainage purposes may be permitted at the discretion of the Township Planning Board provided that the subdivision is under twenty (20) lots, the minimum lot size is greater than one (1) acre, and that the grade does not exceed six percent (6%) nor is less than 1/2 of one percent. In subdivisions with more than twenty (20) lots, swales may only be permitted along roads in which

reverse frontage has been provided. Where these conditions are not met or where drainage conditions warrant, curbing and guttering shall be required along all existing and proposed streets. In minor subdivisions, curbing and guttering may be required where drainage or traffic conditions warrant or when the subdivision is in proximity to existing curbed and guttered areas.

7. Land drainage. All surface drainage shall be piped except if the developer demonstrates that the use of swales is a more appropriate form of conveyance to the satisfaction of the Township Planning Board. The use of swales shall not be permitted where the adjacent lot sizes are less than one-half acre.

8. Swales, where permitted, shall be designed according to the following standards:

a) Swales shall have a parabolic or trapezoidal shape.

b) Side slopes of a swale along a road shall not be steeper than 4:1 adjacent to the road and 2:1 on the slope away from the road. Side slopes of swales not along a road shall not exceed 3:1.

c) Trees, brush and stumps, as well as other obstructions and material are to be cleared and disposed of so as not to interfere with construction or proper functioning of the waterway.

d) Separate areas filled are to be compacted as needed to prevent unequal settlement that will cause damage in the completed waterway.

e) Waterways and outlets shall be protected against erosion by vegetative means as soon after construction as practical before diversions or other channels are outletted into them. Seeding, Fertilizing, Mulching, and Sodding shall be in accordance with the applicable standards as determined by the Soil Conservation Service of the State of New Jersey.

9. Storm sewer pipe shall be installed in accordance with proper engineering practices and shall be designed according to the following standards:

a) The pipe shall be concrete or aluminum as required by the Township Engineer. Non-reinforced concrete pipe shall conform to A.A.S.H.O.M. - 86 for specified diameter and strength class. Reinforced concrete pipe shall conform to A.A.S.H.O.M. - 170 for specified diameter and strength class. Aluminum alloy pipe shall conform to A.A.S.H.O.M. - 197 for specified diameter and strength.

- b) All drainage pipes shall have a minimum diameter of fifteen (15) inches. The pipe shall be laid in straight alignment, between manholes. All transitions in slope, change of direction or pipe size shall be confined to manholes, catch basins, or other accessible structure.
  - c) The size of the pipe, slope and invert elevations shall be submitted on a final drainage plan.
  - d) In those areas where the groundwater elevation is such that roadway sub-base instability could occur from same, the Planning Board Engineer shall reserve the right to require extra strength porous concrete pipe in lieu of either reinforced concrete or corrugated aluminum storm sewer conduit for the purpose of adequately underdraining the surrounding soil and stabilizing the affected sub-base.
  - e) Slotted drain pipe shall not be permitted except if approved by the Township Engineer.
10. Where a subdivision is traversed by a watercourse, surface or subsurface drainageway, channel or stream, or a subdivision proposes the creation of such surface or subsurface drainageways, there shall be provided and dedicated a drainage right-of-way easement to the Township. The width of the drainage easement required shall be determined by the Township Engineer based upon the width needed to accomodate future stormwater runoff and to allow sufficient area for maintenance or construction activities. A minimum width of all drainage easements shall be forty (40) feet or twenty (20) feet from the edge of the watercourse.
11. Detention basins shall be designed in accordance with the following criteria:
- a) Inflow Q shall be designed for a 25 year recurrence interval under full development conditions within the subdivisions.
  - b) Outflow Q shall be designed based on the capacity of the nearest downstream drainage structure but it shall not be less than the 10 year recurrence interval under full development conditions within the subdivision.
  - c) All detention basins shall have a minimum freeboard of one (1) foot above the design high water level and shall likewise have an emergency spillway capable of discharging flow from a design storm with a recurrence interval of 100 years. Where the depth of high water in any basin exceeds two (2) feet, then a fence of minimum height of eight (8) feet and made of approved material shall be required.



- d) Detention basins are not permitted where soils have a percolation rate of less than five minutes per inch or more than sixty minutes per inch.

