

PARTICIPANT SURVEY



SUSTAINABLE AND RESILIENT COASTAL COMMUNITIES
Little Egg Harbor/Tuckerton Community Focus Group Meeting
Building Guidelines

Thursday, November 8, 2017

Jacques Cousteau Coastal Center
130 Great Bay Boulevard, Tuckerton

PARTICIPANT SURVEY

Introductions

- Do you live in a floodplain?

- Were you affected by Sandy?

- What non-personal factors may affect your decision to stay in the area? (circle all that apply)

- Another storm
- Regular nuisance flooding that affects normal life
- Change in affordability of taxes/housing
- Flood insurance requirements/affordability
- Change in character of building stock
- Change in access to marinas, lagoons, bay
- Change in demographics
- Change in traffic/density/population
- Other _____

- What is your biggest concern about living near the coast in the future?

LITTLE EGG HARBOR TOWNSHIP
MASTER PLAN

Redlined/Annotated

1999 Master Plan
Little Egg Harbor Township
Ocean County, New Jersey

ADOPTED BY RESOLUTION OF THE LITTLE EGG HARBOR TOWNSHIP
PLANNING BOARD ON MAY 6, 1999

PREPARED FOR: LITTLE EGG HARBOR TOWNSHIP PLANNING BOARD

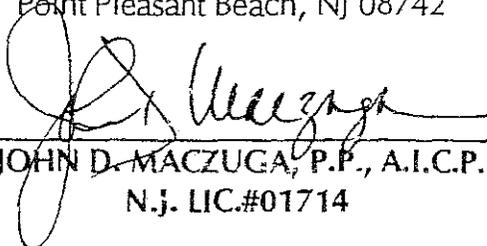
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Consider adding a "Resiliency Plan," and a "Capital Improvement Plan" based on the information from the Master Plan Re-examination Report (2016) and the Strategic and Resilient Coastal Communities (SRCC) Project

Exhibits

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Every exhibit is outdated and needs to be updated to reflect the most current information available

Exhibits (continued)

Exhibit 12	Current and Projected Population
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Exhibit 14	Inventory of Township Schools
Exhibit 15	Fire District Personnel and Equipment
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Revise to shown current information about
Flood Prone Areas



References

Introduction

Little Egg Harbor Township is a 49.5 square mile municipality located in southeast Ocean County. Little Egg Harbor Township is bordered on the north and east by Stafford and Eagleswood Townships, on the south by the Little Egg Harbor and Great Bay and on the west by Bass River Township in Burlington County. The Borough of Tuckerton is located wholly within Little Egg Harbor Township in the southeastern sector of the Township.

Master Plan 1999, Re-Examination Reports in 2007 and 2015

~~The Township's most recent Master Plan was prepared and adopted by the Planning Board in December 1993. In 1982 and 1988, the Planning Board reexamined its Master Plan and Ordinances as part of a continuing planning process. The 1988 Reexamination Report was the foundation for various revisions to the Township Zoning Ordinance and the Zoning Map. The 1982 Master Plan revision consisted of the necessary amendments to the Zoning Ordinance and Map for consistency with the Pinelands Comprehensive Management Plan. Prior to the Pinelands revisions, Little Egg Harbor Township adopted a comprehensive Master Plan on June 20, 1978, with an amendment on December 20, 1978.~~

This document does not change or otherwise modify the Master Plan of the Township for the Pinelands portion of the Township as adopted in 1982. This Master Plan pertains only to the non-Pinelands area of the Township.

~~The Recreation Plan Element of the Master Plan adopted by the Planning Board on October 22, 1997 is not modified by this document and remains in full force and effect.~~

In 2002, Little Egg Harbor Township adopted an Open Space Recreation Plan (OSRP), as an update to its 1997 Recreation Plan.

With the exception of the Housing Element, which is to be prepared and adopted as a separate document and the Recreation Plan, this Master Plan represents the complete guide to the use of lands within the Township in a manner which protects public health and promotes the general welfare.

Add statement about the impact of Superstorm Sandy on the Township's land use and development, based on information from the 2015 Master Plan Re-Examination Report



Impacts of Hurricane Sandy

Hurricane Sandy struck the coast of New Jersey on October 29, 2012, and caused extensive damage to the Township of Little Egg Harbor from both storm surge and wind damage. The township reported that approximately 4,000 residential properties and a number of small retail businesses and marinas suffered damage. Additionally, the township reported that seven roadways were damaged, and that electricity, water and sewer service were disrupted. Hurricane Sandy also resulted in damage to community facilities, including the Little Egg Harbor Township Community Center and Parkertown Dock. Trees and power lines also fell throughout the township.

Despite the extent of damages the Township of Little Egg Harbor sustained from Hurricane Sandy, existing land use patterns and prevailing land uses are not anticipated to substantially change. The long-term impacts of Hurricane Sandy will be affected by a variety of factors including insurance payouts, flood insurance regulations, as well as the ability for residents, businesses, and the township to rebuild.

With the impacts of Hurricane Sandy so great, the Township of Little Egg Harbor has significant concern and reason for promoting not only recovery from Sandy, but also building resiliency to future storm impacts and other potential natural hazards. While the current 2015 Master Plan Reexamination Report is broad in scope, the experience of Hurricane Sandy and the need to build resiliency has influenced and informed its preparation.

Add statements about

- Issues the Township faces associated with sea-level rise and coastal storms; and
- how the traditional police powers form the foundation for land use management and zoning regulation (i.e. protect public health, safety and welfare).

Chapter 1: Historic Development

Little Egg Harbor Township was created by the New Jersey Legislature in 1841. The original municipal boundaries included a part of Long Beach Township and the area of Tuckerton Borough. During most of the latter half of the 1800's, Little Egg Harbor Township was part of Burlington County. Largely for political reasons, the boundary of Burlington and Ocean Counties was realigned by the State Legislature in 1891 to move Little Egg Harbor Township into Ocean County. Tuckers Beach, an area of Long Beach Township, was separated by the New Jersey Legislature from Little Egg Harbor in 1899. The area now known as Tuckerton Borough was incorporated as a separate municipality in 1901.

The Township's earliest settlers were Quakers who built a Meeting House in Tuckerton in 1702. In the late 18th century, Tuckerton was a major seaport for the eastern seaboard and became the nation's second port of entry to have a US Customs House. However, starting about 1825, with the opening of the Erie Canal and the construction of larger ships requiring deeper water, the port-related business of Tuckerton began to decline.

The Township began to develop a reputation as a resort community in the late 1880's. In that time, the railroad played a role in transporting summer visitors to the seasonal accommodations of their day. In the 1950's, the opening of the Garden State Parkway opened the area to development of summer homes in the Mystic Island area. While the Parkway continues to bring in many summer visitors, the toll road has also become a major commuter route transforming the character of the municipality into a year-round community. The development of Atlantic City as a casino gambling resort of national renown has brought major employment opportunities for many residents.

Add information about how this and other shore industry has been impacted in the past two decades.

New land use maps are needed that show current Land Use Patterns, as well as center boundaries, flood zones, environmentally-sensitive areas, and other information that could help guide municipal land use decisions

Chapter 2: Existing Land Use

The Existing Land Use Map, Figure One, portrays the current land use in Little Egg Harbor Township as of December 31, 1997. ~~The map and Exhibit 1 were based on the Little Egg Harbor Township tax duplicates, which were finalized in December 31, 1997, and field checked.~~ The most obvious characteristic of the existing land use in Little Egg Harbor Township is the amount of Federal and State lands, which are maintained for conservation purposes. The lands in Little Egg Harbor owned by the Federal government are a component of the Forsythe National Wildlife Management Refuge, which consists of 19,384 acres in Ocean County. The State lands consist of Division of Fish, Game and Wildlife parcels and Division of Parks and Forestry properties. The Parks and Forestry lands are part of the Bass River State Forest. Exhibit 1 depicts the existing land use acreage of Little Egg Harbor Township for 1998. Exhibit 2 provides a comparison of land use categories for 1977 and 1998. The latter exhibit shows how the land use in the municipality has changed during the last 20 years as population has increased. The information in the two exhibits is discussed below in further detail.

Land Use Analysis

Single Family Residential

Single family residential land use accounted for 2,216 acres in 1998, or 7% of the town's land area and 48% of all developed areas. The major areas of single family uses are the older and densely developed areas of Mystic Island and Parkertown and the newer larger-lot developments along Stage and Nugentown Roads. Little Egg Harbor also contains a major senior citizen development named Mystic Shores, which is north of the Mystic Island

area and has a main access roadway on Mathistown Road. Land devoted to single family residential land use more than doubled since the date of the last land use survey, increasing from 1,079 acres to the 2,216 acres.

Exhibit 1

Existing Land Use Little Egg Harbor Township 1998

LAND USE	ACREAGE	PERCENT OF * DEVELOPED LAND	PERCENT OF TOTAL LAND
RESIDENTIAL SINGLE FAMILY	2,216	47.9	7.0
RESIDENTIAL MULTI-FAMILY	223	4.8	0.7
COMMERCIAL	292	6.3	0.9
INDUSTRIAL	247	5.3	0.8
SCHOOLS	162	3.5	0.5
RECREATION	171	3.7	0.5
SEMI-PUBLIC	37	0.8	0.1
STREETS AND ROADS	1,282	27.7	4.0
PUBLIC PROPERTY (FED., STATE, CTY, MUNICIPAL)	18,931	—	59.9
FARM QUALIFIED	391	—	1.2
VACANT	7,728	—	24.4
TOTAL	31,680	100.0	100.0

*Total Developed Area = 4,630 acres or 14.6% of the total area.

Multifamily Residential

Multifamily residences totaled 223 acres in 1998, which is less than 1% of the land area and about 5% of the developed lands. Multifamily development, defined as three or more units in a building, is located almost exclusively along Radio Road and Center Street. Many of these developments were constructed in the 1980's. They include Tavistock (not fully completed), Walnut Estates, Harbor House, Park Plaza (the senior apartments on Mathistown Road), and Holly Lake. Since 1977, multifamily land use increased from 14 acres to the current figure of 223 acres. The newest multifamily development, Royal Timbers on Center Street, is not included in the above figure since construction commenced after the tax assessment data was tabulated.

Commercial

Commercial land use accounted for less than 1% of total land area and 6% of developed lands in 1998 in Little Egg Harbor Township. Commercial uses are generally located along Route 9, Radio Road and North Green Street (County Route 539). This sector has grown by 90 acres, a 45% increase, since 1977. However, growth in commercial acreage had not kept pace with growth in residential acreage, which doubled over the same time period.

Industrial

Industrial land use, which comprised 247 acres in 1998, was devoted to mostly gravel operations. There are very few industrial uses in Little Egg Harbor, most of which are categorized as light industrial. Similar to the commercial-business sector there has been very little growth in the industrial land component over the past 20 years.

Exhibit 2

LAND USE ANALYSIS LITTLE EGG HARBOR TOWNSHIP 1977 TO 1998

LAND USE	1977 ACRES	1998 ACRES
RESIDENTIAL SINGLE FAMILY	1,079	2,216
RESIDENTIAL MULTI-FAMILY	14	223
COMMERCIAL	202	292
INDUSTRIAL	186	247
SCHOOLS	—	162
RECREATION	179	171
SEMI-PUBLIC	16	37
STREETS AND ROADS	1,145	1,282
PUBLIC PROPERTY (FED., STATE, CTY, MUNICIPAL)	8,091	18,931
FARM QUALIFIED	—	391
VACANT	20,768	7,728
TOTAL	31,680	31,680

Schools

The four schools in the Township are: Mitchell Elementary; Frog Pond Intermediate; Pinelands Regional Middle; and Pinelands Regional High School. Schools comprised 162 acres in 1998, or 3.5% of the total developed area of the Township.

Recreation

Recreational uses such as the Atlantis Golf Course (Ocean County), Mystic Ballfield, Parkertown Docks and Parkertown Park (Ocean County) comprised 171 acres in 1998, or 3.7% of the total developed area of the Township.

Semi public

Churches and other charitable land use accounted for 37 acres in 1998 or less than 1% of the developed land area.

Streets and Roads

Land devoted to public streets and roads throughout the Township comprised 1,282 acres in 1998, or 4% of all land area and 28% of all developed lands. The 1998 acreage is up only slightly from the 1977 figure.

Public Lands

Public lands, properties owned by Federal, State and municipal government for wildlife conservation and government facilities totaled 18,931 acres in 1998, or 60% of the Township. The State of New Jersey and the US Government own the bulk of these properties for wildlife conservation purposes. The public property in the northern part of the Township is primarily in the hands of the NJ Department of Environmental Protection, while the tidal marsh areas along the bay are owned by both the State and Federal agencies. Based on the last comprehensive land use survey, it appears that there have been significant land acquisitions during the past 20 years by the State and Federal governments.

Farmland Qualified Lands

Farmland qualified parcels are lots which have been determined by the Tax Assessor to meet all of the criteria for a farmland assessment and qualify for a lower property tax assessment. There were 10 farmland qualified parcels in Little Egg Harbor in 1998, which

totaled 391 acres. There were no farmland qualified lands noted in the 1977 land use survey.

Vacant Re-evaluate the areas described as vacant developable lands to correspond with known flood zones. This will enable the Township to identify growth redistribution opportunities.

Vacant lands are privately owned parcels lacking building structures or developments. In 1998 there were 7,728 acres of vacant land, comprising 24% of the total land area of the municipality, compared to 20,768 acres in 1977. Much of this previously vacant land was acquired by the Federal and State governments over the past two decades. Some vacant land also was taken up by new development activity in the Township.

Chapter 3: Demographics All data and tables need to be updated

Population

The population of Little Egg Harbor Township increased by 57%, from 8,483 persons to 13,333, between 1980 and 1990. During this same time period, the population of Ocean County grew by 25%, while the State grew by 5%. In the 1990's, the population growth within the Township has slowed considerably. From 1990 to 1997, the Little Egg Harbor population grew 6%, slightly below the County rate of 8%, and slightly above the State rate of 4%. The latest population estimate of Little Egg Harbor Township, prepared by the Ocean County Planning Board in July 1997, indicated there are 14,146 persons living in the Township. The population growth trends for Little Egg Harbor Township, Ocean County, and the State of New Jersey for the years 1970 through 1997 are shown in Exhibit 3. Exhibit 4 provides a historical perspective of population trends in the Township, from 1930 to 1997.

Percent Population Growth: 1970-1997; Little Egg Harbor Township, Ocean County, and New Jersey

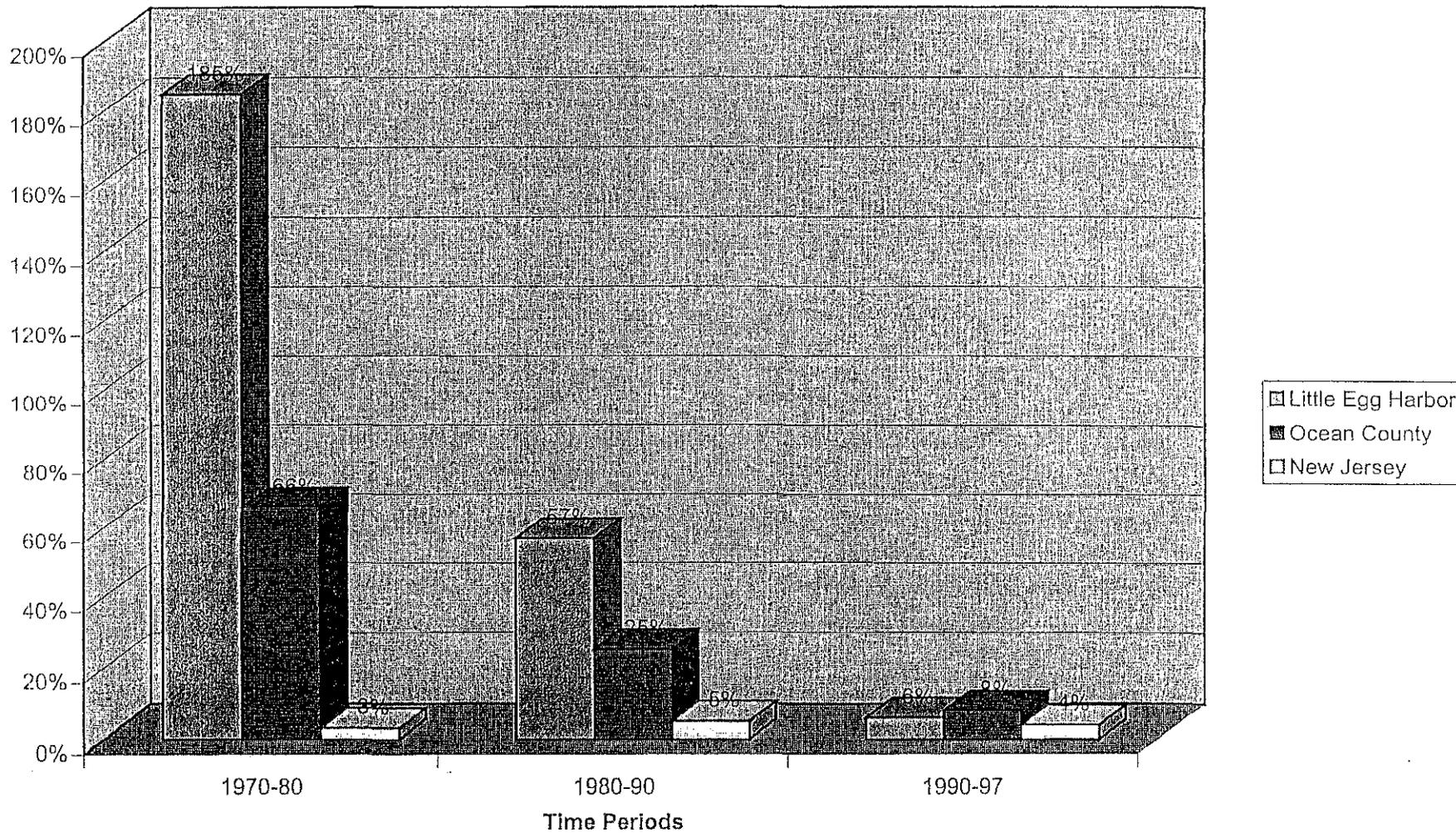
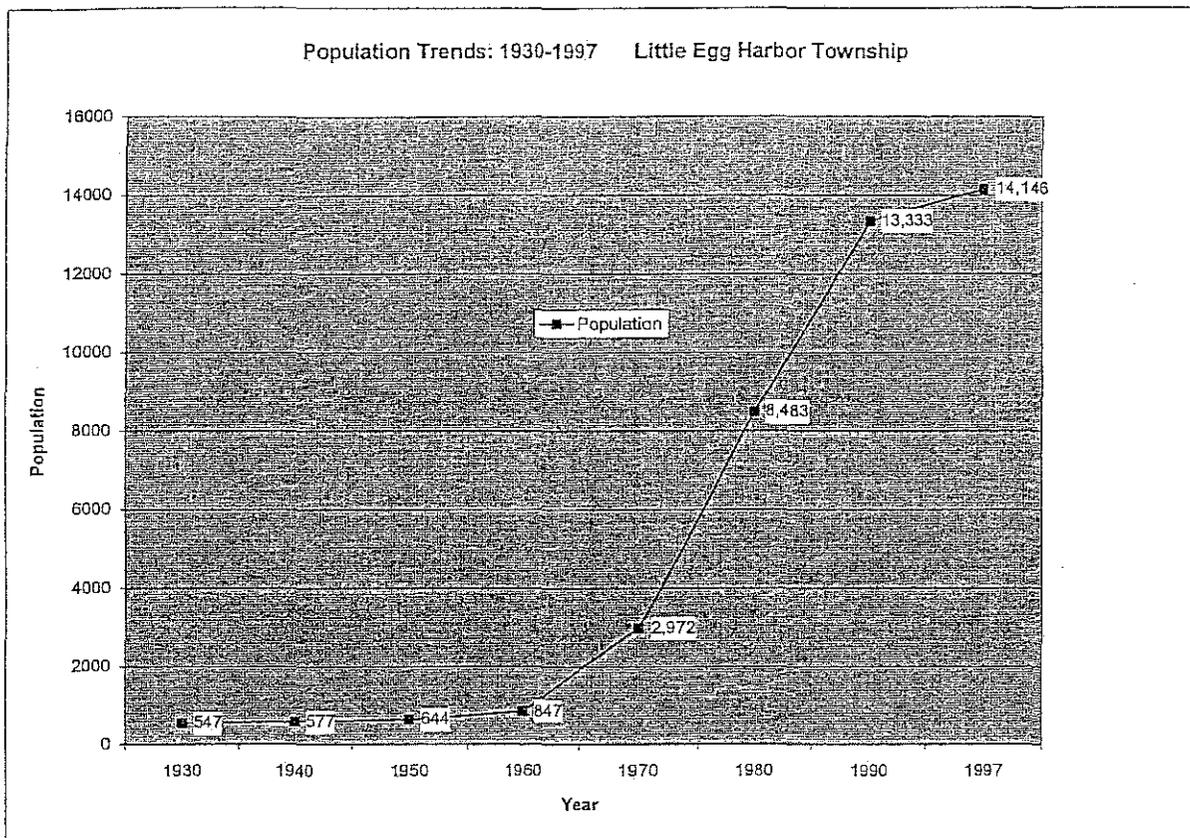


Exhibit 4



Source: Ocean County Planning Board and the US Census.

Age

The age distribution of the population of Little Egg Harbor Township and Ocean County in 1990 is depicted in Exhibit 5. The residents of Little Egg Harbor are slightly younger than the County average, based on a comparison of median age. The distribution of age groups changed little from 1980 to 1990, as shown in Exhibit 6. The local proportion of the working population, which supports the youth and elderly, is slightly higher than the County population. At the time of the 1990 Census, the working age population in Little Egg Harbor made up 58% of the local residents compared to 54% in the County.

Exhibit 5

AGE CHARACTERISTICS
LITTLE EGG HARBOR TOWNSHIP AND OCEAN COUNTY
1990

AGE GROUP	LITTLE EGG NUMBER	HARBOR TWP PERCENT	OCEAN NUMBER	COUNTY PERCENT
< 5 YEARS	1,044	7.8	28,816	6.7
5-17 YEARS	2,255	16.9	69,349	16.0
18-24 YEARS	1,022	7.7	34,378	7.9
25-44 YEARS	4,063	30.4	121,929	28.2
45-54 YEARS	1,305	9.8	39,066	9.0
55-59 YEARS	615	4.6	17,105	3.9
60-64 YEARS	761	5.7	22,152	5.1
65-74 YEARS	1,462	11.0	55,703	12.9
75-84 YEARS	651	4.9	35,892	8.3
85+ YEARS	155	1.2	8,853	2.0
TOTAL	13,333	100.0	43,3203	100.0
MEDIAN AGE	35.3		38.5	

Source: 1990 Census

Exhibit 6
AGE GROUP DISTRIBUTION
LITTLE EGG HARBOR TOWNSHIP
1980 AND 1990

	PRESCHOOL		SCHOOL AGE		WORKING AGE		SR CITIZEN	
	#	%	#	%	#	%	#	%
1980	584	7	1,571	18	4,845	57	1,483	18
1990	1,044	8	2,255	17	7,766	58	2,268	17

Source: 1980 and 1990 U.S. Census.

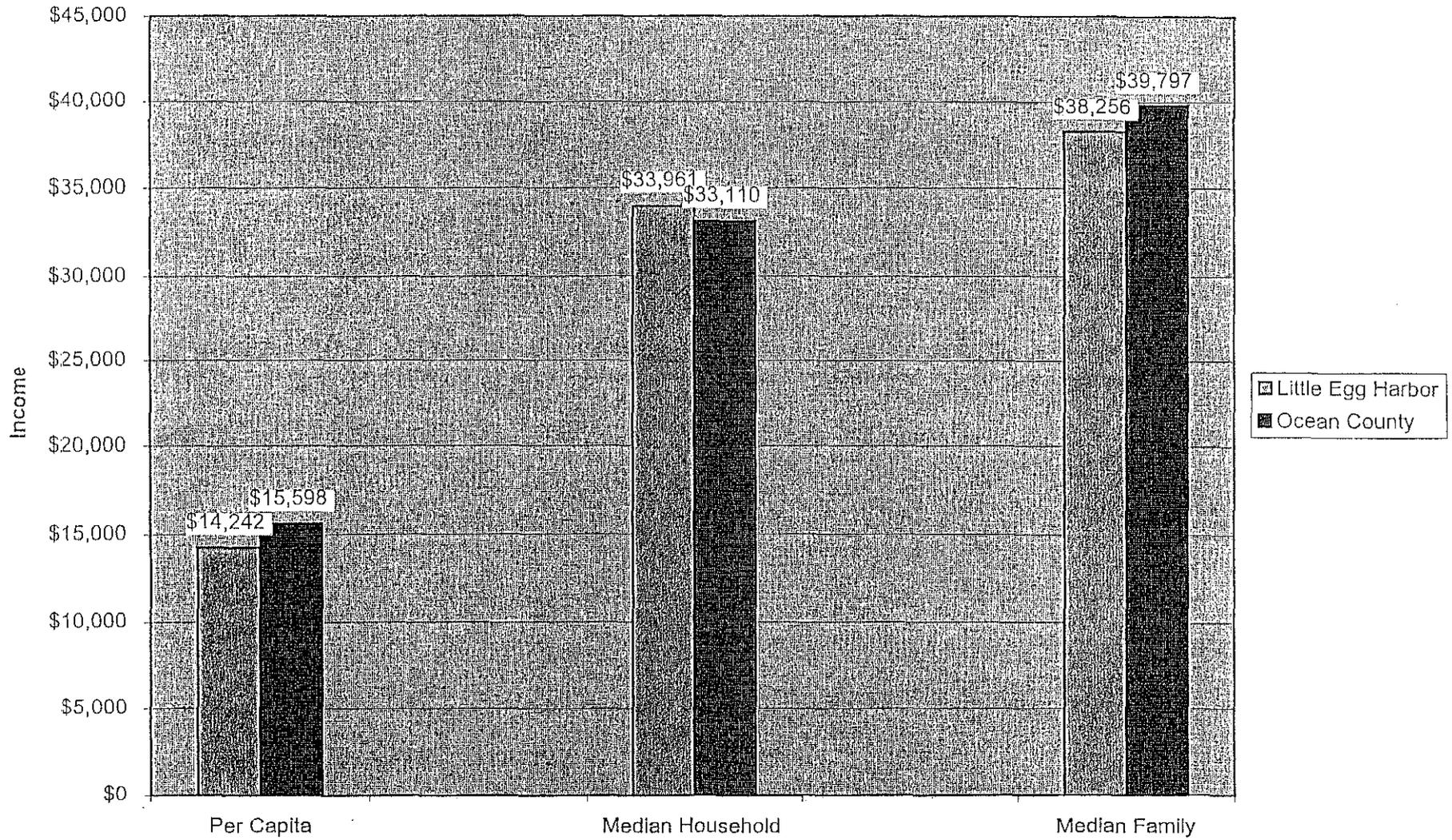
Households

In 1990, there were 4,962 households in Little Egg Harbor Township. The average household size was 2.66 persons per household, slightly higher than the County average of 2.54 persons per household.

Income

The median income level of Little Egg Harbor Township families and households was very comparable to that of Ocean County in 1990. According to the Census, the 1990 Little Egg Harbor Township median household income was \$33,961, the median family income was \$38,256 and the per capita income was \$14,242. Exhibit 7 compares the three measures of income for the Township and Ocean County.

Per Capita, Median Household and Family Income, 1990



Housing Element is separate document, but ensure that there are standards for flood protection in flood prone areas and require emergency access

Housing

Characteristics of the Housing Stock

From 1980 to 1990, total housing units in Little Egg Harbor Township increased by 45%, from 4,958 units to 7,194 units according to the Census. Year-round occupied housing units grew by an even-greater percentage, 59%, during the same time period. The percentage of vacant units, which includes seasonal units and homes for sale or rent, increased by 22%. However, the overall proportion of vacant housing stock decreased from 36% in 1980 to 31% in 1990, as shown in Exhibit #8.

Approximately 21% percent of the housing units were considered to be seasonal units by the US Census Bureau in 1990. Such housing, a total of 1,488 residences in 1990, represents potential for conversion to year-round housing. While some of the units may have been already converted to full-time use over the last eight years, the remaining units also could be converted to help accommodate future population growth. This conversion of seasonal units to year-round units represents an opportunity for the Township, since the Township would not have to build new housing units, new roads, or new utilities to accommodate new residents.

Exhibit 8

TOTAL AND OCCUPIED HOUSING UNITS LITTLE EGG HARBOR TOWNSHIP 1980 AND 1990

	1980 UNITS	1990 UNITS	PERCENT CHANGE, 1980-90
TOTAL HOUSING	4,958	7,194	45.1
OCCUPIED	3,131	4,962	58.5
VACANT	1,827	2,232	22.2

Source: 1980 and 1990 Census

Housing Type

In 1990, approximately 90% of the occupied housing units in Little Egg Harbor Township were single family detached units. The remaining 10% consisted of one unit attached, multiple dwellings (2+ units) and mobile homes. The two family or more housing type grew from 51 units in 1980 to 891 units in 1990, a 1600% increase, as shown in Exhibit 9.

Exhibit 9

TOTAL HOUSING UNITS
BY HOUSING TYPE
LITTLE EGG HARBOR TOWNSHIP
1980 AND 1990

YEAR	SINGLE FAMILY		TWO FAMILY OR MORE		TOTAL
	#	%	#	%	
1980	4,907	99	51	1	4,958
1990	6,303	88	891	12	7,194

Source: 1980 and 1990 Census

Ownership Status

Exhibit 10 identifies occupied housing units in Little Egg Harbor Township. The data indicates that in 1990, 82% of all occupied housing units were owner occupied. Renters occupied most of the multifamily housing types at the time of the Census.

Exhibit 10

OCCUPIED HOUSING UNITS
BY OWNERSHIP STATUS
AND UNITS IN STRUCTURE

LITTLE EGG HARBOR TOWNSHIP

1990

UNIT TYPE	OWNER OCCUPIED	RENTER OCCUPIED	TOTAL
DETACHED UNITS	3,852	595	4,447
ONE UNIT (ATTACHED)	149	138	287
2 UNITS	13	31	44
3-4 UNITS	11	18	29
5+ UNITS	26	123	149
MOBILE HOME/TRAILER	5	1	6
TOTAL	4,056	904	4,962

SOURCE: 1990 Census

Building Permits

Exhibit 11 shows the trend in the issuance of building permits for new dwelling units in Little Egg Harbor. An average of 175 dwelling units have been authorized each year by building permit between the years 1980 and 1997. As shown in the chart, 1986 was the peak year for new dwelling units, with 633 new residential units authorized by building permits. In 1997, 227 dwelling units were authorized by building permits, which is higher than the annual average. Since 1990, almost all of the new housing units have been single family type units, according to data from the New Jersey Department of Labor and Community Affairs.

Based on the number of building permits issued for new housing for the years 1990 through 1997, the estimated number of housing units for Little Egg Harbor Township was 7,924 as of January 1, 1998.

Future Population

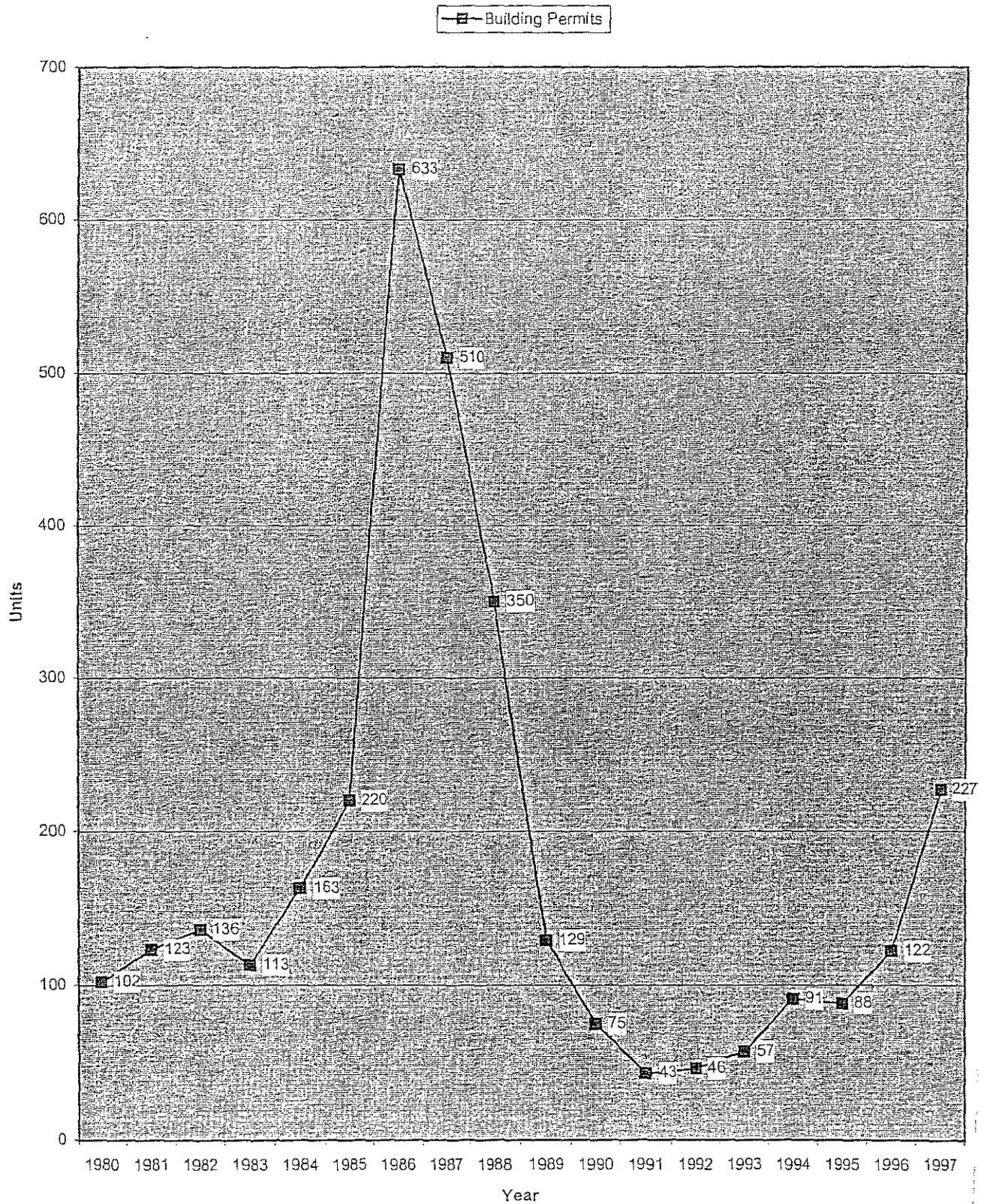
Population projections prepared by the Ocean County Planning Board, but not officially adopted, indicate that Little Egg Harbor Township is expected to have a population of 15,000 persons in the year 2000 and 17,500 by the year 2010. Since the population in 1997 was estimated to be over 14,000 persons, the year 2000 projection will likely be exceeded and the projected population of 17,500 in 2010 seems very conservative.

The Office of State Planning has also published population projections for Ocean County municipalities for the year 2010. The state figures, which were used in the Recreation and Open Space Element, forecast a population of 22,919 persons in 2010.

***2010 population was estimated at 20,065**

Exhibit 11

Residential Units Authorized by Building Permits, Little Egg Harbor Township: 1980-1997



For purposes of this plan a year 2004 population projection was calculated. The population projection for the year 2004 is based upon the average number of residential units authorized by building permits for the years 1980 through 1997 and an average household size of 2.66 persons per household from the 1990 Census. The building permits issued during the years 1986, 1987 and 1988 were removed from the computation of the average for 1980 – 1997 time period since an unusually large number of building permits were issued during these years. Building trends reveal that the Township housing stock has grown 2% per year over the past 18 years, excluding the years 1986 – 1988. The population projection assumes the Township will issue 115 permits per year over the next 6 years, for a total of 690 new dwellings. Based on a household multiplier of 2.66 persons per unit, an additional 1,835 persons should occupy these new units. The population projection is shown in Exhibit 12.

Exhibit 12

CURRENT AND PROJECTED POPULATION

LITTLE EGG HARBOR TOWNSHIP

<u>YEAR</u>	<u># PERSONS</u>
1990	13,333
1998*	14,365
2004**	16,200

* Population Estimate from the Ocean County Planning Board.

** Population Projections prepared by Bay Pointe Engineering Associates, Inc., Feb.1999.

Identify current efforts to address natural hazards and respond to risk, and consider gaps or overlaps between these current efforts and those that will be needed to address future conditions.

Chapter 4: Environmental Resources

Wetlands

One of the more significant regulatory developments in the State was the enactment of the Freshwater Wetlands Protection Act by the State of New Jersey in July 1987. Prior to 1987, property owners and developers had to comply with the regulations related to the Wetlands Act of 1970, which regulated activities only in tidally influenced wetlands. The Freshwater Wetlands Protection Act is a major modification in the planning and zoning approval process. The Act established a systematic review procedure for land use activities in and around freshwater wetlands under the purview of the New Jersey Department of Environmental Protection. Freshwater wetlands area boundaries and their respective buffer requirements are determined in the field by state officials and wetlands experts on a case-by-case basis. It is useful, however, for planning purposes to provide an overall map of Little Egg Harbor Township showing the boundaries of the freshwater wetland areas, based on state maps. **it is also important to provide current flood maps.** The location of wetlands and the statutory-established buffer areas is important, since this mapping shows areas off limits to development.

Figure 2 is a Wetlands Map compiled from NJ Department of Environmental Protection mapping in 1987. The NJDEP wetlands maps were prepared in 1986 by a consultant to the NJDEP from color infrared aerial photographs. The aerial photos are interpreted and verified by ground truthing. The maps are the most reliable and accurate data source available for wetlands on a statewide basis. They are, however, still only a planning tool and not a substitute for a site visit delineation, and NJDEP approval.

Wetlands are located throughout the Township along waterways such as the Wading River and Westcreek Creek in the Pinelands area, the Mill Branch and Gifford's Mill Branch of Tuckerton Creek, and tributaries to Parkers Run. The Giffords Mill Branch runs between Stage and Nugentown Road. The Mill Branch of the Tuckerton Creek is situated west of Route 539; generally parallel to the roadway.

Add additional info on wetlands from Vulnerability and Exposure Analysis (see following page*)

Flood Prone Areas Proper planning of flood prone areas can reduce or eliminate flood related risk to people and their property.

Flood prone areas are lands that are subject to flooding due to storm surges, high tides, stormwater runoff, inadequate drainage facilities and other reasons. Flood prone areas are mapped by the New Jersey Department of Environmental Protection and Figure 3 delineates these areas in Little Egg Harbor Township. Extensive portions of the Township lie within the flood prone area, particularly in the southern section, due to the low-lying nature of these areas. West of Route 9 and the Garden State Parkway, flood prone areas generally follow stream and creek corridors.

Over 34% of areas zoned for residential uses are located within the A, AE or VE zones (1% annual flood risk) in the Township and therefore are at considerable risk. 88% of the Township's Neighborhood Business district (14.1 acres) and 4% of the General Business district (50 acres) are located in the AE zone.

It is important to locate flood prone areas for planning purposes so that construction can be avoided or special restrictions can be attached to any approvals. Proper planning of flood prone areas can reduce or eliminate flood related risk to people and their property.

Adopt and regularly update floodplain management plan.

Developable Land

The existing land use study, discussed in the prior section, included an inventory of the privately owned vacant land in the Township. Privately owned vacant land consists of parcels which are available for future development because there are no improvements and because the property is not owned by a governmental agency. The existing land use study,

*wetlands serve several critical functions:

- they furnish essential spawning, foraging, and nesting habitat for fish, birds, and other wildlife.
- they function as the ecosystem's "kidneys," filtering contaminants, nutrients, and suspended sediments, allowing for higher water quality than would otherwise occur.
- they sequester more carbon than any other habitat in the watershed.
- they represent our first line of defense against storm surge and flooding.

-from the Little Egg Harbor Township Vulnerability and Exposure Analysis

Revise to address significant reduction in available vacant land due to 1. development over the past 20 years and 2. risks from flooding and coastal storms.

conducted in early 1998, revealed that there were 7,728 acres of privately owned vacant land. The proper planning of these areas is essential to the future of Little Egg Harbor Township. To determine the development potential of these vacant parcels, the vacant land map was overlaid with a map of the wetlands, which were mapped for the environmental resources section. Wetlands are the major constraint to development potential, since the Wetlands Act of 1970 and the Freshwater Wetlands Protection Act of 1987 prohibit construction in wetlands. The overlaying of the two maps produces a third map (Figure 4), which shows all developable lands. The map indicates the most significant concentrations of privately owned vacant developable lands of the Township. These include the Route 539 corridor and the area between Route 9, Leitz Boulevard and Mathistown Road. The developability analysis indicates that there are approximately 5,700 acres of privately owned vacant developable land in Little Egg Harbor in 1998. The amount of land equals about 18% of the total land area of the Township, which is more land than has already been developed to date.

Development Approvals

In order to assess future needs of the Township, including schools and municipal services, research was undertaken to inventory "approved but unconstructed" projects (i.e. projects which have development approval but are not yet built or developed). A review of the Township Clerk's log of development applications, data from the Ocean County Planning Board (OCPB) and consultation with the Township Zoning Officer was performed to prepare an inventory of "outstanding undeveloped projects". The analysis of County approvals after January 1, 1990 indicates that approximately 118 lots were approved but not developed to date. These lots are not likely to be developed because of the outstanding

approvals. The review of undeveloped projects indicates that approvals granted in the late 1980's have a higher rate of inactivity. Analysis of the Township log of development applications reveals almost 700 lots had been approved but have not been developed. The majority of these approved lots are in the "Cranberry Creek" project, which consists of 510 lots, located on Route 9 in the PRC Zone. In summary, the estimated number of approved but undeveloped lots is in the magnitude of 550 to 600 Lots.

Chapter 5: Current Zoning

Current Zoning

The existing zoning plan of Little Egg Harbor Township includes a range of residential and commercial districts to accommodate a variety of housing types and businesses. This section highlights the types of zones in the Township by area and location. Exhibit 13 provides a listing of each zone district. **Approximately 4,000 of the township's residential units were damaged during Hurricane Sandy.**

For flood prone areas and areas that may be at increased risk as sea levels rise, permitted uses should be appropriate under various sea level rise scenarios.

Residential

The residential zones range from the one unit per acre R-1A zone to the R-50 Zone, which permits a density of up to 7 units per net acre. Generally, the higher density residential zones are situated southwest of Tuckerton and the lower density residential zones are located between the Garden State Parkway, Route 539 and Route 9. The marsh areas along the Bay are zoned R-1A. However, most of this land is owned by the Federal Government. Approximately 18,000 acres in Little Egg Harbor Township are zoned for single family and multifamily residential use, representing 57% of the Township's total land area and 90% of the non-Pinelands area.

Business and Commercial

The business zones in the Township are the Highway Business (HB), General Business (GB), Neighborhood Business (NB), Special Business (SB) and Marine Commercial (MC). The zones are designed to address the different business types. The largest business zone by acreage is the GB zone, with 1,038 acres. The HB zone is along the southern segment of Route 9, while the GB zone is situated on Route 539 and the remaining sections of Route 9.

An Office/Professional Zone was established in the late 1980's along Mathistown Road to allow ratable development and preserve the aesthetic character of the properties fronting this roadway.

Industrial

There is only one type of industrial zone, the Light Industrial (LI) Zone. The two portions of this district are both located along Route 539. The LI Zone contains a total of 366 acres.

Planned Development Zones

The Township has two "planned development" zones, which allows some flexibility in the project layout, provision of community facilities and the location of open space. Each district requires a minimum of 100 acres for development. The two zones are the Planned Residential Development (PRD) and the Planned Retirement Community (PRC) zones. Mystic Shores was developed under the PRC provisions. The Planned Residential Development district is located on the east side of Route 539, just north of Tuckerton Borough. The PRC districts are situated in the southwest sector of the Township.

Pinelands

The northern portion of the Township, which is governed by the Pinelands Comprehensive Management Plan (CMP), comprises 37% of Little Egg Harbor Township, or 11,702 acres. The CMP has designated four (4) zone districts for this area, the majority of which are north of the Garden State Parkway. The largest zone district in land area is the Preservation Area, comprising 9,888 acres. The second largest zone is the Forest Area, with 1,431 acres.

Exhibit 13

ZONING DISTRICT ACREAGE LITTLE EGG HARBOR TOWNSHIP

Zone Districts	Acres	Percent of Total	Percent of Non-Pinelands Area
Forest Area	1,431	4.5	
Preservation Area	9,888	31.2	
Pinelands Village	149	0.5	
Forest Area Cluster	234	0.7	
R-1A Residential	11,056	34.9	55.3
R-400 Residential	175	0.6	0.9
R-200 Residential	2,570	8.1	12.9
R-150 Residential	110	0.3	0.6
R-100 Residential	636	2.0	3.2
R-75 Residential	296	0.9	1.5
R-75A Residential	652	2.1	3.3
R-70 Residential	32	0.1	0.2
R-50 Residential	1,365	4.3	6.8
Planned Resid. Commun.	664	2.1	3.3
Planned Resid. Dev.	281	0.9	1.4
Multi-Family	253	0.8	1.3
Neighborhood Business	17	0.1	0.1
General Business	1,038	3.3	5.2
Highway Business	128	0.4	0.6
Marine Commercial	80	0.3	0.4
Light Industry	366	1.2	1.8
Sr. Citizen/Gen. Business	4	0.0	0.0
Special Business	14	0.0	0.1
Waterfront Development	137	0.4	0.7
Office Professional	104	0.3	0.5
TOTAL	31,680	100.0	100.0

Source: Bay Pointe Engineering Associates, Inc., Nov. 1998

The Township Zoning Code should be amended to include implementation options from the Sustainable and Resilient Coastal Communities Final Report, including the following:

- o increasing or establishing freeboard requirements,
- o adjusting building setbacks, or
- o limiting building size and density.

Chapter 6: Community Facilities/Open Space

Schools

The school system in Little Egg Harbor Township consists of two (2) schools for kindergarten through grade 6 and two (2) regional schools for grades 7 through 12. The elementary schools are under the jurisdiction of the Little Egg Harbor Township Board of Education. These include George J. Mitchell School (K-2) located on North Green Street, and Little Egg Harbor Intermediate School (grades 3-6) on Frog Pond Road. The Pinelands Regional School District operates the Pinelands Middle School (grades 7 and 8) and High School (grades 9-12), both situated in Little Egg Harbor Township. The Pinelands Regional School District includes Little Egg Harbor, Tuckerton and Eagleswood Townships. Exhibit 14 lists the capacities of the two Township school facilities and the enrollment in 1998. The comparison indicates that there is some available capacity in the existing building facilities for enrollment increases.

Exhibit 14

LITTLE EGG HARBOR TOWNSHIP SCHOOL FACILITIES

SCHOOL NAME	GRADES	CAPACITY	ENROLLMENT
GEO. MITCHELL	K-2	843	653
L.E.H. INTERMEDIATE	3-6	1136	900
TOTAL		1979	1553

Source: Little Egg Harbor Board of Education, 3/31/98.

The Board of Education has proposed a 30,000 square foot addition to the Mitchell Elementary School, which will consist of twelve new classrooms. The classrooms are needed for a full time kindergarten program to begin in 1999. The proposal was approved as a bond issue question on the November 1998 ballot.

Library

A branch library of the Ocean County Library system is located at 290 Mathistown Road. The facility, which opened in April 1996, encompasses 10,000 sq. ft and contains 30,000 volumes. Patrons have exchange privileges with the main branch library in Toms River, as well as all other branches. The Little Egg Harbor Branch also carries 78 different periodicals and has a staff of 6 full-time employees and 8 part-time or student assistants. The Little Egg Harbor Branch is open 6 days a week, which includes two evenings. The Tuckerton Branch of the County Library system is located on Bay Avenue in Tuckerton, which is also accessible to Township residents.

Police Department

Little Egg Harbor Township has a fulltime police force consisting of 31 uniformed officers and 11 civilian employees. The police department is headquartered at the Township Building at **665 Radio Road** ~~7 Gifford Lane~~. Based on the Federal Bureau of Investigation standard of 2.0 officers per 1,000 persons, the current manpower is sufficient on both a year-round and seasonal basis. ~~The Township administration has determined the adequacy of the current department facilities should be reviewed and an evaluation is in the process of being completed.~~ Additional information about future plans for the space and facility needs is provided in the Community Facility Plan.

Fire Protection

Three volunteer fire districts protect residences and businesses in Little Egg Harbor. The Stafford Township based Warren Grove Fire Company provides fire protection service to the northern portion of the Township. Fire companies in adjacent towns provide backup aid for the districts. The fire companies rely on contributions from the general public and assistance from the municipality. The three districts in Little Egg Harbor are West Tuckerton; Mystic Island and Parkertown. Each district has its own building, equipment and vehicles. Data concerning each fire company capabilities and workload is provided in Exhibit 15. The West Tuckerton Fire District building is located at the intersection of Gifford Lane and Route 9 by the Township Municipal Building. The Mystic Island Fire Company Station is situated on Radio Road near the Mystic Island Ballfield. The Parkertown Fire Company building is located on Railroad Avenue. As noted above, the Warren Grove Fire Company is situated in Stafford Township and provides volunteer fire protection services for the Warren Grove area, which includes portions of Stafford and Little Egg Harbor Townships.

Exhibit 15

FIRE DISTRICT PERSONNEL AND EQUIPMENT LITTLE EGG HARBOR TOWNSHIP 1998

	<u>Mystic Island</u>	<u>West Tuckerton</u>	<u>Parkertown</u>
Active Members	31	25	15
Responses	175	200*	65
Pumpers	1	1	2
Aerial trucks	1	1	0
Brush trucks	0	0	0
Water Rescue Vehicle	1	1	0
Command Vehicle	2	2	1
Tanker	1	1	2
Boats	3**	2	0
Siren summoning	yes	yes	yes
Tone alert summoning	yes	yes	yes

*Year to date, 11/98.

** One boat is a 24 ft fire boat; also the Company maintains two flood rescue vehicles

Source: Fire Company Chiefs, Fall 1998 and Jan. 1999.

First Aid

Emergency first aid services for Little Egg Harbor, Bass River, and Eagleswood Townships and Tuckerton Borough are provided by the Tuckerton First Aid Squad, a volunteer organization. The Tuckerton First Aid Squad facility is located on Great Bay Boulevard near Route 9 in Tuckerton Borough. The Squad had four ambulances, 41 active members and 21 members in training as of November 1998.

Senior Center

In October 1997, Little Egg Harbor Township opened a Senior Center on Radio Road near the intersection with Mathistown Road. The facility was funded through the Community Development Block Grant (U.S. Department of Housing and Urban Development). It serves primarily as a meeting center for senior citizen groups. Three part-time employees currently staff the facility. The Township has obtained additional federal funds to expand and improve the parking area for the building.

Municipal Building

A new municipal building was constructed at 665 Radio Road, after the former Borough hall sustained significant damage during Superstorm Sandy in October 2012.

The Township offices and meeting/court room are located at ~~7 Gifford Lane~~. Offices of the Township Clerk, Administrator, Tax Assessor and Tax Collector are situated in the current Municipal Building. The Construction Department, Zoning Officer and Finance Office are ~~housed in two office trailers at the south end of the municipal building. Office space is needed to accommodate existing needs and additional space will be required for future growth. Office space for the municipal departments will become available if the Police Department relocates to new facilities from the lower level of the current building.~~

Department of Public Works

The Department of Public Works (DPW) facility is located on North Green Street, north of Frog Pond Road. The property is leased from a private individual and contains a building and storage facilities for the various activities of the DPW. This parcel has adequate area for the Department needs for the near future. The Department has a full-time staff of twenty employees and ten solid waste collection vehicles. The solid waste collection schedule includes twice weekly pickups during the summer and weekly pickups in the winter. Solid

waste is disposed at the Ocean County Landfill in Manchester Township. The Public Works Department also collects recyclables once or twice a month, depending on the type of material. Other functions of the Department of Public Works are: road maintenance; buildings and grounds maintenance; snow plowing; collection of brush, leaves, and white goods (large appliances such as washers and dryers); maintenance of its vehicles; and cleaning of storm drains.

Sewer/Water Utilities

The Little Egg Harbor Municipal Utilities Authority (LEHMUA) is responsible for the water and sewer services for the entire municipality. The MUA owns, operates and maintains a sewage collection system (i.e., sewer mains and pump stations) which ultimately discharges to the Ocean County Utilities Authority (OCUA) Southern Regional Sewer Treatment plant on Cedar Run Dock Road in Stafford Township. The plant design capacity is 20 million gallon per day (mgd) and the 1994 wastewater flow was 7 mgd. Projected 2010 flow is not expected to exceed the 20-mgd plant capacity. Therefore, there are no capacity restrictions for sewage flows from Little Egg Harbor Township anticipated in the foreseeable future.

The most critical issue for Little Egg Harbor Township in terms of sewer and water utilities is the consistency between the utility service areas and the development regulations of the New Jersey Department of Environmental Protection and New Jersey Pinelands Commission. Municipal officials have worked for many years to change coastal zone (CAFRA) designations, which have served to constrained development of the North Green Street corridor.

A second issue is the financing of utility extensions to development areas. Currently, the Little Egg Harbor Township MUA relies on developer-financed utility extensions and does not fund extensions of improvements to designated growth areas.

In early 1998, the LEHMUA submitted an amendment request to the Ocean County Planning Board and the NJDEP to expand the sewer service area to include the proposed Sea Oaks development and the area north of Frog Pond Road to the Township Public Works facility. As of the date of this report, the request is pending at the State level.

Figure 5 depicts the existing active sewer service area, the approved sewer service area and the proposed service area expansion of Little Egg Harbor Township. The map coverage is limited to the non-Pinelands areas since the Land Use Plan addresses the area of the Township outside the jurisdiction of the Pinelands Commission. The existing active sewer service area is comprised of developed areas such as Mystic Island, West Tuckerton and Parkertown. In such areas most homes and businesses are connected to the sewer system. The approved sewer service area consists of lands in which there is limited availability to existing sanitary sewer lines. The approved sewer service area includes the properties along Route 539 and the undeveloped areas west of Tuckerton Borough. The proposed expansion of the sewer service area is the portion of the Township which is pending State approval. Sewer extensions and connections are not permitted in the proposed expansion area at this time.

The importance of monitoring sewer service areas is due to the direct linkage between the presence of sewer infrastructure and density. Future sewer service areas should be examined closely to insure consistency with the Land Use Plan. The Land Use Plan should dictate future sewer service areas, rather than the inverse.

Municipal Recreation and Open Space

Both Little Egg Harbor Township and the County operate recreational facilities in the Township. The two Township facilities consist of a ballfield and park facility on Radio Road across from the Mystic Island Fire Station and the Parkertown Docks, a municipally owned boat ramp and marina. The County Parks operates the Atlantis Golf Course, an 18-hole facility, and Parkertown Park, a bay beach and playground at the terminus of Dock Street. There are additional active recreational fields at the Little Egg Harbor and Pinelands Regional school sites. In the near future, the Township will commence construction of a community park in the Tuckerton Manor area near Route 539 and the Mitchell School. The State of New Jersey has properties in the Township which are considered part of the Bass River State Forest. However, these state lands are conservation areas and do not have any recreational improvements. The US Fish and Wildlife Service has designated areas within the existing Refuge property in the Township for migratory game bird and deer hunting.

Federal Open Space

The US Fish and Wildlife Service, in conjunction with the Trust for Public Land, has selected certain areas of the Township for acquisition for the Forsythe National Wildlife Refuge. The Refuge was established to conserve land for wildlife habitat, recreation and ecological purposes. As noted in the Land Use section, the Federal government purchased a significant amount of property during the 1980's and 1990's for the Edwin Forsythe Wildlife Refuge. The US Fish and Wildlife Service continues to acquire properties south of the Parkway on both sides of Route 539. The acquisition program is scheduled to occur over a fifteen-year time period and works with willing sellers. The US government pays an annual fee in lieu of taxes to the municipality. In 1996, the payment was almost \$12,000.

Little Egg Harbor Township should communicate with the US Fish and Wildlife Service concerning the Municipality's Land Use Plan, thereby discouraging acquisition of upland parcels for open space in commercial and industrial zones.

Chapter 7: Economic Analysis

Labor Force and Employment

The resident labor force of Little Egg Harbor Township numbered 6,682 persons in 1997. Approximately 480 persons were unemployed, contributing to a local unemployment rate of 7.2%. This exceeds the County unemployment rate of 5.4% and the state unemployment rate of 5.1%. Labor force statistics for Little Egg Harbor Township are shown in Exhibit 16.

Exhibit #16

LABOR FORCE ESTIMATE
LITTLE EGG HARBOR TOWNSHIP
1997

	POTENTIAL LABOR FORCE	# OF EMPLOYED RESIDENTS	UNEMPLOY- MENT	UNEMPLOY. RATE
LITTLE EGG HARBOR TWP	6,682	6,202	480	7.2%
OCEAN COUNTY	211,299	199,958	11,341	5.4%

Source: Ocean County Department of Planning, 1997.

According to 1990 Census data, 5,627 persons 16 years and over were employed in Little Egg Harbor Township. Approximately 28% of local employees worked in technical, sales, and administrative support jobs. Service occupations employed 23% of the labor force. Other leading occupations included managerial and professional specialty (20%), precision production and craft occupations (15%) and operators, fabricators and laborers (12%).

The industries, which employed Township residents, are relatively well diversified. The retail trade industry employed 15% of the labor force and was the largest single industry employer of Township workers. The second largest employment industry was construction, providing jobs to 10% of the work force, closely followed by professional services, and entertainment and recreation services.

Covered employment data for Little Egg Harbor Township in 1996 is provided in Exhibit 17. Covered employment is defined as employment which is "covered" by New Jersey unemployment insurance, and refers to jobs existing within the Township. The covered employment information is considered the most reliable data source of employment within municipalities. The exhibit indicates that 1,170 persons were employed in jobs located in Little Egg Harbor Township by 101 private and public sector employers. The private sector covered employment was 581 jobs in 1996, up 32% from 440 private sector covered jobs in 1990.

Exhibit 17

COVERED EMPLOYMENT
LITTLE EGG HARBOR TOWNSHIP
1996

EMPLOYMENT SECTOR	EMPLOYERS	EMPLOYEES
PRIVATE	97	581
PUBLIC	4	589
TOTAL	101	1,170

Source: New Jersey Department of Labor.

Tax Base

Exhibit 18 compares the number of parcels and assessed valuation of each property class for the years 1977 and 1998. The data show that the assessed valuation of the Township grew approximately six fold during this time period, while the number of parcels increased approximately 40%. In 1998, the residential sector provided 83% of the municipal tax revenues, compared to 81% in 1977. Therefore the Township is more dependent in 1998 than in 1977 on residential parcels for tax revenues. The residential land use sector creates considerably more municipal costs, due to education expenses, than the other types of land uses.

Exhibit 18

REAL PROPERTY VALUATION
LITTLE EGG HARBOR TOWNSHIP
1977 AND 1998

Class	1998			1977		
	# Parcels	% Total Valuation	Assessed Valuation	# Parcels	% Total Valuation	Assessed Valuation
Vacant	2,575	10.2	\$81,251,100	2,661	13.81	\$16,133,400
Residential	7,467	82.84	\$661,783,829	4,559	80.9	\$94,542,300
Farm Qual.	13	0.02	\$198,545	0	0	\$0
Commercial	143	6.6	\$52,917,900	72	5.28	\$6,173,300
Industrial	2	0.04	\$291,800	1	0.01	\$14,100
Apartiment	2	0.3	\$2,425,000	0	0	\$0
Total	10,202	100	\$798,868,174	7,293	100	\$116,863,100

Sources: 1978 Little Egg Harbor Township Master Plan and the Little Egg Harbor Township Tax Assessor's Office, 1998.

Chapter 8: Circulation

Existing Transportation Network

Identify planned evacuation routes

Functional Classification

Identify sections of transportation network that are subject to flooding

Little Egg Harbor Township has an extensive network of freeways, arterials, secondary arterials, collector and local roads to provide vehicular circulation. This section describes the existing road network in Little Egg Harbor Township by functional classification and describes proposed and needed road improvements. The functional classification of the existing roadway network in Little Egg Harbor Township is shown in Figure 6.

Expressway

An expressway is a principal arterial designed to carry regional traffic or through traffic. An expressway is a limited access road, carrying large volumes of traffic at higher sustained speeds over longer distances. The Garden State Parkway (GSP) is classified as a toll expressway and is operated by the NJ Highway Authority. The GSP provides a north-south travel route and extends from the New York South to Cape May. The GSP has one exit (#58) in Little Egg Harbor Township, located at North Green Street (Ocean County Route 539).

The New Jersey Department of Transportation has performed traffic counts for the Garden State Parkway at the New Gretna Toll Plaza, which is just south of Exit 58. Average Annual Daily Traffic (AADT) volumes during December 1993, 1994 and 1995 were approximately 37,000 vehicles. Traffic volumes during the summer months, especially during weekends,

are higher than the above cited figure. (Traffic figures for the summer months are not available from the Highway Authority.)

Minor Arterial

Minor arterials also carry regional traffic volumes. They act as feeders to and from freeways and serve as carriers between major regional traffic generators. Little Egg Harbor Township has one rural minor arterial, Route 9, which is under the jurisdiction of the New Jersey Department of Transportation. Route 9 has at-grade intersections and provides direct land access to adjacent parcels. Route 9 serves the southern sector of the Township, is a two lane route and provides land access to much of the year-round retail commercial and service establishments of the Township. Traffic counts, performed by the Ocean County Engineering Department in August 1997, indicate a volume of over 18,000 vehicles per day at Route 9 near the Great Bay Boulevard intersection.

Major Collector Roads

Collector roads "collect" traffic volumes from local streets and may be the direct access road to a major residential development. Typically, collector roads are under Municipal or County jurisdiction. North Green Street (Ocean County Route 539) and Radio Road are classified as major collectors in Little Egg Harbor. A traffic count of North Green Street at Nugentown Road in July 1995 by the County Engineer's office revealed a traffic volume of almost 9,800 vehicles per day. Radio Road, near Mathistown Road, carried over 11,200 vehicles per day in April 1997. The recommended Ocean County right-of-way width of major collectors is sixty-six (66) feet. A list of roads maintained by Ocean County within the Township is provided in Exhibit 19.

Minor Collector

A minor collector also collects traffic and channels the vehicles to major collectors or arterials. These roads have lower volumes of traffic than major collectors and more access points than do major collectors. The minor collectors in Little Egg Harbor Township are: Thomas Avenue; Railroad Avenue; Nugentown Road (portion); Otis Bog Road (portion); Giffordtown Lane; Oak Lane; Mathistown Road; Center Street; Twin Lakes Boulevard; Stafford Forge Road; and Great Bay Boulevard (portion). The recommended right-of-way width of minor collectors is sixty (60) feet.

Exhibit 19

OCEAN COUNTY ROADS

LITTLE EGG HARBOR TOWNSHIP

<u>ROAD NO.</u>	<u>ROAD NAME</u>	<u>MILEAGE</u>
1	Tuckerton-Warren Grove-Whiting Rd.*	9.7
2	Mathistown Road	1.83
6	Giffordtown Lane	0.67
8	Nugentown Road	1.6
10	Walnut Street and Dock Road	0.9
12	Parkertown Drive	0.26
25	Radio Road	4.64
29	Thomas Avenue	2.1
35	Railroad Avenue and Portion of Wood St.	1.69
99	Stafford Forge Road	1.0
103	Center Street	2.29
*539	North Green Street	

Source: 1994 Official Listing of Ocean County Roads, Ocean County Board of Chosen Freeholders.

Local Roads

The major function of local streets is land access. Local roads should be designed to minimize "through" traffic. The pattern of local streets should serve visitors, delivery trucks, school buses, municipal vehicles as well as the local residents. In a residential development, the right-of-way width of a new local road will be governed by the New Jersey Residential Site Improvement Standards (RSIS).

Exhibit 20
Roadway Classification
Little Egg Harbor Township

Functional Classification	Roadway Name	Segment	Jurisdiction	Length (Miles)	Right-of-way Width
Expressway	Garden State Parkway	---	N.J. Highway Authority	4.09	650' - 850'
Minor Arterial	Route 9	---	State of N.J.	2.8	66'
Major Collector	Radio Road	Tuckerton line to Great Bay	Ocean County	4.64	50'-100'
Major Collector	Route 539	Tuckerton line to Stafford line	Ocean County	9.7	66'
Major Collector	Mathistown Road	Route 9 to Radio Road	Ocean County	1.83	55'
Minor Collector	Center Street	Mathistown Rd. to Tuckerton	Ocean County	1.63	46.5' - 60'
Minor Collector	Nugentown Road	Otis Bog Rd. to Route 539	Ocean County	1.46	33' - 46.5'
Minor Collector	Otis Bog Road	Nugentown Rd. to Route 9	Little Egg Harbor Township	1.56	33'
Minor Collector	Great Bay Boulevard	Tuckerton line to Big Thorofare	Little Egg Harbor Township	1.04	100'
Minor Collector	Thomas Avenue	Route 539 to Eagleswood line	Ocean County	2.1	33'-60'
Minor Collector	Forge Road	Route 539 to Eagleswood line	Ocean County	1	33'
Minor Collector	Twin Lakes Blvd.	---	Little Egg Harbor Township	1.94	60'

Public Transportation

There is no passenger rail line service in Little Egg Harbor Township. No plans exist for such service in the near future. Bus transit is limited to a daily service along Route 9 between Atlantic City and Toms River on Line 559.

Ocean County Area Transportation (OCAT) operates many bus routes throughout the County during the weekdays. The buses provide service to residents for shopping and doctor visits. The buses stop at supermarkets, convenience stores, the municipal building and Mystic Shores. The OC6 bus route, operated by OCAT, maintains a Monday through Friday schedule from Little Egg Harbor Township north along Route 9 to the Southern Ocean County Hospital.

Existing Circulation Problems

Seven (7) roadways in the township were damaged during Hurricane Sandy; one of these, Iowa Court, continues to be flooded on a regular basis.

Problem Intersections

The problem intersections, ranked by the highest number of accidents over the past 12 months (10/1/97 through 9/30/98) are as follows:

Oak Street and Center Street – 7 accidents;

Route 9, Oak Lane/Giffordtown Road – 6 accidents;

Mathistown Road and Radio Road – 5 accidents; and

Radio Road and Oak Lane – 4 accidents.

Police records indicate that there were a total of 251 accidents in the Township during calendar year 1997. In comparison, the Police Department recorded 137 accidents in 1976.

While some of the accidents occur in parking lots, at commercial establishments, or result from other factors such as weather, the majority of the accidents involve other vehicles on the roadways. A high number of accidents signals the need for some type of improvement, such as a stop light or better pavement markings. However, three of the four problem intersections already have a traffic signal or blinking light, and the number of accidents do not appear particularly high. The reasons for traffic accidents at these locations should be furthered examined with the purpose of determining whether any additional intersection improvements are in order. As all of the intersections listed above involve other jurisdictions (i.e. County or State), the Township's ability to make improvements is limited. In terms of accidents in parking lots and accessing commercial properties, the Police Department should be consulted prior to the approval of a non-residential development application for traffic safety comments.

Other Intersections

Route 9 and Mathistown Road: Mathistown Road is the primary route for many residents commuting to Atlantic City to access Route 9 for the trip to work. The Police Department indicates this intersection is not subject to the typical AM/PM peaks in traffic, due to the impact of shift schedules in Atlantic City casinos. The intersection at Route 9 should be monitored for possible improvements.

North Green Street Intersections: Traffic volumes will continue to increase on North Green Street between the Garden State Parkway and Route 9 in Tuckerton Borough. This will make it difficult for vehicles to make turns from side streets on to Route 539. For example, the Police Department has noted that school buses and automobiles frequently queue

heavily on Nugentown Road at the end of the school day for left turns onto North Green Street. These locations need to be monitored and action taken as warranted.

Problem Roads

Stage Road: The Little Egg Harbor Police Department has requested NJDOT approval for the reduction of the 45-MPH speed limit for the western segment of Stage Road due to sun glare problems for east bound traffic.

Pedestrians and Bicycling

Pedestrian's use many roads that lack sidewalks. Some of the pedestrians are schoolchildren walking to a bus stop or to school. An inventory of road segments in the Township without sidewalks should be performed and segments should be ranked by priority for future construction in the Capital Improvement Plan. A funding mechanism must also be developed. Little Egg Harbor has no existing bike paths.

Chapter 9: Goals and Objectives

General Purposes

The following represent the general purposes of the 1999 Master Plan:

- a. To guide decision-makers in the Township of Little Egg Harbor in the appropriate use of lands within the Township to promote the public health, safety morals and general welfare;
- b. To minimize the development conflicts with the development and general welfare of neighboring municipalities, Ocean County, and the State as a whole;
- c. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, the community and region and preservation of the environment;
- d. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- e. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens;
- f. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- g. To promote a desirable visual environment through conservation and preservation of valuable natural features;

- h. To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment that would occur through the improper use of land; and,
- i. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening costs of such development and to the more efficient use of land.
- j. The Township Committee and the Planning Board should coordinate efforts with the Little Egg Harbor Municipal Utilities Authority to extend sewer service to commercial and business areas.
- k. Little Egg Harbor Township should develop a specific plan of sidewalk extensions to improve the safety of pedestrians and school children. The priority in sidewalk improvement should begin with new development. Sidewalk improvements in existing neighborhoods and within two miles of school locations area also very important. The source of funds for sidewalk extensions in existing neighborhoods must be determined before such a program can be initiated.

Goals and Objectives

The following are the underlying goals and objectives of the 1999 Master Plan:

- a. To reduce permitted residential densities, where appropriate, consistent with planning efforts aimed at minimizing the fiscal impacts of new residential development; **It may be necessary to reduce permitted residential densities in flood-prone areas (2015 Master Plan Re-examination Report)***
- b. To concentrate new residential and commercial development in planned centers or other growth corridors where infrastructure is available or comprehensively planned;
- c. To adopt land use regulations that will capitalize upon and promote the Tuckerton Seaport project;
- d. To adopt land use regulations that encourage a better balance among residential, commercial and industrial land uses so as to promote improved municipal fiscal planning efforts;
- e. To promote better coordination and consistency between State and Municipal planning efforts;
- f. To coordinate with the N.J. Highway Authority and County to continually improve the roadway system of the Township and to plan for anticipated changes brought on by growth and development;
- g. To promote bikeways and pedestrian walkways as a means of recreation and to lessen reliance on the automobile as the sole means of transportation; and
- h. To promote land use policies and regulations that encourage economic development and redevelopment that improve the Township's property tax base.
- i. **To address risk due to flooding and other coastal hazards and identify efforts needed to address future conditions.**

(add additional mitigation objectives and principles as determined by the Township)

***As sea levels rise and the probability of more intense and frequent storm events increases, it is necessary to evaluate the extent to which historic development patterns put people and property in increasing jeopardy and consider alternatives to minimize or avoid such risk**

Identify and analyze existing land use-related exposure to natural hazards as well as future threats related to rising sea levels, storms, shoreline erosion, flooding and storm surge. This will support the plan's goal of coordinating municipal and state planning efforts.

Chapter 10: Land Use Plan

The purpose of the Land Use Plan is to serve as a guide for the Township's land use (zoning) decisions. The Land Use Plan represents the culmination of the master planning process and brings together all of the background studies and other Plan elements, including the goals and objectives of the Master Plan. The Land Use Plan Summary, Figure 8, contains the 1999 Little Egg Harbor Township Land Use Plan. Exhibit 21 quantifies the acreage of each proposed land use category. **These land use categories should limit development density and intensity, building size and permitted uses in risk zones.**

The scope of the Land Use Plan Element covers only the non-Pinelands section of Little Egg Harbor Township. There are no land use recommendations concerning future land use of any land areas governed by the Pinelands Comprehensive Management Plan (PCMP).

The various land use categories comprising the Land Use Plan are as follows:

Permitted uses and use standards in all districts should be revised to reflect the known risk of coastal hazards.

Preservation Residential

Large tracts of land in Little Egg Harbor Township are classified as freshwater and tidal wetlands or are owned by the Federal government for wildlife conservation. There are also similar tracts owned by the State of New Jersey as part of the Bass River State Forest. Development of these lands is highly unlikely in the foreseeable future. The density of the tracts should reflect this reality. The preservation residential land use category has been established in recognition of the environmental sensitivity and public ownership of these areas. The preservation residential areas are primarily located in the eastern and southern most portions of the Township. Land uses in this category will be limited to parks, open space, recreation, government uses and single family dwellings. The density recommendation of the Land Use Plan is a minimum lot size of 5 acres.

The preservation residential land use category will be the largest, in terms of total area, in the non-Pinelands portion of Little Egg Harbor Township and contains approximately 8,373 acres.

Low Density Residential

The low density residential land use category is intended for areas where detached single family dwellings would be permitted at densities ranging from one dwelling unit per two to five acres. The areas are generally the more remote areas of the Township with significant environmental sensitivity, lack of suitable access and/or infrastructure to permit more intense development within the timeframes of this Master Plan.

The primary low density residential areas include: the area generally bounded by Stage Road on the north, Otis Bog Road on the east and Route 9 on the south; the areas generally west of North Green Street and north of Nugentown Road to the Tuckerton Creek; the area east of North Green Street bounded on the south by Parkertown Drive and on the north by the Garden State Parkway.

The low density residential category comprises approximately 3,244 acres.

Medium Density Residential

The medium density residential land use category is intended primarily for detached single family dwellings at densities ranging from one to four dwelling units per acre. Such areas generally have suitable access and infrastructure capable of supporting a somewhat higher intensity of residential development. Such areas would provide for minimum lot sizes ranging from 7,500 square feet to one acre.

This designation covers a substantial portion of existing areas of the Township developed as residential, but also provides for substantial infill development.

It is the intention of this Land Use Plan, in the medium density land use areas, to recommend upgrades in residential zoning classification (i.e. reduce permitted densities), where appropriate, based on the land use pattern and access to utilities and infrastructure.

This land use category contains approximately 2,808 acres or 14.1% of the non-Pinelands portion of the Township.

High Density Residential

The high density residential category is intended exclusively for existing developed areas in the Mystic Island section of the Township. Such areas are generally developed with detached single family dwellings on lots of 5,000 square feet and densities of 5 dwelling units per acre or greater. This land use category contains 2,091 acres or 10.5% of the non-Pinelands portion of the Township.

Multi-Family Residential

The multi-family residential land use category is intended to provide areas for development of multi-family housing at densities in excess of five dwelling units per acre. This designation is intended to be limited to areas of existing multi-family development or areas where there are development approvals for multi-family development. This land use category contains 208 acres or 1.4% of the non-Pinelands portion of the Township.

It is also recommended that conditional uses in the Multi-Family residential areas, as well as all residential areas, be updated to specify life care, assisted living, nursing homes, residential health care, and adult day care uses to address the residential and health needs of senior citizens.

Commercial/Business

The commercial and business areas are primarily located along Route 9, North Green Street and Mathistown Road. Three general types of commercial/business are proposed for the areas so designated matching current zoning (i.e. Highway Business, General Business, and Neighborhood/Special Business). "Highway Commercial" type uses are intended for that portion of the commercial/business designated area along Route 9, generally west of Otis Bog Road. The largest portion of the commercial/business designated area is intended for "General Business" uses along most of the remaining Route 9 and Route 539 corridors. The "Neighborhood/Special Business" type uses are intended for smaller or more unique business situations.

The Commercial/Business land use category now contains an area along Mathistown Road, from Route 9 to the LEHMUA water tower, which is currently designated for "Office-Professional" uses. The Office Professional land use designation is too limiting in terms of economic development a land use category for this gateway corridor to the Township. The subject area is designated for Commercial/Business in the 1999 Master Plan to provide for an expanded range of business uses.

It is also recommended that the conditional uses in the highway and general commercial areas be updated to specify life care, assisted living, nursing homes, residential health care and adult day care uses to address the health needs of the senior citizen population. The senior care uses will provide a low impact land use for the Township consistent with this comprehensive Master Plan revision.

Light Industry

There is one area in Little Egg Harbor Township designated for Light Industry. It is a triangular tract located between Rt. 539, Old North Green Street and the Garden State Parkway. The area corresponds to the existing light industrial zone. The 1999 Land Use Plan recommends elimination of the Light Industry designation at the Township Public Works Yard since Light Industry is inconsistent with the surrounding land uses and land plan designations.

Parks/Recreation

The Parks/Recreation designation is intended to include all areas of the Township that are improved and utilized for recreation and open space, or planned for such future use, consistent with the Recreation Plan Element adopted by the Planning Board on October 22,

In 2002, Little Egg Harbor Township adopted an Open Space Recreation Plan (OSRP), as an update to its 1997 Recreation Plan

Public Lands

The Public Lands designation includes all lands owned and maintained by the municipality and the Board of Education.

Planned Adult Community

There are four areas in the Land Use Plan, designated for planned retirement communities. Three of the areas are a continuation of previous land use policies. One area is the completed Mystic Shores development in the vicinity of Mathistown Road. The second is the vacant tract on the south side of Route 9, east of Mathistown Road, known as the "Cranberry Creek" adult residential development. The original Cranberry Creek development approval included 510 homes and a shopping center at this location approximately 8 to 10 years ago. The approval was recently amended by the Planning Board to reduce the number of residential units. The Land Use Plan provides for the western section, presently zoned for Planned Community, and presently owned by the Federal Government, to be revised to a very low density residential designation. The third area is situated on the west side of Route 539 between Railroad Avenue and Frog Pond Road. The Sea Oaks Golf Course is currently under development on the tract. Upon receipt of the necessary sewer extension and other approvals, a residential community is contemplated at this location. The fourth Planned Adult Community is located between Radio Road and Center Street in the vicinity of the Tall Timbers development. The Planning Board recently granted an amended approval for this tract to allow an adult community.

Waterfront Development

The Waterfront land use designation includes certain lands, appropriate for commercial and residential water-related uses. The Waterfront category will provide commercial areas tailored for waterfront and marine-type uses. The areas in this category are intended to match the existing locations of the WFD Waterfront Development and Marine Commercial zones. No revisions are proposed in this land use category.

Add “Resilient Design Guidelines” to the Land Use Element - provide simple, accessible, guidance to homeowners and businesses about flood-resilient design in advance of rebuilding that can help minimize future risk for owners, particularly in where structures are located below the BFE.

Exhibit 21

Land Use Plan Acreage Little Egg Harbor Township

Land Use Category	Acres	Percent of Total
Preservation Residential	8,373	42.0
Low Density Residential	3,244	16.2
Medium Density Residential	2,808	14.1
High Density Residential	2,091	10.5
Multifamily Residential	208	1.4
Business/Commercial	1,381	6.9
Light Industry	321	1.6
Parks/Recreation	272	1.4
Public	181	0.9
Planned Adult Community	882	4.4
Waterfront Development	137	0.7
Total	19,898*	100.0

* Non-Pinelands Area of the Township.

Chapter 11: Community Facilities Plan

Figure 8, the Community Facilities Plan, shows the locations of existing and proposed facilities within the Township serving the public. Except as otherwise noted below, the community facilities are existing facilities.

Hurricane Sandy resulted in damage to community facilities. The Township should consider limiting future municipal infrastructure investments in risk zones.

Municipal Building/Criminal Justice Complex

The Township Committee has retained an architect to advise the Township on the feasibility of constructing new Police Department and courtroom facilities on a lot adjacent to the municipal building. The Department is in need of larger office quarters, additional storage areas and a secure parking area.

The municipal building was relocated to 665 Radio Road.

Recreation and Open Space

The Little Egg Harbor Township Planning Board adopted a Recreation Plan Element on October 22, 1997 addressing the existing and future recreation and open space needs of the Township. The Recreation Plan recommended that the Township acquire a community park, of at least 50 acres, for active and passive recreation purposes in a central location. The Recreation Plan included a list of potential sites, each of which would achieve the goals of the Plan. Subsequently Little Egg Harbor Township acquired a 117.6 acre site west of Route 539, in the Tuckerton Manor area, and received a low interest loan from the Green Acres program to develop the tract for active recreation. The site, shown on the Community Facilities Plan, abuts the Mitchell Elementary School. The facility is intended for cross utilization. The Community Facilities Plan also identifies a proposed Ocean County recreation acquisition site near Playhouse Road.

A new Open Space and Recreation Plan was adopted by the Township in 2002.

Bikeways

A proposed bikeway is indicated along the entire 5.8 mile length of Great Bay Boulevard. The Township has submitted an application to the NJ Department of Transportation for a grant from the NJ Transportation Trust Fund to construct a bikeway on the westerly side of the roadway.

A second bikeway is proposed from Nugentown Road to Tuckerton Manor Boulevard, the site of the proposed Township community park. The bikeway location is proposed in the right-of-way of Lake Street, which is a paper street parallel to North Green Street. (The Atlantic Electric utility right-of-way is situated within the Township's right-of-way.) The Township Engineer recently submitted an application for NJ Department of Transportation funding to construct this one mile bikeway. The bikeway will provide bicycle access from the Pinelands Regional Schools to the new park without additional road crossings.

Both bikeways are indicated on Figure 8.

Additional recommendations:

Address the current issue of having critical infrastructure at elevations close to Mean Higher High Water, which has presented a serious hazard during past storm events;

Identify ways of upgrading, maintaining, elevating and/or re-locating critical community facilities through by developing a municipal capital improvement program, as suggested in the 2015 Master Plan Re-Examination Report; and

Identify and address the vulnerability of sewer and water utilities to coastal storm events that could render the system inoperable.

Chapter 12: Economic Plan

Employment Projections

Little Egg Harbor is expected to add new jobs at a similar rate of employment growth experienced during the 1990's. In 1992, the NJ Office of State Planning prepared an unofficial employment projection for the Township. The State projected Little Egg Harbor would have 891 private sector jobs in 2010, equal to 3.6% employment growth per year. In the 1990's, Township employment actually grew 4.6%, from 440 private sector jobs in 1990 to 581 private sector jobs in 1996. The State's projection is probably reasonably accurate, since it forecasts conservative, yet realistic growth in private employment. If the State's projection holds, Little Egg Harbor should add approximately 16 private sector jobs each year through the year 2010. **88% of the Neighborhood Business zoning district is located in an AE flood zone, and many small retail businesses sustained damage during Hurricane Sandy.**

It is apparent from the economic analysis in Chapter 7 that a **critical issue** facing the Township is not lack of employment opportunities for its residents but the creation of ratable development to support municipal services. The Township should take the necessary steps to generate municipal tax revenues with minimal cost. No one single business or enterprise will bring in the needed revenue. The Township should seek to diversify the commercial and industrial base to produce a stable stream of revenue. In 1998, the assessed value of residential property in the Township, as a percentage of total assessed value of property, was approximately equal to that for Ocean County as a whole, that is, approximately 83%. However, many municipalities in Ocean County have significant populations of senior citizens who do not generate educational costs, and therefore contribute to the ratable tax base. Therefore, senior citizen development is a land use compatible with the Township's **goal of increasing ratables.**

***Consider tax revenue generation impacts of exposure to flooding and coastal storms.**

Other potential business/ratable strategies include the following:

1. Ecotourism

The bays, inlets and meadows in Little Egg Harbor Township are a tremendous asset as recreational sites for boating, fishing, hunting, bird watching, and crabbing and

other "ecological" activities. Waterfront properties, with and without slips, are valuable commodities. Sites, which provide access to water and nature-oriented activities should be promoted. For example bird watching, is a very important tourist activity in Cape May and generates tourist revenues, visitors and demand for overnight accommodations, etc. Enterprises which capitalize upon the natural environment without diminishing its value are to be encouraged.

2. Seaport Related Businesses

The development of the Tuckerton Seaport will bring visitors to the area. Tourism will generate the need for ancillary or "spin-off" businesses, such as restaurants, gas stations, gift shops, bed and breakfasts, and possibly hotels or motels. Parking near the Seaport facility may be in short supply and may create the need for a shuttle bus between remote parking in the Township and the Seaport. The permitted uses in the Zoning Ordinance in the appropriate business districts should be examined to address these possibilities.

3. Back Office for Atlantic City Casinos

The proximity of the Township to Atlantic City, as well as the availability of relatively inexpensive vacant land, offers the Township an opportunity to promote itself as a viable location for "back-office" operations (e.g. computer systems and accounting departments) or warehouses related to the Atlantic City casinos. Marketing materials can be prepared and distributed to realtors, economic development agencies and chamber of commerce groups to increase the Township's exposure for such development.

4. Assisted Living, Senior Housing and Senior Health Care Facilities

The need for senior citizen housing in New Jersey has been well documented. Senior citizen developments such as single family retirement communities, assisted living facilities and nursing homes generate tax revenues without the corresponding increase in services, since the developments do not generate any schoolchildren. Little Egg Harbor already has several senior developments including the Seacrest Village project, the Pyramid nursing home, Mystic Shores, and the senior apartments on Mathistown Road. These facilities are a strong base for future ancillary senior facilities.

5. Cost Sharing Agreements with Adjacent Municipalities

One method of reducing the tax burden is to reduce expenses. Typically, municipalities are not able to reduce expenses alone, since many services are mandatory and other reductions are not viable. In the 1990's, the State of New Jersey has encouraged municipalities to reduce expenses and improve service by entering into Interlocal Service Agreements, which involve formal and informal agreements among municipalities, school districts and local public authorities to share resources. The State currently provides grant and loan funding of up to \$25,000 per municipality through its "Interlocal Services Aid" program to pay for feasibility studies for implementation of joint services, such as joint assessment and collection of taxes; joint maintenance of roads, public works and beaches; joint building, housing and plumbing code inspection and enforcement; and joint risk management services, to name a few. In the Spring of 1999, the State Legislature is expected to authorize two new initiatives that will increase funding from \$500,000

to \$34 million for this purpose. The Regional Efficiency Development Incentives (REDI) program is expected to contain \$9 million for feasibility studies and transitional costs associated with merging services, such as upgrading communications equipment. The Legislature is expected to allocate an additional \$25 million for a State aid program, the Regional Efficiency Aid Program (REAP). Under REAP, residents of municipalities that share services would receive annual tax rebates.

The concept of shared services is not new. For nearly two decades, legislation has permitted municipalities and local governments to establish shared services. School districts, such as Pinelands Regional, have participated in regionalization efforts. Many municipalities already pool their insurance to reduce some expenses. With the new state aid program, the Township may find it valuable to contract out staff or services to an adjoining municipality or, conversely arrange for another municipality to provide the same to Little Egg Harbor Township.

6. Business Development Study Group

A study group should be formed comprised of representatives of the Township Committee, Planning Board, Municipal Utility Authority (MUA), and the Economic Growth Group. The study group should examine various ways of attracting ratable development to areas where such development is contemplated pursuant to the Master Plan, including Route 539 Corridor and the West Tuckerton areas. Incentives to attract ratable development to be examined could include the extension of sewer and water facilities into these areas and tax abatement/exemption strategies under the "Long Term Tax Exemption Law" and the "Local Redevelopment and Housing Law."

Chapter 13: Circulation Plan

The Circulation Plan is the community's strategy to address future transportation needs for all vehicular trips within the context of the current road network and the projected development trends. The Circulation Plan also serves to separate local and through trips, provide for pedestrian and bicycle circulation and anticipate the need for traffic improvements. An effective Circulation Plan foresees future transportation system needs and schedules the necessary improvements in a timely manner. Typically, traffic improvements are reactive to safety and congestion problems because there is a time lag between the identification and the actual resolution of the problem.

The Circulation Plan of the Township of Little Egg Harbor Township (Figure 10) provides a classification of existing roadways, proposed roadways and future intersection improvements.

Proposed Roadways and Improvements

New Jersey Highway Authority

The New Jersey Highway Authority (NJHA) operates and maintains the Garden State Parkway. The Authority plans to widen the Parkway from milepost 30 to milepost 80 in the near future. The plans are currently in the engineering design phase and will include a third lane in each direction. According to Ocean County officials, the plans will not include any change to the number of access ramps at exit 58, North Green Street (Route 539).

Seven (7) roadways were damaged during Hurricane Sandy - make recommendations for evacuation routes in case of flooding or coastal hazards. Also identify sections of road that are subject to flooding.

The circulation plan should include an assessment of all evacuation routes in terms of risks associated with flood inundation relating to projected sea-level rise. In addition, the plan should consider site access for all parcels within coastal risk zones to ensure emergency access feasibility, as recommended in the S&RCC report.

The "main line" Parkway widening is currently in the design phase. NJ Highway Authority officials are willing to discuss any municipal concerns about improvements at the interchange such as the number of access ramps, access ramp widening and turning lanes to and from North Green Street and the Parkway. The Ocean County Engineer's office is coordinating design and permitting issues with several municipalities for additional access ramps at various Ocean County interchanges.

New Jersey Department of Transportation

The New Jersey Department of Transportation (NJDOT) has investigated the traffic congestion along Route 9 and has advanced proposals to the Borough of Tuckerton and the Township of Little Egg Harbor to improve the intersections of the State Highway at Route 539 and Great Bay Boulevard. However, no specific construction plans for either intersection have been approved or endorsed by all parties.

The New Jersey Department of Transportation has convened a Study Group to examine various traffic congestion issues for the segment of Route 9 from Toms River to, and including, Little Egg Harbor Township. The group, which includes the Ocean County Engineering and Planning Departments and representatives of the affected municipalities along the Route 9 corridor, has been meeting for over a year, reviewing population and traffic forecasts and discussing potential means of improving traffic circulation. NJDOT

established the group to obtain municipal input concerning general and specific projects to relieve congestion on Route 9, such as intersection improvements, bypasses, parallel routes and park and ride facilities. Little Egg Harbor Township officials should continue to attend such meetings and provide input.

Ocean County

Ocean County plans to modify the curve of Giffordtown Road just south of Nugentown Road at a future date. In addition, Ocean County is planning the future reconstruction of both Mathistown Road and Center Street. A timetable for improvement has not yet been announced. In addition, Ocean County is planning the future reconstruction of both Mathistown Road and Center Street.

Modification of the Tuckerton By-Pass

The concept of a Route 9 by-pass road around Tuckerton was incorporated into the 1979 Master Plan. Since 1978, Ocean County and the State of New Jersey have constructed several improvements associated with this by-pass roadway. The improvements include: modification of Giffordtown Road; the signalization of the Route 9/Giffordtown Road intersection; and construction of Railroad Avenue. The Ocean County Engineering Department also pursued the feasibility of this new roadway about ten years ago. The feasibility analysis analyzed the viability of several alternate alignments for the segment between Nugentown Road and Route 539, which crosses Tuckerton Creek. The Ocean County Engineering Department analysis determined that permitting and construction constraints resulting from the Tuckerton Creek stream and wetland corridor rendered a by-

pass route unfeasible. As a result, the Ocean County Engineer's Office has removed the bypass from the County's capital improvement plans.

One proposal, which surfaced in discussion with the Ocean County Engineer during the preparation of the current Master Plan, is for the by-pass to utilize existing roads in Little Egg Harbor Township and Tuckerton Borough. Additional improvements could be made to Giffordtown and Nugentown Roads, which already link Route 9, west of Tuckerton, to Route 539. The continuation of the roadway from the Nugentown Road – Route 539 intersection to Railroad Avenue does not appear feasible since a direct connection is blocked by the Greenwood Cemetery. Therefore, at this time, it is unlikely that a major Route 9 by-pass will be constructed.

Municipal

The Circulation Plan contains several proposals for improvements to the local roadways in the circulation system.

Otis Bog Road: Otis Bog Road from Nugentown Road to Route 9 south to Center Street, is designated a future minor collector running generally parallel to Mathistown Road, consistent with the 1978 Master Plan. A minimum right-of-way width of sixty (60) feet should be reserved as part of any development application traversed by the project alignment.