12. Retention basins shall be designed in accordance with the following criteria:

- a) Inflow Q shall be designed as required for detention basins.
- b) Outflow Q shall not be considered for any basin whose soil percolation rate is in excess of six (6) minutes per inch.
- c) The bottom elevation of all retention basins shall be a minimum of two (2) feet above the seasonal high water table. Overflow and freeboard design shall be as previously specified for detention basins. Fencing requirements shall likewise be as previously specified for detention basins.
- d) The preferred side slope of the banks for either detention or retention basins shall be a 5:1 ratio with a minimum acceptable ratio of 3:1 if conditions do not permit.
- e) Retention basins are not permitted where soils have a percolation rate of less than five minutes per inch or more than sixty minutes per inch.

13. Collection basis

- A. The collection basis shall be designed in accordance with the rational method expressed as the equation  $Q=AI R$  where:

Q = Volume of runoff in cubic feet per second.  
A = The contributory drainage area, in acres, both within and outside the boundary of the subdivision.  
I = Coefficient of runoff applicable to the drainage area. It shall consider the soil character, slope of area and degree of ultimate development as determined by current zoning. In general, the values of the runoff coefficient will fall within the following range:

| <u>Classification</u>            | <u>Coefficient</u> |
|----------------------------------|--------------------|
| Park lands, golf courses, etc.   | 0.15 to 0.30       |
| Densities below DU/acre          | 0.30 to 0.50       |
| Densities of 2 DU/acre and above | 0.50 to 0.70       |
| Commercial and Industrial        | 0.70 to 0.90       |

For composite areas of various classifications, the coefficient for the predominate area shall be used for all calculations.

R = Rainfall intensity. A minimum intensity of two and three quarters (2.75) shall be used.

14. Flow design criteria. Velocity of flow shall be determined by Manning's Formula:

$$V = \frac{1.486R^{2/3}}{n} S^{1/2}$$

S where:

R = Hydraulic radius of conduit, or area of stream divided by wetter perimeter.

S = Slope of hydraulic grade line, or for open channels or ditches, the slope of the water surface.

n = The Coefficient of friction.

Acceptable values of "n" are:

.015 for circular cross section, nonporous concrete pipe.

.015 for pipes eighteen (18) inches or smaller in diameter and concrete lined ditches.

.025 for clear unlined ditches.

.103 to .15 for fair to poor natural streams and water-courses.

Other cross sections of pipe materials shall have commensurate friction factors as may be approved by the Township Engineer.

Permissible Design Velocities  
Open Channel Ditches

| <u>Material</u> | <u>Velocity (ft. per second)</u> |
|-----------------|----------------------------------|
| Fine sand loam  | 2.5 to 3.5                       |
| Clay span       | 3.75 to 6.0                      |
| Concrete lined  | 15                               |
| Pipe            | *                                |

Minimum design velocity at "flowing full" condition shall be three (3) feet per second. Pipes shall be considered "flowing full" at maximum capacity.

#### **Section 5.7     Lot Configuration**

- A. Lot dimensions and area shall not be less than the requirements of the Zoning Chapter (Chapter III).**
- B. Insofar as practical, side lot lines shall be at right angles to straight streets and radial to curved streets.**
- C. Where additional right-of-way has been required to bring existing right-of-ways up to standard, lots shall begin at the proposed right-of-way line and all setbacks shall be measured from that line.**
- D. For proper development of the land within the Township, lots shall have an average length no greater than 250% of the average width, except where the width exceeds three times the zoning requirement.**
- E. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or where percolation tests or test borings show the ground conditions to be inadequate for proper on-lot sewage treatment, the Planning Board may, after adequate investigation, withhold approval of such lots. If approval is withheld, the Planning Board shall specify the reasons for such denial in the minutes.**

#### **Section 5.8     Natural Features**

The important natural features of a site shall be preserved in the design of all subdivisions. Natural features which shall be protected include the natural terrain, wetlands, wooded areas, vistas, natural drainageways, and lakes. A developer shall only be permitted to significantly alter or encroach on the existing natural features if the Planning Board is convinced that the alteration is the minimum necessary to allow the use of the land for the intended purpose and that there are no alternative to the subdivision design which would eliminate or mitigate any adverse impact on natural features.