Poor Man's Parkway: Poor Man's Parkway, which parallels the Garden State Parkway from North Green Street to the municipal boundary, is within the right-of-way of the Parkway. A proposed local road is shown along the Parkway to indicate the Township's position that the road should remain open for the future and be replaced if the Highway Authority should impact the existing roadway. A minimum right-of-way of 50 feet is recommended.

Frog Pond Road: Frog Pond Road can be expected to function as a minor collector in the future based on potential development along this roadway. A minimum right-of-way width of 60 feet is recommended.

Hickory Lane: Hickory Lane is designated as a future minor collector with a minimum right-of-way width of 60 feet. The purpose of this designation is to reserve adequate right-of-way from future development on the north side of the roadway. As a minor collector, Hickory Lane may serve as an emergency by-pass of the downtown Tuckerton area due to its connection to Railroad Avenue.

Future intersection improvements: Future intersection improvements are shown in Figure 10 to indicate intersections which will need improvements based on future growth. Some of the intersections will require signalization, as volumes warrant, or as widening is required to accommodate increased traffic. For example, Mathistown Road at Route 9 should be improved to provide a separate right hand turning lane for northbound Route 9 traffic. In addition, the State should consider a left hand turning lane for Route 9 southbound traffic onto Mathistown Road. Other intersections identified for future improvements are: Oak Lane at Center Street and Radio Road; North Green Street at Nugentown Road; and Frog Pond Road at Parkers Road near Parkertown.

Transportation Policies

Park and Ride Facility

Park and ride facilities meet the parking needs of carpooling and bus commuters. Typically, the facilities are strategically situated to intercept commuters at convenient locations. The demand for such facilities should be investigated for the work trips to the north on the Garden State Parkway and work trips to the south (i.e. Atlantic City) via Route 9 and the GSP. A facility at or near the Route 539 Garden State Parkway interchange appears to be the most logical but needs to be studied in more detail. Other locations for Atlantic City commuters could be investigated.

An inquiry of the NJ Highway Authority in March 1999 indicated that the Authority has no active plans for a park-and-ride facility at Interchange 58. In addition the Authority has minimal surplus property at this location. The Highway Authority will work with Little Egg Harbor officials to investigate the feasibility of such a facility within existing Authority property or examine other potential locations at Interchange 58.

Traffic Calming

As a result of increased traffic, planners, public officials and citizens have looked for innovative methods to mitigate traffic congestion. One technique, which has received considerable recent attention because it is diametrically opposite to traditional traffic engineering, is "traffic calming". Traffic calming describes types of circulation improvements that slow traffic to improve pedestrian safety. The traditional engineering

approach advocates wider lanes and roadways, which increase speeds and volumes. Traffic calming involves vertical and horizontal changes to the roadway that change the character of street to slow traffic. For example, traffic calming may include "humps" which raise the entire curb-to-curb section of the road for a length of 20-25 feet, similar to a speed bump, to slow traffic. A "choker" narrows the road to a width of 12 to 20 feet to force vehicles to decrease their speed. Traffic calming techniques can be used in residential neighborhoods to slow traffic and increase safety for pedestrians and cyclists. Such techniques should be reviewed by Township officials and considered for future municipal development standards.

Bike Paths

Consideration should be given to construction of bike paths along existing roads, which connect residential areas to recreational facilities and schools, along scenic routes and within new residential developments. A bike path can be a level shoulder, a sidewalk-type route along a street, a separate route on a utility easement, or a former railroad right-of-way. Routes for bike paths can be constructed on existing roads. Municipalities also can mandate bike paths as on-site improvements for development projects. The Ocean County Transportation Plan for the Year 2000 identifies a proposed bikeway along County Route 539, starting at State Highway Route 9 and continuing north through the Township. The State of New Jersey has increased funding of bikeway construction in recent years to assist municipalities in the effort to provide new bikeways.

Chapter 14: Relation of Master Plan to Other Plans

Plan Policy Statement

1. State Policies

a. State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was adopted by the State Planning Commission on June 12, 1992 to guide State agencies and local governments in public actions that affect growth and development. The State Plan identifies goals and strategies to address statewide planning objectives regarding land use, housing, economic development, transportation, natural resource conservation, agriculture, recreation, public facilities and intergovernmental coordination. The goals and strategies of the Plan are applied in a Resource Planning and Management structure consisting of Centers and Planning Areas. The geographic locations (centers) and the planning areas are geographically delineated by the State Planning Commission for the entire state.

The intended purpose of the SDRP is to guide the capital investment and allocation of resources of State agencies. Therefore, the Plan affects the funding of utility infrastructure, State roads, all types of grants and open space acquisition assistance. The Governor has instructed all State agencies by Executive Order to utilize the State Master Plan in decision-making. As a result of the Governor's order, the Plan has been used to guide permitting decisions, especially by the Department of Environmental Protection.

A review of the Resource Planning and Management maps of the SDRP indicates that Little Egg Harbor Township is within two Planning Areas: the Rural Planning Area (Planning Area 4) and the Environmentally Sensitive Planning Area (Planning Area 5). The maps also identify two town centers: Mystic Island and Nugentown. Identification of centers does not mean the Township has already received town center status. Center designation is obtained by submitting a petition to the Office of State Planning, accompanied by a detailed planning document. The planning documents must delineate a community development boundary to distinguish the growth area(s). The benefits of center designation include expedited permits and priority in State grant programs.

b. Cross Acceptance Status

In September 1998, the Ocean County Planning Board published a draft "Ocean County Cross Acceptance Report" and held two public hearings for public comment on the document. The Cross Acceptance Report is a summary of the concerns expressed by municipalities and citizens of Ocean County concerning the proposed revisions to the SDRP. The County Planning Board indicates, in the Cross-Acceptance Report, that the planning designation of the Route 539 Corridor is an outstanding issue from the first round of cross-acceptance. As detailed below, the Township has worked with two adjacent municipalities to address this issue.

The Township participated with Tuckerton Borough and Eagleswood Township in a joint Center Designation petition for a Tuckerton Town Center and Village

Center at Parkertown/West Creek. The Tuckerton "town center" includes portions of Tuckerton Borough and Little Egg Harbor Township. The "village center" includes the areas of Parkertown and West Creek (Eagleswood Township) within a village. The Ocean County Planning Board coordinated the petition, based on submissions by each of the participants and a series of meetings over a 12 to 15 month time period. The joint group reached consensus on the community development boundary of the two centers. These boundary of the centers are shown in Figure 7, The Land Use Plan. The petition has been included in the Ocean County Cross Acceptance Report. The Office of State Planning has promised an expedited review of the petition.

c. **Proposed Coastal Area Facility Review Act Rules**

In December 1998, the NJDEP published proposed rules to modify the method in which development intensity is determined for purposes of Coastal Area Facility Review Act (CAFRA) Permits. The existing rules provide for a site specific analysis of a series of factors within the various coastal regions to determine the level of allowable impervious coverage. The proposed rule establishes that the level of the allowable impervious coverage of certain CAFRA-regulated development will be based upon the location of the tract in a SDRP planning area or coastal center as designated pursuant to the SDRP or on an interim basis. The current as well as the proposed regulations limit impervious coverage of proposed regulated development as the primary means to control development intensity. Within a coastal center residential and non-residential CAFRA development, projects may have an impervious coverage of up to 70%. CAFRA regulated development outside of the community development

boundary of a coastal town cannot exceed 1% impervious coverage in Planning Areas Four and Five.

There are three (3) coastal centers - Tuckerton, Parkertown and Mystic Island.

~~The coastal center maps, published by the DEP, propose two (2) coastal centers for Little Egg Harbor Township: Tuckerton/Nugentown coastal town and Mystic Island coastal town. The proposed centers differ from the joint center petition submitted to the Office of State Planning in the cross-acceptance process. The difference in the areas will have to be reconciled in the Township's discussion with the Office of State Planning concerning the town and village center petition.~~

Little Egg Harbor should conduct an area-wide analysis when evaluating its current centers to address all growth impacts (water quality, habitat loss, etc.)

d. **Pinelands**

The Land Use Plan Element, discussed herein, has not designated future land uses for the section of Little Egg Harbor Township within the jurisdiction of the Pinelands Commission. The Pinelands portion of the Township is all of the lands north of the Parkway and a portion of Bass River State Forest, which extends south of the Parkway in the Nugentown area. The Land Use Plan does not modify proposed land use within the jurisdictional area of the Pinelands Commission. Revisions to the Pinelands zones will occur at some future date, as necessary.

The Pinelands Commission has planning advisory authority over lands outside of its direct jurisdiction but within the "Pinelands National Reserve." The latter term represents the geographic area recognized by the Federal Government in the National Parks and Recreation Act of 1978. The boundary of the "National

Reserve” encompasses the entire remainder of the Township. The Pinelands Commission has provided planning designations for Reserve areas in its Comprehensive Management Plan (CMP). For example, portions of the Route 539 and Route 9 Corridors are designated as a Regional Growth district. The Pinelands Commission defines a Regional Growth District as an area “to encourage appropriate patterns of compatible residential, commercial and industrial development...in order to accommodate regional growth influences... while protecting the Pinelands environment.” Development of such areas is critical to the planning designations of the overall Pinelands Plan because Regional Growth districts absorb growth pressures that otherwise may threaten the Pinelands ecosystem. The significance of the Pinelands Commission planning for areas in Little Egg Harbor Township in the Pinelands National Reserve is that the CMP provides a regional planning basis for the applicable land use designations, in the Township Land Use Plan and Town Center petition. The State Plan, which was adopted after the CMP, does not reflect the Regional Growth designations of the CMP.

e.

Residential Site Improvement Standards

If more stringent freeboard and flood resistant construction standards are implemented, they should be included in the RSIS section here.

On June 3, 1997 the Residential Site Improvement Standards (RSIS) became effective for all municipalities and utility authorities in New Jersey. The RSIS regulations are a set of minimum technical standards, applicable only to residential development, which address road widths, pavement specifications, curb and sidewalk construction, sewer and water utilities and stormwater management. Landscaping and shade trees are not included in the RSIS at this time. The rules preempt existing municipal improvement requirements for the

stated purpose of reducing housing costs by limiting site improvement costs via uniform and minimum standards.

According to the NJ Department of Community Affairs, no local action is required to resolve any conflicts between the RSIS and the improvement standards of Township. It is recommended that specific conflicting standards in the Township's Land Development Ordinances, if any, be deleted and replaced with a reference to the RSIS subchapter and paragraph. The advantages of such an ordinance revision are: 1) the standards which are superseded are removed to reduce confusion and misinformation and 2) the ordinance will not have to be updated with future revisions or updates of the technical provisions of the RSIS.

Housing Element is separate document - require standards for flood protection in flood prone areas and mandate emergency access. 

f. Fair Housing Act/ Council on Affordable Housing

Since the adoption of the Master Plan and Re-examination Report in 1988, the Council on Affordable Housing (COAH) has adopted "Low and Moderate Income Housing Need" figures for the 1993-1999 cycle. The need numbers supersede the housing need identified in any previous planning documents.

The 1993-1999 indigenous housing need figure for Little Egg Harbor Township is 32 units and the total calculated need is 225 units. COAH will be publishing housing need estimates shortly, which will govern the 1999-2005 cycle.

The Planning Board intends to complete a Housing Element at a future date.

2. Ocean County Master Plan

The Ocean County Comprehensive Master Plan was adopted in December 1988 to guide the future development of Ocean County. The County Master Plan reviews population, housing and economic data, environmental resources, land use and other significant information and provides a comprehensive land use and policy plan. The General Development Plan designates several land use types and densities for Little Egg Harbor Township. The Mystic Island area is designated for Suburban Density Development (five units or more per acre). The West Tuckerton, Route 539 (southern segment), Mathistown Road corridor and Parkertown areas are designated for Medium density (2-4 units per acre). Stream corridors such as Parker's Creek, Gifford Branch, Mill Branch, Willis Creek, branches of the Westecunk creek and tidal meadows areas are designated for preservation. The proposed Land Use Plan of the Little Egg Harbor Township is consistent with the Ocean County Comprehensive Master Plan.

3. Contiguous Municipalities

Little Egg Harbor Township shares land boundaries with Eagleswood Township, Tuckerton Borough and Bass River Township.

a. Eagleswood Township

The current land use planning of Eagleswood Township is generally consistent with the proposed Little Egg Harbor Township Land Use Plan. The land bordering Little Egg Harbor Township in Eagleswood is zoned residential, commercial and industrial. The abutting Eagleswood residential zones require similar minimum lot areas as Little Egg Harbor. The commercial zone in Eagleswood parallels Route 9 as does the commercial area in Little Egg Harbor.

Eagleswood has an industrial district along the Garden State Parkway, which abuts a low-density residential area in Little Egg Harbor Township, and therefore is an inconsistent land use designation. The inconsistency is mitigated by the fact that the areas are separated by a wetlands corridor.

b. Tuckerton Borough

Tuckerton Borough is completely enclosed by Little Egg Harbor Township, except for the portion of Tuckerton fronting the bayside. The Tuckerton Borough planning is generally consistent with the proposed Little Egg Harbor Township Land Use Plan. The abutting residential areas in both municipalities are similar in density. The Tuckerton business districts are consistent with the business/commercial designated areas in Little Egg Harbor Township. One exception is a Little Egg Harbor Township business/commercial land use on Oak Lane, which abuts a medium density area of Tuckerton Borough. The conflict may be mitigated by the fact that a wetlands corridor traverses the rear of the Little Egg Harbor business area. Because the wetlands area may not be developed, it acts as a buffer between future commercial development along Oak Lane and the medium residential density area of Tuckerton.

Tuckerton and Little Egg harbor have worked collaboratively on advancing shared goals for community resiliency.

c. Bass River Township

The entire western boundary of Little Egg Harbor Township is shared with Bass River Township, which is a municipality within Burlington County. The land use planning in Bass River Township is generally compatible with the Little Egg Harbor Township Land Use Plan. For example, the majority of the area which abuts Little Egg Harbor, south of the Garden State Parkway and north of Route 9,

is in the Preservation District of the Pinelands Comprehensive Management Plan. The minimum lot size in the Bass River Preservation District is 3.2 acres. The Little Egg Harbor area adjacent to the Preservation district is designated in the proposed Land Use Plan for low-density residential land use. A non-Pinelands Rural Development district in Bass River is located between Route 9 and the aforementioned Preservation area. This is contiguous with a low density residential zone in Little Egg Harbor. In the eastern sector of Bass River Township, south of Route 9, the prevailing zoning is Coastal Wetlands. This district is also a low intensity zone, which permits single family dwellings in non-wetlands areas on a minimum lot area of 3.2 acres, allowing alternate or innovative on-site sewage disposal. The abutting area of Little Egg Harbor Township, separated by Ballanger Creek, is designated for medium density and low density residential land use.

4. **Solid Waste Management and Recycling**

As detailed in Chapter 6 (Community Facilities/Open Space), Little Egg Harbor Township has implemented solid waste and recycling efforts consistent with the Source Separation and Recycling Act enacted by the State in 1987. The Township has also implemented recycling and solid waste planning efforts consistent with the Ocean County Solid Waste Management Plan.

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Reexamination Report and Master Plan Amendment

June 2015

Prepared for:



Little Egg Harbor Township
Ocean County, New Jersey

Prepared by:



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Adopted June 4, 2015

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*The original of this document was signed
and sealed in accordance with New Jersey Law*

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Executive Summary

Introduction

The New Jersey Municipal Land Use Law (MLUL) requires that each municipality in New Jersey undertake a periodic review and reexamination of its local master plan. The purpose of the Reexamination Report is to review and evaluate the master plan and municipal development regulations on a regular basis in order to determine the need for updates and revisions. The Reexamination Report also reviews the progress of the township in achieving its planning objectives, and to consider the need for changes in order to ensure that the municipal plan is current and meets the needs of the township. The Planning Board of the Township of Little Egg Harbor is responsible for completing the reexamination, and preparing and adopting by resolution a report on the findings of the reexamination.

The Township of Little Egg Harbor adopted its last comprehensive master plan in 1999. The township subsequently adopted a Reexamination Report in 2007. In 2015, the township prepared another reexamination report (hereinafter referred to as the 2015 Master Plan Reexamination Report), which serves as a reexamination of the 1999 Master Plan, as supplemented by the 2007 Master Plan Reexamination Report and informed by the experience of Hurricane Sandy.

The 2015 Master Plan Reexamination Report provides opportunities for examining community resiliency, and is the township's response to Hurricane Sandy's impacts. It therefore places special emphasis on facilitating recovery from Hurricane Sandy, as well as promoting resiliency to future storm impacts and other potential natural hazards. To achieve this, the 2015 Master Plan Reexamination Report recommends a number of updates and revisions to the 1999 Master Plan, which have the combined effect of promoting resilience in the township. These changes have been compiled and incorporated into a master plan amendment, which updates and adds to the master plan goals and objectives, and also updates the township's Land Use Element, Community Facilities Plan Element, Economic Plan Element, Circulation Plan Element, and Stormwater Management Plan.

Impacts of Hurricane Sandy

Hurricane Sandy struck the coast of New Jersey on October 29, 2012, and caused extensive damage to the Township of Little Egg Harbor from both storm surge and wind damage. The township reported that approximately 4,000 residential properties and a number of small retail businesses and marinas suffered damage. Additionally, the township reported that seven roadways were damaged, and that electricity, water and sewer service were disrupted. Hurricane Sandy also resulted in damage to community facilities, including the Little Egg Harbor Township Community Center and Parkertown Dock. Trees and power lines also fell throughout the township.

Despite the extent of damages the Township of Little Egg Harbor sustained from Hurricane Sandy, existing land use patterns and prevailing land uses are not anticipated to substantially change. The long-term impacts of Hurricane Sandy will be affected by a variety of factors including insurance payouts, flood insurance regulations, as well as the ability for residents, businesses, and the township to rebuild.

With the impacts of Hurricane Sandy so great, the Township of Little Egg Harbor has significant concern and reason for promoting not only recovery from Sandy, but also building resiliency to future storm impacts and other potential natural hazards. While the current 2015 Master Plan Reexamination Report is broad in scope, the experience of Hurricane Sandy and the need to build resiliency has influenced and informed its preparation.

The Local and Regional Reaction to Hurricane Sandy

Strategic Recovery Planning Report

As a response to Hurricane Sandy, the Township of Little Egg Harbor adopted a Strategic Recovery Planning Report in 2014. The purpose of the Strategic Recovery Planning Report is to outline a recommended set of actions to guide the township in promoting recovery from the impacts of Hurricane Sandy and resiliency to future storms. The actions recommended by the Strategic Recovery Planning Report have been incorporated and described in detail in the 2015 Master Plan Reexamination Report.

Floodplain Management Plan

Concurrent with the development of the 2015 Master Plan Reexamination Report, the Township of Little Egg Harbor was in the process of preparing a floodplain management plan. The purpose of this plan is to identify and assess flood hazards within the township, establish goals and objectives for floodplain management, and present a series of actions designed to minimize flooding and mitigate the impacts from flooding in the future. The 2015 Master Plan Reexamination Report recommends the adoption of a floodplain management plan, which will facilitate the adoption of the actual floodplain management plan.

Ocean County Multi-Jurisdictional All Hazard Mitigation Plan

Ocean County adopted its Multi-Jurisdictional All Hazard Mitigation Plan (HMP) in 2014. The Plan identifies natural hazards that could affect the county's jurisdictions, evaluates the risks associated with these hazards, and identifies the mitigation actions to lessen the impacts of a disaster on Ocean County communities. Ocean County employed a multi-jurisdictional approach to develop the plan, and every municipality in the county was invited to participate as an equal partner with the county. The HMP outlines a number of countywide and local actions to reduce risk exposure. These have been summarized in the 2015 Master Plan Reexamination Report and, where relevant, have been incorporated in the accompanying master plan amendment.

Specific Changes Recommended for the Master Plan and Development Regulations

To promote recovery from Hurricane Sandy and resiliency to future storms and other hazards over the long-term, the 2015 Master Plan Reexamination Report recommends a number of changes to the township's municipal master plan and development regulations. These are outlined in the following subsections.

Changes to the Master Plan

The 2015 Master Plan Reexamination Report recommends that the existing goals and objectives be restated to promote clarity and centrality of information. The 2015 Master Plan Amendment also adds new objectives that are intended to promote recovery and resiliency (i.e., resiliency objectives). These new objectives are outlined below:

Resiliency Objectives

1. Employ storm-resistant building strategies in all future municipal construction in areas to the south of the Garden State Parkway.
2. Construct storm-resistant infrastructure, including equipment, pumps and buildings elevated above the flood hazard elevation and berms or levees to protect capital facilities.
3. Automate and expedite the processing of building permits.
4. Develop a GIS database and user interface to catalog and inventory all infrastructure owned by the township, as well as to provide essential property-specific information, such as zoning, building characteristics, occupancy information, dog and cat licenses, etc.
5. Compile low-elevation aerials to provide high-quality aerial mapping with six-inch contours within special flood hazard areas.
6. Ensure that local planning documents promote hazard mitigation and community resiliency.
7. Prepare and adopt a master plan element for floodplain management.
8. Explore opportunities to participate in the Community Rating System.
9. Prepare a multi-year capital improvement program.
10. Develop evacuation routes and provide signage and education.
11. Investigate opportunities for full-time staff within local fire and EMS agencies.
12. Investigate opportunities for shared services and mutual aid, in particular with inland communities that are not as vulnerable to major storms.
13. Provide natural gas service for generators, as well as more generators at schools.
14. Improve communication infrastructure for police, fire, and EMS (incl., securing of existing equipment).
15. Improve communication between emergency management and water and electric utility companies.
16. Prepare an updated natural resources inventory.
17. Install a town-wide Supervisory Control and Data Acquisition (SCADA) system in conjunction with the township's owned and operated facilities to communicate critical alarms to a centralized location or operational personnel.
18. Strengthen Radio Road from future storm damage.
19. Install bay-front energy dissipation structures where needed.
20. Install riprap along the shoreline where needed.
21. Replenish the eroded beach at Parkertown Dock Recreation Facility.
22. Repair the Iowa Court seawall.

23. Repair bulkheads where needed.
24. Continue to participate in the National Flood Insurance Program.
25. Maintain a local emergency planning committee.
26. Hold quarterly emergency management meetings at town hall meetings.
27. Develop a reverse 911 system.
28. Maintain and update the Emergency Operations Plan.
29. Complete the flood protection project at East Sail, Boat, and Dory drives.
30. Upgrade the emergency power supply at the municipal building/emergency command center.
31. Supply the Municipal Utilities Authority with necessary on-site generators for back-up power for wells, pump stations, and its office. Generators must be installed above flood hazard elevation.
32. Adopt a township-wide debris management plan that provides the Department of Public Works with an emergency staging facility and designated debris management area.
33. Complete work to remedy siltation of inlets that occurred during Hurricane Sandy by removing sand and dredging.
34. Complete work to remedy siltation of inlets caused by storm surge during Hurricane Sandy by dredging all lagoons in the Mystic and Osborne island areas.
35. Perform video inspection and sewer cleaning of sanitary sewer lines in the Mystic Island area and other flood-inundated sections of the township to determine where repairs or replacements are needed.
36. Adopt a township policy to encourage the elevation of residences above the advisory base flood elevation.
37. Adopt a complete streets policy to ensure that local roadways meet the needs of all types of users and all modes of circulation, including walking, bikes, cars, trucks, and buses.

To reflect the recommendations of the 2015 Master Plan Reexamination Report, the 2015 Master Plan Amendment also contains the following components:

- A Land Use Element update that includes current land use mapping, and a discussion of green building and infrastructure techniques to aid the township to build resiliency through development regulations;
- A Community Facilities Plan Element update that includes updated mapping of community facilities and critical infrastructure, and a discussion on promoting resiliency at community facility and critical infrastructure sites;

- A revision to the Economic Plan Element to: recommend the establishment of shared service agreements with inland communities that are not as vulnerable to major storms as Little Egg Harbor and adjacent municipalities; and, provide a discussion of the Mathistown Road and Radio Road Streetscape Improvement Project;
- A Circulation Plan Element update that: reflects the current status of roadways and improvements that were proposed in the 1999 Master Plan; evaluates the current relevancy of transportation policies that were outlined in the 1999 Master Plan; includes new roadway projects that were identified in the recommended actions of the 2014 Strategic Recovery Planning Report; makes recommendations for the development of emergency evacuation routes, the development of which was a recommended action in the 2014 Strategic Recovery Planning Report; and, promotes the development of bicycle and pedestrian connections; and,
- An update to the Stormwater Management Plan that facilitates the implementation of the 2014 Strategic Recovery Planning Report by adding a number of project-specific goals.

Changes to Development Regulations

In addition to the numerous changes to the township's 1999 Master Plan, the 2015 Master Plan Reexamination Report recommends that the township update its zoning policies to promote sustainable development and resilience to future storms, and make the necessary changes to fully implement the township's stormwater management plan. Such changes will promote sustainable development and resilience to future storms, by:

- Requiring the use of native vegetation in buffer areas;
- Allowing buffer areas to be utilized for stormwater management by disconnecting impervious surfaces and treating runoff from them;
- Prohibiting bulk storage within 50 feet of a stormwater management basin/facility;
- Requiring that drainage right-of-way easements be kept in a pervious state to treat runoff before it reaches watercourses;
- Permitting curb cuts or flush curbs with curb stops to enable vegetated swales to be used for stormwater conveyance, and to provide for the disconnection of impervious areas;

- Requiring that developers design sidewalks to discharge stormwater to neighboring lawns where feasible, or to use permeable paving material where appropriate;
- Encouraging the use of natural vegetated swales in lieu of inlets and pipes;
- Permitting the use of pervious paving materials in order to minimize stormwater runoff and promote groundwater recharge;
- Encouraging developers to allow for the discharge of impervious areas into landscaped areas for stormwater management; and,
- Permitting the use of natural vegetated swales for the water quality design storm, with overflow for larger storm events into storm sewers.

Capital Recommendations/Public Facilities and Other Critical Infrastructure

The 2015 Master Plan Reexamination Report also recommends various capital improvements and improvements to public facilities and other critical infrastructure, many of which have been developed in accordance with the preparation of the township's Floodplain Management Plan, 2014 Strategic Recovery Planning Report, the County's Hazard Mitigation Plan, and the Capital Improvement Plan. These recommendations include the following Township-wide projects:

- Automating and updating Township's system for processing permits;
- Developing a Geographic Information System (GIS) to increase resiliency;
- Compiling low-elevation aerials to provide high-quality aerial mapping with six-inch contours within special flood hazard areas;
- Participation in FEMA's Community Rating System (CRS);
- Preparing a Debris Management Plan;
- Maintaining and updating the Emergency Operations Plan;
- Improving communication infrastructure for police, fire and EMS;
- Developing a reverse 911 system; and,
- Installing a Township-wide Supervisory Control and Data Acquisition (SCADA) system.

Other examples of site-specific capital recommendations include:

- Installing emergency and portable generators at key facilities;
- Employing storm-resistant building strategies in municipal construction in areas to the south of the Garden State Parkway;

- Providing natural gas service for generators;
- Installing bay-front energy dissipation structures;
- Installing riprap along the shoreline;
- Replenishing the eroded beach at Parkertown Dock Recreation Facility;
- Repairing the Iowa Court seawall;
- Repairing bulkheads, where needed;
- Completing work to remedy siltation of inlets that occurred during Hurricane Sandy by removing sand and dredging;
- Completing work to remedy siltation of inlets caused by storm surge during Hurricane Sandy by dredging all lagoons in the Mystic and Osborne island areas; and,
- Performing video inspection and sewer cleaning of sanitary sewer lines in the Mystic Island area and other flood-inundated sections of the township to determine where repairs or replacements are needed.

Summary

Hurricane Sandy caused extensive damage in the Township of Little Egg Harbor and exposed many vulnerabilities. While much has been done to promote recovery, additional work is needed. Furthermore, it is important to ensure that the master plan helps the township to promote sustainable development and build resiliency to future storms. The 2015 Master Plan Reexamination Report and accompanying master plan amendments will help the township to meet these needs.

LITTLE EGG HARBOR TOWNSHIP
ZONING ORDINANCE

Redlined/Annotated

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ARTICLE I

Purpose

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

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

ARTICLE II
Definitions

§ 15-2.1. Definitions; word usage.

- A. As used in this chapter, the following definitions shall apply throughout the Township, including the Pinelands Area; provided, however, that in the event of a conflict between a definition of a Township wide application and a Pinelands Area definition, the Pinelands Area definition shall control in the Pinelands Area. The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. The definitions set forth in the Municipal Land Use Law and which are not set forth in Subsection B. below are adopted herein by reference. Where a term has been defined both in Subsection B. below and in the Municipal Land Use Law and there is a conflict between the definitions for said term, the definition set forth in Subsection B. below shall govern in regard to the application of this chapter.
- B. As used in this chapter, the following terms shall have the meanings indicated: **[Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 12/12/2002 by Ord. No. 2002-040]; [Amended 4/21/2004 by Ord. No. 2004-00]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Add definition for
"base flood
elevation"

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

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

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

BILLBOARD - See, "Sign."

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

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

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

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

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

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

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

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

Adjust building setbacks in flood prone areas to reduce vulnerability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Add "freeboard" to definitions

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

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

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

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

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

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

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

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

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

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

The uses defined herein should not be permitted to be located in a floodprone area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MINOR SITE PLAN – A development plan which:

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

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

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

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

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

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

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

MOTEL - The same as "hotel," as defined herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) A commercial establishment, which, as one of its principal business purposes, offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes or other visual representations which depict or describe a “specified sexual activity” or “specified anatomical areas”; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a “specified sexual activity” or “specified anatomical area”, or instruments, devices, or paraphernalia which are designed for use in connection with a “specified sexual activity”; or
- (2) A commercial establishment, which regularly features live performances characterized by the exposure of a “specified anatomical area” or by a “specified sexual activity,” or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a “specified sexual activity” or “specified anatomical area”;
- (3) “Person” means: an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (4) “Specified anatomical area” means: (1) less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (b) human genitals in a discernibly turgid state, even if covered.
- (5) “Specified sexual activity” means: (a) the fondling or other erotic touching of covered or uncovered human genitals, pubic region, or female breasts; or (b) any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ensure service area restrictions are consistent with known risk of coastal hazards.

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

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

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

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

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

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

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

ARTICLE III
Administrative Procedure

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

- A. There is hereby established, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in the Township of Little Egg Harbor, a Planning Board of nine (9) members, consisting of Class I, Class II, Class III and Class IV members.
- B. Class I, Class II, Class III and Class IV members shall be appointed in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-23, as amended.
- C. Terms of office. The terms of office of the members of the Planning Board shall be as set forth in N.J.S.A. 40:55D-23, as amended.
- D. Alternate members. The Mayor may appoint two (2) alternates to the Planning Board. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of alternate members shall be as set forth in N.J.S.A. 40:55D-23.1, as amended.
- E. All appointments of Class IV members and alternates to the Planning Board shall commence as of January 1 of the year of appointment and shall terminate on December 31 of the last year of the term of the appointment.

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

- A. The Attorney to the Planning Board shall be an Attorney other than the Municipal Attorney and shall be appointed by the Planning Board for a term of one (1) year commencing January 1. Appointment to such office made after January 1 of any year shall be limited to the calendar year, and such term shall terminate on December 31 of the year of appointment. The Attorney to the Board shall receive such compensation as shall be fixed by contract between the Attorney and the Board.
- B. The Planning Board may also employ or contract for and fix the compensation of experts and other staff and services as it may deem necessary.
- C. The Board shall not authorize expenditures, which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 15-3.3. Powers and duties.

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

- A. To make and adopt and from time to time reexamine and/or amend a Master Plan for the physical development of the Township in accordance with the provisions of N.J.S.A. 40:55D-28 and 40:55D-89.
- B. To exercise subdivision control and site plan review in accordance with the provisions of this chapter and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 *et seq.*, and to grant de minimis exceptions to the adopted Residential Site Improvement Standards (RSIS).
- C. To consider and make a report to the Township Committee within thirty-five (35) days after referral as to any proposed development regulation submitted to it, pursuant to the provisions of N.J.S.A. 40:55D-26a, and also to pass upon other matters specifically referred to the Planning Board by the Zoning Board of Adjustment, pursuant to the provisions of N.J.S.A. 40:55D-26b.
- D. Variances and issuance of permits.
 - (1) Powers.
 - (a) Whenever the proposed development requires the approval, pursuant to this chapter, of a subdivision, site plan or conditional use, but not a variance pursuant to N.J.S.A. 40:55D-70d, to grant, to the same extent and subject to the same restrictions as the Board of Adjustment, variances pursuant to Subsection 57c of the Municipal Land Use Law, provided that for applications in the Pinelands Area, variances granted which constitute waivers from the Comprehensive Management Plan shall be submitted to the Pinelands Commission for review and action only after consideration and approval by the Planning Board.
 - (b) In accordance with the provisions of N.J.S.A. 40:55D-34, to direct the issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood-control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
 - (c) In accordance with the provisions of N.J.S.A. 40:55D-36, to direct the issuance of a permit for a building or structure not related to a street.
 - (2) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be. The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinances.

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

- A. The Board shall adopt rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.
- B. When any hearing before a Planning Board shall carry over two (2) or more meetings, a member of the Board who was absent for one (1) or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that such Board member has available to him a transcript or recording of the meeting from which he was absent and certifies, in writing, to the Board that he has read such transcript or listened to such recording.

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

- A. There is hereby established in the Township of Little Egg Harbor, pursuant to the Municipal Land Use Law, a Board of Adjustment consisting of seven (7) members appointed by the Township Committee.
- B. The Zoning Board of Adjustment shall not have more than four alternate members, whom shall be appointed by the Township Committee. Alternate members shall be designated at the time of appointment by the Township Committee as “Alternate No. 1,” “Alternate No. 2,” “Alternate No. 3,” and “Alternate No. 4.” **[Amended 5/10/2007 by Ord. No. 2007-009]**
- C. The terms of the members first appointed under this chapter shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed in the case of regular members, evenly over the first four years after their appointment and, in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of a regular member shall not exceed four years and that the initial term of an alternate member shall not exceed two years. Thereafter, the term of each regular member shall be four years and the term of each alternate member shall be two years. The terms of not more than two alternate members shall expire in any one year. All regular members and any alternate members shall be residents of the Township of Little Egg Harbor. **[Amended 5/10/2007 by Ord. No. 2007-009]**
- D. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- E. The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall select a Secretary, who may or may not be either a Board member or a municipal employee.

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

- A. There may be an Office of Attorney to the Board of Adjustment. The Attorney to the Board of Adjustment shall be an Attorney other than the Municipal Attorney and whose term of office shall be one (1) year, commencing January 1. Appointments to this office made after January 1 shall be limited and shall terminate on the following December 31. The Board may employ the services of an Attorney and pay such compensation as shall be fixed by contract between the Attorney and the Zoning Board of Adjustment.
- B. The Board shall not authorize expenditures, which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The Township Committee shall make provisions in its budget and appropriate funds for the expenses of the Board.

§ 15-3.7. Adoption of rules and regulations.

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

§ 15-3.8. Powers and duties.

- A. The powers of the Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 et seq., and amendments and supplements thereto, and with the provisions of this article.
- B. It is further the intent of this article to confer upon the Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of the Zoning Regulations or any term, clause, sentence or word thereof and the Zoning Map in accordance with the general rules of construction applicable to legislative enactments.
- C. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances in accordance with the general or specific rules contained herein and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this chapter would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in the Municipal Land Use Law or subsequent statutes in such case made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.
- D. In the case of variance applications, other than a "d" variance application under N.J.S.A. 40:55D-70, variances granted which constitute a waiver of requirements, standards or

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

- E. Any municipal variance approval which grants relief from the density or lot area requirements set forth in Article IV for a residential or principal nonresidential use in the Pinelands Village Zone shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of the permitted without the variance. [**Amended 5/10/2001 by Ord. No. 2001-08**]
- F. To exercise the powers and duties set forth in Subsection 15-13.4.(15) with regard to historic resources in the Pinelands Area.

§ 15-3.9. Appeals and applications.

- A. Appeals to the Board of Adjustment may be taken by any interested party affected by any decision of the Zoning Officer or Building Official in accordance with N.J.S.A. 40:55D-72. The appellant shall file three (3) copies of the notice of appeal with the Secretary of the Board of Adjustment. The notice of appeal shall specify the grounds for such appeal.
- B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to an administrative officer.
- C. An appeal to the Board of Adjustment shall stay all proceedings arising from the appealed action. See N.J.S.A. 40:55D-75 for full text and exceptions.

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

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

§ 15-3.11. Expiration of variances.

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

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

§ 15-3.12. Powers granted by law.

A. The Board of Adjustment shall have the power:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the Zoning Ordinance.
- (2) To hear and decide requests for interpretation of the Zoning Map or Ordinance or decisions upon other special questions upon which such Board is authorized to pass by any Zoning or Official Map Ordinance in accordance with the Act.
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of the Municipal Land Use Law would result in peculiar and exceptional and undue hardship upon the developer of such property, to grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.
- (4) Where, in an application or appeal relating to a specific piece of property, the purposes of the Act would be advanced by a deviation from the Zoning Ordinance requirement, and the benefit of the deviation would substantially outweigh any detriment, to grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law; provided, however, that no variance from those departures enumerated in Subsection A(5) of this section shall be granted under this subsection; and provided, further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to N.J.S.A. 40:55D-60a.
- (5) In particular cases and for special reasons, to grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law to permit:
 - (a) A use or principal structure in a district restricted against such use or principal structure.
 - (b) An expansion of a nonconforming use.
 - (c) Deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use.
 - (d) An increase in the permitted floor area ratio, as defined in N.J.S.A. 40:44D-4.
 - (e) An increase in the permitted density, as defined herein, except as applied to the required lot area for a lot or lots for detached one or two-dwelling unit buildings, which lot or lots are either isolated, undersized lots or lots

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

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

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

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

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

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

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

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

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

§ 15-3.13. Applicability.

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

ARTICLE IV
Zoning Districts

§15-4.1. Designation of zoning districts.

R-5A	Residential Zone	Over 34% of areas zoned for residential uses are located within the A, AE or VE zones (1% annual flood risk) in the Township and therefore are at considerable risk.
R-3A	Residential Zone	
R-1A	Residential Zone	
R-400	Residential Zone	
R-200	Residential Zone	
R-150	Residential Zone	
R-100	Residential Zone	
R-75	Residential Zone	
R-75A	Residential Zone	
R-70	Residential Zone	
R-50	Residential Zone	88% of the Township's Neighborhood Business district (14.1 acres) and 4% of the General Business district (50 acres) are located in the AE zone.
PRC	Planned Retirement Community Zone	
PRD	Planned Residential Development Zone	
MF	Multi-Family Residential Zone	
NB	Neighborhood Business Zone	
GB	General Business Zone	
HB	Highway Business Zone	
MC	Marine Commercial Zone	
LI	Light Industry Zone	
SC/GB	Senior Citizen/General Business Zone	
SB	Special Business Zone	
WFD	Waterfront Development Zone	
Pinelands Area Zones		
PA	Preservation Area Zone	
FA	Forest Area Zone	
FAC	Forest Area Cluster Zone	
PV	Pinelands Village Zone	

§15-4.2. Zoning Map.

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

§15-4.3. Zone boundaries.

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

- lagoons, unless such district or zone boundary is fixed by dimension on the Zoning Map or by description and shall include contiguous riparian lands subsequently acquired and/or filled and lands acquired by accretion or stream diversion by natural causes.
- B. Where a zone boundary fixed by dimension on the Zoning Map approximately follows and is not more than 20 feet from a lot line, such lot line shall be constructed to be the zone boundary.
 - C. In un-subdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
 - D. Boundaries indicated as approximately following municipality limits shall be construed as following municipal limits.
 - E. Where a zoning lot is located in part in one zoning district and in part in another zoning district, the entire lot may be used for permitted uses in the zone containing the majority (greater than 50%) of the land area of the split zoned lot and all zoning requirements for that zone shall apply to the entire lot. **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040][[amended 2/8/2005] by Ord. No. 2005-02]**

For flood prone areas and areas that may be at increased risk as sea levels rise, permitted uses should be appropriate under various sea level rise scenarios*

§15-4.4. R-5A Residential Zone.

- A. Permitted principal uses of buildings and structures are as follows:
 - (1) Detached single-family dwellings units.
 - (2) Golf courses.
 - (3) Stables housing horses for private use.
 - (4) Federal, State, County, and municipal buildings and grounds, including fire and first aid buildings, public schools, parks, playgrounds or other recreational uses.
 - (5) Private or parochial schools not operated for profit; except, however that public and private colleges or universities shall not be permitted.
 - (6) Community residences for the developmentally disabled, housing no more than six (6) persons (excluding resident staff).
 - (7) Community shelters for victims of domestic violence housing no more than six (6) persons (excluding resident staff).
 - (8) Essential services.
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) Dog pens, provided they are located behind the rear building line and not in the required side or rear yard setback for the respective zone.
 - (2) Farm buildings for the storage of farm animals, farm products or equipment or for the processing of farm products, and which are located on the same premises as the principal use or building.

*Land uses in areas of greatest flood risk should belimited to recreation, open space, ecological restoration, and/or water dependent uses. In other risk zones, uses should be evaluated in terms of whether occupancy poses a riskto public health and safety as sea levels rise.

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

- (10) Maximum percent building coverage: 3 percent.

§15-4.5. R-3A Residential Zone.

- A. Permitted principal uses of buildings and structures are as follows:
 - (1) Same as permitted in the R-5A Zone District with the exception of farm and agricultural activities, and private and parochial schools.
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) Same as permitted in the R-5A Zone District with the exception of farm buildings for the storage of farm animals, farm products or equipment or for the processing of farm products, and which are located on the same premises as the principal use or building, as well as farm markets for the sale of produce and farm products grown or raised on the premises. Nurseries and greenhouses are non-permitted accessory uses within the R-3A Zone.
- C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:
 - (1) Cemeteries and mausoleums.
 - (2) Churches and places of worship.
 - (3) Community residences for the developmentally disabled, housing between seven and fifteen persons, excluding resident staff.
 - (4) Community shelters for victims of domestic violence housing between seven and fifteen persons, excluding resident staff.
 - (5) Public utilities.
 - (6) Communication antennas and towers.
- D. Signs:
 - (1) One lighted office announcement sign not more than 2 square feet in area.
 - (2) One lighted sign not to exceed 20 square feet in area for each access drive to a permitted or conditional use, plus additional signs not to exceed 4 square feet in area to provide direction to a specific building or buildings and to off-street parking areas.
- E. Area, yard and building requirements:
 - (1) Minimum lot area: 3 acres.
 - (2) Minimum lot width: 150 feet.
 - (3) Minimum lot depth: 200 feet.
 - (4) Minimum front yard setback: 50 feet.
 - (5) Minimum side yard setback: 20 feet.
 - (6) Minimum combined side yard setback: 50 feet.
 - (7) Minimum rear yard setback: 50 feet.

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

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

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

Limit building size and density in flood-prone areas.

Adjust building setbacks in flood-prone areas

§ 15-4.6. R-1A Residential Zone.

- A. Permitted principal uses of buildings and structures are as follows:
 - (1) Detached single-family residential dwelling units.
 - (2) Essential services.
 - (3) Federal, State, county and municipal buildings and grounds, including fire and first aid buildings, public schools, parks, playgrounds or other recreational uses. **[Amended 6/9/2005 by Ord. No. 2005-14]**
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) Dog pens, provided they are located behind the rear building line and not in the required side or rear yard setback for the respective zone.

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

§ 15-4.7. R-400 Residential Zone.

- A. Permitted principal uses of buildings and structures are as follows:
- (1) Detached single-family residential dwelling units.
 - (2) Essential services.
- B. Permitted accessory uses of buildings and structures are as follows:
- (1) Same as permitted in the R-1A Zone.
- C. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows:
[Amended 12/27/2001 by Ord. No. 2001-035]
- (1) Public utilities.
 - (2) Home professional office.
- D. Signs:
- (1) One lighted office announcement sign not more than 2 square feet in area.
 - (2) One lighted sign not to exceed 20 square feet in area for each access drive to a permitted or conditional use, plus additional signs not to exceed 4 square feet in area to provide direction to a specific building or buildings and to off-street parking areas.
- E. Area, yard and building requirements:
- (1) Minimum lot area: 35,000 square feet.
 - (2) Minimum lot width: 150 feet.
 - (3) Minimum lot depth: 175 feet.
 - (4) Minimum front yard setback: 50 feet.
 - (5) Minimum side yard setback: 20 feet.
 - (6) Minimum combined side yard setback: 50 feet.
 - (7) Minimum rear yard setback: 40 feet.
 - (8) Minimum accessory building side and rear yard setback: 15 feet.
 - (9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
 - (10) Maximum percent building coverage: 20 percent.

§ 15-4.8. R-200 Residential Zone.

- A. Permitted principal uses of buildings and structures are as follows:
- (1) Detached single-family dwellings units.
 - (2) Essential services.
- B. Permitted accessory uses of buildings and structures are as follows:

- (1) Dog pens, provided they are located behind the rear building line and not in the required side or rear yard setback for the respective zone.
 - (2) Fences and walls subject to the provisions of Subsection 15-12.17.
 - (3) Off-street parking.
 - (4) Private residential swimming pools
 - (5) Satellite dish antennas subject to the provisions of Subsection 15-5.2.
 - (6) Sheds, garden or tool storage units.
 - (7) Home occupations subject to the provisions of 15-5.13 [**Amended 12/27/2001 by Ord. No. 2001-035**]
 - (8) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use and building.
- C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows: [**Amended 12/27/2001 by Ord. No. 2001-035**]
- (1) Public utilities.
 - (2) Cluster Development in accordance with Subsection 15-4.8.F.
 - (3) Planned retirement community in accordance with the provisions of Subsection 15-4.15.
 - (4) Home professional office.
- D. Signs:
- (1) One (1) lighted office announcement sign not more than two square feet in area.
 - (2) Reserved.
- E. Area, yard and building requirements:
- (1) Minimum lot area: 20,000 square feet.
 - (2) Minimum lot width: 125 feet.
 - (3) Minimum lot depth: 150 feet.
 - (4) Minimum front yard setback: 40 feet.
 - (5) Minimum side yard setback: 15 feet.
 - (6) Minimum combined side yard setback: 35 feet.
 - (7) Minimum rear yard setback: 30 feet.
 - (8) Minimum accessory building side and rear yard setback: 15 feet.
 - (9) Maximum building height: 35 feet. [**Amended 8/23/2001 by Ord. No. 2001-019**]
 - (10) Maximum percent building coverage: 20 percent.
- F. Cluster development. In accordance with the regulations of this section, an owner, developer or subdivider may elect to develop lots for single-family detached dwellings in a manner which will preserve desirable open spaces, conservation areas, floodplains and wetlands and/or to provide areas and lands for other public or quasi-public purposes compatible with residential uses by permitting a reduction of lot sizes and the application

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

- (1) Required findings by Planning Board. Prior to granting approval of any cluster (reduced-lot-size) development election, the Planning Board must find that:
 - (a) The proposal will produce economy in layout and design.
 - (b) The proposal is not inconsistent with and will not create hazards relating to traffic patterns already established by surrounding development.
 - (c) Open space to be created by the proposal must be suitable for passive or active recreation uses and/or valuable for protection of the natural environment and/or necessary for a public or quasi-public purpose.
 - (d) There is reasonable assurance that the improvement and maintenance of the open space can be secured by the methods and arrangements proposed by the developer.
 - (e) The proposal is consistent with the intent and purposes of the Master Plan.
- (2) General standards.
 - (a) All dwelling units shall be connected to public water and sewer systems.
 - (b) The maximum number of residential building lots shall be determined in accordance with the provisions of this chapter.
 - (c) A cluster development shall consist of at least one or more contiguous tracts of land containing not less than 50 acres in the R-200 Zone and 40 acres in the R-150 Zone.
- (3) All open space lands shall meet the following requirements:
 - (a) A minimum of 30 percent of the gross area of the tract shall be restricted to open space purposes.
 - (b) The minimum size of any open space parcel shall be two acres.
 - (c) It shall be an integral part of the development and shall be located to best suit the purpose(s) for which it is intended.
 - (d) Nothing herein shall obligate the Township to accept land offered by the developer. Every parcel offered to and accepted by the Township shall be conveyed by deed at the time final plat approval is granted and such acceptance is subject to any conditions the Township may impose. The deed shall contain restrictions stating to what use(s) such land(s) shall be restricted.
 - (e) Any lands offered to the Township shall be subject to the approval by the governing body after review and recommendation by the approving authority. The approving authority shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands, and such existing features may enhance or detract from the intended use of the lands. The approving authority may request an opinion from other agencies or individuals as to the advisability of accepting any lands to be offered.
 - (f) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the Planning Board which ensures that:
 - [1] The open space area will not be further subdivided in the future.

- [2] The use of the open space areas will continue in perpetuity for the purpose specified.
 - [3] Appropriate provisions are made for the maintenance of the open space area.
 - [4] All open space shall be clearly indicated on the final plat by metes and bounds.
- (g) All lands set aside for open space shall be developed with active and passive recreational facilities to service the needs of the future resident population. The Planning Board shall have complete and final determination as to the adequacy, usefulness and functionalism of the lands set aside for open spaces. Active and passive recreational facilities shall include but not be limited to the following: ball fields, multi-purpose fields, tennis courts, multi-purpose court areas, children's playground equipment, passive picnic or sitting areas, swimming pools, bicycle paths, and jogging trails.
 - (h) There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units generally respecting a minimum width of 50 feet and periodically widening out into significant and usable reasonable areas.
 - (i) The configuration of the open space area should be so arranged that connections can be made to existing or future adjacent open spaces.
 - (j) Land so dedicated for open spaces shall include, wherever feasible, nature features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make similar landscaping improvements.
 - (k) Development of open space and recreational facilities shall proceed at the same rate as development of the dwelling units. To assure compliance with this subsection, the building inspector shall, from time to time, following the approval of the cluster development, review building permits and shall make an inspection of the open space and recreational facilities to examine the work taking place on the site. If he shall determine that open space and recreational facilities are not being developed at the same rate as dwelling units, he shall report back to the Township Committee, which may take such action as it may deem appropriate, including the issuance of stop-work notices or revocation of building permits until such time as parity in development has been reached.
 - (l) The Board may require a developer to make certain site preparation improvements to the open spaces. The Board may provide that the site preparation improvements are made a part of the plan and are noted therein. Same may include the following:
 - [1] Removal of dead trees or diseased trees.
 - [2] Thinning of trees or other growth to encourage more desirable growth.

- [3] Removal of trees in areas planned for ponds, lakes or active recreational facilities. The Board may require the assistance of experts to determine the foregoing.
 - [4] Grading and seeding.
 - [5] Improvement or protection of the natural drainage system by the use of protective facilities. The Board may require the assistance of experts to determine the foregoing.
- (m) Wherever possible, all the following land areas and features shall be preserved as open space:
- [1] Wetlands and flood plain areas as defined by Little Egg Harbor Township ordinance, State statute, regulation or Master Plan.
 - [2] Areas containing significant numbers of trees.
 - [3] Lands with sloped of more than ten percent.
 - [4] Lands with seasonal high water tables of less than 18 inches.
- (4) Calculation of permitted number of residential building lots for cluster developments. When selecting the cluster option in the R-200 Zone or R-150 Zone, the maximum number of residential building lots that can be developed shall be based on the following definitions and calculations:
- (a) “Net Buildable Area” shall be determined by the following calculation:
 Net Buildable Area (E) = A – B – C – D, where;
- A = Gross tract area in square feet.
 - B = Area of tract mapped as wetlands and/or wetlands transition areas pursuant to the New Jersey Freshwater Wetlands Protection Act.
 - C = Open space requirement calculated by multiplying .30 times the result of A minus B. Note: The open space requirement of net land area herein, 30 percent, is for the sole purpose of a density calculation. The density formula shall not modify in any way the 30 percent open space requirement of gross area of a tract provided in Section 15-4.8.F.(3)(a). **[Amended 12/27/2001 by Ord. No. 2001-035]**
 - D = Infrastructure requirements (streets, drainage improvements, other utilities) calculated by multiplying .20 times the result of A minus B minus C. **[Amended 12/27/2001 by Ord. No. 2001-035]**
 - E = Net Buildable Area in square feet.
- (b) The maximum number of building lots to be permitted under the cluster option shall be determined based upon the following formula (calculation to be rounded to the closest whole number):
- [1] R-150 Zone
 Maximum Number of Building Lots = $\frac{\text{Net Buildable Area (E)}}{8,000 \text{ square feet}}$
 - [2] R-200 Zone
 Maximum Number of Building Lots = $\frac{\text{Net Buildable Area (E)}}{12,500 \text{ square feet}}$

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

(a) R-150 Zone

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

(b) R-200 Zone

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

§ 15-4.9. R-150 Residential Zone.

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

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

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

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

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

F. Cluster development:

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

§ 15-4.10. R-100 Residential Zone.

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

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

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

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

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

- (1) Reserved.

D. Signs:

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

E. Area, yard and building requirements:

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

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

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

§ 15-4.11. R-75 Residential Zone.

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

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

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

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

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

- (1) Reserved.

D. Signs:

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

E. Area, yard and building requirements:

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

- (8) Minimum accessory building side and rear yard setback: 5 feet.
 - (9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
 - (10) Maximum percent building coverage: 30 percent.
- F. Area yard and building requirements of lots which adjoin the Ocean County Atlantis Golf Course. The golf course tract consists of the following lots: Block 285, Lot 11.01; Block 326.35, Lots 1 and 27.01; and Block 326.100, Lots 12.03, 12.05 and 64.
- (1) Minimum lot area: 7,500 square feet.
 - (2) Minimum lot width: 75 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum front yard setback: 20 feet.
 - (5) Minimum side yard setback: 5 feet.
 - (6) Minimum combined side yard setback: 15 feet.
 - (7) Minimum rear yard setback: 50 feet.
 - (8) Minimum accessory building* side and rear yard setback: 25 feet.
 - (9) Maximum building height: 35 feet.
 - (10) Maximum percent building coverage: 30 percent.
- * Private residential swimming pools, all types, shall comply with the rear yard setback requirements.

§ 15-4.12. R-75A Residential Zone.

- A. Permitted principal uses of buildings and structures are as follows:
 - (1) Same as permitted in the R-75 Residential Zone District.
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) Same as permitted in the R-75 Residential Zone District.
- C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:
 - (1) Reserved.
- D. Signs:
 - (1) Same as permitted in the R-75 Residential Zone District.
- E. Area, yard and building requirements:
 - (1) Minimum lot area: 7,500 square feet.
 - (2) Minimum lot width: 75 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum front yard setback: 25 feet.
 - (5) Minimum side yard setback: 8 feet.

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

§ 15-4.13. R-70 Residential Zone.

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

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

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

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

§ 15-4.14. R-50 Residential Zone.

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

- (1) Detached single-family dwellings units.

- (2) Essential services.
- B. Permitted accessory uses of buildings and structures are as follows:
 - (1) Fences and walls subject to the provisions of Subsection 15-12.17.
 - (2) Off-street parking.
 - (3) Private residential swimming pools.
 - (4) Satellite dish antennas, subject to the provisions of Subsection 15-5.2.
 - (5) Sheds (garden, storage, or tool).
 - (6) Home occupations subject to the provisions of 15-5.13. **[Amended 12/27/2001 by Ord. No. 2001-035]**
- C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:
 - (1) Same as permitted in the R-75 Residential Zone District.
- D. Signs:
 - (1) Same as permitted in the R-75 Residential Zone District.
- E. Area, yard and building requirements:
 - (1) Minimum lot area: 5,000 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum front yard setback: 20 feet.
 - (5) Minimum side yard setback: 5 feet.
 - (6) Minimum combined side yard setback: 15 feet.
 - (7) Minimum rear yard setback: 20 feet.
 - (8) Minimum accessory building side and rear yard setback: 5 feet.
 - (9) Maximum building height: 35 feet. **[Amended 8/23/2001 by Ord. No. 2001-019]**
 - (10) Maximum percent building coverage: 30 percent.
 - (11) Maximum building height for lots located in Areas of Special Flood Hazard as set forth in §185-7: 40 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**
- F. Exemption to the minimum lot area, lot depth and rear yard setback requirements: **[Amended 12/23/2002 by Ord. No. 2002-043]**
 - (1) Notwithstanding the minimum lot area, lot depth and rear yard setback requirements set forth in Subsection E. above, the following lot area, lot depth and rear yard setback requirements shall apply only to lagoon, or other waterfront, detached single-family building lots shown on a final major subdivision plat and/or minor subdivision plat filed on or before November 1, 1987:
 - (a) Minimum lot area: 4,350 square feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**
 - (b) Lot depth: 87 feet. **[Amended 1/24/2013 by Ord. No. 2013-01]**

- (c) Rear yard setback: 20 feet; 15 feet if a bulkheaded lot.
- (d) No accessory structure shall be constructed closer than 15 feet to the bulkhead.

§ 15-4.15. PRC Planned Retirement Community Zone.

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

- (1) Permitted Uses:
 - (a) Detached single-family dwelling not part of a planned retirement community, subject to the requirements for detached single-family dwellings in the R-75 Zone.
 - (b) Detached single-family, two-family and multi-family dwelling units (townhouses) to be part of a planned retirement community subject to the conditions of this subsection.
 - (c) Attached single-family dwelling with no side yard between adjacent dwellings, but no more than four (4) such units so attached (townhouses).
 - (d) Essential services.
- (2) Required accessory uses:
 - (a) Off-street parking.
- (3) Permitted accessory uses. The following accessory uses shall be permitted for the sole use or service of the planned retirement community residents and their guests:
 - (a) Recreational and cultural facilities for the sole use of the residents of the community and their guests, including the following: clubhouse, swimming pool, shuffleboard courts and picnic grounds. Recreational and cultural facilities shall not be limited to the foregoing, so that the applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the community and no advertising shall be permitted.
 - (b) Buildings and structures for the maintenance or administration of the planned retirement community.
- (4) Permitted signs:
 - (a) One free standing sign not to exceed 40 square feet in area for the purpose of identifying the name of the planned retirement community. Such identification sign shall be located near the primary access road into the planned retirement community and may utilize flood light illumination,

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

- (b) Additional non-illuminated signs not to exceed four (4) square feet in area necessary to provide directions to specific buildings, parking areas, etc.
- (5) Conditional uses. The following conditional uses shall be permitted for the sole service of the PRC residents subject to the provisions of Section 15-5. of this chapter:
 - (a) Neighborhood shopping facilities.
 - (b) Medical facilities.
 - (c) On-site public utilities excluding substations switching stations or storage facilities of any nature.
- (6) Minimum requirements:
 - (a) Planned retirement communities shall be limited to occupancy by persons 55 years of age or older, with the following exceptions:
 - [1] The husband or wife under the age of 55 whom is residing with his or her spouse who is of the age of 55 or older.
 - [2] Children residing with their parent or parents, if such child (or children), is over the age of 18 and if one of the parents with whom the child or children is residing is 55 years of age or older.
 - [3] Full time occupancy shall be limited to three (3) individuals.
 - (b) No building, structure or land shall be used or erected, altered, enlarged, or maintained as a planned retirement community within the Planned Retirement Community Zone unless it is in accordance with a site development plan reviewed and approved pursuant to the site plan review and/or subdivision approval provisions of the ordinance.
 - (c) The minimum area for a planned retirement community shall be 100 acres, provided that an area of less than 100 acres may be added to an existing planned retirement community if contiguous thereto and in compliance with the ordinance.
 - (d) The maximum residential density of a planned retirement community shall be four (4) dwelling units per acre of residential land planned and approved pursuant to this chapter. Same shall be calculated by dividing the proposed number of dwelling units by the number of acres in the development, excluding land under permanent bodies of flowing streams of water, preexisting development of the tract and one-half of all land within a floodplain area as defined either in this chapter or any other ordinance of the Township of Little Egg Harbor.
 - (e) Not more than 25 percent of the gross project area shall be covered by building or structures including accessory uses and conditional uses.
 - (f) The height of any building shall not exceed 35 feet and shall be limited to two and one-half stories; provided, however, that water towers and attendant facilities and similar structures shall have no height limit but shall be reviewed on an individual basis.
 - (g) Not less than 25 percent of the entire acreage of the PRC tract shall be used for a green area or open space. "Green area" or "open space," for the purpose of this subsection, is defined as those areas of the PRC tract not

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

- (h) No structure or building shall contain more than four (4) dwelling units.
 - (i) No building or structure other than an entrance gatehouse, wall or fence, shall be located within 50 feet of any exterior boundary.
 - (j) Minimum lot size.
 - [1] Minimum lot size for single-family detached dwellings in the PRC shall be 6,000 square feet with a minimum width of not less than 60 feet.
 - [2] Attached dwellings or townhouses shall have a minimum lot size of 1,500 square feet for each unit. The minimum width of such townhouse units shall be 20 feet at the building setback line.
 - (k) Single-family dwelling setbacks. Front yards, side yards, and rear yards of single-family dwelling buildings shall comply with the following minimum dimensions:
 - [1] Front yard setbacks shall be at least 25 feet. On a corner lot all residential buildings shall be at least 20 feet from any street upon which the lot does not front.
 - [2] A side yard shall be a minimum of six (6) feet with a total of both side yards being 16 feet on each lot. In no event, however, shall buildings be less than 14 feet apart.
 - [3] Rear yard setbacks shall be at least 20 feet (except the rear yard setback of lots which have rear property lines abutting common open space shall have a minimum of ten (10) feet).
 - (l) Attached dwelling setbacks. Attached dwelling units or townhouse structures shall have the following front yard, side yard and rear yard setbacks:
 - [1] Front yard setbacks shall be at least 20 feet.
 - [2] Side yard setbacks shall be at least 20 feet.
 - [3] Rear yard setbacks shall be at least 20 feet.
 - (m) Minimum floor space per dwelling unit: Efficiency unit, 800 square feet; one-bedroom unit, 800 square feet; two-bedroom unit, 975 square feet; three-bedroom units, 1,000 square feet.
 - (n) Off-street parking requirements shall be in accordance with the provisions of this chapter.
 - (o) Front, side and rear yard setbacks for non-residential accessory and conditional use buildings and structures within the Planned Retirement Community Zone: Minimum front yard setback, 50 feet; minimum side yard setback, 35 feet; and minimum rear yard setback, 50 feet.
- (7) Plan review shall be required by the appropriate municipal agency for all proposed PRC development. All submissions, review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district regulations, and compliance shall conform to the provisions as set forth in this chapter.
- (8) Streets:

- (a) Streets may be either dedicated to the public use or private in nature, at the option of the Township Committee. In any event, same shall be constructed in accordance with the provisions of NJAC 5:21 (Residential Site Improvement Standards).
 - (b) With the exceptions of those roads which are required to be dedicated for public use by either the Board, the Township Committee or the County of Ocean, or unless a previously approved Master Development Plan or final plat dictate differently, all roads are to remain private roadways and are to be the property and responsibility of a homeowners' association or analogous body for the care and maintenance of the roadways, green areas and recreational facilities. Provisions shall be made for the permanent maintenance of private roadways. Private roadways shall not become the obligation of the Township of Little Egg Harbor.
- (9) Screening strips. There shall be provided an adequate screening strip along the exterior boundary lines of a PRC, which screening strip shall consist of fencing or plantings or a combination of both, the adequacy of which shall be determined by the Board.
- (10) Water and sewer facilities. No individual wells or individual sewage disposal systems shall be permitted. Each dwelling unit shall be serviced by a central water system and waste disposal system approved by the jurisdictional utility and all applicable bodies. The implementation and placement of these facilities shall be subject to the requirements of this chapter.
- (12) Maintenance of association-owned properties. The maintenance of the green areas, private roadways, driveways, common courtyards, recreational areas, lakes and other improvements not intended to be individually owned shall be provided by an association organized under the Nonprofit Corporation Statute of the State of New Jersey (Title 15) and formed for that purpose. The applicant shall, in the form of restrictions and covenants to be recorded, provide the title to the aforesaid enumerated areas shall be conveyed to the association, whose members shall be owners of lots or other interests, or to such other persons as a majority of the members shall designate from time to time duly adopted bylaws. Said restriction and covenants shall also provide that in the event the nonprofit association shall cease to function through lack of participation of its members or be dissolved, the Township of Little Egg Harbor shall have the right by special assessment to assess the lot owners in the development or tract, annually, a sum of money which would be sufficient to pay the taxes on the park, recreational and other areas and for the proper upkeep, maintenance and preservation of same. Such restrictions and covenants shall further provide that the same shall not be altered, amended, voided or released, in whole or in part, without the written consent of the Township Committee and except upon proper notice being given by the applicant or any other party in interest to all owners of lots in the PRC.
- (13) Recreational areas:
- (a) There shall be in each PRC at least one clubhouse or community building. There shall be at least six (6) square feet of clubhouse building space provided for each proposed dwelling unit. The clubhouse shall be completed and in operation before the one hundredth dwelling unit, or

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

- (b) Each PRC shall provide a site or sites for recreational facilities for the use of its residents. Recreational facilities shall include, but shall not be limited to, such facilities as shuffleboard lanes, barbecue grills, picnic benches and indoor recreation facilities. Swimming pools, not less than 2,500 square feet in size shall be required. Such additional recreational facilities may be required by the Board, in its discretion, as will be beneficial to the residents of the community. All grounds surrounding recreational and administrative facilities shall be appropriately landscaped and shall be provided with adequate walkways. Underground irrigation shall be installed for such areas.
 - (c) Where a PRC is a conventional fee simple development, covenants and restrictions and plat plans shall indicate that recreational areas and green areas shall be dedicated to a homeowner's association or analogous body.
- (14) Procedural requirements:
- (a) All subdivision plans and site plans shall be submitted to the Board in accordance with the requirements of this chapter.
 - (b) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:
 - [1] Covenants and restrictions for the community or any other plan for restriction upon the community property.
 - [2] Proposed master deed or deeds.
 - [3] By-laws of the proposed homeowners' association.
 - [4] Proposed agreement of sale.
 - [5] Proposed form of deed.
 - (c) The documents shall be forwarded to the Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy in ensuring that the community shall be constituted so as to be consistent with the purposes and requirements of this subsection. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.
 - (d) In addition to the foregoing, it shall be mandatory for any applicant to provide the Board and the Township Committee with copies of all submissions to be made to any state agency, pursuant to the Retirement Community Full Disclosure Act, at all stages of development.

§ 15-4.16. PRD Planned Residential Development Zone.

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

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

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

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

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

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

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

(1) Detached single-family dwellings.

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

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

(4) Essential services.

(5) Golf courses.

- D. Required accessory uses:
- (1) Private swimming pools.
 - (2) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- E. Permitted accessory uses:
- (1) Private swimming pools.
 - (2) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.
- F. Other permitted accessory uses. The following accessory uses shall be permitted for the sole use or service of the planned adult community residents and their guests:
- (1) Recreational and cultural facilities for the sole use of the residents of the community and their guests including the following: clubhouse, swimming pool, shuffleboard courts and picnic grounds. Recreational and cultural facilities shall not be limited to the foregoing, so that the applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the community and no advertising shall be permitted. Nothing in this paragraph shall preclude the applicant from dedicating land and facility to Township ownership for use and enjoyment of all Township residents.
 - (2) Non-commercial amusement facilities.
 - (3) Buildings and structures for the maintenance or administration of the planned retirement community.
- G. Permitted signs:
- (1) Two (2) free-standing signs located at the primary entrance to a development not to exceed 32 square feet in area for the purpose of advertising the name of the development. Flood lighting may illuminate such sign provided that the light is not directed onto adjoining property or into the eyes of passing motorists.
 - (2) One (1) lighted professional office announcement sign not exceeding two (2) square feet in area.
 - (3) One (1) lighted sign not to exceed 20 square feet in area for each access drive to a permitted or approved conditional use, plus additional signs not to exceed four (4) square feet in area to provide direction to a specific building or buildings and to off-street parking areas.
- H. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows:
- (1) Churches and places of worship.
 - (2) Quasi-public utilities excluding substations, switching stations or storage facilities of any nature.

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

- (1) UOS shall generally be left in its natural state. To qualify as UOS, the land shall include, wherever feasible, natural features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements when the natural cover is inadequate.
- (2) There shall be no development of any kind of UOS land, except the following: footpath, jogging trail, bicycle path, nature walk, nature preserve, ecological areas, buffer, body of water, trees, shrubs and other plants, lighting, and retaining walls and other features necessary to protect the land or people who will use the land.
 - (a) Minimum percentage required. At least 12.0 percent of the gross project area shall consist of undeveloped open space.
 - (b) Developed open space; standards for determination. DOS is intended to serve the active and passive recreation needs of the residents of the community. DOS differs from UOS in that the former requires regular maintenance for the upkeep of equipment and/or vegetation. In no case shall any part of the DOS be of such size and shape as to be unsuited for the intended use. DOS shall be included in the buildable project area.
- (3) All lands set aside for DOS shall be developed with active and passive recreational facilities to service the needs of the future resident population. The following are permitted use(s) of DOS land:
 - (a) Sitting areas, footpaths, jogging trails, nature walks, playfields, game courts, playgrounds, tot lots, swimming pools, bath houses, beach areas, community centers, garden plots for use of residents.
 - (b) To encourage the retention or creation of ponds and lakes for aesthetic and/or recreational purposes, 20 percent of the area of any ponds or lakes included in the buildable project area may be counted upon request of the applicant, as DOS.
- (4) Minimum percentage required. At least 3.0 percent of the buildable project area shall consist of developed open space consistent with the following:
 - (a) Required playground space: Children's playground with a total area of at least 100 square feet times the number of dwelling units in the project shall be constructed and considered as part of DOS. Outdoor play equipment such as swings, slides, jungle gyms, etc., shall be installed in these playgrounds in sufficient amount and variety to service the resident children. Baseball, football and soccer fields shall not be considered as playground space for the purpose of this paragraph.
 - (b) Recreation for the elderly: Where dwelling units are designed for and are to be occupied exclusively by elderly persons, a proportion of the playground space required herein may be equipped with outdoor recreation equipment suitable for elderly persons.
 - (c) Location of recreation space: All recreation space to be provided in accordance with the above shall be located within convenient walking distance of the residence it is intended to serve.
 - (d) Installation, timing and development of recreation space: No certificate of occupancy shall be issued for any dwelling until 100 square feet of

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

- L. General UOS and DOS development standards and criteria:
 - (1) The Board may require a developer to make certain site preparation improvements part of the plan and are noted therein. Same may include the following:
 - (a) Removal of dead trees or diseased trees.
 - (b) Thinning of trees or other growth to encourage more desirable growth.
 - (c) Removal of trees in areas planned for ponds, lakes or active recreational facilities. The Board may require the assistance of experts to determine the foregoing.
 - (d) Grading and seeding.
 - (e) Improvements or protection of the natural drainage system by the use of protective structures, stabilization measures and similar improvements.
 - (2) Wherever possible, all of the following land areas and features shall be preserved as open space:
 - (a) Wetlands and floodplain areas as defined by Little Egg Harbor Township Ordinance, State statute, regulation or Master Plan.
 - (b) Areas containing significant number of trees.
 - (c) Lands with slopes of more than ten percent.
 - (d) Lands with seasonal high water tables of less than 18 inches.
 - (3) The configuration of the open space areas shall be so arranged that connections can be made to existing or future adjacent open spaces.

- M. Density calculations:
 - (1) The maximum permitted gross residential density of a PRD shall be four (4) dwelling units per acre.
 - (2) The maximum permitted net residential density of a PRD shall be six (6) dwelling units per acre.

- N. Townhouse general standards:
 - (1) Maximum building height. No building shall exceed 35 feet in height and 2.5 stories.
 - (2) Area and yard requirements:

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

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

Front	75 feet
Side	30 feet
Rear	30 feet

- (b) Minimum building yard areas for townhouses shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be 40 feet for front yards, 25 feet for side yards and 50 feet for rear yards. No building as measured radially from any corners shall be closer to any other building corner than the combined distances of the side yard requirements for each building. The combined distance of two (2) side yards shall exclude any driveway or vehicular access, such driveways or vehicular access width being in addition to the combined side yard width. No building shall be located closer than 50 feet to the future right-of-way line of any existing public street.
- (3) No townhouse structure shall be more than four (4) dwelling units in any unbroken building line. A setback of not less than four (4) feet shall be deemed a satisfactory break in the building line.
- (4) All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of a typical unit shall be required. Any room other than kitchen, bathroom, closet, or combined living/dining room shall be counted as a bedroom for purposes hereof.
- (5) Land area equal to at least 150 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for use by the residents of the development, such areas shall be an integral part of the development, and each shall be at least 10,000 square feet in size, at least 75 feet wide, and have a grade less than five percent.
- (6) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting, as well as assuring that the capacity of any natural or man-made drainage system is deficient to handle the water generated and anticipated both from the site and contributing upstream areas.

- (7) Gross floor area minimums:
 - (a) Townhouses.
 - (b) One-bedroom unit, 800 square feet.
 - (c) Two-bedroom unit, 900 square feet.
 - (d) Three- bedroom unit, 1,000 square feet.
- (8) Plan review shall be required by the appropriate municipal agency on townhouses. All submissions, review procedures, development review fee, site plan regulations, permits and approvals, design and performance standards, zoning district regulations, and compliance shall conform to the provisions as set forth in this chapter.
- (9) A homeowners' association may be permitted in townhouse developments in accordance with the provisions of Subsection 15-11.15. of this chapter.

O. Townhouses.

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

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

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

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

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

Q. Detached single-family general standards.

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

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

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

- (a) The husband or wife under the age of 55 who is residing with his or her spouse who is of the age of 55 years or older.
 - (b) Children residing with their parent or parents, if such a child (or children) is over the age of 18 and if one of the parents with whom the child or children is residing is 55 years of age or older.
 - (c) Full time occupancy shall be limited to three (3) individuals.
- (2) No building, structure or land shall be used or erected, altered, enlarged, or maintained as a planned retirement community within the Planned Retirement Community Zone unless it is in accordance with a site development plan reviewed and approved pursuant to the site plan review and/or subdivision approval provisions of the section.
 - (3) The minimum area of land within the development to be dedicated to the planned residential development shall be 30 acres.
 - (4) The maximum permitted net residential density of a planned retirement community shall be six (6) dwelling units per acre of residential land planned and approved pursuant to this chapter. Same shall be calculated by dividing the proposed number of dwelling units by the number of acres in the development, excluding land under permanent bodies of flowing streams of water, pre-existing development of tract and one-half of all land within a floodplain area as defined either in this chapter or any other ordinance of the Township of Little Egg Harbor.
 - (5) Not more than 25 percent of the gross project area shall be covered by buildings or structures, including accessory uses and conditional uses.
 - (6) The height of any building shall not exceed 35 feet and shall be limited to two and one-half stories; provided, however, that water towers and attendant facilities and similar structures shall have no height limit but shall be reviewed on an individual basis.
 - (7) Not less than 15 percent of the entire acreage of the PRD tract shall be used for a green area or open space. "Green area" or "open space," for the purpose of this subsection, is defined as those areas of the PRD tract not committed to use for residential buildings and public or private rights-of-way. There may be included in the green area those areas used for recreational purposes.
 - (8) No structure or building shall contain more than four (4) dwelling units.
 - (9) No building or structure other than an entrance gatehouse, wall or fence, shall be located within 50 feet of any exterior boundary.
 - (10) Minimum lot size:
 - (a) Minimum lot size for single-family detached dwellings in the PRD shall be 6,500 square feet with a minimum width of not less than 65 feet.
 - (b) Attached dwellings or townhouses shall have a minimum lot size of 1,500 square feet for each unit. The minimum width of such townhouse units shall be 20 feet at the building setback line.
 - (11) Single-family dwelling setbacks. Front yards, side yards, and rear yards of single-family dwelling buildings shall comply with the following minimum dimensions:
 - (a) Front yard setbacks shall be at least 25 feet. On a corner lot, all residential buildings shall be at least 20 feet from any street upon which the lot does not front.

- (b) A side yard shall be a minimum of six (6) feet with a total of both side yards being 16 feet on each lot. In no event, however, shall buildings be less than 14 feet apart.
- (c) Rear yard setbacks shall be at least 25 feet.
- (12) Attached dwelling setbacks. Attached dwelling units or townhouse structures shall have the following front yard, side yard, and rear yard setbacks:
 - (a) Front yard setbacks shall be at least 20 feet.
 - (b) Side yard setbacks shall be at least 20 feet.
 - (c) Rear yard setbacks shall be at least 20 feet.
- (13) Minimum floor space per dwelling unit: Efficiency unit, 675 square feet; one-bedroom unit, 800 square feet; two-bedroom unit, 975 square feet; three-bedroom unit, 1,000 square feet.
- (15) Off-street parking requirements shall be in accordance with the provisions of this chapter.
- (16) Front, side, and rear yard setbacks for nonresidential accessory and conditional use buildings and structures within the Planned Retirement Community Zone: minimum front yard setback, 50 feet; minimum side yard setback, 35 feet; and minimum rear yard setback, 50 feet.
- (16) All planned adult communities shall provide recreational facilities and/or community amenities for the exclusive use of its residents and their guests. Such recreational facilities and/or community amenities shall include as a minimum the following:
 - (a) A clubhouse or indoor recreation/multi-purpose facility with a minimum floor area of five (5) square feet per dwelling unit within the planned adult community, with a minimum size of fifteen hundred (1500) square feet.
 - (b) Outdoor active recreational facilities that may include, but shall not be limited to, tennis courts, swimming pools, bocce courts and walking trails. Such active recreation shall be provided at a minimum of ten (10) square feet per dwelling unit in the planned adult community. **[Amended on 6/28/2012 by Ord. No. 2012-08]**

S. Streets.

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

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

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

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

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

W. Procedural requirements.

- (1) All subdivision plans and site plans shall be submitted to the Board in accordance with the requirements of this chapter.
- (2) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:
 - (a) Covenants and restrictions for the community or any other plan for restriction upon the community property.
 - (b) Proposed master deed or deeds.
 - (c) By-laws of the proposed homeowners' association.
 - (d) Proposed agreement of sale.
 - (e) Proposed form of deed.
- (3) The documents shall be forwarded to the Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy in ensuring that the community shall be constituted so as to be consistent with the purposes and requirements of this subsection. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.
- (4) In addition to the foregoing, it shall be mandatory for any applicant to provide the Board and the Township Committee with copies of all submissions to be made to any state agency, pursuant to the Retirement Community Full Disclosure Act, at all stages of development.

X. General standards and supplementary requirements:

- (1) Building lot standards. Whenever possible, buildings shall front on cul-de-sacs, loop street or P-loops. Only rear lot lines of proposed building lots shall abut rear or side lot lines of the tract of land proposed for development.
- (2) Utilities. All utilities shall be underground, and water and sewerage facilities shall be centralized, with no individual wells, septic tanks or cesspools permitted.
- (3) All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a certificate of occupancy.
- (4) Streets shall be public or private at the discretion of the Township Committee and Planning Board. All streets shall comply with the minimum design and construction standards specified in NJAC 5:21 (Residential Site Improvement Standards).
- (5) There shall be no parking along any private streets in the development and “NO PARKING” signs shall be posted at the applicant’s expense.
- (6) All streets, both internal and external (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found to be necessary in the public interest (including recreational facilities), shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issued. In lieu of total completion of improvements, an adequate performance bond properly guaranteeing the completion may be accepted. Such bond value will be set at the time of posting and will be held by the Clerk of Little Egg Harbor for a period of no more than one (1) year, during which time said improvements shall be completed, or the bond will be forfeited. This section shall not be construed as relieving the developer of the performance bond requirements in accordance with this section.
- (7) Buffers. Along all boundary lines of the PRD a 50 foot buffer shall be required. Where said buffer in wooded, it shall be left in its natural state, but if and where there is insufficient vegetative growth to provide an adequate screening said buffer shall be planted in accordance with Subsection 15-11.7. of this chapter.

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

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

- (8) Unless specified differently herein, all development under the Planned Residential Development Zone shall comply with the minimum standards of Subsection 15-4.16. of this chapter.
- (9) Parking. Parking to be provided in accordance with NJAC 5:21 (Residential Site Improvement Standards) and this chapter.
- (10) Sidewalks. Sidewalks to be provided in accordance with NJAC 5:21 (Residential Site Improvement Standards) and this chapter.
- (11) Improvements. Improvements shall comply with the requirements of Subsections 15-12., 15-14. and 15-17. of this chapter.
- (12) Inspection requirements shall be specified in Subsection 15-17.4. of this chapter.
- (13) Performance guarantees. Performance guarantees, releases, inspection fees, and maintenance guarantees shall comply with the requirements of Subsection 15-17. of this chapter.
- (14) Homeowners' association. A homeowners' association shall be established in accordance and compliance with Subsection 15-11.15. of this chapter. The maintenance of association owned property shall comply with Subsection 15-11.15. of this chapter.
- (15) Submission procedures and application fees. All subdivision or site plan applications submitted under the provisions of this chapter shall be submitted under the provisions of this chapter shall be submitted in accordance with the rules, regulations, standards and plat details requirements for tentative (preliminary) and final major subdivision approval as set forth in Article XV of this chapter. The application fees for final approval shall be in conformance with the present fee schedule.
- (16) Final Approval. In the case of a condominium development where lots are not sold on a fee simple basis, the developer shall file a final plat in accordance with the Map Filing Law showing a metes and bounds description of the perimeter of the tract and any and all lands, roads, easements, etc., dedication to the Township of Little Egg Harbor or the homeowners' association established under the provisions of this chapter.

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

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

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

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

AA. Definitions.

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

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

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

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

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

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

§ 15-4.17. MF Multi-Family Zone.

A. Permitted uses:

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

B. Required accessory uses:

- (1) Off-street parking.

C. Permitted accessory uses:

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

D. Permitted signs:

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

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

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

F. Townhouse general standards:

- (1) Maximum building height. No building shall exceed 35 feet in height and 2.5 stories.
- (2) Area and yard requirements:
 - (a) Detached single-family dwellings shall be constructed in accordance with the bulk, area, and yard requirements of the R-75 District and all other applicable rules, regulations and standards of the zone.
 - (b) The minimum tract size shall be 5 acres including the areas of existing streets and water areas within the tract boundary lines provided they total no more than two (2) percent of the tract area. All plans shall delineate the boundaries of the portion(s) of the tract devoted to each use.
 - (c) Minimum building yard areas for townhouses shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be 40 feet for front yards, 25 feet for side yards and 50 feet for rear yards. No building as measured radially from any corners shall be closer to any other building corner than the combined distances of the side yard requirements for each building. The combined distance of two (2) side yards shall exclude any driveway or vehicular access, such driveway or vehicular access width being in addition to the combined side yard width. No building shall be located closer than 50 feet to the future right-of-way line of any existing public street.
 - (d) No townhouse structure shall be more than four (4) dwelling units in any unbroken building line. A setback of not less than four (4) feet shall be deemed a satisfactory break in the building line.
 - (e) All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of typical unit shall be required. Any room other than kitchen, bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.
 - (f) Land area equal to at least 250 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas for use by the residents of the development. Such areas shall be an integral part of the development, and each shall be at least 10,000 square feet in size, at least 75 feet wide and have a grade less than five (5) percent.
 - (g) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or re-establish the tone of the vegetation in the areas and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the

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

- (3) Gross floor area minimums:
 - (a) Townhouses.
 - [1] One-bedroom unit, 800 square feet required.
 - [2] Two-bedroom unit, 900 square feet required.
 - [3] Three-bedroom unit, 1,000 square feet required.
- (4) Density:
 - (a) Townhouses shall not exceed a density of eight (8) units per acre.
- (5) Plan review shall be required by the appropriate municipal agency. All submissions, review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district regulations, and compliance shall conform to the provisions as set forth in this chapter.
- (6) A homeowners' association may be permitted in accordance with the provisions of Section 15-11.15. of this chapter.

G. Townhouses:

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

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

H. Senior citizen housing:

- (1) Within the MF District, as a planned unit development on parcels containing a minimum of 50 acres, senior citizen residences in the form of single-family detached dwelling are permitted. Such housing shall be restricted to principal occupants of age 55 years or older, with the following exceptions: the husband or wife under the age of 55 who is residing with his or her spouse who is the age of 55 years or older; children residing with their parent or parents, if such child (or children) is over the age of 18 and if one of the parents with whom the child or children is residing is 55 years of age or older; and, full-time occupancy shall be limited to three (3) individuals. In addition, senior citizen assisted-living facilities shall be permitted to a maximum number of 100 beds per facility. Assisted-living facilities shall also be restricted to principal occupants aged 55 years or older.
- (2) Single-family detached housing shall comply with the following bulk area and yard requirements:
 - (a) Minimum lot area: 6,000 square feet required.
 - (b) Minimum lot width: 60 feet required.
 - (c) Minimum lot depth: 100 feet required.
 - (d) Minimum front yard: 20 feet required.
 - (e) Minimum side yard: 5 feet required.
 - (f) Minimum combined side yards: 15 feet required.
 - (g) Minimum rear yard: 20 feet required.
- (3) Assisted-living housing shall be designed in accordance with the following standards:

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

§ 15-4.18. NB Neighborhood Business Zone.

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

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

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

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

§ 15-4.19. GB General Business Zone.

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

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

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

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

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

- (6) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.
- C. Conditional uses subject to the provisions of Section 15-5. of this chapter, are as follows:
- (1) Automobile repair shop (motor vehicle repair shop).
 - (2) Automobile sales establishment for new or used cars.
 - (3) Automobile service station (gas station or motor vehicle service station).
 - (4) Car wash.
 - (5) Churches and places of worship.
 - (6) Commercial recreation activities.
 - (7) Health care facility.
 - (8) Hotel or motel.
 - (9) Mini-storage facility.
 - (10) Public utilities.
 - (11) Veterinary clinic hospital or animal care facility.
 - (12) Sexually-oriented businesses subject to the provisions of 15-23. [**Amended 12/27/2001 by Ord. No. 2001-035**]
 - (13) Boat repair shop and boat storage. [**Amended 12/23/2002 by Ord. No. 2002-043**]
- D. Signs:
- (1) Same as permitted in NB Neighborhood Business Zone.
 - (2) Only wall mounted signs shall be permitted for each permitted use, and may be an illuminated, business sign, provided that the total area of any sign shall not exceed 150 square feet. Such signs shall be displayed so as not to project more than 12 inches from the surface of the building or beyond the ends of the building.
 - (3) Identification signs. Free-standing signs may be erected to identify a shopping center and to list individual occupants, provided that not more than one (1) such sign shall be erected for each 300 feet of frontage on a public street and, further provided, that the aggregate area of all sides of any such signs shall not exceed 200 square feet. Such signs may be illuminated, but shall not be of the flashing type, shall not exceed one and one-half times the height of the principal building, not to exceed 35 feet, shall not be located within 50 feet of a public street or parking area exits or entrances or within 200 feet of the boundary of a residence zone, and shall in no way interfere with the safe functioning of any traffic control signal or directional device.
 - (4) Directional signs (ingress). One (1) free-standing sign may be erected at each driveway which provides a means of ingress for off-street parking facilities on the premises, shall relate only the name of the use of the facility and appropriate traffic instructions, shall not exceed 10 square feet in area for each of two (2) faces, shall be mounted so as not to obstruct vision for a height of 7 feet above ground level, and shall not exceed 10 feet in height.
 - (5) Direction signs (egress). Free-standing signs may be erected on the premises for the purpose of providing directions to traffic leaving the premises, shall not

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

- (6) Traffic control signs. Free-standing signs may be erected which are necessary to control and regulate the movement of traffic on the interior roadways on the premises, provided the number and location of such signs are approved by the Planning Board. Such signs shall not exceed 4 square feet in area, and shall not exceed a height of 6 feet.
- (7) Parking lot signs. Free-standing signs may be erected within the parking areas to identify particular areas or sections of the parking lot, provided that not more than one (1) such sign shall be permitted for each 40,000 square feet of parking area, and further provided that such signs shall not exceed an area of 3 square feet on each of four (4) faces, nor exceed a height of 25 feet. In addition, free-standing signs may be erected at each of a parking aisle for identification purposes, provided that such signs shall not exceed one (1) square foot in area, nor exceed a height of 11 feet. All of the above described signs must be mounted not less than 7 feet above the ground.

E. Area, yard and building requirements:

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

§ 15-4.20. HB Highway Business Zone.

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

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

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

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

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

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

§ 15-4.21. MC Marine Commercial Zone.

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

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

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

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

- C. Conditional uses, subject to the provisions of Section 15-5. of this chapter:
 - (1) Public utilities.
- D. Signs:
 - (1) One (1) sign shall be permitted for each permitted use, and may be an illuminated, business sign, provided that the total area of any sign should not exceed 150 square feet. Such signs shall be displayed so as not to project more than 12 inches from the surface of the building or beyond the ends of the building.
- E. Area, yard and building requirements:
 - (1) Minimum lot area: 12,000 square feet.
 - (2) Minimum lot width: 120 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum front yard setback: 40 feet.
 - (5) Minimum side yard setback: 15 feet.
 - (6) Minimum combined side yard setback: 30 feet.
 - (7) Minimum rear yard setback: 20 feet.
 - (8) Minimum accessory building side and rear yard setback: 5 feet.
 - (9) Maximum building height: 35 feet and 2 ½ stories.
 - (10) Maximum percent building coverage: 50 percent.

§ 15-4.22. LI Light Industry Zone.

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

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

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

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

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

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

D. Signs:

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

E. Area, yard and building requirements:

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

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

A. Permitted uses:

- (1) All permitted uses in the GB, General Business, Zone as specified in Subsection 15-4.19.
- (2) Public and non-profit or limited dividend housing for elderly persons. Such housing shall be referred to as senior citizen housing and shall be located and designed to serve the special needs and habits of such persons and shall contribute to their dignity and independence.
- (3) For the purposes of this section, "Public and Non-Profit Limited Dividend Housing for the Elderly" shall be deemed to mean dwelling units intended and specifically designed to provide well constructed and adequate housing for elderly persons having low or moderate income, which housing shall conform to all the requirements and guidelines established by the U.S. Department of Housing and Urban Development of the New Jersey Housing and Finance Agency, whichever are more stringent, with respect to cost limitation, construction, rental costs, selling prices, and other standards for low and moderate income senior citizen housing; and, further provided that the applicant for construction of such housing in order that shelter costs shall be initiated and maintained at the lowest feasible costs. Such housing shall be occupied by individuals, 55 years of age or older, one person under age 55 may reside in a dwelling unit with an elderly person or persons as permitted above if the presence of such person is essential to the physical care or economic support of the elderly person or persons. Such dwelling units shall be attached dwelling grouped together in one or more multi-unit buildings. Each dwelling unit shall consist of complete living accommodations, including cooking, sleeping, bathroom and storage facilities.

B. Permitted accessory uses:

- (1) For general business uses, same as specified in Subsection 15-4.19., exclusive of swimming pools and home occupations.
- (2) For senior citizen housing, one (1) or more of the following:
 - (a) One (1) dwelling unit for a resident manager and his or her family who may or may not be 55 years of age or older;
 - (b) Health facilities;
 - (c) Dispensary;
 - (d) Indoor and outdoor recreational facilities;
 - (e) Worship facilities;
 - (f) Living and dining area for the common use of project residents;
 - (g) Central kitchen facilities where food may be prepared for service either in a common dining area or for distribution to individual dwelling units, however, such central kitchen facilities shall not be used by the residents for the preparation of their own individual needs;
 - (h) An assembly or meeting room;
 - (i) An outdoor storage shed for the storage of seasonal maintenance equipment;
 - (j) Garden plots for the use of individual tenants.