#### **Section 5.9     Trees**

- A. The clearing of woodland shall be strictly controlled. The stripping of trees from a lot and the filling, or the alteration of the water table in wooded areas shall be prohibited except if an extensive replacement tree planting program has been approved by the Township Planning Board. All subdivisions and developments shall be designed to have minimal impact on existing woodland. The siting of structures shall be such as to preserve the maximum number of trees over 15" in diameter and all trees over 24" in diameter.**
- B. Shade Trees. In all major subdivisions, shade trees shall be provided along the road frontage. Two (2) trees properly planted, staked, and fertilized shall be provided for every one hundred (100) feet of road frontage except if an equivalent number of trees are preserved within fifty (50) feet of the right-of-way. All shade trees shall meet the following requirements:**

1. Trees shall be a deciduous variety (oak, hard maple) native to the area and shall be approved by the Planning Board.
2. Trees shall be nursery grown and shall have a minimum caliper of one and one-half (1 1/2) inches measured three feet above the ground.
3. Trees shall be planted where required by the Planning Board in a planting strip ten (10) feet from the edge of the shoulder when the road has been designed according to the approved cross-sections.

#### Section 5.10 Top Soil Protection

No top soil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed within the subdivision so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

#### Section 5.11 Pedestrian Circulation

- A. A pedestrian circulation system shall be provided for all major subdivisions over twenty (20) lots, and may be required whenever an interior street system is utilized. The system shall include sufficient sidewalks and interior walkways to provide safe pedestrian movement between residential units and to provide access to environmental amenities, recreation areas, and other forms of pedestrian attraction within, adjacent to, or in close proximity (1/2 mile) of the site. The circulation system shall connect with any existing or proposed adjacent developments and may or may not be related to the street system. The Township Planning Board shall review and approve the proposed circulation system.
- B. In all major subdivisions, sidewalks shall be required along both sides of roads classified as Township Collectors or County-Local roads.
- C. Whenever a pedestrian circulation system is not required, the following design standards shall apply:
  1. Sidewalks may be required by the Planning Board along both sides of Cul-de-Sacs, Loop Streets, and Minor Collectors.
  2. When the subdivision is within 1/2 mile of a pedestrian attractor which includes commercial establishments, municipal or governmental offices, schools, place of worship, post offices and recreation areas, sidewalks shall be required to allow pedestrian movement to such facilities.
  3. Sidewalks or interior walkways may be required to provide access to environmental amenities within or adjacent to the subdivision.

4. The Planning Board may require sidewalks on both sides of a street near intersections or at such other locations due to pedestrian safety considerations.
  5. Sidewalks shall not be required in zones where the minimum lot width is in excess of one hundred fifty (150) feet.
- D. In minor subdivisions, sidewalks shall be required when the subdivision is located immediately adjacent to an area where sidewalks are currently provided, where installation of sidewalks is imminent, or where a utility section of the Master Plan indicates the planned development of walkways.
  - E. Construction. Where required, sidewalks shall be set back three (3) feet from the edge of the improved road and shall be four (4) feet wide and four (4) inches in thickness. Sidewalks shall be concrete or an equivalent approved by the Planning Board and shall be constructed in accordance with the specifications of the New Jersey State Highway Department. Walkways within the open space reserved under the cluster option shall be limited in scale and shall be composed of material compatible with the natural character of the area.

#### Section 5.12 Street Lighting

Street lighting shall be provided in accordance with the recommendations of the Township Engineer and as required by the Township Planning Board. Adequate lighting shall be provided at all intersections and along all roads classified as Township Collectors. The developer shall pay to the Township the costs of operation of said street lights (as determined by the standard rates of the utility) until the street upon which said street lights are installed is accepted by ordinance of the Township Committee as a public street.

#### Section 5.13 Public Utilities

- A. All public services shall be connected to an approved public utilities system, where one exists. Prior to the granting of final approval, the subdivider shall submit three (3) copies of a final plat showing the installed location of these utilities as well as a written instrument from each serving utility which shall indicate compliance with this Section.
- B. For all major subdivisions, the subdivider shall arrange with the serving utility for the underground installation of the utilities distribution supply lines and service connection. Service connections shall be made underground for all minor subdivisions whenever the supply lines that serve the lands are underground. Subdivisions which abut existing streets where overhead electric or telephone distribution supply lines have heretofore been installed shall have future service connections installed underground. Whenever the widening or extension of a street requires the replacement or relocation of utilities, such replacement or relocation shall be underground. Common trenches shall be utilized by utilities where practical.