C. Permitted uses:

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

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

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

E. Area, yard and building requirements:

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

F. Other requirements:

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

- (6) Wherever practical and feasible, sites shall be located within 0.25 miles of arterial roadways and such community facilities as public transportation, hospital or medical facilities, shopping, religious, cultural and recreational facilities.
- (7) Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5 percent. Single riser grade changes in walk shall not be permitted. Outdoor area available to the residents shall permit older persons to move about without danger and with minimum effort. A barrier free design shall be provided.
- (8) The project design shall be functional and provide for the safety, health and general welfare of occupants of this age group.
- (9) Individually secured storage space for the occupants' use and storage space for equipment and supplies for the operation and maintenance shall be provided in suitable locations within the project.
- (10) Adequate facilities shall be provided for the removal of snow, trash, garbage, and for general maintenance of the project.
- (11) Portions of all front, rear and side yards which are not being used for driveways, sidewalks, parking or loading, accessory buildings or recreation areas shall be planted with trees, shrubs, plants, and lawns or ground cover in order to insure the screening, buffering, and attractiveness of the project. Where possible, the first six (6) or ten (10) feet of the required rear and side yards shall contain a heavy planting of trees, shrubs and plants.
- (12) Unless specified otherwise herein, the project shall comply with all other provisions of the chapter with respect to improvements, performance and maintenance guarantees, design standards, permits and approvals, fees, approval procedures, supplementary design and performance standards, etc.

§ 15-4.24. WFD Waterfront Development Zone.

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

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

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

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

- (2) Off-street loading, subject to the provisions of Section 15-12.16.
 - (3) Off-street parking, subject to the provisions of Section 15-12.16.
 - (4) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.
- C. Conditional uses, subject to the provisions of Section 15-5. of this chapter, are as follows:
- (1) Offices.
- D. Area, yard and building requirements of nonresidential uses:
- (1) Minimum lot area: 12,000 square feet.
 - (2) Minimum lot width: 120 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum front yard setback: 40 feet.
 - (5) Minimum side yard setback: 15 feet.
 - (6) Minimum combined side yard setback: 30 feet.
 - (7) Minimum rear yard setback: 20 feet.
 - (8) Minimum accessory building side and rear yard setback: 5 feet.
 - (9) Maximum building height: 40 feet and 2 ½ stories.
 - (10) Maximum percent building coverage: 50 percent.
 - (11) Buildings for boat repair and maintenance shall not be closer than 50 feet from any property line.
 - (12) Boats shall not be stored or displayed closer than 20 feet to any property line and shall be adequately screened and fenced.
- E. Other requirements:
- (1) Utilities shall be supplied to each boat slip including electricity, lighting, water supply and sewage disposal.
- F. Area, yard and building requirements for attached single-family townhouse dwellings:
- (1) The minimum tract size shall be five (5) acres, including the areas of existing streets and water areas within the tract boundary lines provided they total no more than two (2) percent of the tract area.
 - (2) The gross residential density shall not exceed eight (8) dwelling units per acre. Gross residential density shall be computed by dividing the total numbers of units by the total tract size.
 - (3) The net or developed residential density shall not exceed ten (10) dwelling units per acre. Net or developed residential density shall be computed on the buildable project area by the total buildable project area.
 - (4) A minimum of 20 percent of the total tract area shall be devoted to active or passive open space, except where a proposed project has frontage along or access to existing waterways or the water edge, a minimum of 15 percent of the total tract area shall be devoted to active or passive open space provided the waterfront

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

- (5) Improvements shall comply with the requirements of Subsections 15-17.1. and 15-17.3. of this chapter.
- (6) Inspection requirements shall be as specified in Subsection 15-17.4. of this chapter.
- (7) Performance guarantees, releases, inspection fees and maintenance guarantees shall comply with the requirements of Subsections 15-16.4., 15-17.5. and 15-17.6. of this chapter.
- (8) A homeowners' association, if required by the Board or proposed by the applicant, shall be established in accordance and compliance with Subsection 15-11.15. of this chapter. The maintenance of association owned property shall comply with Subsection 15-11.15.F. of the chapter.
- (9) The maximum building height shall be 35 feet.

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

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

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

B. Signs.

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

C. Area and yard requirements.

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

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

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

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

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

C. Applicability.

- (1) These standards and guidelines shall be applicable to any project within the Scenic Gateway Overlay Zone. The standards shall be applied concomitantly with the relevant use and bulk regulations defined in the underlying zoning districts. Unless otherwise noted, these standards shall apply uniformly to the underlying zoning districts; in those cases where the standard varies with the district, these provisions supersede.
- (2) The scope of the standards covers all exterior aspects of the rehabilitation of existing structures, additions to existing structures, and construction of new buildings, as well as all site improvements, streetscape, signage, lighting and landscaping.
- (3) In the exercise of its powers of review, the reviewing board may recommend approval, conditional approval, request modifications, or recommend denial to an application based upon its review of the materials submitted by the applicant and any additional information which it may deem appropriate.
- (4) These standards shall be interpreted with flexibility. The reviewing board shall view them as a tool, since exceptional situations, requiring unique interpretations, can be expected. When applying them, the reviewing board shall carefully weigh the specific circumstances surrounding each application, and strive for design solutions that best promote the spirit and intent of the standards and guidelines

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

- (1) Neighborhood Business uses pursuant to §15-4.18 shall be permitted.
- (2) General Business uses pursuant to §15-4.19 shall be permitted with the exception of the following:
 - (a) Auto parts store, auto repair shops and installation services.
 - (b) Contractor's office, showroom, garage, warehouse and shop.
 - (c) Funeral home.
 - (d) Printing, lithography, publishing or photocopying establishment.
- (3) Hotels, motels, lodges or inns, including extended stay hotels and convention centers.
- (4) Spas or other related health resorts
- (5) Health care facilities
- (6) Medical office uses
- (7) Long-term care facilities
- (8) Assisted living facilities

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

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

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

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

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

Add resilient design guidelines to this section that mandate construction materials, foundation design, freeboard and setbacks that create a more resilient design.

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

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

H. Off-street parking and loading.

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

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

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

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

- (1) One (1) ground-mounted monumental sign not to exceed seventy-five (75) square feet may be erected at each driveway which provides a means of ingress and egress to the use.
- (2) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity.
- (3) Signs shall fit within the existing facade features, shall be mounted so that the method of installation is concealed, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (4) Whenever possible, signs located on buildings within the same blockface shall be placed at the same height, in order to create a unified sign band.
- (5) Businesses located in corner buildings are permitted one (1) sign for each street frontage.
- (6) Signs on roofs, dormers and balconies are prohibited.

J. Awnings and Canopies.

- (1) Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, provided they complement a building's architectural style, and are compatible with its materials, colors and details. Awning shapes shall reflect the shape of the top of the opening to which they relate.
- (2) Canvas is the preferred material, although other water-proofed fabrics may be considered. Metal or aluminum awnings are prohibited. Only solid or striped patterns are permitted.
- (3) Awnings shall not extend more than four (4') feet from the building surface, or less than eight (8') feet from the sidewalk.
- (4) Canopies are permitted, and may extend over the sidewalk, but shall not restrict pedestrian circulation, and shall follow the standards set forth for awnings
- (5) Particular attention shall be taken with selection of the appropriate supporting structure and hardware, as well as with the location and method by which it is attached to the building facade
- (6) In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

K. Banners and Flags.

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

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

- (1) The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links between the Scenic Gateway Overlay Zone and adjacent neighborhoods, open space, and mixed use areas outside the overlay zone in the Township and Tuckerton Borough. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle ways (especially off-street bicycle or multiuse paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility.
- (2) Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include bike racks, off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14’) feet.
- (3) Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted and designed to relate to the neighborhood architectural character.
- (4) Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic-calming features such as queuing streets, curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- (5) Pedestrian circulation. The street and pedestrian network must be well connected for the health, safety, and welfare of residents. Therefore, safe and attractive mid-block linkages are encouraged, as are barrier-free connections.

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

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

- B. The Route 9 Gateway Overlay Zone is intended for properties that front on the Route 9 corridor between the township boundaries with Bass River Township and Tuckerton Borough as shown on the Township's zoning map. Any lot or parcel of land located at least partially within the overlay zone shall follow the requirements of this section for that portion of the lot or parcel.
- C. For the purpose of building and site design and regulation, the Route 9 Gateway Overlay Zone shall be divided into the following two separate subsections:
 - (1) Route 9 Gateway Overlay Zone South
 - (2) Route 9 Gateway Overlay Zone North

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

- D. Applicability.
 - (1) These standards and guidelines shall be applicable to any project within the Route 9 Gateway Overlay Zone, including both North and South subsections. The standards shall be applied concomitantly with the relevant use and bulk regulations defined in the underlying zoning districts. Unless otherwise noted, these standards shall apply uniformly to the underlying zoning districts; in those cases where the standard varies with the district, these provisions supersede.
 - (2) The scope of the standards covers all exterior aspects of the rehabilitation of existing structures, additions to existing structures, and construction of new buildings, as well as all site improvements, streetscape, signage, lighting and landscaping.
 - (3) In the exercise of its powers of review, the reviewing board may approve, conditionally approve, or deny an application based upon its review of the materials submitted by the applicant and any additional information which it may deem appropriate.
 - (4) These standards shall be interpreted with flexibility. The reviewing board shall view them as a tool, since exceptional situations, requiring unique interpretations, can be expected. When applying them, the reviewing board shall carefully weigh the specific circumstances surrounding each application, and strive for design solutions that best promote the spirit and intent of the standards and guidelines

- E. Permitted principal uses of buildings and structures are as follows:
 - (1) Highway Business uses pursuant to §15-4.20(A) shall be permitted in those areas where the underlying zoning is HB.
 - (2) General Business uses pursuant to §15-4.19(A) shall be permitted in those areas where the underlying zoning is GB.

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

- (1) Fences and walls subject to the provisions of §15-12.17.
- (2) Signs, subject to the provisions of §15-7.6 and additional design standards for standards set forth below.
- (3) Off-street loading, subject to the provisions of §15-12.16.
- (4) Off-street parking, subject to the provisions of §15-12.16.
- (5) Satellite dish antennas, subject to the provisions of §15-5.2.
- (6) Wind and solar energy systems as may be permitted in accordance with the applicable requirements of §15-24.
- (7) Other customary accessory uses, buildings and structures, which are clearly incidental to the principal use.

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

- (1) Permitted conditional uses in the Highway Business district pursuant to §15-4.20(C) shall be permitted in those areas where the underlying zoning is HB.
- (2) Permitted conditional uses in the General Business district pursuant to §15-4.19(C) shall be permitted in those areas where the underlying zoning is GB.

Add resilient design guidelines to this section to mandate construction materials, foundation design, freeboard and setbacks that create a more resilient design.

H. Building design standards Buildings located in the Route 9 Gateway Overlay Zone shall mark the transition into and out of the overlay zone in a distinct fashion, using massing, height extensions, contrasting materials and/or architectural embellishments to obtain this effect.

- (1) Buildings shall be oriented towards street frontage, both functionally and visually.
- (2) Buildings on corner lots shall be considered more significant structures, since they have at least two (2) front facades visibly exposed to the street. If deemed appropriate by the Board, such buildings may be designed with additional height and architectural embellishments relating to their location
- (3) Focal point features incorporated into a structure's design is encouraged through the use of one or more of the following techniques:
 - (a) A distinctive design that does not represent standard franchise architecture.

- (b) A vertical architectural feature or appendage (e.g., a clock tower, spire, or interesting roof form).
 - (c) Exceptional landscape feature or water feature.
 - (d) The creation of open spaces, passive park areas, plazas that are aesthetically pleasing and designed for public gathering, local events, community events, walking, sitting, picnicking, or bicycling,
- (4) Buildings shall be located to allow for adequate fire and emergency access.
 - (5) In a multiple building development, individual buildings shall be oriented to complement each other, and shall be organized around features such as courtyards, quadrangles and alleys, which encourage pedestrian activity.

I. Streetscape Design in the Route 9 Gateway Overlay Zone North. The objective shall be to provide street trees, paving, benches, lighting and other improvements to provide an ample, well-defined, unified and distinct pedestrian corridor along the Route 9 streetscape. The following standards shall apply:

- (1) Provide street trees within the right-of-way in planting areas of at least ninety (90) square feet in surface area. An acceptable ground cover or mass shrub planting shall be provided in all planting areas.
- (2) The quantity of trees shall be equivalent to one (1) tree of three (3) inches to three and five-tenths (3.5) inches caliper for every forty (40) feet of frontage.
- (3) If existing trees are preserved within ten (10) feet of the curb, the requirements for additional street tree plantings may be reduced.
- (4) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.
- (5) A walkway within the right-of-way of a minimum clear width of five (5) feet shall be provided. In areas where site furnishings are provided, the walk width shall be widened to accommodate these amenities. The walkway shall be constructed of a decorative pavement, i.e. brick pavers, as approved by the Board of jurisdiction. All walks shall include ramps for handicap access at all street comers or road crossings. The decorative paving shall be continued across all ingress and egress drives as a crosswalk, providing a well-defined continuous pedestrian walkway.
- (6) Site furnishings such as benches, period lighting, kiosks, bus shelters, trash receptacles and flagpoles shall be provided as appropriate or required by the Board of jurisdiction. All site furnishings within an individual village area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.

(7) Signage within the village streetscape area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.

(8) All overhead utilities should be relocated underground whenever possible.

J. Streetscape Design in the Route 9 Gateway Overlay Zone South. The streetscape design in the Route 9 Gateway Overlay Zone South shall be designed to create a pedestrian friendly park-like open space amenity along the Route 9 frontage of properties in the overlay district. The streetscape design shall incorporate a combination of buffering and berms, landscaping, streetscape design amenities, and pedestrian walkway along the entire Route 9 street frontage. The general design of the streetscape is illustrated in Figure 1, Illustrative Plan View and shall include:

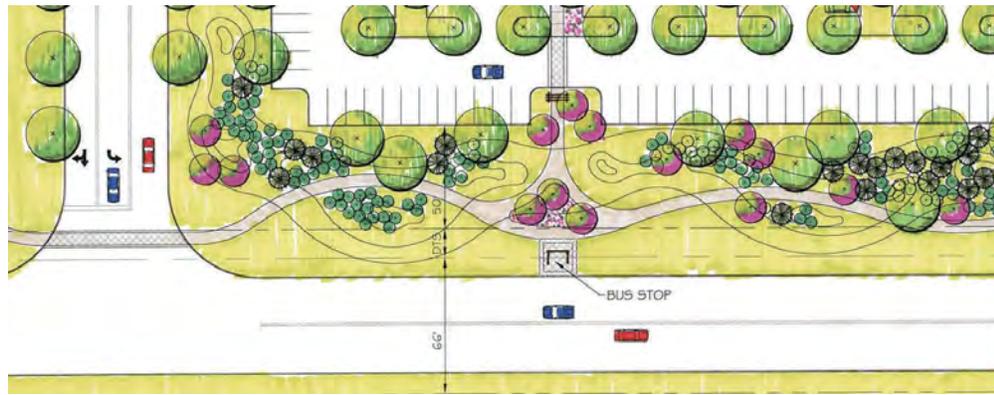


Figure 1: Illustrative streetscape plan view.

(1) A combination of nuisance and filtered buffers designed in accordance with the standards and requirements set forth in §15-11.8. Illustrative cross sections of buffers in relationship to the street are shown in Figures 2 through 4 as follows:



Figure 2

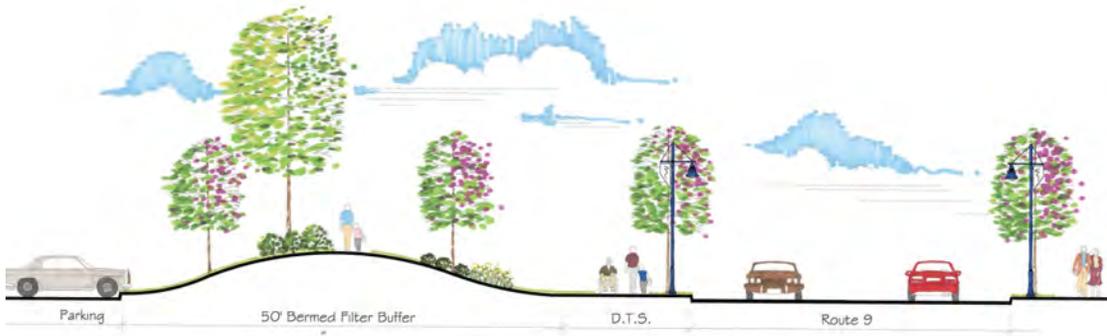


Figure 3



Figure 4

- (2) A pedestrian walkway designed in accordance with the standards set forth in §15-11.8(I) and as illustrated in Figure 1.
- (3) Associated pedestrian amenities and street furniture within the streetscape buffers shall be designed in accordance with §15-11.8(I).

K. Streetscape Design Elements in the Route 9 Gateway Overlay Zone. The streetscape design elements in the Route 9 Gateway Overlay Zone shall include:

- (1) Street lights: Pedestrian scale, thematic style light standards shall be used along all street edges immediately adjacent to proposed developments. The horizontal spacing of the fixtures shall be consistent with Township and State regulations as required.
 - (a) Street lights shall not exceed fourteen feet (14') in height.

- (b) Street lights shall utilize decorative poles and pole base covers.
- (c) Poles shall be cast iron, aluminum, or steel and painted black.
- (d) Luminaires shall incorporate night sky friendly, energy efficient, full cut-off optics. The use of LED technology is encouraged.
- (e) Sample Fixture or approved equal:
Hadco CF15/17 Westbrooke



(2) Site Furnishings: Each project with street frontage shall include the provision of site furnishings consistent with the intent of this ordinance and the creation of an inviting, safe and enjoyable pedestrian experience. These furnishings shall include benches, trash and recycling receptacles, bike racks, and individual free standing planters as appropriate.

- (a) Furnishings shall be constructed of non-biodegradable, vandal resistant materials such as cast iron, steel, aluminum, or recycled plastic components. All metal parts to be painted black.
- (b) Furnishings shall be consistent with the intent of this ordinance and coordinated with the overall character of the proposed project.
- (c) Benches shall be a minimum of six feet (6') in length and incorporate a center armrest. Benches can be backed or backless as deemed appropriate for the specific setting.
- (d) Trash receptacles shall be a minimum of thirty two (32) gallon capacity and utilize the smallest possible semi-covered top or side opening to prevent the deposition of household debris and trash.
- (e) Recycling receptacles shall be provided and incorporated as appropriate.
- (f) Sample Selections or approved equals:
Bench: Victor Stanley, City Series, CBF-12
Trash: Victor Stanley, Economy Series, ES-335

(3) Street trees:
As per §15-11.8(B).



(4) Sidewalk design: The paving patterns shown in the accompanying figure shall be applied to pedestrian walkways, with final design and material



selection subject to the approval of the Planning Board. In general, running bond patterns should be used for pedestrian-only walkways, 90 degree herringbone pattern for areas which require limited vehicular traffic and basket weave for plazas and other larger spaces.

L. Off-street parking and loading.

- (1) Off-street parking and loading shall be provided in accordance with §15-12.16.
- (2) Landscaping within parking lots shall be designed in accordance with the requirements of §15-11.8(G).
- (3) In the Route 9 Gateway Overlay Zone North, surface parking lots shall be located to the rear of buildings and/or in the interior of a site, where the visual impact to adjacent properties and to the public right-of-way can be minimized. Access shall, to the extent possible, be obtained from side streets, and curb cuts minimized.
- (4) Parking areas for individual nonresidential uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s), where feasible, to minimize access points to the street. Such interconnection shall be established through an appropriate cross-access easement, either unilaterally established by one party or by mutual agreement. The cross-access easement shall be approved by the Board of Jurisdiction.

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

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity.
- (2) Signs shall fit within the existing facade features, shall be mounted so that the method of installation is concealed, and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade where they are located.
- (3) Whenever possible, signs located on buildings within the same block face shall be placed at the same height, in order to create a unified sign band.
- (4) Businesses located in corner buildings are permitted one (1) sign for each street frontage.
- (5) Signs on roofs, dormers and balconies are prohibited.

N. Awnings and Canopies—Route 9 Gateway Overlay Zone North.

- (1) Fixed or retractable awnings are permitted at ground floor level, and on upper levels where appropriate, provided they complement a building's architectural style, and are compatible with its materials, colors and details. Awning shapes shall reflect the shape of the top of the opening to which they relate.
- (2) Canvas is the preferred material, although other water-proofed fabrics may be considered. Metal or aluminum awnings are prohibited. Only solid or striped patterns are permitted.
- (3) Awnings shall not extend more than four (4') feet from the building surface, or less than eight (8') feet from the sidewalk.
- (4) Canopies are permitted, and may extend over the sidewalk, but shall not restrict pedestrian circulation, and shall follow the standards set forth for awnings.
- (5) Particular attention shall be taken with selection of the appropriate supporting structure and hardware, as well as with the location and method by which it is attached to the building façade.
- (6) In buildings with multiple storefronts, compatible awnings should be used as a means of unifying the structure.

O. Banners and Flags.

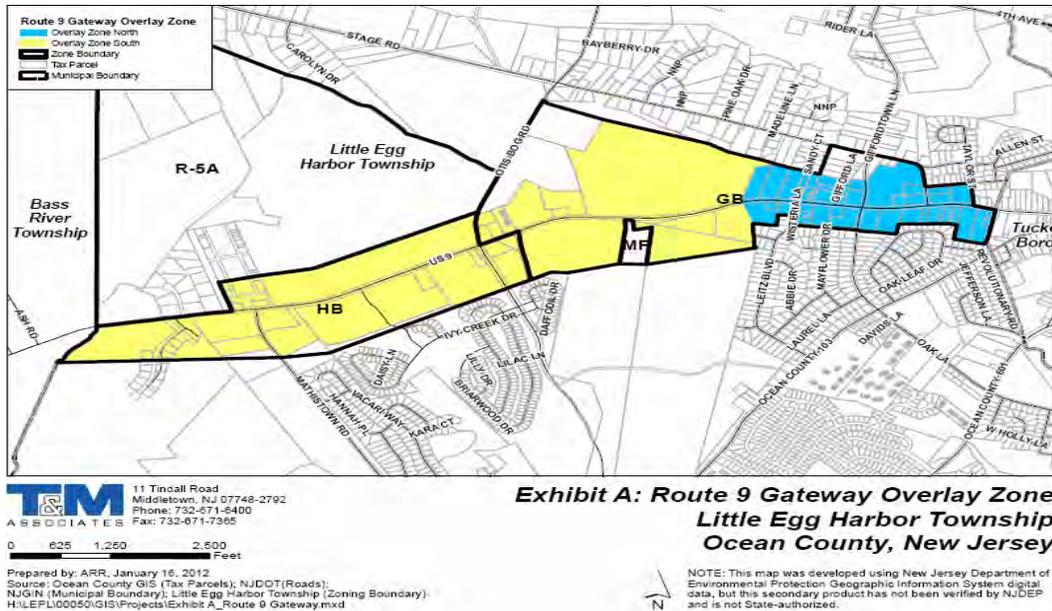
Banners and flags are encouraged, provided they are appropriately scaled to the building and streetscape, and do not interfere with facade composition or obscure architectural details. Banners and flags shall be of cotton or heavy Dacron or nylon.

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

- (1) The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links between the Route 9 Gateway Overlay Zone and adjacent neighborhoods, open space, and mixed use areas outside the overlay zone in the Township and Tuckerton Borough. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle ways (especially off-street bicycle or multiuse paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility.
- (2) Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include bike racks, off-street bicycle paths (generally shared with pedestrians and other

non-motorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14') feet.

- (3) Public transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted and designed to relate to the neighborhood architectural character.
- (4) Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic-calming features such as queuing streets, curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- (5) Pedestrian circulation. The street and pedestrian network must be well connected for the health, safety, and welfare of residents. Therefore, safe and attractive mid-block linkages are encouraged, as are barrier-free connections.



§ 15-4.25. PA Preservation Area Zone.

A. Permitted uses.

- (1) Residential dwellings on lots of 3.2 acres, in accordance with Subsection 15-4.29., and on lots of 1.0 acres, in accordance with Subsection 15-4.30.
- (2) Agricultural employee housing as an element of, and accessory to, an active agricultural operation.
- (3) Berry agriculture and horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture.

- (4) Forestry.
- (5) Beekeeping.
- (6) Fish and wildlife management.
- (7) Low intensity recreational uses, provided that:
 - (a) The parcel proposed for intensity recreational use has an area of at least 50 acres;
 - (b) The recreational use does not involve the use of motorized vehicles, except for necessary transportation;
 - (c) Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage;
 - (d) Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5 percent of the parcel; and,
 - (e) No more than 1 percent of the parcel will be covered with impermeable surfaces.
- (8) Public service infrastructure which is necessary to serve only the needs of the Preservation Area Zone uses. Centralized waste water treatment and collection facilities shall be permitted to service the Preservation Area Zone only in accordance with Subsection 15-13.4.A.(8)(a). **[Amended 5/10/2001 by Ord. No. 2001-08]**
- (9) Signs.
- (10) Accessory uses.
- (11) Resource extraction operations, provided that:
 - (a) The operation was authorized by a valid registration certificate issued by the New Jersey Department of Labor and Industry under N.J.S.A. 34:6-98r(h) prior to February 7, 1979, or the operation was exempt from registration requirements of the New Jersey Department of Labor and Industry and was authorized by the operating under a valid municipal permit prior to February 8, 1979;
 - (b) The area of extraction is limited to the value given under the category “acreage to be mined” on the mine registration application submitted to the Department of Labor and Industry, or the municipal permit, whichever is applicable; and,
 - (c) The operation has been registered with the Pinelands Commission in accordance with the requirements of N.J.A.C. 7:50-6, Part VI.
- (12) Pinelands Development Credits.
- (13) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for nonresidential use in the PA Zone shall be less than that needed to meet the water quality standards of Subsection 15-13.4.A.(8)(a)[4], whether or not the lot may be served by a centralized sewer treatment or collection system. **[Amended 5/10/2001 by Ord. No. 2001-08]**

Expand upon Transfer of Development Rights to re-direct development away from vulnerable areas.

Pinelands Development Credits established.

- (1) Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the State for conservation purposes, land which

is subject to an easement limiting the use of land to nonresidential uses, or land otherwise excluded from entitlement in the paragraphs below, every parcel of land in the Preservation Area Zone shall have a use right known as "Pinelands Development Credits" that can be used to secure a density bonus for lands located in a Regional Growth Area. Pinelands Development Credits may also be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4:61 *et seq.*

- (2) Pinelands Development Credits are hereby established in the Preservation Area District, at the following ratios:
 - (a) Uplands which are undisturbed but currently or previously approved for resource extraction pursuant to Chapter XVI: two (2) Pinelands Development Credits per 39 acres;
 - (b) Uplands which are mined as a result of a resource extraction permit approved pursuant to Chapter XVI: zero (0) Pinelands Development Credits per 39 acres;
 - (c) Other uplands: one (1) Pinelands Development Credit per 39 acres; and
 - (d) Wetlands: two-tenths (2/10) Pinelands Development Credit per 39 acres. **[Amended 5/10/2001 by Ord. No. 2001-08]**
- (3) The allocations established in Subparagraph 2 above shall be reduced as follows:
 - (a) Any property of 10 acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive Pinelands Development Credit entitlement. For such an improved property of more than 10 acres, the area actively used for such use or 10 acres, whichever is greater, shall not receive Pinelands Development Credit entitlement.
 - (b) The Pinelands Development Credit entitlement of a parcel of land shall be reduced by one-quarter (1/4) Pinelands Development Credit for each existing dwelling unit on the property.
 - (c) The Pinelands Development Credit entitlement for a parcel of land shall be reduced by one-quarter Pinelands Development Credit for each reserved right to build a dwelling unit on a parcel retained by the owner of the property pursuant to Subsection 15-4.25.B.(7) below or when a variance for cultural housing is approved by the Township pursuant to Subsection 15-4.30. of this chapter. **[Amended 5/10/2001 by Ord. No. 2001-08]**
 - (d) The Pinelands Development Credit entitlement for a parcel of land shall also be reduced by one-quarter (1/4) Pinelands Development Credit for each dwelling unit approved pursuant to N.J.A.C. 7:50-4:61 *et seq.* when a waiver of strict compliance is granted by the Pinelands Commission.
- (4) The owners of parcels of land which are smaller than 39 acres shall have a fractional Pinelands Development Credit at the same ratio established in Subparagraph 2 of this subsection for the area in which the parcel is located.
- (5) Notwithstanding the above provisions, the owner of record of one-tenth (1/10) or greater acres of land in the Preservation Area District as of February 7, 1979 shall be entitled to one-quarter (1/4) Pinelands Development Credit, provided that the parcel of land is vacant, was not in common ownership with any contiguous land

on or after February 7, 1979 and has not been sold or transferred except to a member of the owner's immediate family. The provisions of this paragraph shall also apply to owners of record of less than one-tenth (1/10) acres of land in the Preservation Area District, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands Development Credits are allocated pursuant to Paragraph B.(2) above, which lands, when combined with the acreage of the parcel owned prior to February 7, 1979, total at least one-tenth (1/10) of an acre.

- (6) No Pinelands Development Credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands Development Credit Certificate from the Pinelands Development Credit Bank, pursuant to N.J.A.C. 3:42-3, and has deed restricted the use of the land in perpetuity to those uses set forth in Paragraph (9) below by a recorded deed restriction which is in favor of a public agency or not-for-profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission. **[Amended 5/10/2001 by Ord. No. 2001-08]**
- (7) Notwithstanding the provision of Subparagraph (6) above, an owner of property from which Pinelands Development Credits are sold may retain a right for residential development on that property provided that the recorded deed restriction expressly provides for same and that the total allocation of Pinelands Development Credits for that property is reduced by one-quarter (1/4) Pinelands Development Credit for each reserved right to build a dwelling unit. Subdivision of the property shall not be required until such time as the residential development right is exercised.
- (8) No conveyance, sale or transfer of Pinelands Development Credits shall occur until the Township, the agency or organization to which the restriction is in favor, and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.
- (9) Such deed restriction shall specify the number of Pinelands Development Credits sold and that the property may only be used in perpetuity for the following uses: In the Preservation Zone: berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; agriculture employee housing as an accessory use; and low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel, and no more than one percent of the parcel will be covered with impermeable surfaces. In all other Pinelands Zoning Districts: agriculture; forestry and low intensity recreational uses.
- (10) Pinelands Development Credits shall be used in the following manner:
 - (a) When a variance of density or lot area requirements for a residential or principal nonresidential use in the PV Zone is granted by the Township, Pinelands Development Credits shall be used for all dwelling units or lots in excess of that otherwise permitted without the variance;

SECTIONS 15-4.26-33 NOT INCLUDED IN REDLINED COPY

ARTICLE V
Conditional Uses

§ 15-5.1. Guiding principles and general provisions.

Recognizing that certain uses, activities and structures are necessary to serve the needs and provide for the convenience of the citizens of the Township of Little Egg Harbor and at the same time, appreciating the fact that they or any one of them may be or may become inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings, such uses are designated as conditional uses subject to the standards and regulations hereby established. These standards and regulations are intended to provide the Planning Board with a guide for reviewing applications for conditional uses as provided for by this chapter. As a result of the review procedure, the applicant may be required to meet additional standards and regulations imposed by the Planning Board during site plan review which are in keeping with and will further the intent of these standards and regulations. Such standards and regulations shall be provided for and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval. In acting upon an application for conditional use approval, the Planning Board shall be guided by the following standards and principles:

- A. The use for which an application is being made is specifically listed as a conditional use within the zone where the property is located.
- B. The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the following:
 - (1) The compatibility of the proposed use(s) and/or structure(s) within the existing neighborhood.
 - (2) The potential effect that the proposed use(s) and/or structure(s) will have upon property values.
 - (3) The adequacy of the proposed parking and traffic circulation for the use(s) and/or structure(s) and the potential for traffic congestion and/or the creation of undue traffic hazards.
 - (4) The need for such facility or use(s) to serve the area in which it is located.
 - (5) The adequacy of proposed drainage facilities which will serve the use(s) and/or structure(s).
 - (6) The adequacy of plans for screening any adverse aspects of the use(s) and/or structure(s) from adjoining properties.
 - (7) The adequacy of proposed outdoor lighting.
 - (8) Compliance with the performance standards under Section 15-11.16. of this chapter.
 - (9) Compliance with the standards, principles and objectives of the Master Plan.
- C. All conditional uses shall also be required to obtain site plan approval, unless otherwise specified in this chapter.

- D. Conditional uses shall adhere to the additional standards specified for the particular use under this article, except where no additional standards are specified herein.
- E. No use specified within this article shall be considered a conditional use unless it is specifically listed as a conditional use in the zone district regulation.

§ 15-5.2. Antennas and towers.

- A. Antennas and towers shall be permitted as conditional uses in the zones or areas specified and shall be required to comply with the conditions set forth below in order to be permitted as conditional uses:
 - (1) Any proposed antenna or tower to be located within the R-5A Zone as a conditional use must be located within the area identified as “Fish Island” on the Zoning Map, due west of Great Bay Boulevard. **[Amended 4/21/2004 by Ord. No. 2004-06]**
 - (2) Any proposed antenna or tower to be located within the northerly LI Zone as a conditional use must be located within the area which runs along the northbound lanes of the Garden State Parkway and lies west of Route 539.
- B. General Requirements:
 - (1) Lot Size: For the purposes of determining whether the installation of a tower or antenna complies with development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
 - (2) Inventory of Existing Site: Each applicant for an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing towers, antennas, or
 - (3) Township of Little Egg Harbor or within three (3) miles of the border thereof, including specific information about the location, height, and design of tower, each such antenna or tower. The Zoning Officer may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Township of Little Egg Harbor, provided, however, that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 - (4) Aesthetics: Towers and antennas shall meet the following requirements:
 - (a) Towers or antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color as to reduce visual obtrusiveness.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend towers and related structures into the natural setting and surrounding buildings.
 - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting

structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (5) Lighting: Towers or antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (6) State or Federal requirements: All towers or antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulation within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) Building codes; safety standards: To ensure the structural integrity of towers or antennas, the owner of a tower or antenna shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower or antenna, the owner shall have 30 days to bring such tower or antenna into compliance with such standards. Failure to bring such tower or antenna into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (8) Measurement: For purposes of measurement, tower setbacks, and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and County jurisdictional boundaries.
- (9) Non-Essential Services: Towers and antennas shall be regulated and permitted as conditional uses pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (10) Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Zoning Officer and Business Administrator.
- (11) Signs: No signs shall be allowed on an antenna or tower.
- (12) Multiple antenna/tower plan: The Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

C. Applicability:

- (1) New towers and antennas: All new towers and antennas in the Township of Little Egg Harbor shall be subject to these regulations, except as otherwise provided herein.
- (2) Amateur radio station operators/receive only antennas: This Ordinance shall not govern any tower or the installation of any antenna that is 40 feet or less in height and is owned and operated by a Federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- (3) Antennas, towers or alternative tower structures located on property owned, leased or otherwise controlled by the Township of Little Egg Harbor in any designated land use zone shall be permitted and the terms of this Conditional Use Ordinance shall not apply to same, provided a license or lease authorizing such antenna or tower has been duly approved by the Township of Little Egg Harbor. Notwithstanding the exceptions contained in this subparagraph, antennas, towers and alternative tower structures shall be permitted in the Pinelands Area only in accordance with C.(4) below. **[Amended 5/10/2001 by Ord. No. 2001-08]**
- (4) Antennas, towers and alternative structures in the Pinelands Area must comply with the standards of N.J.A.C. 7:50-5.4(c) of the Comprehensive Management Plan and any comprehensive plan for local communications facilities approved by the Commission pursuant thereto. **[Amended 5/10/2001 by Ord. No. 2001-08]**

D. Area, bulk and yard requirements:

- (1) The minimum front yard setback shall be a distance at least the height of the tower or greater.
- (2) The minimum rear yard setback shall be a distance at least the height of the tower or greater.
- (3) The minimum side yard setback shall be a distance at least the height of the tower or greater.
- (4) The maximum height of the tower shall be 350 feet if in the R-1A Zone and 125 feet if in the LI Zone.
- (5) The maximum height of associated structures shall be eight (8) feet.
- (6) The maximum square footage of associated structures shall be 250 square feet.
- (7) No tower shall be located within 2,500 feet of any existing residential home or residential structure.
- (8) In the designated LI Zone, no tower shall be located within 1,000 feet of Route 539.

E. Additional requirements:

- (1) All facilities shall be suitably secured and enclosed in a fence not less than eight (8) feet high.
- (2) Except for towers and antennas to be located on Township owned or controlled property, site plan approval by the Little Egg Harbor Township Planning Board shall be required and the following information shall be provided:
 - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and

zoning with 200 feet (including when adjacent to other municipalities), Master Plan classification for the site and all properties within the applicable separation distances set forth in Section D., adjacent roads, proposed means of access, setbacks from property lines, elevation drawings of the proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Office to be necessary to assess compliance with this Ordinance.

- (b) Legal description of the parent tract and leased parcel (if applicable).
- (c) The setback distance between the proposed tower and the nearest residential unit or residentially zoned properties, whether platted or unplatted.
- (d) The separation distance from other towers shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (e) A Landscape Plan showing specific landscape materials.
- (f) Method of fencing, finished color, if applicable, and methods of camouflage and illumination.
- (g) A description of compliance with this section and all applicable Federal, State and local laws.
- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other personal wireless facilities owned or operated by the applicant in the municipality.
- (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (k) A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (l) A sight line representation shall be drawn for the closest façade of each residential unit located on all properties adjacent to the subject property, the highest point of the tower. The sight line shall depict all intervening trees and buildings.
- (m) In the event a communication tower is abandoned or not operated for a period of one (1) year, the same shall be removed, at the option of the Township, at the sole expense of the operator.
- (n) Noise levels generated by the operation of the antenna at any property line shall be not more than 50 decibels.
- (o) A report prepared by a Professional Ornithologist describing the risks posed by the tower, antenna and/or structure to threatened and endangered

species of birds; local breeding birds; known migratory birds; and the surrounding habitat.

- (3) Site lighting used to illuminate a tower shall be oriented towards a tower to minimize spillage and glare onto adjacent properties.
 - (4) The tower and antennas shall be designed in accordance with the current edition of the Building Officials and Code Administrators National Building Code.
 - (5) Any generator located on the site shall be within an equipment structure. All fuel shall be contained in accordance with NJDEP requirements.
 - (6) Site clearing shall be minimized to preclude the removal of vegetation beyond that necessary to install and maintain the facility.
 - (7) Communication towers and antennas shall not cause a disruption to, or interfere with, other radio, communications, or television transmissions or equipment. If such disruption or interference is found to be caused by the operation of the communication tower, the subscribers and/or lessees shall notify their equipment operators to abate the deficiencies.
- F. Availability of suitable existing towers, other structures, or alternative technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Board related to the availability of suitable existing towers, structure or alternative technology. The applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area which meets applicant's reasonable engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's reasonable engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the exiting towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Cost of alternative technology that exceeds new tower or antenna development shall not be presumed to render the technology unsuitable.

G. Definitions: As used in this Ordinance, the following terms shall have the meanings set forth below:

“ALTERNATIVE TOWER STRUCTURE” means a structure that camouflages or conceals the presence of antennas or towers.

“ANTENNA” means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

“BACKHAUL NETWORK” means the lines that connect a provider’s tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

“FAA” means the Federal Aviation Administration.

“FCC” means the Federal Communications Commission.

“HEIGHT” means when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including any antenna.

“PRE-EXISTING TOWER AND PRE-EXISTING ANTENNA” means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

“TOWER” means any structure that is designated and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio, personal wireless services and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

“PERSONAL WIRELESS SERVICES” include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

§ 15-5.3. Automobile repair shop (motor vehicle repair garage).

Automobile repair shops may be permitted as a conditional use in the zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and to the following:

A. No outdoor oil drainage pits or hydraulic lifts shall be permitted.

- B. All repairs shall be performed in a fully enclosed building.
- C. All vehicles awaiting repair or under repair may be stored out-of-doors and shall be screened from the public by a solid fence and/or evergreen plantings, as required by the Planning Board.
- D. No vehicle awaiting repair or under repair may be stored out-of-doors within the required front yard area, within 20 feet of any side or rear lot line or within 50 feet of any adjoining lot within a residential zone.
- E. If gas pumps are proposed, Section 15-5.5., referring to automobile service stations, shall also be applicable to automobile repair shops.
- F. The storage of junk or dilapidated vehicles on the site shall not be permitted.

§ 15-5.4. Automobile sales establishment for new and/or used cars.

- A. Automobile sales establishments for new and/or used cars may be permitted as a conditional use in the zoning district specified, provided that the lot, use and structures shall adhere to the following:
 - (1) The property on which an automobile sales establishment is located shall conform to the lot requirements established in the zoning district in which the conditional use is permitted.
 - (2) The leasing of automobiles is also permitted in conjunction with the selling of autos.
 - (3) A buffer area, a minimum of 25 feet in width, measured from the street right-of-way, shall be provided along all such rights-of-way upon which the site has frontage. Said buffer area shall be planted with grass and low-growing shrubbery. Buffer areas, each a minimum of 25 feet in width, shall be provided on all the side and rear property lines of the site and shall be landscaped in accordance with the provisions set forth in Section 15-11.7. Where the site of an auto sales establishment abuts a residential zoning district, the minimum width of the buffer area provided along the zone boundaries between the two (2) districts shall be increased to 50 feet. This buffer area shall also be landscaped in accordance with the provisions set forth in Section 15-11.8.
 - (4) No vehicles shall be displayed, stored or parked within any buffer area.
 - (5) All areas used for the display, storage or parking of vehicles shall be of a paved surface, which drains into a facility provided with an oil trap or similar device designed, intended and installed to prevent petroleum products from draining directly into the ground and/or public drainage system.
 - (6) No vehicles shall be displayed, stored or parked on any public street or within any public or private right-of-way or easement.
 - (7) No facilities for vehicle body work shall be permitted on the site, except those facilities designed and intended for the preparation and maintenance of vehicles sold on the same premises and where such facilities are clearly incidental and subordinate to the principal use.

- (8) The delivery of autos shall take place on the premises and not on a public street or within a public right-of-way.
- (9) Off-street customer parking shall be provided in accordance with the provisions established as set forth in Section 15-12.16.

§ 15-5.5. Automotive service stations.

- A. Automobile service stations may be permitted in those zones specified, subject to the issuance of a conditional use permit and adherence to the minimum standards of the particular zone and the following:
- (1) The motor vehicle service station shall have minimum of 150 feet of frontage on and direct access to a roadway classified as a minor rural arterial.
 - (2) Minimum lot size shall be one (1) acre.
 - (3) No vehicle shall be permitted to be standing or parking on the premises of a motor vehicle service station other than those used by the employees in the indirect or direct operation of the establishment, except for the following: no more that five (5) during working hours and no more than three (3) overnight. Overnight outdoor storage of more than three (3) vehicles shall be prohibited.
 - (4) Convenience shops may be permitted, provided that:
 - (a) The maximum gross floor area of the convenience store shall not exceed 2,000 square feet; provided, however, that the maximum gross floor area of a convenience store may be increased at rate of 1,000 square feet of additional gross floor area per acre of additional lot area over the required minimum lot area, up to a maximum of 6,000 square feet of gross floor area; and,
 - (b) Additional on-site parking for the convenience shops is provided in accordance with Section 15-12.16.
 - (5) All fuel pump islands shall be located at least 35 feet from all property lines.
 - (6) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
 - (7) Any repair of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicles may be stored out-of-doors.
 - (8) No body work shall be permitted.
 - (9) Illumination shall be such that no direct glare from the lights shall fall upon adjoining streets or properties.
 - (10) Sales of new or used cars are prohibited.
 - (11) Accessory goods for sale may be displayed on the pump islands and the building island only. The outside storage of oil cans and/or antifreeze and similar products may be displayed on the respective islands, if provided for in a suitable metal stand or rack.
 - (12) The maximum building coverage shall be 15% of the lot area and a maximum of 20% of the lot area with a canopy. The maximum percent of lot coverage for buildings and all impervious surface areas shall be 65%.
 - (13) The minimum unoccupied open space shall be 30% of the lot area.
 - (14) A canopy, consisting of a roof-like cover that is supported by one or more columns or stanchions, without side walls, used primarily to shield fuel pumps from the elements, shall be permitted subject to the following:

- (a) The minimum canopy setback shall be 25 feet.
- (b) The thickness of said canopy or the dimension measured from the topside to the underside of the canopy shall be greater than 30 inches.
- (c) The height of said canopy shall not exceed 15 feet, as measured to the bottom of the canopy.

§ 15-5.6. Car washes.

- A. Car washes may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and the following:
 - (1) All mechanical activities shall be conducted within a completely enclosed building.
 - (2) Wastewater from the use shall be discharged into the public sanitary sewer system. No on-site septic system or dry well shall be permitted.

§15-5.7. Cemeteries and mausoleums.

- A. Cemeteries and mausoleums for human interment may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and the following:
 - (1) Gravesites shall be set back a minimum of 100 feet from any public right-of-way line and 50 feet from all other property lines.
 - (2) Principal and/or accessory structures, including mausoleums, shall be set back a minimum of 200 feet from all property lines.
 - (3) Parking requirements shall be determined by the Planning Board and no parking shall be located closer than 100 feet to any public right-of-way.

§ 15-5.8. Child care centers; nursery schools, day care centers.

- A. Child-care centers, nursery schools and day-care centers may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:
 - (1) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and building.
 - (2) The minimum required lot area for the proposed use shall be one (1) acre. Other lot and principal building bulk requirements for the respective zoning district of the proposed use shall prevail.
 - (3) Accessory buildings shall be located no closer than 20 feet to the rear or side property line. No accessory building shall be permitted within the required front yard setback of the front building line of the principle building, whichever is greater.
 - (4) All interior facilities and areas to be used by the children shall be located on the principal entrance floor and any other level which is not more than ½ story above

or below the finished grade at the location from which pedestrian access is provided to the building.

- (5) A minimum of 100 square feet per rated building capacity of outdoor space devoted to recreational use shall be provided and shall be entirely fenced or otherwise protected from hazards, traffic and driveways.
- (6) Basement areas shall not be utilized for child care, classrooms or recreational purposes.
- (7) All loading and unloading of children shall take place on site and not in the right-of-way of a public street.
- (8) No temporary or permanent residential dwelling facilities shall be provided in a child-care center, nursery school or day-care center.
- (9) The use shall be licensed by the Division of Youth and Family Services, New Jersey Department of Human Services.

§ 15-5.9. Churches.

A. Churches may be permitted in those districts designated in this chapter upon application for a permit and upon determination by the approving authority that the following standards and conditions are met:

- (1) A set of plans, specifications and plot plans shall be filed with the approving authority, showing overall dimensions, topographic conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which might act as a deterrent to the general welfare.
- (2) Before issuing a permit, the approving authority shall determine that the following standards are met:
 - (a) The minimum lot area shall be 40,000 square feet and the minimum frontage shall be 200 feet.
 - (b) The approving authority shall determine that the site plan is appropriate to the adjacent area. It may require buffers of foliage if necessary to protect surrounding properties from the effect of light or noise generated in connection with the use of the property. Such buffer area shall be constructed in conformance with the provisions of this chapter.

§ 15-5.10. Commercial recreation activities.

A. Commercial recreation uses, such as theatres, drive-in theatres, bowling alleys, skating rinks, miniature golf courses, driving ranges, amusement parks, dance halls, commercial swimming pools, arcades and amusement machines, coin operated or otherwise, such as video and/or pinball machines, may be permitted as a conditional use in those areas specified, provided that the use and/or structure shall adhere to the minimum standards of the particular zone and the following:

- (1) No building, structure, active recreation area or parking area shall be located closer than 50 feet to any residential property line.

- (2) Unless elsewhere specified in this chapter, off-street parking requirements shall be determined by the Planning Board.
- (3) Maximum lot coverage by buildings and structures, including swimming pools: 20 percent.
- (4) Minimum unoccupied open space: 20 percent.
- (5) Notwithstanding the foregoing, no conditional use permit shall be required for the accessory use of five (5) or less amusement machines, coin-operated or otherwise, including but not limited to video and/or pinball machines in any establishment, provided that the use of five (5) or less machines is clearly an accessory use in such establishment.
- (6) Notwithstanding the foregoing, no conditional use permit shall be required for the placement of over five (5) amusement machines, coin-operated or otherwise, including but not limited to video and/or pinball machines in any establishment presently approved or used as a commercial recreation use, provided that such placement of said amusement machines is a secondary use.

§ 15-5.11. Community residences for developmentally disabled and community shelters for victims of domestic violence.

- A. Community residences for developmentally disabled and community shelters for victims of domestic violence, housing between 7 and 15 persons, excluding resident staff, may be permitted in those zoning districts specified, subject to the issuance of a conditional use permit, and shall adhere to the minimum requirements of the particular zone and the following standards:
 - (1) A statement is submitted with the application setting forth the full particulars regarding the use, activities and buildings.
 - (2) The required minimum lot area shall be 4,000 square feet for each developmentally disabled person and employee housed at the residence, but not less than the minimum lot area required for single-family homes in the zone.
 - (3) The required minimum gross habitable floor area shall be 240 square feet for each developmentally disabled person and employee housed at the residence.
 - (4) No conditional use permit shall be granted if the number of developmentally disabled and mentally ill persons residing at such community residences exceeds 0.5% of the population of the Township.
 - (5) No community residence for the developmentally disabled shall be located upon a lot containing any other principal use, nor shall any structure or facility on the site be utilized to provide services for any persons not residing on the site.
 - (6) No community residence for the developmentally disabled shall be in excess of two (2) stories in height, exclusive of basement areas. Basement areas shall not be utilized to house patients.
 - (7) Each community residence for the developmentally disabled shall submit proof of licensing by the Department of Human Services of the State of New Jersey.
 - (8) No community residence for the developmentally disabled shall be located within 1,500 feet of any other community residence for the developmentally disabled.
 - (9) No community residence for the developmentally disabled shall be located on any arterial roadway.

- (10) No community residence for the developmentally disabled shall be located in areas of heavy vehicular or pedestrian traffic congestion, or in any area where, by reason of any condition existing in proximity to the proposed community residence for the developmentally disabled, the occupants of said proposed community residence for the developmentally disabled would be exposed to undue hazard.
- (11) Each community residence for the developmentally disabled shall provide one (1) off-street parking space for each employee on the shift employing the largest number of persons, plus one (1) off-street parking space for each three (3) developmentally disabled persons, or fraction thereof, residing at the site. The required off-street parking shall be subject to the provisions of this chapter and shall be screened from adjacent residentially zoned properties.
- (12) No building utilized as a community residence for the developmentally disabled shall be constructed or altered so as to be inharmonious with the residential character of adjacent structures or provide services for any person not residing on the site.

§ 15-5.12. Health-care facilities.

A. Health-care facilities may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:

- (1) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and requirements;
- (2) The lot upon which the use is proposed and the building shall conform to the following minimum standards and requirements:

Minimum Area, Yard and Building Requirements

(a)	Lot requirements:	
	Lot area (acres)	5.0
	Lot width (feet)	200
	Lot frontage (feet)	200
	Lot depth (feet)	250
(b)	Principal building requirements:	
	Front yard setback (feet)	100
	Rear yard setback (feet)	50
	Side yard setback, each side (feet)	50
	Maximum building height (feet)	35
(c)	Accessory building requirements:	
	Front yard setback (feet)	Not permitted
	Rear yard setback (feet)	30
	Side yard setback (feet)	30
	Maximum building height (feet)	25
	Maximum building coverage (combined coverage of all principal and accessory buildings) (percent)	25

- (3) A minimum of 16 patient beds shall be provided;

- (4) Basement areas in health-care facilities shall not be included in calculating building height, nor shall these areas be utilized to house patients or for recreation areas; and,
- (5) All health-care facilities shall be licensed by and/or meet all applicable standards of Federal, State and County regulatory agencies.

§ 15-5.13. Home occupation.

- A. Home occupations: A home occupation may be permitted in those districts specified, subject to the following conditions:
- (1) In addition to meeting the definitional requirement of this chapter, a home occupation shall further be defined as an accessory use that:
 - (a) Is clearly accessory and incidental to the detached single-family principal use of the structure and property.
 - (b) Is conducted entirely within the dwelling or accessory building.
 - (c) Is conducted by and limited to a member or members of the immediate family residing full-time in the single-family dwelling and no more than one (1) employee or family member not residing in the principal dwelling.
 - (d) Occupies not more than 10% of the total floor area of the residential structure provided that the gross floor area of the structure shall meet or exceed the minimum habitable floor area requirement of the zone.
 - (e) Does not alter the residential appearance of a principal residential structure or the residential appearance of the property upon which it is conducted.
 - (f) Does not involve outdoor storage of equipment or materials.
 - (g) Does not involve signage other than a single lighted or unlighted identification sign not exceeding two (2) square feet in area.
 - (h) Does not involve the retail sale of goods and/or services offered or produced by the home occupation from the property.
 - (i) Does not involve truck deliveries (except parcel delivery services, e.g. UPS) and no more than an average of ten (10) vehicle visits per week, including parcel delivery services (residential family or permitted employees shall not be included in this calculation).
 - (j) Does not constitute a nuisance to adjacent residential property for reasons of noise, odor, congestion, traffic, vibration, electrical interference and other causes.
 - (k) The total floor area utilized for home occupation within an accessory building does not exceed more than 10% of the total floor area of the principal dwelling.
 - (l) The quantity and type of solid waste disposal is the same as other residential uses in the zone.
 - (m) Minimum lot area: 20,000 square feet or the minimum lot area required in the zone, whichever is greater.
 - (2) The cumulative total floor area of all the home occupations conducted on any lot does not exceed 10% of the floor area of the principal dwelling.
 - (3) Permit requirements for home occupation.

- (a) Prior to commencement of any home occupation use, a zoning permit for the home occupation use shall be issued by the Zoning Officer. The zoning permit shall be valid for a term of one (1) year (twelve months).
- (b) Zoning permits for the home occupation shall be renewed on an annual basis upon satisfactory application to the Zoning Officer.
- (c) The annual fee for a zoning permit for a home occupation shall be in accordance with Article XVI.
- (d) Where required, proof of necessary Federal, State and/or County approvals must be submitted with an application for a home occupation.

§ 15-5.14. Home professional office.

- A. “Home professional office” may be permitted as a conditional use in those zones specified, provided that the use and/or structure shall adhere to the minimum standards of the particular zone and the following:
 - (1) A professional office shall be conducted entirely within the dwelling or accessory building to the dwelling, which is the bona fide residence of the practitioner.
 - (2) Not more than two (2) persons outside the family shall be employed on the premises.
 - (3) Advertising shall be limited to the display of a professional nameplate not exceeding two (2) square feet in area.
 - (4) Such use shall only be permitted as part of a detached single-family dwelling and that when such use is part of a residence there remains in the living quarters the minimum habitable floor area as required by this chapter.
 - (5) The lot fronts on and has access to a street other than the “local street” per the Master Plan.
 - (6) Minimum lot area: 20,000 square feet or the minimum lot area required in the zone, whichever is greater.

§ 15-5.15. Hospitals, philanthropic or eleemosynary uses.

- A. Hospitals and philanthropic or eleemosynary uses may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:
 - (1) Minimum area, yard and building requirements:
 - (a) Lot requirements:

Lot area (acres)	5.0
Lot width (feet)	200
Lot frontage (feet)	200
Lot depth (feet)	250
 - (b) Principal building requirements:

Front yard setback (feet)	100
Rear yard setback (feet)	100
Side yard setback, each side (feet)	100
Maximum building height (feet)	100
 - (c) Accessory building requirements:

Front yard setback (feet)	Not permitted
Rear yard setback (feet)	50
Side yard setback (feet)	50
Maximum building height (feet)	25
Maximum building coverage (combined coverage of all principal and accessory buildings) (percent)	25

- (2) The site shall have frontage on and direct access to a major arterial or minor arterial;
- (3) Off-street parking shall be provided in accordance with the requirements set forth in Section 15-12.16.;
- (4) The proposal use shall not be detrimental to the values of adjacent properties; and,
- (5) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.

§ 15-5.16. Hotels and motels.

A. Hotels and motels may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- (1) Minimum lot area: one (1) acre.
- (2) Minimum lot area per unit: 1,500 square feet.
- (3) Efficiency apartments may be permitted by the Planning Board, provided that the applicant satisfactorily demonstrates that they will be utilized primarily for transients.
- (4) Maximum lot coverage: 20 percent.
- (5) Minimum unoccupied open space: 20 percent.
- (6) No building shall be located closer than 50 feet to any property line.
- (7) Minimum number of units: 20.
- (8) No accessory building or parking area shall be located closer than 20 feet to a residential property line.
- (9) No additional parking shall be required for swimming pools, provided that the pools are not open for use by the general public but are primarily for use of the guests at the hotel or motel. Swimming pools shall otherwise be subject to the provisions of Section 15-7.9. of this chapter.

§ 15-5.17. Kennels.

A. Kennels may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:

- (1) The minimum lot area shall be one (1) acre.
- (2) No structures, enclosures, pens, or runs shall be located closer than 50 feet to any lot line.
- (3) Sufficient space shall be provided indoors for all animals kept at the facility and no animals shall be kept out of doors between 9:00 p.m. and 7:00 a.m.

- (4) Not more than ten (10) dogs or cats or combination thereof for each acre of lot area shall be kept at any time.
- (5) Outdoor runs or pens shall be visually screened from adjoining properties.
- (6) Any such kennel shall also be approved by the Board of Health to insure proper sanitation and compliance with applicable State and local health codes.

§ 15-5.18. Long-term facilities, assisted living facilities, residential health care facilities; and, continuing care retirement communities.

- A. Long-term care facilities, assisted living facilities, residential health care facilities; and, continuing care retirement communities, may be permitted as a conditional use in the zoning district specified provided that the lot, use and structure adhere to the minimum standard of the particular zone and the following:
- (1) Minimum lot area shall be three (3) acres.
 - (2) Minimum lot width shall be 200 feet.
 - (3) Minimum lot depth shall be 200 feet.
 - (4) Minimum front yard setback shall be 50 feet.
 - (5) Minimum side yard setback shall be 50 feet.
 - (6) Minimum rear yard setback shall be 50 feet.
 - (7) Maximum percent of building and impervious coverage shall be 65 percent.

§ 15-5.19. Public utilities.

- A. Public utility uses, such as water towers, pumping stations, electric substations, radio towers, transmission lines and switching stations, which must be provided above ground, may be permitted as a conditional use in those zoning districts specified, provided that the lot, use and structures shall adhere to the following:
- (1) A statement shall be submitted with the application setting forth the reasons that the proposed installation must be provided above ground in a specific location why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (2) Maximum lot coverage by buildings and structures, including swimming pools: 20 percent of the lot area.
 - (3) Minimum unoccupied open space: 20 percent.
 - (4) No building, structure, recreation area or parking area shall be located closer than 50 feet to a residential property line.
 - (5) The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate with the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless additional land is acquired and supplemental application is made to the Planning Board.
 - (6) Off-street parking requirements shall be determined by the Planning Board except that where swimming pools are provided, the off-street parking requirements shall be not less than the requirements under 101-8.8C, plus such additional parking as may be deemed necessary by the Planning Board.

- (7) The property must front on and have access to a principal arterial roadway.

§ 15-5.20. Mini-storage (self-storage facility/mini-warehouse).

- A. Self-storage facilities may be permitted in those districts specified, subject to the issuance of a conditional use permit and adherence to the minimum requirements of the particular zone and the following standards:
 - (1) Minimum lot area: three (3) acres.
 - (2) Minimum side and rear yard setback: 30 feet.
 - (3) Minimum width of landscape buffer between all residential uses and residential zones along side and rear property lines: 25 feet.
 - (4) Minimum width of landscape buffer along side and rear property lines, all other uses: 20 feet.
 - (5) Screening shall be required in the front yard area to enhance the appearance or screen the self-storage facility from roadways. Such screening may consist of fences, walls, natural vegetation and landscaping, or some combination thereof, and shall be specifically approved by the Planning Board.
 - (6) Maximum building height: 24 feet and two (2) stories.
 - (7) Lighting shall be in strict accordance with the requirements of Section 15-12.19.
 - (8) No flammable materials, hazardous chemicals or explosives shall be permitted to be stored.
 - (9) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or similar equipment shall be prohibited.
 - (10) Auctions, wholesale and retail sales, and garage and miscellaneous other sales shall be prohibited.
 - (11) The operation of power tools, spray painting, compressors and other similar equipment shall be prohibited.
 - (12) Outdoor storage shall be limited to the storage of boats, boat trailers and recreation vehicles, and any such storage shall not be visible from any property line.
 - (13) Maximum building coverage: 35 percent.

§ 15-5.21. Truck terminals.

- A. Truck terminals may be permitted as a conditional use in the zoning district specified, provided that the lot, use and structures shall adhere to the following:
 - (1) The required minimum lot area shall be three (3) acres.
 - (2) Principal buildings and accessory building requirements and other lot bulk requirements for the particular zone within which the site is located shall apply.
 - (3) The required minimum unoccupied open space shall be 35 percent.
 - (4) No trucks shall be parked, stored or otherwise maneuvered within the front yard setback area.
 - (5) A heavily landscaped buffer area, a minimum of 25 feet in width, shall be provided along all rear and side property lines, where the parking, storing or maneuvering of trucks shall be prohibited.

- (6) Trucks, including tractor or trailer units, parked or stored on the lot shall be arranged in an orderly manner in allocated spaces, as shown on an approved site plan.
- (7) Trailer units shall be parked or stored only on paved surfaces, and concrete surfaces shall be required under trailer support devices (e.g. crank-down wheels or pads).
- (8) All repair and service operations shall take place within completely enclosed buildings in compliance with setback requirements for the zone.
- (9) At least ten (10) percent of the area devoted to truck parking and storage shall be landscaped. The landscaping should be located in protected areas along walkways, center islands and at the ends of the bays.

§ 15-5.22. Veterinary clinics.

- A. Veterinary clinics or hospitals or animal care facilities may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:
- (1) Minimum lot size: one (1) acre.
 - (2) Minimum front yard setback, principal or accessory structures, including kennels, pens and runs: 100 feet.
 - (3) Minimum side and rear yard setbacks, principal or accessory structures, including kennels, pens and runs: 50 feet.
 - (4) No building or area used for kennels, pens or runs shall be located closer than 150 feet to any dwelling.
 - (5) Sufficient space shall be provided indoors for all animals kept at the facility, and no animals may be kept out-of-doors between 9:00 p.m. and 7:00 a.m.
 - (6) Detailed plans and proposals for sanitary sewage and solid waste disposal shall be submitted to the Planning Board.
 - (7) Provisions shall be made for noise control which as a minimum shall include:
 - (a) Soundproofing of all enclosed structures.
 - (b) Noise baffles or dense screening and landscaping of all outside pens, kennels, cages and runs.
 - (c) Secondary buffer plantings between pens, kennels, cages and runs and any exterior property line buffer strip when required by the Planning Board.
 - (8) All such facilities shall be licensed by and meet the requirements of any appropriate County, State or Federal regulatory agencies.
 - (9) The property must front on a street classified as a major collector of minor or principal arterial roadway.

§ 15-5.23. Sexually-oriented businesses. [Amended 12/27/2001 by Ord. No. 2001-035]

Sexually-oriented businesses as defined herein may be permitted as a conditional use in the GB, HB or LI zones provided that the use and/or structures shall adhere to the minimum standards of the particular zone and shall meet the applicable criteria as required pursuant to this Chapter. Sexually-oriented businesses shall meet all of the provisions of the New Jersey Code of Criminal Justice as N.J.S. 2C:34-7, including the following locational and site requirements:

- A. No person shall operate a sexually-oriented business within 1,000 feet of any existing sexually-oriented business, or any church, synagogue, temple or other place of public worship, or any elementary or secondary school or any school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, or within 1,000 feet of any area zoned for residential use.
- B. Every sexually-oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, fence or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located.
- C. No sexually-oriented business shall display more than two exterior signs, consisting of one identification sign and one sign giving that the premises are off limits to minors. Both signs shall be building-mounted and shall not extend more than 12 inches from the face of the building. The identification sign shall in no case be greater than 40 square feet in size.
- D. This subsection shall no apply to a sexually-oriented business already lawfully operating on the effective date of this ordinance where another sexually-oriented business, an elementary or secondary school or school bus stop, or any municipal or county playground or place of public resort and recreation, or any hospital or any child care center, is subsequently established within 1,000 feet.

§ 15-5.24. Boat repair shop and boat storage. [Amended 12/23/2002 by Ord. No. 2002-043]

- A. Boat repair shops may be permitted as a conditional use in the zoning districts specified, provided that the lot, use and structures shall adhere to the minimum area, yard and building requirements of the particular district and to the following:
 - (1) No outdoor oil drainage pits shall be permitted.
 - (2) All repairs shall be performed in a specifically designated and approved area. Boat repair may include general boat maintenance activities, such as painting, sanding and winterizing, provided that all maintenance is performed in the designated area. Power washing shall be permitted provided the activity takes place in an approved containment area. Fiberglass repairs of boat hulls shall be permitted provided the repairs are performed within an approved and designated containment area.
 - (3) Sales of boats shall be permitted, however, no more than five (5) boats may be displayed on the premises at any one time. Boats for sale may not be displayed in a location that is less than twenty-five (25) feet from the front property line.
 - (4) Year round boat storage shall be permitted as an accessory use and in conjunction with the boat repair activity.
 - (5) Open or closed rack storage shall be prohibited.
 - (6) No boats shall be stored in the required front yard setback area.

- (7) No boats shall be placed or stored within twenty (20) feet of the side and rear yards property lines.
- (8) All boats shall be screened from the public view by a solid fence and/or evergreen plantings, as required by the Planning Board.
- (9) A minimum ten (10) foot wide landscape buffer, consisting of a fence and vegetation, shall be provided along the side and rear yards property lines.
- (10) In the event that the foregoing standards conflict with any other standards in the chapter, these standards shall control.
- (11) Boat repair shops and boat storage shall also comply with the following design standards. Relief from these standards may be granted pursuant to N.J.S.A. 40:55D-70c.
 - (a) Repair and maintenance materials, including flammable liquids, shall be stored in a fully enclosed building and in accordance with the standards set forth in Ordinance Section 15-11.18E. and any other applicable local, State and Federal standards.
 - (b) All repairs and maintenance activities on boats and facilities situated on the premises shall be performed by personnel employed by the boat repair/storage establishment, not individual boat owners.
 - (c) The hours of operation shall be limited to the time period between dawn to dusk.
 - (d) The storage of junk or dilapidated boats on the site shall not be permitted. All boats shall be, in the opinion of the Zoning Officer, in good working order, unless scheduled for repair. All boats shall have current registrations. The Code Enforcement Officer, upon just cause, may grant extensions to the registration requirement for up to forty-five (45) days.
 - (e) Boats shall be stored on trailers or blocks.
 - (f) Trailer storage shall be permitted.

ARTICLE VI
Non-Conforming Uses, Lots and Buildings

§ 15-6.1. Continuance.

- A. Except as otherwise provided in this chapter, the lawful use of the land or a building existing at the date of the adoption of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however, that:
- (1) No nonconforming lot shall be further reduced in size.
 - (2) No nonconforming building shall be enlarged, extended or increased unless such enlargement is conforming.
 - (3) No nonconforming use may be expanded.

§ 15-6.2. Abandonment.

A nonconforming use shall be presumed to be abandoned when there occurs a cessation of such use or activity by an apparent act or failure on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied, except in conformance with this chapter.

§ 15-6.3. Restoration.

If any nonconforming building shall be destroyed by reasons of windstorm, fire, explosion, act of God, or otherwise, to an extent of more than partial destruction as provided for in N.J.R.S. 40:55D-68, then such destruction shall be deemed complete destruction, and the structure may not be rebuilt, restored or repaired, except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Construction Official.

§ 15-6.4. Reversion.

No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

§ 15-6.5. Alterations.

A nonconforming building may be altered, but not enlarged or extended, during its life to an extent not exceeding the aggregate fifty (50) percent of the assessed value, as recorded in the records of the Tax Assessor, unless said building is changed to a building conforming to the requirements of this chapter.

§ 15-6.6. Prior approved construction.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and substantial construction has taken place prior to the date of the adoption of this chapter.

§ 15-6.7. District boundary changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the provisions of this chapter shall also apply to any nonconforming uses existing therein or created thereby.

**§ 15-6.8. Pre-existing non-conforming single-family detached dwellings/lots.
[Amended 6/26/2003 by Ord. No. 2003-10]**

In the case of a detached single-family dwelling and a lot in the R-1A, R-3A and R-5A zones, which were conforming on December 29, 2002, said detached single-family dwelling may be enlarged or extended provided: 1) The proposed addition, enlargement, or extension complies with all of the regulations of the zone district in which the structure was situated on December 29, 2002; or 2) At the time of and since the adoption of Ordinance No. 02-46 on December 30, 2002, which rendered the lot nonconforming, either the owner of the lot does not and did not own adjoining property, which would otherwise render the property more conforming or conforming, or the owner of such property has consolidated by deed, or does agree to consolidate by deed, the adjoining land owned in common to render the property more conforming or conforming to the current zoning requirements.

**§ 15-6.9. Nonconforming lots
[Amended 6/26/2003 by Ord. No. 2003-10]**

A single construction permit permitting the construction of one (1) detached single-family dwelling may be issued for any parcel of land in the R-1A, R-3A and R-5A Residential Zones with an area less than required for a lot in the zone in which the lot is located provided: 1) The proposed single-family detached dwelling and lot comply with all the zoning requirements of the zone district in which the lot was located on December 29, 2002; or 2) At the time of and since the adoption of Ordinance No. 02-46 on December 30, 2002, which rendered the lot nonconforming, the owner of the lot does not and did not own a contiguous lot (or lots), not qualifying under this section, in and of itself, which would otherwise render the property more conforming or conforming. The owner of such non-qualifying property shall consolidate by deed, or shall agree to consolidate by deed, the adjoining lot (or lots) to render the property more conforming or conforming to the current zoning requirements.

Notwithstanding the above, the provisions of this section will expire on December 31, 2003. This expiration provision shall not be construed to affect any parcel with rights conferred pursuant to a valid building permit or approval granted by the Planning Board of Zoning Board of Adjustment.

§ 15-6.10. Exceptions to the front yard requirements of lots fronting on Route 9 in the General Business (GB) Zone [Amended 9/11/2003 by Ord. No. 2003-22]

Notwithstanding an existing nonconforming front yard setback of a non-residential structure fronting on Route 9 in the General Business (GB) Zone, such structure may be enlarged or extended within the required front yard setback area provided that: such enlargement does not extend beyond the existing non-conforming front yard setback; does not enlarge or extend the structure into any other required side or rear yard, which is now conforming; and the current or proposed use of the structure is a permitted use within the GB Zone. The proposed enlargement or extension, which would otherwise be non-conforming except as otherwise permitted pursuant to this subsection, may not exceed 1,000 square feet in total floor area.

ARTICLE VII
General Provisions

§ 15-7.1. Application of regulations.

Except as herein otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used, for any purposes or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- B. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the zone in which such building or open space is located.
- C. No off-street parking area or loading or unloading area provided to meet the minimum off-street parking, loading or unloading requirements for one use or structure shall be considered as providing off-street parking, loading or unloading area for a use or structure on any other lot, unless specifically permitted elsewhere in this chapter.
- D. No subdivision may be approved unless each lot contained in said subdivision complies with all the requirements of the zone in which said lot is located or unless a variance has been granted therefrom.
- E. No use shall be considered a permitted use or a conditional use in a zone district unless included as such in the particular zone district.

§ 15-7.2. Height.

The height limitations of this chapter shall not apply to church spires, non-commercial antennas, belfries, cupolas, chimneys, ventilators, skylights, solar heating equipment, focal point features such as clock tower or spire, and other mechanical appurtenances usually carried above the normal roofline, provided that no fire hazard is created, and provided that such exception covers not more than ten (10%) percent of the roof or ground area. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve. Provisions of this chapter shall permit the erection of parapet walls or cornices for ornament without windows above the building height limit by not more than five (5') feet. Quasi-public buildings and public buildings, schools, churches and other similar permitted uses may exceed the height limit herein established, provided that such uses shall increase the front, rear and side yards one (1') foot for each foot by which such building exceeds the height limit established for the district within which the use is located, but in no case shall any building have a height greater than fifty (50') feet. **[Amended on 12/13/2007 by Ord. No. 2007-26]**

§ 15-7.3. Lighting.

All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall average a maximum of one-foot candles over the entire area. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences, and overhead sky glow. No lighting shall shine directly or reflect into windows, or onto streets and driveways in such a manner as to interfere with driver vision. No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating, beam, or other intermittent frequency. The intensity of such light sources, light shielding, the direction and reflection of the lighting, and similar characteristics shall be subject to the site plan approval by the approving authority. The objective of these specification is to minimize undesirable offsite effects.

§ 15-7.4. Natural features.

Natural features such as trees, brooks, swamps, hilltops, and views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area.

§ 15-7.5. Principal use.

No lot shall have erected upon it more than one principal permitted use. No more than one principal building shall be permitted on one lot except that commercial uses, shipping centers, apartments and condominium projects, and industrial complexes, all receiving site plan approval, may be permitted to have more than one building on a lot in accordance with standards of the zoning district in which it is located.

§ 15-7.6. Signs (general).

No billboards shall be erected. No sign of any type shall be permitted to obstruct driving vision, traffic signals, sight triangles, and traffic direction and identification signs.

- A. Animated, flashing, and illusionary signs. Signs using mechanical and/or electrical devices to revolve, flash, or display movement or the illusion of movement are prohibited.
- B. Attached signs. Attached signs shall be affixed parallel to the wall to which they are attached and the face of the sign shall project no more than 12 inches from the surface of the wall.
- C. Height. The uppermost part of an attached sign shall not exceed the base of the second floor window sill in a two or more story structure, or the base of the roof or 25 feet, whichever is lower, in either a one-story structure or a structure without windows. The

- uppermost part of a free standing sign shall not exceed 20 feet. The lowest portion of any sign which projects above an area traversed either by motor vehicles or pedestrians shall be at least 15 feet and ten 10 feet, respectively.
- D. Illuminated signs. Illuminated signs shall be arranged to reflect the light and glare away from adjoining lots and streets. No sign shall be permitted that has a beam, beacon or flashing illumination. All signs lighted exteriorly shall have the light source shielded from adjoining lots, streets, and interior drives. All lights shall be either shielded or have translucent fixtures to reduce offsite effects.
 - E. Location. Attached signs may be located anywhere that does not conflict with any height, obstruction to vision, and similar regulation of this chapter. Free standing signs shall be located only in the front yard and shall be no closer to a side lot line than the minimum side yard for the principal building, but in any event no closer to a street right-of-way than 20 feet and not located in any sight triangle.
 - F. Maintenance. Signs shall be constructed to durable materials, maintained in good condition and not allowed to become dilapidated.
 - G. Real estate signs. Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be, if not attached to the building, set back at least one-half the building setback, but need not exceed 15 feet from all street and property lines. Signs shall not exceed eight square feet for residential advertising or 35 square feet for commercial and industrial uses. Signs shall be removed at the expense of the advertiser within 15 days after the termination or completion of the matter being advertised. Real estate signs do not require a building permit. No more than one sign shall be permitted along each street on which the building has frontage. Real estate signs shall be permitted only on the lot which the sign is advertising.
 - H. Sign areas and dimension. Sign area shall include all lettering, wording, coloring and accompanying designs and symbols, together with the background, whether open or enclosed, but not including any supporting framework and bracing incidental to the display itself. A freestanding sign with two exposures shall have a total sign area consisting of the area of one side of the sign, but both sides may be used. Street number designations, postal boxes, family names or residences, onsite traffic directional and parking signs, signs posting property as “private property,” “no hunting,” or similar purposes, and “danger” signs around utility and other danger areas are permitted, but are not to be considered in calculating the sign area. The maximum dimension in any direction along the surface of a sign shall be ten (10) feet.
 - I. Temporary signs. No more than one sign advertising the name of the building under construction, general contractor, sub-contractor, financing institution, any public agencies or officials, and the professional personnel who worked on the project are permitted on a construction site beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy for the structure or the expiration of the

building permit, whichever comes first. Such signs shall not exceed an area of 32 square feet.

§ 15-7.7. Storage of boats, travel trailers and commercial vehicles.

Storage of mobile homes or manufactured homes is specifically prohibited. The outdoor storage of an unoccupied recreational vehicle, motor homes, travel trailer, camper or boat shall be permitted on single-family properties, provided that:

- A. Such storage shall not be located closer than three feet from any side or rear lot line or ten feet from any street line.
- B. Travel trailer, camper or boat shall not exceed 35 feet in length and eight (8) feet in width.
- C. Only one such trailer, camper, boat shall be permitted to be stored outdoors in any required yard area on any single-family residential lot.
- D. No travel trailer, camper or boat stored in conformance with this subsection shall remain in such storage for longer than 12 consecutive months.
- E. Any such vehicles stored in accordance with this subsection shall not be occupied and shall not be provided with utility connections other than required for vehicle maintenance and shall not be used for the storage of any non-recreational material.
- F. Automobiles, station wagons, small pickups or panel trucks with less than one ton load capacity, jeep vehicles, travelalls and similar types of vehicles used for commercial purposes are permitted in all zones. Trucks and other commercial vehicles, not mentioned above, shall not be parked overnight or stored overnight in any residential zone except for vehicles engaged in construction parked or stored on an active construction site.
- G. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary residency for the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction provided a temporary permit has been issued for its use by the building inspector. This subsection shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises or the recreational use of same in campgrounds in conformance with all applicable ordinances and codes.
- H. The use of one (1) recreational vehicle/travel trailer/motor home/camper may be permitted, for the purpose of security, upon those seasonal businesses, such as marinas, from March 1 to December 31 of each year. The aforementioned vehicle, as used for

security purposes, must be removed and absent from the property between January 1 and February 28 of each year. [Amended 7/24/2003 by Ord. No. 2003-17]

§ 15-7.8. Yard areas.

- A. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter, shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- B. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located, except as otherwise provided in this chapter.
- C. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into the minimum required yards more than 24 inches, unless otherwise permitted by this chapter. Unroofed entrance porches or steps, which do not rise above the height of the floor level of the ground floor, may extend into any yard providing the total area of all such porches, which extend into such yards, does not exceed 100 square feet.
- D. No principle structure shall be constructed closer than twenty (20) feet to the water's edge of any stream, lake, lagoon or other body of water, in addition, no accessory structure shall be constructed closer than fifteen (15) feet to the water's edge of any stream, lake, lagoon or other body of water.
- E. Additions or alterations to existing single-family dwellings that remain within the existing footprint of the enclosed roofed area shall be permitted.
- F. Within any residential zone, no heating, ventilating and/or air-conditioning units, ducts, heaters, furnaces, well pumps or other aboveground mechanicals shall be placed within four feet of any property line nor within any front yard setback. Air conditioning units requiring replacement due to destruction by flood or fire may be placed within three feet of any property line but shall not be placed within any front yard setback. [Amended 1/24/2013 by Ord. No. 2013-01]
- G. Access ramps. Access ramps for handicapped individuals shall be exempt from the building setback requirements for the particular zoning district.
- H. Unroofed patios, decks or terraces shall be considered part of the principal structure and shall not extend into any yard area unless such unroofed patio, deck or terrace does not rise more than eighteen (18) inches above ground level.

Further, these units should be elevated to prevent flooding during storm events

- I. In order to accommodate elevated building construction in Areas of Special Flood Hazard as set forth in §185-7, uncovered stairs may encroach into the required front yard setback as required to elevate the building to the minimum of the ABFE or the BFE, plus any required freeboard. No such additional encroachment shall exceed five (5) feet. [Amended 1/24/2013 by Ord. No. 2013-01]

Increase freeboard requirements

§15-7.9. Private, residential swimming pools.

- A. Permanent underground.
 - (1) Permanent aboveground: aboveground pools equipped with fences built above the top level of the pool.
 - (2) Temporary aboveground: aboveground pools not equipped with fences built above the top of the pool.
- B. Lighting. All lighting fixtures for a private swimming pool shall be installed so as to comply with all applicable safety regulation and shall be shielded so as to prevent any direct beam of light from shining on any adjoining property.
- C. Electric lines. No overhead electric lines shall be carried across any swimming pool or wading area.
- D. An application for a permit to construct a private swimming pool shall include a plot plan or survey of the property clearly showing the location of the proposed pool with setback distances from the property lines and distances from buildings and structures on the property. The plan shall be adequate for the Construction Official to clearly identify the proposed pool location in the field.
- E. Pools that are less than twenty-four (24) inches deep or having a surface area less than two hundred fifty (250) square feet, except when such pools are permanently equipped with a water-re-circulation system or involve structural materials, shall not require a permit.
- F. If required by the Construction Official, the application for an in-ground swimming pool shall include a grading plan showing existing and proposed grades and the proposed flow of surface drainage. This plan shall also show the location of the proposed pool and any appurtenances and be signed and sealed by a professional engineer licensed to practice in the State of New Jersey.
- G. Pump location.
 - (1) A pump or a filtration or pumping station for a private residential swimming pool shall be situated a minimum of fifteen (15) feet from the rear lot line.
 - (2) The location of a pump or a filtration or pumping station for a private residential swimming pool shall meet the minimum required side yard setback distances for principal buildings, as specified in this chapter, for the zoning district within which the property is located.

H. Enclosure.

- (1) In-ground pools shall be surrounded entirely by a fence, with no openings greater than a two-inch square, and shall be capable of holding a live load of two hundred fifty (250) pounds between posts located not more than eight (8) feet apart; however, the residence may serve as part of the enclosure. The fence shall be located not less than six (6) feet from the closest edge of the pool. Fences shall be at least four (4) feet high above grade and no more than six (6) feet in height, and, if made of wire, they must be of the chain-link type. All supporting structures shall be on the inside of the fence, and the top of such support shall be at least one (1) inch lower than the top of the fence.
 - (2) Permanent aboveground pools constructed with an attached deck and fence being at least four (4) feet in height above ground level and capable of holding a live load of two hundred fifty (250) pounds between posts located not more than eight (8) feet apart need no additional fencing.
 - (3) Temporary aboveground pools, when not in use, must be emptied or covered with a suitable protective covering, securely fastened or locked in place unless enclosed by a fence meeting the requirements for a permanent underground pool.
- I. Any opening or openings in the fence to afford entry to the pool shall be equipped with a gate similar to the fence and shall extend from not more than two (2) inches above the ground to the height of the fence. The gate shall be of a self-closing type, opening outwardly only, and shall be equipped with a lock and key or padlock and chain and shall be kept locked, except when the pool is in use.

§ 15-7.10. Frontage on improved street.

- A. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Township requirements or for which such improvement has been guaranteed by the posting of a performance guaranty pursuant to this chapter unless relief has been granted under the provisions of N.J.S.A. 40:55D-36.
- B. Where a building lot has frontage on a street which the Master Plan or the Official Map of the Township or the Subdivision and Site Plan Resolution of the County of Ocean indicates is proposed for right-of-way widening or the street does not conform to the minimum right-of-way width requirements in this chapter or the above-indicated documents, the required front yard setback shall be measured from such required or proposed right-of-way line.
- C. Access to every lot shall conform to the standards of the State Highway Access Management Code or any County or Municipal Access Management Code adopted.

§ 15-7.11. Sight triangles at intersections.

Unless more stringent regulations are provided by other provisions of this chapter, at the intersection of two or more streets, no hedge, fence, screening strip or wall higher than 30 inches above curb level and no obstruction to vision, other than a post not exceeding one foot in

diameter, shall be permitted on any lot within the triangular area formed by two intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point on each street line located 25 feet from the intersection of the street lines.

§ 15-7.12. Number of principal buildings.

No lot utilized for single-family or two-family dwelling purposes shall contain more than one (1) principal building.

§ 15-7.13. Contiguous lot ownership.

Where two (2) or more lots created by the filing of a map pursuant to the Map Filing Law prior to establishment of the Planning Board have any contiguous lines and are in single ownership and one (1) or more of the lots is nonconforming in any aspect, the lots involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be conveyed or divided except through the filing of an approved subdivision in accordance with the provisions of this chapter.

§ 15-7.14. Accessory Buildings. [Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]

Unless otherwise specified in this Chapter, accessory buildings shall conform to the following regulations:

- A. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Chapter for principal buildings within the appropriate zone.
- B. Accessory buildings shall not exceed fifteen (15) feet in height.
- C. Accessory buildings or structures must be located on the same lot as the principal use to which they are an accessory.
- D. Accessory buildings shall not occupy a front yard setback in any zone and no more than 35 percent of the available rear yard area in any zone.
- E. Detached accessory buildings shall not be located closer to the street than the front building line of the principal structure and shall be governed by the individual zoning district requirements for the side and rear yard setback limits.
- F. Any building with a gross floor area in excess of 900 square feet or containing living space shall not be considered an accessory building.

§ 15-7.15. Private storm drain inlet retrofitting. [Amended 3/25/2010 by Ord. No. 2010-06]

- A. Purpose. An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Little Egg Harbor so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
- (1) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – A conveyance or system or conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Little Egg Harbor or other public body, and is designed and used for collecting and conveying Stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport Stormwater from streets and other sources.
 - (2) PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - (3) STORM DRAIN INLET – An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening, slotted inlet, and combination inlet.
 - (4) WATERS OF THE STATE – The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.
- C. Prohibited Conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
- (1) Already meets the design standard below to control passage of solid and floatable materials; or
 - (2) Is retrofitted or replaced to meet the standard in Section D below prior to the completion of the project.
- D. Design Standard. Storm drain inlets identified in Section C above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section D(3) below.

- (1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect Stormwater from that surface into a storm drain or surface water body under that grate:
 - (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - (b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and Stormwater basing floors.

- (2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- (3) This standard does not apply:
 - (a) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - (b) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactures treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - [1] A rectangular space four and give-eights inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - [2] A bar screen having a bar spacing of 0.5 inches.
 - (c) Where flows are conveyed through a trash truck rack that has parallel bars with one-inch (1”) spacing between the bars; or
 - (d) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement. This ordinance shall be enforced by the Police Department and the Code Enforcement Official of the Township of Little Egg Harbor.

Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty allowable under N.J.S.A. 40:49-5, as well as any other penalties allowed for said statute.

ARTICLE VIII.
General Administration

§ 15-8.1. Jurisdiction.

- A. The Planning Board shall have exclusive jurisdiction over subdivisions, site plans, conditional uses, the granting of variances in certain instances and such other items as set forth in §15-3.3.
- B. The Board of Adjustment shall have exclusive jurisdiction over the granting of a variance from the terms and provisions of the Zoning Regulations, except as set forth above, and such other items as set forth in §15-3.8., 15-3.9., 15-3.10. and 15-4.
- C. The Administrative Officer shall, within fourteen (14) days after receipt of a development application, make a determination as to whether the Board to which the application is made has jurisdiction.

§ 15-8.2. Applications requiring public hearing.

The following development applications shall require notice of a public hearing by the Planning Board or Board of Adjustment prior to making a decision:

- A. Major subdivisions.
- B. Any application involving a variance of any kind.
- C. Any application for a conditional use.
- D. Any application filed pursuant to § 15-10. and 15-14.
- E. Any application for a planned residential development.
- F. Any application for relief of zoning requirements.

§ 15-8.3. Time periods for decisions.

Unless the developer agrees to an extension, after submission of a complete application, a Board must grant or deny approval of a development application within the time periods established by the Municipal Land Use Law.

§ 15-8.4. Waiver of requirements and conditional approvals.

- A. The rules, regulations and standards contained in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. Any action taken by the municipal agency under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the

welfare of the entire community. However, if the developer or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impractical or will exact undue hardship, the municipal agency may permit such variations or modifications as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

- B. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or any other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the approving authority shall process such application for development in accordance with this chapter; and if such application for development complies with the requirements of this chapter, the approving authority shall approve such application conditioned on removal of such legal barrier to development.
- C. In the event that development proposed by an application for development requires an approval by a governmental agency other than the approving authority, the approving authority shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency, provided that the approving authority shall make a decision on any application for development within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant, unless the approving authority is prevented or relieved from so acting by the operation of law.

§15-8.5. Conflicts of interest.

- A. No member of the Planning Board or Board of Adjustment shall act on any matter in which he/she has, either directly or indirectly, any personal or financial interest in accordance with N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1.
- B. If the Planning Board lacks a quorum because any of its regular members or alternate members is prohibited by Subsection A. above from acting on a matter due to the member's personal or financial interests, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interests, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chairman of the Board of Adjustment shall make the choice.
- C. If the Board of Adjustment lacks a quorum because any of its members or alternate members is prohibited by Subsection A. above from acting on a matter due to the member's personal or financial interests, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of

Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interests, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chairman of the Planning Board shall make the choice.

§ 15-8.6. Meetings.

- A. Regular meetings of both the Planning Board and Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process or lack of a quorum. All regular and special meetings shall be open to the public.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which special meetings shall be held on notice to its members and the public, in accordance with the provisions of the Open Public Meetings Act, P.L. 1975, c. 231.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by a majority vote of the members of the municipal agency present at the meeting, except as otherwise required by statute. Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of Section 25 or 57d of the act shall be deemed an action denying the application. Nothing herein shall be construed to contravene any act providing for procedures for the Township Committee.
- E. All regular meetings and all special meetings shall be open to the public, and notice shall be given in accordance with the provisions of N.J.S.A. 40:55D-9.
- F. Application for development in the Pinelands Area shall be bound by the meeting requirements specified in the Little Egg Harbor Township Pinelands Area development requirements.
- G. Minutes of every regular or special meeting shall be kept in accordance with N.J.S.A. 40:55D-9. Said minutes shall be made available within ten (10) days following each meeting. The minutes shall be marked "unapproved" if not yet adopted.

§ 15-8.7. Hearings.

- A. Rules. The Planning Board and Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-10 et seq.

- B. Oaths. The officer presiding at the hearings, or such person as he may designate, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law P.L. 1953, c. 1983 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- C. Testimony. The testimony of all witnesses, relating to an application for development, shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their Attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer or mechanical or electronic means. The Board shall allow a transcript, or duplicate recording in lieu thereof, to be made on request by any interested party.
- F. Resolution of memorialization:
 - (1) Each decision on any application for development shall be reduced to writing as provided in this subsection and shall include findings of fact and conclusions based thereon.
 - (2) Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application.
 - (3) The municipal agency shall provide such written decision, findings and conclusion in accordance with the time limits set forth in N.J.S.A. 40:55D-10g.
 - (4) The adoption of a resolution of memorialization, pursuant to this subsection, shall be governed by the provisions of N.J.S.A. 40:55D-10g.
 - (5) Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings and publications.

§ 15-8.8. Notice requirements for hearings.

- A. Whenever a hearing is required on any application for development pursuant to N.J.S.A. 40:55D-10 et seq. or pursuant to the determination of the municipal agency in question, the applicant shall give notice in accordance with the standards set forth in N.J.S.A. 40:55D-12.
 - (1) All notices herein above specified in this section shall be given at least ten (10) days prior to the date fixed for hearing, and the developer shall file an affidavit of proof of service with the Board holding the hearing on the application for development.

- (2) Any notice made by certified mail as herein above required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
 - (3) All notices required to be given pursuant to the terms of this chapter shall comply with the conditions set forth in N.J.S.A. 40:55D-11.
 - (4) Application for development in the Pinelands Area shall be bound by the notice of hearing requirements specified in the Little Egg Harbor Township Pinelands Area development requirements.
 - (5) Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Tax Assessor shall, within seven (7) days after receipt of a request therefore and upon receipt of payment of a fee of ten dollars (\$10.00), make and certify a list from the current tax rolls of names and addresses of owners to whom the applicant is required to give notice pursuant to this section.
- B. All appeals of a Zoning Officer's decision and all minor site plan applications shall satisfy the notice requirements set forth in §15-8.9.A.

§ 15-8.9. Decisions.

- A. Each decision on any application for development shall be set forth in writing and shall include findings of fact and conclusions based thereon.
- B. A copy of the decision shall be made available in accordance with N.J.S.A. 40:55D-10h.
- C. Notice of any grant of preliminary and/or final approval for any development application in the Pinelands Area shall be given by the applicant to the Commission as set forth in the Little Egg Harbor Township Pinelands Area development requirements.
- D. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board or Board of Adjustment, as the case may be. A reasonable charge may be made to the applicant for such publication. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of such decision.

§ 15-8.10. Payment of taxes; corporate disclosure.