- C. In large scale development, easements along rear or side property lines may be required. Such easements shall be at least twenty (20) feet wide and to the extent possible, be centered on or adjacent to rear or side lot lines.

#### Section 5.14 Street Signs

Street signs shall be metal posts of the type, design, and standards utilized elsewhere in the Township. The location of the street signs shall be determined by the Planning Board but there shall be at least two (2) street signs at each intersection. All street signs shall be located free of visual obstruction.

#### Section 5.15 Monuments

Monuments shall be installed in compliance with the requirements of N.J.S.A. 46:23-9.11(9). All lot corners shall be marked with a durable metal alloy pin.

### ARTICLE III OFF-TRACT IMPROVEMENTS

(Reserved)

### ARTICLE IV - PERFORMANCE, INSTALLATION AND ACCEPTANCE OF IMPROVEMENTS

#### Section 5.16 Performance Guaranties

No final plat shall be approved by the Planning Board until completion of all such required improvements as set forth in the resolution granting preliminary approval shall have been so certified to the Planning Board by the Township Engineer, unless the subdivider or subdivision owner shall have filed with the Township a performance guaranty sufficient in amount to cover the cost of all such improvements or the uncompleted portions thereof as established by the Township Engineer, guaranteeing the installation of such uncompleted improvements on or before a date to be specified by the Planning Board.

- A. Form. The performance guaranty shall be in the form of one of the following:
1. Corporate surety bond furnished by a bonding or surety company authorized to do business in the State of New Jersey;
  2. Certified or cashier's made payable to the Township;
  3. Certificate of deposit in a recognized banking institution which can be withdrawn only after action by the Township Committee determining that the requirements of final approval have been fulfilled and which may be claimed by the Township in the event such requirements are not met;

4. Letter of credit from a recognized banking institution;
  5. Any other form approved by the Township Solicitor.
  6. Up to 10% may be required by the Planning Board in the form of cash.
- B. Procedure. All performance guaranties shall be submitted to the Secretary of the Planning Board who shall forward a copy to the Township Engineer and Township Solicitor. The Township Engineer shall determine that the performance guaranty is in sufficient amount to assure the completion of all required improvements and the Township Solicitor shall notify the Planning Board as to the acceptability of the performance guaranty in terms of form and execution. Upon the granting of final plat approval and after receipt of an approved final plat, the Secretary shall forward any performance guaranty posted with and accepted by the Planning Board to the Township Clerk for filing. The Planning Board Secretary shall maintain a record of all surety bonds received by the Township in connection with subdivisions and shall, within ninety (90) days of the expiration of any surety bond, notify the Township Committee of said pending bond expiration. Copies of said notice shall be sent to the Township Clerk, Township Solicitor, and Township Engineer.
- C. Such performance guaranties shall run for a period to be fixed by the Planning Board but in no case for a term of more than three (3) years. However, with the consent of the obligor and the surety, the Township Committee may, by resolution, extend the term of such performance guaranty for an additional period not to exceed three (3) years. The amount of the performance guaranty may be reduced by the Township Committee by resolution when portions of the required improvements have been installed. If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the municipality for the reasonable cost of improvements not installed.
- D. Release of any performance guaranty posted in connection with a development shall be in accordance with the provisions of N.J.S.A. 40:55D-53.

#### **Section 5.17 Maintenance Guaranties**

All developers shall execute a maintenance guaranty and post said guaranty with the Township in a surety for the maintenance and repair of all improvements required to be installed by the developer except when the cost of said improvements is less than ten thousand dollars (\$10,000). The maintenance guaranty shall be for a period of two (2) years from the date of final acceptance of the improvements by resolution of the Township Committee, and its amount shall be equal to ten percent (10%) of the Township Engineer's estimate of the cost of construction of the required improvements. The maintenance guaranty shall apply to such repairs as may be necessitated by substandard original construction or by damage by the developer in the course of development of the subdivision.