- A. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on the property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.
- B. Pursuant to N.J.S.A. 40:55D-48.1 et seq., a corporation or partnership applying to the Planning Board or the Board of Adjustment for permission to subdivide a parcel of land or applying for a variance or for approval of a site plan shall list the names and addresses

of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class or at least ten percent (10%) of the interest in the partnership, as the case may be.

- C. A corporation or partnership owning ten percent (10%) or more of the stock of a corporation or ten-percent or greater interest in a partnership, subject to disclosure pursuant to Subsection B., must disclose stockholder information in accordance with N.J.S.A. 40:55D-48.2.

§ 15-8.11. Reservation of public areas.

- A. Before approving a subdivision or site plan, the Planning Board may require that streets, public drainageways, flood-control basins and public areas designated for reservation on the Master Plan or Official Map must be shown on the plat in locations and sizes suitable to their intended uses and may reserve judgment on those reservations for a period of one (1) year in accordance with N.J.S.A. 40:55D-44.
- B. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use pursuant to N.J.S.A. 40:55D-A4.
- C. Upon the submission to the approving authority of an application for development showing development proposed for an area reserved on the Official Map or Master Plan, the Secretary of the approving authority shall notify the Township Committee, in writing, of such application and that the approving authority intends to grant approval for development in the reserved area unless the Township Committee notifies the approving authority, prior to the date for final approval, that it intends to reserve the area in question and will provide compensation to the developer for such reservation. The notice of intent to reserve shall be in the form of a resolution by the Township Committee. The Township Committee shall thereupon proceed either to reach an agreement with the developer as to the amount of compensation to be paid for such reservation or negotiate a purchase price for the reserved site. Upon the Township arriving at the amount to be paid the developer by way of compensation for reservation or purchase, the amount shall be deposited in escrow for the benefit of the developer.

§ 15-8.12. Permits and approvals.

- A. Development permits, building permits, certificates of occupancy. No building permit, development permit or certificate of occupancy shall be issued for a parcel of land or structure on which improvements were undertaken in violation of the provisions of this chapter or for use of a lot which was created by subdivision after the effective date of, and not in conformity with the provisions of this chapter. No site improvements such as, but not limited to, excavation or construction of improvements shall be commenced except in conformance with this chapter in accordance with plat approvals and the issuance of required permits. No development or building permit shall be issued until all fee payments in connection therewith have been verified by the Municipal Clerk.

In the Pinelands Area, no building permit or development permit shall be issued unless the requirements of Article XIII have been met.

- B. Development permit. A development permit shall hereafter be obtained from the Zoning Officer prior to the issuance of a building permit for the construction, erection or alteration of any structure or upon a change in use of a structure or land.
- (1) Home improvement exemptions. The following home improvements are exempt from development permit requirements:
 - (a) All interior improvements.
 - (b) Exterior.
 - [1] Repair and/or renewal of existing attachments, trim, gutters and downspouts, roofing, chimney, siding, masonry, doors and windows and damaged curbs, sidewalks or driveways.
 - [2] All painting.
 - [3] New trim, gutter and downspouts, roofing including converting flat to “A” type not to exceed present roof lines plus overhead, sliding doors and or windows.
 - [4] All existing or new fencing, decks, bulk heading or docks of any nature shall be at the determination of the Zoning Official.
 - [5] No exempt home improvement shall increase the size including height, width or length of the existing building.
 - [6] The Construction Official shall determine if BOCA Code 1307.0, special inspections, applies to any building permit application.
- C. Building permit. No building or structure shall be erected, restored, added to or structurally altered until a permit therefore has been issued by the Construction Code Official. No building permit shall be issued unless the applicant shall have first secured a development permit.
- D. Certificate of occupancy. No building or other structure hereafter constructed, erected or altered, and no lot or area of land hereafter put into use, shall be occupied or used in whole or in part for any use whatsoever and no change of use of any building, structure, lot or area of land or part thereof shall hereafter be made until a certificate of occupancy shall have been issued by the Construction Code Official certifying that such building, other structure, lot or area of land, or part thereof, complies with all applicable provisions of this chapter. Certificates of occupancy shall be granted or denied by the Construction Code Official within ten days from the date of application therefore by the owner of the premises for such use or occupancy, his reasons for doing so shall be stated in detail on at least one copy of the application and that copy returned to the applicant.
- (1) For purposes of obtaining a certificate of occupancy, the applicant shall submit an “as-built survey” to the Zoning Officer and Construction Official. The “as-built survey” shall, at a minimum, contain the same information and detail as required in Section 15-8.15.B.(1).
 - (2) A temporary certificate of occupancy may be issued by the Chief Construction Code Official with respect to site plan approval in accordance with the following requirements:

- (a) Upon application by a person, firm, or corporation which has secured site plan approval and upon proof of undue hardship, expense and delay occasioned by such conditions as weather, unavailability of material due to strikes rationing or lack of transportation, and where structures are erected upon the site and the site has been sufficiently improved to support limited commercial operation of the developed site other than a site for multiple-residential use, but in no event when less than 75 percent completed, the Township Committee may, in its discretion, direct the Construction Code Official of the Township to issue a temporary certificate of occupancy for a period not to exceed 180 days to permit the applicant to make such limited use of the improved site as shall be set forth in a resolution of the Township Committee. The Township Committee shall impose such conditions as it shall determine to be necessary to be imposed upon such limited use, including but not limited to the provision for the imposition of penalties for failure to complete the site development in accordance with site plan approval and the provision as to when applicant shall obtain final inspection and approval of the development site. Such limited use may not have been installed at the time application is made for a temporary certificate of occupancy.
- (b) In considering an application for a temporary certificate of occupancy, the Township Committee shall have particular regard to the nature of the surfacing of the parking area and the number of parking spaces available, bearing in mind the nature of the operation, the type of customers served thereby and the frequency of entrance and exit of vehicular and pedestrian traffic.

§ 15-8.13. Resolutions of approval.

Prior to the subdivision or resubdivision of land within the Township and as a condition of filing of subdivision plats with the county Recording Officer, a resolution of approval of the Planning Board is required as is the approval of site plans by resolution of the Planning Board as a condition for the issuance of a permit for any development. The resolution of approval of the Board of Adjustment has jurisdiction over the subdivision or site plan pursuant to Subsection 15-3.8. of this chapter.

§ 15-8.14. Zoning Officer duties.

- A. Appointment and duties. The Township Committee may appoint a Zoning Officer who shall be authorized to and shall administer and enforce the provisions of this chapter. At the discretion of the Township Committee the position may be held by the Construction Code Official. The Construction Code Official or Zoning Officer, as the case may be, shall have the powers and the duties to:
 - (1) Receive applications for permits to construct, alter, use or occupy any building or land and shall issue such permits to applicants having complied with the provisions of this chapter. In no case shall a permit be granted by the Official for

the construction, alteration and use of any building or land that would be in violation of this chapter.

- (2) The Official or his duly authorized agent will have the right to enter into and inspect any building or premises and examine any plans during the day time course of this duties to determine whether or not any construction, alteration or use of any building or use of land is in conformance with any permit issued therefore under the provisions of the chapter.
 - (3) The Official shall order, in writing, the remedying of any condition, or the cessation of any construction, alteration or use found to be in violation of any provision of this chapter or of any conditions which may have been attached to the issuance of a permit to construct, alter or use a building or lot by an official or official body of the Township of Little Egg Harbor action under this chapter.
- B. Records. The Construction Code Official or Zoning Officer, as may be the case, shall keep record of all applications for permits and certificates issued and denied, together with all notations, of specific conditions involved. He/she shall file and safely keep copies of site plans and information supplemental thereto which shall be part of the records of his/her office and shall be available for the use of the Township Committee and of other officials of the Township of Little Egg Harbor, County or State. The Construction Code Official or Zoning Officer, as the case may be, shall prepare a monthly report for the Township Committee summarizing for the period since the last previous report all permits issued and all violations found and consequent actions taken by him/her. A copy of each such report shall be filed with the Tax Assessor.
- C. Cases of doubt. Should the Official be in doubt as to the meaning or intent of any provision of this chapter as to the location of a district boundary line on the Zoning Map or as to the propriety of issuing any permit in the particular case, he/she shall appeal the matter to the Board of Adjustment for interpretation and decision.

§ 15-8.15. Development permits and procedures.

- A. No construction, alteration or excavation for any building or other structure nor any use of building or land shall be begun without the issuance of a permit by the Construction Code Official indicating that the proposal is in compliance with the provisions and requirements of this chapter. A permit issued in accordance with the building code of this Township of Little Egg Harbor and satisfying the requirements thereto shall also satisfy the additional requirements of this chapter.
- B. All applications for permits shall be made on forms provided by the Construction Code Official. Each such application shall be accompanied by a site plan prepared in triplicate and drawn to such scale as required to show exact dimensions and locations of all buildings, yards, lot lines, off street parking and such other appropriate details and information as may be necessary to provide for the administration of this chapter. All dimensions shown on these plans relating to the lot to be used or built upon shall be based on an actual survey, deed description or an approved subdivision plat. Where approval of the site plan is required by the Township Planning Board, submittals shall

meet the requirements of the chapter. One copy of the approved site plan shall be returned to the applicant, together with the permit issued by the Construction Code Official and with such conditions as may have been attached thereto by an official body of the Township of Little Egg Harbor acting under this chapter. In those instances where permits are not granted, the applicant shall be advised in writing as to the specific conditions involved. The lot and excavations shall be staked on the ground and an inspection thereof shall be made by the Construction Code Official before work is begun.

(1) The site plan shall also require the detail of proposed projections such as, but not limited to bay windows, awnings, steps, decks, chimneys, overhangs, and air conditioner units.

C. The construction or alteration of any building or buildings for which a permit was issued must be begun within six months after the date of issuance and any such construction or alterations shall be completed or fully effected within one year after the date of issuance, after which time such permit shall become void and subject to reapplication. The Construction Code Official, at his/her discretion, may issue a new permit granting a reasonable continuation of time where unavoidable conditions prevented the initiation or completion of work within these prescribed time periods.

§ 15-8.16. Boat lifts and davits.

A. The Township has determined that boat lifting devices are permitted as an accessory structure to residential property which front lagoons or waterways and shown on a final major subdivision plat and/or filed minor subdivision plat as of November 1, 1987.

(1) Definitions:

BOAT LIFT – A metal frame structure, usually electric powered, attached to a bulkhead or pilings, which elevates a boat to a higher position or out of the water.

DAVIT – A single pair of curved uprights over the bulkhead for suspending or raising and lowering a boat.

(2) Applicability: The provisions of this chapter shall apply to all residential property that fronts lagoons or waterways.

(3) Permit required; application fee:

(a) Permit required: No person including the property owner shall construct a boat lift device unless a permit is obtained for such construction.

(b) Application fee: As set forth in §15-16.1.

(4) Issuance of permits:

(a) Issuance of permits: The Zoning Officer shall require the applicant to submit the following documentation with the application:

[1] Sealed drawings from a licensed engineer or architect.

[2] Copies of all DEP and Army Corps of Engineers approvals and permits.

[3] Electrical permit when a boat lift is electrically operated.

[4] Other permits as required.

[5] Proof of notification to adjacent property owners and the permit shall be issued in conformance with the conditions set forth in Subsections (5) & (6).

- (b) Appeal: In the event of any denial, the applicant seeking appeal from the decision of the Zoning Officer may appeal to the Zoning Board of Adjustment.
- (5) General requirements and design standards:
The purpose of this section is to establish a general uniform set of guidelines to assist the Zoning Officer, Construction Officials and applicant in the installation of a boat lift device prior to the issuance of a "Certificate of Use."
- (a) One lifting device per lot.
 - (b) No lifting device may be constructed unless a principal structure exists on the lot and the lot abuts a lagoon or waterway.
 - (c) Boats, when lifted, must be parallel to the bulkhead.
 - (d) Reflective tape for marine use shall be affixed to all structures, davits and poles used for boat lifting.
 - (e) No boat, when lifted parallel to the bulkhead, can extend beyond the side yard setback lines of the lot.
 - (f) The storage of all boats shall comply with the Township's Boat Storage Ordinance.
 - (g) Appropriate inspections by Construction Code Officials are required and must follow installation.
 - (h) No lifting device may extend into the lagoon or waterway more than eight (8) feet beyond the bulkhead.
 - (i) The highest part of the hull of the boat shall not exceed a height of four (4) feet above the bulkhead.
 - (j) No boat can be greater in length than 40% of the bulkhead length.
 - (k) Davits cannot exceed four (4) inches in diameter and be no higher than five (5) feet above the bulkhead.
- (6) Certificate of use. No boat lift device constructed shall be put into use in whole or part for any use whatsoever until a "Certificate of Use" shall have been issued by the Zoning Officer certifying that such structure complies with all applicable provisions of this chapter. "Certificates of Use" shall be granted or denied by the Zoning Officer within ten (10) days from the date of application therefore by the owner of the property for such use, the reasons for doing so shall be stated in detail on at least one (1) copy of the application and that copy returned to the owner.

ARTICLE IX
Application Requirements

§ 15-9. Application requirements.

- A. An application for development shall include the items specified in Schedule A of this chapter, which constitutes a checklist of items to be submitted for subdivision and site plan review. A copy of this checklist shall be completed by the applicant and submitted with the application form.

- B. Completion of application; time limits:
 - (1) A subdivision and site plan application shall be complete for purposes of commencing the applicable time period for action by the Planning Board when so certified by the Planning Board or its authorized committee or designee. In the event that the Board, committee or designee does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period unless:
 - (a) The application lacks information indicated on the checklist of items to be submitted as specified in Schedule A and provided in writing to the applicant; and,
 - (b) The Planning Board or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application.
 - (2) The applicant may request that one (1) or more of the submission requirements be waived, in which event the Board or its authorized committee shall grant or deny the request within forty-five (45) days of the date of its submission. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the applicant is entitled to approval of the application. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents as is reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board.

- C. An applicant may appeal the Administrative Officer's decision concerning completeness of an application to the Board which has jurisdiction to hear the application. The Board shall have forty-five (45) days after receipt of a written request to schedule a public hearing, at which time the Board will determine if the application is complete. The Board shall affirm, modify or reverse the decision of the Administrative Officer.

- D. For an application to be placed on the agenda of a Board meeting, it must be deemed complete by the Administrative Officer a minimum of seven (7) days prior to a caucus

meeting or twenty-one (21) days prior to a regular public hearing if there is no caucus meeting scheduled for that month.

ARTICLE X
Subdivisions and Site Plans

§ 15-10.1. Pre-application conference and concept plan procedures.

For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference and/or concept plan in accordance with the following requirements:

- A. Pre-application conference.
- (1) At the request of the applicant, the Planning Board shall authorize a pre-application conference. The purpose of this conference is to:
 - (a) Acquaint the applicant with the substantive and procedural requirements of the Subdivision and Site Plan Ordinance.
 - (b) Provide for an exchange of information regarding the proposed development plan and applicable elements of the Master Plan, Zoning Ordinance and other development requirements.
 - (c) Advise the applicant of any public sources of information that may aid the application.
 - (d) Otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
 - (e) Review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences.
 - (f) Permit input into the general design of the project.
 - (2) The pre-application conference allows the applicant to meet with appropriate municipal representatives. These individuals, who shall be designated by the Mayor and/or Committee, may include:
 - (a) The Municipal Engineer.
 - (b) The Municipal Planner.
 - (c) The Municipal Construction Officer and Zoning Officer.
 - (d) Representative(s) from the Planning Board and the Board of Adjustment.
 - (e) Representatives from the Municipal Environmental, Historic Preservation and other commissions, as deemed appropriate.
 - (f) The Subdivision and Site Plan Committee or its representative(s), if this committee is established.
 - (g) Any other municipal representative(s) invited by the Planning Board Chairperson.
 - (3) Applicants seeking a pre-application conference shall submit the information stipulated in § 15-10.1. of this chapter fifteen (15) days prior to the pre-application conference.
 - (4) The applicant shall not be required to pay a fee for the pre-application conference. If requested and paid for by the applicant, a brief written summary of the pre-application conference shall be provided within forty-five (45) working days after the final meeting.

- (5) The applicant shall not be bound by the determination of the pre-application conference, nor shall the Planning Board or Subdivision and Site Plan Committee be bound by any such review.

B. Concept plan:

- (1) In addition or as an alternative to the pre-application conference, at the request of the applicant, the Planning Board or the Subdivision and Site Plan Committee shall grant an informal review of a concept plan for a development for which the applicant intends to prepare and submit an application for development. The purpose of the concept plan is to provide the Planning Board or Subdivision and Site Plan Committee input in the formative stages of subdivision and site plan design.
- (2) Applicants seeking concept plan informal review shall submit the items stipulated in § 15-10.1. fifteen (15) days before the concept plan meeting. These items provide the Subdivider and Planning Board or Subdivision and Site Plan Committee with an opportunity to discuss the development proposal in its formative stages.
- (3) A brief written summary of the concept plan review shall be provided within forty-five (45) working days after the final meeting.
- (4) The applicant may be charged reasonable fees for concept plan review. The amount of any fees for such informal review shall be a credit towards fees for review of the application for development.
- (5) The applicant shall not be bound by any concept plan for which review is requested, nor shall the Planning Board or Subdivision and Site Plan Committee be bound by any such review. The municipality may require notice of the concept plan meeting pursuant to N.J.S.A. 40:55D-12.

§ 15-10.2. Minor subdivision action.

- A. A developer shall, prior to subdividing or re-subdividing land, submit to the Administrative Officer five (5) copies of a complete application for classification and/or minor subdivision approval, the fees as required in § 15-16.1. and eight (8) copies of the sketch plat drawn to specifications pursuant to § 15-15.2., for purposes of classification and preliminary discussions and distribution as hereinafter provided for.
- B. A notation to the effect of approval shall be made on the sketch plat marked "proposed subdivision," and none of the lots or plots resulting from such subdivision may be re-subdivided by minor subdivision within two (2) years from the date of approval. After approval of the Planning Board or Board of Adjustment, one (1) copy of the sketch plat marked "proposed subdivision" shall be signed by the municipal agency and forwarded to the developer following compliance with any or all conditions. No further approval shall be required by any municipal agency. The remaining copies of the approved sketch plat shall be sent to the Township Engineer, Building Official, Tax Assessor, County Planning Board, Little Egg Harbor Municipal Utilities Authority and, in the case of the Board of Adjustment granting a subdivision, the Township Planning Board.

§ 15-10.3. Minor subdivision filing.

- A. Minor subdivision shall be subject to the conditions set forth in N.J.S.A. 40:55D-47.
- B. Any such deed or plat accepted for such filing shall have been signed by the Chairman, Secretary and Board Engineer of the municipal agency. Failure to record such plat or deed within the prescribed time shall render the approval null and void.

§ 15-10.4. Major subdivision action.

If the sketch plat is classified by the Board or its Committee as a major subdivision, a notation to that effect shall be made on the plat, which shall then be returned, following the meeting, to the developer for compliance with the procedures for preliminary and final approval.

§ 15-10.5. Preliminary plat.

Twenty (20) legible prints of the preliminary plat drawn to the specifications pursuant to §15-15.2., together with six (6) completed application forms for preliminary approval and the fees as required in §15-16.1., shall be submitted to the Administrative Officer.

§15-10.6. Action by municipal agency on preliminary plat.

- A. The municipal agency shall act on the preliminary plat within the time prescribed in § 15-8.3.
- B. If the municipal agency acts favorably on a preliminary plat, with or without conditions, a notation to that effect shall be made on the plat, and it shall be returned to the developer for compliance with final approval requirements.
- C. If the municipal agency disapproves a preliminary plat, the reasons for such action shall be noted on the plat and returned to the developer.
- D. Pursuant to N.J.S.A. 40:55D-49, the following rights shall be conferred upon the developer for a period of three (3) years from the date on which the resolution of preliminary approval is adopted:
 - (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, subject to the conditions set forth in N.J.S.A. 40:55D-49.
 - (2) That the developer may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary plat.
 - (3) That the developer may apply for and the municipal agency may grant extensions on such preliminary approval as provided by N.J.S.A. 40:55D-49.
- E. In the case of a subdivision or site plan for an area of fifty (50) acres or more, the municipal agency may grant the rights referred to in Subsection D.(1), (2) and (3) above for such periods of time longer than three (3) years, subject to the conditions set forth in N.J.S.A. 40:55D-49.

- F. Whenever the Planning Board grants an extension of preliminary approval pursuant to Subsection D. or E. of this section, and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- G. The Planning Board shall grant an extension of preliminary approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities, and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of the preliminary approval or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning Board from granting an extension pursuant to Subsections D. and E. above.

§ 15-10.7. Final plat procedure.

The original tracing, twenty (20) legible prints of the plat drawn to the specifications of §15-10.8., together with five (5) completed application forms for final approval and the fees as required in §15-16.1., shall be submitted to the Administrative Officer. The final plat shall be submitted to the Administrative Officer within three (3) years after the date of the preliminary approval or extension. [Amended 6/12/2003 by Ord. No. 2003-12]

§ 15-10.8. Action by municipal agency on final plat. [Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]

- A. After a determination that a complete application has been submitted, the municipal agency shall act on the final plat within the time prescribed in §15-8.3.
- B. If the municipal agency acts favorably on a final plat, with or without conditions, a notation to that effect shall be made on the plat, and it shall be returned to the developer. However, prior to the signing of the final plat, the applicant shall submit the required performance bond, cash guaranty and construction/inspection fees.
- C. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to § 15-10.6., whether conditionally or otherwise, shall not be changed for two (2) years after the date on which the resolution of final approval is adopted, provided that the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in § 15-10.9. If the developer has followed the standards prescribed for final approval and has duly recorded the plat as required, the municipal agency may extend such period of protection for

extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of the Municipal Land Use Law, the granting of final approval terminates the time period of preliminary approval pursuant to § 15-10.6. for the section granted final approval.

- D. Whenever the Planning Board grants an extension of final approval pursuant to this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what otherwise would be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- E. The Planning Board shall grant an extension of final approval for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities, and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of the final approval or the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning Board from granting an extension pursuant to Subsection C. of this section.
- F. Deleted in its entirety. **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/02 by Ord. No. 2002-40]**

§15-10.9. Filing of original tracing.

- A. After the original tracing has been signed by the appropriate officials, the tracing shall be returned to the developer and the developer shall proceed to file the same with the County Recording Officer within ninety-five (95) days of the signing of the plat.
- B. The municipal agency may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of the signing of the plat.
- C. The Planning Board may extend the ninety-five- or one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legal required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for an extension either before or after the original expiration date.

- D. Within ten (10) days of the filing of the original tracing with the County Recording Officer, the developer shall submit to the Board the following copies of the filed plat: twelve (12) legible prints of the filed plat and two (2) Mylar copies.

§ 15-10.10. Posting of maps.

- A. The sales office of all major subdivisions consisting of ten (10) or more lots, as shown on the developer's preliminary plats, shall display at all times within the development sales office or a model home located on the premises the following maps:
- (1) The approved preliminary plat of the subdivision.
 - (2) The approved final plat of the subdivision.
- B. Each map shall clearly show and delineate the location of the developer's subdivision.

§ 15-10.11. Sale before approval.

If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, such person may be subject to penalties as set forth in N.J.S.A. 40:55D-55.

§ 15-10.12. Certificate of approval.

- A. A prospective purchaser, mortgagor or any other person interested in any land which forms part of a subdivision or which formed part of such subdivision three (3) years preceding may apply in writing to the Zoning Officer for certification verifying that the subdivision has been approved pursuant to N.J.S.A. 40:55D-56.
- B. The Zoning Officer shall make and issue such certificate within fifteen (15) days after the receipt of such written application and a fee of ten dollars (\$10.00). The Zoning Officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his or her office.
- C. Each certificate shall be designated as a "certificate as to approval of subdivision of land" and shall certify that the conditions required by N.J.S.A. 40:55D-56 have been fulfilled.
- D. The Zoning Officer shall be entitled to demand and receive for such certificate issued by him or her a fee pursuant to §15-16.1. of seventy-five dollars (\$75.00). The fees so collected by the Zoning Officer shall be paid by him or her to the Township.

§ 15-10.13. When site plan approval required; use of Pinelands development credits.

- A. No building permit, zoning permit, certificate of occupancy or conditional use permit shall be issued for the construction or alteration of any structure, except as otherwise provided by State law, unless a final site plan shall have first been approved by the Planning Board or Board of Adjustment, in conjunction with the processing of a use variance, in accordance with the terms of this chapter and the Municipal Land Use Law.

However, no site plan approval shall be required for a conditional use permit for a home occupation unless in the sole discretion of the Planning Board it is deemed necessary. In addition, no building permit, zoning permit or certificate of occupancy shall be issued for a change of use of a structure where the new use requires a greater amount of parking under the Township Ordinances than was required for the old use. **[Amended 6/27/2002 by Ord. No. 2002-017]; [Amended 12/12/2002 by Ord. No. 2002-040]**

- B. No development involving the use of Pinelands development credits shall be approved until the developer has provided the Pinelands Commission and the approving authority with evidence of his ownership of the requisite Pinelands development credits; provided, however, that the approving authority may grant preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final site plan approval. For such a final site plan, the developer shall provide evidence of Pinelands development credit ownership to secure the same proportion of lots or residential units as was approved for Pinelands development credit use in the preliminary approval.

§ 15-10.14. Minor site plans.

- A. Twenty (20) legible prints of the minor site plan drawn in conformance with the standards, plat detail requirements for minor site plans in accordance with 15-15.4., together with five (5) completed application forms and the fees as required in § 15-16.1., shall be submitted to the Board Secretary.
- B. Minor site plan approval shall be deemed to be final approval of the site plan by the Board.
- C. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval is granted shall not be changed for a period of two (2) years from the date of minor site plan approval.
- D. The Planning Board shall grant an extension of the time period provided in Subsection C. above for a period determined by the Board, but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities, and that the developer applied promptly for and diligently pursued the approvals. A developer shall apply for this extension before what would otherwise be the expiration date or the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

§ 15-10.15. Preliminary site plan procedure.

Twenty (20) legible prints of the preliminary site plan and preliminary architectural plans and elevations, together with five (5) completed application forms for preliminary site plan approval and the fees as required in § 15-16.1., shall be submitted to the Board Secretary.

§ 15-10.16. Action by municipal agency on preliminary site plan.

- A. The municipal agency shall act on the preliminary site plan within the time prescribed in § 15-8.3.
- B. If the municipal agency acts favorably on a preliminary site plat, with or without conditions, a notation to that effect shall be made on the plan, and it shall be returned to the developer for compliance with the final approval requirements.
- C. If the municipal agency disapproves a preliminary site plan, the reasons for such action shall be noted on the plan and returned to the developer.
- D. The rights conferred by preliminary site plan approval shall be the same as those set forth in § 15-10.6.

§ 15-10.17. Final site plan procedure. [Amended 6/12/2003 by Ord. No. 2003-12]

Twenty (20) legible prints of the final site plan, drawn together with all necessary documentation, five (5) completed application forms for site plan approval and the fees as required in §15-16.1., shall be submitted to the Board Secretary, together with a reproducible Mylar of the final plan and final construction plans. A final plat shall be submitted to the Administrative Officer within three (3) years after the date of the preliminary approval or extension.

§ 15-10.18. Action by municipal agency on final site plan.

- A. After determination that a complete application has been submitted, the municipal agency shall act on the final site plan within the time prescribed in § 15-8.3. Prior to the signing the municipal agency stating that performance guaranty has been approved as to form and amount to assure completion of all required improvements.
- B. If the municipal agency acts favorably on a final site plan, with or without conditions, a notation to that effect shall be made on the plan, and it shall be returned to the developer. However, prior to the signing of the final plat by the Board Engineer, the applicant shall post with the Township Clerk a performance guarantee as set forth in § 15-17.5.
- C. The zoning requirements applicable to the preliminary site plan approval first granted and all other rights conferred upon the developer pursuant to § 15-10.6., whether conditionally or otherwise, shall not be changed for two (2) years after the date on which the resolution of final approval is adopted. If the developer has followed the standards

prescribed for final site plan approval, the municipal agency may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of the Municipal Land Use Law, the granting of final site plan approval terminates the time period of preliminary site plan approval pursuant to § 15-10.6. for the section granted final site plan approval. If a site plan has been approved prior to the enactment of this chapter and if the developer has followed the standards prescribed for final approval, has duly recorded the plat, if required, and has initiated substantial improvement of the project, the developer shall be permitted to continue the project in accordance with the approved plat.

- D. Extension of final approval by the Planning Board on a site plan shall also comply with requirements of § 15-10.8: D. and E.

Add section to this Article on "resilient design guidelines" that mandate construction materials, foundation design, freeboard and setbacks that create a more resilient design.

ARTICLE XI
Design Guidelines and Standards

[HISTORY: Adopted by the Township Committee of the Township of Little Egg Harbor 5/10/2001 by Ord. No. 2001-08. Amendments noted where applicable.]

§ 15-11.1. Purpose.

The purpose of this article is to establish a general uniform set of performance and design standards to guide and assist the Township and future developers in the preparation, submission and review of all developmental proposals. The standards shall be applicable to all site plans, subdivisions and other development applications to come before an approving authority in the Township. These general requirements are supplementary to the site plan and subdivision design standards outlined elsewhere in this chapter and shall constitute the minimum performance standards applicable to all future growth and development in Little Egg Harbor Township. In addition to the requirements of this section, all development applications in the Pinelands Area shall be bound by the Supplemental Pinelands Area Design and Development Standards and management programs, as specified in the Little Egg Harbor Township Pinelands Area Development Requirements.

§ 15-11.2. General requirements.

A. Minor modifications or changes in approved plans and specifications may be effected only upon written approval of the Board Engineer, but some changes may require further review and approval of the Planning Board prior to making any changes.

B. Any application for development shall demonstrate conformance to design standards that will encourage sound development patterns within the Township. Where either an Official Map and/or Master Plan have been adopted, the development shall conform to the proposals and conditions shown thereon. The streets, school sites, etc., shown on the officially adopted Master Plan shall be considered in the approval of plats. In accordance with good design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the approving authority. All improvements shall be installed and connected with existing facilities or installed in required locations to enable future connections with approved systems or contemplated systems and shall be adequate to handle all present and probable future development.

C. Land which the approving authority finds to be in areas identified in the Master Plan as having severe or moderate soil characteristics, particularly the land related to flooding, improper drainage, wetlands, adverse soil conditions, adverse topography, utility casements or other features which can reasonably be expected to be harmful to the health, safety and general welfare of the present or future inhabitants of the development and/or its surrounding areas, shall not be subdivided and site plans shall not be approved unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this chapter and all other regulations.

This is an important restriction. Language related to prohibition of development on "land related to flooding... which can reasonably be expected to be harmful to the health safety and general welfare of the present or future developments" should be expand into its own sub-chapter and be applicable to all lands in the Township.

- D. Whenever a development abuts or crosses a municipal boundary, access to those lots within the Township shall be from within the Township as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the approving authority may require documentation that such access is legally established and that the access road is adequately improved.
- E. No buildings shall be erected, no existing buildings shall be enlarged or rebuilt nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot area and building location regulations designated for the district or zone in which the building or open space is located.
- F. No lot shall be used in any zone nor shall any structure be erected, altered or occupied for any purpose except as indicated in each zone under permitted uses or conditional use permits, except that model homes and sales homes shall be permitted as a matter of right in all residential zones. Six (6) model homes shall be permitted for each development.
- G. No subdivision or site plan approval may be given unless each lot contained in the subdivision or site plan complies with all the requirements of the zone in which the lot is located, unless a variance is granted.
- H. Each lot shall be provided with frontage on a street in accordance with the schedule of requirements.
- I. No lot shall have erected on it more than one (1) residential building, except as elsewhere permitted in this chapter.

§ 15-11.3. Blocks.

Block length, width and acreage shall be sufficient to accommodate the size lot required in the zoning district and to provide for convenient access, circulation control and traffic safety. Blocks over one thousand (1,000) feet long in residential areas shall be discouraged, but where they are used, pedestrian crosswalks and/or bikeways between lots may be required in locations deemed necessary by the approving authority and shall be at least eight (8) feet wide and be straight from street to street. Blocks over one thousand five hundred (1,500) feet in residential areas shall be prohibited unless access to adjoining properties is not feasible due to prevailing physical characteristics or environmental reasons or would not provide for the extension of any new future streets in a logical, reasonable or practical fashion. For commercial and industrial uses, block lengths shall be sufficient to meet area and yard requirements for such uses and to provide proper street access and circulation patterns. In all cases, wherever feasible in the opinion of the Planning Board and Planning Board Engineer, all blocks shall be laid out in a curvilinear configuration with tangent sections being no straighter than five hundred (500) feet.

§ 15-11.4. Lots.

- A. Lot dimensions and area shall not be less than the requirements of the zoning provisions.

- B. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.
- C. Each lot must front upon a public street, paved, with a right-of-way of at least fifty (50) feet, except as otherwise provided herein.
- D. Where extra width has either been dedicated or anticipated for widening of existing streets, zoning considerations shall begin at such new street line, and all setbacks shall be measured from such line.
- E. Where two (2) or more contiguous lots are under the same ownership, regardless of whether or not each may have been approved as a portion of a subdivision acquired by separate conveyance or by other operation of law, and one (1) or more of the lots does not conform to the minimum area and/or dimension requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot, and the provisions of this chapter shall apply.
- F. Whenever land has been dedicated or conveyed to the Township by the owner of a lot in order to meet the minimum street width requirements or to implement the Master Plan, and which lot existed at the effective date of this chapter, the Construction Code Official shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the minimum requirements.
- G. Through lots with frontage on two (2) streets will be permitted only under the following conditions: where the length of the lot between both streets is such that future division of the lot into two (2) lots is impractical and access shall be to the street with the lower traffic function, and the portion of the lot abutting the other street shall be clearly labeled on the plat and in any deed that street access is prohibited.
- H. Wherever deemed practical and feasible, all lots shall be laid out in a curvilinear fashion, with lot lines being radial to the curve.
- I. In a subdivision abutting an expressway or arterial road one (1) of the following shall be required:
 - (1) The frontage shall be reversed so that the lots contiguous to such roadways will front on a street with a lower traffic function with an additional lot depth or width of fifty (50) feet as an easement exclusively for buffering to be provided by the developer along the arterial street;
 - (2) A marginal service road shall be provided along such arterial road and shall be separated from it by a raised/planting island divider strip of at least twenty (20) feet in width; or,
 - (3) Such other means of separating through and local traffic and of providing a suitable buffer shall be provided as the Board of jurisdiction may determine to be appropriate.

§ 15-11.5. Bulkheading.

- A. Any development, regardless of size, on tidal lagoons, navigable waterways or other bodies of water, whether such water bodies are either existing or proposed, shall provide for bulkheading. Any development, regardless of size, on nontidal bodies of water, whether such water bodies are either existing or proposed, shall provide for bulkheading or other appropriate permanent bank stabilization acceptable to the Planning Board.
- B. Bulkheads shall be constructed in accordance with Chapter 14 of the Code of Little Egg Harbor Township. New or reconstructed lagoons shall have a minimum width of one hundred (100) feet and shall be provided with suitable turning basins.
- C. The Planning Board may consider waiver and/or modification of this requirement when necessary, provided that minimum lot sizes may be maintained and that all development may be made reasonably secure from erosion.

§ 15-11.6. Soil erosion and sedimentation control.

- A. All site plans and subdivisions shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development, including anticipated starting and completion dates. The purpose is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community.
- B. No building permit shall be issued for any development application until all provisions of the State of New Jersey Soil Erosion and Sediment Control Act, P.L. 1975, c. 251, as amended, have been satisfied.

§15-11.7. Buffers.

- A. Buffer areas, as defined in this chapter, shall be developed in an aesthetic manner for the primary purpose of screening views, providing physical separation and reducing noise and glare beyond the buffer area. Buffer area widths shall be measured horizontally and perpendicularly to lot and street lines. No structure, activity, storage of materials or parking of vehicles shall be permitted in a buffer area. The preservation of all desirable existing vegetation in a buffer area shall be assured through sensitive grading and development practices. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of property being screened; the distance between the use and the adjoining property or street; differences in elevation; the type of buffer, such as planting, berming, preservation of existing vegetation, a wall, hedge or fence; buffer height; buffer width; and other combinations of man-made and natural features. The buffer shall be designed, planted, graded or developed with the general guideline that the closer a use or activity is to a property line or the more intense

the use, the more effective the buffer must be in obscuring light, vision and reducing noise beyond the lot.

- B. In the Highway Business Zone there shall be a twenty-five foot buffer area from the front property line and a fifteen-foot buffer area from the side property line. The only improvements to be constructed in this buffer area, other than landscaping, are to be those improvements necessary to provide ingress and egress to the subject site.
- C. In the Neighborhood Business and General Business Zones, there shall be a fifteen-foot buffer area from the front property line and side property line; provided, however, that in regard to those lots which front on a state highway, there shall be a twenty-five-foot buffer area from the front property line. The only improvements to be constructed in this buffer area, other than landscaping, are to be those improvements necessary to provide ingress and egress to the subject site.
- D. In the Industrial Zone, lots having a depth of three hundred (300) feet or less shall have a forty-foot buffer area from the front property line. This buffer area shall be increased to fifty (50) feet when the lot depth is greater than three hundred (300) feet. In addition, all lots shall have ten-foot buffer areas from the side and rear property lines. The only improvements to be constructed in these buffer areas, other than landscaping, are to be those improvements necessary to provide ingress and egress to the subject site.
- E. In all other zones, except residential, the minimum front buffer area shall be thirty-five (35) feet, the minimum side buffer area shall be fifteen (15) feet and the minimum rear buffer area shall be twenty (20) feet unless otherwise provided herein.
- F. In order to provide adequate buffering between uses of differing classifications, a buffer area shall be provided in conjunction with any nonresidential or higher density residential use abutting a lot zoned or used for residential purposes. The minimum width of such a buffer area shall be not less than thirty (30) feet for a building or group of buildings up to twenty thousand (20,000) square feet in area, except in the HB Zone where it shall be no less than fifty (50) feet. The width of the buffer area shall be increased one (1) foot for each one thousand (1,000) square feet or fraction thereof if the building or group of buildings exceeds twenty thousand (20,000) square feet, up to a maximum buffer area width of one hundred (100) feet; except that, for light industrial uses, the minimum buffer width abutting a residential district shall not be less than one hundred (100) feet.
- G. In residential subdivisions or site plans on any lot which abuts an expressway or arterial road, a buffer area and additional lot depth or width of fifty (50) feet shall be provided along the property line common with the expressway or arterial road.
- H. In the Scenic Gateway Overlay Zone, there shall be a fifty (50') foot buffer area from the front property line. To the extent that the pre-development condition of the site is wooded, the natural vegetation shall be retained within the fifty (50') foot buffer per §15-11.7(A). If the site is not wooded, the fifty (50') foot buffer shall be revegetated with nursery-grown trees of species found in nearby wooded areas, subject to review and

approval of the Township Engineer. The only improvements to be constructed in this buffer area, other than supplemental landscaping and approved signage, are to be those improvements necessary to provide ingress and egress to the subject site. **[Amended 12/13/2007 by Ord. No. 2007-26]**

- I. In the Route 9 Gateway Overlay Zone South, there shall be a fifty (50') foot buffer area from the front property line. To the extent that the pre-development condition of the site is wooded, the natural vegetation shall be retained within the fifty (50') foot buffer per §15-11.7(A). The only improvements to be constructed in this buffer area, other than supplemental landscaping and approved signage, are to be those improvements necessary to provide ingress and egress to the subject site. If the site is not wooded, the fifty (50') foot buffer shall be designed in accordance with the requirements of §15-11.7(H). **[Amended 3/14/2013 by Ord. No. 2013-03]**

§15-11.8. Landscaping.

- A. General. All land subdivision and development shall comply with the minimum landscape architectural standards set forth herein or provide a more appropriate scheme relative to the specific aspects of a particular site or development proposal with the approval of the Board of jurisdiction. The Board of jurisdiction may require additional landscape development beyond the standards set forth if necessary to provide appropriate landscape development relative to the nature of the site and the development thereof. All landscape development should be designed to enhance the visual quality of the site and adjacent properties; provide safe vehicular and pedestrian circulation; protect against potential natural and man-made hazard; enhance the microclimate of areas for human activity; and promote the protection of health, safety and welfare. For applications in the Pinelands Area, landscaping plans shall incorporate the elements set forth in Section 15-13.4.A.(3). **[Amended 5/10/2001 by Ord. No. 2001-08]**
- B. Streetscape. Landscape architectural development of the streetscape shall be provided in conjunction with all development, on all existing and proposed roads upon which the site of development has or creates frontage. Improvements consistent with one (1) of the following streetscape concepts, or an alternative concept of more appropriate design, shall be provided:
 - (1) Formal tree-lined avenue. This type of streetscape development is appropriate for the majority of streets within the Township with the exception of those areas which are addressed by one (1) of the other two (2) concepts provided herein. The following standards shall apply:
 - (a) Shade trees shall be provided along both sides of a street in the planting area provided between the street curb and the sidewalk as per § 15-12.2. and at a distance between trees of thirty (30) feet to fifty (50) feet, with trees which exhibit a narrow habit at a thirty- to forty-foot spacing and trees which exhibit a spreading habit at a forty to fifty-foot spacing. The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, street lights, sight distances and driveway aprons and shall not be planted closer than eight (8) feet to fire hydrants.

- (b) All trees shall have a minimum size of three (3) inches to three and five-tenths (3.5) inches caliper.
 - (c) Subsequent or replacement plants shall conform to the type of existing tree in a given area, provided that, if any deviation is anticipated, it must be done only with the permission of the Township Landscape Architect and/or Environmental Commission. In a newly planted area, only one (1) type of tree may be used on a given street, unless otherwise specified by the Township Landscape Architect and/or Environmental Commission.
 - (d) Tree varieties which exhibit desirable characteristics, such as full symmetrical form, deep noninvasive root system and tolerance of potential drought and road salt, should be utilized.
 - (e) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.
- (2) Informal street trees. This type of streetscape development is appropriate along streets within areas of development with an informal character. This type of treatment should occur in areas of development with meandering curvilinear roads. The following standards shall apply:
- (a) Vary street tree varieties, spacing from the cartway [four (4) feet to fifteen (15) feet] and sizes [two (2) inches to six (6) inches caliper, averaging three (3) inches to three and five-tenths (3.5) inches]. Trees should be placed in an informal pattern with varied spacing. Some areas will have clustered trees, others may have an individual tree along a road. Planting design shall accentuate views and integrate contrasting landscape elements.
 - (b) The total number of trees shall average one (1) tree for every fifty (50) linear feet of roadway on each side of the roadway.
 - (c) If existing trees are preserved within ten (10) feet of the curb, the requirements for additional street tree plantings may be reduced.
 - (d) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.
- (3) Village streetscape. This type of streetscape development is appropriate along streets within areas designated as villages by the Little Egg Harbor Township Historic Preservation Commission, or as required by the Board of jurisdiction. The objective shall be to provide street trees, paving, benches, lighting and other improvements to provide an ample, well-defined, unified and distinct pedestrian corridor along the streetscape. The following standards shall apply:
- (a) Provide street trees within the right-of-way in planting areas of at least ninety (90) square feet in surface area. An acceptable ground cover or mass shrub planting shall be provided in all planting areas.
 - (b) The quantity of trees shall be equivalent to one (1) tree of three (3) inches to three and five-tenths (3.5) inches caliper for every forty (40) feet of frontage.

- (c) If existing trees are preserved within ten (10) feet of the curb, the requirements for additional street tree plantings may be reduced.
- (d) Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height with one (1) main stem upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer.
- (e) A walkway within the right-of-way of a minimum clear width of five (5) feet shall be provided. In areas where site furnishings are provided, the walk width shall be widened to accommodate these amenities. The walkway shall be constructed of a decorative pavement, i.e. brick pavers, as approved by the Board of jurisdiction. All walks shall include ramps for handicap access at all street corners or road crossings. The decorative paving shall be continued across all ingress and egress drives as a crosswalk, providing a well-defined continuous pedestrian walkway.
- (f) Site furnishings such as benches, period lighting, kiosks, bus shelters, trash receptacles and flagpoles shall be provided as appropriate or required by the Board of jurisdiction. All site furnishings within an individual village area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.
- (g) Signage within the village streetscape area shall be of a consistent or compatible design style, color, material and location, subject to the approval of the Board of jurisdiction.
- (h) All overhead utilities should be relocated underground whenever possible.

C. Cul-de-sac and traffic islands. Cul-de-sac and traffic planting islands provide the opportunity to soften the harshness of large paved areas, create visual interest, increase groundwater recharge, screen headlight glare into residences and preserve valuable existing vegetation. Planted traffic control islands should be provided as necessary and appropriate to define vehicular or pedestrian circulation. The following standards address the planting of islands in the turnaround portion of cul-de-sac roads; provided, however, that there remains sufficient turning radius for fire-fighting equipment and other emergency equipment. For other islands, a landscape design consistent with the concepts presented herewith should be provided. Planting of islands within parking areas shall conform to the standards set forth in Subsection G. of this section.

- (1) If possible, preserve the existing trees in the area of the proposed island. Assure that the grading of the surrounding roadway is consistent with the existing grade at the dripline of the trees and provide adequate protection during construction. Limb all branches to a height of seven (7) feet and remove all vegetation which exhibits a canopy between thirty (30) inches and seven (7) feet. Provide an adequate ground cover planting as necessary to completely cover all soil and discourage weed growth. All planting must be designed to consider the level of expected maintenance and provide a neat and clean appearance.
- (2) In areas void of existing stands of trees, planting similar to the following concept should be provided: provide one (1) specimen tree of four and one-half (4½) inches to five (5) inches caliper or three (3) specimen trees of two and one-half (2 ½) inches to three (3) caliper for every one thousand (1,000) square feet of

planting area with an adequate ground cover planting as necessary to complexly cover all soil and discourage weed growth at the time of planting. All plant material must exhibit a mature canopy height under thirty (30) inches or above seven (7) feet with no more than three (3) trunks in order to allow adequate visibility. All plants shall be tolerant of harsh, dry roadside conditions.

- (3) All plantings within a site triangle or distance area must be approved by the Township Engineer.
- (4) Extensive unplanted stone or mulch beds shall not be provided.

D. Stormwater areas. Stormwater management areas include retention and detention basins, drainage ditches and swales. This subsection does not apply to underground stormwater recharge areas, which may only be planted if approved by the Township Engineer. Sensitively designed basins and swales can be a visually pleasing benefit to the health, welfare and safety of Little Egg Harbor Township residents. The general design concept of these areas should be to de-emphasize their function creating aesthetic landscape features.

E. Open space. As a landscape feature and asset, open space is encouraged in all developments, even when not required. The objectives of the landscape treatment of open space is to provide the opportunity and space for active and passive recreation in all areas of human activity and residence, to protect and enhance the Township's natural amenities such as wooded areas, water bodies and streams and to retain or create a visually pleasing image of Little Egg Harbor Township. The following standards shall apply:

- (1) Preservation open space. This type of open space is appropriate in areas adjacent to and inclusive of natural amenities to be preserved, such as wooded areas, water bodies, streams, wetlands, etc. This type of open space shall be either deed restricted from future development by conservation easements or dedicated to the Township or another public or quasi-public agency or organization. The following standards shall apply:
 - (a) During the site planning process the applicant must preserve valuable or unique natural amenities and designate them as preservation open space.
 - (b) The applicant is required to remove all undesirable debris and materials from this area.
 - (c) The provision of improvements such as pedestrian paths, picnic areas and planting may be required by the Board of jurisdiction when appropriate to create a visually pleasing and beneficial environment.
- (2) Recreational open space. Recreational open space includes lands provided for active and passive recreation and as additions to existing recreational open space. It can take on many forms, from a tot-lot or tennis and swimming complex in a residential development, to an English landscape garden in an office park development or an outdoor promenade or eating pavilion in a commercial or industrial center. The landscape architectural design of these areas shall address safety, visual interest, microclimate and use. The following standards shall apply:
 - (a) Site amenities and walkways shall be provided as required by the Board of jurisdiction. Suggested minimum improvements for residential open

space include a tot-lot (play structure with slide and a separate swing set), seating and open lawn for field play. Outdoor sitting and eating areas/plazas are appropriate for commercial, office and manufacturing developments.

- (b) If a recreation area fronts onto a roadway, a post and rail fence or other protective measures shall be integrated to provide protection and separation.

F. **Buffers.** Landscape buffers are plantings, berms or grading and fences or walls provided within the landscape buffer area as designated in § 15-11.7., or as necessary, to visually soften or screen and enhance views and minimize or separate any adverse impacts or nuisances on a site from adjacent properties or roads. The designer and the Board of jurisdiction should consider the dimension of a landscape buffer area, existing vegetation, structures and topography along with the intensity and type of land use involved relative to these standards to determine the appropriate landscape buffer. The Board of jurisdiction may require a more or less significant landscape buffer if appropriate. The following standards are provided for particular types of buffer areas:

- (1) **Nuisance landscape buffer.** This type of landscape buffer is appropriate in buffer areas provided between commercial or residential uses and adjacent commercial or different residential uses or zones where a continuous visual screen is appropriate. The following standards shall apply:

- (a) All existing trees and valuable understory vegetation should be preserved, and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation. The plans must clearly indicate all vegetation to be preserved and removed. If the Board of jurisdiction deems it appropriate, supplemental planting should be provided to provide a complete visual screen. Quantities and types of supplemental plantings must respond to the deficiencies of existing vegetation and complement the existing vegetation and the overall design must be indicated on the landscape plan. A minimum height of eight (8) feet to ten (10) feet for evergreen trees, two (2) feet to two and five-tenths (2.5) feet for shrubs and a minimum caliper of two and five-tenths (2.5) inches to three (3) inches for shade trees shall be specified for all supplemental plantings.

- (b) Areas void of significant vegetation shall receive landscape architectural treatment including plantings, berming, fences or walls as appropriate. Berms, fences or walls shall be provided at a height of four (4) feet to eight (8) feet, or as necessary to provide a visual screen, with the approval of the Board of jurisdiction. The general design, form and materials of fences, walls and berms should relate to the overall design and the materials utilized for other structures on the site and be aesthetically pleasing from all sides. Planting should be provided in conjunction with berming, fencing or walls or may be provided solely to provide a complete visual screen and visually interesting and pleasing area. The following quantities and minimum size guidelines are provided. If berms, fencing or walls are provided, a decreased quantity of planting may be provided at

the discretion of the Board of jurisdiction. For every one hundred (100) linear feet or buffer area, measured at the longest line, the following must be provided:

<u>Type</u>	<u>Quantity</u>	<u>Size</u>
Evergreen trees	12	8 to 10 feet in height
Shade trees	3	2.5 to 3 inches caliper
Ornamental trees	As required	6 to 7 feet in height, 1 to 1 ½ inches caliper
Shrubs	As required	2 to 2 ½ feet in height

(2) Filtered buffer. This type of landscape buffer is appropriate in buffer areas or green space which is provided to soften the impact of a land use yet still allow views beyond the buffer area. In particular, this type of buffer shall be provided around the perimeter of all parking areas, internal site access roads or lanes and the perimeter of a site which abuts a land, street, road, highway or adjacent site and a complete visual screen is not appropriate. A buffer shall be provided to screen unsafe distractions such as glare from cars and light standards; to provide a visually pleasing environment; and to provide spatial definition to avoid confusion. The following standards shall apply:

- (a) All existing trees and valuable understory vegetation should be preserved, and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation. The plans must clearly indicate all vegetation to be preserved and removed. If the Board of jurisdiction deems it appropriate, supplemental planting should be provided to provide a filtered visual screen. Quantities and types of supplemental plantings must respond to the deficiencies of existing vegetation and complement the existing vegetation and the overall design and must be indicated on the landscape plan. A minimum height of eight (8) to ten (10) feet for evergreen trees, two (2) to two and five-tenths (2.5) feet for shrubs, six (6) to seven (7) feet and one (1) to one and five-tenths (1.5) inches caliper for ornamental trees and a minimum caliper of two and five-tenths (2.5) to three and zero-tenths (3.0) inches for shade trees shall be specified for all supplemental plantings.
- (b) Areas void of significant vegetation shall receive landscape architectural treatment including planting, berming, fences or walls as appropriate. Berms, fences or walls shall be provided at a height of two (2) feet to four (4) feet, or as necessary to provide an appropriate buffer. The general design, form and materials of fences, walls and berms should relate to the overall design and the materials utilized for other structures on the site and be aesthetically pleasing from all sides. Planting should be provided in conjunction with berming, fencing or walls or may be provided solely to

provide an appropriate screen and visually interesting and pleasing area emphasizing appropriate views. Parked vehicles shall be buffered as viewed from all areas outside of the parking area. The following quantities and minimum size guidelines are provided. If berms, fencing or walls are provided, a decreased quantity of planting may be provided at the discretion of the Board of jurisdiction. For every one hundred (100) linear feet or buffer area, measured at the longest line, the following must be provided:

<u>Type</u>	<u>Quantity</u>	<u>Size</u>
Evergreen trees	As required	8 to 10 feet in height
Shade trees	4	2.5 to 3 inches caliper
Ornamental trees	As required	6 to 7 feet in height, 1 to 1 ½ inches caliper
Shrubs	55	2 to 2 ½ feet in height

- (3) Windbreak/heavy screening. This type of buffer is appropriate in buffer areas where the additional need of a windbreak to stop windborne debris from leaving a site is necessary or around objectionable facilities or utility structures where a dense complete visual screen is appropriate. This would include buffer areas around outdoor storage facilities, loading areas or solid waster disposal facilities (dumpsters) or when an undersized buffer area is provided and the standards specified for a Nuisance landscape buffer, are not sufficient at the discretion of the Board of jurisdiction. The following standards shall apply:
- (a) Provide a fence, wall or planting which will create a dense complete visual screen. The height of the fence, wall or planting should be designed relative to the facility being screened and shall be subject to the approval of the Board of jurisdiction. The general design, form and materials of fences or walls should relate to the overall design and the materials utilized for other structures on the site or the neighborhood and be aesthetically pleasing from all sides. Planting should be included in conjunction with any fence or wall.
 - (b) If planting alone is provided, then a double staggered row of dense evergreen plants shall be specified. The spacing between individual plants shall be as necessary to provide a continuous hedge with plants touching at the time of installation. The installed and mature height of the plants must respond to the height of the area or facility being screened and views from adjacent areas and shall be subject to the approval of the Board of Jurisdiction.
 - (c) The plan submission should include an illustrative section drawing demonstrating the effectiveness of the buffer.

(4) Reverse frontage buffer. This type of buffer shall be required where the rear yards of residential units and/or lots face or front on a roadway and when any yard of a residential unit or lot faces or fronts on an expressway or arterial roadway. The following landscape architectural treatment shall be provided to screen and separate private residential spaces from the roadway:

(a) All existing trees and valuable understory vegetation should be preserved, and the plans must specify appropriate grading and tree protection details to assure the preservation of the vegetation. The plans must clearly indicate all vegetation to be preserved and removed. If the Board of jurisdiction deems it appropriate, supplemental planting, berms or walls should be specified to provide a complete visual screen. Quantities and types of supplemental plantings must respond to the deficiencies of the existing vegetation and complement the existing vegetation and the overall design and must be indicated on the landscape plan. A minimum height of eight (8) to ten (10) feet for evergreen trees, two (2) feet to two and five-tenths (2.5) feet for shrubs, six (6) feet to seven (7) feet, one (1) inch to one and five-tenths (1.5) inches caliper for ornamental trees, and a minimum caliper of two and five-tenths (2.5) inches to three (3) inches for shade trees shall be specified for all supplemental plantings. The need for and the height and design of supplemental berms or walls must respond to the deficiencies of existing vegetation and the proximity of the residential unit to the road. If the Board of jurisdiction deems it appropriate, berms or walls may be required.

(b) Areas void of significant vegetation shall receive landscape architectural treatment including plantings, berming, fences or walls as appropriate. Berms, fences or walls shall be provided at a height of three (3) feet to eight (8) feet averaging five (5) feet, or as necessary to provide a visual screen at the discretion of the Board of jurisdiction. The general design, form and materials of fences, walls and berms should relate to the overall design and the materials utilized for other structures on the site and be aesthetically pleasing from all sides. The sidewalk layout shall be integrated with the buffer and the overall design and adjacent development when appropriate. Planting should be provided in conjunction with berming, fencing or walls or may be provided solely to provide an appropriate screen and visually interesting and pleasing area. The following quantities and minimum size guidelines are provided. If berms, fencing or walls are provided, a decreased quantity of plantings may be provided at the discretion of the Board of jurisdiction. For every one hundred (100) linear feet or buffer area, measured at the longest line, the following must be provided:

<u>Type</u>	<u>Quantity</u>	<u>Size</u>
Evergreen trees	7	8 to 10 feet in height
Shade trees	5	2.5 to 3 inches caliper

Ornamental trees	1	6 to 7 feet in height, 1 to 1 ½ inches caliper
Shrubs	15	2 to 2 ½ feet in height

G. **Parking Areas.** The landscape architectural treatment of all parking areas shall be designed to promote safe and convenient circulation; to limit vehicular/pedestrian conflicts; to limit paved areas; to provide shade and reduce heat island effects; and to soften the overall visual impact of parking areas. The design of all parking areas shall comply with the requirements of Section 15-12.16. Off-street parking and loading areas, with landscape architectural treatments shall be provided as follows:

- (1) Shade trees within the parking area shall be provided at a minimum rate of two (2) trees for every ten (10) parking spaces.
- (2) In the islands provided at the end of individual rows of parking spaces between access roads and aisles, planting shall be provided to buffer the view of parked cars, provide shade and cover the ground plane.
- (3) Plant sizes shall be a minimum of two and five-tenths (2.5) to three and zero-tenths (3.0) inches caliper and thirteen (13) to fifteen (15) feet in height for shade trees and two (2) to two and five-tenths (2.5) feet in height for shrubs.
- (4) Large parking areas shall be subdivided into modules. Separation of modules should be achieved by a landscape island of a minimum width of ten (10) feet. Integration of pedestrian walkways within this island, aligned with building entrances or focal points, is encouraged and should be considered.
- (5) Pedestrian/vehicular conflicts shall be minimized through design, yet, when necessary, clearly indicated by a change of vehicular and pedestrian paving and plant materials.
- (6) Parking lot lighting should be sited within landscape islands. Trees shall not hinder safe lighting coverage.

H. **Green Space.** The landscape plan or site plan for all site plan and subdivision plan submissions shall address the planting of all green space in accordance with the standards set forth herein or another appropriate manner. In the site planning process, the provision and landscaping of green space or planting areas should be considered to enhance the visual quantity of a site and provide spatial or directional definition as follows:

- (1) A planting area and planting around all buildings as appropriate relative to the architecture, anticipated use and to limit pavement to that necessary for access and appropriate use shall be provided.
- (2) To provide immediate buffering, visual relief, and scale for large office, commercial, and industrial buildings [buildings of ten thousand (10,000) square feet or larger] larger-size trees shall be provided near the building perimeter [within seventy-five (75) feet]. The quantity of trees shall be equal to one (1) tree for every forty (40) feet of general building perimeter.
 - (a) The tree size shall be based upon the height of the building as follows:

Building Stories	Tree Size (caliper in inches)
1 to 2	2.5 to 3.0
3	3.0 to 3.5

- (b) These trees shall be located in a manner consistent with architectural and site design and shall provide maximum visual impact. Preserved or relocated existing vegetation may be utilized to meet this requirement.
- (3) In residential developments, trees shall be planted throughout a site at a rate of one (1) tree per two thousand five hundred (2,500) square feet of upland lot area or fraction thereof. In non-residential developments, trees shall be planted throughout a site at a minimum size of two and five-tenths (2.5) to three and zero-tenths (3.0) caliper and/or evergreen trees at ten (10) to twelve (12) feet in height, and forty percent (40%) shall be shade trees a minimum size of two (2) to two and five-tenths (2.5) inches caliper and/or evergreen trees at six (6) to eight (8) feet in height. Existing, mature upland forest [containing a predominance of four (4) inches in diameter at breast height (dbh) at the approval of the Board Engineer] which are preserved and adequately protected and not injured during and subsequent to construction may be deducted from the quantity of trees required at the rate of one (1) tree for every two thousand (2,000) square feet of mature upland forest. Only upland areas and existing trees which are located on the property being developed shall be considered for this requirement; plantings provided in conjunction with other ordinance requirements shall not be considered; trees within the right-of-way also are not to be considered.
- (4) In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be appropriately landscaped with grading and planting of grass or other ground cover, shrubs and trees as part of the landscape plan approved by the Board of jurisdiction. Planting of trees along streets and in front yard areas shall be provided as required by ordinance and as necessary to create a harmonious, pleasant view from all roads.

- I. Pedestrian spaces. All site plan and subdivision plans shall address pedestrian spaces and circulation. The objectives shall be to promote free and safe movement of pedestrians and bicycles into, in between and through the proposed and existing facilities and to provide pleasant pedestrian spaces at building entrances and nodes. The following standards shall apply:
 - (1) Pedestrian and bicycle access shall be provided from public roadways, parking lots and adjacent land uses where appropriate.
 - (2) The layout of pedestrian walkways shall be consistent with the overall design. In natural landscapes, walkways shall meander through plantings and berms. Formal landscapes may require long straight walkways. The views of pedestrians shall be visually interesting.
 - (3) Benches and sitting areas along pathways shall be provided where appropriate and particularly where they can incorporate or provide views of a significant landscape feature, recreational facility or interesting site design of the project.

- (4) Connections to open space areas and facilities on adjacent properties shall be provided. Pedestrian easements between lots with a paved driveway may be required.
- (5) Pedestrian bridges over streams, ravines or drainage swales shall be required when necessary to make connections in pedestrian system(s). They are subject to all regulatory agency permit requirements.
- (6) Pedestrian amenities, such as kiosks, water fountains, pedestrian scale lighting and gazebos, shall be provided where appropriate.
- (7) Bicycle parking for each building and adequate space for bicycle movements shall be provided.
- (8) Building entrances, plazas, exterior malls, promenades and nodes shall receive detailed pedestrian scale landscape architectural treatments. Pedestrian/vehicular conflicts shall be avoided through design. Building entrances shall be delineated by planting islands within the parking area. Plantings shall include shade trees, evergreen and ornamental trees and shrubs, as appropriate. The planting design shall provide visual variety and interest, spatial enclosure and separation from parking areas and protection from sun and wind. Sitting areas with benches or seat walls shall be provided as appropriate.
- (9) Bicycle rental, repair or sales establishment.
- (10) Bowling alley.
- (11) Building materials, retails sales establishment; excluding, however, lumberyards, or similar uses requiring outdoor storage.

§ 15-11.9. Bulk storage.

In zoning districts where bulk storage is a permitted accessory use, the following minimum requirements shall apply:

- A. No bulk storage of materials or equipment shall be permitted in any required front yard area or within one hundred (100) feet of any public street, whichever is greater.
- B. No bulk storage of materials or equipment shall be permitted between any side or rear lot line and the required side or rear setback line.
- C. All bulk storage area shall be screened from public view by means of suitable fencing and/or evergreen plantings as required by the Planning Board. Where the property is adjacent to a residential zone, the screening shall meet the minimum requirements of §15-11.3. and §15-11.4. of this chapter.
- D. No fence used to screen a bulk storage area shall be placed closer to any property line than the distance constitution the required front, side or rear setbacks, and all setback areas shall be landscaped in accordance with the requirements of §15-11.7. and § 15-11.8. of this chapter.

- E. All service roads, driveways and bulk storage areas shall be paved with bituminous concrete or other surfacing materials, as required by the Planning Board, which shall be of sufficient strength to handle the anticipated use.
- F. In no instance shall on-site bulk storage of material exceed the height of ten (10) feet.
- G. No heavy equipment shall be operated or parked closer to the front property line than the required front setback plus fifty (50) feet, except as the same may be in transit to or from the site.

§15-11.10. Floodplain regulations.

- A. The purposes of the following floodplain regulations are to implement the Land Use Rules and Regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood-fringe portion of a flood hazard area, to discourage construction and regrading in flood hazard areas, to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass and to prevent pollution of watercourses during low or high-water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard areas. **...and to protect property and human life.**
- B. The flood hazard design elevation shall be determined on an individual basis upon stream encroachment line data from the Division of Water Resources or, in the absence of that data, the flood elevation based on a one-hundred-year storm frequency. One or the other shall be delineated on the plat. In addition, the Planning Board Engineer may, upon receipt of the application and with the consent of the landowner and at the landowner's expense, determine the precise location of a floodway and flood-fringe area by close inspection, field survey or other appropriate method and cause, if requested, the same to be marked on the ground and on the plat and notify the owner, the New Jersey Department of Environmental Protection, Division of Water Resources, and the approving authority. The assistance of the United States Department of Agriculture, Soil Conservation Service, United States Army Corps of Engineers and the New Jersey Department of Environmental Protection, Division of Water Resources, may be sought to aid in delineating the flood hazard design elevation, except that, where State and Federal agencies shall subsequently publish any reports which delineate the flood hazard design elevation of a watercourse, the report shall be the officially delineated flood hazard area as if the report were published in this chapter. **Ensure that the flood hazard maps utilized by the Planning Board Engineer to determine properties in the floodplain are up-to-date.**
- C. Any lot containing a floodway portion of a drainage course and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter, plat approval has been granted and a floodway permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources, where required by the State.

Limit permitted uses in areas of greatest flood risk to recreation, open space, ecological restoration, and/or water dependent uses, as defined by CAFRA. In other risk zones, uses should be evaluated in terms of whether occupancy poses a risk to public health and safety as sea levels rise.

- D. Any lot containing a flood-fringe portion of the flood hazard area and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter and until plat approval has been granted.
- E. The procedure for reviewing any proposed regrading and/or construction shall be the same as set forth for plat review. No application shall be approved and no permit granted until all zoning violations have either been corrected or a variance granted.
- F. Regulation of the flood-fringe portion of the flood hazard area shall be consistent in the approving authority's determination with the criteria and standards promulgated by the New Jersey Department of Environmental Protection governing the flood-fringe area.
- G. The applicant shall submit maps, reports and other appropriate documents permitting the approving authority to evaluate whether the proposal has an inherent low flood damage potential, does not obstruct flood flows or increase flood heights and/or velocities, does not affect adversely the watercarrying capacity of any delineated floodway and/or channel, does not increase local runoff and erosion, does not unduly stress the natural environment of the floodplain or degrade the quality of surface water or the quality and quantity of groundwaters, does not require channel modification or relocation, does not require fill or the erection of structures and does not include the storage of equipment and materials.
- H. Where a development is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the municipality conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate to accommodate expected stormwater runoff in the future, based upon reasonable growth potential in the municipality. The minimum width of easement for channel sections shall be the maximum design top width of the channel section segment plus twenty (20) feet, rounded to the next-highest five-foot increment. However, if the floodway is not ascertainable for a stream or open channel, the width of the drainage easement shall extend fifty (50) feet beyond the top of the bank on both sides of the drainage course.

§ 15-11.11. Easements.

- A. Easements along rear property lines or elsewhere for utility installation may be required but are discouraged. Such easements shall be at least twenty (20) feet wide for one (1) utility and five (5) additional feet, if practical, for each additional utility and shall be located in consultation with the companies, municipal department concerned or other jurisdictional agencies and, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.
- B. Floodplains and conservation easements shall be indicated on the preliminary and final plats and shall be shown in such a manner that their boundaries can be accurately determined.

Add section to Section 15-11.10 Floodplain Regulations above to impose stricter regulations for new development in floodplains by:

- zoning for very low density uses,
- providing for the transfer of development rights,
- establishing minimum requirements for building construction,
- limiting a property owner's ability to rebuild structures subject to repetitive flood losses,
- requiring large setbacks from shorelines and water bodies, and
- requiring owners to maintain riparian vegetation along waterways.

- C. The removal of trees and ground cover shall be prohibited in a conservation easement or floodplain easement, except for the following purposes: the removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes; or, approved conservation plans by the Soil Conservation District.

- D. Such easement dedication shall be expressed on the plat as follows: the type of easement granted to the Township of Little Egg Harbor and the appropriate agency.

- E. Property owners across whose property a drainage or utility easement exists shall be prohibited from performing any of the following actions: **[Amended 3/25/2010 by Ord. No. 2010-04]**
 - (1) Modifying the ground elevations or grades so as to interfere with existing drainage patterns.
 - (2) Installing any permanent infrastructure, including but not limited to:
 - (a) Concrete, brick paver, or bituminous concrete walkways;
 - (b) Patios;
 - (c) Decks;
 - (d) Retaining walls;
 - (e) Fences;
 - (f) Underground sprinkler systems;
 - (g) Storage sheds;
 - (h) Swimming pools;
 - (i) Trees, shrubs, plants, etc.
 - (3) Exception. Property owners may install permanent infrastructure within a drainage or utility easement only if they agree to sign an encroachment agreement with the Township of Little Egg Harbor. The property owner must agree that the property owner is responsible to reset or replace infrastructure improvements if the Township needs to disturb the easement area and complete work such that the infrastructure placed by the property owner is damaged or removed. If a property owner does not execute an encroachment agreement with the Township that is in a form acceptable to the Township, any permanent infrastructure improvements placed upon the easement by the property owner may be removed by the Township or may suffer damage if the Township required work to be done with the easement area. Any permanent infrastructure improvements constructed within an easement area by the property owner without an encroachment agreement shall be considered an illegal structure upon which the Township has no legal responsibility for replacing or repairing.
 - (4) Subsection E herein shall apply retroactively to any existing drainage or utility easements within the Township of Little Egg Harbor.

§ 15-11.12. Water supply and sanitary sewer facilities.

- A. The developer shall make application for review and obtain the necessary final approval from the Little Egg Harbor Municipal Utilities Authority and County and State regulatory

agencies having jurisdiction. The entire system shall be designed in accordance with the jurisdictional utility and/or state agency having approval authority and shall be subject to their approval.

Ensure service area restrictions are consistent with known risk of coastal hazards.

- B. Where public water and/or sanitary sewers are not available, a potable water supply shall be provided to each lot on an individual well basis, and sanitary disposal shall be provided to each lot with an individual septic system. Such wells and septic systems shall be designed in accordance with the requirements and standards of the local, County and/or State agencies having jurisdiction thereof. However, in any event, a determination must be received, in writing, from the Little Egg Harbor Municipal Utilities Authority as to whether a comprehensive dry water system and dry sewer system shall be required.
- C. Provisions shall be made in all major subdivisions for the installation of fire hydrants in those locations as approved by the Little Egg Harbor Municipal Utilities Authority. All hydrants shall conform to the standard hydrant as accepted by the Township of Little Egg Harbor, which shall conform to all current National Fire Protection Code Requirements. Fire hydrants shall be painted black until they become operational, at which time they shall be painted red.

§15-11.13. Public utilities.

- A. All municipal utility services and public services shall be connected to an approved municipal utility system and/or public utility system where one exists.
- B. The developer shall arrange with the servicing utilities for the underground installation of utility distribution supply lines and service connections in accordance with the provisions of the rules and regulations of that utility and any applicable standard terms and conditions incorporated as part of its tariffs as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.
- C. The developer shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility, which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have theretofore been installed may be supplied with electric and telephone service utilities from such overhead lines. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.
- D. Any installation, except streetlighting, to be performed by a servicing utility shall be exempt from requiring performance guaranties but shall be certified by the servicing utility, in writing, that all improvements have been satisfactorily constructed. The certification shall be provided prior to release of the performance bond. The installation

of all utilities, including streetlighting, shall be the sole cost of the developer as per ordinances of the Township of Little Egg Harbor.

- E. On-site public utility uses necessary to supply needed services to the occupants of the proposed development, excluding switching stations, substations or storage facilities of any nature which must be provided above ground, may be permitted as a conditional use in those zones specified, provided that the use and/or structures shall adhere to the minimum standards of the particular zone and the following:
 - (1) A statement is submitted setting forth the reasons that the proposed installation must be provided above ground in a specific location and why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.
 - (3) Adequate and attractive fences and other safety devices will be provided.
 - (4) Sufficient landscaping, including shrubs, trees and lawn, are provided and will be periodically maintained. Landscaping shall conform to §15-11.8. of this chapter.

- F. All electric, telephone, television and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

- G. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

- H. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines as follows:
 - (1) Alignments and pole locations shall be carefully routed to avoid locations along horizons.
 - (2) Clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment.
 - (3) Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments.
 - (4) Alignments shall follow rear lot lines and other alignments.

§ 15-11.14. Fire protection.

- A. Wherever a central water supply system services a development, provision shall be made for fire hydrants along streets and/or on the walls of nonresidential structures as approved by the Fire Commissioners or Board and in accordance with Fire Insurance Rating Organization Standards.
- B. Where streams or ponds exist or are proposed on lands to be developed, facilities shall be provided to draft water for fire-fighting purposes. This shall include access to a public street suitable for use by firefighting equipment and construction of or improvements to ponds, dams or similar on-site or off-site development, where feasible. Such facilities shall be constructed to the satisfaction of the Board Engineer and Fire Department and in accordance with fire insurance organization standards.
- C. All major site plans and major subdivisions, including cluster developments and multi-family developments, where permitted, shall be reviewed by the Little Egg Harbor Township Fire Marshal. The applicant shall submit to the Fire Marshal or other appropriate fire officials complete plans of the proposed development and shall obtain from the Fire Marshal or appropriate fire official written comments as to what items shall be incorporated in the design of the proposed development to allow, at all times, adequate access for fire-fighting and emergency vehicles. The applicant shall incorporate in the site development all fire safety and fire-protection devices and provisions as required by the Little Egg Harbor Township Fire Marshal or the appropriate fire official. In the case of all major site plans, fire hydrants conforming to the spacing and recommendations of either the National Fire Protection Association or the Little Egg Harbor Township Fire Marshal or appropriate fire official shall be provided on the site plan and shall be a specific requirement of the Township of Little Egg Harbor.

§ 15-11.15. Homeowners' association.

Homeowners' association may be established for the purposes of owning and assuming maintenance responsibilities for the common open space and common property designed within a development, provided that the approving authority is satisfied that the organization will have a sufficient number of members to reasonably expect a perpetuation of the organization in a manner enabling it to meet its obligations and responsibilities in owning and maintaining any property for the benefit of owners or residents of the development. If established, the organization shall incorporate the following provisions:

- A. Membership by all property owners, condominium owners, stockholders under a cooperative development and other owners of property or interest in the project shall be mandatory. Required membership and the responsibilities upon the members shall be in writing between the organization and each member in the form of a covenant, with each agreeing to liability for his pro rata share of the organization's costs.
- B. The organization shall be responsible for liability insurance, taxes, maintenance and any other obligations assumed by the organization and shall hold the municipality harmless

- from any liability. The organization shall not be dissolved and shall not dispose of any open space or property by sale or otherwise, except to an organization conceived and established to own and maintain the open space or property for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its open space or property without first offering to dedicate the same to the municipality(ies) wherein the land is located.
- C. The assessment levied by the organization upon each member may become a lien on each member's property. The organization shall be allowed to adjust the assessment to meet changing needs.
 - D. The organization shall clearly describe in its bylaws all the rights and obligations of each tenant and owner, including a copy of the covenant, model deeds and articles of incorporation of the organization and the fact that every tenant and property owner shall have the right to use all common properties. These shall be set forth as a condition of approval and shall be submitted prior to the granting of final approval.
 - E. The articles of incorporation, covenants, bylaws, model deeds and other legal instruments shall ensure that control of the organization shall be transferred to the members based on a percentage of the dwelling units sold and/or occupied and shall clearly indicate that, in the event that such organization shall fail to maintain the common open space or common property in reasonable order and condition, the Township may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the common open space or common property in reasonable condition, and the notice shall include a demand that such deficiencies of maintenance be cured within thirty-five (35) days thereof and shall state the date and place of a hearing thereon, which shall be held within fifteen (15) days of the notice. At such hearing, the designated Township body or officer, as the case may be, may modify the terms of the original notice as to deficiencies and may give a reasonable extension of time, not to exceed sixty-five (65) days, within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within thirty-five (35) days or any permitted extension thereof, the Township, in order to preserve the common open space and common property and maintain the same, or designate an appropriate person or entity to maintain the same at the cost of the property owners within the development.
 - F. The cost of such maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the common open space and common property, in accordance with the assessed value at the time of imposition of the lien, and shall become a lien and tax on the properties and be added to and be a part of the taxes to be levied and assessed thereon and enforced and collected with interest in the same offices and in the same manner as other taxes.
 - G. The homeowners' association shall, on or before July 1 of each and every year, furnish the Township Committee with an annual report, including but not limited to the present disposition of all common areas and park areas owned, operated and maintained by the

association. The report shall also include a list of current officers, their addresses and telephone numbers. The report shall contain a list of emergency telephone numbers at which one (1) or more officers of the association can be reached by a Township official during any twenty-four-hour period. Each homeowners' association must immediately file with the Township Administrator all amended reports and annual reports adopted after July 1, 1999.

§ 15-11.16. Miscellaneous performance standards.

- A. Electricity. Electronic equipment shall be shielded so that there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.
- B. Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered and directed as approved on the site plan so that any glare, direct light, flashes or reflection will not interfere with the normal use of nearby properties, dwelling units and streets. Also see §15-12.19., Lighting., in this chapter.
- C. Heat. Sources of heat, including but not limited to steam, gases, vapors or products of combustion or chemical reaction, shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.
- D. Radioactivity. No use, activity, operation or device concerned with the utilization or storage of radioactive materials shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Office of Radiation Protection, New Jersey Department of Environmental Protection. Proof of compliance with this requirement shall be the submission of duplicate copies of the permits and certificates.
- E. Vibrations.
 - (1) Standard. Ground-transmitted vibrations shall be measured with a seismograph or complement of the instruments capable of recording vibration displacement and frequency in the three (3) mutually perpendicular directions simultaneously.
 - (2) Vibration level restrictions. Vibration levels shall not exceed a particle velocity of five-tenths (0.5) inch per second in any district. During the hours of 9:00 p.m. to 7:00 a.m. in residential districts, vibration levels shall not exceed a particle velocity of two-tenths (0.2) inch per second. Measurements shall be made at the points of maximum vibration intensity and on or beyond adjacent lot lines or neighboring uses, whichever is more restrictive.
- F. Airborne emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having obtained valid permits and certificates from the Bureau of Air Pollution Control pursuant to N.J.A.C. 7:27-8.

Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid permit to construct. No use, activity, operation or device shall be operated, occupied or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate. In addition to the requirements of the New Jersey Administrative Code, the following shall also apply:

- (1) Steam emission. No visible emission of steam, having an equivalent capacity greater than sixty percent (60%) and expecting direct results of combustion, shall be permitted within five hundred (500) feet of a residential district.
- (2) Toxic matter. Emissions of chemicals, gases, components or elements listed as being toxic matter by the American Conference of Governmental Hygienists, New Jersey Department of Labor and Industry or the United States Environmental Protection Agency shall not exceed the threshold level, as determined in accordance with ASTM D-1391, as currently amended. The emission of concentrations, levels or mass loading in excess of the threshold value shall be permitted only if the emissions of the toxic matter comply with the applicable regulations of the New Jersey Administrative Code, the New Jersey Department of Labor and Industry and the United States Environmental Protection Agency. Proof of compliance shall require the submission of duplicate copies of certificates or permits pursuant to the New Jersey Administrative Code and the New Jersey Department of Labor and Industry approving the concentrations, level or loading proposed by the applicant.
- (3) Odorous matter. No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.

G. Noise emissions. The standards set forth in the Township Noise Ordinance, are incorporated herein by reference as if set forth more fully herein and repeated at length:

- (1) Standard. Noise emissions shall fully comply with N.J.A.C. 7:29 et seq. and P.L. 1971, c. 418. Noise shall be measured with a sound-level meter complying with the standards of the American National Standards Institute, American Standards Specifications for General Purpose Sound-Level Meters, ANSI 1.4-1961, or its latest revisions. The instrument shall be set to the A-weighted response scale and the metering to the slow response. Measurements shall be conducted in accordance with the American Standard Method for the Physical Measurements of Sound, ANSI 1.2-1961, or its latest revision.
- (2) Noise level restrictions. Noises shall not exceed the maximum sound levels specified in the table, except as designated below:
 - (a) Noise level restrictions:

<u>Performance Category</u>	<u>Maximum Level Permitted [dB(A)]</u>	<u>Where Measured</u>
Residential districts	55	On or beyond the neighboring use or lot line

All other districts

65

On or beyond the
district boundaries

- (b) In any residential district, the A-weighted sound levels shall not exceed forty-five (45) dB(A)s during the hours of 9:00 p.m. to 7:00 a.m. Whenever a residential district abuts any other district, the most restrictive of the limitations shall apply.
- (3) Exclusions and permitted variations.
 - (a) The levels specified in the table may be exceeded once by ten (10) dB(A)'s in a single period of fifteen (15) minutes during one (1) day.
 - (b) Peak values of short duration, also known as "impact noises," may exceed the values specified in the table by twenty (20) dB(A)'s or have a maximum noise level of eighty (80) dB(A)'s, whichever is more restrictive.
 - (c) Noises such as alarms, sirens, emergency warnings devices, motor vehicles licensed by the State of New Jersey and other sources not under the direct control of a use are excluded from the above limitations.

§ 15-11.17. Open Space and Recreation. [Amended 12/10/2009 by Ord. No. 2009-12]

“Reserved”

§ 15-11.18. Solid Waste Management.

- A. Provisions shall be made for the indoor or enclosed storage of garbage and refuse.
- B. Outside garbage, when permitted, shall only be permitted in areas approved by the municipal agency. Such areas shall, as nearly as may be practicable, be shielded from public view and protected by adequate fencing and/or screening.
- C. Screening of refuse areas. These areas adjacent to or within the parking area designated as refuse storage and pickup areas shall be properly screened to prevent the unsightly display and the scattering of debris. The following minimum requirements shall apply:
 - (1) The area shall be surrounded on all sides by a uniform solid fence or masonry wall not less than five (5) feet nor more than eight (8) feet in height. The fence or wall shall be located and be of such type as to promote safety and ensure against creation of an unsightly condition. The fence must at all times be maintained so as to be kept in a sound, upright, fully repaired and painted condition or, if not painted, shall be made of such material as does not corrode, rust or change appearance if left unpainted. The opening in the fence or wall shall be so located as to prevent the visual display of refuse from any adjacent parking area, building, street or site.
 - (2) In addition, the fence or wall shall be of a design which is consistent with the architectural design of the principle building on the site or the style of the neighborhood, including gates, which shall screen from view, entirely, the refuse containers and refuse storage areas.

- (3) No refuse enclosure or area shall be located in any area considered to be a front yard or in any area of a site which fronts on any street.
- (4) In addition to the fence or wall, plantings such as dense shrubs or trees shall be planted around the refuse enclosure to further screen the enclosure and enhance the enclosure aesthetically. All landscaping shall conform with §15-11.8.

D. Debris.

- (1) Materials accumulated by clearing, grubbing and excavation, as above described, shall be disposed of by the developer in a manner satisfactory to the Engineer, except that materials suitable for embankment shall be used for that purpose if needed therefore. Burying of the above materials will not be permitted in any case.
- (2) At the time of the tender of a plan for final approval for subdivision of real estate in this municipality, an estimate shall be made, for and on behalf of the municipality, by the Township Engineer as to the cost of removal of the development debris for the development. Before final approval of the plan, such estimate furnished by the Township Engineer shall be included in the guaranty to be furnished by the developer.
- (3) The Township Code Enforcement Officer shall keep a constant check on debris from the subdivision of land and construction of buildings and shall not permit accumulations in any real estate development. In the event that there is any substantial accumulation of such debris in any development, the Building Inspector shall forthwith give written notice to the developer to remove such debris from the real estate development. In the event that such debris is not promptly removed, the Building Inspector is hereby authorized and directed to refrain from giving certificates of occupancy for building permits until the debris is cleared up and removed.
- (4) Whenever the subgrade is established to be coincident with the existing ground surface, the vegetation and underlying topsoil of the existing ground surface within the excavation and embankment areas shall be stripped off to a depth of not less than four (4) inches and not more than six (6) inches. Street and roadway excavation shall be carried out so that the subgrade throughout the work is kept properly drained.
- (5) Excavated materials shall be placed in an embankment when suitable therefore or shall be used for backfill or other purposes. Material in excess of that required shall be disposed of by the developer, contractor or subcontractor.
- (6) Borrow excavation for road construction shall include the furnishing, transporting, placing and consolidating of materials required for embankment in excess of that obtained from other excavations and other incidental work. All borrow excavation shall be suitable for embankment and approved by the Township Engineer.

E. Storage and waste disposal.

- (1) In all districts permitting such an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such storage shall be conducted in accordance with the regulations

promulgated by the Department of Labor and Industry of New Jersey or the Fire Code of the National Fire Protection Association, whichever is more restrictive.

- (2) All flammable, explosive and/or combustible material shall be stored in accordance with the National Fire Protection Association or the New Jersey Department of Labor and Industry Code, whichever is more restrictive.
 - (3) All outdoor storage facilities for fuel, raw materials and products and equipment stored outdoors, wherever permitted, shall be enclosed by an approved safety fence and visual screen and shall conform to all yard requirements imposed upon the principal buildings in the district.
 - (4) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.
 - (5) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers that are adequate to eliminate such hazards.
- E. All commercial establishments shall provide for private garbage collection. No municipal garbage collection will be provided for commercial establishments by the Township.

Revise the design standards in Article XII to incorporate the appropriate implementation tools described in the “Sustainable and Resilient Coastal Communities Final Report.”

ARTICLE XII Improvement Standards

§ 15-12.1. Specific design standards and construction details.

- A. General. The purpose of this section is to establish a uniform set of specific design standards and construction details. The standards shall be applicable to all site plans, subdivisions and other development applications and shall be used in conjunction with the general design and performance standards outlined elsewhere in this chapter. All improvements shall be installed in complete accordance with the standards of this chapter as specified in this section and as set forth in Chapter 15, Zoning, with other particular specifications approved by the Board and Township Engineer and with all other applicable municipal, County and State regulations. All streets in residential developments shall be designed and constructed in accordance with Subchapter 4 (“Streets and Parking”) of N.J.A.C. 5:21 (Residential Site Improvement Standards), as amended.
- B. Standard specifications and construction details. The Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, latest edition, including all addenda, and the Standard Construction Details of the New Jersey Department of Transportation, latest revision, as modified, supplemented, amended or superseded by the requirements of this chapter, by the approval of a final plat, by particular agreement among the Board, Township Council and subdivider or by other applicable municipal, County or State regulations shall govern the completion of the required improvements. Such standard specifications and standard construction details are made a part of this chapter by this reference and will not be repeated herein. It is the responsibility of all the subdividers to familiarize themselves with these standards, copies of which may be examined at the Office of the Township Engineer and may be obtained, upon payment of the cost thereof, from the New Jersey Department of Transportation. The requirement of this chapter of an approved final plat or of particular agreements and conditions of approval and of applicable municipal, county or state regulations shall govern and prevail in the case of conflict between them and the standard specifications or standard construction details. Should the Township adopt, subsequent to the effective date of this chapter, particular and specific standard construction details for Little Egg Harbor Township, they shall govern and prevail over the Standard Construction Details of the New Jersey Department of Transportation.

§ 15-12.2. Streets and streetlighting.

- A. The arrangement of streets shall provide for the extension and realignment, as appropriate, of existing collector and primary streets. The arrangement of streets now shown on the Master Plan or an Official Map shall be such as to provide for and encourage the appropriate extension of existing streets, shall conform to the topography as far as practicable and shall allow for continued logical extension into adjoining undeveloped tracts. Streets shall be designed to promote safety and shall conform to the current requirements and policies of the American Association of State Highway and

Transportation Officials (AASHTO), except as stated in the minor street design standards.

- (1) Design of minor streets. Minor streets in residential subdivisions shall be laid out so that there is no possibility of their use by traffic having neither origin nor destination at the lots to which they provide access and shall conform to the standards of this chapter.
 - (a) Cul-de-sac (dead-end streets) may be used where necessary but should not have a center-line length, from the intersecting street center line to the center point of the cul-de-sac, less than one hundred (100) feet nor longer than one thousand two hundred (1,200) feet and should not provide access to more than twenty-five (25) lots.
 - (b) When their use is possible, short loop streets are preferred to cul-de-sacs. Short loop streets should provide access to no more than forty-five (45) lots, except that where access is provided by a combination of a short loop street and cul-de-sacs, the maximum shall be sixty (60) lots, provided that the length of the loop street alone will not exceed three thousand (3,000) feet. Loop streets shall have both of their termini located on the same major street to be so classified.
 - (c) In all residential zones, development bounded by any arterial or collector streets shall control access to the streets by having all driveways intersect minor streets. Where the size, shape, location or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so that it is not necessary to back any vehicle onto an arterial or collector street, and abutting lots shall share a common access drive.
- (2) Classification of streets. In any major subdivision, it shall be the duty of the Board to classify proposed streets according to their types. The Board, in making its decisions, shall refer to the Master Plan and shall consider conditions within the subdivision and surrounding area.
- (3) Right-of-way and paving widths and street detail. Right-of-way widths, measured from lot line to lot line, graded widths and paving widths and other items shall be not less than the requirements set forth in the following Subsection A.(4) unless otherwise indicated on the Master Plan or the Official Map. Where a proposed development will result in the extension of an existing street, the paved width of the extension shall be as set forth in Subsection A.(4) hereafter or the paved width of the existing street, whichever is greater.
- (4) Requirements for street classifications.

<u>Type</u>	<u>Minor</u>	<u>Subcollector</u> <u>(County Roads)</u>	<u>Primary</u> <u>Collector</u>
Right-of-way (row) width (feet)	50	6	80*
Paving widths, 2-way (feet)	30	40	40*
Curb radii at intersection (feet)	25	35	35
Tangents between reverse curves (min.)	100	200	300
Horizontal center-line radius (feet)	150	500	1,000

Maximum center-line grades	10%	8%	6%
Minimum center-line grades	1/2%	1/2%	1/2%
Max grades at intersection, 3% for distance from center-line intersection (feet)	100	150	150
Turnaround at end of cul-de-sac			
Radius of right-of-way (feet)	60		
Radius of pavement (feet)	50		
Curb face required (inches)	6	6	8
Pavement crown (inches)	6	8	8
Sidewalks			
Width (feet)	4	4	4
Setback (from front curb face)(feet)	4	5	6

NOTES:

- * As designed or indicated on the Master Plan or mandated by the Ocean County Engineer, Township Planning Board or Board Engineer.
- (5) Vertical geometric requirements.
 - (a) At all points of grade changes, where the algebraic difference in intersecting grades equals one (1) or greater, a vertical parabolic curve shall connect the intersecting grade lines. The vertical curve shall be of a length required to provide a smooth transition avoiding sharp crests or sags, provide proper drainage flow and provide the required horizontal and vertical sight and stopping distances set forth in the current requirements and policies of the American Association of State Highway and Transportation Officials (AASHTO). The vertical curve length shall be in accordance with AASHTO criteria for the design speed of the roadway, prevailing topographic conditions and existing horizontal and vertical sight obstructions. In no case shall the vertical curve lengths be less than the following minimums specified as follows:
 - [1] One hundred (100) feet for algebraic differences in intersection grades of one (1) or greater and less than two (2).
 - [2] Two hundred (200) feet for algebraic differences in intersecting grades of two (2) or greater and less than ten (10).
 - (b) Vertical sight distances. Vertical curves shall be a sufficient length to provide the minimum sight distances as required by current AASHTO requirements and in no case shall be less than the following:
 - [1] Minor streets: two hundred (200) feet.
 - [2] Collector streets: three hundred (300) feet.
 - (c) The location, by station, middle ordinate or K, length and point of vertical intersection (PVI) station must be indicated on the profiles.
- (6) Where dead-end streets (cul-de-sacs) are utilized, they shall conform to the following standards:
 - (a) Dead-end streets of a permanent nature (where provision for the future extension of the street in the boundary of the adjoining property is impractical or impossible) or of a temporary nature (where provision is made for the future extension of the street to the boundary line of

adjoining property) shall provide a turnaround at the end with a right-of-way radius of not less than sixty (60) feet and a cartway radius of not less than fifty (50) feet. The center point for the radius shall be on the center line of the associated street or, if offset, to a point where the cartway radius also becomes a tangent to one (1) of the curblines of the associated street. If the cul-de-sac is offset, the tangent shall be on the right side of the street, wherever possible, for approaching vehicles. In the center of the turnaround, a planting island equal in dimension to the cartway radius minus the cartway width of the roadway shall be provided in lieu of excessive pavement.