- A. The maintenance guaranty shall be in a form as provided in Section 5.16 (A).
- B. All maintenance guaranties shall be submitted to the Township Clerk who shall forward a copy to the Township Engineer and Township Solicitor. The Township Engineer shall determine that the maintenance guaranty is in sufficient amount to assure the completion of all required improvements and the Township Solicitor shall notify the Township Committee as to the acceptability of the maintenance guaranties in terms of their form and execution.
- C. Upon acceptance of the maintenance guaranty, the Township Clerk shall notify the Secretary of the Planning Board, who shall maintain a record of all surety bonds received by the Township in connection with developments in accordance with the provisions of Section 5.16 (B).
- D. The release of a maintenance guaranty shall be by resolution of the Township Committee, after recommendation of release by the Township Engineer.

#### Section 5.18 Inspections

All of the required improvements of a development shall be inspected during the time of their installation by the Township Engineer to insure satisfactory construction.

- A. Notice. The Township Engineer shall be notified at least seven (7) days prior to the start of construction and at least two (2) days before each stage of construction. No underground installation of any type shall be covered until inspected and approved by the Township Engineer. In no case, shall any paving work be done without permission from the Township Engineer's office so that he or a qualified representative may be present at the time work is to be done. The Township Engineer's office shall be notified after each phase of work has been completed (i.e. road subgrade, curb forms, curbing etc.) so that he or a qualified representative may inspect the work.
- B. A final inspection of all improvements and utilities will be started within ten (10) days notification by the developer to determine whether the work is in agreement with the approved final plat plans, and Township specifications. Upon a final inspection report, action will be taken to release or declare in default any performance guaranty concerning such improvements. Inspection by the Township of the installation of improvements shall not operate to subject the Township to liability, suits, and claims of any kind that may at any time arise because of defects or negligence during construction.



## ARTICLE V - VIOLATIONS

### Section 5.19 Penalty

- A. 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 by this Ordinance pursuant to the Municipal Land Use Law, such person shall be subject to a penalty not to exceed one thousand dollars (\$1000) and each lot disposition so made may be deemed a separate violation.
- B. In addition to the foregoing, the municipality may institute and maintain a civil action: 1) for injunctive relief, and 2) to set aside and invalidate any conveyance made pursuant to such contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56. In any such action the transferee purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase prices paid, and also a reasonable search fee, survey expense, and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer; sale, or conveyance of said land or within six (6) years, if unrecorded.

CHAPTER VI - MISCELLANEOUS PROVISIONS

ARTICLE I - REPEALER

All provisions of any Ordinance of the Township of Elsinboro which are contrary to the provisions of this Ordinance, shall be and are hereby to the extent of such inconsistency repealed.

ARTICLE II - BUILDING APPLICATIONS

All applications for development filed prior to the effective date of this Ordinance may be continued according to procedures and the schedules in effect at the time of filing of said applications, but any appeals arising out of decisions made on such applications shall be governed by the provisions of this Ordinance.

ARTICLE III - SEVERABILITY OF PROVISIONS

If the provisions of any chapter, article, section, subsection, or clause of this Ordinance, shall be judged invalid by a court of competent jurisdiction, such court or judgment shall not affect or invalidate the remainder of any chapter, article, section, subsection or clause and to this end all provisions of this Ordinance are hereby declared to be severable.

ARTICLE IV - FILING

Immediately upon the adoption of this Ordinance, the Municipal Clerk shall file a copy of this Ordinance with the Salem County Planning Board as required by law.