- (b) If a dead-end street is of a temporary nature, provisions shall be made for removal of a turnaround and reversion of the excess right-of-way to the adjoining properties as an off-tract responsibility to the developer creating the street extension when the street is extended.
- (7) No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets so as to be confusing therewith. The continuation of an existing street shall have the same name. The names of new streets must be approved by the approving authority.
- (8) All streets shall be curvilinear in horizontal alignment wherever deemed practical and feasible by either the Planning Board or the Planning Board Engineer and shall be designed to discourage speed and monotony. The maximum straight line distance shall not exceed one thousand (1,000) feet.
- (9) Nonresidential streets. The widths of internal streets in business or industrial developments designed as a whole in accordance with a comprehensive site plan shall be determined by the Board in each case in the light of the circumstances of the particular situation and with a view to assuring the maximum safety and convenience of access for traffic and fire-fighting equipment, circulation and parking, including provisions for the loading and unloading of goods, and, in general, shall conform to collector street design standards.
- (10) Subdivisions on existing streets. Subdivisions that adjoin or include existing streets which do not conform to the widths as shown on the Master Plan, the Official Map or the street width requirements of this chapter shall dedicate the required additional width along either one (1) or both sides of the street as the Board may deem necessary.
- (11) Street intersections. Street intersections shall be designed according to the following standards:
 - (a) No more than two (2) streets shall cross the same point.
 - (b) Street intersections shall be at right angles wherever possible, and intersections of less than seventy degrees (70°), measured at the center line of streets, shall not be permitted.
 - (c) All intersections of less than ninety degrees (90°) shall be discouraged.
- (12) Approaches to all intersections shall follow a straight line for at least one hundred (100) feet, measured from the intersecting street corner line to the beginning of the curve. Streets intersecting another street from opposite sides shall have at least two hundred (200) feet between the two (2) street center lines. Any development abutting an existing street which is classified as a collector street

shall be permitted not more than one (1) new street every eight hundred (800) feet on the same side of the street within the boundaries of the tract being subdivided. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development.

- (13) Sight triangles shall be provided as required in this chapter.
- (14) No development showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved, except where the control and disposal of land comprising such strips has been given to the governing body.
- (15) Streets shall be constructed in accordance with the following standards and in accordance with the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation as herein defined.
 - (a) Local and minor streets:
 - [1] Six (6) inches of Class A or B road gravel or an approved equal.
 - [2] Two (2) inches of bituminous stabilized base course.
 - [3] One and one-half (1½) inches of FABC-1 surface course or an approved equal.
 - (b) Collector streets:
 - [1] Six (6) inches of Type 2, Class B, road gravel or an approved equal.
 - [2] Four (4) inches of bituminous stabilized base course.
 - [3] Two (2) inches of FABC-1 surface course or an approved equal.
- (16) Street signs shall be enameled metal of the size and color equal and similar to the type now in use by Little Egg Harbor Township. They shall be in a workmanlike manner. At street intersections, one (1) post shall carry two (2) signs at right angles to denote the name of each street. Posts shall be ten (10) feet overall, with three (3) feet in the ground surrounded with concrete.
- (17) Street and road excavations shall include the work of clearing and grubbing within the limits of the right-of-way and outside thereof, within slope areas to be graded or as otherwise prescribed. The ground surface shall be cleared of trees, brush, weeds, roots, matted leaves, debris and other unsuitable matter before street and roadway subgrade operations are commenced. Trees which do not interfere with the operations shall not be removed but shall be protected during the progress of the work. Branches of trees overhanging the traveled way shall be cut off to a height of fourteen (14) feet above it, and cuts made more than one (1) inch in diameter shall be painted. Tree stumps shall be grubbed out within the areas to be graded where the subgrade will be less than three and one-half (3½) feet above the ground surface.

B. Streetlights.

- (1) Miscellaneous provisions.
 - (a) When required by the provisions of this chapter or by the approving authority, streetlights shall be installed in accordance with the recommended practice of street and highway lighting of the Illuminating Engineering Society along all streets within and abutting any development.

- (b) Said streetlights shall be high-pressure sodium and shall meet the standards of Conectiv, (formerly Atlantic Electric) which presently are as follows:

<u>Watts</u>	<u>Lumens</u>
50	3,600
70	5,500
100	8,550
150	14,400
250	24,750
400	45,000

- (c) All streetlighting standards, fixtures or luminaries which may be required shall be installed at the same time in a single process of installation. All wires and other equipment necessary to serve the streetlighting system shall be placed underground, the cost to be paid by the developer, and arrangements shall be made with the appropriate utility for carrying out this provision.
- (2) In any development consisting of four (4) or more residential units or any other type of nonresidential development, the developer shall be responsible for providing streetlighting so as to provide a minimum lighting level of five-tenths (0.5) horizontal foot-candle on all local, local collector, minor arterial and principal arterial streets. The developer shall pay the full cost for the installation of any streetlights. Streetlights shall be of a type approved by the Committee and by the electric utility company serving the proposed development. Upon notice from the Township, the developer shall deposit with the Township cash or an equivalent in the amount determined by the electric utility to be the cost of the initial installation of the streetlights. The Township shall utilize said cash deposit to pay for the cost of the initial installation of said streetlights.
 - (3) Streetlighting shall be provided by the developer in any development which has been approved by the Planning Board, Board of Adjustment or the Committee. The Planning Board, Board of Adjustment or the Committee, in case of appeal, in approving any development shall require the developer to install streetlighting as a condition of its approval of the development. The developer shall submit a plan for the installation of streetlights to the Board Engineer for approval.
 - (4) Acceptance of streetlighting. If the Planning or Zoning Board includes as a condition of approval of an application for development the installation of streetlighting on a dedicated public street connected to a public utility, then upon notification in writing by the developer to the Board of jurisdiction and Township Committee that (1) the streetlighting on a dedicated public street has been installed and accepted for service by the public utility and (2) that certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by section pursuant to Section 29 of P.L. 1975, c. 291 (C.40:55D-38), the municipality shall within the 30 days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the streetlighting on the dedicated public street on a continuing basis. Compliance by the Township with the provisions of

this section shall not be deemed to constitute acceptance of the street by the municipality.

§ 15-12.3. Curbs; non-residential development.

- A. Concrete curb shall be installed along every street within the development and at intersections with local roads, County roads and State highways, except in the PA, PV and FA Zones, where secondary local streets serving primarily a residential land access function shall be exempt from the curb installation requirement. The standard curb section to be used shall be not more than ten (10) feet in length and shall be set in accordance with approved lines and grades, and radial curbs shall be formed in an arc segment in a smooth curve. Chord segments are prohibited.
- B. Concrete curbs shall be eight by six by eighteen (8 x 6 x 18) inches [six (6) inches exposed face], using Class B concrete having a twenty-eight-day compressive strength of four thousand five hundred (4,500) pounds per square inch.
- C. Expansion joints conforming to the requirements of the New Jersey Department of Transportation shall be provided at twenty-foot intervals in all curbing, with construction joints being provided at ten-foot intervals.
- D. At locations specified by the approving authority and at all intersections, the curbing shall have a barrier-free design to provide a ramp for bicycles and/or wheelchairs, details for which may be obtained from the Engineer. In certain instances, it may be necessary or desirable to construct alternate curb types. For example, these may be required by the Planning Board on the perimeter of channelizing islands or in areas of unusually heavy gutter drainage flow or may be desired by the subdivider for decorative purposes or to preserve vegetation (e.g., granite block curb, rolled concrete curb, etc.). If alternate curb types are to be permitted, an appropriate construction detail shall be submitted for approval with the preliminary and final plat.
- E. All curbs and driveway aprons shall be constructed in accordance with the specifications of the Code of the Township of Little Egg Harbor as contained herein.

§ 15-12.4. Curbs; residential development.

Curbs, gutters and shoulders in all residential developments shall be designed and constructed in accordance with Subchapter 4 (Streets and Parking) of N.J.A.C. 5:21 (Residential Site Improvement Standards), as amended.

§ 15-12.5. Monuments.

Monuments shall be the size and shape required by N.J.S.A. 46:23-9.11 of the Map Filing Law, as amended, and shall be placed in accordance with the statute and indicated on the final map.

§ 15-12.6. Planting details and tree varieties.

The following shade trees or trees of equal or better quality and suitability shall be planted in the following locations. (Only nursery grown, healthy, cultivated varieties of the following species shall be utilized. All plantings must be approved by the Board of jurisdiction.)

- A. Plantings along streets or areas to be dedicated to Little Egg Harbor Township adjacent to brackish waters, rivers, bay or lagoons:
 - (1) *Platanus acerfolia*, London plane-tree.
 - (2) *Pyrus calleryana*, callery pear.
 - (3) *Sophora japonica*, scholartree.

- B. Plantings along streets or areas to be dedicated to Little Egg Harbor Township (uplands):
 - (1) *Acer saccharum*, sugar maple.
 - (2) *Acer platanoides*, Norway maple.
 - (3) *Fraxinus americana*, white ash.
 - (4) *Pyrus calleryana*, callery pear.
 - (5) *Quercus borealis*, red oak.
 - (6) *Quercus phellos*, willow oak.
 - (7) *Sophora japonica*, scholartree.
 - (8) *Tilia cordata*, littleleaf linden.
 - (9) *Zelkova serrata*, Zelkova.

- C. Plantings along streets or areas to be dedicated to Little Egg Harbor Township (adjacent to fresh water):
 - (1) *Acer rubrum*, red maple.
 - (2) *Fraxinus lanceolata*, green ash.
 - (3) *Gleditsia triancanthos*, honeylocust.
 - (4) *Liquidambar styraciflua*, sweetgum.
 - (5) *Platanus acerfolia*, London plane-tree.
 - (6) *Quercus phellos*, willow oak.

- D. Site plantings (adjacent to fresh or brackish waters) other than areas to be dedicated to Little Egg Harbor Township:
 - (1) Any tree permitted under Subsection A. or D. of this section.
 - (2) *Betula populifolia*, birch.
 - (3) *Prunus serrulata*, Japanese cherry.
 - (4) *Crategus oxycantha*, hawthorn.
 - (5) *Quercus palustris*, pin oak.
 - (6) *Salix babylonica*, willow.

- E. Site plantings on uplands other than areas to be dedicated to Little Egg Harbor Township:
 - (1) Any tree permitted under Subsection B. of this section.
 - (2) *Cornus florida*, dogwood.
 - (3) *Malus species*, crab apple.
 - (4) *Quercus alba*, white oak.

- (5) Pinus strobus, white pine.
 - (6) Pinus thunbergi, black pine.
 - (7) Ilex americana, holly.
- F. All plantings shall be planted in accordance with the details provided herewith, and all landscape plans shall include planting details which conform to the details provided herewith and additional requirements as appropriate to assure the proper installation, survival and growth of all plantings.
- G. All plantings shall conform to the standards of the American Association of Nurserymen, Inc., as set in the most recent addition of the American Standard for Nursery Stock (ANSI Z60.1). Trees which are diseased, damaged, exhibit irregular or undesirable branching, habit or form and trees with a cut or dead leader shall not be utilized.

§ 15-12.7. Trees. [Amended 5/24/2001 by Ord. No. 2001-08]; [Amended 12/27/2001 by Ord. No. 2001-035]; [Amended 9/9/2004 by Ord. No. 2004-24]; [Amended 4/14/2005 by Ord. No. 2005-12]

The Tree and Natural Habitat Protection – MINOR & MAJOR SUBDIVISIONS AND SITE PLANS

Section 1 – Definitions

Definitions in this Ordinance are as defined in the Land Use Ordinance and as follows:

“SPECIMEN TREE” any living deciduous or coniferous tree(s) that has superior characteristics and quality when compared to trees of the same species or other trees in its vicinity within the Township of Little Egg Harbor. Such a tree must also have a circumference that is 50% of the registered circumference of the same species as noted in New Jersey’s Record Trees. The determination of a “specimen tree” can be made by the Department of Community Development and Planning with the assistance of the Township Landscape Architect and Environmental Commission as needed.

“NATURAL HABITAT” shall mean an undisturbed natural area and its wild-growing plant life and vegetation, which may be in a field, the undergrowth in a stand of trees, or a forest floor, and may consist of trees, shrubs, bushes, vines, etc. Particular emphasis and preservation consideration is to be accorded holly trees and mountain laurel, which are native to the Township of Little Egg Harbor.

“ALTER” means to take action by cutting or pruning any tree, or by filling, surfacing, grading, compacting or changing the drainage pattern of the soil around any tree in a manner that threatens to diminish the vigor of the tree; provided that, as used in this chapter, the term “alter” does not include normal seasonal trimming, shaping, thinning or pruning of a tree necessary to its health and growth.

“CRITICAL FOOTPRINT AREA” shall mean any area to be occupied by a building, driveway, drainage field, septic tank or recreation area (tennis courts, swimming pools or similar facilities).

“DRIPLINE” shall mean a line connecting the tips of the outermost branches of a tree, projected vertically onto the ground.

“FARMLAND ASSESSMENT ACT” shall mean the New Jersey State Law, N.J.S.A. 514:4-23.1 *et seq.*

“WOODLAND MANAGEMENT PLAN” shall mean a plan prepared in accordance with criteria set forth in Woodland Management Plan N.J.A.C. 18:15-2.10 and which is required to be filed with the assessor and the DEP by an owner of the woodland as set forth in N.J.A.C. 18:15-2.7.

Section 2 – Purpose and Findings

A. Purpose. The intent of this provision is to encourage the preservation of existing coniferous and deciduous trees, and shrubs, growing in a natural state in the Township of Little Egg Harbor; to regulate the removal of trees and habitat; to protect the Township’s natural environment; to establish the authority for tree and habitat protection; and to provide penalties for violation of this ordinance.

B. Findings. The Township finds that excessive removal and destruction of natural habitat impairs the stability and value of improved and unimproved real property in such area(s).

The Township further finds that regulations for the control of such indiscriminate destruction are within the police powers of the Township.

The Township has determined that the development of unimproved and vacant land for purposes of commercial and residential development has resulted in:

- (1) The indiscriminate removal of, and excessive loss of trees.
- (2) The destruction of holly trees and mountain laurel; species which are particularly indigenous to Little Egg Harbor Township.
- (3) The creation of increased surface water runoff and soil erosion.
- (4) The compacting of soil and resultant loss of primary sources of natural ground water necessary for the replenishment of aquifers within the Township.
- (5) Loss of homeowner privacy and property values.

C. Applicability. The provisions of section 15-12.7 shall apply to all lands within the Township which are the subject of a minor subdivision, major subdivisions or site plan approval of the Planning Board or Board of Adjustment, with the exception of lands within the jurisdiction of the New Jersey Pinelands Commission. **[Amended 4/14/2005 by Ord. No. 2005-12]**

D. Permit required: Prior to the clearing, removal, and/or destruction of trees and natural habitat, a permit will be required to be obtained from the Department of Community Development and Planning.

Unauthorized clear-cutting is strictly prohibited.

No person, entity, or contractor, including the property owner shall remove, destroy, or cause to be removed or destroyed, any tree(s), holly or mountain laurel, on land that is to be developed as part of a major or minor subdivision or site plan within the Township, unless a permit is first obtained for such removal, and such removal has specifically been authorized by the Township, or there is an exemption for the property under Section L. **[Amended 4/14/2005 by Ord. No. 2005-12]**

A tree clearing permit shall be required for all work within the right-of-way, easements and stormwater management areas. A separate permit for each individual building lot and/or site plan shall also be required. Under no circumstances shall clearing of individual lots occur until all right-of-way, easements, stormwater management areas clearing has been completed and an individual lot clearing permit, including a building specific tree clearing plan has been submitted to and approved by the Department of Community Development and Planning.

E. Permit application. Application for a permit shall be made to the Department of Community Development and Planning and shall contain the information as required per “Tree Permit Form 15-12, 2001” and as follows:

- (1) Location on the property, of the trees, mountain laurel, and/or holly on the removal plan. For any major or minor subdivisions, and all site plans, the tree location plan shall be indicated on a survey prepared by a licensed Land Surveyor.
 - (a) The plan shall indicate the number and location of tree(s), mountain laurel, and/or holly to be preserved.
 - (b) The plan shall indicate a limit of disturbance line.
 - (c) All trees greater than twelve (12) inches in caliper (DBH), American Holly greater than eight (8) feet in height, Mountain Laurel masses greater than four hundred (400) square feet, or any specimen tree (i.e. any unique or remarkable tree or species) to be removed shall be indicated on the plan. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- (2) Any other information, which may reasonably be required to enable the application to be properly evaluated (i.e. Woodland Management Plan).
- (3) Minor or Major Subdivision Plans or Site Plans as approved by the Planning Board or Zoning Board of Adjustment in accordance with this section 15-12.7. **[Amended 4/14/2005 by Ord. No. 2005-12]**

F. Application Fee. A tree removal permit application must be obtained from, and filed with, the Department of Community Development and Planning.

For new construction or residential building sites, a filing fee of twenty-five dollars (\$25) will be required for each building lot, or buildable lot and twenty-five dollars (\$25) per acre for non-residential development. **[Amended 4/14/2005 by Ord. No. 2005-12]**

- G. Issuance of Tree Removal Permits. Where an application is made in connection with the construction of a building or other improvements, no building permit shall be issued until the tree removal permit has been granted.
- (1) New Development. If the application is for a new development (subdivision or site plans), trees may be removed as permitted by subsection I of this ordinance for the purpose of clearing for roads, utilities, storm water management areas, building envelopes and driveways, provided a Performance Guarantee is posted pursuant to N.J.S.A. 40:55D-53 for the trees to be replanted as required by this section. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (2) Non-residential development. All existing non-residential development shall be required to obtain a removal permit prior to any removal of trees, mountain laurel, and/or holly.
- H. Removal Plan. Where the application is in conjunction with an application for a subdivision, or site plan approval, a removal plan shall be submitted and shall include the following:
- (1) Total acreage of the tract.
 - (2) A site plan, on a scale of one (1) inch equals fifty (50) feet or less, showing the location of existing wooded areas. The site plan shall include the lot and block numbers, the street address, if assigned, and a statement of compliance with the requirements of this section. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (3) The location of streams and watercourses.
 - (4) The location of slopes greater than ten percent (10%) where any removal is proposed.
 - (5) The location(s), species, and caliper of all trees ten (10) inches or greater in caliper (DBH) or greater than eight (8) feet in height for evergreens to be removed on a survey drawing and/ or site plan. The location, species, size of existing trees shall be established by onsite survey and may be accomplished by a representative 10,000 square foot sample (100' x 100') taken at one sample area per two acres of disturbance area or portion thereof. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (6) The location of specimen trees and all trees greater than twelve (12) inches in caliper (DBH), or any American Holly ten (10) feet in height, or Mountain Laurel masses four hundred (400) square feet in area, if any. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (7) The location of existing and proposed structures including parking areas, detention basins and other stormwater facilities.
 - (8) The location of replacement trees, including a replacement schedule indicating species, quantities and size in accordance with Section N, Mitigation Required.
 - (9) The removal plan shall include a schedule for compliance with this section 15-12.7 for the protection, removal and reforestation of trees. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (10) The following information may be required, at the discretion of the reviewing entity, for approval of tree removal:
 - (a) The quality, quantity and limits of vegetation on the remainder of the site.
 - (b) The location, species and caliper of each tree within the drip line of each tree to be removed.

- (c) Existing contours and proposed grading.
- (d) Proposed preservation methods of trees to remain, if necessary.

I. Standards for removal.

- (1) Existing landscape. The intent of this section is to encourage the preservation of existing deciduous and coniferous trees, mountain laurel, and holly. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- (2) Any area occupied by the Critical Footprint Area, such as a building, driveway, stormwater management areas, swales, areas requiring grading to improve stormwater flow on the site, utility lines, drainage field, septic tank or recreation area (tennis courts, swimming pools or similar facilities) may have the trees removed for a distance of not more than fifteen (15) feet around the perimeter of such facilities, provided that the same does not violate any buffer requirements within the zone. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- (3) The permit shall be granted if there is a finding by the Township Zoning Officer and/or Township Landscape Architect or Engineer that the removal and destruction will not impair the growth and development of remaining trees on the property of the applicant or adjacent properties and would not cause erosion of soil. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- (4) The Township Zoning Officer and/or Township Landscape Architect or Engineer shall view the land where the tree or trees are to be removed, as well as drainage, grade and other physical conditions existing on the subject or adjoining property, and will consider the report from the Environmental Commission when issuing a permit.
- (5) Protection of trees, mountain laurel and/or holly.
 - (a) No structure, equipment or movable machinery, shall be permitted to be stored, parked, or operated within the dripline of any tree, which is to be saved, in order not to disturb the soil and injure the tree, except when the dripline of the tree is within the fifteen-foot area set forth in Subsection I-1 herein.
 - (b) If the removal of, or destruction of trees, will impede or hamper the growth and vigor of the remaining trees, removal will not be permissible unless a stump grinder is utilized.
 - (c) No soil material, equipment, temporary buildings, work areas, fuels, and other construction items shall be placed within the dripline of trees.
 - (d) Trees not subject to removal under the permit granted shall be fenced or heavily marked with ribbon so as to prevent injury or removal. The fence installation or ribbon markings must be approved by the Township Engineer prior to clearing. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (e) All planting shall follow the guidelines as set forth in the Landscaping Ordinance Sections 15-11.8.
 - (f) Any tree of historical or environmental significance or any tree that is significant by reason of its rarity, as determined by the Township Engineer, shall not be cut or removed unless applicant shows substantial evidence as to the necessity of the cutting or removal. The determination as to whether to cut or remove such a tree shall be in the discretion of the

Township Engineer. Specimen trees shall be protected in accordance with the provisions of Subsection M herein. **[Amended 4/14/2005 by Ord. No. 2005-12]**

- J. Buffer. It is a requirement of this ordinance that, natural habitat buffer zones shall be preserved as per Land Use Ordinance Section 15-11.7. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- K. Permit revocation. The administrative office may revoke a permit when there has been a false or misleading application or for noncompliance with an approved replacement plan.
- L. Exemptions. The following shall be exempt from the requirements of section 15-12.7. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (1) Commercial nurseries, fruit orchards, and agricultural uses. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (2) Christmas tree plantations.
 - (3) Removal of trees which are dead, dying or diseased, or trees which have suffered severe damage, or any tree or trees whose angle or growth makes them a hazard to structures or human life.
 - (4) Any tree growing on or over a public right of way, when removed by the township or other governing entity that has jurisdiction over the property upon which the tree is growing. **[Amended 4/14/2005 by Ord. No. 2005-12]**
 - (5) Township approved pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines.
 - (6) In Township forest fire hazard areas, for purposes of fire prevention, trees and shrubs may be cleared around structures in jeopardy.
 - (7) Individual single family lots and individual homeowners.
- M. Protection of specimen trees. Any development interfering with or affecting specimen trees is prohibited. All development is prohibited that would significantly reduce the amount of light reaching the crown of a specimen tree, alter the drainage patterns within the site where the specimen tree is located, adversely affect the quality of water reaching the site where the specimen tree is located, cause erosion or the depositing of material in or directly adjacent to the specimen tree or otherwise injure the specimen tree. The site of the specimen tree extends to the outer limit of the buffer area to avoid adverse impact, or fifty (50) feet from the tree, which ever is greater. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- N. Mitigation Required
 - (1) Mitigation for tree removal shall be required for the following actions:
 - (a) Removal of trees in connection with actions that require site plan or subdivision approval.
 - (b) Clearing of trees that occurs beyond the approved limit of clearing and or the Critical Footprint Area that was not approved as part of a prior subdivision approval. **[Amended 4/14/2005 by Ord. No. 2005-12]**

- (2) Number of Replacement Trees. Replacement shall be required in accordance with the following schedule:

Caliper of Removed Tree	Number of Replacement Trees
Mountain Laurel (1) (Min. size 3 ft. or greater)	1 (shrub)
American Holly (1) (Min. size 5 ft. or greater)	1
10 to 12 inches (all)	1
12 to 16 inches (all)	2
16 to 24 inches (all)	3
24+ inches (all)	4

The number of replacement trees may be reduced by the number of trees required to be planted as set forth in Ordinance 15-11.8 (Landscaping). **[Amended 4/14/2005 by Ord. No. 2005-12]**

- (3) Replacement Species. Trees shall be replaced with the same species, or other available species that is native to New Jersey. In the case where the species is known to be disease-prone or is otherwise not ecologically or aesthetically appropriate, other species shall be permitted.
- (4) Planting Standards. All replacement trees shall be nursery grown, certified and guaranteed and shall have a minimum caliper of 2.5 inches for shade trees, 1.5 inches for ornamental trees, a height of two feet for shrubs and a height of 6 feet for evergreen trees. All trees shall be balled and burlapped and planted as per Township of Little Egg Harbor standards. **[Amended 4/14/2005 by Ord. No. 2005-12]**
- (5) Off-Site Contributions. If all required replacement trees cannot be provided on the subject lot(s), an off-site tract shall be selected by the Township Engineer with the approval of the Township Committee for such replanting and a replanting plan shall be prepared by the applicant for approval by the Township Landscape Architect and/or the Township Engineer. In lieu of the replanting requirement specified above, the applicant shall pay a cash equivalent to the Township of Little Egg Harbor for each tree not replanted as determined by the Township Landscape Architect and or the Township Engineer in accordance with subsection N.2 of 15-12.7 to be placed in a fund entitled “Little Egg Harbor Tree Bank Account” to be used for the purchase of replacement trees by the Township of Little Egg Harbor for use on public property. **[Amended 4/14/2005 by Ord. No. 2005-12]**

In the event the cash contribution is made, such contribution shall be made prior to the filing of final map and/or approval for construction. No tree removal permit shall be issued until such time as the Mitigation requirement is met as outlined above. **[Amended 4/14/2005 by Ord. No. 2005-12]**

The following contribution schedule shall apply:

Description	Value/Unit
Mountain Laurel	\$100.00/Shrub
American Holly	\$500.00/Tree
All Other Trees	\$300.00/Tree

The above schedule of contribution fees shall be reviewed by the Landscape Architect/Township Engineer and modified as required to meet current values on a bi-annual basis. [Amended 4/14/2005 by Ord. No. 2005-12]

O. Silviculture.

Tree farming and timber harvesting must be in accordance with “Timber harvesting guidelines” as promulgated by the N.J. Chapter, Society of American Foresters and the N.J. Forestry Association.

Additional silviculture regulations of the Township as follows, are to be compiled with:

- (1) Undisturbed buffer areas of natural habitat will be preserved within a hundred feet of all property lines, streets, paper streets, and/or approved or unapproved roadways.
- (2) No harvesting, clearing, cutting or destruction of holly trees or mountain laurel, is permitted, save the unavoidable damage incurred to such species by felled trees. Tree harvesting debris shall be removed from such areas to facilitate the growth of such species.

P. Violation penalties. Any person violating or failing to comply with any of the provision of section 15-12.7 shall, upon conviction thereof, be punishable by a fine of not more than one thousand two hundred dollars (\$1,200.00) per violation, by imprisonment for a term not to exceed ninety (90) days or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. [Amended 4/14/2005 by Ord. No. 2005-12]

Q. The provisions of section 15-12.7 shall be enforced by the Township Zoning officer, Code Enforcement Officer, Township Engineer, Township Planner and Township Police Department. [Amended 4/14/2005 by Ord. No. 2005-12]

§ 15-12.8. Sidewalks; non-residential development.

Sidewalks shall be required, except in the PA, PV and FA Zones. Sidewalks shall be at least four (4) inches thick of Class B concrete having a twenty-eight-day compressive strength of four thousand five hundred (4,500) pounds per square inch. Expansion joints shall be provided at twenty-foot intervals in sidewalks, with construction joints at four-foot intervals. Expansion joints shall also be provided at all points where sidewalks intersect or abut concrete drive aprons

and at all points where concrete drive aprons abut curbing. Concrete drive aprons shall have a thickness of at least six (6) inches and shall be of Class B concrete having a twenty-eight-day compressive strength of four thousand five hundred (4,500) pounds per square inch and shall be air-entrained. Such driveway aprons shall be reinforced with six by six (6 x 6) inches of 10/10 welded steel wire mesh.

§ 15-12.8.1. Sidewalks; residential development.

Sidewalks in all residential developments shall be designed and constructed with Subchapter 4, Streets and Parking, of N.J.A.C. 5:21 (Residential Site Improvement Standards), as amended.

§ 15-12.9. Sight triangles.

Sight triangles shall be required at each quadrant of an intersection of streets and streets and driveways. The area within sight triangles shall be maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting or structure shall be erected or maintained between thirty (30) inches and eighty-four (84) inches above the center line grade of each street or driveway intersection, excluding utility poles, street name signs and official traffic regulation signs. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees, as well as establish proper excavation and grading, to provide the sight triangle. Trees within a sight triangle or distance area shall be of sufficient size to be pruned to a seven-foot branching height upon planting. Planting within a sight triangle or distance area must be approved by the Township Engineer. The "sight triangle" is that area bounded by the intersecting street lines and a straight line which connects sight points located on each of the two (2) intersecting center-line street lines the following distances away from the intersecting street lines: arterial streets at three hundred (300) feet, collector streets at two hundred (200) feet, minor collector roads at one hundred twenty (120) feet and minor streets at ninety (90) feet. Sight points for driveways shall be located on the center line of the driveway a distance of thirty (30) feet from the right-of-way line of the intersecting roadway and on the center line of the intersecting roadway a distance of ninety (90) feet from the center line of the driveway. The classification of existing and proposed streets shall be those shown on the adopted Master Plan or as designated by the Planning Board at the time of the application for approval for a new street not included on the Master Plan. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the Township Land Development Ordinance." Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by the zoning provisions.

§ 15-12.10. Grading, topsoil and seeding.

All lots, open spaces and planting areas shall be graded to secure proper drainage, to prevent the collection of stormwater and to prevent an adverse impact on adjacent properties. The grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. This shall include the installation of protective barriers, such as four-foot-high snow fence or silt fence along the drip line of the tree or at a distance of not less than four

feet from shrubs and not less than 10 feet from trees. These barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized by seeding or planting. Gradings shall be designed to prevent or minimize drainage to structures or improvements when major storms, exceeding the design basis of the storm drainage system, occur. Grading plans shall have been submitted with the preliminary and final plats, and any departure from these plans must be approved in accordance with the requirements of this section for the modification of improvements. When the development of an individual lot is involved, a grading waiver may be granted with written approval by the Township Engineer.

- A. Wherever possible, the land shall be graded so that the stormwater from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be directed to a system of interior yard drainage designed in accordance with this chapter.
- B. Unless otherwise required by this chapter, all tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below existing or finished grade, whichever is lower.
- C. The minimum slope for lawns and disturbed areas shall be one and one half percent (1½%) and, for smooth, hard-finished surfaces other than roadways, four-tenths of one percent (4/10 of 1%). **[Amended 9/8/2005 by Ord. No. 2005-21]**
- D. The ground within eight (8') feet, or ten (10') feet, of a building shall be graded in accordance with the New Jersey Uniform Construction Code, so as to drain surface water away from the foundation wall. The maximum grade for lawns and disturbed areas more than ten (10') feet from a building shall be twenty-five (25%) percent, except for driveways the maximum grade shall be ten (10%) percent. **[Amended 3/25/2010 by Ord. No. 2010-05]**
- E. Site grading and filling, if necessary, shall be performed such that the outside finished grade shall be above the crown of the roadway directly in front of the structure in accordance with the standards set forth in this section. All lots being filled shall be filled so as to allow complete surface draining of the lot to the street or natural drainage right-of-ways. No construction or regrading shall be permitted which creates or aggravates water stagnation, siltation or drainage problems on adjacent properties. Any topsoil disturbed during approved operations shall be redistributed throughout the site.
- F. Sites requiring cuts or fills shall be designed with retaining walls and protective tile or masonry rings such that a minimum amount of trees will have to be removed in order to meet existing grades.
- G. Retaining walls installed in slope-control areas shall be constructed of heavy creosoted timber or logs, reinforced concrete, other reinforced masonry or of other construction acceptable to the Board Engineer and shall be adequately designed and detailed on the final plat to carry all earth pressures, including any surcharges. The heights of retaining

walls shall not exceed one-third (1/3) of the horizontal distance from the foundation wall of any building to the face of the retaining wall.

- H. The subdivider shall take all necessary precautions to prevent any siltation of streams during the construction of the subdivision. The subdivider shall provide adequate provisions to prevent all deposition of silt or other eroded material in any stream or watercourse. Such provisions may include but are not limited to construction and maintenance of siltation basins or holding ponds and diversion berms throughout the course of construction and planting areas.
- I. All lots, open space and planting areas shall be seeded with a suitable stabilizing ground cover approved by the Township Engineer. On any waterfront lots or open spaces, the Board may allow a suitable stabilizing ground cover other than seeding if approved by the Township Engineer.
- J. No topsoil shall be removed from the site or used as soil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of spread cover to all seeding and planting areas of the subdivision and shall be stabilized by seeding or planting. In the event that the quantity of topsoil at the site is insufficient to provide four (4) inches of cover for all seeding and planting areas, the developer shall provide and distribute a sufficient quantity of topsoil to provide such a cover. Topsoil shall be approved by the Township Engineer.
- K. This section shall be applicable to all subdivisions, site plans and all individual dwelling unit(s) site disturbances.
- L. If, in the opinion of the Township Engineer, the requirements of this section cannot be met, a certification from a licensed Engineer or licensed Land Surveyor setting forth an acceptable drainage and grading plan shall be necessary prior to the issuance of a certificate of occupancy.

§ 15-12.11. Stormwater Control Ordinance for areas that are not within the Pinelands Area. [Amended on 12/13/2007 by Ord. No. 2007-26]

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

- B. Purpose. It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “major development,” as defined in subsection E.
- C. Applicability.
- (1) This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
 - (a) Non-residential major developments; and
 - (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - (2) This ordinance shall also be applicable to all major developments undertaken by Little Egg Harbor Township.
- D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.
- E. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA PLANNING MAP – The geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

CAFRA CENTERS, CORES or NODES – Those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

COMPACTION – The increase in soil bulk density.

CORE – A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY – An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- (1) A county planning agency; or
- (2) A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT – The New Jersey Department of Environmental Protection.

DESIGNATED CENTER – A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER – A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A. 4:1C-1 et seq.

DRAINAGE AREA – A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

ENVIRONMENTALLY CRITICAL AREAS – An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

EMPOWERMENT NEIGHBORHOOD – A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

EROSION – The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FILTER MATERIAL – Washed gravel crushed stone, slag, or clean bank run gravel ranging in size from one-half (½”) inch to two and one-half (2 ½”) inches free of dust, ashes or clay.

IMPERVIOUS SURFACE – A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION – The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT – Any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY – Any city, borough, town, township, or village.

NET FILL – The total amount of fill created incidental to the completion of the project less that amount of excavated material removed during the completion of the project, both measured below the elevation of the edge of the flood hazard area.

NODE – An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT – A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON – Any individual, corporation, company, partnership, firm, association, Little Egg Harbor Township, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 *et seq.*

POLLUTANT – Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

RECHARGE – The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT – Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE – The lot or lots upon which a major development is to occur or has occurred.

SOIL – All unconsolidated mineral and organic material of any origin.

SOURCE MATERIAL – Any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) – An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP – The geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

STORMWATER – Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER RUNOFF – Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT BASIN – An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE – Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

TIDAL FLOOD HAZARD AREA – A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

TIME OF CONCENTRATION – The time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD – A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES – A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 *et seq.*

URBAN REDEVELOPMENT AREA – Previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE – The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND – An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

F. Design and Performance Standards for Stormwater Management Measures

- (1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in subsection G. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
- (2) The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater

management plan or Water Quality Management Plan adopted in accordance with Department rules.

G. Stormwater Management Requirements for Major Development

- (1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with subsection M.
- (2) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- (3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections G(6) and G(7):
 - (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14') feet, provided that the access is made of permeable material.
- (4) A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsections G(6) and G(7) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of subsections G(6) and G(7) to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of subsections G(6) and G(7), existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under subsection G(4)(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsections G(6) and G(7) that were not achievable on-site.
- (5) Nonstructural Stormwater Management Strategies
 - (a) To the maximum extent practicable, the standards in subsections G(6) and G(7) shall be met by incorporating nonstructural stormwater management strategies, set forth in subsection G(5), into the design. The applicant shall identify the nonstructural measures incorporated into the design of the

project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph (b) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

(b) Nonstructural stormwater management strategies incorporated into site design shall:

- [1] Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- [2] Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- [3] Maximize the protection of natural drainage features and vegetation;
- [4] Minimize the decrease in the "time of concentration" from pre-construction to post construction.
- [5] Minimize land disturbance including clearing and grading;
- [6] Minimize soil compaction;
- [7] Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- [8] Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
- [9] Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - [a] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy subsection G(5)(c) below;
 - [b] Site design features that help to prevent discharge of trash and debris from drainage systems;
 - [c] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - [d] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(c) Site design features identified under subsection G(5)(b)[9][b] above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see subsection G(5)(c)[4] below.

- [1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect

stormwater from that surface into a storm drain or surface water body under that grate:

- [a] The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - [b] A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.
- [2] Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.
- [3] Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2") inches across the smallest dimension.
- [4] This standard does not apply:
- [a] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - [b] Where flows from the water quality design storm as specified in subsection G(7)(a) are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (i) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - (ii) A bar screen having a bar spacing of 0.5 inches.
 - [c] Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in subsection G(7)(a); or
 - [d] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

- (d) Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsection G(6) and G(7) shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk’s office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
 - (e) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department’s website at www.njstormwater.org.
- (6) Erosion Control, Groundwater Recharge and Runoff Quantity Standards.
- (a) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
 - [1] The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
 - [2] The minimum design and performance standards for groundwater recharge are as follows:
 - [a] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at subsection I, either:
 - (i) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100%) percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (ii) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - [b] This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to G(6)(a)[2][c] below.
 - [c] The following types of stormwater shall not be recharged:
 - (i) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United

- States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
- (ii) Industrial stormwater exposed to “source material.”
- [d] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.
 - [e] The infiltration/recharge systems shall not be situated within two hundred (200’) feet of a private well not within five hundred (500’) feet from a municipal well.
- [3] In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at subsection I, complete one of the following:
- [a] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - [b] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - [c] Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are fifty (50%) percent, seventy-five (75%) percent and eighty (80%) percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction

stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

[d] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with [a], [b], and [c] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(b) Any application for a new agricultural development that meets the definition of major development at subsection E shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, “agricultural development” means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

(7) Stormwater Runoff Quality Standards

(a) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by eighty (80%) percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution			
Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

(b) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection J, or found on the Department’s website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in subsection J. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

(c) If more than one BMP in series is necessary to achieve the required eighty (80%) percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where:

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section I(3)
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

- (d) If there is more than one onsite drainage area, the eighty (80%) percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (e) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in subsections G(6) and G(7).
- (f) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in subsection J.
- (g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (h) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

- [1] The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:
 - [a] A three hundred (300') foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.
 - [b] Encroachment within the designated special water resource protection area under Subsection [a] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150') feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
- [2] All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.
- [3] If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
 - [a] Stabilization measures shall not be placed within one hundred fifty (150') feet of the Category One waterway;
 - [b] Stormwater associated with discharges allowed by this section shall achieve a ninety-five (95%) percent TSS post-construction removal rate;
 - [c] Temperature shall be addressed to ensure no impact on the receiving waterway;
 - [d] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall

- condition of the special water resource protection area will be maintained to the maximum extent practicable;
- [e] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
 - [f] All encroachments proposed under this section shall be subject to review and approval by the Department.
- [4] A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to subsection G(7)(h) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G(7)(h) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G(7)(h)[1][a] above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than one hundred fifty (150') feet as measured perpendicular to the waterway subject to this subsection.
- [5] Paragraph G(7)(h) does not apply to the construction of one (1) individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

H. Calculation of Stormwater Runoff and Groundwater Recharge.

- (1) Stormwater runoff shall be calculated in accordance with the following:
- (a) The design engineer shall calculate runoff using one of the following methods:
 - [1] The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
 - [2] The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
 - (b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at subsection H(1)(a)[1] and the Rational and Modified

Rational Methods at subsection H(1)(a)[2]. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application. If more than one land cover has existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (c) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 - (d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.
 - (e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- (2) Groundwater recharge may be calculated in accordance with the following:
- (a) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

I. Standards for Structural Stormwater Management Measures.

- (1) Standards for structural stormwater management measures are as follows:
 - (a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

- (b) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one (1") inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one (1") inch and a maximum spacing between bars of six (6") inches. In addition, the design of trash racks must comply with the requirements of subsection K.4.
 - (c) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 - (d) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half (2½") inches in diameter.
 - (e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at subsection K.
- (2) Dams and embankments.
- (a) The minimum top width for all dams and embankments are listed below. These values have been adopted from the Standards for Soil Erosion and Sediment Control in New Jersey published by the New Jersey State Soil Conservation Committee.

MINIMUM TOP WIDTHS	
Height (ft) Width (ft)	Top
0-15	10
15-20	12
20-25 or greater	14

- (b) The design top elevation of all dams and embankments after all settlement has taken place, shall be equal to or greater than the maximum water surface elevation in the basin resulting from the routed freeboard hydrograph. Therefore, the design height of the dam or embankment, defined as the vertical distance from the top down to the bottom of the deepest cut, shall be increased by the amount needed to ensure the design top elevation will be maintained following all settlement. This increase shall not be less than five percent. Where necessary, the Engineer shall require consolidation tests of the undisturbed foundation soil to more accurately determine the necessary increase in design height.
- (c) All earth fill shall be free from brush, roots, and other organic material subject to decomposition.

- (d) Cutoff trenches are to be excavated along the dam or embankment center line to impervious subsoil.
 - (e) The fill material in all earth dams and embankments shall be compacted to at least ninety-five (95%) percent of the maximum dry density obtained from compaction tests performed by the appropriate method in ASTM D698.
- (3) Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by subsection G of this ordinance.
- (4) Manufactured treatment devices may be used to meet the requirements of subsection G of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.
- (5) Stormwater basin bottoms.
- (a) To promote complete emptying and prevent standing water or soggy surfaces, vegetated bottoms shall have a minimum slope of two (2%) percent and shall be graded to the outlet structure or low flow channel, or low point (for infiltration basin).
 - (b) To promote complete emptying and prevent standing water or soggy surfaces, the lowest point in the bottom shall be at least one and one-half (1½') feet (or four (4') feet for infiltration basin) above the seasonally high groundwater level unless adequate subsurface drains are provided
 - (c) To provide adequate drying time, to avoid delaying scheduled maintenance efforts, and to prevent mosquito breeding, the maximum storage or ponding duration should not exceed forty-eight (48) hours.
 - (d) Subsurface drains connected to low flow channel, principal outlet structure, or other downstream discharge point shall be employed whenever possible to promote quick and thorough drying of the facility bottom.
 - (e) To minimize routine grass maintenance such as mowing and fertilizing, the use of grass varieties that relatively slow growing and tolerant of poor soil conditions are encouraged.
 - (f) To facilitate removal efforts, sedimentation shall be promoted at localized, readily accessible areas. The use of sediment traps at inflow and outflow points is encouraged, especially those lined with materials which have smooth, easily cleaned surfaces such as concrete. For this reason, the use of loose stone, rip rap, and other irregular linings which require manual removal of weeds, sediment, and debris should be avoided.
 - (g) Subsurface detention/infiltration facilities shall provide suitable access, observation points and/or monitoring wells to facilitate inspection and cleaning.
- (6) Detention facilities in flood hazard areas.

- (a) Whenever practicable, developments and their stormwater detention facilities should be beyond the extent of the flood hazard area of a stream. When that is not possible and detention facilities are proposed to be located partially or wholly within the flood hazard area (as defined by the New Jersey Division of Water Resources, Bureau of Flood Plain Management), or other areas which are frequently flooded, some storm conditions will make the facility ineffective at providing retention of site runoff. This will happen if the stream is already overflowing its banks and the detention basin causing the basin to be filled prior to the time it is needed. In such cases the standards established in these regulations will be modified in order to give only partial credit to detention capacities located within a flood hazard area. The credit will vary in a ration intended to reflect the probability that storage in a detention basin will be available at the time a storm occurs at the site.
- (b) Detention storage provided below the elevation of the edge of the 100-year flood plain will be credited as effective storage at a reduced proportion as indicated in the table below:

SIZE OF DRAINAGE AREA*

Elevation	Less than Sq Miles	5-100 Sq Miles	Greater than 100 Sq. Miles
Less than 2' below	40%	65%	90%
Between 2' and 4' below	25%	50%	75%
Over 4" below	10%	25%	50%

*Area contributing floodwaters to the flood hazard area at the site in question.

- (c) This effective detention storage will be required to provide for drainage of the developed land in accordance with the criteria already established in these regulations. However, the gross storage considered for crediting will not exceed that which would be filled by runoff of a 100-year storm from the site.
- (d) As an alternative to approach (b) above, if the developer can demonstrate that the detention provided would be effective, during runoff from the 100-year 24-hour Type 11 storm, peaking simultaneously at the site and on the flood hazard area, his or her plan will be accepted as complying with provisions of subparagraph (b) above.
- (e) In making computations under subparagraph (b) or (c) above, the volume of net fill added to the flood hazard area portion of the project's site will be subtracted from the capacity of effective detention storage provided.
- (f) Where detention basins are proposed to be located in areas which are frequently flooded but have not been mapped as flood hazard areas, the provisions of either subparagraph (b) or (c) will be applied, utilizing the elevation of a computed 100-year flood.

- (g) Developers are also required to show compliance with the flood hazard areas regulations of the Department of Environmental Protection
- (7) Methods for Assessing Soil Suitability for Infiltration Stormwater Management BMPs. The results of a subsurface investigation shall serve as the basis for the site selection and design of stormwater infiltration BMPs. The subsurface investigation shall include, but not be limited to, a series of soil test pits and soil permeability tests conducted in accordance with the following:
- (a) All soil test pits and soil permeability results shall be performed under the direct supervision of a Professional Engineer. All soil logs and permeability test data shall be accompanied by a certification by a Professional Engineer. The results and location (horizontal and vertical) of all soil test pits and soil permeability tests, both passing and failing, shall be reported to Little Egg Harbor Township.
 - (b) During all subsurface investigations and soil test procedures, adequate safety measures shall be taken to prohibit unauthorized access to the excavations at all times. It is the responsibility of persons performing or witnessing subsurface investigations and soil permeability tests to comply with all applicable Federal, State and local laws and regulations governing occupational safety.
 - (c) A minimum of two (2) soil test pits shall be excavated within the footprint of any proposed infiltration BMP to determine the suitability and distribution of soil types present at the site. Placement of the test pits shall be within twenty (20') feet of the basin perimeter, located along the longest axis bisecting the BMP. For BMPs larger than ten thousand (10,000) square feet in area, a minimum of one (1) additional soil test pit shall be conducted within each additional area of ten thousand (10,000) square feet. The additional test pit(s) shall be placed approximately equidistant to other test pits, so as to provide adequate characterization of the subsurface material. In all cases, where soil and or groundwater properties vary significantly, additional test pits shall be excavated in order to accurately characterize the subsurface conditions below the proposed infiltration BMP. Soil test pits shall extend to a minimum depth of eight (8') feet below the lowest elevation of the basin bottom or to a depth that is at least two (2) times the maximum potential water depth in the proposed infiltration BMP, whichever is greater.
 - (d) A soil test pit log shall be prepared for each soil test pit. The test pit log shall, at a minimum, provide the elevation of the existing ground surface, the depth and thickness (in inches) of each soil horizon or substratum, the dominant matrix or background and mottle colors using the Munsell system of classification for hue, value and chroma, the appropriate textural class as shown on the USDA textural triangle, the volume percentage of coarse fragments (larger than two (2) millimeters in diameter), the abundance, size, and contrast of mottles, the soil structure, soil consistence, and soil moisture condition, using standard USDA classification terminology for each of these soil properties. Soil test pit logs shall identify the presence of any soil horizon, substratum or other

feature that exhibits an in-place permeability rate less than one (1”) inch per hour.

- (e) Each soil test pit log shall report the depth to seasonally high water level, either perched or regional, and the static water level based upon the presence of soil mottles or other redoximorphic features, and observed seepage or saturation. Where redoximorphic features including soil mottles resulting from soil saturation are present, they shall be interpreted to represent the depth to the seasonal high water table unless soil saturation or seepage is observed at a higher level. When the determination of the seasonally high water table shall be made in ground previously disturbed by excavation, direct observation of the static water table during the months of January through April shall be the only method permitted.
- (f) Any soil horizon or substratum which exists immediately below a perched zone of saturation shall be deemed by rule to exhibit unacceptable permeability (less than one (1”) inch per hour). The perched zone of saturation may be observed directly, inferred based upon soil morphology, or confirmed by performance of a hydraulic head test as defined at N.J.A.C. 7:9A-5.9.
- (g) Stormwater infiltration BMPs shall not be installed in soils that exhibit artesian groundwater conditions. A permeability test shall be conducted in all soils that immediately underlie a perched zone of saturation. Any zone of saturation which is present below a soil horizon which exhibits an in-place permeability of less than 0.2 inches per hour shall be considered an artesian zone of saturation unless a minimum one foot thick zone of unsaturated soil, free of mottling or other redoximorphic features and possessing a chroma of four or higher, exists immediately below the unsuitable soil.
- (h) A minimum of one (1) permeability test shall be performed at each soil test pit location. The soil permeability rate shall be determined using test methodology as prescribed in N.J.A.C. 7:9A-6.2 (Tube Permeameter Test), 6.5 (Pit Bailing Test) or 6.6 (Piezometer Test). When the tube permeameter test is used, a minimum of two (2) replicate samples shall be taken and tested. Alternative permeability test procedures may be accepted by the approving authority provided the test procedure attains saturation of surrounding soils, accounts for hydraulic head effects on infiltration rates, provides a permeability rate with units expressed in inches per hour and is accompanied by a published source reference. Examples of suitable sources include hydrogeology, geotechnical or engineering text and design manuals, proceedings of American Society for Testing and Materials (ASTM) symposia, or peer-review journals. Neither a Soil Permeability Class Rating Test, as described in N.J.A.C. 7:9A-6.3, nor a Percolation Test, as described in N.J.A.C. 7:9A-6.4, are acceptable tests for establishing permeability values for the purpose of complying with this ordinance.

- (i) Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum to be left in place below the basin as follows. Where no soil replacement is proposed, the permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4') feet of the lowest elevation of the basin bottom or to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Where soil replacement is proposed, the permeability tests shall be conducted within the soil immediately below the depth of proposed soil replacement or within the most hydraulically restrictive horizon or substratum to a depth equal to two (2) times the maximum potential water depth within the basin, whichever is greater. Permeability tests may be performed on the most hydraulically restrictive soil horizons or substrata at depths greater than those identified above based upon the discretion of the design or testing engineer. The tested infiltration rate should then be divided by two (2) to establish the soil's design permeability rate. Such division will provide a one hundred (100%) percent safety factor to the tested rate.
- (j) The minimum acceptable "tested permeability rate" of any soil horizon or substratum shall be one (1") inch per hour. Soil materials that exhibit tested permeability rates slower than one (1") inch per hour shall be considered unsuitable for stormwater infiltration. The maximum reportable "tested permeability rate" of any soil horizon or substratum shall be no greater than twenty (20") inches per hour regardless of the rate attained in the test procedure.
- (k) After all construction activities have been completed on the development site and the finished grade has been established in the infiltration BMP, a minimum of one (1) permeability test shall be conducted within the most hydraulically restrictive soil horizon or substratum below the as-built BMP to ensure the performance of the infiltration BMP is as designed. Hand tools and manual permeability test procedures shall be used for the purpose of confirming BMP performance. In addition, the infiltration BMP shall be flooded with water sufficient to demonstrate the performance of the BMP. Test results shall be certified to the municipal engineer.
- (l) A groundwater mounding analysis shall be provided for each stormwater infiltration BMP. The groundwater mounding analysis shall calculate the maximum height of the groundwater mound based upon the volume of the maximum design storm. The Professional Engineer conducting the analysis shall provide the municipal engineer with the methodology and supporting documentation for the mounding analysis used and shall certify to Little Egg Harbor Township, based upon the analysis, that the groundwater mound will not cause stormwater or groundwater to breakout to the land surface or cause adverse impact to adjacent surface water bodies, wetlands or subsurface structures including but not limited to basements and septic systems. If there is more than one infiltration BMP proposed, the model shall indicate if and how the mounds will interact.

The mounding analysis shall be calculated using the most restrictive soil horizon that will remain in place within the explored aquifer thickness unless alternative analyses is authorized by the municipal engineer. The mounding analysis shall be accompanied by a cross section of the infiltration BMP and surrounding topography and the mound analysis shall extend out to the point(s) at which the mound intersects with the preexisting maximum water table elevation.

- (m) The Applicant shall demonstrate that stormwater infiltration BMPs meet the forty-eight (48) hour drain time requirement established in subsection H(2)(a) of this ordinance.
- (8) Soil, geology, and groundwater
- (a) The Board's Engineer may require additional information relative to soil structure, geology and groundwater elevations adjacent to or below the proposed basin or disposal area. However, the following information shall be required in all cases:
 - (b) The number of test borings or pits shall be as specified by this subsection.
 - (c) The minimum depth of test borings or pits shall be ten feet or four feet below the bottom elevation of the proposed basin or recharge system, whichever is greater. Power augers may be used to advance of clean out test holes to sampling depths but may not be used to retrieve soil samples. Split spoon samplers, plug samplers or other sampling devices may be used which retrieve a relatively undisturbed soil sample. Hand augers may be used as long as the test hold remains "open" and does not cave or slump.
 - (d) Reports of the type, nature and depth of the soil as found the depth to groundwater when encountered, and the seasonal high water table elevation shall be shown on the plans. Three options are open to the applicant for determining depth to seasonal high water table. First, if sole reliance is on the measurement of depth to groundwater (the actual physical measurement), then the test must be taken between January and April inclusive and with the absence of mottling. Second, the applicant may use available maps and data from the Soil Conservation Service provided the soil series mapped is verified by actual on-site soils testing. Or third, as determined by mottling.
 - (e) Locations and results or percolation/permeability tests, locations of soil borings and boring logs shall be shown on the plans.
 - (f) Fill material. Fill material used for stormwater facility construction shall have a percolation rate equal to or greater than existing soil conditions. Fill material shall be as free of clay soils as possible. Sieve analyses shall be performed on representative soil samples of all fill material and the effective size and the uniformity coefficient determined. Fill material shall meet or exceed the quality of the existing soil as determined by the sieve analyses. Test results shall be obtained by a certified laboratory and shall be submitted to the Township Engineer prior to the commencement of grading operations.

J. Sources for Technical Guidance.

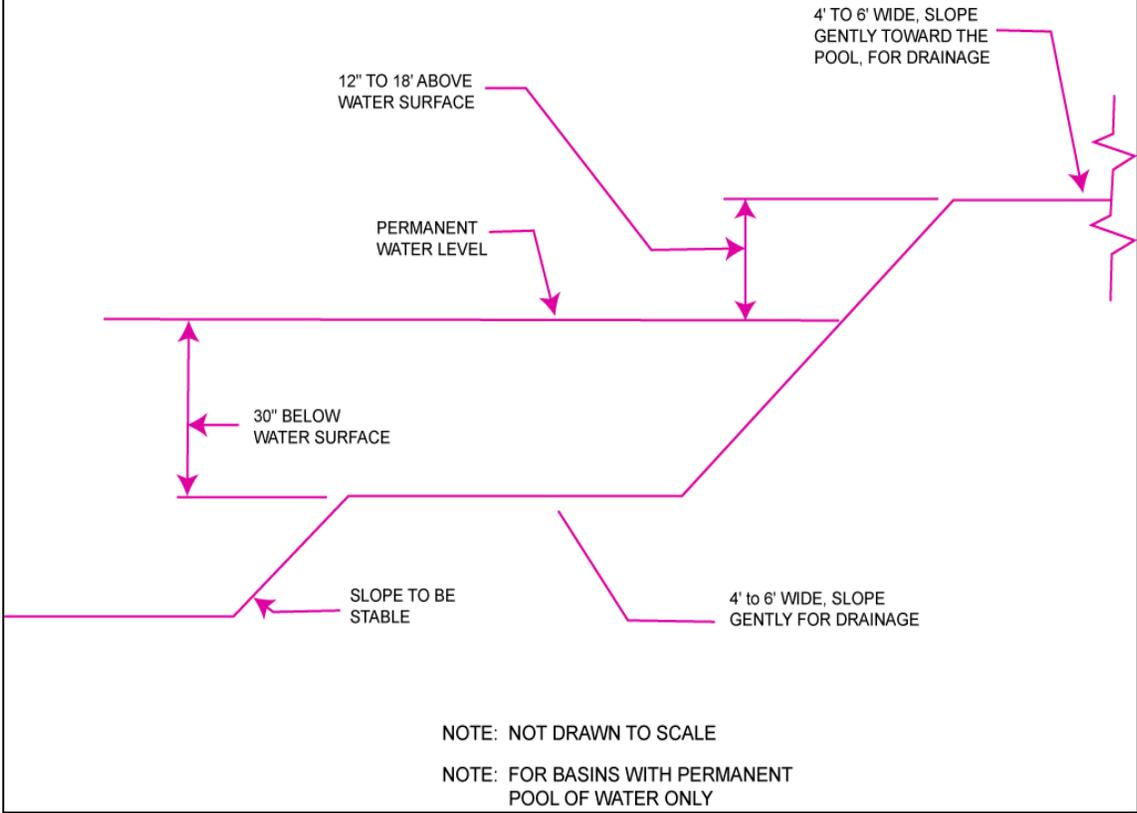
- (1) Technical guidance for stormwater management measures can be found in the documents listed at (a) and (b) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
 - (a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
 - (b) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- (2) Additional technical guidance for stormwater management measures can be obtained from the following:
 - (a) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;
 - (b) The Rutgers Cooperative Extension Service, 732-932-9306; and
 - (c) The Ocean County Soil Conservation District, 714 Lacey Road, Forked River, NJ 08731; Telephone Number: (609) 971-7002, Facsimile Number: (609) 971-3391, Email Address: info@ocsd.org, Web Address: www.ocsd.org.

K. Safety Standards for Stormwater Management Basins.

- (1) This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.
- (2) Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - (a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - [1] The trash rack shall have parallel bars, with no greater than six (6") inch spacing between the bars.
 - [2] The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

- [3] The average velocity of flow through a clean trash rack is not to exceed two and one-half (2.5') feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
- [4] The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
- (b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - [1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - [2] The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - [3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.
- (c) For purposes of this paragraph (c), escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - [1] If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in subsection K(3) a free-standing outlet structure may be exempted from this requirement.
 - [2] Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2.5') feet. Such safety ledges shall be comprised of two (2) steps. Each step shall be four (4') feet to six (6') feet in width. One step shall be located approximately two and one-half (2.5') feet below the permanent water surface, and the second step shall be located one (1') foot to one and one-half (1.5') feet above the permanent water surface. See subsection K(4) for an illustration of safety ledges in a stormwater management basin.
 - [3] In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.
- (3) Variance or Exemption from Safety Standards
 - (a) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.
- (4) Illustration of Safety Ledges in a New Stormwater Management Basin

Depicted is an elevational view.



- L. Requirements for a Site Development Stormwater Plan
- (1) Submission of Site Development Stormwater Plan
 - (a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at subsection L(3) below as part of the submission of the applicant's application for subdivision or site plan approval.
 - (b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
 - (c) The applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection L.3 of this ordinance.
 - (2) Site Development Stormwater Plan Approval.

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.
 - (3) Checklist Requirements. The following information shall be required:
 - (a) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200') feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing two (2') foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
 - (b) Vicinity Map. Applicants must prepare a map at a scale of one inch equals 400 feet (1" = 400') or greater on a paper print of the latest air photographs available, updated in the field to reflect current conditions, showing the relationship of the proposed development to significant features in the general surroundings. The map must indicate at least the following: roads, pedestrian ways, access to the site, adjacent land uses, existing open space, public facilities, landmarks, places of architectural and historic significance, utilities, drainage (including, specifically, streams and surface water shown on U.S.G.S. and soils maps), and other significant features not otherwise shown.
 - (c) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes,

wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

- (d) Project Description and Site Plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
- (e) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of subsections F through I are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (f) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - [1] Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - [2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (g) Calculations.
 - [1] Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in subsection G of this ordinance.
 - [2] When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (h) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of subsection M.

- (i) Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in subsections L(3)(a) through L(3)(f) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.
- (j) Stormwater Review Fee. Subdivisions and site plans requiring Preliminary or Final Approval, and Road Improvement Plans, that all meet the latest definition of “Major Development” per Section E, Definitions, shall pay the Stormwater Review Fee outlined in the Land Use Land Development Ordinance Article 15-16.3.

M. Maintenance and Repair.

- (1) Applicability.
 - (a) Projects subject to review as in subsection C of this ordinance shall comply with the requirements of subsections M(2) and M(3).
- (2) General Maintenance.
 - (a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - (b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners’ association) as having the responsibility for maintenance, the plan shall include documentation of such person’s agreement to assume this responsibility, or of the developer’s obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 - (c) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
 - (d) If the person responsible for maintenance identified under subsection M(2)(b) above is not a public agency, the maintenance plan and any future revisions based on subsection M(2)(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 - (e) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or

replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

- (f) The person responsible for maintenance identified under subsection M(2)(b) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
 - (g) The person responsible for maintenance identified under subsection M(2)(b) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
 - (h) The person responsible for maintenance identified under subsection M(2)(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsections M(2)(f) and M(2)(7) above.
 - (i) The requirements of subsections M(2)(c) and M(2)(d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
 - (j) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- (3) Stormwater Basin Access.
- (a) The facility must be readily accessible from a street or other public right-of-way. Inspection and maintenance easements, connected to the street or right-of-way, should be provided around the entire facility. The exact limits of the easements and right-of-ways should be specified on the project plans and other appropriate documents.
 - (b) Access roads and gates shall be wide enough to allow passage of necessary maintenance vehicles and equipment, including trucks, backhoes, grass mowers, and mosquito control equipment. In general, a minimum right-of-way width of fifteen (15') feet and a minimum roadway width of twelve (12') feet is required.
 - (c) To facilitate entry, a curb cut shall be provided where an access road meets a curbed roadway.

- (d) To allow safe movement of maintenance vehicles, access ramps shall be provided to the bottom of all detention facilities greater than three feet in depth. Access ramps should not exceed ten percent in grade.
 - (e) Access roads and ramps shall be stable and suitably lined to prevent rutting and other damage by maintenance vehicles and equipment.
 - (f) When backing-up is difficult or dangerous, turning around areas should be provided at the end of all access roads.
 - (g) All stormwater basins shall be perimeter fenced for safety purposes. The minimum fence height shall be six feet.
 - (h) To allow safe movement of maintenance personnel and safe operation of equipment, fences shall be located at least three (3') feet beyond the top or toe of any slope steeper than five horizontal to one vertical.
 - (i) Fences shall be constructed of durable, vandal-resistant materials. Fences must meet all municipal code requirements.
 - (j) Bottom fence rails shall be set at a maximum height of six (6") inches above finished grade.
 - (k) Facility perimeters should be sized and stabilized to allow movement and operation of maintenance and mosquito control equipment. A minimum perimeter width of twenty-five (25') feet between the facility and adjacent structures is required along at least one side of the facility. This portion of the perimeter shall be readily accessible from a street or other public or private right-of-way. Gates shall be equipped with a double lock system in cooperation with the Ocean County Mosquito Commission to permit same access to the basins.
 - (l) The top of bank for facilities constructed in cut and the toe of slope for facilities constructed in fill shall be located no closer than ten (10') feet to an existing or proposed property line.
 - (m) Detention basins shall be attractively buffered and landscaped, and designed as to minimize propagation of insects, particularly mosquitoes. All landscaping and buffering shall be approved by the Board Engineer.
 - (n) For safe movement of personnel and safe operation of equipment, side slopes greater than five (5') feet in height shall not be steeper than four horizontal to one vertical. Side slopes five (5') feet or less in height shall not be steeper than three horizontal to one vertical. Flatter side slopes shall be constructed wherever possible.
 - (o) For safe movement of personnel and safe operation of equipment, side slopes steeper than five to one and higher than four (4') feet shall be terraced at their midpoints. The terrace shall have a minimum width of three (3') feet and shall be graded at two (2%) percent towards the lower half of the slope.
 - (p) Suitable access to and along side slopes shall be provided for maintenance personnel and equipment.
- (4) Maintenance Guarantee. The Applicant shall provide a maintenance guarantee to ensure that all stormwater management measures required under the provisions of this ordinance will be maintained in perpetuity according to the specifications established herein. Conditioned upon Little Egg Harbor Township's approval,

this may be accomplished by various mechanisms, including, but not limited to, the following:

- (a) The Applicant may be required to post a bond or other financial assurance mechanism in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures;
 - (b) Little Egg Harbor Township may collect an up-front fee from the Applicant in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures. This up-front fee shall be expended by Little Egg Harbor Township for the sole purpose of conducting maintenance activities (including repair and renovation, if needed) for all stormwater management measures required under the Applicant's major development application approval;
 - (c) The Applicant may dedicate all stormwater management measures to the Little Egg Harbor Township, subsequent to which the Township shall assume all maintenance responsibilities; or
 - (d) The Applicant may be required to deposit funds in escrow in the amount Little Egg Harbor Township determines is needed to provide maintenance in perpetuity of all stormwater management measures.
- (5) Stormwater management maintenance fees. For purposes of this section, the calculation of the maintenance fee will be based on the type of stormwater management system, which is to serve the development, that is, a surface system, such as a detention or retention basin and subsurface infiltration system or a combination of the above. The fee shall be determined as follows:
- (a) Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied by the twenty-five year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional twenty-five (25') feet outward from the top of the bank. The annual maintenance cost per acre shall be \$1,281.25. The minimum contribution regardless of the size of the basin, will be \$12,500.00.
 - (b) Surface infiltration system. The amount of the maintenance fee shall be determined as follows: \$1.25 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of \$34.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be \$12,500.00.
 - (c) Combination systems. The required fee shall be based on a combined total of the above.

N. Penalties.

- (1) Any person who violates or fails to comply with any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand two hundred fifty (\$1,250.00) dollars, by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment and community service as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- (2) The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 15-12.12. Drainage

- A. All streets shall be provided with storm water inlets and pipes where same may be necessary for proper surface drainage. The system shall be adequate to carry off and/or store the stormwater and natural drainage water, which originates beyond the development boundaries and passes through the development calculated on the basis of maximum potential development as permitted under this chapter. No stormwater development as permitted under this chapter. No stormwater run-off or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structure on the other lands without proper and approved provisions being made for taking care of these conditions, including off-tract improvements. All drainage design and computation factors shall be submitted to the Board Engineer for review and approval and shall be conforming to the requirements of this chapter.
- (1) The duration of storm used in computing stormwater run-off shall be the equivalent of the time required for water falling at the most remote point of the drainage area to reach the point in the drainage system under consideration.
 - (2) No pipe size in any storm drainage system shall be less than 15 inch diameter reinforced concrete pipe or its equivalent.
 - (3) Dished gutters shall not be permitted on any streets and intersections.
 - (4) Storm drain pipes shall be reinforced concrete pipe in all cases and shall be of the size specified and laid to the exact lines and grades approved by the Planning Board Engineer. Reinforced concrete pipe shall conform to the most current A.S.T.M. Specifications C76. All pipe shall be Class III, Wall B strength except where stronger pipe is required as determined by the board engineer. All pipe shall be designed for AASHO H20-44 loading, and shall meet the minimum cover requirements.

In locations other than within the right-of-way of public roads where, because of severe topographic conditions or the desire to minimize the destruction of trees and vegetation, corrugated aluminum pipe, pipe arch, helical corrugated pipe, or fully coated corrugated metal pipe, may be used. The material used shall comply with the Standard Specifications for Corrugated Aluminum Alloy Culvert Pipe and Pipe Arch AASHO designation M-196-62 or the Standard Specification for Aluminum Alloy Helical Pipe AASHO designation M-211-65. The minimum thickness of the aluminum pipe to be used shall be: less than 24 inch diameter or equivalent, 0.075 inches; 24 inch diameter and less than 48 inch diameter or equivalent, 0.105 inches; 49 inch but less than 72 inch diameter or equivalent, 0.135 inch; and 72 inch diameter or equivalent, and larger, 0.165 inches except where stronger pipe may be required as determined by the Board Engineer.

- (5) For all development, blocks and lots shall be graded to secure proper drainage away from all buildings and to prevent the collection of storm water in pools and to avoid concentration of storm water from each lot to adjacent lots. Easements or right-of-ways shall be required in accordance with Subsection 15-11.11. entitled "Easements" where storm drains are installed outside streets.
- (6) Runoff. All storm drains shall be designed to carry the runoff from the entire upstream watershed. The quantity of the runoff shall be determined by the rational formula (or other formula acceptable to the Board Engineer).
- (7) Conduit sizing. The sizing of conduit for the transmission of storm flow shall be determined by the use of the Manning Formula.
- (8) Coefficient of runoff. The following minimum coefficients shall be used in determining runoff from all offsite contributing areas based upon permitted land use as determined by the current Zoning Ordinance:

Residential use-lot size one acre or greater.....	C=0.30
Residential use lot size-20,000 sq. ft. or greater but less than one acre.....	C=0.40
Residential use-lot size less than 20,000 square feet.....	C=0.50
Multi-family use.....	C=0.70
Commercial use.....	C=0.85
Industrial use.....	C=0.80
Parks, and other permanent open space.....	C=0.20

In lieu of more detailed analysis, the above values shall be used to determine the runoff from onsite contributing areas. If the designer wishes to present a more detailed analysis the following coefficients shall be used in determining the average overall coefficient.

Paved surface (streets, drives, roofs, etc.).....	C=0.95
Unpaved bare surfaces.....	C=0.60
Grassed areas (flat-less than two percent).....	C=0.20
Grassed areas (average between two and ten percent).....	C=0.30
Grassed areas (steep-more than ten percent).....	C=0.40

- (9) Intensity or rainfall. All subdivision and site plan drainage collection systems shall be designed for a ten year frequency rainfall, or if the above results in a conduit size at least equivalent to a 27 inch reinforced concrete pipe then a 25 year frequency rainfall shall be used or if the above results in a conduit size at least equivalent to a 54 inch reinforced concrete pipe then a 50 year frequency rainfall shall be used using the applicable time of concentration.

Rainfall data shall be taken from the U.S. Department of Commerce Technical Paper No. 25 "Rainfall Intensity-Duration-Frequency Curves" using the Atlantic City weather station data. Stream relocations, bridges, box culverts, pipes over 72 inches in diameter and other critical waterways, as determined by the Board Engineer, shall be designed for a 100 year frequency rainfall. In all cases, grading should be arranged so that flood damage to buildings and parked motor vehicles can be eliminated.

Detention, retention and recharge facilities are required for certain projects and shall be designed in accordance with the provisions set forth in this chapter.

- (10) Coefficient of roughness. The following coefficient of roughness shall be used in the Manning Formula to determine pipe capacity:

Concrete pipe.....	C=.013
Concrete pipe box culverts.....	C=.015
Corrugated metal pipe/pipe arch 2-2/3 x 1/2 Corr.....	C=.024
Corrugated metal pipe 3 x 1 Corr.....	C=.026
Corrugated metal pipe/pipe arch (fully paved).....	C=.015
Corrugated metal pipe arch (paved invert).....	C=.019

The following minimum values shall be used for open channels:

Concrete lined.....	C=.015
Earth channels.....	C=.025
Natural channels.....	C=.030-.050

- (11) Velocity restrictions. In general, velocities in closed conduits at design flow should be at least two and one half feet per second but not more than that velocity which will cause erosion damage to the conduit. In general, velocities in open channels at design flow shall not be less than five-tenths foot per second and not greater than that velocity which will begin to cause erosion or scouring the channel. For unlined earth channels, the maximum velocity allowed will be two feet per second. For other channels sufficient design data and soil tests to determine the character of the channel shall be made by the subdivider and shall be made available to the Board at the time of drainage review. At the transitions between closed conduits and open channels or different types of open channels, suitable provisions must be made to accommodate the velocity transitions. These provisions may include rip rapping, gabions, lining, aprons, chutes and checks or

others, all suitable detailed and approved. For all open channel flows tailwater depth and velocity calculations shall be submitted.

- (12) Drainage structures. All drainage structures including manholes, inlets, headwalls and section and box culverts shall conform to the current details of the New Jersey Department of Transportation. Unless approved otherwise by the board engineer, all curb inlets shall be standard type "B" with curb piece heights equal to the exposed curb face of the adjacent curb plus two inches. All lawn inlets shall be standard type "E." When the pipe size is such as to require a larger structure, standard type "B1" or "B2," "E1" or "E2" shall be used. If still larger sizes are required, they shall be specifically detailed using standard frames and grates.
- (13) Inlet capacity. The maximum collecting capacity of an inlet shall be: five cubic feet per second for Type "b" inlets and two cubic feet per second for Type "E" inlets, and in addition to gutter flow shall also be limited to provide a maximum gutter flow surface width of eight feet.
- (14) Inlet location and spacing. Inlets shall be located as follows: At all street low points; in all gutters spaced to insure that the runoff to each inlet does not exceed the collecting capacity as previously established; in yards and swales as required and as required at intersections to eliminate rocker gutters. In no event shall inlets be placed more than 600 feet apart.
- (15) Alignment. Curved alignments shall not be permitted. All pipes shall be constructed on a tangent alignment.
- (16) End section. All discharge pipes shall terminate with an end section which may be: precast flared concrete; flared corrugated metal; straight cast in place concrete or cast in place concrete with flared wingwalls. The final determination as to type of end treatment shall be subject to approval of the Board Engineer.
- (17) Offsite drainage. All drainage systems shall terminate in an existing permanent natural body of water, drainage course, or as otherwise determined and approved by the Board Engineer.
- (18) Open channels. Generally, unlined open channel cross section shall have side slopes not steeper than four to one for channel depths of two feet or less and not steeper than six to one for channel depths or more than two feet. Lined open channel sides slopes shall not be steeper than two to one. The bottom of all unlined channels and the channel side slopes to at least the design flow level will be sodded with suitable course grass sod. All unlined open channel side slopes above the design minimum flow level will be topsoiled and seeded or otherwise suitable stabilized in accordance with an approval soil disturbance permit. All unlined open channels which can be expected to have base flow of five cubic feet per second or more for at least two out of every 12 months will be provided with a

low flow channel using gabions, rip-rap, lining, one third pipe section or other arrangements approved as part of the final plat submission.

- (19) N.J.D.E.P. jurisdiction. All drainage facilities carrying runoff from tributary areas larger than one half square miles or located within a flood plain must have the approval of the N.J. Division of Water Policy and Supply. All encroachments of natural waterways must be referred to the N.J. Division of Water Policy and Supply for approval in accordance with statute. The State may retain jurisdiction, in which case a permit will be necessary as set forth, or may refer the matter to the County Engineer for review.
- (20) Nonpipe culverts. All nonpipe culverts shall be designed for AASHO H20-44 loading. All culverts of any type shall be carried to the roadway right-of-way and shall terminate with headwalls or other approved end treatment. All conduits terminating or beginning in open channels shall be provided with headwalls or other appropriate end treatment.
- (21) Guiderails. Guiderails and/or railings shall be placed at all drainage structures where the interests of pedestrians or vehicular safety would dictate. The Board may require that any open channel other than naturally occurring streams be fenced within 48 inch high chain link fencing if the banks of the channel are steeper than one foot vertical for every four feet horizontal and either the total depth of the channel exceeds four feet or the channel would be expected to have a depth of flow greater than two feet more often than once every ten years. For maintenance purposes, gates may be required by the Board at specified intervals.
- (22) General drainage requirements.
- (23) All development applications must be accompanied by the drainage area map and drainage calculations. No drainage pipe or easement shall be permitted within 25 feet of any existing or proposed individual sewerage disposal system. At least one foot and zero inches of minimum cover over the top of the pipe at all times, including during construction, must be provided.
 - (a) Subject to review and approval by the Board, the design of a subdivision may be modified to take advantage of the natural drainage features of the land. In such review the Board will use the following criteria:
 - [1] The utilization of the natural drainage system to the extent possible.
 - [2] The maintenance of the natural drainage system as much as possible in its unimproved state.
 - [3] When drainage channels are required, wide shallow swales with natural vegetation will be preferred to other sections.
 - [4] The construction of flow-retarding devices, detention areas and recharge berms to minimize runoff value increases.
 - [5] Maintenance of base flow in streams, reservoirs and ponds.

- [6] The reinforcement, improvement and/or extension of the natural drainage system to such extent as is necessary to eliminate flooding and excess maintenance requirements.
- (b) All developments or portions of total schemes of development which, based upon the preliminary plat submission, total 15 or more acres will be expected, to the extent that the Board considers possible, to limit the total stormwater runoff from the site after development to not more than the runoff from the site in its undeveloped state. The utilization of the provisions of this subsection to limit such runoff is encouraged. However, the Board may require the use of reasonable artificial methods of detention and/or recharge if it determines that natural provisions are not feasible.
 - [1] The Board may waive the provisions of this subsection if the nature of the development, the character of adjacent previously developed areas or other factors make the utilization of natural drainage features or runoff limiting devices inadvisable or impractical.
 - [2] When a subdivider or the Engineer determines that it will be necessary to utilize design standards in addition to or other than those minimum requirements established herein, the Engineer is advised to consult with the Board Engineer prior to beginning the detailed design for review and approval of the proposed design standards. Standards utilized should generally be nationally recognized and in common use in this area.
 - [3] When the Board and/or Board Engineer finds it necessary, they may waive any or all of the requirements established herein and may require additional information, in accordance with N.J.S.A. 40:55D-51.
 - [4] The Township shall ascertain, in each drainage instance, the drainage area of which the specific subdivision is a part, and apportion the fair costs of adequate drainage for the whole drainage area among landowners who contribute to or who will contribute to the stormwater runoff if the subdivision is approved.
 - [5] Each applicant for a subdivision requiring provisions for overall drainage of stormwater runoff shall install an adequate drainage system in the specific subdivision and shall also pay in cash to the Township the fair cost so apportioned to the specific subdivision for the ultimate disposal of the stormwater runoff to such ultimate adequate outlet for final disposal as aforesaid. Each payment made to the Township shall be held by it in trust until the overall ultimate disposal system is constructed for the drainage area in question, at which time the trust funds raised for that drainage area may be used for such construction in and for that area.
- (24) Flood plain regulations. The purposes of the following flood plain regulations are: (a) to implement the land use rules and regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood fringe portion of a flood hazard area; (b) to discourage construction and regrading

in flood hazards areas; (c) to prevent encroachments into flood hazard areas which would obstruct or constrict the area through which water must pass; and (d) to prevent pollution of water courses during low or high water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard areas.

- (a) The flood hazard design elevation shall be determined on an individual basis based upon stream encroachment line data from the division of water resources or, in the absence of that data, the flood elevation based on a 100 year storm frequency. One or the other shall be delineated on the plat. In addition, the Planning Board Engineer may, upon receipt of the application and with the consent of the landowner, and at the landowner's expense, determine the precise location of a floodway and flood fringe area by close inspection, field survey or other appropriate method and cause, if requested the same to be marked on the ground and on the plat, and notifying the owner, the N.J. Department of Environmental Protection, Division of Water Resources and the approving authority. The assistance of the United States Department of Agriculture, Soil Conservation Service, U.S. Corps of Engineers, and the New Jersey Department of Environmental Protection, Division of Water Resources may be sought to aid in delineating the flood hazard design elevation except that where State or Federal agencies shall subsequently publish any reports which delineate the flood hazard design elevation of a water course, the report shall be the officially delineated flood hazard area as if the report were published in this chapter.
- (b) Any lot containing a floodway portion of a drainage course and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter, plat approval has been granted, and a floodway permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources where required by state regulations.
- (c) Any lot containing a flood fringe portion of the flood hazard area an on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter and until plat approval has been granted.
- (d) The procedure for reviewing any proposed regrading and/or construction shall be the same as set forth for plat review. No application shall be approved and no permit granted until all zoning violations have either been corrected or a variance granted.
- (e) Regulation of the flood fringe portion of the flood hazard area shall be consistent in the approving the authority's determination with the criteria and standards promulgated by the N.J. Department of Environmental Protection governing the flood fringe area.
- (f) The applicant shall submit maps, reports, and other appropriate documents permitting the approving authority to evaluate whether the proposal has an inherent low flood damage potential; does not obstruct flood flows or increase flood heights and/or velocities; does not affect adversely the

water carrying capacity of any delineated floodway and/or channel; does not increase local run-off and erosion; does not unduly stress the natural environment of the flood plain or degrade the quality of surface water or the quality and quantity of ground waters; does not require channel modification or relocation; does not require fill or the erection of structures; does not include the storage of equipment and materials.

- (g) Where a development is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream, there shall be provided and dedicated a drainage right-of-way easement to the municipality conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to accommodate expected storm water run-off in the future based upon reasonable growth potential in the municipality. The minimum width of easement for channel sections shall be the maximum design top width of the channel section segment plus 20 feet rounded to the next highest five-foot increment. However, if the floodway is not ascertainable for a stream or open channel, the width of drainage easement shall extend 50 feet beyond the top of bank on both sides of the drainage course.

§ 15-12.13. Township acceptance of stormwater management system.

An applicant shall be required to dedicate proposed stormwater management systems to the Township and shall enter into an agreement with the Township to that end. Such agreement shall be a condition of final approval and shall be fully executed prior to release of performance guarantees, and acceptance of the stormwater management agreement shall require payment of the fee set forth in Section 15-12.14. in consideration of the Township assuming all future maintenance of the stormwater management facilities. The form of agreement shall be approved by the Township Attorney. The agreement, upon execution, shall be recorded by the applicant in the Office of the County Clerk. The applicant shall thereafter file a copy of the recorded agreement with the Township. Upon certification by the Township Engineer that the performance guarantee for the project may be released, acceptance of the stormwater management facilities by the Township shall be specifically stated in the resolution authorizing the guarantee release. The Township shall retain the cash portion of the guarantee a sum equal to the maintenance fee approved as to amount by the Township Engineer in accordance with the formula in this chapter. In the event that the cash portion of the guarantee is less than the required maintenance fee, the developer shall post the deficit in cash. Any interim performance guarantee reductions authorized by the Township shall not be construed to mean that all or any part of the stormwater management system has been accepted by the Township nor shall any such interim reduction reduce the cash portion of the guarantee to an amount less than the required maintenance fee. It shall be the applicant's responsibility to maintain the stormwater management system during construction.

§ 15-12.14. Stormwater management maintenance fee.

- A. For purposes of this section, the calculation of the maintenance fee will be based on the type of stormwater management system which is to serve the development, that is, a

surface system, such as a detention or retention basin and subsurface infiltration system or a combination of the above. The fee shall be determined as follows:

- (1) Surface stormwater management systems (detention or retention basins). The amount of the maintenance fee shall be the annual maintenance cost per acre multiplied by the twenty-five year maintenance period multiplied by the maintenance area in acres. The maintenance area of the stormwater management basin shall be defined to be the area included within a line drawn around the top of the bank of the basin, plus an additional 25 feet outward from the top of the bank. The annual maintenance cost per acre shall be \$1,281.25. The minimum contribution regardless of the size of the basin, will be \$12,500.00. **[Amended 10/8/2005 by Ord. No. 2005-29]**
- (2) Surface infiltration system. The amount of the maintenance fee shall be determined as follows: \$1.25 per linear foot of the infiltration system per year for maintenance multiplied by a twenty-five year period, plus twice the cost of the subsurface infiltration system (not including structures). The replacement cost shall be the amount of the performance guaranties for the subsurface infiltration system, plus the amount of \$34.50 per linear foot for road repair for any portion of the roadway disturbed by such replacement determined by the Township Engineer. The minimum fee, regardless of the length of infiltration system, shall be \$12,500.00. **[Amended 10/8/2005 by Ord. No. 2005-29]**
- (3) Combination systems. The required fee shall be based on a combined total of the above.

§ 15-12.15. Driveways

- A. Traffic circulation. The site plan shall provide a safe and efficient circulation system for the movement of vehicles and pedestrians off the site and on the tract.
- B. Access driveways.
 - (1) All entrance and exit driveways shall be located so as to afford maximum safety and minimum disruption of traffic on the street.
 - (2) The dimensions of entrance and exit driveways and internal roads shall be adequate to accommodate the volume and character of vehicles anticipated to be using the site. The required dimensions for driveways and interior roads shall be as follows:
 - (a) Twelve (12) feet minimum for one-way operation.
 - (b) Twenty-four (24) feet minimum for two-way operation.
 - (c) Twenty-eight (28) feet minimum for fire lanes.
 - (3) Driveways serving a development having fifty (50) or fewer parking spaces may use a one-and-one-half-inch-high depressed curb and concrete apron driveway and concrete walk. Those having more than fifty (50) parking spaces, however, shall use curb returns of not less than ten (10) feet minimum nor twenty (20) feet maximum in radius, except as otherwise directed by the New Jersey Department of Transportation.
 - (4) Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage.

- (5) Driveway grades shall adhere to the following: three-fourths percent (3/4%) minimum to ten percent (10%) maximum. A maximum slope of two percent (2%) for the first twenty (20) feet from the street line shall be maintained.
- (6) Curb cuts to a public street shall not be closer than twenty-five (25) feet to the point of curvature or point of tangent of the corner radius curb of an intersecting street, or, if required parking spaces exceed one hundred (100), then the driveway curb cuts shall not be closer than one hundred (100) feet to the point of curvature or point of tangent of the corner radius of the intersecting street.
- (7) The number of permitted driveways provided from a site shall be related to the type of street and traffic volume thereon and the number and location of other access points therefrom.
- (8) Driveway pavement shall extend to the paved portion of the street with which it connects and shall be constructed with a minimum of two (2) inches of stabilized base course and one and one-half (1 1/2) inches of FABC surface course or an approved equal.
- (9) Driveways are to be curbed on both sides.
- (10) Within all residential zones within the Township, with exception of the R-50 Zone, the minimum side yard setback for a driveway shall be:
 - (a) Five (5) feet where the garage doors front a public street or where the garage is detached from the principal structure; or
 - (b) Three (3) feet where the garage doors do not front a public street (i.e., side load garage).
- (11) All pavement area shall be constructed with six (6) inches of Type 2, Class A or B, gravel subbase, in addition to bituminous stabilized base course and FABC surface course as specified, or an approved equal.
- (12) In parking lots having a capacity of more than one hundred (100) cars, a main access drive shall be provided from points of ingress and egress. No parking shall be permitted on the main access drive, nor shall it serve as an access aisle to adjacent parking spaces.
- (13) All access drives shall provide a minimum outside turning radius of thirty (30) feet unless as a fire lane, in which case they shall provide a minimum outside turning radius of fifty (50) feet.
- (14) The maximum width of a driveway depression for a two-car capacity driveway shall be twenty-three (23) feet.

§ 15-12.16. Off-street parking and loading areas.

A. Design requirements.

- (1) The number and size of all parking and loading spaces shall meet the requirements of this section.
- (2) Any off-street loading spaces shall have a minimum height clearance of fifteen (15) feet and be designed in accordance with the following criteria:

Loading Space	Apron/Aisle	Length	
<u>Length</u>	<u>Width</u>	<u>(90°)</u>	<u>(60°)</u>
<u>(feet)</u>	<u>(feet)</u>	<u>(feet)</u>	<u>(feet)</u>
60	10	72	66

60	12	62	57
60	14	60	54

- (3) Ingress to and egress from a parking or loading area shall be paved and shall include turning areas to assure ease of mobility, ample clearance and the safety of vehicles and pedestrians.
- (4) Parking areas serving light-duty vehicles shall be constructed with a minimum of two (2) inches of stabilized base course and one and one-half (1 1/2) inches of FABC surface course, or an approved equal, and shall be sufficiently drained so as to prevent an accumulation of water on the site.
- (5) All pavement areas shall be constructed with six-inch-thick Type 2, Class A or B, gravel subbase, in addition to the bituminous stabilized base course and FABC surface course as specified.
- (6) A parking area shall be illuminated if used after sunset, and such illumination shall provide a minimum of five tenths (0.5) lumen per square foot throughout the area and be shielded from adjoining streets or properties. The location of the parking lot light structure shall be in accordance with the requirements of § 15-12.16.
- (7) Off-street parking and loading areas shall be designed to prevent the maneuvering of vehicles into or out of parking or loading spaces within any portion of any street.
 - (a) The plan shall include both inside curve radius and outside curve radius for all curves on the site. This is to include the entrances to and exits from fire lanes, loading areas, parking aisles and all entrances and exits from the site. The minimum curve radius shall meet the requirements as outlined in the Design Vehicles and Minimum Turning Path Chart.
- (8) Parking dimensions shall meet the following standards:
 - (a) Each dead-storage bay of an off-street parking space may be perpendicular with the aisle, parallel with the aisle or at any angle between sixty degrees (60°) and ninety degrees (90°).
 - (b) No angle parking layout shall be permitted with an angle less than sixty degrees (60°). The following are minimum stall and aisle dimensions:

<u>Type</u>	<u>Aisle Width</u> <u>(feet)</u>	<u>Stall Dimensions</u> <u>(feet)</u>
90-degree parking	24	9 x 18
60-degree parking	18	9 x 18
Parallel parking		
1-way operation	12	9 x 22
2-way operation	24	9 x 22
- (9) Parking or loading space stripes shall be four (4) inches wide using white reflective paint. Hatch lines shall be on an angle of forty-five degrees (45°) and shall consist of stripes four (4) inches wide using yellow reflective paint two (2) feet on center.
- (10) All parking and loading areas are to be curbed.
- (11) No paved area shall be closer to any property line than fifteen (15) feet, unless otherwise permitted herein.

- (12) The maximum grade permitted in parking areas shall be six percent (6%); the minimum grade permitted in parking areas shall be three-fourths percent (3/4%).
- (13) Location of parking. Where parking is permitted between the front building line and the street line, a safety island or raised median separating the public street from the parking area shall be provided for intermediate and large parking in accordance with the following minimum requirements:
 - (a) The width of the safety island shall be that width between the proposed street curbline and a point five (5) feet inside the property line. When this width is less than twenty-five (25) feet, the parking area shall be reduced to provide a minimum width for the safety island of fifteen (15) feet. All required tree and shrub plantings shall be planted on the on-site portion of the safety island, with the exception of streetscape plantings as required herein.
 - (b) Safety islands shall be raised a minimum of six (6) inches above the adjacent parking area.
 - (c) Safety islands shall be topsoiled and seeded or otherwise landscaped as required by § 15-11.8.
- (14) Small parking areas. Parking lots having ten (10) or fewer spaces shall comply with all applicable requirements of this chapter and shall also be bordered by a fifteen-foot unbroken, landscaped strip along side property lines from the street line to the rear lot line, unless the Board, for good cause, shall waive such requirements; provided, however, that for parking lots having ten (10) or fewer spaces, only a two-inch compacted thickness bituminous concrete FABC surface course on six-inch compacted gravel base course will be required.
- (15) Intermediate-size parking areas. Parking areas having more than ten (10) spaces but fewer than one hundred one (101) spaces shall be designed to fulfill the following minimum requirements:
 - (a) A safety island or raised median shall be provided as herein described.
 - (b) Not more than one (1) two-way access driveway or two (2) one-way access driveways shall be provided on any one (1) street unless approval otherwise is obtained from the body, agency or official having jurisdiction over the plan.
 - (c) Design of the parking area shall include planting islands, which shall be a minimum of ten percent (10%) of the total parking area. These islands shall include planting as required by §15-11.8. Parking bays shall be separated from access or circulation drives by a planting island (of ten-foot minimum width) or area for the full width of a bay at the ends of rows.
- (16) Large parking areas. Parking lots which have a capacity for parking more than one hundred (100) vehicles shall incorporate the following minimum design standards:
 - (a) No parking stalls, which shall require the use of the entrance and exit driveways as access aisles, shall be permitted.
 - (b) All access driveways located along one-way streets or divided highways shall be separate on-way driveways. The driveways shall be located so that vehicles enter the parking area at the beginning of the property and

exit at the far end of the property, unless other considerations, such as median openings, dictate otherwise.

- (c) All directional (one-way) driveways shall be marked by appropriate signs facing all peripheral service roads serving the property as well as the parking area.
 - (d) No driveway shall be located less than thirty (30) feet from the existing drive.
 - (e) The design of the parking area shall include planting islands, which shall be a minimum of ten percent (10%) of the total parking area. These islands shall include planting as required by §15-11.8. Parking bays shall be separated from access or circulation drives by a planting island (of ten-foot minimum width) or area for the full width of a bay at the ends of rows. The parking lot shall, where possible, be subdivided into modular parking bays or lots of not greater than fifty (50) spaces each. These modules shall be separated by a landscape island of a minimum ten-foot width. When appropriate, pedestrian walkways shall be provided on these islands. A single line or row within a bay should be no more than twenty (20) spaces in length.
 - (f) The parking area shall contain location markers clearly visible from all areas of the parking lot. Location markers shall be placed, at a minimum, at one (1) marker per twenty-five (25) parking stalls.
- (17) Intermediate and large parking areas shall be designed so as to provide for a Fire Zone adjacent to the building(s). Parking shall not be permitted in a Fire Zone. Fire Zones shall be at least twenty (20) feet in width and may be used for on-site traffic circulation but shall have a turning radius of fifty (50) feet at any entrance and exit of the site. These zones shall be labeled "Fire Zones, No Stopping or Standing."
- (18) Parking for the handicapped.
- (a) Parking spaces for the handicapped shall be located to provide convenient access to building entrances by way of depressed curbs and ramps in accordance with state regulations. All handicapped spaces shall comply with state design standards. The number of spaces to be provided shall be determined by the following table:

<u>Total Parking in Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

- [1] One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated "Van-Accessible" as required by Subsection A.(18)(e). The vertical clearance at such spaces shall comply with Subsection A.(18)(f). All such spaces may be grouped on one (1) level of a parking structure.
 - [2] If Passenger Loading Zones are provided, then at least one (1) Passenger Loading Zone shall comply with Subsection A.(18)(g).
 - [3] At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with Subsection A.(18)(b) through (g) shall be provided in accordance with Subsection A.(18)(a), except as follows:
 - [a] Outpatient units and facilities: ten percent (10%) of the total number of parking spaces provided serving each such outpatient unit or facility.
 - [b] Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.
 - [4] Valet parking. Valet parking facilities shall provide a Passenger Loading Zone complying with Subsection A.(18)(g) located on an accessible route to the entrance of the facility. Subsections A.(18)(a), (a)[1] and (a)[3] in this section do not apply to valet parking facilities.
- (b) Minimum number. Parking spaces required to be accessible by Subsection A.(18)(a) shall comply with Subsection A.(18)(c) through (f). Passenger Loading Zones required to be accessible by Subsection A.(18)(a) shall comply with Subsection A.(18)(f) and (g).
 - (c) Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 - (d) Parking spaces. Accessible parking spaces shall be at least eight (8) feet wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with accessible route requirements of the Barrier Free Subcode of the New Jersey Uniform Construction Code (UCC). Two (2) accessible parking spaces may share a common aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding one to fifty (1:50) [two percent (2%)] in all directions.

- (e) Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Subsection A.(18)(a) shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parking in the space.
 - (f) Vertical clearance. A minimum vertical clearance of nine and five-tenths (9.5) feet shall be provided at accessible Passenger Loading Zones and along at least one (1) vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with Subsection A.(18)(a), a minimum vertical clearance of ninety-eight (98) inches at the parking space and along at least one (1) vehicle access route to such spaces from site entrance(s) and exit(s) shall be provided.
 - (g) Passenger Loading Zones. Passenger Loading Zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with the New Jersey UCC shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding one to fifty (1:50) [two percent (2%)] in all directions.
- (19) Landscaping. Landscaping in parking and loading areas shall be shown on the landscaping plan. Trees shall be staggered and/or spaced so as not to interfere with driver vision and have branches no lower than six (6) feet. All areas between the parking area and the building shall be landscaped.
- (20) Minimum parking requirements shall be as follows:
- (a) Automotive repair garage or body shop: four (4) parking spaces per each bay.
 - (b) Automotive sales and service: one (1) parking space for each four hundred (400) square feet of gross floor area shall be provided for customer and employee parking. These areas shall be in addition to areas utilized for display and storage of vehicles. Site plans shall specify which parking spaces are designated for customers, employees, display and storage.
 - (c) Automotive service station:
 - [1] Gas only: four (4) parking spaces.
 - [2] Gas and convenience store: six (6) parking spaces.
 - [3] Gas, convenience store and service bays: ten (10) parking spaces.
 - [4] Gas, convenience store and car wash: eight (8) parking spaces.
 - (d) Banks: three (3) parking spaces per one thousand (1,000) square feet of gross floor area.
 - (e) Bar: fifteen (15) parking spaces per one thousand (1,000) square feet of gross floor area or five-tenths (0.5) parking space per seat.
 - (f) Barber and beauty shop: three (3) parking spaces for each beautician chair or two (2) parking spaces for each barber chair (if known), but not fewer than one (1) parking space per two hundred (200) square feet of gross floor area.
 - (g) Car washes: one (1) parking space per employee, plus off-street storage (stacking) space equal to at least ten (10) spaces per washing lane. For

- self-wash or self-service car washes, off-street storage space shall be five (5) spaces per washing lane.
- (h) Church, synagogue, temple or mosque: thirty-three hundredths (0.33) parking space per seat.
 - (i) Convalescent home, nursing home or residential health-care facility: one (1) parking space for each three (3) beds based on its licensed bed capacity.
 - (j) Fast-food establishment: one (1) parking space for each seventy-five (75) square feet of gross floor area. If located within a shopping center, then one (1) parking space for each one hundred (100) square feet of gross floor area or:
 - [1] Drive-up: three-tenths (0.3) parking space per seat.
 - [2] With drive-through: three-tenths (0.3) parking space per seat.
 - [3] Without drive-through: five-tenths (0.5) parking space per seat.
 - (k) Funeral home: five and four-tenths (5.4) parking spaces per one thousand (1,000) square feet of gross floor area.
 - (l) Furniture or carpet store: one and two-tenths (1.2) parking spaces per one thousand (1,000) square feet of gross leasable area.
 - (m) Hospital: one and eighty-three hundredths (1.83) parking spaces for each bed, based on its licensed capacity.
 - (n) Hotel or motel: one (1) parking space per room, plus five-tenths (0.5) parking space per employee; adjust upward for restaurants.
 - (o) Industrial uses:
 - [1] Assembly operations: one and twenty-five hundredths (1.25) parking spaces per one thousand (1,000) square feet of gross floor area.
 - [2] Industrial, light: two and one-tenth (2.1) parking spaces per one thousand (1,000) square feet of gross floor area or one and five-tenths (1.5) parking spaces per employee of largest shift.
 - [3] Manufacturing: one and six-tenths (1.6) parking spaces per one thousand (1,000) square feet of gross floor area or seven-tenths (0.7) parking spaces per employee of largest shift.
 - [4] Research lab: two and five-tenths (2.5) parking spaces per one thousand (1,000) square feet of gross floor area or one (1) parking space per employee of largest shift.
 - [5] Warehouse/high tech or flex space: sixty-six hundredths (0.66) parking space per one thousand (1,000) square feet of gross floor area.
 - (p) Library or museum: three and three-tenths (3.3) parking spaces per one thousand (1,000) square feet of gross floor area.
 - (q) Medical center: one (1) parking space for each two hundred fifty (250) square feet of gross floor area.
 - (r) Office uses:
 - [1] General: three and five-tenths (3.5) parking spaces per one thousand (1,000) square feet of gross floor area.

- [2] Dental or medical: five (5) parking spaces per one thousand (1,000) square feet of gross floor area.
- (s) Recreational uses:
 - [1] Bowling alley: four and five-tenths (4.5) parking spaces per lane.
 - [2] Golf course: eight (8) parking spaces per hole.
 - [3] Health club: eight and five-tenths (8.5) parking spaces per one thousand (1,000) square feet of gross floor area.
 - [4] Marina: five-tenths (0.5) parking space per boat slip.
 - [5] Miniature golf: one and five-tenths (1.5) parking spaces per hole.
 - [6] Pool hall/arcade: four (4) parking spaces per one thousand (1,000) square feet of gross floor area.
 - [7] Skating rink: seven (7) parking spaces per one thousand (1,000) square feet of gross floor area.
 - [8] Stadium: twenty-five hundredths (0.25) parking space per seat.
 - [9] Swimming pool: twenty-five hundredths (0.25) parking space per person in pool.
 - [10] Tennis court: three (3) parking spaces per court.
- (t) Restaurant:
 - [1] High turnover: five-tenths (0.5) parking space per seat.
 - [2] Lower turnover: three-tenths (0.3) parking space per seat.
- (21) Retail store, freestanding: four (4) parking spaces per one thousand (1,000) square feet of gross leasable area.
- (22) Schools.
 - (a) Nursery, elementary or intermediate: one and five-tenths (1.5) parking spaces per classroom, but not less than one (1) parking space per teacher and staff.
 - (b) High school: twenty-three hundredths (0.23) parking space per student.
 - (c) College: sixty-two hundredths (0.62) parking space per student.
- (23) Shopping center (includes neighborhood, community, regional and super regional):
 - (a) Under six hundred thousand (600,000) square feet: four (4) parking spaces per one thousand (1,000) square feet of gross leasable area; adjust upward for theaters and restaurants.
 - (b) Greater than six hundred thousand (600,000) square feet: five (5) parking spaces per one thousand (1,000) square feet of gross leasable area.
- (24) Storage, self: one (1) parking space for each unit, plus one (1) parking space for each employee.
- (25) Supermarket; freestanding: seven (7) parking spaces per one thousand (1,000) square feet of gross floor area.
- (26) Theater: four-tenths (0.4) parking space per seat.
- (27) Veterinary clinics or hospitals or animal care facilities: one (1) parking space for each four hundred (400) square feet of gross floor area.
- (28) The parking space required for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board, based upon that use enumerated herein which is most similar to the proposed use. If there is no use enumerated herein having sufficient similarity to the proposed

use to enable the Board to establish rational parking requirements, the Board may, in its discretion, direct the applicant to furnish the Board with such data as may be necessary to enable the Board to establish rational parking requirements.

- (29) Off-street parking requirements for residential land uses.

Off-Street Parking Requirements

<u>Residential Use</u>	<u>Spaces</u>
Single-family detached	
2-bedroom	1.5
3-bedroom	2.0
4-bedroom	2.5
5-bedroom	3.0
Garden apartment	
1-bedroom	1.8
2-bedroom	2.0
3-bedroom	2.1
Townhouse	
1-bedroom	1.8
2-bedroom	2.3
3-bedroom	2.4
Mobile home	
1-bedroom	1.8
2-bedroom	2.0

- (30) Miscellaneous criteria for calculating the amount of parking required. In computing the number of above-required parking spaces, the following rules shall govern:

- (a) Where fractional space results, the required number shall be construed to be the nearest whole number.
- (b) Nothing in the above requirements shall be construed to prevent the joint use of off-street parking facilities by two (2) or more uses, provided that the total of such spaces shall not be fewer than the sum of the requirements for various individual uses computed separately by the above requirements.
- (c) All required parking facilities shall be located on the same lot or parcel as the structure or use they shall serve. In the case of nonresidential uses, parking facilities may be provided on other lots or parcels but shall not be greater than three hundred (300) feet from the structure or use they shall serve.
- (d) Where special traffic problems exist, the Planning Board may require a special survey of conditions, at the applicant's cost, and require the location of entrances and exits in the parking lot to be altered to minimize congestion and hazard.

B. Minimum loading requirements. Adequate off-street loading and maneuvering space shall be provided for every retail or wholesale commercial and/or industrial use. The following standards shall be applied:

- (1) Required number of off-street loading spaces:
 - (a) Schools: one (1) loading space.

- (b) Hospitals with gross floor area:
 - [1] Under ten thousand (10,000) square feet: one (1) loading space.
 - [2] From ten thousand (10,000) to thirty thousand (30,000) square feet of gross floor area: two (2) loading spaces.
 - (c) Funeral homes: one (1) loading space.
 - (d) Office, hotel, retail service, wholesale, warehouse, manufacturing or processing or repairing uses with a gross floor area:
 - [1] Under ten thousand (10,000) square feet: one (1) loading space required.
 - [2] From ten thousand (10,000) to twenty-five thousand (25,000) square feet of gross floor area: two (2) loading spaces.
 - [3] From twenty-five thousand one (25,001) to sixty thousand (60,000) square feet of gross floor area: three (3) loading spaces.
 - [4] From sixty thousand one (60,001) to one hundred thousand (100,000) square feet of gross floor area: four (4) loading spaces.
 - (e) Off-street loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to and that no accessory space or portion thereof shall serve as a required space for more than one (1) use.
- (2) There shall be a minimum of one (1) trash/refuse enclosure and collection location, separate from any parking or loading area and located in a separate enclosure area. The refuse collection or enclosure area shall be totally enclosed and screened from view in accordance with the requirements in §15-11.18, screening of refuse area. The refuse enclosure area may be located adjacent or within the general loading area(s), provided that containers or enclosures in no way interfere with or restrict loading and unloading.
 - (3) Where any use is located on a tract of at least fifty (50) acres and no portion of a loading area, including maneuvering areas, is closer than two hundred (200) feet to any property line and where the length of the driveway connecting the loading area to the street is at least three hundred (300) feet, the number of off-street loading spaces may be less than the number required by the schedule above, provided that the applicant, as part of the site plan, shall document to the approving authority how the number of spaces to be provided will be adequate to meet the needs of the specific use proposed
 - (4) Access to truck standing, loading and unloading areas may be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles.
 - (5) Unless otherwise permitted, Fire Zones shall not be used as standing, loading or unloading areas.
 - (6) Loading areas, as required under this section, shall be provided in addition to off-street parking spaces and shall not be considered as supplying off-street parking spaces.
 - (7) No off-street loading or unloading area shall be permitted in any required front yard area.

- C. Location of parking and loading areas.
- (1) Loading spaces shall be located on the same lot as the use being served, may abut the served rather than requiring a setback from the building and shall be located to directly serve the building for which the space is being provided. Loading spaces shall be located at least twenty (20) feet from any building being served. No off-street parking or loading space shall have direct access from a street.
 - (2) No loading and parking spaces shall be located in any required buffer area.
 - (3) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.
 - (4) Off-street loading spaces shall have fifteen (15) feet of vertical clearance and be designed in accordance with the following criteria:

Loading Space		Apron/Aisle Length	
<u>Length</u>	<u>Width</u>	<u>(90°)</u>	<u>(60°)</u>
<u>(feet)</u>	<u>(feet)</u>	<u>(feet)</u>	<u>(feet)</u>
60	10	72	66
60	12	62	57
60	14	60	54

§ 15-12.17. Fences.

- A. A "fence" or "fencing" shall be defined as any wood, masonry, metal or aluminum structure(s) or any wall or hedges constructed on the front, side or rear yard and designated to shield, screen or protect a lot(s) or a portion of a lot(s).
- B. General requirements.
- (1) All fences hereinafter erected, rebuilt, renovated and maintained in any residential district in the Township shall be subject to the following rules, requirements and regulations:
 - (a) On any lot in any residential district, no fence, wall or hedge shall be erected, built, renovated or maintained so that said fence, wall or hedge shall exceed six (6) feet in height. See-through fencing may be constructed to a maximum height of six (6) feet in accordance with all other provisions contained herein.
 - (b) The height of all fences, walls and hedges shall be measured from the ground elevation or finished grade a vertical distance of six (6) feet.
 - (c) "See-through fencing" shall be defined as any fence or fencing having a consistent density of not greater than fifty percent (50%) for all fences, living fences and hedges.
 - (d) Fences on lagoon properties shall be of a see-through type or variety for a minimum of fifteen (15) feet from any bulkhead or rear property line along the side line or side yard of any residential lot so as not to obstruct the view of the lagoon. The entire rear line or rear yard fence shall also be of a see-through type or variety. All living fences and hedges shall adhere to the above-stated fifteen-foot side-line regulations and shall not be constructed in a continuous non-see-through manner.

- (e) All fences shall be constructed with the face or finished side away from the structural side toward the interior of the lot(s) on which they are erected.
 - (f) Fences which are painted or stained shall be of one (1) harmonious color throughout each individual lot(s) and blend with the character of the surrounding neighborhood.
 - (g) No fence shall be constructed with barbed wire or electrified or topped with spikes, sharp points or any other dangerous object(s) which may be hazardous to persons or animals.
 - (h) Living fences, hedges or screen plantings shall be planted no closer than six (6) inches to a property line and shall be maintained in a neatly trimmed and aesthetically pleasing condition.
 - (i) Fences shall not be erected on a property line without the approval, in writing, of the adjoining property owners. All fences shall be erected a minimum of six (6) inches from the property line on which they will be located.
 - (j) Fences shall be erected in a proper manner so as to permit the free flow of natural drainage and prohibit the blocking, obstruction, damming and/or ponding of surface water on the lot on which they are erected and on all contiguous and adjoining properties.
 - (k) No fence, wall or hedge shall be used as a side of a shed, building or accessory structure.
 - (l) No fence, wall or hedge shall encroach upon any public right-of-way, public easement or other private property(s) other than the lot(s) which it is intended to serve.
- C. A fence permit shall be required and shall be issued, in conformance with these rules, regulations and requirements, by the Township Building Department for all fences, except living fences, erected in the Township.
- D. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing objects shall be permitted which exceed the height of thirty (30) inches above the elevation of the existing street. This restriction shall not prohibit the construction of see-through-type fences at the height limitation prescribed above.
- E. All fences placed in the front yard of a residential area shall be at least fifty percent (50%) of an open, see-through variety.

§ 15-12.18. Groundwater quality protection: best management practices.

The following principals, measures and guidelines shall be utilized, to the maximum extent practicable, to minimize the impact of development and/or activities on the quality of the township's groundwater resources and to limit the risk of contamination of the Township's potable water supply:

- A. All commercial and residential development shall minimize impervious coverage and maximize the amount of natural unoccupied open space.
- B. The preservation of naturally vegetated areas and landscaped areas utilizing native plant material requiring minimal fertilization and pesticide and herbicide application are encouraged.
- C. Storage of hazardous materials shall, except as otherwise regulated by State or Federal regulation, allow access for physical inspection and monitoring and shall utilize the best available technology to provide for automatic and immediate alarm or detection of releases.
- D. Users of hazardous materials shall have a plan to detect and control hazardous material leaks and spills, including but not limited to inspections, notification procedures and emergency containment and cleanup procedure.

§ 15-12.19. Lighting.

- A. All exterior lighting shall be designed to provide a minimum lighting intensity of five-tenths (0.5) lumen per square foot. Lighting shall be of a soft or glare-free type such as sodium vapor lights, and shall not cast an illumination color which shall be distracting, obliterate or obscure the view, be ultraviolet, strobic, pulsating, flashing or of any unnatural kind or create a public nuisance, discomfort or hazard.
- B. All exterior lighting fixtures shall be designed, manufactured, installed and aimed in such manner as to shield glare from reflecting onto adjacent streets, properties, residences or public areas.
- C. All lighting fixtures shall conform with all applicable requirements of the BOCA Basic Energy Conservation Code and the Lighting Power Budget Determination Procedure, EMS-1, of the Illuminating Engineer's Society.
- D. All site plans or other development plans proposing the use of exterior lighting, either freestanding or building-mounted, shall include complete data regarding the proposed exterior illumination, including the proposed direction and location of illumination; intensity of illumination, as expressed either in horizontal foot-candles or lumens per square foot; the hours of illumination; detail drawings and specifications of lighting fixtures, including but not limited to the type of lighting, fixture details, mounting details, mounting height and lighting isobar patterns; illumination areas as shown on the site plan; and provisions to shield glare from reflecting onto adjacent thoroughfares and properties; and, in addition, any additional specific and special detailed data deemed appropriate for the particular lighting application as required by the Township Engineer, Construction Code Official, Zoning Officer, Planning Board, Environmental Commission, Electrical Subcode Official, Police Department, Zoning Board of Adjustment or other agency.

- E. The location of the parking lot light structure shall be in accordance with the requirements of § 15-11.8.

TUCKERTON BOROUGH MASTER PLAN

Redlined/Annotated

Borough of
Tuckerton
Master Plan
December 2002

Proposed text revisions
Sustainable & Resilient Coastal Communities Project
August 2017





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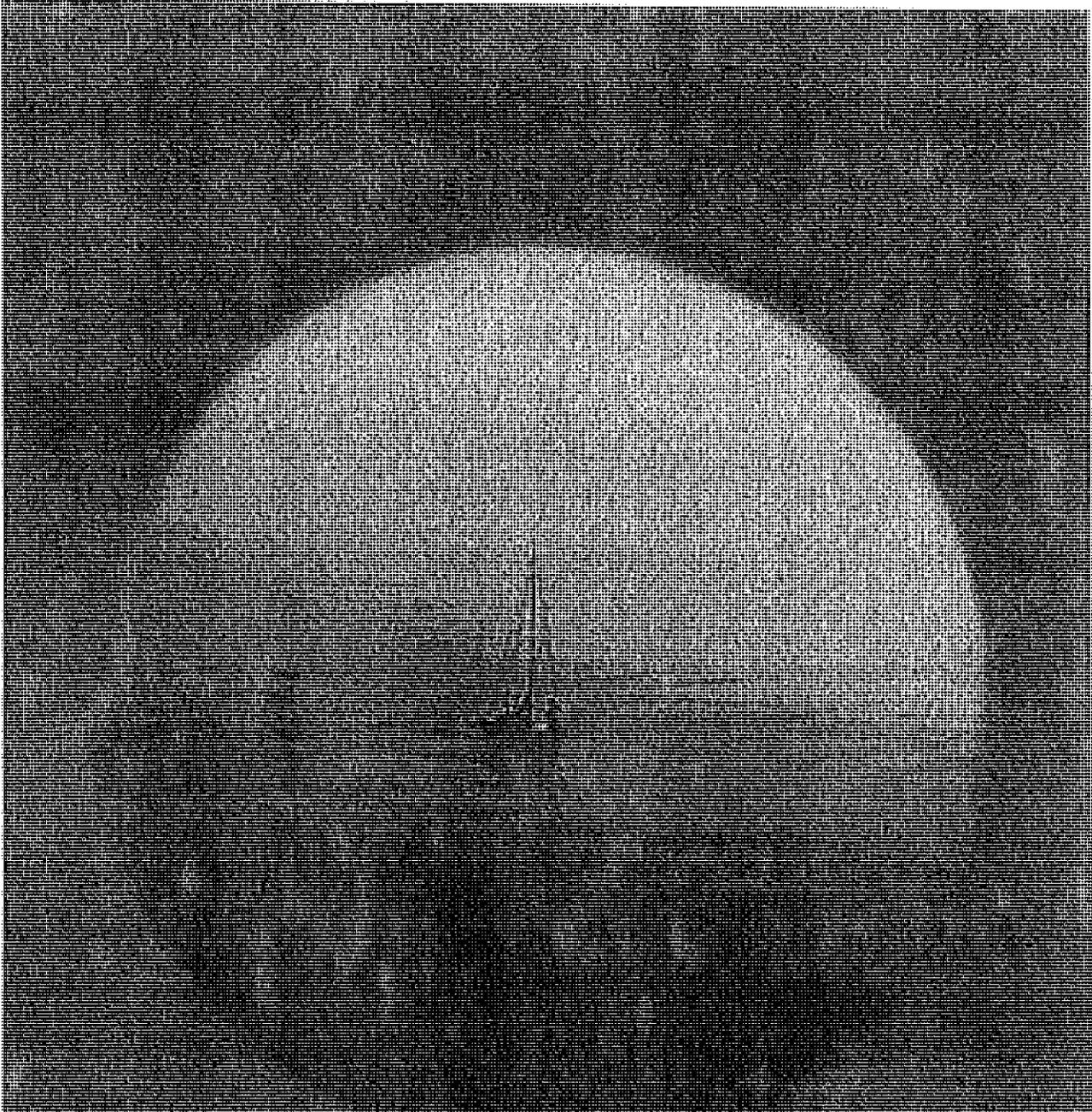
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***Consider adding a "Resiliency" Element**

****Consider adding a Capital Improvement Plan Element that details a planned investment strategy to reduce exposure**



Introduction

The Borough of Tuckerton is a study in contrasts. Tuckerton played a significant role in the colonial history and the maritime development of the Country, but is only recently beginning to capitalize upon this legacy. The Borough is located in Green County, which has been the fastest growing County in the State for the past 50 years, yet the Borough has steadily lost economic vitality over the same period.

Tuckerton

The Borough is located between two spectacular natural ecosystems, Little Egg Harbor and the New Jersey Pine Barrens. These resources serve to significantly constrain economic opportunities, but provide fantastic natural amenities.

Tuckerton last prepared a comprehensive Master Plan in 1978, nearly 25 years ago. Since that time, new growth within the Borough has consisted primarily of infill residential housing, scattered commercial development along Route 9 and redevelopment of the Tuckerton Seaport. Unfortunately, during much of this time period the Main Street area declined. Recently, a new focus and energy is revitalizing this key corridor.

During the same period Little Egg Harbor Township, which completely surrounds the Borough on its landside, has experienced explosive growth in population and commercial activity. The majority of this growth has occurred in the form of sprawling subdivisions and strip commercial development. Correspondingly, this unplanned regional growth has created several issues for the Borough including increased traffic, competition with downtown businesses and loss of water quality in Lake Pohatcong, Tuckerton Creek and Little Egg Harbor due to surface runoff and septic leaching.

In June of 2000, the State Planning Commission designated parts of Tuckerton Borough and Little Egg Harbor Township as the Greater Tuckerton Town Center. Designated Centers are the core planning unit of the New Jersey State Development and Redevelopment Plan, which seeks to revitalize cities and towns, conserve

natural resources and promote economic growth and development in compact, mixed-use forms. The joint-center designation is unique and recognizes the common, interrelated issues facing both municipalities. Centers are encouraged to coordinate municipal planning efforts with county and state agencies to achieve high levels of consistency.

This master plan is the next step in developing Tuckerton Borough and the Greater Tuckerton Town Center into a 21st century community of place. This Plan seeks to capitalize upon recent public and private efforts and establish a framework and to guide future development and redevelopment.

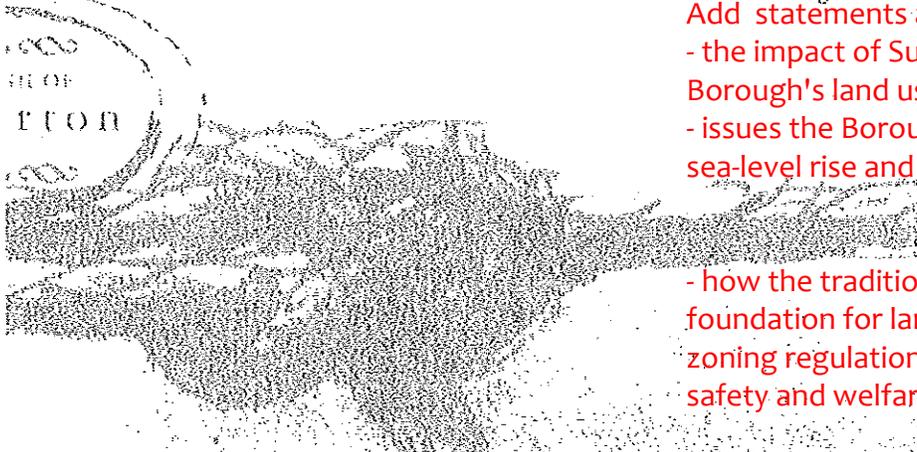
The redevelopment of the Tuckerton Seaport into a regionally oriented, historic tourism destination has initiated the revitalization of Tuckerton. The downtown, Main Street corridor is the core of both the Borough and the Center. The redevelopment of this area is a central planning issue facing the Borough. The manner in which it is addressed will determine how Tuckerton looks and functions for the foreseeable future.

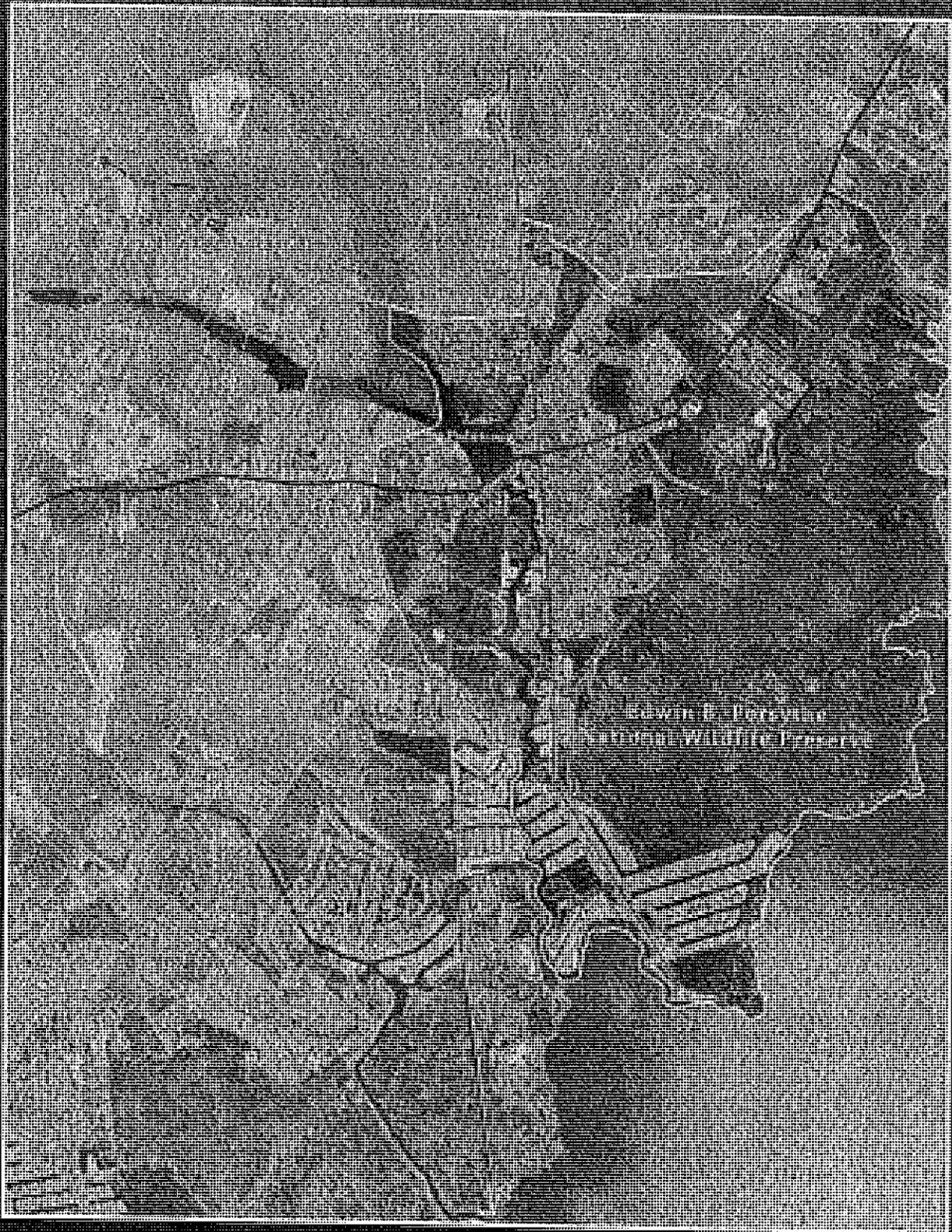
This Plan seeks to develop strategies to achieve a balance between the needs of current residents, future economic development and environmental conservation. The key to this strategy is comprehensive planning designed to link local and regional needs to create a lively mixed-use pedestrian-oriented downtown, surrounded by stable residential neighborhoods and scenic environmental amenities. This plan seeks to create the framework to achieve this goal.

Add statements about

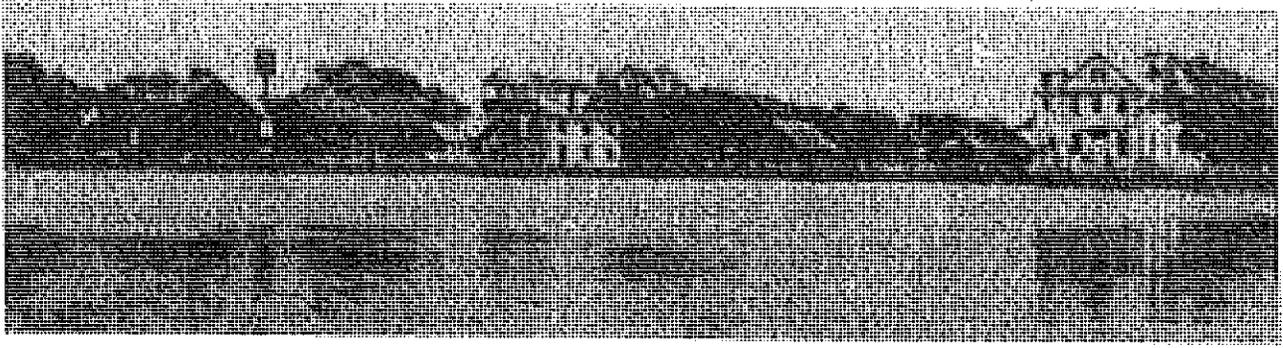
- the impact of Superstorm Sandy on the Borough's land use and development;
- issues the Borough faces associated with sea-level rise and coastal storms; and

- how the traditional police powers form the foundation for land use management and zoning regulation (i.e. protect public health, safety and welfare).





Borough of Tuckerton Regional Context Map
Prepared by Hoyer, Gradl & Associates



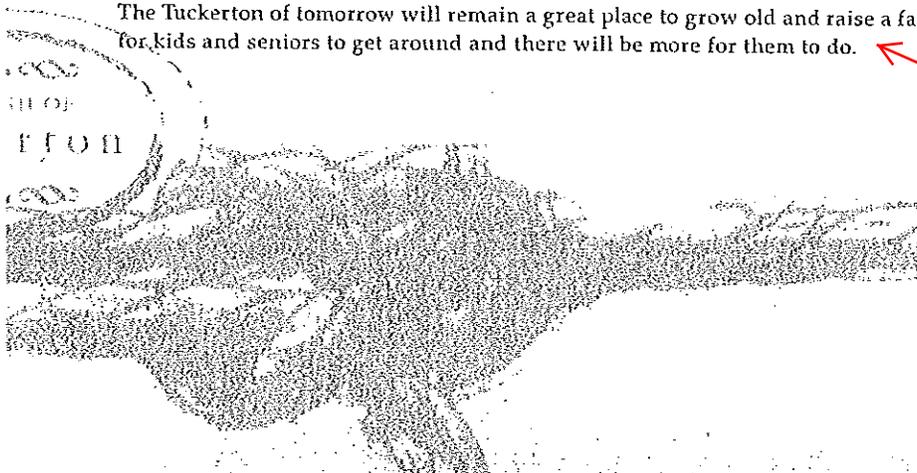
A Vision For Tuckerton

This Plan presents a vision of a 21st century Tuckerton that is economically prosperous, environmentally sustainable and socially stimulating. Tuckerton twenty years from now will have benefited from sound planning, which anticipated new growth and incorporated it into the fabric of the Borough to solve past problems and create new opportunities.

This Plan envisions a Tuckerton of tomorrow that builds on 300 years of history and features dynamic downtown, solid residential neighborhoods and open spaces. Downtown Tuckerton will become a regional destination with a variety of galleries, cafes and shops frequented by day visitors and new residents alike. Downtown Tuckerton will look like a traditional maritime village with three story buildings set close to the street, wide sidewalks and street trees, but downtown Tuckerton will function like a 21st century downtown, with plenty of parking tucked behind buildings, pedestrian connections and a variety of residential opportunities. Downtown Tuckerton will serve as the main street for both Tuckerton and Little Egg Harbor Township. It will be the place to go.

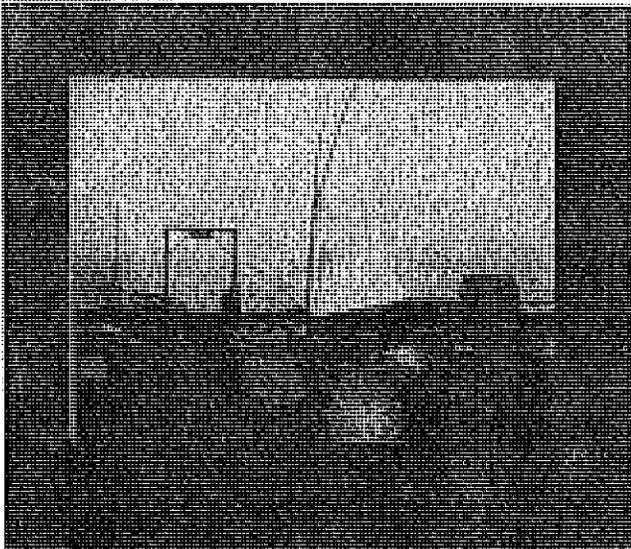
The Tuckerton of tomorrow will capitalize upon its natural amenities and will have integrated them into every day life. Sidewalks and bikeways will connect residents with attractions in town or in neighboring communities. When warm enough, people will be swimming in Lake Pohatcong or at the South Green Street Beach. The public walkway along the Tuckerton Creek will become a location for moonlight walks or early morning jogs. Tuckerton will have become a regional destination for eco-tourism with a variety of bird watchers, hikers or boaters passing through on the Coastal Heritage Trail.

The Tuckerton of tomorrow will remain a great place to grow old and raise a family. Only it will be easier for kids and seniors to get around and there will be more for them to do.



Tuckerton should re-evaluate future development scenarios considering land use mix, intensity and density to inform the Master Plan's Vision Statement. Consideration should be given to the feasibility of redistributing or creating shore-like amenities and eco-tourism to inland areas.





Land Use

- § Preserve and protect the distinctive physical and historic character of the Borough as a whole as well as the identity of specific neighborhoods and areas.
- § Assure that the character of individual structures, groups of structures and neighborhoods are within the scale and style of existing neighborhoods.
- § Encourage and regulate building and site design to ensure that the overall character of the Borough is maintained and enhanced.
- § Preserve the maritime heritage, including traditional land uses.
- § Recognize that the maritime heritage of the Borough is tied to Tuckerton Creek, Little Egg Harbor and the Atlantic Ocean. Preserve and encourage continued compatible marine use.
- § Preserve and enhance views and vistas, which are important distinctive features that contribute, in part, to property values.
- § Provide for a variety of housing types, as enabled by zoning, in order to attract and strengthen a racially diverse population.
- § Encourage that structural additions be in harmony and scale with the surrounding neighborhood.

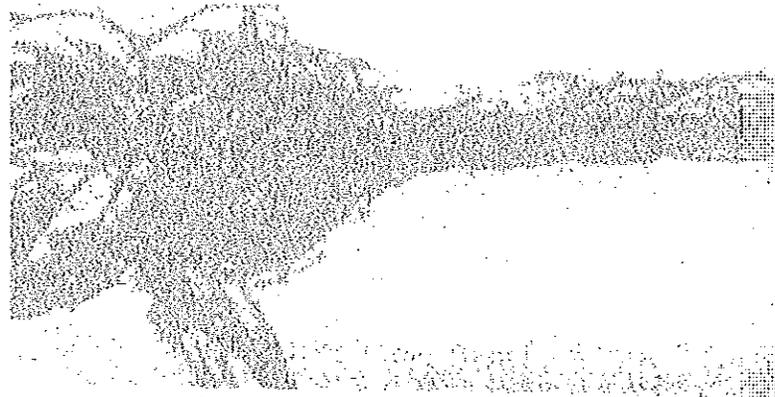


Economic Development

- § Support a mix of retail, commercial, and marine uses and encourage an orderly and balanced growth that serves Borough residents and visitors.
- § Encourage the re-use of properties, which have become vacant or obsolete.
- § Work with merchants to maintain and strengthen the utility and attractiveness of the Main Street shopping area.
- § Support appropriate economic development within the limitations of the Borough's size and scale.
- § Promote and encourage economic development consistent with the Borough's marine heritage and unique geographic location and compatible with adjacent residential areas.
- § Encourage business recruitment by hiring a downtown management consultant or Borough Administrator. This individual can also act as the municipal grant agent by appointment, if appropriate.
- § Promote marine-related uses for existing developed shorefront areas.
- § Recognize and capitalize on the Seaport as an economic development tool.
- § Encourage the continuation and growth of the commercial fishing activity within the Borough, working cooperatively with County and State officials.

(see suggested revisions on following page)

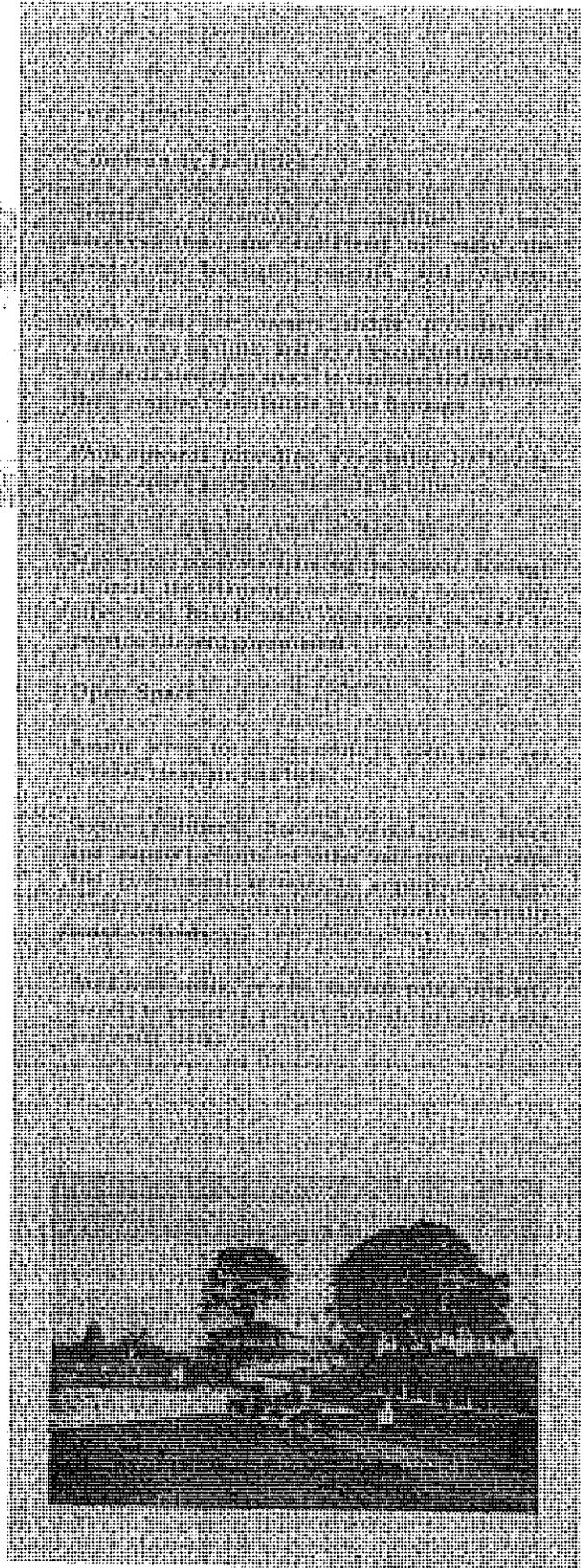
- Develop a commercial district revitalization program that supports core businesses and helps to expand a niche market in the recreation and tourism sectors.
- Promote traditional, small town customer service with a seafaring theme.
- Provide small business support in coordination with various development recovery projects.
- Encourage coordinated, distinctive, and attractive development of the borough core.

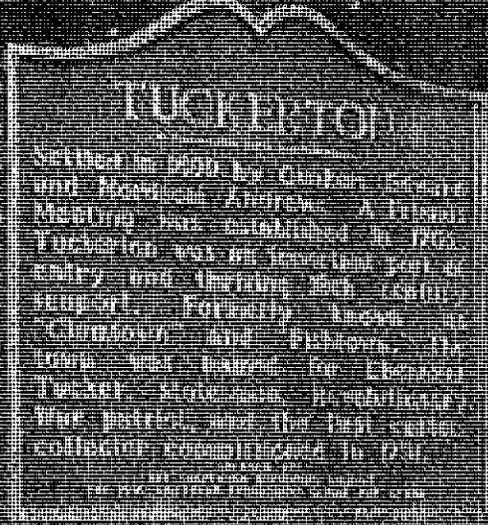


Circulation, Parking, and Transportation

- § Provide safe vehicular circulation, pedestrian ways, adequate on and off street parking and transportation.
- § Recognize that the ability to provide adequate parking is a controlling factor in the size and scale of development.
- § Develop a coordinated downtown parking strategy through shared parking opportunities and the construction of municipal lots.
- § Enhance potential gateway locations to improve the appearance of the Borough's transportation corridors.
- § Provide for safe and convenient patterns of vehicular and pedestrian circulation in the Borough.
- § Assure, where possible, that parking is adequate to meet the needs of existing residents and businesses and identify opportunities to provide additional public parking.
- § Improve directional signage and public parking, particularly for Main Street retail and restaurant facilities.
- § Support public transportation for senior citizens and for other transit dependent residents.

Add section on Resiliency and list plan objectives. Acknowledge projected flood risk exposure; outline mitigation objectives and principles; and identify who will be responsible for implementation.





Introduction

The Borough of Tuckerton is 17 square miles with a population of approximately 517 persons according to the 2000 census. The Borough is a mostly full-developed Town Center with a density of 333 persons per square mile. Barnegat Bay forms the eastern border of the Borough and the rest of the Borough is completely surrounded by Little Egg Harbor Township.

Demographics + Background Data



Tuckerton has a long history as a maritime village located along the banks of the Tuckerton Creek and is nestled between Little Egg Harbor and the New Jersey Pine Barrens. The Borough developed in a compact pattern radiating away from the creek. Development was modest and largely dependent upon the changing fortunes of the local maritime trades.

Limited highway access, State mandated development regulations of surrounding environmentally sensitive lands, (CAFRA and the Pine Barrens) have insulated southern Ocean County from much of the explosive growth and suburban sprawl which has occurred throughout Ocean County in the past 50 years.

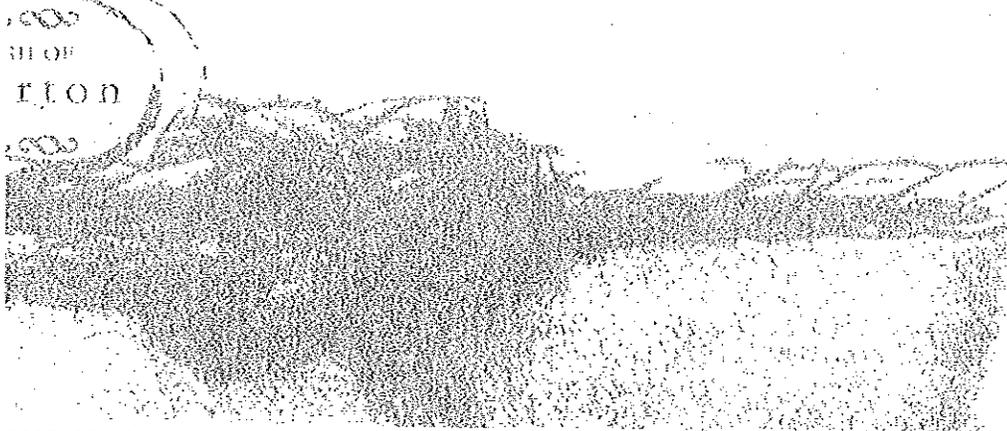
The construction of the Garden State Parkway opened up southern Ocean County to new residential development, the majority of which has been absorbed by Little Egg Harbor Township. Conversely, during this time Tuckerton has experienced disinvestment and decline of its commercial and downtown areas. New development that has occurred has primarily been single-family housing in the southern Tuckerton Beach area.

State Highway 9 is the primary access route through the Borough and is locally referred to as Main Street. While the highway primarily runs north/south along the Atlantic Coast, it is oriented east/west through Tuckerton. State Highway 9 connects the Borough

to the county population centers of Tom's River and Brick Township, to the north and the regional highway network and access routes to Long Beach Island. Main Street serves as the Borough's downtown and contains a mix of commercial, residential and civic uses. Main Street is the most identifiable route through the Borough and contains Borough Hall, the Seaport and Tip Seaman County Park.

County Route 539 is the secondary access route through the Borough and is locally referred to as North Green Street. County Route 539 connects the Borough with important transportation routes such as the Garden State Parkway and State Highway 72. South Green Street runs parallel to Tuckerton Creek east of Main Street and contains a mix of residential, civic and commercial activities. South Green Street links the newer residential neighborhoods of Tuckerton Beach with the older Borough center.

The Borough has a fairly well organized land use pattern with commercial development located along major roadways and Tuckerton Creek with surrounding residential neighborhoods. Large areas of the Borough are devoted to open space including Tip Seaman County Park, southeastern sections of Tuckerton Creek and the Edwin B. Forsythe National Wildlife Preserve. See Appendix as to Open Space and Recreation data.



Tuckerton

Population

Population data is an important indicator of growth. The 2000 United States Census reveals several significant demographic trends occurring within Tuckerton Borough, Little Egg Harbor Township, Ocean County and the State of New Jersey, which impact planning decisions. Because of its relative location, and Joint Town Center designation with the Borough, census data for Little Egg Harbor Township is included within this analysis.

The 2000 census data also reveals important details about the composition of Tuckerton's current population. The median age of the Borough in 2000 was 39.2 years. This is older than that of the State (36.4) and comparable with Little Egg Harbor Township (39.9) and Ocean County (41.0). The age maturing or "graying" of Tuckerton, Little Egg Harbor Township and Ocean County as a whole has significant impacts upon future planning decisions.

	2000	1990	Number	Percent
New Jersey	8,414,350	8,401,017	13,333	8.9%
Ocean County	510,916	433,203	77,713	17.9%
Tuckerton	3,517	3,048	469	15.4%
Little Egg Harbor	15,945	13,333	2,612	19.6%

Source: U.S. Census Bureau

Tuckerton	Little Egg Harbor Township	County	State
39.2	39.9	41.0	36.4

Source: U.S. Census Bureau

The population of Tuckerton increased from 3,048 people in 1990 to 3,517 people in 2000. The 15.4% rate of increase was less than that experienced by Ocean County (17.9%) but greater than that of the State (8.9%). The rate of growth was also less than that experienced by Little Egg Harbor Township (19.6%) during the same period. While the rate of growth of both municipalities was comparable, in actual numbers, the increase in population experienced by Little Egg Harbor (2,612) was more than five times that of Tuckerton (469).

Tuckerton and Little Egg Harbor Township are racially homogenous communities. The predominance of the white population in both Tuckerton (96.9%) and Little Egg Harbor (96.2%) is consistent with the racial profile of Ocean County (93.0%) but sharply contrasts with the rest of the New Jersey (72.6%).

Income

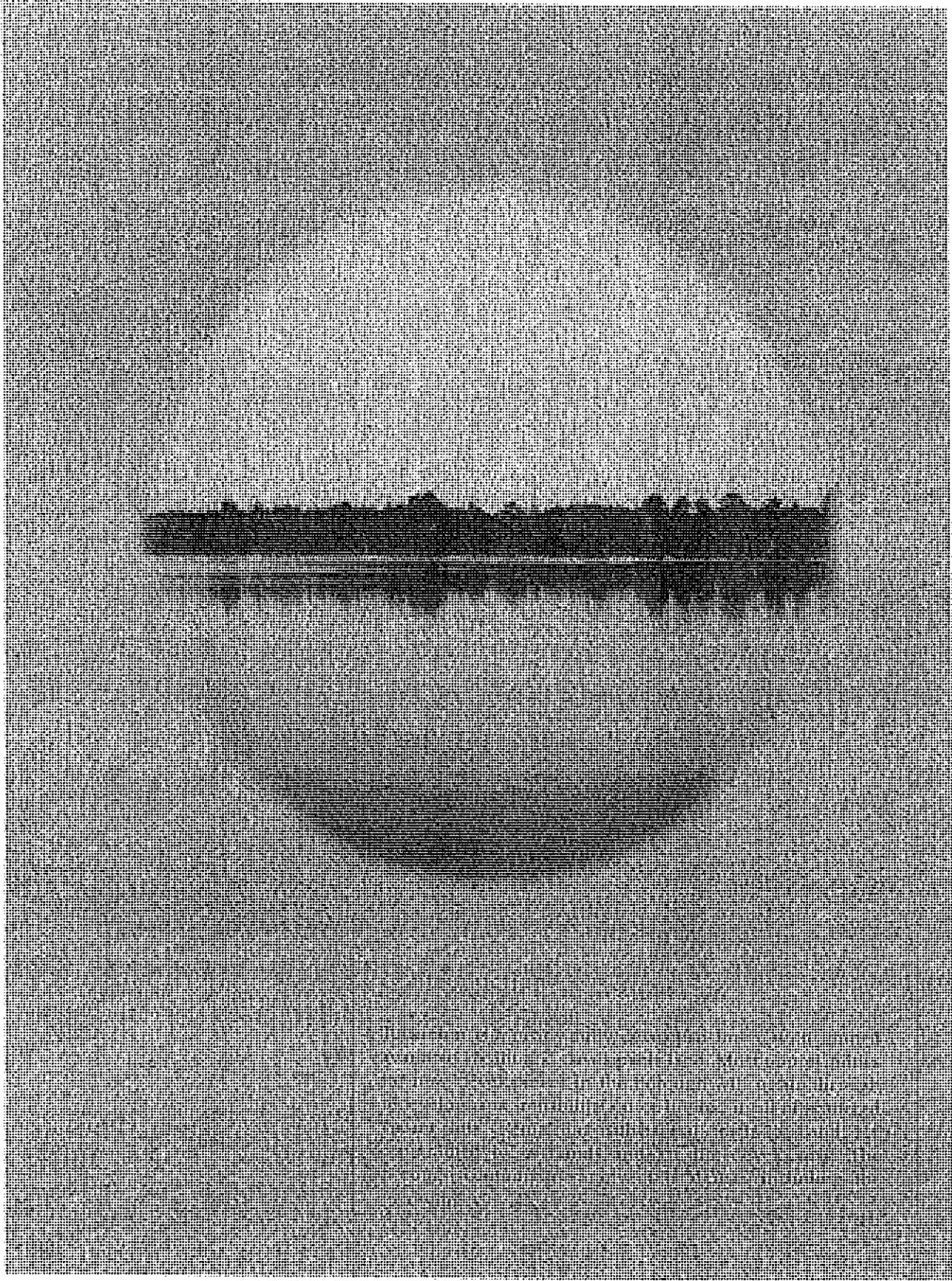
The 1999 per capita income of both Tuckerton (\$20,118) and Little Egg Harbor Township (\$20,619) ranks in the lower fifth of New Jersey's (\$27,006) 566 municipalities

	2000	1950	Number	Percent
Ocean County	510,916	56,609	454,307	802%
Tuckerton	3,517	1,332	2,185	164%
Little Egg Harbor	15,945	847	15,098	1782%

Source: U.S. Census Bureau, Ocean County Department of Planning

	Household	Family	Per capita
Tuckerton	\$40,042	\$49,528	\$20,118
Little Egg Harbor	\$45,628	\$51,580	\$20,619
Ocean County	\$44,443	\$56,420	\$23,054
New Jersey	\$55,146	\$65,370	\$27,006

Source: U.S. Census Bureau, Ocean County Department of Planning





***Add information on development restraints vis-a-vis exposure to flooding and coastal storms.**

Land Use

Residential

The majority of residential land uses consist of single-family detached homes with pockets of multi-family development throughout the Borough. Multi-family housing consists of townhouses, apartments and mobile home parks. The older residential neighborhoods have densities ranging between 5 and 8 units per acre and newer neighborhoods are developed at 4 units per acre. There are several lagoon neighborhoods with densities of 8 units per acre.

The residential land use map indicates the pattern and distribution of the Borough's residential neighborhoods.

Commercial

Commercial land uses consist of a variety of retail commercial uses, restaurants, service establishments, wholesale business and professional offices. The majority of these uses are located along the Route 9 corridor with scattered establishments along North and South Green Street.

Marine Commercial

Tuckerton's waterfront orientation and maritime heritage provide a logical location for marine commercial land uses. These establishments consist of marinas and boat yards providing a variety of marine-oriented services, including boat storage, repair and sales. Marine Commercial land uses are primarily located along both sides of Tuckerton Creek.

Public and Quasi-Public

Public and quasi-public land uses comprise a large portion of the Borough and consequently significantly define the form and character of Tuckerton. Public uses

include municipal, state and county offices, recreation facilities, open spaces, parks and wildlife preserves, libraries and educational facilities as well as public utility sites. These uses are located throughout the Borough, with the most significant being the Edwin B. Forsythe National Wildlife Preserve and Tip Seaman County Park. A description of these facilities is included in the Community Facilities and Recreation Elements of the Master Plan.

Quasi-public uses include churches, cemeteries, educational facilities, library, community centers and meeting halls. Two significant quasi-public uses are the Tuckerton Seaport and the Quaker Meeting House.

Center Designation

A large portion of the Borough lies within the designated Center. The Lagoon development along Route 9 indicates the eastern border. The Forsythe Preserve marks the southern border. The Tuckerton Beach neighborhoods and public open space/wetland corridors along Tuckerton Creek are also not included in the Center. The Center includes all other remaining land within the Borough.

The Center designation permits significant reductions in CAFRA impervious coverage limitations. The Center designation allows land to be developed with 70% coverage instead of 3% permitted in PA-4 and PA-5 areas.

Although several parcels contain wetland constraints, lands within the Center represent significant development opportunities.

Re-evaluate the areas described as vacant developable lands to correspond with known flood zones. This will enable the Borough to identify growth redistribution opportunities.

Add information to the "Residential" section of Land Use Element above:

As of the 2010 U.S. Census, there were a total of 1,902 housing units in Tuckerton, of which approximately 20% were seasonal units. The majority of houses in the Borough are single-family detached homes, with small pockets of multi-family dwelling units. Density ranges from 4-8 units per acre.

According to the 2014 "Getting to Resilience" report, a large portion of Tuckerton's residential properties are contained in the Tuckerton Beach section of town. The land in this section of town was constructed by dredging and filling intertidal saltmarsh and converting it to usable land. This method of construction was banned by federal legislation by the 1970's but not before expansive areas of wetlands were built upon.

Over time, these built up areas have experienced a slow and steady settling of their sediments due to compaction resulting in the subsidence of streets and lots. The Borough has elevated roadways that have become frequented by tidal flooding, but this has created problematic runoff issues as precipitation pours off the elevated roadway and onto private lots, causing flooding.

Add information to the "Center Designation " section of Land Use Element above:

The Borough is designated as two separate CAFRA planning areas: CAFRA Coastal Environmentally Sensitive Area (PA5) and CAFRA Coastal Suburban Area (PA2). Approximately 1,140 acres lie within the Environmentally Sensitive Planning Area and the remaining 1,190 acres lie within the Coastal Suburban Planning Area. In accordance with the impervious coverage requirements of the CAFRA regulations, 3% of the Environmentally Sensitive Planning Area or 34.2 acres can be developed with impervious coverages and 30% of the Suburban Planning Area that is serviced by a regional sewerage system or 357 acres can be impervious.

Land Use Element

The Land Use Element is intended to be the central component of this Master Plan and to integrate the stated vision, planning assumptions, community goals and other master plan elements together into a comprehensive framework to guide the physical, economic, environmental and social development of Tuckerton.

Towards this end, the Land Use Element indicates the existing and proposed location, extent and intensity of development within the Borough. It analyzes the relationship between the existing zoning ordinance and Tuckerton's land use pattern. This Plan will guide the creation of a new, comprehensive zoning ordinance.

The purpose of this element is to preserve and enhance the existing residential land use pattern and to update the commercial land use pattern to meet new opportunities.

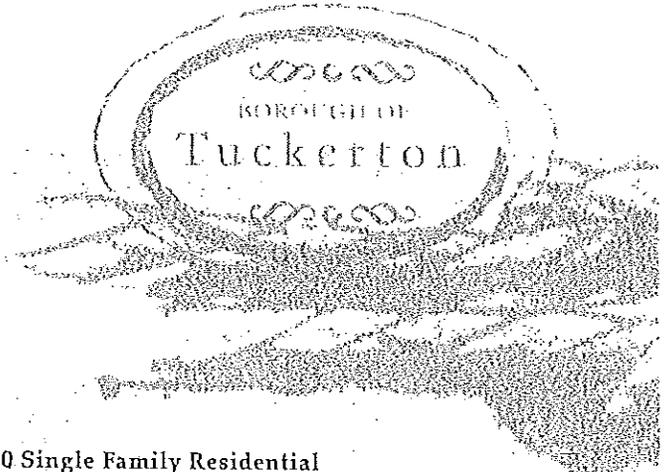
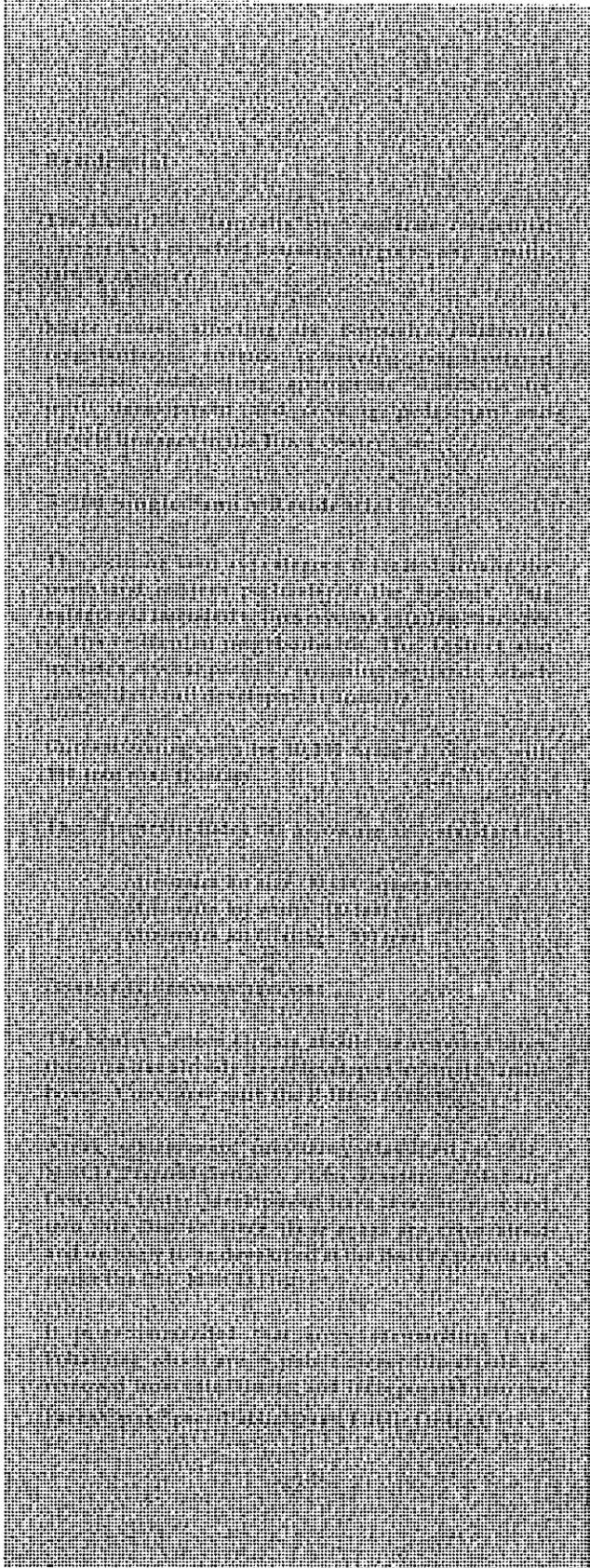
Single-family residential neighborhoods comprise a large portion of the developed area of the Borough. These neighborhoods are categorized in districts to reflect established development patterns.

The commercial areas of the Borough have been identified according to the type and intensity of existing and proposed development. New districts have been established to reflect upon Center boundaries and the development opportunities it affords.

Add information here on the development scenarios from the SRCC Final Report. Specifically, identify the conservation/risk zones and their corresponding limits on development density, intensity and uses.



The permitted uses and use standards under “Issues and Recommendations” in all the districts in the Land Use Element should be revised to reflect the known risk of coastal hazards. The “Issues and Recommendations” sections should also reflect exposure to natural hazards as well as future threats related to rising sea levels, storms, shoreline erosion, flooding and storm surge.



R-90 Single Family Residential

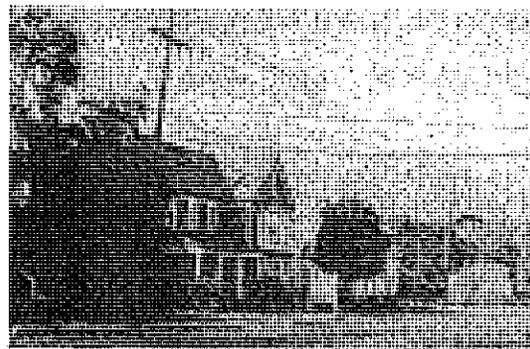
This is a new land use category. It was created to reflect the as-built condition of the neighborhood located in the northwest corner of the Borough, between Lake Pohatcong and north Green Street. The Area is currently zoned R-75 and requires a minimum of 7,500 square foot lots with 75 foot frontages

The prevailing development pattern in this neighborhood features larger lots, which are approximately 9,000 square feet.

Issues and Recommendations

In order to maintain the existing lot pattern, zoning of this district should reflect the prevailing land use pattern which features:

- § 9,000 square foot lots
- § 75 foot frontages
- § 125 foot lot depth





R-75 Single Family Residential

This land use category is located adjacent to the Borough core. Much of the housing is older and historic in character. The existing zoning in this district calls for a minimum of 7,500 square foot lots with 75 foot frontages.

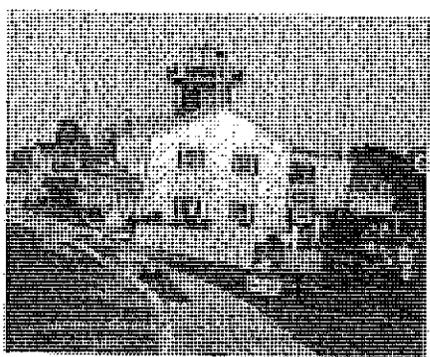
Issues and Recommendations

This land use category includes the majority of Tuckerton's historic housing stock. Care should be taken to preserve the historic integrity of the structures and the quality of the streetscape.

Incompatible infill and demolition are to be discouraged. Garage design should reflect the prevailing pattern of the neighborhood and garage door placement should respect the streetscape.

Standards should reflect the pattern of development and character of the neighborhood including:

- § Minimum lot size of 7,500 square feet.
- § Side yard setbacks should total a combined 30% of lot width.
- § To reflect the varying character of front yards, front yard setbacks should be a minimum of 25 feet or meet the prevailing setback in that zone.



R-50 Single Family Residential

This land use category includes the historic developments located in the Tuckerton Beach Area and along East Main Street adjacent to the wildlife preserve. Much of this district's most constructed housing and historic character exists. Many of these houses were originally constructed on seasonal subdivisions but now are occupied year-round.

The existing zoning for this district requires a minimum lot size of 5,000 square feet with 50 foot frontages.

Issues and Recommendations

This district is unique because of the historic location of the houses. Recommendations reflect the existing pattern of development and character of the neighborhood including:

- § Minimum lot size of 5,000 square feet
- § Side yard setbacks should total 30% of lot width
- § Front yards should meet prevailing setbacks in that zone

M1 Multi-Family Residential District

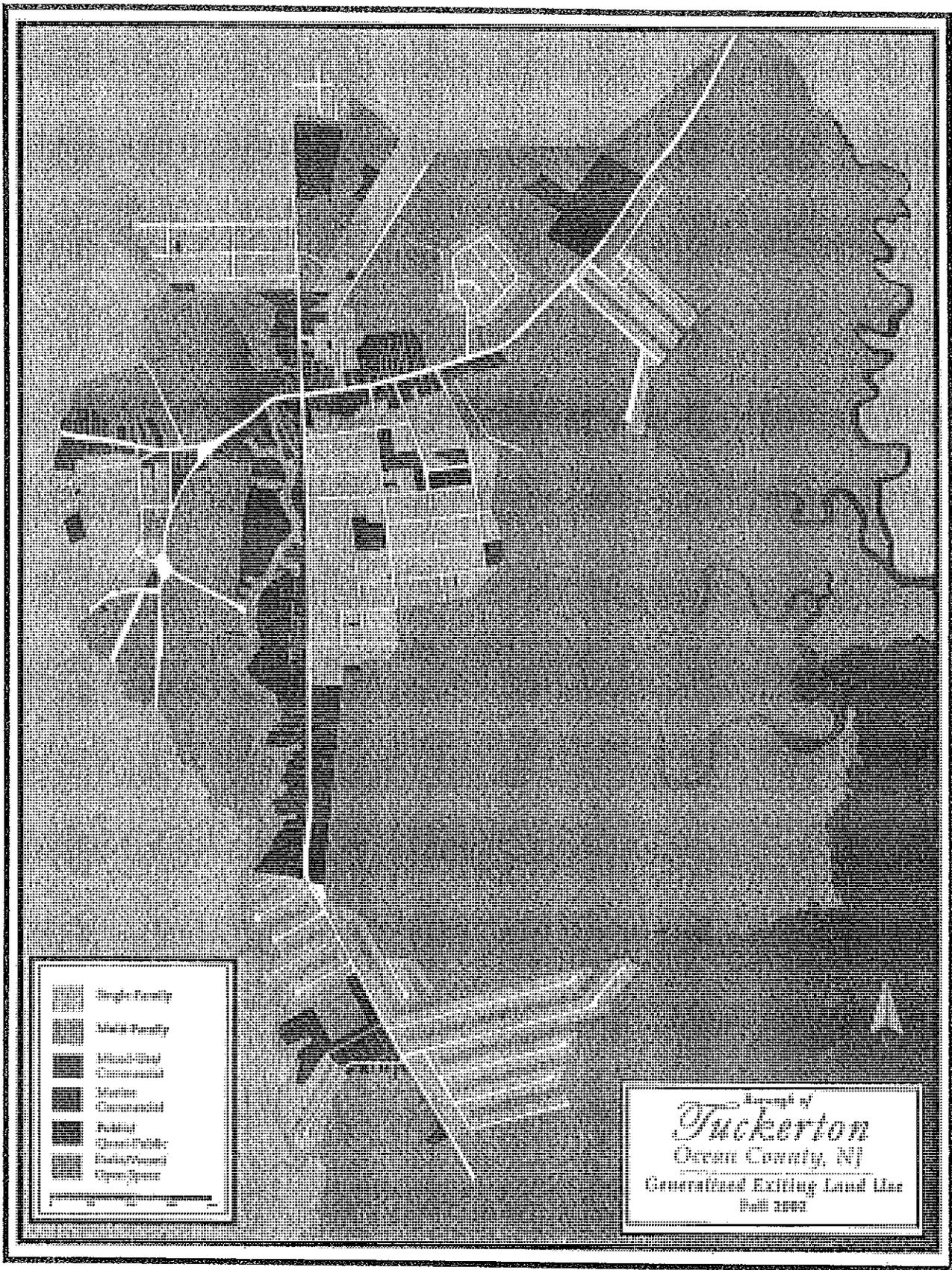
This land use category includes a higher density residential project located on the waterfront and adjacent to the pier.

Issues and Recommendations

The same issues affecting this area include appearance and access. Currently the area exists as an isolated residential development with little connection to the rest of town. The area is also strategically located at the northeastern gateway to the Borough. This area should be developed into multi-story multi-unit residential development.

Standards should reflect the pattern of development and character of the neighborhood including:

- § Minimum lot size 4,000 square feet
- § Maximum building height 35 feet (3) stories



[Pattern]	Single-Family
[Pattern]	Multi-Family
[Pattern]	Mixed-Use Commercial
[Pattern]	Medium Commercial
[Pattern]	Retail
[Pattern]	Open-Public
[Pattern]	Public/Open
[Pattern]	Open/Open

Scale: 0 100 200 Feet

Municipality of
Tuckerton
Ocean County, NJ
Generalized Existing Land Use
Fall 2002

Marine Commercial District

Tuckerton has a long and storied maritime heritage, which contributes to its present employment base and rich history. Preserving and enhancing marine commercial uses is a core goal of this Plan.

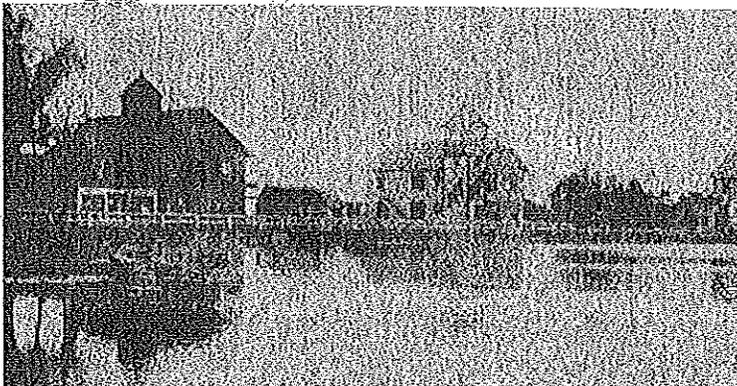
The Borough currently contains two separate Marine Commercial Districts, B-3 Marine Commercial and B-4 Marine Commercial Waterfront Cluster Option. These districts are located along both sides of Tuckerton Creek, from Tuckerton Cove to Lake Pohatcong.

Issues and Recommendations

Marine Commercial activity not only provides valuable employment and tax ratables, but it also maintains the Borough's maritime character. Preserving maritime character is vital as the Borough increasingly diversifies its economy towards historic and ecological tourism. At the same time marine commercial establishments must be permitted and encouraged to update their facilities to meet current and future industry demands, including commercial fishing, recreational boating and marinas.

Toward this end, the ordinance should be updated to include contemporary bulk, use and design standards. Uses, which are not directly associated with marine commercial operations, such as residential should be eliminated. Bulk and design standards should be established to maximize site utility, while minimizing impacts upon surrounding residential neighborhoods.

In the spring of 2002, the Planning Board reviewed the two Marine Commercial Districts and recommends the following standards. It should be noted that it is recommended that the two existing Marine Commercial Districts be merged into one Marine Commercial District.



Principal Permitted Uses

- § Marine services, such as boat landing, boat repairs and marine gas stations on docks or bulkheads
- § Boat sales
- § Marine engine sales and repair
- § Bait and tackle shops
- § Shipbuilding yards
- § Retail fish markets
- § Restaurants and food service establishments
- § Outside and inside storage of boats

The following uses would no longer be permitted as Principal Uses:

- § Single-family residences
- § Motels and hotels
- § Residential and commercial combined uses

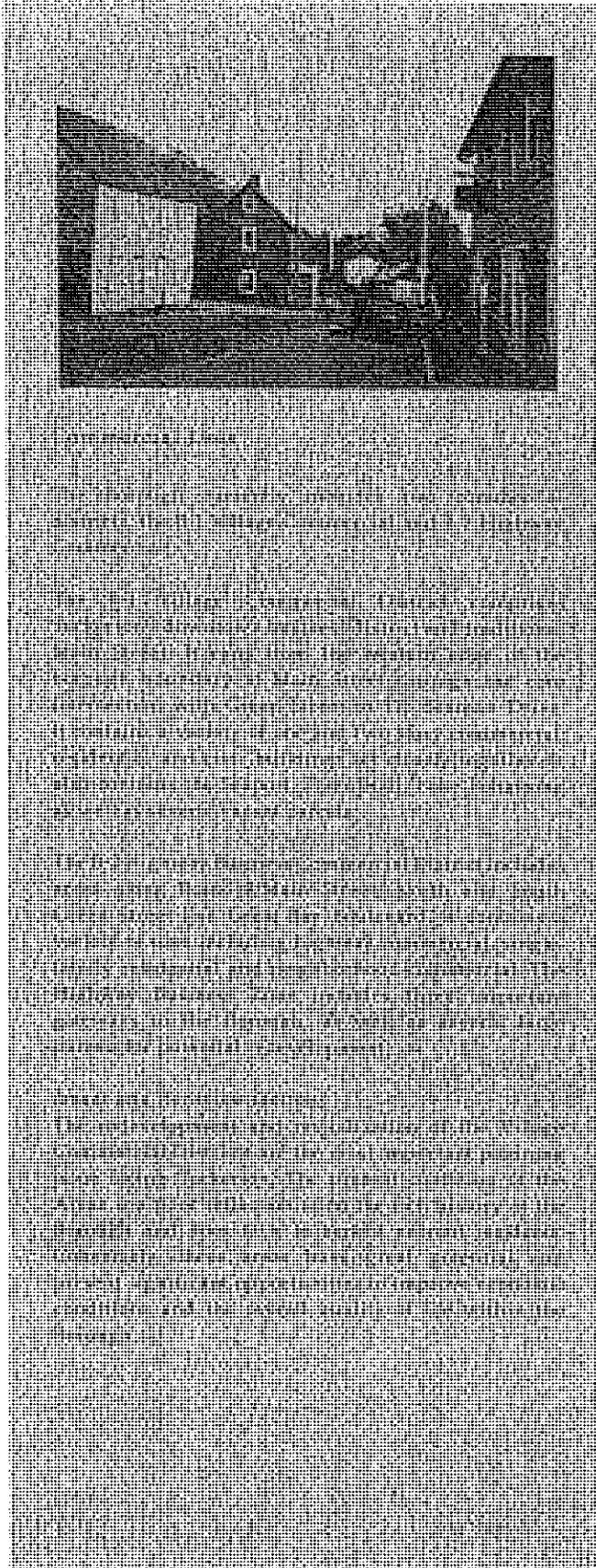
One single, residential unit in conjunction with the operation of a facility would be permitted.

It is recommended that the following Bulk Standards be established:

- § Minimum lot area: 20,000 square feet
- § Minimum lot width: 100 feet
- § Minimum landscaped buffer adjacent to residential uses: 15 feet
- § Maximum lot coverage: 40%
- § Maximum building height: 35 feet
- § Maximum height of accessory building: 15 feet
- § Setbacks: ½ the height of principal building, not less than 10 feet

It is recommended that the following additional standards also be included:

- § Multiple principal structures are permitted on site.
- § Storage of boats. All storage facilities should be screened from residences and all public right of ways by a combination of facade treatments and/or landscaping. The lands for designated parking may be used for winter storage but may not include dry storage for year round use or summer repair work. Boat storage should not be permitted in required setback areas.



The designation of the Joint Town Center with Little Egg Harbor Township may provide the necessary resources to transform this District into a 21st century, mixed-use community of place, which addresses current needs while preserving and enhancing the Borough's rich history.

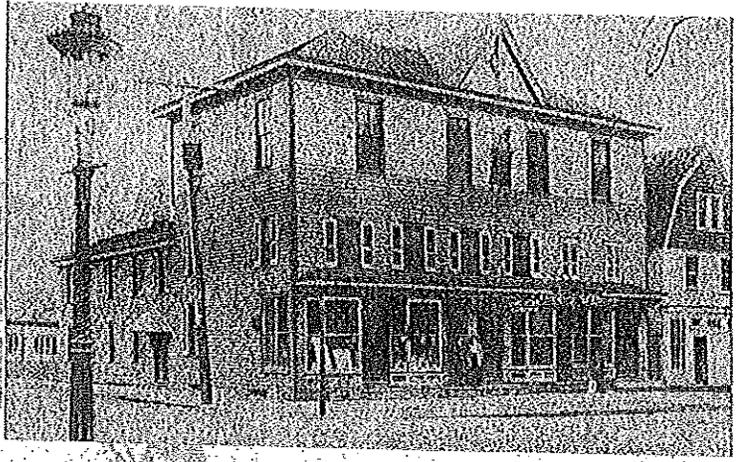
New standards should encourage appropriately dense, mixed-use development. New development should be pedestrian-friendly with direct connections between all central amenities, including civic buildings, Lake Pohatcong, Tuckerton Creek and the Seaport. Parking should be developed as part of a comprehensive plan, parking stalls located behind buildings in shared lots. Finally, all new development should follow architectural guidelines to ensure it complements and promotes the character of Tuckerton.

Specifically, the Borough should encourage uses, which reinforce the historic, pedestrian-scaled, village character and discourage uses, which inhibit continuous pedestrian activity at the expense of the automobile, such as gas stations and convenience stores. The constant traffic generated by these uses, as well as their appearance is not conducive with the vision of a mixed-use downtown and inhibits revitalization.

To this end it is recommended that the Borough establish three separate districts, Village Core, Village and Corridor to promote the mixed-use character in varying intensities.

Add to commercial recommendations:

- Develop a commercial district revitalization program that supports core businesses and helps to expand a niche market in the recreation and tourism sectors.
- Promote traditional, small town customer service with a seafaring theme.
- Provide small business support in coordination with various development recovery projects.
- Encourage coordinated, distinctive, and attractive development of the borough core.



Village Core
 The Village Core should embrace all properties with frontage along Route 9 between the Seaport and Marine Street. Buildings in this area should include first floor retail, restaurants or other recreational business uses. Upper floors may include commercial or residential uses whenever practical. Trees through-out and some street parking should not be prohibited. Properties should create enhanced front and side yard setbacks to reinforce the streetscape.

Village
 The Village District is defined by the Village Core and includes portions of Main Street, Ocean Street and parts of north and south streets South. This District should be developed with similar standards as the Core, but with the option for lower density. Land Use Code text here does should be permitted which contribute to the economy and character of the Village, such as Churches, restaurants and shops. However, first floor retail should not be required. Upper floors should permit commercial and residential whenever practical. Bed and Breakfast should be permitted in this District.

Corridor
 The Corridor District extends from the eastern edge of the Village to the eastern boundary along Route 9 and along Creek Bay Boulevard. This District continues to extend areas for potential redevelopment and is a major image generator for the Borough. Standards for this District should seek to retain the Village character that defines uses, which capitalize upon highway circulation. As a Corridor, this District should connect with the rest of the Borough through well-defined and integrated curb cuts to interface with the surrounding environment. Where appropriate, parking should be placed between uses in order to ease flow.

Throughout all commercial districts the distinction between urban and rural should be further defined and clarified. Bed and Breakfast should be added as a permitted use.

Park and Space/Public/Open Public
 Tuckerton is largely defined by its relationship to the natural environment. The Borough is physically oriented to Tuckerton Creek, Lake Robinson and Little Egg Harbor. One of the Borough's land use controls is the Marine St. Property Maintenance Ordinance, which acts as an open space buffer between the residential and commercial uses and Little Egg Harbor. Many areas of the Borough are significantly constrained by wetlands or owned by the County. The Borough also contains several large public or quasi-public parks such as the Seaport, Municipal, National Guard facilities and more.

Open and Recreational
 The primary goal and issue regarding parks, open space, recreation, green paths and green paths trails are to recognize their permanence and to differentiate landscapes from a comprehensive land use pattern.

Residential Areas in Area of Redevelopment
 The current industrial condition and general of vacant property along Route 9 probably make the area unsuitable for redevelopment. New Jersey's redevelopment statute is a powerful tool for municipalities to revitalize distressed areas. The Redevelopment Process gives municipalities great flexibility in comprehensively planning for new development.

***Add to "Issues and Recommendations" section above: Tuckerton Borough should conduct an area-wide analysis when evaluating its current center to address all growth impacts (water quality, habitat loss, etc.)**

Due to the importance and complexity of the Borough's downtown, it is recommended that a redevelopment study be conducted along the Route 9 corridor to determine if all or parts meet the criteria for redevelopment. If it is determined that all of parts of the corridor meet the criteria the Borough should develop a comprehensive plan to create new mixed-use development consistent with this plan.

Telecommunications Facilities

The siting of telecommunications facilities has become a significant land use issue. It is recommended that the Borough consider adopting an ordinance, which regulates their locations and establishes standards consistent with Federal and State law.

General Development Regulations

The current zoning ordinance contains several points which require clarification including:

- § Cross-References. Cross-references to other zoning districts should be eliminated.
- § Conditional Uses. Conditional uses should contain specific standards corresponding to their individual use.

Design standards

It is recommended that the Borough establish detailed design standards to guide new development and insure the proper relationship with the existing village fabric. It is recommended that these design standards incorporate the Center based design standards established by the State Planning Commission.

The purpose of these standards is to establish context sensitive design criteria to integrate mixed uses together in a pedestrian friendly, attractive and compact form. New standards for the Borough should be derived from the maritime history and village character of the Borough, which is evident in the historical architecture and compact form. These standards should integrate new materials and uses within the existing village fabric.

Tuckerton

Center based design standards incorporate the following principles:

- § Compact form.
- § Mixed-uses.
- § Pedestrian orientation.
- § Incorporate a variety of housing types such as detached single-family, attached single-family and multifamily.
- § Accommodate automobiles, but not at the expense of pedestrians. Commercial businesses in the Center should be designed to limit curb cuts, which discourage pedestrian traffic. Parking should be located in shared lots, behind buildings and easily identified through signage.
- § Encourage a variety of transportation options including mass transit, bicycles and walking.
- § Sidewalks should be continuous through all commercial areas.
- § Link public open spaces with neighborhoods and shopping areas.
- § Encourage activities, which generate high volumes of pedestrian traffic including restaurants, retail and services.
- § Encourage regional commerce, social, cultural and entertainment uses and activities.
- § Encourage new employment opportunities.
- § Strengthen neighborhood connections to the core through streetscape enhancements and pedestrian linkages.

Specifically, design standards should be applied to the following areas of the Borough:

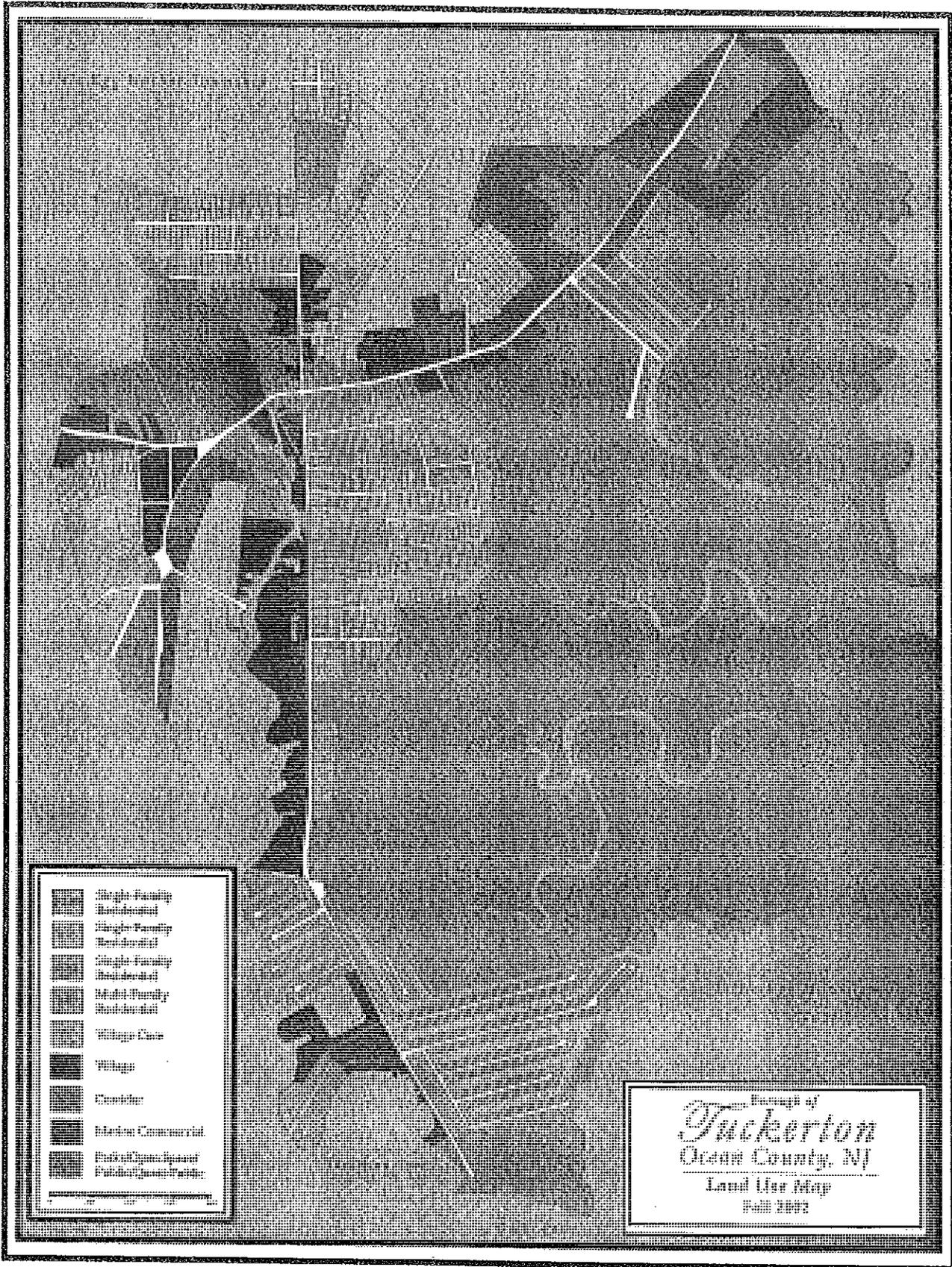
- § Improve public spaces and access to public amenities such as Lake Pohatcong and Tuckerton Creek.
- § Orient buildings toward the street and reinforce the streetscape in all Center areas.
- § Link and protect the Forsythe Wildlife Preserve through signage.
- § Create multi-story buildings with parking in back.
- § Reestablish the visual prominence of the intersection of Green Street and Main Street.
- § Incorporate accessible design for the aging population into new development.

In the "Design Standards" section above, retain the "Center-based design guidelines," which promote best practices in smart growth, but revise the design standards to incorporate the appropriate implementation tools described in the "Sustainable and Resilient Coastal Communities Final Report."