ARTICLE V - EFFECTIVE DATE

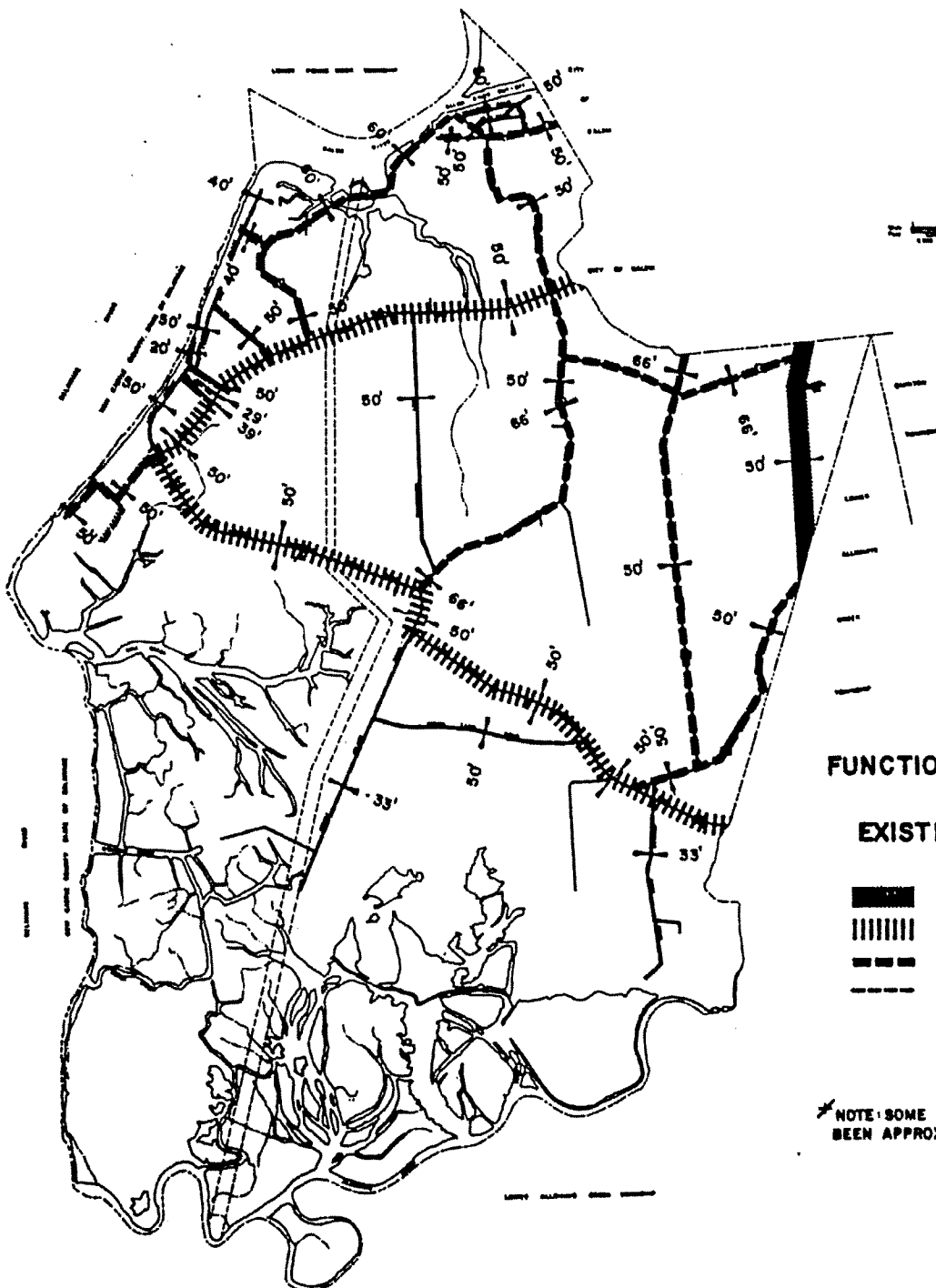
This Ordinance shall take effect upon the filing thereof with the County Planning Board, after final passage, adoption and publication in the manner prescribed by law.

Dated: \_\_\_\_\_, 1979.





\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
Clerk



**FUNCTIONAL CLASSIFICATION  
AND  
EXISTING RIGHT OF WAYS**

-  **MAJOR COLLECTOR**
-  **MINOR COLLECTOR**
-  **COUNTY-LOCAL**
-  **TOWNSHIP (IMPROVED)  
RIGHT OF WAY**

\*NOTE: SOME RIGHT OF WAYS WIDTHS HAVE  
BEEN APPROXIMATED FOR GRAPHIC PURPOSES.

**MAP 7**

**ELSINBORO TOWNSHIP**

SALEM COUNTY NEW JERSEY  
DESIGNED BY SALEM COUNTY PLANNING DEPT.