These include, for example:

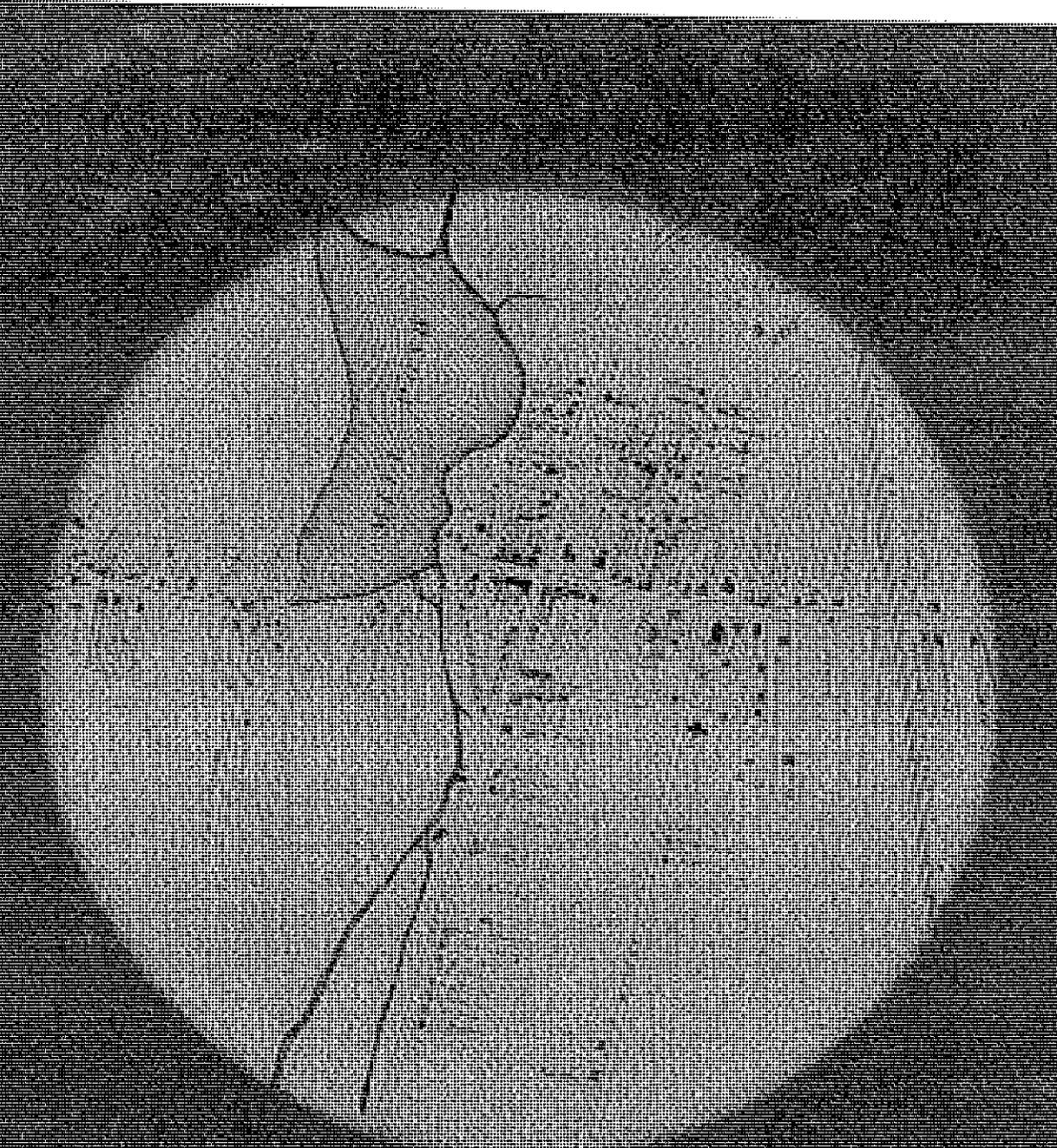
- increasing or establishing freeboard requirements,
- adjusting building setbacks, or
- limiting building size and density.

In addition, add "Resilient Design Guidelines." As suggested in the "Sustainable and Resilient Coastal Communities Final Report," the Borough could provide simple, accessible, guidance to homeowners and businesses about flood-resilient design in advance of rebuilding that can help minimize future risk for owners, particularly in where structures are located below the BFE.



[Pattern]	Single-Family Residential
[Pattern]	Single-Family Residential
[Pattern]	Single-Family Residential
[Pattern]	Multi-Family Residential
[Pattern]	Village Core
[Pattern]	Village
[Pattern]	Executive
[Pattern]	Medium Commercial
[Pattern]	Public/Community/Industrial/Office/Trade

Borough of
Tuckerton
 Ocean County, NJ
 Land Use Map
 Fall 2002



Introduction

The relationship between circulation and land use plays a significant role in the vitality of communities like Tameside. The Borough has relied upon several successive modes of circulation over its history, including water, walking, rail and automobiles. The key role of this Circulation Plan is to assess the existing circulation patterns in light of the current needs and to develop a multi-modal system.

*Add information from the 2010 joint Circulation Plan. This plan recommended sidewalk, bikeway, trail and roadway improvements. Most of these recommendations pertain to improving safety, flow of traffic and user experience.

**Add map showing inventory of Borough and regional transportation infrastructure, including evacuation routes.

Circulation Plan Element

The Circulation Plan discusses the adequacy of Tuckerton's existing transportation system as well as proposed improvements. The Plan indicates the location and classification for all modes of transportation within the Borough. The Plan also addresses some of the parking issues associated with current needs and anticipated demand from future redevelopment.

The Road Network

Tuckerton's village layout is evident in its rather simple road network. All roads within the Borough can be classified as local roads, with the exception of Route 9 (Main Street) and Route 539 (Green Street). Main Street is classified as a principal arterial road and Green Street is classified as a major collector. The Garden State Parkway, although not in Tuckerton, is classified as a major arterial and exerts great influence upon the circulation patterns of the Borough.

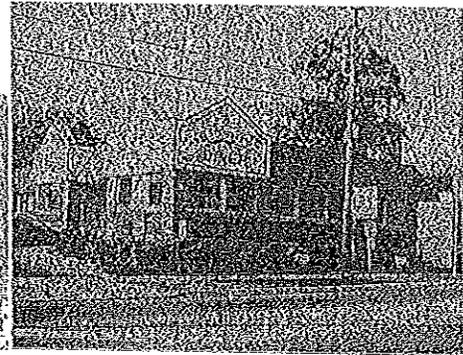
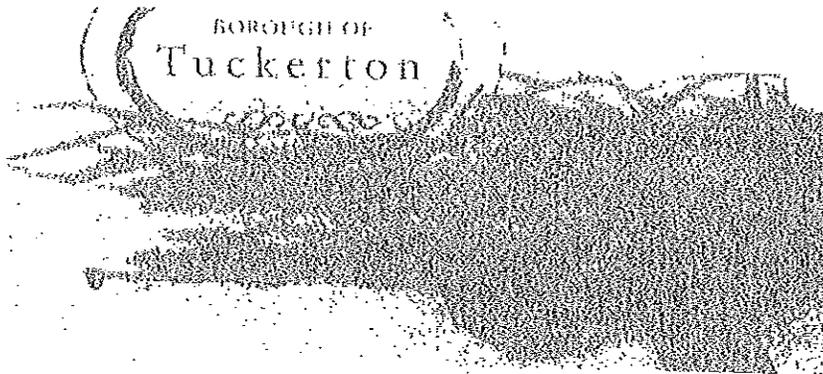
Neither Main Street nor Green Street were designed to handle current or projected traffic volumes. The existing land use pattern makes it unlikely that significant improvements can be made to increase capacity. The intersection of Main Street and Green Street is routinely congested due to increased commuter traffic through the Borough to the Parkway from Little Egg Harbor Township. Because this intersection is also the center of the Borough's downtown and future redevelopment efforts, it is imperative that redesign should address more than just improving capacity. This intersection is a crucial link between the commercial core along East Main Street and the Seaport attractions and should incorporate pedestrian amenities and streetscape improvements.

Throughout the years, the Borough, County and Little Egg Harbor Township have sought to create a bypass around the intersection of Main and Green Streets. The proposed route would span both municipalities and run from Nugentown Road and Route 539 through Nugentown to Giffordtown Road and Route 9. The bypass involves constructing Railroad Avenue in the vicinity of Tuckerton Creek. The Ocean County Engineering Department concluded that environmental constraints rendered the bypass unfeasible. The bypass has subsequently been removed from the County's capital improvement plans.

It has been proposed that a by-pass could be created using existing roads in both municipalities. This would involve improvements to Giffordtown and Nugentown Roads, which already link Route 9, west of Tuckerton to Route 539. Since the by-pass essentially exists, it could be utilized more through the addition of wayfinding signage, traffic control devices, and public advertisement. This should be done in conjunction with the County and Little Egg Harbor Township.



The circulation plan should include an assessment of all evacuation routes in terms of risks associated with flood inundation associated with projected sea-level rise. In addition, the master plan should consider site access for all parcels within coastal risks zones to ensure emergency access feasibility, as recommended in the Phase 2 S&RCC report.



Circulation

Pedestrian Environment

One of Tuckerton's greatest assets is its pedestrian scale. This feature is attributable to the development of the Borough radiating away from Tuckerton Creek. The Main Street Area from the Seaport to the current Borough Hall is slightly longer than a quarter mile, the standard measurement for establishing pedestrian-scaled commercial districts. The ability to walk throughout Tuckerton offers many advantages, including improved health, enhanced social contact and commercial opportunities.

While Tuckerton is appropriately scaled for pedestrian activity, it currently lacks crucial pedestrian amenities, such as wide sidewalks, street trees and street furniture. Additionally, the pedestrian network lacks several key linkages and is interrupted by a preponderance of curb cuts and lack of sidewalks in places. Vibrant streetscapes increase the functionality of the environment and enhance the overall appearance. The planned streetscape improvements along East Main Street should improve this situation in this area.

It is recommended that any downtown development incorporate high quality pedestrian amenities into future designs. These can include paved intersections, ornamental lighting and seasonal plantings. Additionally, the Borough should develop a unified design theme to apply throughout new streetscape improvements. The overall goal of pedestrian improvements should be to provide a pleasant, continuous walking experience from the Seaport along Main Street and Green Street to link surrounding neighborhoods with downtown attractions.

The Borough should coordinate efforts with the DOT to establish context sensitive enhancements to the pedestrian environment. A key element of this strategy is to incorporate

center based design themes and traffic calming features into streetscape improvements. Streetscape improvements include sidewalks, crosswalks, bike lanes, street trees and street furniture.

It is recommended that the Borough work with the Seaport and surrounding areas to ensure public access along the banks of Tuckerton Creek. Tuckerton Seaport, which charges for access, owns a large section of this area, containing important linkages. The headwaters of Tuckerton Creek represent an important physical and recreational amenity to all residents of Tuckerton and should remain accessible. The Borough should investigate potential pedestrian linkages along Water Street and across the Marina area to divert traffic from Route 9 and provide internal pedestrian circulation.

Parking

Parking is a central component of any downtown commercial redevelopment. Currently, parking is available along Main Street, in front of a few commercial establishments, at the Seaport and at Tip Seaman County Park. Large festivals and events such as the annual Decoy Show create excess parking demand, which is resolved through shuttles to off site parking areas, including the Pinelands School.

Future development should approach parking as part of a district wide plan and seek to incorporate shared parking whenever possible. Excess curb cuts, which interfere with pedestrian circulation, should be avoided. The Borough should discourage or prohibit parking in front yards throughout the downtown to maintain the village character.

SECTION 5

It is recommended that a parking study be conducted as a component of any downtown redevelopment efforts.

There is a strong regional need for a park and ride facility. This need will increase in coming years. Because of the impervious nature of parking facilities it is likely that such a facility will be located within the Center where CAFRA regulations permit development. A large-scale parking area can also meet the needs of expanding tourism activities and events. The Borough should work with Little Egg Harbor Township, the County, NJT, and DOT to identify and establish a regional parking facility.

Gateways

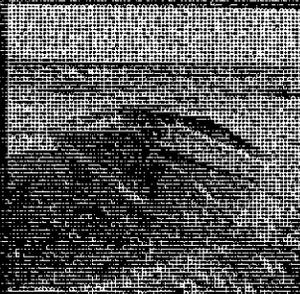
Visitors arrive at the Borough from the east and west along Route 9 and from the north along Route 539. Each of these areas serves as a gateway to Tuckerton and should be identified as such through concentrated design. Designs should feature decorative signage and public landscaping to create a sense of arrival.

The most important gateway is located along Lake Pohatcong. The Borough should work with the County to develop a coordinated design solution, which accentuates this significant feature while minimizing the visual impact of the existing guardrail. This can be accomplished through low plantings, such as ornamental grasses and perennials, which will complement the natural elements of the space.

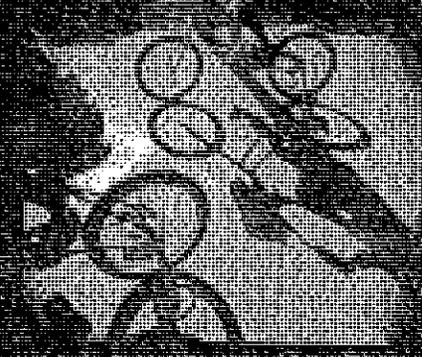
The eastern gateway at the edge of the Borough along Route 9 presents a significant opportunity for enhancement. Improvements to this area should be coordinated with improvements to the entire Main Street corridor.

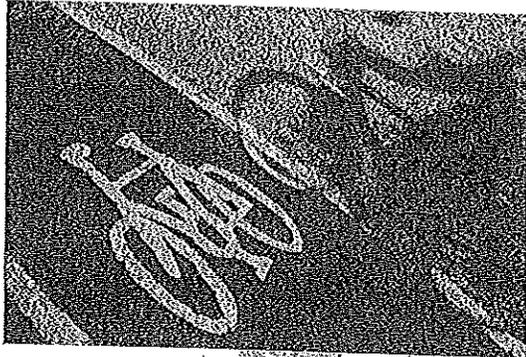
Commercial and Recreational Revitalization
The Borough should work to enhance and expand Commercial and recreational building opportunities wherever possible and ensure that certain activities can prosper. The Borough needs to encourage public access to waterfront areas.

Commercial Revitalization includes plans focused on making and buying. Recreational Revitalization encompasses planned and unprogrammed leisure, including tourism and recreation, etc.



Streetscape
The streetscape design and priority is to enhance pedestrian safety, bicycle, a natural landscape, and other facilities. Currently, the Borough has very few sidewalks, sidewalks or bike facilities. With the inclusion of the concept of a destination on the Central Main Street, it is recommended that the Borough further enhance formal linkways from the location. The primary system should be coordinated with the Open Space & Recreation Plan and will occur on the linkways between three features including recreational areas on South and South Green Street. The Borough should also incorporate bike lanes and bike racks as part of future streetscape improvements.





Specifically, the Borough should work with Little Egg Harbor Township, the County and DOT to create bikeways from the Seaport to the 5.8-mile proposed bikeway along Great Bay Boulevard. The Borough should also link the Seaport to the proposed bikeway connecting the Pinelands regional school and new County recreation facilities on North Green Street.

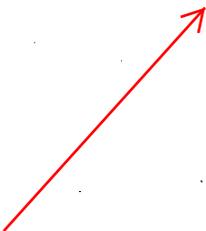
The County master plan proposes developing a bikeway from the Borough to the Monmouth County border along Route 539. The Borough should work with the County in furthering this proposal.

Public Transportation

Tuckerton currently is served by New Jersey Transit Bus service along the Route 9 corridor. Bus route 559 runs from Lakewood to Atlantic City and stops at the intersection of Main and Green Streets approximately every hour daily. The trip between Tuckerton and the Atlantic City Bus Terminal takes an hour and the trip to the Lakewood Bus Terminal takes an hour and 15 minutes. The Borough should work with NJT to incorporate high quality bus shelters as part of future streetscape improvements.

Additional Circulation Issues

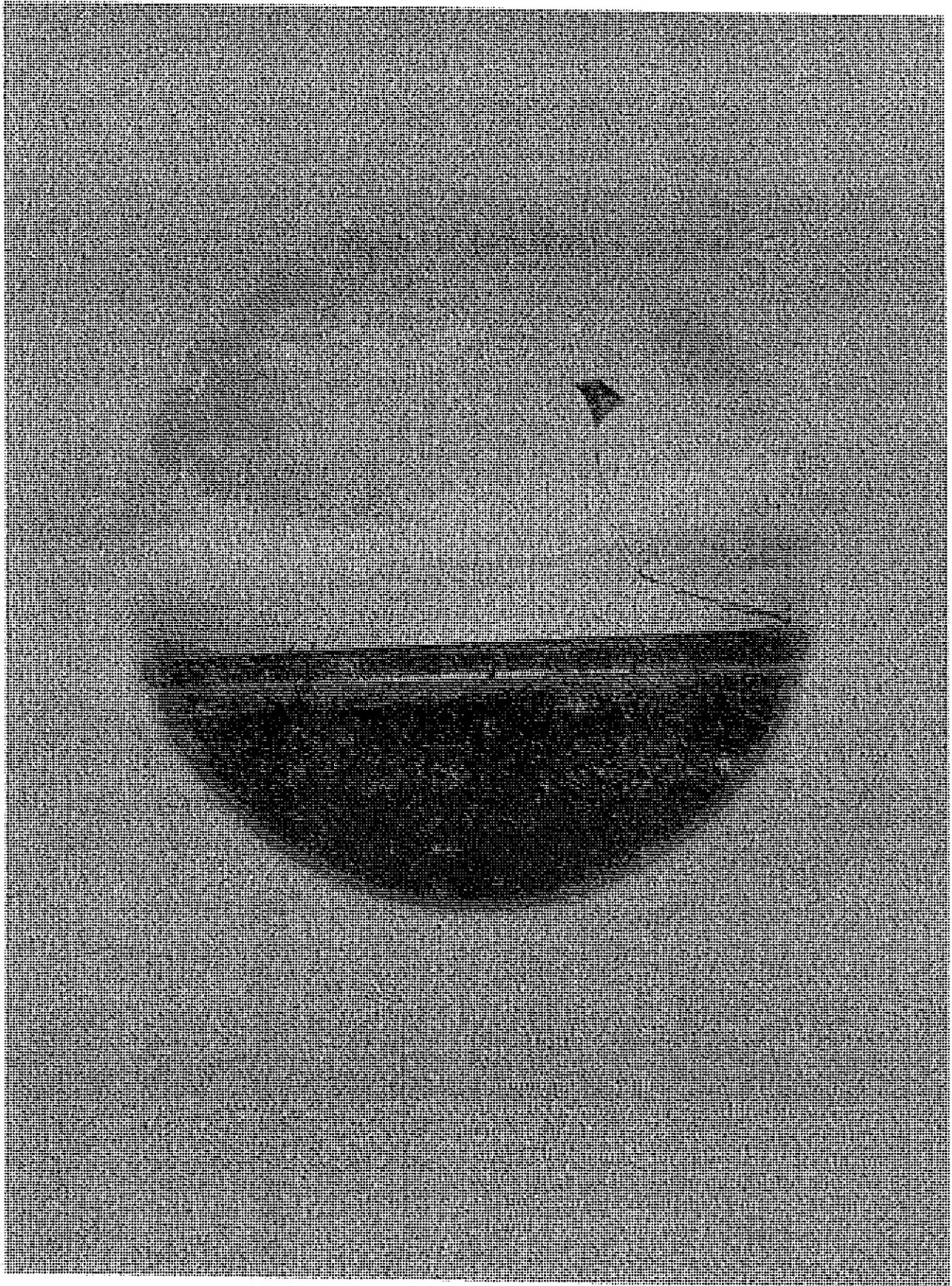
It is likely that, highway-oriented development will occur on Route 9 and Route 539 outside of the Center boundary in both Tuckerton Borough and Little Egg Harbor Township. Planning for future development demands should include context sensitive design, strategies to reduce driveway points and encourage pedestrian connections. Tuckerton Borough, Little Egg Harbor Township, Ocean County, NJDOT and the NJ Highway Authority should address these issues as a joint effort to the extent possible.



Identify planned evacuation routes

Identify sections of transportation network that are subject to flooding





Community Facilities Plan

Tuckerton's community facilities consist of public, semi-public and private uses, including schools, parks, libraries and emergency stations. Availability and quality of these facilities is important to maintaining the quality of life for all residents.

This Plan identifies existing public facilities and evaluates future needs as well as planned or proposed facilities. The information utilized in this plan has been obtained from local and County officials.

Schools

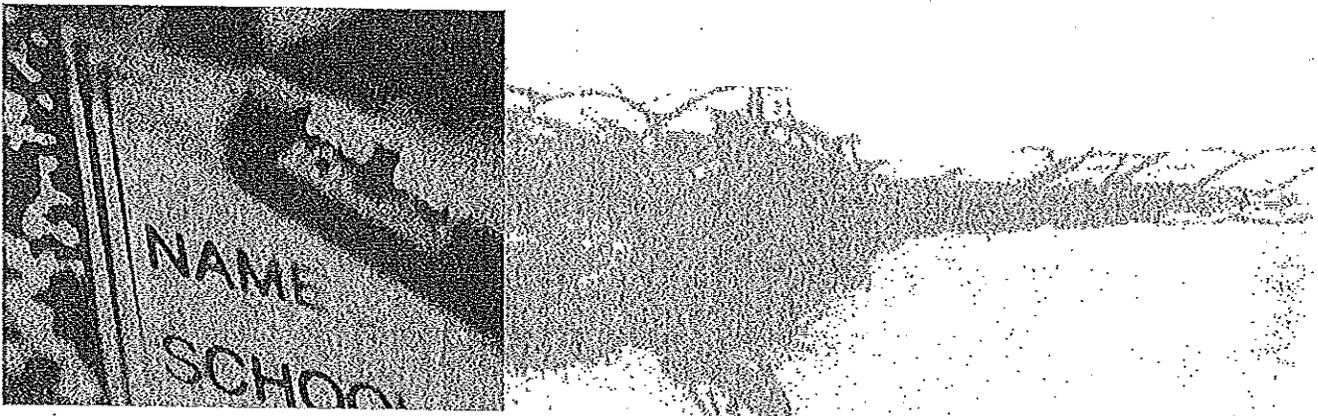
The Borough Elementary School is located on Marine Street and contains classes for pre-K through 6th grade. Current enrollment is at a ten-year peak of 320 students. The Borough has seen an increase of approximately 100 students over the past decade. The interim director stated that the existing school facility is adequate to meet current and projected enrollment.

The elementary school has been undergoing a process of continual improvements to its physical plant, including classroom renovations and roof repairs. The interim director indicates that the school building, dating from 1927 would require a new heating and ventilation system in the future.

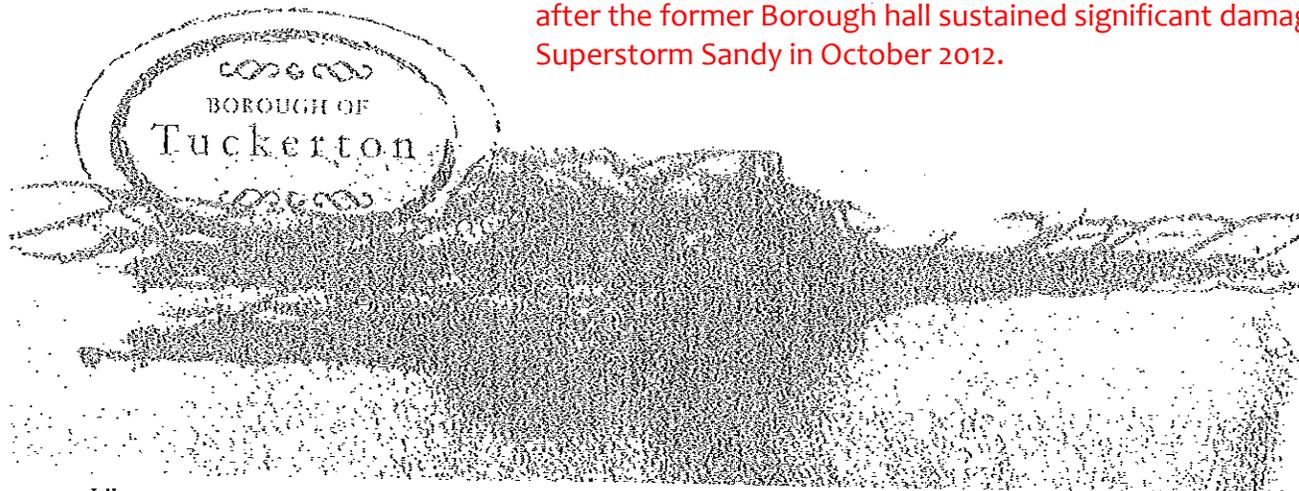
The Borough Elementary School provides a variety of athletic and academic after school programs.

The majority of students are able to walk to school. The pedestrian environment is considered adequate, with the exception of the Main Street Area, which will benefit from Streetscape improvements. The Borough currently leases 2 large buses and 2 mini buses to transport students who are unable to walk.

Middle School and High school students attend Pinelands Regional High School in Little Egg Harbor, which has recently been expanded. Currently Pinelands School is divided into a Middle School of 7th and 8th grades. This has been expanded to include the 7th, 8th and 9th grades.



A new Tuckerton Borough Hall was constructed at 420 E Main Street, after the former Borough hall sustained significant damage during Superstorm Sandy in October 2012.



Library

The Tuckerton Free Library is owned and operated by a 15 member Board of Directors. The Board owns the library building on 380 Bay Avenue and conducts fund raising activities for capital improvements. The professional staff is paid by Ocean County.

The library collection is adequate to meet the needs of population. Additional funding is being sought to update the technological infrastructure in order to provide additional computers and video services for the community.

The Library has been recently renovated to provide additional meeting rooms. The Library serves as an important community resource and contains an extensive collection of information on local history and genealogy. The library also has adequate parking and handicap access. The library serves as a meeting place for several community groups and after school programs. The Board is currently seeking additional funding to expand its adult education programs.

Volunteer Fire Department

The Borough Fire Department is located on north Green Street.

Police Department Facilities

Police department facilities are ~~located on South Green Street.~~ **co-located with the new Borough**

Hall at 420 E. Main St.

Volunteer Emergency Squad Facilities

The Great Bay Regional Volunteer Emergency facilities are located at Oak and Center Street in Little Egg Harbor.

Municipal Facilities

The current Borough Hall is located in an old Bank building on East Main Street. This facility currently houses municipal offices and hosts a variety of community and public meetings, including but not limited to the Planning Board, Zoning Board, Landmark Commission, Shade Tree Commission, Borough Council and the Economic Development Commission. The current facilities are not adequate to meet current needs. The Borough is currently studying the relocation or expansion of Borough Hall to create a more updated facility, with increased space for community meetings and administrative functions.

Borough Hall represents an important component of downtown redevelopment. Borough Halls are traditional centers of community in both symbol and activity. Accordingly, the placement and design of such an important building should be considered. It is recommended that the Borough incorporate the relocation and/or expansion of Borough Hall into the comprehensive redevelopment of the Main Street Corridor.

A new Borough Hall should be accessible by automobile, bicycle and by walking. The site should also incorporate space for off-street vehicular and bicycle parking and be in a location where such parking is accessible to downtown businesses.

Options include expanding current facilities, constructing a new building on the existing location or relocating. It is recommended that the Borough Hall remain on the Route 9 Corridor.

***Add an "Issues and Recommendations" section to the "Community Facilities" plan element that identifies the current issue of having critical infrastructure at elevations close to Mean Higher High Water, which has presented a serious hazard during past storm events. Identify ways of elevating or re-locating critical community facilities through a municipal capital improvement program.**

Wastewater Management "and Green Infrastructure"

Water Supply

According to the County, the Borough water plant has sufficient capacity to meet current and projected demands until at least 2014.

Wastewater Management

Wastewater within the Borough is conveyed to the Southern Ocean County Water Pollution Control Facility in Stafford Township. This plant, which was constructed before the Pinelands regulations limited growth in this part of the County, has ample capacity for future growth. Center boundaries correlate to the approved sewer service areas and the Pinelands sewer service growth area.

***Add new section on Green Infrastructure here**

Issues and Recommendations

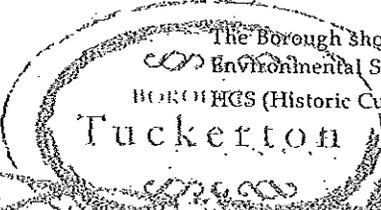
There may be a need to reevaluate the adequacy of the community facilities in the future to accommodate new residents and an aging population. Seniors have specific needs. Many seniors currently use county facilities in Tip Seaman County Park as a community recreation center.

The Borough should explore constructing additional Senior facilities in cooperation with Little Egg Harbor Township to address the needs of the regional population. Such a building would be a logical component of downtown redevelopment efforts, because of the number of people it would bring to the area during weekdays. Any facility could also serve as a link in any future regional public transportation plans.

The Borough should also coordinate Borough Hall relocation/ plans with any downtown redevelopment efforts. Such a facility should be designed to maximize its accessibility to the community and draw people throughout the day and weekends. It should also be designed as part of a comprehensive plan to address parking and other transportation related needs.

The Borough should work with Little Egg Harbor Township regarding future school population, service costs and the adequacy of the existing facility.

The Borough should also explore designating Tuckerton Creek as a CES (Critical Environmental Site) and further explore designating sites within the Borough as BOROHCES (Historic Cultural Sites).



Tuckerton

Add information to the "Water Supply" section above:

There are three public community water supply wells serving Tuckerton Borough. These water supply wells are owned by the Tuckerton Water and Sewer Department and are located throughout the Borough. These wells all access the lower member of the Kirkwood Formation, which is one of the most intensely developed aquifers in Ocean County. The Kirkwood Formation is located throughout the entire Borough and is relatively deep being located at a depth of more than 400 feet having a water yield over 500 gallons per minute (Borough of Tuckerton Natural Resources Inventory).

The current infrastructure capacity for supplying public water is presently capable of providing potable water to the Borough's residents in excess of daily, monthly, and yearly demands, and will continue to prove sufficient in the foreseeable future (Ocean County Wastewater Management Plan); however, since groundwater levels are below sea level, the Borough's water supply is subject to saltwater intrusion.

Add information to "Wastewater Facilities" section above:

Most existing development in Tuckerton outside of the Edwin B. Forsythe National Wildlife Refuge is connected to the existing sewer system. Wastewater is collected through the Borough's municipal system, which connects to an OCUA. There are no lift or pump stations in the Borough. All of the developed and developable land in the Borough is included in the designated sewer service area. There are no septic systems in Tuckerton (Ocean County Wastewater Management Plan).

However, Superstorm Sandy knocked out power to the Borough for up to 14 days, rendering the sewage system inoperable (Strategic Recovery Plan). Future wastewater flows were determined by applying 75 gallons per day per person to the permanent year round population increase over the next twenty years consistent with municipal population projections prepared by the NJTPA. This equates to a 0.061 MGD increase in wastewater flow being directed to OCUA's SWPCF. This is a not an overly significant amount of additional flow, and will not have a significant impact on the SWPCF.

Add to "Issues and Recommendations" section above:

The "Growing Smart and Water Wise: Protecting Water Resources in the Growth Areas of the New Jersey Pinelands" Report (2014) report found that drinking water, wastewater and stormwater infrastructure requires better asset-management practices and a greater investment in upgrades and maintenance.

This report found that development has caused significant environmental impacts including loss of natural lands and vegetation that absorb stormwater, including forest land, groundwater recharge areas and tidal wetlands. Parts of Tuckerton are also experiencing noticeable effects from excessive water withdrawals, threatening plant and animal habitats, potable water supplies and saltwater intrusion. This report provides recommendations at levels of government, including opportunities for municipal action in the Borough. Relevant recommendations include the following:

- Advance green infrastructure implementation.
- Undertake Borough-wide impervious cover assessment.
- Identify and prioritize key sites for green infrastructure.
- Partner with community groups and non-profits to install green infrastructure demonstration projects on publicly-owned property.
- Use permitting and enforcement authorities to promote green infrastructure to reduce flooding risks.
- Maximize the use of green infrastructure designs in all publicly-funded capital projects
- Access grants to development long-term green infrastructure plans.
- Join Sustainable Jersey, to gain access to training and grant opportunities.
- Promote and install native plantings.



Introduction

The Recreation Plan sets forth the Borough's long-range recreation development program. Its chief purpose is to serve as the Borough's primary policy guide for planning, prioritizing and siting the full range of recreation facilities and services necessary to meet the demands of future growth and development.

Recreation Plan Element



This Plan identifies existing recreation facilities and evaluates future needs as well as planned or proposed facilities. The information utilized in this plan has been obtained from the Planning Board and County planning officials.

Tuckerton's recreation facilities consist of public, semi-public and private uses. Availability and quality of these facilities is important to maintaining the quality of life for all residents. This Plan has been developed to be consistent with the Land Use Plan to ensure that new development is comprehensive and incorporates future municipal needs.

Tip Seaman County Park

The 22-acre Tip Seaman County Park is located on the southern shore of Lake Pohatcong, at the head of Tuckerton Creek and is the recovery basin of Mills Stream and Gifford Branch. The park features a variety of active and passive recreation features, including tennis courts, ballfields, basketball courts, shuffleboard courts, playgrounds, tot lots, picnic tables and grills. The park buildings also host a variety of indoor activities for various community groups and seniors. The park draws people from Tuckerton Borough as well as surrounding communities. The park also serves as the location for the annual Decoy Show, an important annual tourist event. Local environmental groups are attempting to further improve water quality of the lake for swimming and boating activities.

The County plans to open a new, 160-acre sports complex on Route 539 in Little Egg Harbor Township in 2003. This facility will contain several multipurpose fields as well as natural trails and parking. The opening of this facility will replace many of the fields currently in use in Tip Seaman County Park. The Borough should work with the County to develop a coordinated strategy for the redevelopment of the Park to meet local and tourist needs. The Park's central position will play an important role in future redevelopment efforts, especially as a site for tourist-related events. The park represents a logical location for additional facilities that can draw people to the Borough.



South Green Street Park

The Borough currently owns and maintains a park at the top of South Green Street, which contains sitting areas, a playground and restroom facilities. The Borough should conduct a community charrette regarding the expansion and enhancement of this facility. The Borough should also work with DOT to improve pedestrian and bicycle access.

Conversations with Borough officials and residents have indicated a strong desire to create a new public beach adjoining South Green Street Park.

Issues and Recommendations

It is recommended that the Borough work with the County to acquire the remaining parcel(s) between the Tip Seaman County Park and Route 9 along the banks of Lake Pohatcong. These lands can be incorporated into future plans for Tip Seaman Park, which can include reestablishing the historic active recreation character of the lake and providing additional parking for large-scale events.

The redevelopment of Tip Seaman County Park is an important component in the larger redevelopment of the Downtown. The park should be redesigned and reconnected to become a centerpiece of the community. With the transfer of many activities to new county facilities the Park should be redesigned to meet local recreational needs including swimming and non-powered boating.

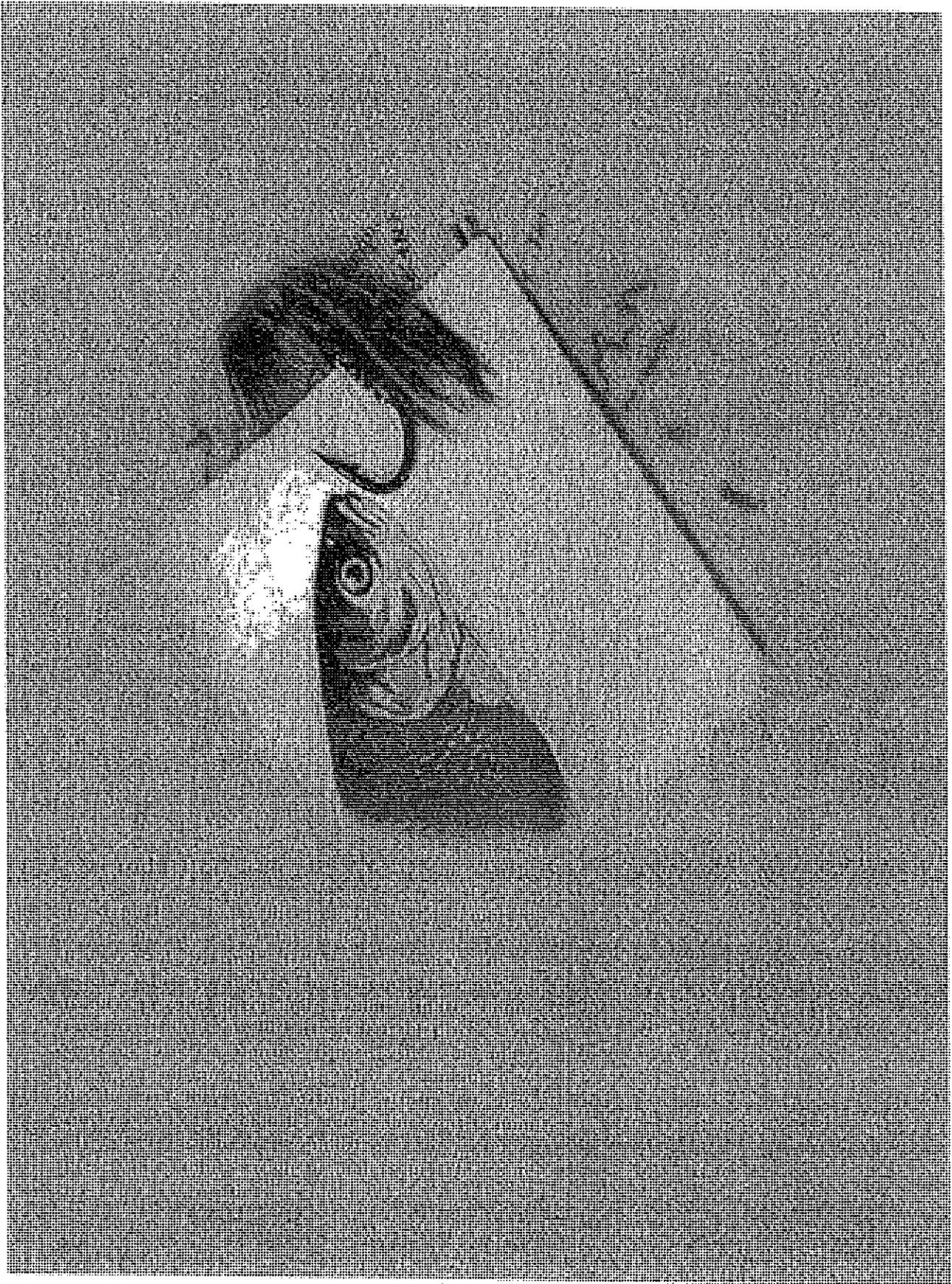
The Borough should work with the State, County and Little Egg Harbor Township to develop best management practices to improve water quality to levels sufficient for recreation. A major component of this strategy will involve reducing runoff of surrounding development and improving flow by reconnecting the lake to Tuckerton Creek. Appropriate agencies should further work to provide sewer connection to existing developed properties with septic systems.

It is recommended that the Borough work with Little Egg County government officials to develop a strategy to reduce the number of Canoes/Golfers in the Park. Canoe/Golfers are a significant problem in open areas around throughout the region because their waste makes many places unsuitable and unusable.

Many recreational trails become an increasingly important component of the Borough's economic development strategy. It is recommended that Tuckerton explore creating a detailed Open Space & Recreation Plan consistent with the Little Egg Harbor Shorelands Plan. This Plan would inventory existing and potential open space and recreation areas, identify existing and potential linkages, and identify potential funding sources. This Plan should be undertaken in cooperation with Little Egg Harbor Township.

It is recommended that the Borough incorporate new Council Chamber Trail from the historic and industrial buildings.





Conservation Plan Element



Add information to this element from the Natural Resources Inventory (NRI) completed by the Environmental Resource Commission. Add relevant maps, including flood maps, wetlands/natural resource areas, etc.

Issues

The Conservation Plan recognizes the vital role that conservation plays in maintaining the unique character and economy of Tuckerton. It also recognizes the relationship between conservation and recreational opportunities. The purposes of the Plan are as follows:

- § Preservation of environmentally sensitive features, such as surface waters and wetlands.
- § Preservation of wildlife habitat.
- § Protection of scenic visual corridors.
- § Remediation of features, such as Lake Pohatcong and Tuckerton Creek, which have been degraded by surrounding development.

Natural Features

Surface waters

Tuckerton borders or contains several important surface water features including Little Egg Harbor, Tuckerton Creek and Lake Pohatcong. Surface waters features provide an important feature for storm water drainage and wildlife habitat. Surface waters have long provided important economic and recreational elements to the Borough. Tuckerton's surface waters have been degraded by storm water runoff from surrounding development and no longer perform functions that they once did. Tuckerton Creek and Little Egg Harbor were once important commercial sources of shellfish, including oysters, clams and mussels, before over fishing and pollution damaged or eliminated the populations. Lake Pohatcong was once a community swimming area, before it became degraded through nutrient and storm water runoff. This situation should be remedied.

Add sections on "Soils" and "Groundwater"

Wetlands

Tuckerton's coastal location and low elevation have created large expanses of wetlands throughout the Borough. Wetlands are important filters of pollution and provide wildlife habitat. Recognizing this fact, New Jersey has established specific regulations (CAFRA) regarding development in these areas. These regulations control the amount of impervious surface and storm water management practices.

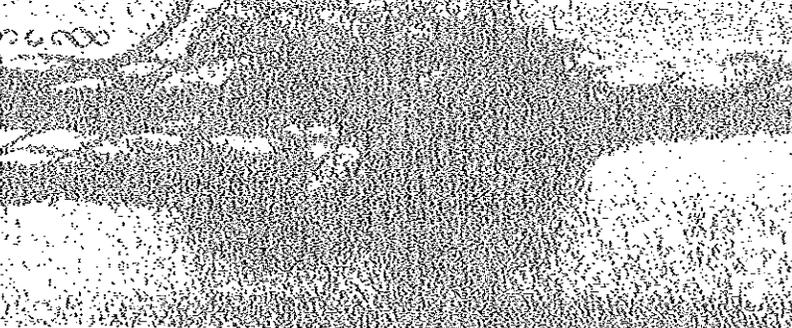
Flood Prone Areas

Extensive portions of the Borough lie within flood prone areas and are subject to flooding from storm surges, high tides, storm water runoff or other reasons. These areas generally follow coastal areas and stream corridors, a large percentage of which exist in preservation areas. Flood prone areas not in preservation area should be regulated to mitigate potential risks to people and property.

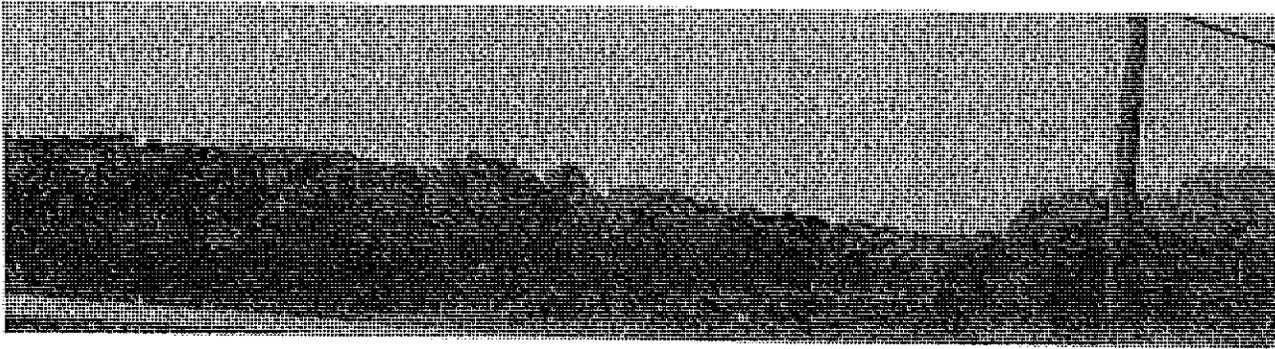
Preservation Areas

A large percentage of land within the Borough is included in the Edwin B. Forsythe National Wildlife Preserve. The land within Tuckerton is part of a larger, regional network of federally protected lands that serve as nesting habitat for a variety of avian species. Due to their sensitive nature, lands within the Forsythe Preserve are largely off limits to human visitation. There are no plans to allow access in the future. Lands within the Preserve provide valuable open space within the Borough and contribute to the maritime village character.

According to FEMA Flood Insurance Rate Maps (FIRM), the majority of the Borough lies within the AE zone. These are land areas typically located immediately adjacent to streams, brooks or other natural waterways, that are subject to inundation by flood waters or areas of 100-year flood with base flood elevations and flood hazard factors determined. The rest of the Borough is in the X500 zone, which is between the limits of the 100-year and the 500-year floodplain. Areas within the X zone are areas of minimal flooding located outside of the 500-year flood area.



Identify current efforts to respond to natural hazards and risk, and consider gaps or overlaps between these current efforts and those that will be needed to address future conditions.

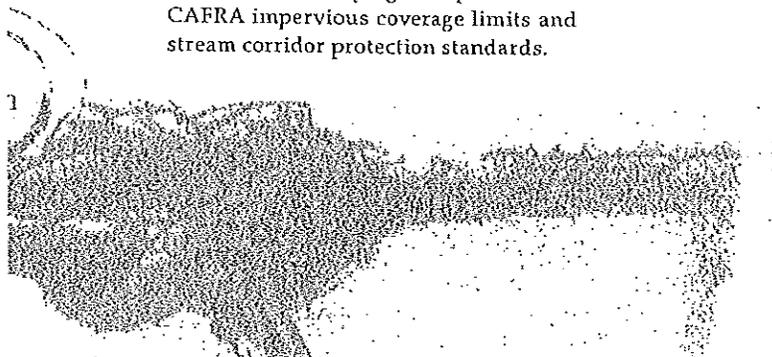


Scenic Corridors/Areas

Tuckerton possesses several important scenic corridors and areas. The most important of these are the view of Lake Pohatcong from Route 9, the view of Long Beach Island and Little Egg Harbor from the Tuckerton Cove area and views of Tuckerton Creek. These views contribute to the quality of life for all residents and should be protected from inappropriate development.

Recommendations

- § Explore creating a Borough greenway along Tuckerton Creek for flood protection, recreation and open space. Identify key parcels for acquisition or establishment of easements.
- § Undertake an Environmental Resources Inventory (ERI).
- § Identify key parcels for preservation as open space, such as along Route 539 corridor, aka North Green Street.
- § Promote sustainable development through amendments to Zoning Ordinance, including regulations for lot/building coverage, buffers/setbacks and increased landscaping. Adopt standard CAFRA impervious coverage limits and stream corridor protection standards.
- § Promote use of native species in landscaping and street tree planting. Discourage planting of invasive species, which can endanger sensitive environmental areas.
- § Incorporate sustainable storm water management practices into new design through use of pervious surfaces, increased native landscape buffers and increased plantings.
- § Work with Little Egg Harbor Township to limit or eliminate pollution in Lake Pohatcong. Work with State and County agencies to establish best management practices to restore the lake to conditions suitable for swimming.
- § Work with State and County agencies to establish best management practices for controlling the over population of Canada Geese, which are degrading the waters and beaches of Lake Pohatcong.





Introduction

The Municipal Land Use Law requires that all municipal master plans consider the relationship of the master plan to plans of existing municipalities, county plans and the New Jersey State Development and Redevelopment Plan (DRP). The intent is to coordinate planning and land use activities among communities to reduce potential conflicts. This section reviews the plans and zoning ordinances of the municipalities bordering Turckton Borough, as well as the Ocean County Comprehensive Master Plan and the SDRP.

Relationship To Other Plans

Contiguous Municipalities

Tuckerton is contiguous to and wholly bounded by Little Egg Harbor Township. The size and development pattern of Little Egg Harbor Township significantly impact nearly every element of Tuckerton's Master Plan.

Little Egg Harbor Township prepared a comprehensive Master Plan in 1999. The 1999 Master Plan includes a Land Use Plan, Circulation Plan, Community Facilities Plan and Economic Plan as well as background studies, Goals and Objectives and relations of the Plan to Other Plans.

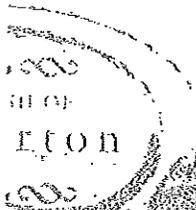
Little Egg Harbor is one of the fastest growing municipalities in the State. The majority of Developed land within the Township, excluding streets and roads (27.7%) is comprised of single-family residential (47.9%) and commercial development (6.3%). The Master Plan notes that commercial development has not kept pace with residential development. The Plan further notes that the Township is anticipated to maintain a high rate of residential growth for the next decade.

The goals of Little Egg Harbor's 1999 Master Plan are consistent with the 2002 Tuckerton Master Plan specifically,

- § "Concentrating new residential and commercial development in planned centers or other growth corridors where infrastructure is available or comprehensively planned"
- § "To adopt land use regulations that will capitalize upon and promote the Tuckerton Seaport"
- § "To promote better coordination and consistency between State and Municipal planning efforts."

The zoning of Little Egg Harbor Township is generally consistent with the existing land use pattern and proposed land use plan. Adjacent residential neighborhoods are of similar density. Commercial areas are consistent between the two municipalities.

The Tuckerton Land Use Plan is substantially consistent with the adjacent land use pattern of Little Egg Harbor Township. The Center designation encourages both municipalities to coordinate land use planning to maximize efficiency and reduce conflicts.



Ocean County

Ocean County last prepared a master plan in December 1988. The County Master Plan analyzes demographic, housing and economic trends and establishes a land use plan. The Land Use Element designates the Borough for Suburban Density Development of 5 units or more an acre.

Tuckerton's Master Plan is intended to be consistent with the goals and objectives contained within the County Plan.

New Jersey State Development and Redevelopment Plan

The 2002 Tuckerton Borough Master Plan is substantially consistent with the plans and policies of the New Jersey State Development and Redevelopment Plan (SDRP). The SDRP was adopted on March 1, 2001 after a lengthy cross acceptance process, which compared the Plan's policies with the policies of Counties and Municipalities throughout the State.

The State Planning Commission designated Tuckerton Borough as part of the Greater Tuckerton Town Center on June 28, 2000. The Town Center designation includes most of Tuckerton Borough and parts of the surrounding Little Egg Harbor Township.

The SDRP divides land into seven separate categories referred to as Planning Areas. Lands within the Tuckerton Center are considered PA-2 Suburban Planning Areas. Areas within the Borough outside of the center boundary are designated either PA-4 Rural Planning Areas or PA-5 Environmentally Sensitive Planning Areas.

Centers are the State Plan's preferred vehicle for accommodating growth within the State. The Tuckerton Center designation relaxes CAFRA restrictions on impervious coverage from 3% to 70%. The result is that significantly more development may occur within the Center.

Centers designation is a component of the Plan Endorsement process. The purpose of this process is to increase the level of consistency among municipal, county, regional and state agency plans with the State Plan and to facilitate the implementation of these plans. The State Plan outlines six objectives that derive from this purpose:

To encourage municipal, county, regional and state agency plans to be coordinated and mutual such as to achieve the Goals of the State Plan.

To encourage further and more positive plans on a regional basis while recognizing the fundamental role of the municipal master plan and development requirements.

To consider the wider connectivity including County, State, Federal and Maritime within the context of regional systems.

To provide opportunity for all governmental entities and the public to comment and receive correct planning input.

To provide a framework to guide and support state, municipal, regional and local planning activities in the implementation of municipal, county, and regional plans that meet statewide objectives and:

To learn new planning approaches and techniques from municipal, county, and regional governments for the implementation through the state and promote cooperation from the State Plan.

Municipal master plans and development regulations are reviewed for consistency with the guidelines for Plan Endorsement adopted by the State Planning Commission. If the Commission finds the plan consistent, it will be endorsed and therefore eligible for priority assistance and treatment.

The strength of Tuckerton master plan is consistent with the SDRP. The objectives and policies of the Master Plan, particularly land use, open space and circulation are consistent with the goals and objectives of the P.A.S. PA-2 and PA-5 Planning Areas.



TUCKERTON BOROUGH ZONING ORDINANCE

Redlined/Annotated

ZONING

255 Attachment 1

Schedule of Area, Yard and Building Requirements Zoning Ordinance of the Borough of Tuckerton, Ocean County, New Jersey

[Amended 3-19-1979 by Ord. No. 2-1979; 6-16-1980 by Ord. No. 5-1980; 4-20-1981 by Ord. No. 2-1981;
12-5-1988 by Ord. No. 20-1988; 8-1-1994 by Ord. No. 14-1994; 11-4-2002 by Ord. No. 18-2002;
5-3-2004 by Ord. No. 5-2004; 12-17-2007 by Ord. No. 17-2007]

District	Minimum Lot Requirements			Minimum Lot Frontage (feet)	Minimum Required Yards					Maximum Height		Minimum First Floor Area (square feet)	Lot Coverage %	Residential Floor Area Ratio (FAR)
	Interior Lots		Corner Lots		Principal Building			Setback of Accessory Building		In Stories	In Feet			
	Area (square feet)	Lot Width (feet)	Width (feet)		Front Yard Depth (feet)	Each Side Yard (feet)	Rear Yard Depth (feet)	Side Yard (feet)	Rear Yard (feet)					
R-400	10 acres	400	40	200	40	20	50	20	20	3	35	1,200	10	
R-100 and R-100 SC	10,000	100	100	100	30	Combined 25 ⁽²⁾	30	10	15	3	35	1,200 ⁸	40	0.5
R-200	3 acres	200	200	200	30	20	50	10	15	3	35	1,200	20	
R-75	7,500	75	75	75	25	Combined 25 ⁽²⁾	30	10	10	3	35	1,000 if 1-story 800/story if 2-story	40	0.33
R-50	5,000	50	50	50	20	Combined 15 ⁽³⁾	20	5	5 ⁴	3	35 ⁽¹⁰⁾ (28)	600	400	0.75
MF	40,000	150	150	100	60	30	30	30	30	2	35	860		
PSC	40 acres	--	--	--	25	6	25 ⁽⁵⁾	--	--	1	20	750 ⁽⁶⁾		
B-1	5,000	75	100	75	10	0	10	5	5	--	35	1,000		0.75
B-2	20,000	100	150	100	10	20	10	10	10	--	35	1,000		0.5
B-3	20,000	100	150	100	10	Combined 30 ⁽²⁾	10	--	--	--	35	1,000		0.5
SV FEMA 100-year flood zone	5,000	75	100	75	20 max.	0	10	5	5	--	35	1,000		0.75



Narrative description of SV FEMA 100-year flood zone needs to be included in body of zoning ordinance text

TUCKERTON CODE

Notes:

1. Sixty feet is the minimum setback for a major street. Fifty feet is the minimum setback for a minor street.
2. One must be at least 10 feet.
3. One must be at least five feet.
4. Except when the rear of the lot abuts a lagoon, the rear yard shall be 10 feet.
5. If a porch, veranda or patio is in the rear of the building, the minimum rear yard setback is 20 feet.
6. For a one-bedroom unit: 750 square feet; for a two-bedroom unit: 960 square feet.
7. General modifications permitted. The schedule establishes minimum standards except as hereafter modified or adjustments are permitted.
 - a. Front yard. Wherein a lot exists between adjacent developed lots on which existing structures are located closer to the front property line than permitted in the schedule, the front yard depth may be reduced to the average of the front yard depth of the adjacent developed lots, except that no front yard shall be reduced to less than 15 feet or 1/2 of the required front yard depth, whichever is the greater.
 - b. Side yard. Wherein a lot exists of less than required width, yard widths may each be reduced by 1/2 foot for each one-foot interval of lot width less than required, except that the maximum side yard width reduction permitted shall be five feet, and in no case shall any side yard be reduced to less than five feet in width.
8. The minimum first-floor area limitation of 1,200 square feet may be satisfied by providing 1,200 square feet total living area over two floors in the R-100 and R-100SC Districts.
9. In the case of conflicting floor area ratios, the most restrictive floor area ratio shall apply.
10. In the Tuckerton Beach area, said area being that portion of the Borough of Tuckerton in the R-50 District located south of Bass Road, the maximum height limitation shall be 28 feet above the base flood elevation. [See § 255-12C(2).]

Proposed text revisions
Sustainable & Resilient Coastal Communities Project
October 2017

Chapter 255. Zoning

[HISTORY: Adopted by the Mayor and Council of the Borough of Tuckerton 1-22-1979 by Ord. No. 1-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 45.
Building construction — See Ch. 107.
Certificates of occupancy — See Ch. 122.
Uniform construction codes — See Ch. 132.
Fire prevention — See Ch. 163.
Junkyards — See Ch. 183.
Landmarks preservation — See Ch. 187.
Mobile home parks — See Ch. 196.
Site plan review — See Ch. 220.
Subdivision of land — See Ch. 231.
Water and sewers — See Ch. 249.

255a Schedule of Area Yard and Bldg. Req 

Article I. General Provisions

§ 255-1. Title.

This chapter and its supplements and amendments shall be known as the "Zoning Ordinance of the Borough of Tuckerton."

§ 255-2. Purpose and authority.

- A. This chapter is adopted for the purpose of dividing the Borough into zones, restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures and land for trade, business, residence and other specified uses; to regulate the intensity of the use of lot areas and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified business, residential and other uses within such areas; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such zones, respectively; to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of nonconforming uses of land, building and structures; and prescribing penalties for the violation of the chapter; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the Borough; and to promote the public health, safety and general welfare.
- B. This chapter is adopted pursuant to the authority of the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975, N.J.S.A. 40:55D-1 et seq.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 255-3. Interpretation of provisions.

In their interpretation, the provisions of this chapter shall be held to be minimum requirements. It is not the intent of this chapter to abrogate any permit previously issued pursuant to law relating to the use of buildings or land; nor shall it be interpreted to interfere with the provisions of existing codes, laws or ordinances regarding building construction, health, safety or sanitation, or with any private restrictions placed upon a property by covenant or deed; provided, however, that where this chapter requires a greater width or size of lot or of yards or other open spaces, or requires a lesser height, bulk or ground coverage for buildings, or in general imposes restrictions greater than those required in another law or local ordinance or regulation the provisions of this chapter shall govern.

§ 255-4. Definitions and word usage.

This chapter establishes definitions to be utilized in conjunction with the ordinances of the Borough of Tuckerton.

- A. Word usage. For the purpose of this chapter, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory.
- B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE OR BUILDING

A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

ACREAGE

Any tract or parcel of land which has not been subdivided and plotted.

ADMINISTRATIVE OFFICER

The Secretary of the Planning Board.

ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts of the existing facilities or any enlargement, whether by an extension of a side, an increase in height or a move from one location or position to another.

APPLICANT

A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit.

APPROVING AUTHORITY

The Planning Board of the municipality unless a different agency is designated by ordinance when acting pursuant to the authority of this Act.^[1]

AUTOMOBILE SALES AGENCY

A place of business where the primary purpose is the sale of new motor vehicles, having a building with showrooms, office space and repair and maintenance facilities, with or without a used car lot incidental thereto and on the same business premises or immediately adjacent thereto.

AUTOMOBILE SERVICE STATION

A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered. Sale of new or used cars is prohibited.

AUTOMOTIVE REPAIR SHOP

A building and place of business where body and major repair work are performed on motor vehicles.
Add definition for "base flood elevation"

BASEMENT

A story partly or wholly underground where more than 1/2 of its height is above the average level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement.

BASIC GRADE

The elevation in the center line of the street at the center line of the lot, which the plot fronts, as established or to be established by the Borough.

BED-AND-BREAKFAST

An owner-occupied structure renting individual rooms to guests for a maximum of two consecutive weeks, and having no cooking facilities directly available for use by the guests, shall constitute a bed-and-breakfast facility. Such structures located in the B-1 Zone would be permitted as a bed-and-breakfast. The availability of food service in the facility shall not disqualify the facility from this category so long as guests are not provided access to the cooking or food preparation facilities and food is prepared and served by the owner or an employee of the owner.

[Added 5-3-2004 by Ord. No. 5-2004]

BOARDINGHOUSE

A building in which not more than five rooms are used or intended to be used for compensation for the lodging of guests, with meals served to occupants only.

BOARD OF ADJUSTMENT

The Board established pursuant to Section 56 of the Municipal Land Use Law.

BREEZEWAY

A covered passageway extending between a main and an accessory building, and having a permanent floor and a permanent roof, designed so as to be or become an integral part of the design of the main building.

BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

BUILDING AREA

The area of the largest floor plan of the building, including covered porches, second floor entrance steps and any portion of the building extending beyond the foundation wall, excluding first floor entrance steps.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the finished grade five feet from the foundation to the highest point of a flat roof, to the deck line of a mansard roof, and to the average distance between the ridge and eaves for gabled, hip or gambrel roofs. The height limitations shall not apply to church spires, noncommercial antennas, belfries, cupolas, chimneys, ventilators, skylights or widow walks, provided that no fire hazard is created, and provided that such exception covers not more than 10% of the roof area. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they serve. Minimum pitch on the pitched roof shall be 6 on 12. In flood zone areas as established by FEMA, the height elevations shall be measured as described herein with the average elevation of the finished grade being utilized as the flood elevation.

[Amended 12-17-2007 by Ord. No. 17-2007]

BUILDING LINE

A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line, excluding those items mentioned in § 255-36.

CAPITAL IMPROVEMENT

A governmental acquisition of real property or major construction project.

CELLAR

A story having more than 1/2 of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement.

CERTIFICATE OF OCCUPANCY

A certificate issued by the Code Enforcement Officer and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change in the occupancy of a building, which certifies that all requirements of this chapter, or such adjustments thereon which have been granted by the Board of Adjustment, and all other applicable requirements have been complied with.^[2]
[Amended 3-19-1979 by Ord. No. 2-1979]

CIRCULATION

Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

COMMON OPEN SPACE

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

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 the location or operation of such use as contained in the Zoning Ordinance, and upon the issuance of an authorization therefor by the Planning Board.

CONVENTIONAL

Development other than planned development.

COUNTY MASTER PLAN

A composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board.

COUNTY PLANNING BOARD

The Planning Board of Ocean County.

DAYS

Calendar days.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

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; or of any mining,

excavation or landfill, and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required pursuant to this Act.^[3]

DEVELOPMENT REGULATION

A Zoning Ordinance, Subdivision Ordinance,^[4] Site Plan Ordinance,^[5] Official Map Ordinance or other municipal regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to this Act.^[6]

DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRIVEWAY

An opening in the curblineline or edge of street onto the street providing access to a lot for motor vehicles.

DWELLING

Any building or portion thereof which is designed for or occupied as a residence, except hotels or motels.

DWELLING, SINGLE-FAMILY

A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two families living independently of each other.

DWELLING UNIT

A unit of a minimum of one room and bath providing complete living facilities for one family, including facilities or provision for facilities required in the storage, preparation and serving of food.

EFFICIENCY APARTMENTS

A dwelling unit consisting of one room and bath with kitchen facilities and occupied by one family.

ENCROACHMENT LIMITS

Lateral limits or lines behind which, in the direction of the river, stream or other body of water which delineates the area which restricts development and construction. Such lines shall encompass the entire area designated as floodway.

ENVIRONMENTAL COMMISSION

A municipal advisory body created pursuant to P.L. 1968, c. 245.^[7]

EROSION

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

FAMILY

One or more persons related by blood or marriage occupying a dwelling unit and living and cooking as a single, nonprofit housekeeping unit, including servants. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization.

FINAL APPROVAL

The official action of the Planning Board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FIRST FLOOR AREA

The living area of a home, including utility room, storage room and areas of habitation, but not to include the garage or attached building, which is located above the cellar or basement level and below

the second floor.

FLOATING HOME

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

[Added 8-20-1984 by Ord. No. 10-1984]

FLOATING HOME MARINA

That area within Tuckerton Borough, covered by any waterway within the Borough, where one or more sites or locations are rented or offered for rent, sold or offered for sale for the location of floating homes.

[Added 8-20-1984 by Ord. No. 10-1984]

FLOOD HAZARD AREA

The floodway and any additional portions of the floodplain.

use these definitions as part of a new section on restricted uses/ standards in flood-prone areas

FLOODPLAIN

The relatively flat area adjoining the channel of a natural stream, which has been or may be hereafter covered by floodwater.

FLOODWAY

The channel of a natural stream and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream.

FLOOR AREA RATIO

The ratio of the gross floor area to the lot area as determined by dividing the gross floor area by the lot area.

[Added 12-17-2007 by Ord. No. 17-2007]

Add definition for "Freeboard"

GARAGE, PRIVATE

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

GOVERNING BODY

The Mayor and Borough Council of the Borough of Tuckerton.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GROSS FLOOR AREA

The sum of the gross horizontal areas of the floor or several floors of a building measured between the outside face of exterior walls.

[Added 12-17-2007 by Ord. No. 17-2007]

- (1) In the case of residential structures, such area shall be finished in accordance with the requirements of the Building Code.^[8] Any cellar, detached garage, crawl space, unfinished attic or space of any nature, or accessory building shall not be included. Any space with a clear ceiling height of six feet or less shall not be included.
- (2) In the case of a bi-level, multistory building, the first-floor area shall be considered to be the first level or levels of the structure over the full perimeter of the structure which are above the average finished grade of the adjoining ground and constructed on other than a concrete slab or

other floor. Any floor area which is located at grade or on such a slab may, however, be included in the calculations of total floor area, provided it complies with the other terms of this definition.

- (3) In the case of all multistory buildings, the first-floor area shall be considered to be the first level or levels of the structure extending over the full perimeter of the structure and which is above the average finished grade of the adjoining ground, whether or not such level was constructed on a concrete slab or other floor area.
- (4) In flood-prone areas, the floor area shall include principal structures, sunrooms, enclosed porches, stairways, landings and decks.

GUEST HOUSE

Any accessory building used in whole or in part as a dwelling.

HABITABLE AREA OR ROOM

Any room within a building used for the purposes of sleeping, eating, preparation of food, offices, selling of merchandise, public gatherings or assembly lobbies. All habitable rooms within a dwelling unit shall have natural light, ventilation and heat. Garages, bathrooms, closets, storage areas, hallways and stairs are not considered to be habitable rooms.

[Added 12-17-2007 by Ord. No. 17-2007]

HISTORIC SITE

Any building, structure, area or property that is significant in the history, architecture, archeology or culture of this state, its communities or the nation and has been so designated.

HOME OCCUPATION

Any gainful employment or occupation of one or more members of the resident family, which shall constitute, either entirely or partly, the means of livelihood of such member or members and which shall be conducted as clearly secondary or accessory to the primary residential use of the principal structure. Such occupation may be pursued in the principal dwelling structure or in an accessory building to such principal structure. Home occupations are normally in the field of work of the artisan, and may include such activities as dressmaking, millinery, watchmaking, electrical and radio repair and carpentry. The retail sale of goods or services in structures designed or altered to make such activities the primary use of any structure shall not be construed hereunder to be a home occupation.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

HOUSEBOAT

Any vessel not designed primarily for residential dwelling units, designed primarily for pleasure craft, recreation and for independent navigation, whose volume coefficient is less than or equal to 3,000 square feet and not considered a floating home in accordance with the definition of floating home.

[Added 8-20-1984 by Ord. No. 10-1984]

IMPROVED STREET

That street having a minimum pavement width of 24 feet with acceptable gravel base material with a bituminous surface treatment.

INTERESTED PARTY

In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, 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 this Act or under any other law of this state or of the United States or whose right to use, acquire or enjoy property has been denied, violated or infringed by an action or a failure to act under this Act.^[9]

LAND

Improvements and fixtures on, above or below the surface.

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, CORNER

A parcel of land at the junction of and fronting on two or more intersecting streets.

LOT COVERAGE

That percentage of the lot area covered by the principal building area, sheds, accessory buildings, aboveground pools, hot tubs, decks whose average elevation is 12 inches above grade and all structures greater than 12 inches above grade. Exceptions would be mailbox foundations, landscape planters less than 30 inches above grade and air conditioning/heating units.

[Amended 12-17-2007 by Ord. No. 17-2007]

LOT FRONTAGE

A lot line or portion thereof which is coexistent with a street line. In the case of a street of undefined width, said lot line shall be assumed to parallel the center line of the street at a distance of 25 feet therefrom. In the case of corner lots, the smaller of the two lot lines coexistent with street lines shall be considered as the frontage.

LOT, INTERIOR

A lot other than a corner lot.

LOT, THROUGH

A lot other than a corner lot with frontage on two streets. All through lots as defined herein shall provide a front yard setback on both streets.

LOT WIDTH

The horizontal distance between the side lot lines, measured at right angles to its depth, and at a point 50 feet from the street line.

MAINTENANCE GUARANTY

Any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required by this Act.^[10]

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision.

MARINA

A dock or base and operated for profit or to which public patronage is invited, providing moorings or marine services primarily for power yachts, launches or other water craft, other than floating homes, and which is also capable of removing any and all crafts moored within the marina out of the water for repair or as a result of emergent conditions.

[Added 8-20-1984 by Ord. No. 10-1984]

MASTER PLAN

A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to N.J.S.A. 40:55D-1 et seq.

MAYOR

The chief executive of the municipality.

MINOR SUBDIVISION

A subdivision of land that does not involve:

- (1) The creation of more than the maximum number of lots specifically permitted by ordinance as a minor subdivision;

- (2) Planned development;
- (3) Any new street;
- (4) Extension of any off-tract improvement.

MOTEL

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and provided with accessory off-street parking facilities.

MULTIPLE-DWELLING GROUP

A structure or a group of structures providing dwelling units of two rooms or more to separate families, which is designed to be maintained and operated as a complex in single ownership by an individual, partnership, corporation or cooperative group, and which has, as herein set forth, certain facilities, yards and open spaces, recreation areas, garage and parking areas. This also includes the Condominium Act as established by N.J.S.A. 46:8B-1 to 46:8B-30 and amendments thereto.

MUNICIPALITY

The Borough of Tuckerton.

MUNICIPAL AGENCY

A municipal Planning Board or Board of Adjustment, or a governing body of a municipality when acting pursuant to this Act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this Act.^[1]

NONCONFORMING BUILDING

A building which in its design or location upon a lot does not conform to the regulations of this chapter for the zone in which it is located.

NONCONFORMING LOT

A lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE

A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

OFFICIAL COUNTY MAP

The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the county.

OFFICIAL MAP

A map adopted by ordinance pursuant to Article 5 of the Municipal Land Use Law.

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 contiguous portion of a street or right-of-way.

OFF TRACT

Not located on the property which is the subject of a development application nor 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 or neighboring such open space, provided that such areas may be improved with only those building, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. Further, open space is any area other than a required yard, screening strip or recreation area which may hereafter remain as private property or property dedicated to the Borough of Tuckerton and which shall have been designated as such on any plan requiring approval by the Borough of Tuckerton.

PARKING SPACE

Space within a parking area or parcel of land containing an area not less than 162 square feet, with minimum dimensions of nine by 18 feet, exclusive of access drives, aisles, ramps and columns for the storage of one passenger automobile or small commercial vehicle.

PARTY IMMEDIATELY CONCERNED

For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice.

PERFORMANCE GUARANTY

Any security which may be accepted by a municipality, including cash, provided that a municipality shall not require more than 10% of the total performance guaranty in cash.

PLANNING BOARD

The Planning Board of the Borough of Tuckerton.^[12]

PLAT

A map or maps of a subdivision or site plan.

PRELIMINARY APPROVAL

The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS

Architectural drawings prepared during early and introductory stages of the design of a project illustrating, in a schematic form, its scope, scale and relationship to its site and immediate environs.

PROFESSIONAL OFFICE

The office of a member of a recognized profession, which shall include only the offices of doctors or physicians, dentists, optometrists, ministers, architects, landscape architects, professional engineers, lawyers, artists, authors, musicians and such other similar professional occupations which may be so designated by the Board of Adjustment upon finding by such Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof. The issuance of a state or local license for regulation of any gainful occupation, per se, is not necessarily indicative of professional status.

PUBLIC AREAS

- (1) Public parks, playgrounds, trails, paths and other recreational areas.
- (2) Other public open spaces.
- (3) Scenic and historic sites.

- (4) Sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL

A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

PUBLIC DRAINAGEWAY

The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC OPEN SPACE

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

QUORUM

The majority of the full authorized membership of a municipal agency.

RESIDENTIAL CLUSTER

An area to be developed as a single entity, according to a plan, containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY

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

RESUBDIVISION

The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or the alteration of any streets 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.

ROOMING HOUSE

A building in which not more than five rooms are used, or intended to be used, for the lodging of guests for compensation, without meals.

SCREENING STRIP/BUFFER

Any concentration or group of trees and shrubbery placed and maintained for the purpose of screening unsightly use, uses, dust, noise and lights from adjoining property.

[Amended 12-17-2007 by Ord. No. 17-2007]

SEDIMENTATION

The deposition of soil that has been transported from its site or origin by water, ice, wind, gravity or other natural means as a product of erosion.

SETBACK LINE

A line within any lot, usually marking the limits of any required yard space.

SIGN

Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, word, modern banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement, but not including any flag, badge or insignia of any public, civic, charitable or religious group.

SIGN, ADVERTISING

A sign which directs attention to a business commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

SIGN AREA

The area included within the frame or edge of the sign exclusive of the structure to support it properly and any trim and framing device and any appurtenances required by the Building Code.^[13] Where the sign has no such frame or edge, the area shall be defined by an enclosed four-sided geometric shape which most closely outlines said sign. On multiple-faced signs, the sign area shall be measured, for the purpose of complying with the regulations of this chapter, on the face having the greatest sign surface area.

SIGN, DIRECTIONAL

A sign, located on the same lot as the principal use, which may be reasonably necessary to the proper guidance and control of vehicular traffic entering or leaving the premises or for circulation of such traffic on the premises.

SIGN, FREESTANDING PREMISES

A sign which is supported by one or more supports, legs, braces or posts, made of wood, metal, stone or concrete, which are securely fixed in or upon the ground, and which is located on the same lot as the commodity, activity or service it advertises.

SIGN, PREMISES OR POINT OF SALE

Any sign, symbol, trademark, structure or similar device used to identify the product made or the activity pursued by any individual, business, service or commercial enterprise which is displayed upon the lot or premises occupied by such an enterprise for the purpose of apprising the public of the location of such enterprise and the type of activity in which it is engaged.

SIGN, PROJECTING

A sign which is attached to a building and extends beyond the line of said building, or beyond the surface or facade of that portion of the building to which it is attached, by more than one foot.

SIGN, WALL

A sign which is attached, painted or cut into any masonry surface of a building wall intending to direct attention to such building or uses in such building and which may constitute a single solid unit or individual letters, numbers or symbols.

SIGN, WINDOW

A sign placed, maintained or painted upon a window.

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, floodplains, 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.
- (3) Any other information that may be reasonably required in order to make an informed determination.

STANDARDS OF PERFORMANCE

Standards:

- (1) Adopted by ordinance regulating noise levels, glare, earthborn or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality; and
- (2) Required by applicable federal or state laws or municipal ordinances.

STORY

That part of a building with at least six feet between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A split-level story shall be considered a second story if the floor level is six feet or more above the level of the line of the finished floor next below it, except the cellar. The cellar shall not be counted as a story. (A cellar is considered to have greater than 1/2 of its surface below grade.)

[Amended 12-17-2007 by Ord. No. 17-2007]

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action as provided by this chapter, or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET LINE

That line determining the limit of the highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point 25 feet from the center line of the existing pavement.

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

SUBDIVISION

The division of a lot, tract or parcel of land into two 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 Act^[14] if no new streets are created: divisions of land found by the Planning Board, or Subdivision Committee thereof appointed by the Chairman, to be for agricultural purposes, where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order; and conveyances so as to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "resubdivision."

USE

The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

VARIANCE

Permission to depart from the literal requirements of a Zoning Ordinance.

YARD, FRONT

An open, unoccupied space, except as may be otherwise specified herein, on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building.

YARD, REAR

An open, unoccupied space, extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any principal building, except as may be otherwise specified herein. The depth of a rear yard shall be measured at right angles to the rear line of the lot, or, if the lot is not rectangular, then in the general direction of its side lot lines.

YARD, SIDE

An open, unoccupied space, except as may be otherwise specified herein, between the side line of the lot and the nearest line of a principal building and extending from the front yard to the rear yard or, in the absence of either of such yards, to the street or rear lot lines as the case may be. The width of a side yard will be measured at right angles to the side line of the lot.

[1] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*

- [2] *Editor's Note: See Ch. 122, Certificates of Occupancy.*
- [3] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*
- [4] *Editor's Note: See Ch. 231, Subdivision of Land.*
- [5] *Editor's Note: See Ch. 220, Site Plan Review.*
- [6] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*
- [7] *Editor's Note: See N.J.S.A. 40:56A-1.*
- [8] *Editor's Note: See Ch. 132, Construction Codes, Uniform.*
- [9] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*
- [10] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*
- [11] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*
- [12] *Editor's Note: See Ch. 45, Land Use Procedures, Art. I, Planning Board.*
- [13] *Editor's Note: See Ch. 107, Building Construction, and Ch. 132, Construction Codes, Uniform.*
- [14] *Editor's Note: "This Act" refers to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*

Article II. Zoning Districts

§ 255-5. Types of districts.

[Amended 4-15-1985 by Ord. No. 4-1985; 9-19-1988 by Ord. No. 15-1988; 5-3-2004 by Ord. No. 5-2004]

For the purpose of this chapter, the Borough of Tuckerton is divided into the following types of zoning districts:

R-400	Wetland Conservatory-Residential
R-100	Single-Family Residential
R-200	Single-Family Residential
R-100SC	Single-Family Senior Citizen Housing Option
R-75	Single-Family Residential
R-50	Single-Family Residential
MF	Multifamily Residential
PSC	Planned Senior Citizen Residential Development/Medium-Density Cluster Development
B-1	Village Commercial and Office Professional
B-2	Highway Business
B-3	Marine Commercial
B-4	Marine Commercial/Waterfront Cluster Development
<u>SV</u>	<u>Seaport Village District</u>

§ 255-6. Zoning Map and boundaries.

[Amended 9-19-1988 by Ord. No. 15-1988; 12-5-1988 by Ord. No. 20-1988]

The boundaries of these zoning districts are hereby established as shown on a map entitled "Zoning Map of the Borough of Tuckerton," dated November 7, 1988. This map, together with the Official Map of the Borough of Tuckerton, is hereby made a part of this chapter.^[1] Where uncertainty exists as to any of said boundaries as shown on said map, the following rules shall apply:

- A. Zone boundary lines are intended to follow the center line of streets, streams and lot or property lines as they exist on plats of record at the time of the passage of this chapter, unless such zone boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where such boundaries are not fixed by dimensions and where they do not scale more than 10 feet distance therefrom, lot lines shall be construed to be such boundaries unless specifically shown otherwise.

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

[1] *Editor's Note: The Zoning Map is on file in the Borough offices.*

§ 255-7. Schedule. In zoning districts where appropriate, add standards for on-site improvements that promote green infrastructure (e.g. infiltration, bio-retention, capture and reuse, water conservation, and or beneficial reuse) to reduce or eliminate the increase in runoff volume.

The schedule accompanying this chapter is part of this chapter,^[1] and the areas and dimensions presented therein are minimum areas and dimensions.

[1] *Editor's Note: The schedule is included at the end of this chapter.*

Article III. District Regulations Add "purpose" for each of the zoning districts

§ 255-8. R-400 Wetland Conservatory-Residential District.

The following regulations shall apply in all R-400 Districts:

- A. Permitted uses.
- (1) One-family dwellings.
 - (2) Churches and similar places of worship, parish houses and convents, subject to the conditions specified in Article VI.
 - (3) Public and private nonprofit schools and institutions conducting study and research of wildlife, ecological study, etc.
 - (4) Municipal parks, playgrounds and other such municipally owned buildings.
 - (5) Farming.
 - (6) Golf courses.
- B. Permitted accessory uses.
- (1) A home occupation, as defined in § 255-4.
 - (2) Private garages.
 - (3) Professional home offices.
- C. Yard, area and building requirements: as specified for this district in the schedule, § 255-7 of this chapter, unless modified in accordance with the standards set forth in § 255-49.
- D. Off-street parking, loading and vehicular access: as per Article VII of this chapter as defined for that particular use.
- E. Signs: as per Article VIII of this chapter.
- F. Conditional uses. The following uses may be permitted by the Planning Board subject to the conditions as specified for each use in Article IV and the conditional use procedures.
- (1) Public utility installation.
 - (2) Public and quasi-public philanthropic and charitable uses.
 - (3) Quasi-public building and recreation areas.
 - (4) Medium-density cluster development (MDCD), as per Article III, § 255-14D, of this chapter; provided, however, that such conditional use shall not be permitted by cross-reference in any other zoning

district.
[Added 4-15-1985 by Ord. No. 4-1985]

Tuckerton Borough should consider all "permitted uses" identified in each of the Zoning Districts, to evaluate whether existing permitted uses will still be appropriate under various sea level rise scenarios. Permitted uses in areas of greatest flood risk should be limited to recreation, open space, ecological restoration, and/or water dependent uses, as defined by CAFRA. In other risk zones, uses should be evaluated in terms of whether occupancy poses a risk to public health and safety as sea levels rise. Certain uses present a greater challenge for emergency response and/or recovery, or a greater danger to the community if the structure is flooded.

§ 255-9. R-200 Single-Family Residential.

[Added 5-3-2004 by Ord. No. 5-2004]
The following regulations shall apply in all R-200 Districts:

- A. Permitted uses.
 - (1) One-family dwellings.
 - (2) Churches and similar places of worship, parish houses conditions specified in Article VI.
 - (3) Public and private nonprofit schools and institutions of higher learning.
 - (4) Municipal parks, playgrounds and other such municipal buildings. The minimum land area shall not be less than 1/2 acre.
- B. Permitted accessory uses.
 - (1) Private garage space for the storage of motor vehicles.
 - (2) Professional home offices.
- C. Area, yard and building requirements; as specified for this district in the schedule, § 255-7 of this chapter, unless modified in accordance with the standards set forth in Article VI.
- D. Off -street parking, loading and vehicular access.
 - (1) As per Article VII of this chapter as defined for that particular use.
 - (2) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in Article VII.
- E. Signs: as per Article VIII of this chapter.
- F. Conditional uses. The following uses may be permitted by the Planning Board subject to the conditions as specified for each use in Article IV and the conditional use procedures.
 - (1) Public utility installation.
 - (2) Public and quasi-public philanthropic and charitable uses.
 - (3) Quasi-public building and recreation areas.

§ 255-10. R-100 Single-Family Residential and R-100SC Senior Citizen Housing Option Districts.

The following regulations shall apply in all R-100 and R-100SC Districts:

- A. Permitted uses.
 - (1) One-family dwellings.
 - (2) Churches and similar places of worship, parish houses and similar accessory uses, subject to the conditions specified in Article VI.
 - (3) Public and private nonprofit schools and institutions of higher learning.

- (4) Municipal parks, playgrounds and other such municipal buildings. The minimum land area shall not be less than 1/2 acre.
- B. Permitted accessory uses.
- (1) Private garage space for the storage of motor vehicles.
 - (2) Professional home offices.
- C. Area, yard and building requirements: as specified for this district in the schedule, § 255-7 of this chapter, unless modified in accordance with the standards set forth in Article VI.
- D. Off-street parking, loading and vehicular access.
- (1) As per Article VII of this chapter as defined for that particular use.
 - (2) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in Article VII.
- E. Signs: as per Article VIII of this chapter.
- F. Conditional uses.
- (1) Senior citizen development: as per § 255-14 of this chapter, except that the minimum required lot size shall be 20 acres. All other development regulations shall prevail.
 - (2) Same as permitted in the R-400 District.

§ 255-11. R-75 Single-Family Residential District.

The following regulations shall apply in all R-75 Districts:

- A. Permitted uses: same as those specified for the R-100 District.
- B. Permitted accessory uses: same as those specified for the R-100 District.
- C. Area, yard and building requirements: as specified for this district in the schedule, § 255-7 of this chapter, unless modified in accordance with the standards set forth in Article VI.
- D. Off-street parking, loading and vehicular access.
- (1) As per Article VII of this chapter as defined for that particular use.
 - (2) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in Article VII.
- E. Signs: as per Article VIII of this chapter.
- F. Conditional uses: same as specified in the R-400 District.

§ 255-12. R-50 Single-Family Residential District.

The following regulations shall apply in all R-50 Districts:

- A. Permitted uses: same as those specified for the R-100 District.
- B. Permitted accessory uses.
- (1) Professional home offices.
 - (2) Private garages, private boathouses or similar storage structures.

- C. Area, yard and building requirements.
[Amended 12-5-1988 by Ord. No. 20-1988]
- (1) R-50 zones generally: as specified for this district in the schedule, § 255-7 of this chapter, unless modified in accordance with the standards set forth in § 255-49.
 - (2) Tuckerton Beach area: as specified for the R-50 District in the schedule, § 255-7 of this chapter, unless modified in accordance with the standards set forth in § 255-49; except that in the Tuckerton Beach area, said area being that portion of the Borough of Tuckerton in the R-50 Districts located south of Bass Road, the maximum height limitation shall be 28 feet above the eight-foot base flood elevation, as referenced to the National Geodetic Vertical Datum of 1929.
- D. Off-street parking, loading and vehicular access.
- (1) As per Article VII of this chapter as defined for that particular use.
 - (2) Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in Article VII.
- E. Signs: as per Article VIII of this chapter.
- F. Conditional uses: none.

§ 255-13. MF Multifamily Residential District.

The following regulations shall apply in all MF Districts:

- A. Permitted uses.
- (1) Mobile home parks.^[1]
[1] *Editor's Note: See Ch. 196, Mobile Home Parks.*
 - (2) Multifamily dwellings.
 - (3) Single-family residences.
- B. Permitted accessory uses: same as those specified for the R-100 District. Such noncommercial facilities related to recreation, social activities or laundry facilities which are solely for the residents of a mobile home park or apartment project shall also be an accessory use.
- C. Area, yard and building requirements: as specified for this district in the schedule, § 255-7 of this chapter.
- D. Off-street parking, loading and vehicular access. Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards set forth in Article VII.
- E. Signs: as per Article VIII of this chapter.
- F. Conditional uses: none.
- G. Other regulations and requirements.
- (1) Driveways for ingress and egress for a garden apartment project shall not be located within 200 feet of an existing intersection or create any other hazardous conditions. Acceleration and deceleration lanes shall be installed where a traffic hazard exists or where substantial traffic congestion shall be created.
 - (2) All buildings shall be placed on a site in such a manner that they are located in a nonuniform pattern and the distances between buildings are varied. In no instance shall one building be closer than 30 feet to another.
 - (3) The facades of multiple dwelling units shall be varied by changed front yard setback and variation of materials or design in such a manner so that no more than three abutting buildings will have the same

- front yard setback and the same or essentially the same architectural treatment of facades and rooflines. In a building exceeding eight units per building, the rooflines shall be broken and the building line shall be broken to provide varied setbacks. There shall not be more than 12 living units in any one building.
- (4) No common hall will be permitted except foyers at exterior entrances for no more than two dwelling units.
 - (5) No basement or below-grade dwelling unit shall be permitted.
 - (6) Each dwelling unit shall be considered a one-family living unit, and combining separate households into one dwelling unit regardless of relationship is prohibited.
 - (7) All units shall be provided with public water, sanitary sewers and electric and telephone services provided by means of underground cable. One master television antenna shall be provided per building.
 - (8) Provision shall be made for collection of refuse in enclosed storage areas which shall be centrally located and easily accessible to all units.
 - (9) Appropriate areas shall be set aside for recreational needs of residents and shall not be less than 10% of the gross acreage to be developed. Recreation areas shall include improved playground areas, outdoor grills, benches or sitting areas.
 - (10) No certificate of occupancy shall be issued until the recreational areas are completed.^[2]
[2] Editor's Note: See Ch. 122, Certificates of Occupancy.
 - (11) Concrete curbing shall be constructed along existing street frontages, on access streets or driveways and around parking areas. All access streets or drives and parking areas shall have a bituminous surface. Sidewalks shall be constructed along existing or proposed public streets.
 - (12) No building, existing or proposed, shall be located closer than 25 feet to a curblineline to be constructed on site for private street or driveway or 15 feet to parking areas.
 - (13) Distance between curbs shall not be less than 25 feet on all driveways or private streets used for access to or from the project.
 - (14) Outdoor lighting. Lighting fixtures shall be provided for walks, steps, parking areas and driveways to assure safe and convenient nighttime use.
 - (15) All existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes. If existing vegetation is not acceptable, the site shall be landscaped to provide a minimum of 12 deciduous trees per acre and 24 evergreen trees per acre.
 - (16) A twenty-foot-wide buffer strip shall be provided where the site adjoins commercial, single-family residential, office or manufacturing uses. Said strip is to be planted with evergreen shrubbery to a minimum height of six feet, approved by the Board.
 - (17) In addition to such storage which may be provided inside individual units, there shall be provided in the basement or the ground floor 100 square feet of storage for each unit where personal effects and belongings may be stored. Such storage shall be conveniently located and shall be capable of being kept locked and separate from the belongings of other occupants. There shall be a further minimum common storage area of 200 cubic feet per dwelling unit in each building for bicycles, perambulators and similar types of equipment.

§ 255-14. PSC Planned Senior Citizen Residential Development/Medium-Density Cluster Development District (MDCD).

[Amended 4-15-1985 by Ord. No. 4-1985]

The following regulations shall apply in all PSC Planned Senior Citizen Residential Development/Medium-Density Cluster Development Districts:

- A. Permitted uses: planned senior citizen residential development.
- B. Conditional uses: medium-density cluster development (MDCD).
- C. The following regulations shall apply in all PSC planned senior citizen residential developments:
 - (1) No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for a planned senior citizen residential community as defined hereinafter. Specifically, such planned senior citizen community shall include the following:
 - (a) Dwellings.
 - (b) Recreational and cultural facilities for the sole use of residents and their guests, including at least one of each of the following: clubhouse, shuffleboard courts, picnic grounds and necessary accessory buildings for maintenance and administration. Provisions shall be made for off-street parking. The applicant may propose additional facilities; however, such facilities shall be for the sole purpose of enhancing the residential characteristics of the area, and no commercial advertising shall be permitted, except for advertising related to the sale of units in the residential community.
 - (c) Definition. A "planned senior citizen residential community" (PSC) is defined as a development of a land area having a contiguous total acreage of at least 40 acres. Said land, through its corporation, association or owners, shall restrict use of the property therein by deed, covenants and restrictions of record and bylaws and rules and regulations for use of 50% of the units by permanent residents of 55 years of age or older. The ownership of the residential units and the area comprising the PSC may be by fee simple, with common land or open space to be maintained through assessments against property owners within the confines of said community or development, in accordance with the provisions of N.J.S.A. 46:8B-1 et seq., or as rental units.
[Amended 9-16-2002 by Ord. No. 13-2002]
 - (d) Nonprofit homeowners' association. A nonprofit homeowners' association is an association of homeowners within a PSC to which all homeowners, by deed restrictions, covenants, restrictions, bylaws or otherwise, automatically belong and become members. The purpose of the association is to own, maintain and preserve the common lands, properties and facilities to be deeded to the owners or their association and to provide the basic services and administer the enforcing of the covenants, restrictions and bylaws, the costs thereof to be shared equitably by the homeowners.
 - (2) Development standards.
 - (a) Minimum area. The minimum area of a PSC shall be 40 acres.
 - (b) Residential density. There shall be no more than eight dwelling units per acre.
 - (c) Residential building coverage. No more than 20% of the total area shall be covered by residential buildings.
 - (d) Open space. No less than 50% of the total area shall be devoted to open space as defined in this chapter.
 - (e) Height of buildings. The maximum height of any habitable building shall be 20 feet.
 - (f) Buildings and minimum gross floor area. Each building shall contain no more than six dwelling units. The minimum gross floor area for a unit shall be 600 square feet.
 - (g) Setbacks. No building, other than entrance gate houses, walls and fences, shall be located within 50 feet of any exterior boundary line of the tract nor closer than 100 feet to any street classified as other than a local street in the adopted Master Plan of the Borough of Tuckerton.

- (h) Distance between buildings. There shall be a minimum distance of 12 feet between all buildings.
 - (i) Roads. Interior roads shall be private streets and shall have a paved width of 28 feet and shall be constructed according to ordinance pertaining to roads for subdivision. Culs-de-sac shall have minimum radius of 50 feet.
 - (j) Off-street parking. Two spaces for each dwelling unit plus one space per five dwellings for visitor parking shall be provided. Individual driveway connections to garages attached to a dwelling for purposes of this section shall be construed to meet this standard.
 - (k) Front yards, side yards and rear yards. All buildings within a PSC development shall have a minimum front yard of 25 feet from the curb of a private street; and, further, no building shall be located within 25 feet of another.
 - (l) Utilities. A PSC shall be serviced by common water supply and public sewerage system in accordance with local and state regulations, and the applicant shall grant public easements to the municipality or the Tuckerton Municipal Utility Authority (TMUA), or both, for all public utilities which shall be regulated and controlled by said municipality in accordance with its applicable ordinances.
 - (m) No dwelling unit or other structure shall have a driveway connection to a public street.
 - (n) All on-site, off-site and off-tract drainage shall be provided for in accordance with Borough ordinances pertaining to subdivision of lands,^[1] as well as applicable state statutes and regulations. Documents required by this chapter shall provide that any common lands or open lands, recreational facilities and properties intended to be deeded or conveyed to a homeowners' association must be deeded to the nonprofit corporation of an analogous body immediately upon its incorporation and organization and must be free and clear of any encumbrances or liens at the time of passing of controls to the Board of Trustees.
^[1] *Editor's Note: See Ch. 231, Subdivision of Land.*
 - (o) Where a PSC is a fee simple development, covenants and restrictions and plot plans shall indicate that recreational areas and green areas shall be dedicated to a homeowners' association or its equivalent.
 - (p) Site and subdivision plan approval. No building permit shall be issued for the construction or use of any building in a PSC except in accordance with the approved site plan^[2] and subdivision plat.
^[2] *Editor's Note: See Ch. 220, Site Plan Review.*
- (3) Permit notification. In addition to the foregoing, it shall be mandatory for any applicant to provide the Planning Board with a copy of all submissions to be made to any state agency pursuant to the PSC Full Disclosure Act^[3] at all stages of development and in keeping with the state's right to regulate such community in matters not relating to local planning issues, which regulations of said state agency shall be controlling.
^[3] *Editor's Note: See N.J.S.A. 45:22A-21 et seq.*
- D. The following regulations shall apply in all medium-density cluster developments.
- (1) Guiding principles. Recognizing that medium-density cluster development uses, activities and structures are necessary to serve the needs and provide for the convenience of the citizens of the Borough of Tuckerton and at the same time, appreciating the fact that such uses may be or may become inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings, such uses are designated as conditional uses subject to the standards and regulations hereby established. The standards and regulations which follow herein are intended to provide the Planning Board with a guide for reviewing applications for medium-density cluster development as provided for by this chapter. As a result of the review procedure, the applicant may be required to meet additional standards and regulations imposed by the Planning Board during site plan review, which are in keeping with and which shall further the intent of these standards and regulations. Such standards and regulations shall be provided for and maintained

as a condition of the establishment and maintenance for any use to which they are a condition of approval.

- (2) Definitions. As used in this subsection, the following terms shall have the following meanings: [Amended 6-8-1988 by Ord. No. 6-1988; 9-16-2002 by Ord. No. 13-2002]

MEDIUM-DENSITY CLUSTER DEVELOPMENT (MDCD)

A development of single-family attached dwellings which is located in the PSC Zone, R-400 Zone or B-2 Zone.

OWNERSHIP

A medium-density cluster development may have attached townhouse units and may be owned as follows:

- (a) Each unit is owned in fee simple along with a percentage of the commonly owned land.
 - (b) All the units are owned and managed by one entity for the purpose of rental and are comprised of a mix of 50% single-family townhouse units and 50% age restricted senior citizen townhouse units.
- (3) Schedule of minimum requirements.
- (a) In order to preserve the existing planning scheme of the creeks of Tuckerton, all MDCD shall be a minimum distance of 200 feet from said creek beds and main arteries, with the exception of access drives, which may be approved by the Planning Board and which shall also apply to recreational areas. "Creeks" are defined as existing natural waterways.
 - (b) Minimum lot area. An MDCD must consist of at least one or more contiguous tracts of land containing not less than five acres.
 - (c) Schedules of limitations. Area, yard and building requirements shall be as specified in the schedule accompanying § 255-7 of this chapter applicable to the PSC Planned Senior Citizens Residential Development District, except that the minimum lot area requirement shall be five acres and the maximum height requirement shall be 2 1/2 stories (30 feet).
 - (d) Unit density per acre. The number of dwelling units to be constructed on a tract of land for medium-density cluster development shall not exceed eight dwelling units per acre of gross area. "Gross area" is defined as the number of acres in the entire tract, excluding land under permanent bodies of water or flowing streams of water.
 - (e) Units per structure. The number of dwelling units within each structure in a medium-density cluster development shall not exceed six per structure.
 - (f) Maximum bedroom number. No dwelling unit in a medium-density cluster development shall be permitted with more than two bedrooms per unit.
 - (g) Bedroom designation. All rooms, exclusive of living rooms, dining rooms, kitchens and bathrooms, which contain 70 square feet or more of floor area shall be considered bedrooms. Any dining room not directly accessible from and adjacent to the kitchen shall also be considered a bedroom.
 - (h) Water and sewerage. All dwelling units shall be connected to approved and functioning water and sanitary sources prior to the issuance of a certificate of occupancy.^[4]
 [4] *Editor's Note: See Ch. 122, Certificates of Occupancy, and Ch. 249, Water and Sewers.*
 - (i) Building coverage. Building coverage shall not exceed 20% of the entire tract area. However, where garages for each unit are to be constructed, building lot coverage may be increased to 25% of the entire tract area.
 - (j) Width of units. No townhouse dwelling unit shall be less than 17 feet wide.
 - (k) Parking.

- [1] All parking facilities shall be on-site, that is, located upon the same tract of land as the building they are to service.
 - [2] All parking facilities shall be located within 100 feet of the nearest entrance of the building such parking spaces are intended to serve.
 - [3] Parking spaces shall be provided on-site, in areas designed specifically for parking.
 - [4] Parking along interior streets shall be prohibited.
 - [5] The total area devoted to parking shall not exceed 20% of the entire tract.
 - [6] The total aggregate area devoted to both parking and interior streets shall not exceed 35% of the entire tract.
 - [7] Each individual medium-density cluster development unit shall be provided with a minimum of two parking spaces per unit. An attached garage to a dwelling unit shall be counted as parking space.
- (l) On-site improvements. All street improvements, both internal and external, including grading and paving, driveways, parking areas, sidewalks, curbs, gutters, streetlighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures, recreational facilities and such other improvements as may be necessary to protect the public interest shall be installed at the expense of the developer and shall be completed in accordance with Borough ordinances.
- (m) Recreation area. A recreation area for use by the residents of the development shall be constructed by the developer. Land area equal to at least 250 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation areas. Such areas shall be an integral part of the development, and each shall be at least 10,000 square feet in size, at least 100 feet wide and have a grade less than 5%, with no improvement within 200 feet of creek. Where the medium-density cluster development ownership option for a 50/50 mix is selected, the recreational facilities shall provide activities for all age groups such as but not limited to tot-lots and basketball for the single-family unit activities and tennis, bocce, and shuffleboard for the age-restricted units. These facilities may be located in separate areas throughout the development or may be located in the same area, provided they are separated by buffers which shall include landscaping and fencing.
[Amended 9-16-2002 by Ord. No. 13-2002]
- (n) Architecture and design. Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide a desirable visual environment through development techniques and good civic design and arrangement and to promote the conservation of open space and valuable natural resources and to prevent the degradation of the environment through improper use of land. The developer shall include in his plans consideration of appropriate landscaping techniques, building orientation to the site and to other structures, topography of the site, natural features of the site and individual dwelling unit design. The design of individual dwelling units shall provide for varying unit widths, staggering unit setbacks, differing exterior materials, changing roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination, for each dwelling unit.
- (o) Soundproofing. All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units, with a Sound Transmission Class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of each typical unit shall be required.
- (p) Landscaping. All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall

be planned for both aesthetic and drainage purposes. The grading path, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

- (q) Outside drying. No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each dwelling unit for the laundering and artificial drying of laundry of occupants of each dwelling unit.
 - (r) Master antenna. No individual exterior television antennas shall be permitted, except that a master antenna for the development shall be permitted.
- (4) Site plan. No conditional use shall be granted under this chapter except as part of a contemporaneous site plan application for review and approval.
- (5) Ownership, preservation and maintenance of common open space. The developer shall make provisions which ensure that the open-space land shall continue as such and be properly maintained in perpetuity. The developer shall utilize the following method to ensure the preservation and maintenance of common open-space land:
- (a) The developer shall provide for and establish an organization for the ownership and maintenance of all common open-space land. The organization shall be a nonprofit homeowners' corporation.
 - (b) The organization shall be organized by the developer and operated with financial subsidization by the developer, if necessary, before the sale of any units within the development.
 - (c) Membership in the organization shall be mandatory for all residents of the MDCD.
 - (d) The organization shall be responsible for maintenance of insurance and payment of taxes on common open space.
 - (e) The members of the organization shall be responsible for bearing equitably the costs of maintaining and developing common open space in accordance with procedures established by them.
 - (f) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
 - (g) In the event that the organization established to own and maintain a common open space, or any successor organization, shall at any time after establishment of the MDCD fail to maintain the common space in reasonable order and condition, and/or in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents and owners of the MDCD, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the Borough, in order to preserve the taxable values of the properties from becoming a public nuisance, may enter upon said common open space and maintain the same for up to one year. Said entry and maintenance shall not vest in the public any rights to use the common open space, the use of which shall be restricted to the residents of the MDCD who are members of the homeowners' corporation, except when the common open space is voluntarily dedicated to the public by the residents and owners and said dedication is accepted. Before the expiration of the one-year term, the Borough shall, upon its own initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the MDCD to show cause why such maintenance by the Borough shall not, at the election of the Borough, continue for a succeeding year. If the

Borough shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Borough in any such case shall constitute a final administrative decision subject to judicial review.

- (h) The cost of such maintenance by the Borough shall be assessed ratably against the properties within the MDCD that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
- (i) Provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of buildings and structures; the quantity and location of common open space; and the intensity of use or the density of residential units shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough without limitation on any power of regulation otherwise granted the Borough by law. The development plan shall specify which of its provisions run in favor of and are enforceable by the residents of the MDCD, and, in addition, the manner in which such residents may modify or release such rights.
- (j) The nonprofit homeowners' corporation shall be incorporated pursuant to the provisions of Title 15 of the New Jersey Statutes. The corporation shall be directed by a Board of Trustees of not fewer than seven nor more than 11 persons. The organization, procedures and duties of officers of the Board of Trustees shall be in accordance with bylaws initially approved by the Planning Board. Said bylaws shall provide a mechanism for amendment by favorable vote of a specified majority.
- (k) The initial Board of Trustees shall be appointed by the developer, and at least one member thereof shall be a resident of the development. In the event that there are not yet any residents at the time of appointment, at least one position shall be reserved for the later appointment of a resident, which appointment shall occur within 90 days of the first day of occupancy by a resident who is other than an employee of the developer.
- (l) The terms of the initial appointees of the Board of Trustees shall be staggered among terms of not less than one year and not more than three years. Thereafter, all appointed or elected terms shall be for a period of three years.
- (m) The developer shall have the exclusive right to nominate and elect the members of the Board of Trustees, or any number thereof, for a period of two years from the date of the first sale or until the occupancy of 75% of all proposed units is effectuated, whichever shall first occur; provided, however, that at least one member of the Board of Trustees shall be a resident of the development.
- (n) After more than 75% of all proposed units in the development are occupied or after two years from the date of the first sale, whichever shall first occur, the replacement of the members of the Board of Trustees who resign or whose terms expire shall be by election by the resident members; provided, however, that the developer shall be assigned at least two seats on the Board of Trustees, to which it may appoint a person of its choice until all the units in the proposed development have been occupied.
- (o) Regardless of the manner in which common open-space land is occupied or developed, all areas of the development which are not occupied by buildings, public streets or other required and/or approved public improvements, or by lots which are plotted for sale, shall be deeded to the homeowners' corporation for maintenance.

§ 255-15. B-1 Village Commercial and Office Professional District.

[Amended 10-2-1989 by Ord. No. 16-1989; 9-5-1990 by Ord. No. 17-1990; 4-6-1992 by Ord. No. 4-1992; 8-7-1995 by Ord. No. 12-1995; 12-15-1997 by Ord. No. 9-1997; 5-3-2004 by Ord. No. 5-2004]

The following regulations shall apply in all B-1 Districts:

A. Permitted uses.

- (1) Single-family dwellings.
 - (2) Restaurants and other food service establishments.
 - (3) Retail establishments (including indoor or outdoor display of goods).
 - (4) Personal service shops.
 - (5) Business and professional offices.
 - (6) Banks.
 - (7) Churches and other similar places of worship, parish houses and similar accessory uses subject to conditions specified in Article VI.
 - (8) Bed-and-breakfasts.
 - (9) Combined residential and commercial uses permitted in this subsection in one structure, provided that the square footage of the residential unit shall not exceed the square footage of the commercial unit, and further provided that all buildings utilizing said mixed or combined uses shall comply with the local fire code.^[1]
[1] Editor's Note: See Ch. 163, Fire Prevention.
 - (10) Marine supplies and equipment sales.
 - (11) Bait and tackle sales.
 - (12) Public and private nonprofit schools and institutions of higher learning.
 - (13) Municipal parks, playgrounds and other such municipal buildings. The minimum land area shall not be less than 1/2 acre.
- B. Permitted accessory uses.
- (1) Private garages.
- C. Conditional uses. The following uses are defined as conditional uses and may be permitted subject to the requirements as set forth in Article IV.
- (1) Utility installations.
 - (2) Theaters.
 - (3) Rooming house and boardinghouses and tourist homes.
- D. Area, yard and building requirements.
- (1) As specified in the schedule^[2] except as modified in Article VI.
[2] Editor's Note: The schedule is included at the end of this chapter.
 - (2) A minimum landscape area of 10% of the lot area shall be provided.
- E. Off-street parking, loading and vehicular access. Off-street parking space for the use of patrons and employees of a permitted business use shall be provided in accordance with Article VII of this chapter.
- F. Signs: as per Article VIII of this chapter.

§ 255-16. B-2 Highway Business District.

[Amended 4-18-1988 by Ord. No. 4-1988; 6-8-1988 by Ord. No. 6-1988; 4-6-1992 by Ord. No. 4-1992; 8-7-1995 by Ord. No. 12-1995; 12-15-1997 by Ord. No. 9-1997]

The following regulations shall apply in all B-2 Districts:

A. Permitted uses.

- (1) Churches and similar places of worship.
- (2) Public schools and institutions of higher education.
- (3) Public libraries and municipal buildings.
- (4) Public parks and playgrounds and similar recreation areas not operated for gain.
- (5) Restaurants and other food service establishments.
- (6) Retail and wholesale establishments (including indoor and outdoor display of goods).
- (7) Professional offices.
- (8) Personal service shops.
- (9) Business and professional services.
- (10) Motels and hotels.
- (11) New car dealership, inclusive of used car sales, provided that outdoor display and storage of used cars is less than half the total car display and storage area.
- (12) Commercial recreation facilities limited to indoor theaters, tennis and racquetball courts, skating rinks and bowling alleys.
- (13) Single-family residences.
- (14) Banks.
- (15) Nursing homes licensed by the State of New Jersey.
- (16) Marine supplies and equipment sales.
- (17) Boat sales.
- (18) Marine engine sales and repairs.
- (19) Bait and tackle sales.
- (20) Residential and commercial combined uses.

Evaluate if there are portions of the B-2 zone where nursing homes should be restricted because they are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events.

B. Permitted accessory uses.

- (1) Private garages.

C. Conditional uses. The following uses are defined as conditional uses and may be permitted, subject to the requirements as set forth for each particular use in Article IV.

- (1) Same as those specified for the B-1 District.
- (2) Gasoline service stations.
- (3) Medium-density cluster development (MDCD), as per Article III, § 255-14D of this chapter; provided, however, that such conditional use shall not be permitted by cross-reference in any other zoning district.

D. Area, yard and building requirements: as specified in the schedule, § 255-7 of this chapter, unless modified in accordance with Article VI.

E. Off-street parking, loading and vehicular access. Off-street parking space for the use of patrons and employees shall be provided as further detailed in Article VII.

F. Signs: as per Article VIII of this chapter.

G. Other provisions and requirements.

- (1) Landscaping and buffer requirements.
 - (a) Total landscaped area shall be a minimum of 15% of the total lot area.
 - (b) Wherever the property line of an occupied lot in the B-2 District abuts or is directly across a street from a residential zone, a buffer area of 15 feet is required.
 - (c) The entire buffer area shall be planted with grass seed or sod and other shrubbery or trees.

§ 255-17. B-3 Marine Commercial District.

[Amended 8-7-1995 by Ord. No. 12-1995; 12-4-1995 by Ord. No. 18-1995; 12-15-1997 by Ord. No. 9-1997; 11-4-2002 by Ord. No. 18-2002]

The following regulations shall apply in all B-3 Districts:

A. Permitted uses.

- (1) Single-family residences.
- (2) Marine services, such as dockage, boat landing, boat repairs and marine gasoline stations on docks or bulkheads.
- (3) Boat sales.
- (4) Marine engine sales and repairs.
- (5) Marine supplies and equipment sales.
- (6) Bait and tackle sales.
- (7) Shipbuilding yards and ways.
- (8) Retail fish markets.
- (9) Outside and indoor storage of boats in conjunction with marine operations.
- (10) Motels and hotels when associated with marinas.
- (11) Restaurants and food service establishments.
- (12) Residential and commercial combined uses when associated with marinas.
- (13) Seasonal cottages when associated with marinas.
- (14) Recreational vehicles when associated with marinas.

B. Permitted accessory uses: no other accessory uses or buildings are permitted with the exception of outdoor storage sheds in accordance with the provisions of § ~~255-44~~ of this chapter.

C. Conditional uses. The following uses are defined as conditional uses and may be permitted subject to the requirements as set forth for each particular use in Article IV.

- (1) Same as those specified for the B-2 District, excluding gasoline service stations which shall not be a conditional use in the B-3 Marine Commercial District.

D. Area, yard and building requirements: as specified in the schedule, § ~~255-7~~ of this chapter, unless modified in accordance with Article VI. Multiple principal structures are permitted on site; however, the maximum building lot coverage shall be 40%.

E. Off-street parking, loading and vehicular access. Off-street parking spaces for the use of patrons and employees shall be provided as further detailed in Article VII of this chapter.

- F. Signs: as per Article VIII of this chapter.
- G. Other provisions and requirements.
 - (1) No gasoline pump, gasoline storage tank or any structure used for storing any fuel or oil shall be situated nearer than 100 feet to adjacent residential or commercial lands except other boatyards and marinas.
 - (2) Said boatyards and marinas may construct a lagoon, provided that the following standards and conditions are compiled with:
 - (a) The lagoon shall be soundly bulkheaded.
 - (b) The edge of said lagoon shall not be within 30 feet of a public street.
 - (c) The plans therefor shall have previously been submitted to the Borough Engineer and certified by him not to involve any unreasonably hazardous conditions with respect to private rights and property or to individuals or to navigation or to increase the risk of damage by storm.
 - (3) Nothing in this section shall be construed to prevent community or neighborhood boat docks or slips, which may be on a cooperative or proprietary basis, provided that they shall offer nothing for sale other than space for wet and dry storage and no repair facilities other than devices of capacity not over three tons for launching and recovering boats.
 - (4) A minimum buffer of 15 feet shall be required adjacent to residential uses. Buffers must be planted with a combination of evergreen and deciduous trees, shrubs, annuals and bulbs. Evergreen plantings must be a minimum height of six feet upon installation. Shrubs must be a minimum of three gallons upon installation.
 - (5) Flat roofs are not permitted. Roofs must have a minimum slope of 3:12.
 - (6) Storage of boats are permitted in front, side or rear yard setbacks.

Because the B-4 Zone is by definition waterfront, resilient design should be mandated for all new development or substantial re-development

§ 255-18. B-4 Marine Commercial/Waterfront Cluster District.

[Added 9-19-1988 by Ord. No. 15-1988; amended 8-7-1995 by Ord. No. 12-1995; 12-15-1997 by Ord. No. 9-1997]

The following regulations shall apply in all B-4 Districts:

- A. Permitted uses: the same as those specified for the B-3 District.
- B. Permitted accessory uses: the same as those specified for the B-3 District.
- C. Conditional uses. The following uses are defined as conditional uses and may be permitted subject to the requirements as set forth for each particular use in Article IV:
 - (1) The same as those specified for the B-2 District, excluding medium-density cluster development (MDCD) and gasoline service stations which shall not be a conditional use in the B-4 Marine Commercial/Waterfront Cluster District.
 - (2) Waterfront cluster housing (MC/WC).
- D. Area, yard and building requirements: the same as those specified for the B-3 District in § 255-7 of this chapter and the schedule of area, yard and building requirements referred to therein, unless otherwise modified in accordance with Article VI.
- E. Off-street parking, loading and vehicular access: the same as those specified for the B-3 District.
- F. Signs: the same as those specified for the B-3 District.
- G. Other provisions and requirements: the same as those specified for the B-3 District.
- H. The following regulations shall apply in all waterfront cluster housing developments:

- (1) Guiding principles.
 - (a) Recognizing that waterfront cluster development uses, activities and structures are necessary to serve the needs and provide for the convenience of the citizens of the Borough of Tuckerton and at the same time appreciating the fact that such uses may be or may become inimical to the public health, safety and general welfare of the community if located without due consideration to the existing conditions and surroundings, such uses are designated as conditional uses subject to the standards and regulations hereby established. The standards and regulations which follow herein are intended to provide the Planning Board with a guide for reviewing applications for waterfront cluster development as provided for by this chapter. As a result of the review procedure, the applicant may be required to meet additional standards and regulations imposed by the Planning Board during site plan review which are in keeping with and which shall further the intent of these standards and regulations. Such standards and regulations shall be provided for and maintained as a condition of the establishment and maintenance for any use to which they are a condition of approval.
 - (b) It shall be the underlying, basic requirement that, all other provisions notwithstanding, any development application pursuant to the MC/WC provisions shall be required to maintain an equal or greater number of boat slips than existed on the parcel prior to such development.
- (2) Definitions. As used in this section, the following terms shall have the following meanings:

OWNERSHIP

A waterfront cluster may have townhouse units in which each unit is owned in fee simple or in which the owner of each individual unit owns his individual townhouse and boat slip along with a percentage of the commonly owned land.

WATER ACCESS

Access to boat dockage facilities. Such boat dockage facilities shall be located on Tuckerton Creek, its tributaries south of Route 9 or upon lagoons.

WATER FRONTAGE

See "water access."

WATERFRONT CLUSTER DEVELOPMENT

A development of single-family attached dwellings which is located on Tuckerton Creek or its tributaries or a lagoon or which otherwise has water frontage.

- (3) Schedule of minimum requirements.
 - (a) Boat dockage facilities. Boat dockage facilities shall be contained on site. Boat dockage facilities shall be bulkheaded and have a dock or a slip suitable for docking a personal pleasure craft. Each waterfront cluster development dwelling unit shall be provided with a minimum of one slip. Ownership of each slip shall be by the owner of each waterfront cluster development unit for which it has been constructed, it being the intention of this provision that ownership of each waterfront cluster development unit shall perpetually include ownership of the boat slip constructed to service said unit and that ownership of the slips cannot be separated from the dwelling units.
 - (b) Minimum size of dockage facilities. Each boat dockage facility shall be a minimum of 25 feet for a parallel dock or 15 feet for a perpendicular slip.
 - (c) Minimum lot area. An MC/WC must consist of at least one or more contiguous tracts of land containing not less than two acres in total acreage.
 - (d) Schedules of limitations. The schedule of limitations provided by § 255-7 of the Borough of Tuckerton Code for the B-3 Zone is hereby made a part of this section providing for waterfront cluster development and shall be applicable to all waterfront cluster development construction including but not limited to the standards of minimum yard and bulk requirements.

(e) Unit density per acre.

[1] Gross density. The number of dwelling units to be constructed on a tract of land for waterfront cluster development shall not exceed the 8.5 dwelling units per acre of gross area. "Gross area" is defined as the number of acres in the entire tract, excluding land under permanent bodies of water or flowing streams of water. In the event that this formula results in a permitted fractional unit, the total shall be rounded up to the nearest whole number.

[2] Net density. Notwithstanding the provisions of gross density provided hereinabove by Subsection H(3)(e)[1], the number of dwelling units to be constructed on buildable land within a tract of land to be developed for waterfront cluster development shall not exceed 10 dwelling units per acre of buildable area. "Buildable area" is defined as the number of acres in the entire tract, excluding:

[a] Wetland, as defined or regulated by Borough, state or federal regulation.

[b] Land under permanent bodies of water or flowing streams of water.

(f) Units per structure. The number of dwelling units within each waterfront cluster development structure shall not exceed five per structure. Buildings shall be spaced a minimum of 25 feet between any two buildings.

(g) Maximum bedroom number. No waterfront cluster development dwelling shall be permitted with more than two bedrooms per unit.

(h) Bedroom designation. All rooms, exclusive of living rooms, dining rooms, kitchens and bathrooms, which contain 70 square feet or more of floor area shall be considered bedrooms. Any dining room not directly accessible from and adjacent to the kitchen shall also be considered a bedroom.

(i) Water and sewerage. All dwelling units shall be connected to approved and functioning water and sanitary sources prior to the issuance of a certificate of occupancy.^[1]

[1] *Editor's Note: See Ch. 122, Certificates of Occupancy.*

(j) Width of units. No townhouse dwelling unit shall be less than 17 feet wide.

(k) Parking.

[1] All parking facilities shall be on site, that is, located upon the same tract of land as the building they are to service.

[2] All parking facilities shall be located within 100 feet of the nearest entrance of the building such parking spaces are intended to serve.

[3] Parking spaces shall be provided on site in areas designed specifically for parking.

[4] Parking along interior streets shall be prohibited.

[5] Each individual waterfront cluster development unit shall be provided with a minimum of two parking spaces per unit. An attached garage to a dwelling unit shall be counted as one parking space. Driveways may not be counted as parking space.

(l) **On-site improvements.** All street improvements, both internal and external, including grading and paving, driveways, parking areas, sidewalks, curbs, gutters, streetlighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures, recreational facilities and such other improvements as may be necessary to protect the public interest, shall be installed at the expense of the developer and shall be completed in accordance with Borough ordinance.

Add considerations for green infrastructure to handle water run-off onsite

(m) Recreation area. A recreation area for use by the residents of the development shall be constructed by the developer. Land area equal to at least 250 square feet for each dwelling unit shall be specified on the site plan and improved by the developer as active recreation area. Such

areas shall be an integral part of the development, and each shall be at least 5,000 square feet in size, at least 50 feet wide and have a grade of less than 5%.

- (n) Architecture and design. Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide a desirable visual environment through development techniques and good civic design and arrangement and to promote the conservation of open space and valuable natural resources and to prevent the degradation of the environment through improper use of land. The developer shall include in his plans consideration of appropriate landscaping techniques, building orientation to the site and to other structures, topography of the site, natural features of the site and individual dwelling unit design. The design of individual dwelling units shall provide for varying unit widths, staggering unit setbacks, differing exterior materials, changing roof design, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facades, singularly or in combination for each dwelling unit.
- (o) Soundproofing. All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission Class 50 as tested by the American Society for Testing and Materials, E-90. Floor plans of each typical unit shall be required.

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

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

- (r) Antennas. No exterior antennas shall be permitted.

- (s) Winterization. Each dwelling unit shall have the ability to be winterized without affecting another unit; for example, if the drain lines and/or waterlines of Unit A run through Unit B, Unit A can still function even if Unit B has no heat and is winterized.

- (t) Trash and refuse. All trash and refuse shall be kept in metal containers or the equivalent, to prevent scavenging by insects or wildlife.

- (u) **Utilities.** All utilities will be installed underground.

- (v) Fire walls. All residential buildings shall be designed and constructed with a fireproof barrier between adjoining units with a fire rating of a two-hour burn. Such walls shall extend to the roof of the structure.

- (4) Site plan. No conditional use shall be granted under this chapter except as part of a contemporaneous site plan application for review and approval.

- (5) Ownership, preservation and maintenance of common open space. The developer shall make provisions which ensure that the open-space land shall continue as such and be properly maintained in perpetuity. The developer shall utilize the following method to ensure the preservation and maintenance of common open-space land:

- (a) The developer shall provide for and establish an organization for the ownership and maintenance of all common open-space land. The organization shall be a nonprofit homeowners' corporation.

This section should be amended to provide a standard which the developer has to meet in order to demonstrate the on-site drainage is sufficient to handle water on-site

Make provisions for utilities to be sites/ located outside of flood-prone areas, and protected during storm events.

- (b) The organization shall be organized by the developer and operated with financial subsidization by the developer, if necessary, before the sale of any units within the development. After the sale, the developer's obligation shall be reduced ratably according to the number sold.
- (c) Membership in the organization shall be mandatory for all residents of the MC/WC.
- (d) The organization shall be responsible for maintenance of insurance and payment of taxes on common open space.
- (e) The members of the organization shall be responsible for bearing equitably the costs of maintaining and developing common open space in accordance with procedures established by them.
- (f) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- (g) In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the MC/WC fail to maintain the common space in reasonable order and condition and/or in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents and owners of the MC/WC setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the Borough, in order to preserve the taxable values of the properties within the MC/WC and/or to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for up to one year and assess the cost thereof to the residents proportionally to each unit's share of the common element. Said entry and maintenance shall not vest in the public any rights to use the common open space, the use of which shall be restricted to the residents of the MC/WC who are members of the homeowners' corporation, except when the common open space is voluntarily dedicated to the public by the residents and owners and said dedication is accepted. Before the expiration of the one-year term, the Borough shall, upon its own initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the MC/WC to show cause why such maintenance by the Borough shall not, at the election of the Borough, continue for a succeeding year. If the Borough shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination in each year thereafter. The decision of the Borough in any such case shall constitute a final administrative decision subject to judicial review.
- (h) The cost of such maintenance by the Borough shall be assessed ratably against the properties within the MC/WC that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
- (i) Provisions of the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of buildings and structures, the quantity and location of common open space and the intensity of the use or the density of residential units shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough without limitation on any power of regulation otherwise granted the Borough by law. The development plan shall specify which of its provisions run in favor of and are enforceable by the residents of the MC/WC and, in addition, the manner in which such residents may modify or release such rights.
- (j) The nonprofit homeowners' corporation shall be incorporated pursuant to the provisions of Title 15 of the New Jersey Statutes. The corporation shall be directed by a Board of Trustees of not less

than seven nor more than 11 persons. The organization, procedures and duties of officers of the Board of Trustees shall be in accordance with bylaws initially approved by the Planning Board. Said bylaws shall provide a mechanism for amendment by favorable vote of a specified majority.

- (k) The initial Board of Trustees shall be appointed by the developer, and at least one member thereof shall be a resident of the development. In the event that there are not yet any residents at the time of appointment, at least one position shall be reserved for the later appointment of a resident, which appointment shall occur within 90 days of the first day of occupancy by a resident who is other than an employee of the developer.
- (l) The terms of the initial appointees of the Board of Trustees shall be staggered among terms of not less than one year and not more than three years. Thereafter, all appointed or elected terms shall be for a period of three years.
- (m) The developer shall have the exclusive right to nominate and elect members of the Board of Trustees, or any number thereof, for a period of two years from the date of the first sale or until the occupancy of 75% of all proposed units is effectuated, whichever shall first occur; provided, however, that at least one member of the Board of Trustees shall be a resident of the development.
- (n) After more than 75% of all proposed units in the development are occupied or after two years from the date of the first sale, whichever shall first occur, the replacement of the members of the Board of Trustees who resign or whose terms expire shall be by election by the resident members; provided, however, that the developer shall be assigned at least two seats on the Board of Trustees, to which it may appoint a person of its choice until all the units in the proposed development have been occupied.
- (o) Regardless of the manner in which common open space is occupied or developed, all areas of the development which are not occupied by buildings, public streets or other required and/or approved public improvements or by lots which are plotted for sale shall be deeded to the homeowners' corporation for maintenance.

§ 255-19. SV Seaport Village District.

[Added 5-3-2004 by Ord. No. 5-2004]

The following regulations shall apply in the SV-Seaport Village District:

A. Permitted uses.

- (1) Restaurants and other food service establishments.
- (2) Retail establishments.
- (3) Personal service shops.
- (4) Business and professional offices.
- (5) Banks.
- (6) Churches and other similar places of worship.
- (7) Combined residential and commercial uses permitted in this subsection in one structure, provided that the square footage of the residential unit shall not exceed the square footage of the commercial unit, and further provided that the requirements of the current fire code shall be followed.^[1]
- (8) One-family dwellings.
- (9) Municipal buildings, parks, playgrounds, and other such municipal uses.

[1] *Editor's Note: See Ch. 163, Fire Prevention.*

- B. Permitted accessory uses.
 - (1) Private garages.
- C. Conditional uses.
 - (1) Utility installations.
 - (2) Bed-and-breakfast houses and inns.
- D. Area, yard and building requirements.
 - (1) As specified in the schedule^[2] except as modified in Article VI.
[2] Editor's Note: The schedule is included at the end of this chapter.
 - (2) A minimum landscape area of 10% of the lot area shall be provided where setbacks permit. Planters, benches, and street side trees shall be substituted where front yard setback does not permit landscaping.
 - (3) Building appearance and characteristics must match the appearance of other buildings in the Seaport Village District, subject to the recommendation of the Landmarks Commission.
- E. Off-street parking, loading, and vehicular access.
 - (1) There will be no parking permitted in the front of the building.
 - (2) Off-street parking for the use of patrons and employees of a permitted business use shall be provided in accordance with Article VII of this chapter.
- F. Signs.
 - (1) Signs will follow Article VIII of this chapter.

Article IV. Conditional Uses

§ 255-20. Purpose of standards.

These standards are intended to provide the Planning Board with a guide for the purpose of reviewing applications for conditional uses as provided for by district. In reviewing an application, the Planning Board may act on site plans submitted to it or may suggest modifications and changes. In approving an application, the Planning Board may require, in addition to features specified, such other features or design, in keeping with the intent thereof, that will further the purpose of these standards and regulations. Such features shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are a condition of approval.

§ 255-21. Public utilities. **Critical utilities should not be sited in the floodplain.**

- A. Uses such as high-voltage transmission lines, towers and substations, sewage pumping stations, wells and sewage treatment plants, but no service or storage yards, may be permitted. The provisions of this section shall not apply to any existing or proposed building, structure or use or extensions thereof used or to be used by public utilities in furnishing service if, upon petition of the public utility, the Public Utility Commission shall, after public hearing, decide that the present or proposed location in question is reasonably necessary for the convenience and welfare of the public.
- B. The use shall clearly demonstrate the need to serve the health, safety and welfare of the community and surrounding municipalities.

§ 255-22. Philanthropic or charitable uses.

Philanthropic or charitable uses not otherwise specifically permitted by zone or set forth elsewhere in this article, except correctional institutions, may be permitted, provided that the following standards and conditions are complied with. The lot upon which such use is proposed shall conform to the following standards and requirements.

- A. Minimum lot area: two acres.
- B. Minimum front, rear and side yard areas: 50 feet.
- C. Maximum lot coverage: 25%.
- D. Off-street parking space shall be required in accordance with the following standards: Philanthropic and charitable uses, one space for each 400 square feet of gross floor area.
- E. The proposed use will in no way be detrimental to the surrounding property rights and the structure or use proposed will serve a useful purpose in the Borough and otherwise promote the general welfare of its residents.

§ 255-23. Quasi-public buildings and recreation areas.

Quasi-public buildings and recreation areas, including clubhouses, parks and playgrounds, golf courses, swimming pools, tennis courts and such other activities operated by nonprofit membership organizations, may be permitted, provided that the following standards and conditions are complied with.

- A. The proposed use is to be operated by a bona fide nonprofit organization created solely for the recreation and enjoyment of the members of said organization.
- B. It is ascertained by the Planning Board that the proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights or otherwise adversely affect the value of adjacent properties, that the design of any structures erected in connection with such use is in keeping with the general character of the area, and that sufficient landscaping, including trees, shrubs and lawns, are provided to serve as a buffer, as required by this chapter, between said use and adjoining residential properties and to ensure an attractive appearance for the use.
- C. The property proposed to be occupied by such use shall have a minimum lot area of five acres. Not more than 20% of the land area shall be occupied by the buildings and structures.
- D. No building, structure or active recreation facilities shall be located within 100 feet of an adjacent residential property line.
- E. The maximum membership limit of said organization shall be fixed at the time of application and shall be commensurate to the amount of land to be used and the exact nature of the use. No further expansion of said membership shall be made unless supplemental approval is granted by the Planning Board.
- F. Off-street parking space shall be provided at a ratio of one space for each two memberships permitted under the terms of the conditional use.

§ 255-24. Gasoline filling stations. Gas stations and other sites that handle toxic materials should not be located in a floodplain.

- A. The use shall be located on a lot of no less than one acre, and no more than three service stations shall be permitted within one linear mile as measured along existing public streets.
- B. All filling pumps and structures shall be located at least 25 feet from the front, side and rear property lines and at least 50 feet from the boundary of a residentially zoned lot.
- C. The proposed use shall in no way be detrimental to the health, safety and general welfare of the Borough, nor shall it result in a depression of any established property values in the general area.

- D. Prior to the issuance of final site plan approval by the Planning Board, the developer shall first obtain approval of the site plan by the Landmarks Commission in accordance with the criteria of Chapter 187 of the Borough Code.
[Added 9-5-1990 by Ord. No. 17-1990]

§ 255-25. Commercial recreation activities.

Commercial recreation uses and activities, limited to miniature golf courses, golf courses, driving ranges and swimming pools, indoor and outdoor tennis and racquetball courts, may be permitted, provided that the following standards and conditions are complied with:

- A. The proposed use shall comply with all yard and area requirements for the B-2 District regardless of the zone in which located.
- B. Whenever the property abuts or is across the street from a residential zone, a buffer area shall be established conforming to the requirements set forth for such areas in the B-2 District.
- C. Any signs to be erected shall conform to the requirements set forth for other uses in the B-2 District in Article VIII.
- D. The proposed use shall in no way be detrimental to the health, safety and general welfare of the Borough, nor shall it result in a depression of any established property values in the general area.
- E. No portion of the outdoor recreation area shall encroach upon the required setbacks.

Article V. General Regulations

§ 255-26. Compliance required; as-built surveys.

[Amended 8-4-2008 by Ord. No. 9-2008]

- A. No building shall hereafter be erected and no existing building shall be moved, structurally altered, added to or enlarged or rebuilt nor shall any land be designed, used or intended to be used for any purpose other than those included among the uses listed as permitted uses in each zone by this chapter and unless it meets the requirements as set forth by the Schedule of Area, Yard and Building Requirements, appended hereto and constituting a part of this chapter; nor shall it be reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, required off-street parking space and such other regulations designated in said schedule and this chapter for the zone in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of the provisions of this chapter, and any certificate of occupancy for such building shall thereupon become null and void. Where applicable, no building shall hereinafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged, unless said building complies with the requirements of the New Jersey Wetlands Act and Floodplains Act.^[1]

[1] *Editor's Note: See N.J.S.A. 13:9A-1 et seq.*

- B. A foundation compliance certificate from the Zoning Officer shall be required for all new construction. An as-built survey of the location of the foundation shall be required at the earliest practical time after the foundation work has been completed. This requirement is for all new buildings, substantial improvements, or additions to existing buildings. This survey is to be submitted to the Zoning Officer, with a foundation compliance application and a zoning review fee of \$35.
- C. In flood zones and flood hazard areas, a flood elevation compliance certificate from the Zoning Officer shall be required for all new construction. An as-built flood elevation survey certificate shall be required at the earliest practical time after the foundation work has been completed. This requirement is for all new buildings, substantial improvements or additions to existing buildings. This certificate is to be submitted to the Zoning Officer, with an elevation compliance application and a zoning review fee of \$35.

- D. An applicant may seek relief from either or both the as-built foundation compliance certificate or the as-built flood elevation compliance certificate from the Zoning Officer. The request for relief must be in writing, clearly stating that the applicant understands that continued performance of work shall be at his or her own risk, that no relief will be granted for any nonconformity that may result from the failure to obtain the aforementioned compliance certificates in a timely manner, and that the granting of this relief will still require the submission of an accurate as-built documentation prior to the issuance of a certificate of occupancy. This request is to be submitted to the Zoning Officer with a compliance certificate waiver application and a zoning review fee of \$35.
- E. Applications for compliance certificates and waivers shall be on forms prescribed by the Zoning Officer, setting forth all information required for zoning permits generally.

§ 255-27. Utility distribution or collection lines excepted.

The provisions of this chapter shall not apply to utility distribution or collection lines for water, gas, sewerage and electric and telephone services which are located in a public street or which provide service to private property; provided, however, that public utilities and authorities shall be subject to the provisions of Article IV for the installation of any facilities except collection or distribution lines.

§ 255-28. Frontage required; principal buildings.

- A. Every principal building shall be built upon a lot with frontage upon a private or public street which has been improved in accordance with the appropriate Borough standards or for which such improvement has been ensured by the posting of a performance guaranty pursuant to the Land Subdivision Ordinance of the Borough of Tuckerton.^[1]
- [1] *Editor's Note: See Ch. 231, Subdivision of Land.*
- B. No residential lot shall have erected upon it more than one principal building except as otherwise provided in this chapter.

§ 255-29. Off-street parking areas.

Off-street parking space shall be provided as specified in Article VII of this chapter and shall be provided with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which the principal use is situated and shall not thereafter be encroached upon or reduced in any manner. Such parking areas shall be surfaced with a dustless, durable, all-weather pavement, surrounded by concrete curbing, clearly marked for car spaces, except when provided in connection with one-family residential uses, and shall be adequately drained, subject to the approval of the Borough Engineer.

§ 255-30. Sign limitations.

- A. The limitations on signs as set forth in Article VIII of this chapter shall not apply to signs erected by the federal, state, county or municipal government, or agency thereof, nor to any no-trespassing sign erected in accordance with the applicable statutes of the State of New Jersey.
- B. The limitations on sign area as set forth by this chapter for business zones shall not apply to parking lot markers, directional signs and entrance and exit signs which are erected on the premises, provided that each sign does not exceed two square feet in area and does not contain any advertising of the use on the premises, and further provided that the number and location of said signs are approved by the Planning Board.

§ 255-31. Topsoil removal.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil or any other soft material for use off tract unless he shall obtain a permit from the Borough Council as provided in a separate ordinance.

§ 255-32. Yard requirements for accessory buildings.

An accessory building attached to the principal building shall comply in all respects with the yard requirements of this chapter in respect to the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, unless specific provisions of the schedule permit otherwise.

§ 255-33. Yard and open space restrictions.

No yard or other open space provided about any buildings for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building.

§ 255-34. Irregularly shaped lots.

In the case of irregularly shaped lots, the minimum lot width requirements specified in the schedule shall be measured at the rear line of the required front yard setback parallel to the street line, provided that in no case shall the frontage or the distance between side lot lines at the property line be reduced to less than 20% of the minimum frontage requirement, provided that the requirement for square foot area for the zone in which the lot is located is met.

§ 255-35. Yards.

All yard areas facing on a public street shall be considered as front yards and shall conform to the minimum front yard requirements for the particular zone. The rear yard shall be deemed to be the area opposite the narrower lot frontage, and the remaining lot yard areas shall be side yards.

§ 255-36. Visibility at intersections.

On a corner lot in any residential district, no fence, wall, hedge or other structure or planting more than 2 1/2 feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are 25 feet distant from the point of intersection measured along said street lines.^[1]

[1] *Editor's Note: See also Ch. 229, Streets and Sidewalks, Art. IV, Visual Obstructions Near Roadways.*

§ 255-37. Yard encroachments.

[Amended 6-3-2013 by Ord. No. 4-2013]

Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimneys, flues, buttresses, ornamental features and eaves; provided, however, that none of the aforesaid projects shall project into the minimum side yards more than 24 inches. Unroofed entrance porches or terraces which do not rise above the height of the floor level of the ground floor may extend into any yard, provided that the total area of all such porches which extend into such yards does not exceed 300 square feet.

§ 255-38. Proposed street widening.

Where a building lot has frontage upon a street which, in the Official Map or Master Plan of Tuckerton Borough or any official plan or proposal of Ocean County or the State of New Jersey, is contemplated for right-of-way widening, the required front yard shall be measured from the proposed future right-of-way boundary.

§ 255-39. Previously issued building permits.

Nothing in this chapter shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which any building permit has been granted before the enactment of this chapter, provided that construction from such plans shall have been started within 60 days of enactment of this chapter and shall be diligently pursued to completion.

§ 255-40. Corner lots.

Corner lots shall provide the minimum front yard requirements for the respective zone for both intersecting streets and shall otherwise conform to the standards and conditions of this chapter.

§ 255-41. Setback conflicts.

Whenever a required setback as established by this chapter conflicts with another regulation of this chapter, such as landscaping, screening or such other similar requirements, the greater dimensions or requirements shall apply.

§ 255-42. Height limitations.

The height limitations of this chapter shall not apply to church spires, silos, belfries, cupolas and domes not used for human occupancy nor to chimneys, ventilators, skylights, water tanks, bulkheads and similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes they are to serve and then only in accordance with any other governmental regulations.

§ 255-43. Nonconforming lots.

- A. Where two or more abutting nonconforming lots are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, and said lots are not created by an approved subdivision by the Tuckerton Planning Board, they shall be considered a single lot of record for the purpose of this chapter, and the provisions of this chapter shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part or portion of any parcel or parcels.
- B. Where two or more abutting nonconforming lots are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, and said lots were created by an approved subdivision by the Tuckerton Planning Board, they shall be called conforming lots of record for the purpose of this chapter, provided that the applicant shall comply with all other provisions of this chapter.
- C. Where the owner of a nonconforming lot created by an approved subdivision by the Tuckerton Planning Board, such lot may be used by said owner as a building site and shall be considered a conforming lot, provided that the required open space and other provisions in this chapter conform to the requirements of the zone in which the lot is located.

§ 255-44. Accessory buildings and uses.

- A. Accessory buildings or structures, except as otherwise permitted in this chapter, shall be subject to the following regulations:
- (1) Where an accessory building or structure is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to the principal building.
 - (2) No detached accessory building or structure shall be located closer than 10 feet to any principal building.
 - (3) No accessory building or structure shall be erected, nor any use be permitted, prior to the establishment or construction of the principal use building and issuance of a certificate of occupancy.
[Amended 4-6-2015 by Ord. No. 1-2015]
 - (4) Accessory buildings or structures shall not exceed one story or 15 feet in height unless altered by special exception. No habitable area shall be permitted above the first story. See the definition of "building height."
[Amended 12-17-2007 by Ord. No. 17-2007]
 - (5) Accessory buildings or structures may not occupy more than 30% of a required rear yard.
- B. Accessory uses.
- (1) Professional offices. When such office is combined with a residence, the office shall be the individual office of one member, and one member only, without associates or partners and with office personnel limited to not more than two. The area of said office shall not exceed 50% of the total floor area of the building. This section shall only apply to those professional offices located in a residential zone.
[Amended 4-20-1981 by Ord. No. 2-1981]
- C. Outdoor storage sheds.
[Added 6-4-2001 by Ord. No. 8-2001; amended 9-18-2006 by Ord. No. 22-2006]
- (1) "Outdoor storage shed" shall be defined as any structure that is used for storage of personal property, including storage containers, bins or other similar enclosures which are in excess of four feet in height.
 - (2) An outdoor shed shall not exceed 100 square feet.
[Amended 3-21-2016 by Ord. No. 2-2016]
 - (3) An outdoor storage shed shall be located in any yard area other than the front yard and shall conform with all side and rear yard setbacks of the zone. If, however, the outdoor storage shed is located on a lot which is adjacent to a navigable lagoon area, the outdoor storage shed shall be located within three feet of the existing principal structure and conform with all side and rear yard zoning requirements. The rear deck area may be considered part of the principal structure. The shed, however, must be a minimum of 10 feet from the lagoon mean high line or bulkhead even if attached to an existing structure. A "navigable lagoon" shall be defined as recognized by the United State Army Corps of Engineers or NJDEP applicable regulations.
 - (4) The outdoor shed shall not exceed a building height of 10 feet above existing grade.
 - (5) Notwithstanding any provision to the contrary, there shall be no more than one outdoor storage shed per lot, with a total aggregate not to exceed 100 square feet per residential lot.
[Amended 3-21-2016 by Ord. No. 2-2016]
 - (6) An outdoor shed shall be freestanding and shall not be attached to a permanent foundation; however, all sheds located in flood zones shall be properly restrained to prevent movement in the event of floodwaters.
[Added 3-21-2016 by Ord. No. 2-2016]
- D. Outdoor pools.
[Added 6-4-2001 by Ord. No. 9-2001]
- (1) All pools must conform to the following setbacks:

- (a) Six feet side and rear property line;
 - (b) If on a lagoon or water front, 10 feet from the bulkhead;
 - (c) Ten feet from any street property line;
 - (d) Five feet from a house that is on a foundation or up on piling;
 - (e) Ten feet from a house with a basement.
- (2) All other requirements from the BOCA National Building Code.
- E. Storage of up to two currently registered boats may be allowed on lots located in the R-50 and R-75 Zones for seasonal storage from September 1 to May 31. Said boats may be allowed to encroach into the front and rear yard setbacks.
[Added 4-6-2015 by Ord. No. 1-2015; amended 2-16-2016 by Ord. No. 3-2016]

§ 255-45. Outdoor display of goods.

[Amended 4-6-1992 by Ord. No. 4-1992]

All commercial, retail and wholesale establishments and businesses which display or offer for sale any goods, wares, motor vehicles, equipment, trailers, boats, shrubbery or merchandise of any kind whatsoever shall comply with the following standards and requirements:

- A. No item for sale shall be displayed, stored or parked, nor shall any vehicle, trailer, stand or movable or immovable display or sales facility be placed, located or parked, in the B-1 or B-2 Zoning Districts closer than 20 feet from any street right-of-way line nor 25 feet from an intersection of two street right-of-way lines, between the hours of 9:00 p.m. (10:00 p.m. daylight saving time) and 6:00 a.m.
- B. No person shall stand, locate, place or park, nor permit or suffer to be located, placed or parked upon any public or private property, any vehicle, trailer, stand, cart or movable or immovable display facility within the business or commercial zoning districts without first having complied with all Borough zoning and land use ordinances. For the purpose of this subsection, any motor vehicle, trailer or movable display facility which remains on one lot for more than one day shall be considered a use of land requiring site plan approval from the Planning Board.
- C. No commercial, retail and wholesale establishment or business shall display or offer goods for sale from a motor vehicle, trailer, cart, stand or movable or immovable display facility without first having obtained site plan approval from the Planning Board.

§ 255-46. Prohibited uses.

The following uses and activities are specifically prohibited in the Borough of Tuckerton:

- A. The use of any premises or building in such a manner that the health, morals, safety or welfare of the community may be endangered specifically in the Borough of Tuckerton.
- B. Floating homes and floating home marinas are hereby prohibited in any zone within the Borough of Tuckerton. No marina shall permit the in-water or out-of-water storage of any floating home. No person, firm or corporation shall operate or cause to be operated a floating home marina or rent, hold out for rent or sell any site or space for the location of a floating home. No marina shall use or permit to be used more than 5% of the total number of its approved boat slips or moorage sites for houseboats.
[Added 8-20-1984 by Ord. No. 10-1984]

§ 255-47. Open space requirements.

Any land so designated as open space shall conform to the following standards and regulations:

- A. Such land shall not have been mined, dredged or otherwise have had its natural land contours altered or leveled or the existing vegetation removed or destroyed except by prior permission of the Borough of Tuckerton.
- B. No such land so dedicated shall be located in such remote area as to render it unusable for any purpose, including but not limited to scenic, recreation or natural study and function.
- C. Such land, prior to being dedicated for open space, shall not have been used by such person or persons making said dedication for the disposal of debris or fill, nor shall such materials be stored or deposited on said lands during the development of adjoining land.
- D. Not more than 50% of such land dedicated shall be entirely covered by water.

§ 255-48. Garage or yard sales.

[Added 12-19-1994 by Ord. No. 20-1994; amended 5-20-2013 by Ord. No. 3-2013]

All outdoor sales of household goods and property, commonly known as "garage or yard sales," shall comply with the following standards and requirements:

- A. All sales shall be conducted on the premises of the person having the sale.
- B. All sales shall be limited in time to no more than the daylight hours of three consecutive days.
- C. Any and all signs posted to identify the time, date or place of such sales, including but not limited to signs or posters with directions regarding the location of the sale, shall be removed by the end of daylight on the day following which the sale ends.
- D. The maximum number of sales per property owner/resident shall be three per calendar year.
- E. All sales shall be in conformance with Borough Code § 255-45.

§ 255-48.1. Storage and placement of construction equipment, construction vehicles and commercial trailers on rights-of-way and residential lots.

[Added 10-7-2014 by Ord. No. 9-2014]

- A. The following items are prohibited from being stored or placed upon all rights-of ways within the Borough of Tuckerton: trailers (not attached to a registered vehicle), construction equipment and construction vehicles.
- B. The following items are prohibited from being stored or placed upon all residential lots within the Borough of Tuckerton: commercial trailers, construction equipment and construction vehicles. Exceptions: The foregoing items may remain on a residential lot for which there is an active construction permit for a period not to exceed 30 days or issuance of a certificate of occupancy, whichever occurs first. The thirty-day period may be extended at the discretion of the Construction Official for a period not to exceed 90 days total. For purposes of calculating the time set forth above, the time commences on the day the item is first placed or stored on the premises and continues for 30 consecutive calendar days (or any approved extension) regardless if the item is temporarily removed and returned to the premises. No credit is provided for days in which the item may not be on the premises.
- C. The following items may be placed upon a residential lot upon issuance of a permit by the construction office: temporary storage units, equipment storage boxes and dumpsters. No permit shall issue unless there is an open construction permit issued for the subject property. Permitted items may remain upon said property for the period of time specified in the permit which time shall not exceed 90 days or until issuance of a certificate of occupancy, whichever is earlier:

- D. No storage is permitted on any unimproved lot which is not contiguous with a developed lot under common ownership.
- E. All permitted placement or storage shall comply with the setbacks of the zone in which the property is located.
- F. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL TRAILER

Any trailer, open or closed, with a surface area in excess of 40 square feet or any trailer bearing a commercial registration.

CONSTRUCTION EQUIPMENT

Any item used for construction, erection, renovation, remodeling, demolition, landscaping and/or storage including, but not limited to, storage containers, dumpsters, ladders, scaffolding and other similar items.

CONSTRUCTION VEHICLE

Any wheeled equipment or vehicle, whether self-propelled or towed, and used for construction, erection, renovation, remodeling, demolition, grading, landscaping and/or storage including but not limited to backhoes, bulldozers, compactors, rollers, graders, cranes, excavators, dump trucks, dump trailers, tractors, rolloffs, tar kettles, low bed trailers, wood chippers and other similar items.

RIGHT-OF-WAY

Improved roads of the Borough of Tuckerton.

§ 255-48.2. (Reserved)

[1] *Editor's Note: Former § 255-48.2, Storage of boats, trailers and commercial vehicles, added 9-18-2006 by Ord. No. 21-2006, was repealed 4-6-2015 by Ord. No. 3-2015.*

§ 255-48.3. Storage of tractor trailers or commercial trailers.

[Added 9-18-2006 by Ord. No. 21-2006]

No tractor-trailers or commercial trailers empowered by truck tractors as defined in N.J.S.A. 39:1-1 shall be stored or used as a storage facility on any property in the Borough except in accordance with a site plan approval or Land Use Board resolution and for a period not to exceed 182 days.

§ 255-48.4. Enforcement.

[Added 9-18-2006 by Ord. No. 21-2006]

Sections **255-48.2** and **255-48.3** shall be enforced by the Police Department, Code Enforcement Officer or Zoning or Construction Official of the Borough.

Article VI. Permitted Modifications and Exceptions

§ 255-49. Height modifications.

- A. Public and quasi-public buildings, such as schools, churches and other similar permitted institutional uses, may exceed the height limitations of this chapter, provided that such uses shall increase the front, rear and side yards one foot for each foot for which such building exceeds the height limit herein established for such zone in which it is located, and further provided that in no case shall any building have a height greater than 50 feet.

- B. Conditional use permits will be required for all freestanding television or radio towers in excess of 40 feet above ground level. Application for a conditional use permit shall be made to the Planning Board.

Delineate how this applies (or does not) to elevate residential structures

Article VII. Parking, Loading and Vehicular Access

§ 255-50. Off-street parking requirements.

In all zones, in connection with every commercial, professional, residential or any other use, there shall be provided off-street parking spaces and parking lot standards in accordance with the following requirements:

- A. Size and access. Parking spaces open to the general public shall be nine by 18 feet and shall have an aisle width of 24 feet.
- B. All large parking areas shall be paved with bituminous concrete or portland cement and shall be clearly marked and shall include barrier lines, lane lines, directional arrows and stop lines. Small parking areas shall be either bituminous concrete, portland cement or a dust-controlling substance.
- C. Entrance and exit drives shall have a minimum width of 12 feet for those designed for one-way traffic and 18 feet for those carrying two-way traffic.
- D. All access drives shall provide a minimum corner curb radius of five feet.
- E. No driveway shall be located less than five feet from the side property line or within 30 feet of an existing drive on the same property, whichever is greater.
- F. No property having a frontage of less than 100 feet shall have more than one two-way driveway or two one-way driveways on any one street. No property having less than a one-thousand-foot frontage shall have more than two two-way driveways on any one street. Any frontage greater than 1,000 feet may have more than two drives on one street; however, the number, location, size and design shall be subject to approval of the body, agency or official having jurisdiction over the plan.

§ 255-51. Location of parking; safety islands.

Whenever parking is allowed between the front building line and the street line, whether by ordinance or variance, a safety island or raised median shall be provided, separating the public street from the parking area in accordance with the following minimum requirements:

- A. The width of the safety island shall be that width between the proposed street curblines to a point five feet inside the property line.
- B. Safety islands shall be raised a minimum of six inches above the adjacent parking area.
- C. Safety islands shall be topsoiled and seeded or otherwise landscaped, except that they may, in the alternative, be constructed of maintenance-free materials which provide a clear and unmistakable distinction between the parking area and the safety island.
- D. Notwithstanding the use of maintenance-free materials, there shall be provided at least one deciduous tree two inches diameter at breast height and three evergreen-type shrubs for each 600 square feet of island area.
- E. No commercial signs, light standards or other aboveground obstructions other than plantings shall be permitted in the safety islands.
- F. All safety islands and landscaped areas shall be enclosed with concrete curbs.

§ 255-52. Small parking areas.

Parking lots having less than 25 spaces shall be designed to provide the following minimum design requirements: not more than one two-way access drive or two one-way access drives on any one street.

§ 255-53. Large parking areas.

Parking lots which have a capacity for parking more than 25 vehicles shall incorporate the following minimum design standards:

- A. All access drives located along one-way streets or divided highways shall be separate one-way drives. Said drives shall be located so that vehicles enter the parking area at the beginning of the property and exit at the far end of the property unless other considerations, such as median opening, dictate otherwise.
- B. A main access drive shall be provided from points of ingress-egress. No parking shall be permitted on the main access drive nor shall it serve as an access aisle to adjacent parking spaces.
- C. Any parking area providing space for more than 300 cars shall, in addition, provide concrete sidewalks within the parking area for pedestrian movement. Sidewalks shall be at least four feet wide and shall be located in such a manner that will prevent them from being blocked by overhanging cars. A portion of any landscaped dividing strip may be used for sidewalk construction.
- D. Landscaped dividing strips or planting areas shall be provided within the parking area in addition to safety islands and screening strips at a minimum area of 10% of the total land area to be developed. The minimum width of said strips or planting areas shall be determined by the affect of vehicle overhang into these areas.

§ 255-54. Landscaping of parking area. Include provisions for permeable paving that allow for filtration on-site

Additional plantings shall be required within the parking area and shall be considered exclusive from any other plantings that may be required for screening, foundation planting or safety islands. The following criteria shall apply for internal landscaping:

- A. Dividing strips.
 - (1) They may be seeded and topsoiled. The use of other maintenance-free material other than topsoil may be permitted if same provides a safe and attractive alternative.
 - (2) They shall be planted with three evergreen shrubs and one deciduous tree of two inches diameter at breast height on each 600 square feet of landscaped area. All trees shall be planted in the dormant state.
- B. Retaining walls and landbanks.
 - (1) In the event that parking is proposed on a lot or site having a slope greater than 10%, regardless of size, it shall be terraced, utilizing retaining walls or properly reinforced landbanks, and providing for adequate safety, stability and drainage. At no time should a landbank that is not reinforced, or any other earthen material having a greater elevation than the adjacent parking area, have a slope exceeding two to one.
 - (2) When retaining walls or landbanks or similar types of earthen material are necessitated adjacent to or within the parking area, they shall be kept in good repair or otherwise maintained so as to keep the parking area free of debris and dirt.

§ 255-55. Screening of refuse area.

- A. Those areas adjacent to or within the parking area designated as refuse storage and pickup shall be properly screened to prevent the unsightly display and the scattering of debris.
- B. The following minimum requirements shall apply:

- (1) The area shall be surrounded on at least three sides by a solid uniform fence or wall not less than five feet nor more than eight feet in height and maintained in good condition. The wall of an adjacent building may serve as one side. Said fence shall be exempt from the provisions of any ordinance of this municipality regulating the height of fences and requiring permits therefor.
- (2) The opening in said screening wall or fence shall be so located as to prevent the visual display of refuse from any adjacent parking area or street.

§ 255-56. Screening of equipment or machinery.

- A. When the effective operation of a building or structure or equipment within a building or structure necessitates placing machinery, motors or generators or similar devices for cooling, heating or general purposes, outside, visible from ground level on, they shall be screened from public view. Said screening may consist of any of the following materials:
 - (1) Densely planted evergreen shrubs which shall grow to not less than five feet after one growing season.
 - (2) A solid and uniform fence at least five feet in height on four sides of said equipment.
 - (3) Masonry wall at least five feet in height on four sides of said equipment.
 - (4) Any similar type of solid or uniform screening which will prevent exposure of such equipment to public view.
- B. The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as is possible so as not to present any unsightly display of said equipment to public view.

§ 255-57. Number of spaces required.

[Amended 5-3-1993 by Ord. No. 7-1993]

- A. Off-street parking spaces shall be provided in the following ratios:

Use	Number of Parking Spaces
Automotive repair, garage or body shop	1 for each 600 square feet of gross floor area
Automotive sales	1 for each 1,000 square feet of gross floor area for exclusive use of customers
Automotive service	3 for each service bay, exclusive of vehicle service area. In no instance shall there be fewer than 3 off-street parking spaces.
Bank, savings and loan association, etc.	1 for each 300 square feet of gross floor area
Bar or cocktail lounge	1 for each 3 seats/occupants permitted under maximum occupancy limits
Barber- and beauty shop	3 for each chair
Bowling alley	3 for each alley. Other commercial uses within the same building shall be computed separately in accordance with this chapter.
Business office	1 for each 225 square feet of gross floor area
Car wash	5 for employees, plus off-street storage space equal to at least 5 times the number of cars that can be in the wash process at one time. For self-wash or self-service car washes, the requirement for employee parking shall be eliminated.

Use	Number of Parking Spaces
Church, temple or chapel	1 for each 4 seats in the main auditorium. Where no individual seats are provided, 20 inches of bench shall be considered as 1 seat.
Community center or library	1 for each 200 square feet of gross floor area.
Community club, private club, lodge, etc.	1 for each 100 square feet of gross floor area, plus 1 1/2 for each boat slip where applicable.
Dental or medical office	2 for each doctor, plus 1 for each 300 square feet of gross floor area.
Drive-in restaurant	1 for each 50 square feet of enclosed floor area, plus parking space for each 4 seats
Furniture, appliance stores or similar types of uses requiring large amounts of storage	1 for each 600 square feet up to 4,000, plus 1 for each 1,200 square feet of gross floor area above 4,000
Government, county or municipal office	4 for each 1,000 square feet of gross floor area
Hardware or auto supply store	1 for each 600 square feet of gross floor area
Hotel or motel	1 for each rental unit. Each commercial use within the building shall be computed separately according to this section.
Laundromat or similar coin-operated cleaning establishment	1 for each 4 cleaning units or fraction of 4 cleaning units
Marina, boatyard or boat sales [Amended 11-4-2002 by Ord. No. 18-2002]	1 for each boat slip, plus 1 for each employee; where no boat slip exists, 1 for each 300 square feet of gross floor area, plus 1 for each employee
Mortuary or funeral home	1 for every 50 square feet in slumber rooms, parlor and funeral service rooms
Personal service establishment	1 for each 250 square feet of gross floor area, plus 1 for each vehicle used in connection with the business
Professional office, such as architectural, clerical, engineering, legal and similar uses	1 for each 225 square feet of gross floor area
Public and private utilities, electrical substation, gas regulator, waterworks, etc.	1 for each vehicle stored on the premises, plus 1 for each employee on the shift which has the greatest number of employees
Restaurant, cafe, diner, etc.	1 for each 5 seats/occupants permitted under maximum occupancy limits
Retail store, except as otherwise specified	1 for each 200 square feet gross floor area
Shopping center	4 for each 1,000 square feet of gross floor area for centers having less than 100,000 square feet. Shopping centers having more than 100,000 square feet shall provide parking at the rate of 5.5 spaces for each 1,000 square feet of gross floor area.
Warehouse, wholesale machinery or large-equipment sales	1 for each 1,500 square feet of gross floor area, plus spaces to accommodate all vehicles used in connection with the business

B. In computing the number of the above-required parking spaces, the following rules shall govern:

- (1) Where fractional spaces result, the required number shall be construed to be the nearest whole number.
- (2) The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Planning Board, based upon that use

enumerated herein which is most similar to the proposed use. If an applicant does not disclose in the application information sufficient to determine similarity of a proposed use to an enumerated use to enable the Planning Board to establish rational parking requirements, the Planning Board may, in its discretion, direct the applicant to furnish the Planning Board with such data as may be necessary to enable the Planning Board to establish rational parking requirements.

- (3) Nothing in the above requirements shall be construed to prevent the joint use of off-street parking facilities by two or more uses on the same site, provided that the total of such spaces shall not be less than the sum of the requirements for various individual uses computed separately by the above requirements.
- (4) No part of off-street parking required by a structure or use shall be included as part of an off-street parking requirement of another use, unless substantial proof and assurances are presented and it is determined by the Planning Board that the use of this parking will not be simultaneous.
- (5) None of the off-street parking facilities, as required in this section, shall be required for any existing building or use not now conforming to these requirements, unless said building or use shall be enlarged, in which case the provisions of this section shall apply.

Article VIII. Signs

[Amended 3-19-1979 by Ord. No. 2-1979; 4-20-1981 by Ord. No. 2-1981; 8-3-2009 by Ord. No. 5-2009]

§ 255-58. Applicability.

Unless prohibited by other Borough ordinances, the erection and maintenance of signs shall be subject to the regulations as set forth in this article. All signs requiring applications must have the proper approval and permitting from the Construction and Zoning Offices, and proper usage fee (if applicable) paid in full before proceeding with the construction and placement of a sign.

§ 255-59. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BACKLIT SIGN

Any sign which is lit from within the sign structure, with no lighting source visible.

DIRECTIONAL SIGN

Any sign that is designed and erected solely for the purpose of traffic or pedestrian direction that is placed on the property to which or on which the public is directed. Such signs may contain a business or professional name, but no advertising copy. Such design shall not exceed three square feet, except in residential districts where such signs shall not exceed one square foot, and as otherwise specified herein.

DISPLAY AREA

The portion of the sign on which the message should be placed.

FREESTANDING SIGN

Any sign that is not attached to a building structure; is self-supported by a secure sign structure.

POLITICAL SIGN

A temporary sign which advertises candidates for public office or statements on issues for which residents of the Borough are eligible to vote. Political signs shall be removed not later than one week after the election.

PREMISES

Any building within which a permitted commercial use is located, whether such business use occupies the entirety or any portion of the building.

REAL ESTATE SIGN

Any sign pertaining to the sale, lease or rental of lands or buildings.

SIGN

Any device that is intended to provide visual communication to others. A "sign" may have any and/or all of the following elements:

- A. Display area.
- B. Decorative features, such as ornamental flourishes, which are neither part of the display area nor covering for the structure.
- C. Other appurtenances, such as lamps or lighting.

SIGN AREA

The area in square feet of a rectangle drawn so as to include the entire sign face. Any area with any logo, trademark, or otherwise protected design, image or wording shall count towards sign area.

SIGN BILLBOARD

Any commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN FACE

A plane consisting of the total area of the display area and decorative features as viewed from a point of optimal visibility of the display area and decorative features. No sign shall have more than two sign faces.

SIGN STRUCTURE

Any structure that supports, has supported or is capable of supporting a sign, including decorative cover.

STATIONERY SIGNS

Any sign constructed of paper, cardboard, paperboard, poster board, construction paper and all those similar.

TEMPORARY SIGN

A sign that is made of light material, designated to be removed daily. A temporary sign shall not be homemade, except as is otherwise allowed in this chapter.

§ 255-60. General regulations.

- A. Signs in all zones, whether permitted or nonconforming, shall be kept in good repair, which shall include replacement or repair of broken or malfunctioning structural elements, casings, facings or lighting elements, and the maintenance of legibility. Upon determination that a sign has become structurally unsafe or endangers the safety of the building or the public, the Zoning Officer shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the owner of the building or premises upon which such unsafe sign is affixed or erected.
- B. In residential districts, no stationery signs shall be permitted except for real estate signs not larger than eight square feet, when placed on properties offered for rent or sale, customary signs identifying any building or use permitted under this chapter and signs necessary for public welfare. Directional signs not located on the subject property offered for sale will not be permitted. All residential signs must conform to § 255-63.5.
- C. In the business districts, no stationery signs shall be permitted except for those permitted in the residential districts and signs in accordance with the section on sign area set forth in § 255-63.3 and shall not be exceeded except for as follows:

- (1) Within a structure having a separate front wall, entry and postal designation, each unit shall be considered a premises; or
 - (2) Where there are multiple uses within a single premises, any business served solely by a separate entrance and having a separate front wall from the primary entrance to the premises may erect a wall mounted sign not to exceed six square feet on the wall on which the entrance is located and within five feet of the entrance.
- D. Projecting signs may extend over the sidewalk or other public way. All signs must maintain a distance of six inches back from any known curb abutments. All signs must be erected at least 9.5 feet above sidewalks. The maximum area shall be 15 square feet. A sign erected in this fashion shall be considered a single sign face, even if lettered on both sides. Sign hanging hardware or sign structure must either be of creative design or simple so as not to detract from the sign but add to the sign's physical appearance.
- E. Advertising display on a building or structure shall be governed by the regulations listed in this article.
- F. Directional signs must have a minimum setback of five feet from any property line, unless it is less than two square feet. All directional signage shall have proper approvals from the Borough.
- G. No sign using red, green, blue or amber illumination in a beam, beacon, spotlight, floodlight or flashing form, resembling emergency lights, shall be erected in any location.
- H. No sign that fails to conform to these regulations shall be rebuilt, repaired, enlarged, changed or moved. Preexisting nonconforming signs protected by the provisions of N.J.S.A. 40:55D-68 may be restored, repaired or rebuilt to their present size, in their present location.
- I. No sign, except temporary signs and political signs, shall be erected or maintained prior to the approval of the size, location and design by the Zoning Official and the issuance of a permit.
- J. Signs governed by the USDOT Manual of Uniform Traffic Control Devices for Motor Vehicles, Pedestrian Safety and USADA Compliance shall be permitted.
- K. No signs of any type shall be placed in, or in any way restrict the view in, the sight triangle of any public street or public or private driveway.

§ 255-61. Prohibited signs.

The following are prohibited in all zones:

- A. Any sign which does not advertise a permitted business or use located on the same premises.
- B. Roof signs and signs extending above the wall to which they are attached.
- C. Permanent marquees extending over the sidewalk beyond the street line.
- D. Signs posted on fences, posts, utility poles or trees.
- E. Signs posted on Borough property, except where specifically authorized by the Borough Council.
- F. Signs installed or painted on sidewalks or curbs.
- G. Signs using mechanical or electrical devices or wind to revolve, flash or display movement or the illusion of movement or to spell alternating messages or images.
- H. Signs on abutments, retaining walls or embankments.
- I. Wall signs painted directly on buildings which obstruct any windows.
- J. Pylon signs, except as permitted herein.
- K. Signs that constitute a hazard to the traveling public by obstructing driving vision, regulatory directional signage or signals.

- L. Automobile trailers, attached or unattached, or vehicles of any nature bearing signs or advertisements, parked or left stationary for more than 24 hours upon any vacant land or public street, or parked between the hours of 9:00 p.m. and 7:00 a.m. in any residential zone.
- M. Signs using any lighting or control mechanism that may cause radio or television interference.
- N. Illuminated signs where the source of light is directly visible from adjoining properties or streets.
- O. Banners except as detailed in § 255-62F of this chapter.
- P. No provision contained herein shall be construed to prohibit signs, not larger than two feet by two feet, that issue warnings or safety messages, such as, but not limited to, "no hunting," "no trespassing," "beware of dog" or traffic directional signs.
- Q. All temporary signs, except as set forth herein.
- R. Signs containing profane or obscene language.
- S. Neon "open" signs.

§ 255-62. Temporary signs and banners.

- A. Not more than one temporary sign shall be permitted on any lot identifying architects, engineers, builders, brokers, contractors or others connected with the construction of any building or structure on such lot. No signs shall be displayed beyond the effective date of any certificate of occupancy affecting the premises. Unless affixed to the principal building, such signs shall not exceed eight square feet in area, and must be set back 10 feet from the property line.
- B. One temporary sign may be erected or installed on each road front or lagoon bulkhead without a permit announcing that the property on which it is located is for sale or rent. Such sign shall not exceed eight square feet. The sign shall be set back a distance equal to 1 1/2 times its area in square feet. The "for sale" or "for lease" sign shall be removed within seven days following the completion of the transaction.
- C. One sign may be installed, with the issuance of a permit, for the announcement of grand opening or business closure, and use of rope (streamer type) flags (with a state-issued going-out-of-business permit). The sign display shall not exceed 30 days of total consecutive signage for any of the above purposes. At the end of 30 days, all signage must be removed by business owner.
- D. No temporary sign shall be permitted that is homemade in construction as outlined in prohibited signs section of the article,^[1] except yard sale or garage sale signs which are permitted to be placed for a maximum of three days. Yard or garage sale signs must be less than two square feet and must be located at least five feet from any property line.
[1] Editor's Note: See § 255-61, Prohibited signs.
- E. Flags shall be festive in design and creative in use. No flag shall be used that relays a message other than "open" or "welcome," such as "grand opening," "open for business," "closed," "going out of business," and any flag not mentioned, roped (streamer type) flags or flags connected together to form a line. Acceptable individual flags are American flags, "open" flags, "welcome" flags, seasonal flags or flags that use pictures to describe what type of business is located inside. Individual flag size shall not exceed three feet by five feet or 15 square feet. Flags shall not interfere with public flow of traffic or other businesses. Flags shall not block windows and doors. No more than two flags are permitted to be flown simultaneously for single occupancy commercial spaces, and up to four flags for multiple occupancy commercial spaces. The American flag may be flown at any time in accordance with proper flag etiquette.
- F. Banners are permitted for use by the Borough and its approved committees or organizations to advertise events, attractions and to provide visual vitality.
- G. Any sign displayed and not in compliance with § 255-62 of this chapter may be removed by the Borough and properly disposed of.

§ 255-63. Political signs.

Temporary political signs shall be permitted in all zones for a period of two months prior to a primary, general or special election and for one week thereafter. The sign shall not exceed 32 square feet.

§ 255-63.1. Window lettering and window signs.

Window lettering and window signs shall be permitted only in the commercial zones: Seaport Village, B-1, B-2, B-3 and B-4. For the purpose of enforcing this chapter, window lettering and signs shall be subject to the following restrictions:

- A. All window lettering and signs shall be considered as a sign as defined in this chapter.
- B. Permanent window lettering or signs shall be permitted only if the rectangle or circle confining such lettering or sign or the background upon which it appears does not exceed 20% of the window area and further, that no window sign shall exceed the total window area permitted for a sign. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or background advertising.
- C. Window letters can be no greater than eight inches high.
- D. Interior hung panels fall under the same category.
- E. Temporary window lettering or signs advertising special sales or events shall be removed within seven days following the advertised event or within 30 days after affixing of the same, whichever is earlier. Such temporary window lettering or signs, in conjunction with any permanent window lettering shall not cover more than 50% of the window area nor exceed the area permitted for a sign. Only one temporary window sign or lettering per calendar quarter is permitted.
- F. All window lettering must be approved and permitted through the Zoning Office.
- G. The following window lettering and signs are specifically prohibited:
 - (1) Those having an exterior source of illumination that is not permanently installed in accordance with the National Electrical Code.
 - (2) Moving signs.
- H. All window lettering and signs shall be kept in good repair.
- I. The Zoning Officer shall have the authority to order the removal of any window lettering or sign that does not conform to these specifications. Any owner or tenant not complying within 10 days of such order shall be in violation of the provisions of this chapter and subject to the penalties set forth herein.

§ 255-63.2. Freestanding signs.

Freestanding signs shall not be permitted without special consideration given to each application received due to the diversity of setbacks that exist in various zones. Freestanding signs shall not be permitted where they pose hazards to the public. Freestanding signs must be approved by the Zoning Official. The following standards will apply where a freestanding sign is permitted:

- A. Signs can be no larger than 10% of the building facade fronting the roadway, or 50 square feet in area and a maximum of 10 feet wide or five feet high measuring from the surrounding grade to the top of the sign, for single occupancy commercial spaces, or up to 100 square feet in area and a maximum of 10 feet wide or 10 feet high measuring from the surrounding grade to the top of the sign, for multiple occupancy commercial spaces. Whichever is smaller shall take precedence.
- B. A freestanding sign may be backlit.

- C. In the Historic Landmarks District, and the Seaport Village District, a freestanding sign shall incorporate special design attributes if it is to be lit, such as downturned gooseneck lighting, shadow box lighting, projection box lighting which consists of a fluorescent tube shielded from sight, aiming the light onto the sign. All illuminated signage must have proper electrical permits. Signs in these districts must comply with the use of the suggested sign styles and shapes and sign enhancement features as set forth in Schedule A of this article, which is on file with the Borough Clerk and which is incorporated herein by reference, as well as conform to the colors shown for background colors, lettering colors, and lettering style as set forth in Schedule A. Any proposed sign that does not conform to these Schedules must have the Landmarks Commission approval, and the issuance of its certificate of appropriateness, prior to application to the Zoning Office.
- D. The use of A-frame sidewalk signs or sandwich board signs will be permitted and are permitted in the Seaport Village District, Landmarks District, B-1, B-3 and B-4 Districts and must follow the guidelines set forth herein.
 - (1) The sign shall be no larger than two feet wide by three feet high, generally in keeping with Schedule A, thoughtful and of sturdy construction.
 - (2) The sign shall not be illuminated and must be taken down at the end of the business day.
 - (3) The sign shall be placed out of the main flow of pedestrian traffic, in front of the building associated with the A-frame sign.
 - (4) No permit is needed.
 - (5) There shall be a limit of one A-frame sidewalk sign per building or lot.

§ 255-63.3. Wall signage.

The maximum sign area is 100 square feet with a maximum height of three feet, or 10% of the wall area of the building it is attached to; whichever is smaller shall take precedence. This type of signage shall be permitted only in the Seaport Village, B-1, B-2, B-3 and B-4 Zones.

- A. Building wall sign letters shall be less than 15 inches tall, filling no more than 60% of the sign surface area.
- B. Wall lighting for building wall signs must follow the same lighting standards as freestanding sign lighting.
- C. Wall signs in the Historic Landmarks District, and the Seaport Village District shall conform to § 255-63.6 of this chapter.

§ 255-63.4. Permits.

- A. No sign shall be erected, enlarged or relocated except in accordance with the provisions of this section and until a permit has been issued.
- B. All applications for sign permits shall be submitted directly to the Zoning Officer for review and approval. The approved design must then be forwarded to the Construction Department for permitting and final approvals. Such applications shall be accompanied by sketches and scaled drawings showing details of construction, design, supports and attachments and shall delineate the size, shape, design, coloring, lettering, lighting and position in relation to the building from or upon which it shall be displayed.
- C. In addition, the issuance of a sign permit hereunder shall not relieve the owner or the lessee of the premises from the duty to apply for a construction permit, if required by the Uniform Construction Code, nor relieve the permittee from the duty of maintaining any structure in a safe condition.
- D. The following signs shall be permitted without the required sign permit:
 - (1) Signs designating entrance to or exit from parking areas for institutional public use, limited to one sign with the maximum area of two square feet for each such exit or entrance. One additional sign per

parking area designating the conditions of use or identity thereof, with a maximum area of four square feet, shall be permitted.

- (2) Signs identifying the names of schools, colleges, churches or other similar public or semipublic institutions, provided that:
 - (a) The area of any freestanding sign shall not exceed 10 square feet and not more than one such sign shall be placed along any street on which such property fronts.
 - (b) Not more than two additional such signs may be located on the walls of any structures on the site. The area of such signs shall not exceed the lesser of 25 square feet or 2% of the area of the wall to which it is affixed. The wall area shall be measured from the ground level to the bottom of the roof eaves and from one side of the building to the other.
- (3) Any sign erected by the Borough, county, state or federal government.
- (4) Signs used for protection of the public during construction, repairs or emergencies.

§ 255-63.5. Signs in residential districts.

Only the following signs shall be permitted in any residential district:

- A. In residential districts, no stationery signs shall be permitted, except for real estate signs not larger than eight square feet, when placed on properties offered for rent or sale, and customary signs identifying any building or use permitted under this chapter.
- B. Signs of a temporary nature which direct attention to the sale of new lots, homes or dwelling units in a residential development shall be permitted, provided that the total area of such signs shall not exceed 32 square feet, and the signs are not closer than 10 feet to the front property line and are removed immediately upon the sale or occupancy of the last lot or house or dwelling unit in such development.
- C. One home occupation announcement sign not over two square feet in area for each dwelling unit conducting a lawfully operating home occupation. Such signs shall not be illuminated.
- D. One professional office announcement sign not over two square feet in area for each lawfully operating professional office.
- E. Yard sale signs as detailed in § 255-62.

§ 255-63.6. Seaport District and Landmarks District.

All signs within the designated district must be in keeping with the area, style and architecture of the property on which it is placed. The Construction Official shall refer any application for a sign to the Land Use Board for its approval prior to the issuance of a permit. The Land Use Board shall refer any application for a sign to the Landmarks Commission for its comment prior to issuing a permit in the Landmarks District. Real estate signs are exempt from this requirement.

§ 255-63.7. Enforcing Officer.

The Construction Officer, the Code Enforcement Officer, the Zoning Officer, all Borough Inspectors and the Borough Police Department shall enforce the provisions hereof.

Article IX. Nonconformance

§ 255-64. Extension or enlargement.

- A. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the zone involved.
- B. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on.

§ 255-65. Continuance.

Upon the adoption or amendment of this chapter, if a lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period more than 10 years, any subsequent use of such land shall conform to the regulations specified by this chapter for the zone in which subject land is located.

[Amended 3-19-1979 by Ord. No. 2-1979]

§ 255-66. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, years or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be partially destroyed by any means, said structure can be restored or repaired, provided that there is compliance with the provisions of § 255-65 of this chapter.
[Amended 4-20-1981 by Ord. No. 2-1981; 7-6-1992 by Ord. No. 11-1992]
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

§ 255-67. Repairs and maintenance.

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.
- B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Article X. Administration

§ 255-68. Enforcement.

[Amended 3-19-1979 by Ord. No. 2-1979]

The provisions of this chapter shall be administered and enforced by the Zoning Inspector of the Borough. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use thereof would be in violation of any provisions in this chapter. It shall be the duty of the Zoning Inspector or his duly authorized assistants to cause any building, plans or premises to be inspected or examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of this chapter, and he has the right to enter any building or premises in the course of these duties.

§ 255-69. Certificates and permits.

A. Conditional use permits. Applications for any conditional use permit as permitted by this chapter shall be made to the Planning Board. In approving any such application, the Planning Board may impose any conditions that it deems necessary to accomplish the reasonable application of the standards as provided in Article IV and may deny any such application not in accordance with said standards.

B. Certificate of occupancy.^[1]

[Amended 3-19-1979 by Ord. No. 2-1979]

(1) Certificates of occupancy shall be issued by the Code Enforcement Officer in the manner prescribed in the Borough Building Code^[2] and shall be signed by the Code Enforcement Officer.

^[2] *Editor's Note: See Ch. 107, Building Construction, and Ch. 132, Construction Codes, Uniform.*

(2) Upon serving of notice, by the Code Enforcement Officer to the owner, of any violation of any of the provisions or requirements with respect to any building or use thereof or of land, as specified in this chapter, a new certificate of occupancy^[3] shall be required for any further use of such building or land.

^[3] *Editor's Note: See Ch. 122, Certificates of Occupancy.*

^[1] *Editor's Note: See Ch. 122, Certificates of Occupancy.*

C. Zoning permits. Zoning permits shall hereafter be secured from the Zoning Inspector's office prior to the issuance of a building permit for the construction, erection or alteration of a structure or sign or part of a structure or upon a change in the use of a structure or land.

[Amended 3-19-1979 by Ord. No. 2-1979]

D. Temporary use permits. It is recognized that it may be in accordance with the purpose of this chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this chapter. If such uses are of such a nature and are so located that, at the time of petition, they will in no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone, and they will contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Board of Adjustment may, subject to all regulations for the issuance of use permits elsewhere specified, direct the Building Inspector or Zoning Officer, as applicable, to issue a permit for a period not to exceed six months. However, such a permit for a temporary construction trailer may be issued by the Building Inspector or Zoning Officer as appropriate. The Building Inspector or Zoning Officer may issue this permit provided that various requirements established by checklist of the Tuckerton Zoning Offices are met. Should the applicant not meet the requirements of the checklist, then application to the Board of Adjustment is required. Such a permit may not be issued for a period longer than six months. Further, in the event that such a permit is needed for a trailer on a temporary basis until construction of a residence or other building is completed, said trailer must be removed within 30 days after issuance of a certificate of occupancy^[4] for the permanent construction. In the event that a storage or construction trailer is needed for a period after six months, after the initial six months period has expired, the applicant must apply to the Board of Adjustment for a permit for any period longer than the initial six-months approved by the Building Inspector or Zoning Officer. It is recommended that all applicants contact their appropriate insurance carrier to determine whether any

extent of any homeowners and property insurance will apply to any temporary storage or construction trailers.

[Amended 12-7-1998 by Ord. No. 15-1998]

[4] *Editor's Note: See Ch. 122, Certificates of Occupancy.*

E. Fee schedule.

[Added 12-4-1989 by Ord. No. 26-1989; amended 5-2-2005 by Ord. No. 3-2005; 5-2-2011 by Ord. No. 9-2011]

- (1) Zoning permit application: \$35.
- (2) Foundation as-built review: \$35.
- (3) Flood elevation certificate as-built review: \$35.
- (4) Interpretation of zoning application or map: \$50.
- (5) Letter of interpretation: \$150.
- (6) Certificate of compliance: \$150.
- (7) Certificate of preexisting nonconformity: \$150.
- (8) New home/substantial improvement zoning permit: \$200.
- (9) Commercial tenant change/commercial change of use: \$200.
- (10) Resolution compliance (post-certificate of occupancy) enforcement fee: \$400.

§ 255-70. Violations and penalties.

- A. Any owner, contractor, agent or any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall refuse reasonable opportunity to inspect any premises, shall be subject, upon conviction, to a fine of not more than \$500 or to imprisonment for not more than 90 days, or to both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.
- B. The owner of any building or structure, lot or land or part thereof in or on which anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, hereinbefore specified.

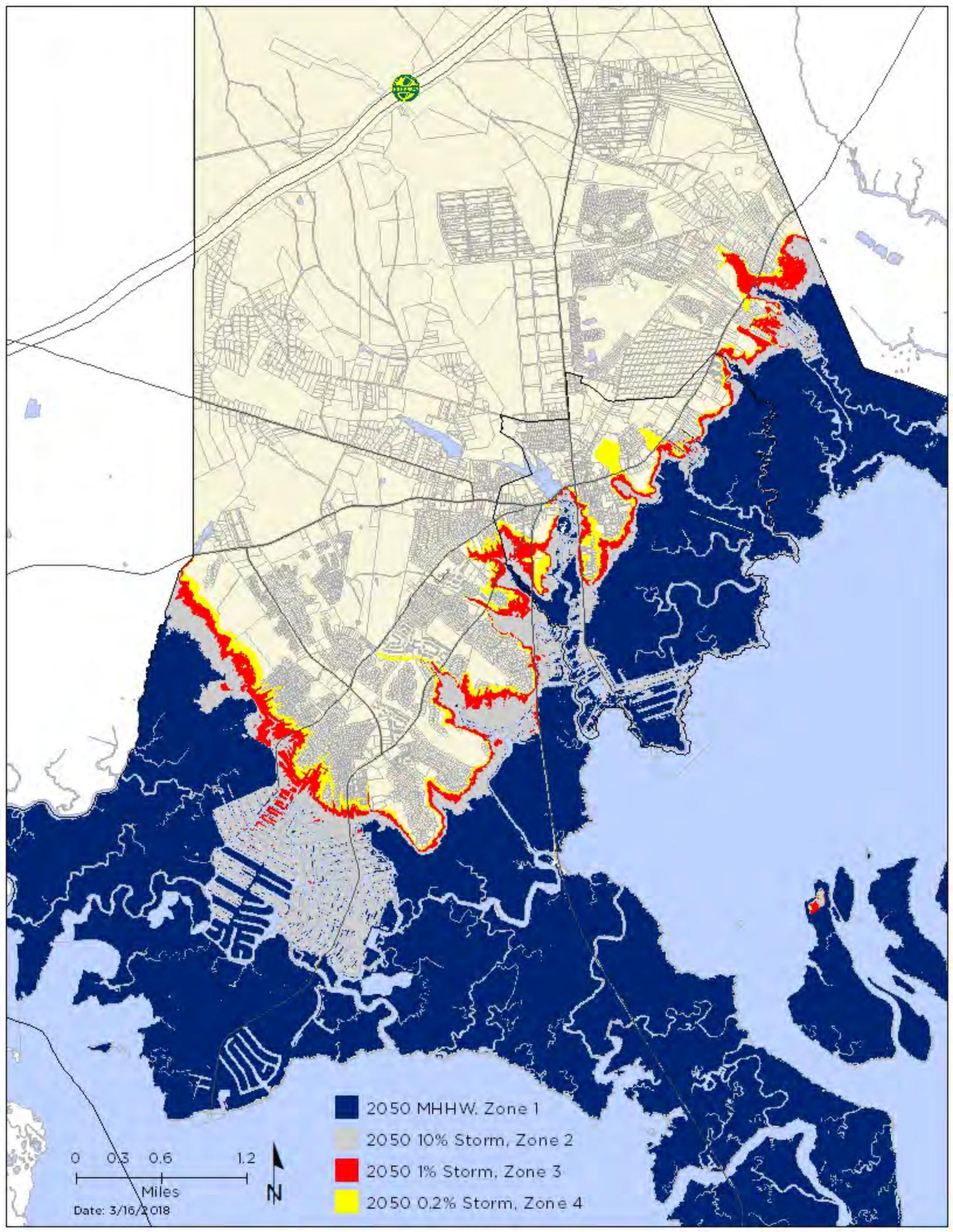
§ 255-71. Amendability.

The Borough Council of the Borough of Tuckerton may, at any time, after a public hearing, add to or amend any portion of this chapter in accordance with N.J.S.A. 40:55D-1 et seq.

****Add a sub-chapter to the Zoning Code regarding uses located in the floodplain, or provide for a Floodplain Overlay District. In floodplain areas, the Borough should use up-to-date flood maps to consider imposing stricter regulations for new development using the following mechanisms:**

- zoning for very low density uses,
- transferring development rights,
- establishing minimum requirements for building construction,
- limiting a property owner's ability to rebuild structures subject to repetitive flood losses,
- requiring large setbacks from shorelines and water bodies, and
- requiring owners to maintain riparian vegetation along waterways.

PROPOSED COASTAL OVERLAY BOUNDARIES MAP



- 2050 MHHW, Zone 1
- 2050 10% Storm, Zone 2
- 2050 1% Storm, Zone 3
- 2050 0.2% Storm, Zone 4

0 0.3 0.6 1.2
Miles
Date: 3/16/2018