

**REVISED GENERAL ORDINANCES OF  
THE TOWNSHIP OF  
BORDENTOWN**

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**Chapter 25  
LAND DEVELOPMENT ORDINANCE**

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Including Provisions:

Establishing a Planning Board and Zoning Board of Adjustment  
Establishing Districts and Regulating Uses and Development in Each District  
Providing for the Subdivision of Lots and the Review of Site Plans  
Providing for the Approval of Variances

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Adopted August 14, 1990

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

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**REVISED GENERAL ORDINANCES**

**Township of**

**BORDENTOWN, NEW JERSEY**

**Chapter 25**

**LAND DEVELOPMENT ORDINANCE**

**Looseleaf Supplement**

This copy of the Bordentown Land Development Ordinance is issued as a "replacement copy" and contains all ordinances deemed advisable to be included through Ordinance No. 2002-14, enacted July 8, 2002. See the Table of Amendments for further information.

This copy replaces all existing copies of the Bordentown Land Development Ordinance. Future Supplements will begin with Supplement No. 1.

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## PREFACE

This volume contains the Land Development Ordinance of the Township of Bordentown and constitutes a professional codification and printing of the land development regulations of the township.

Source materials used in the preparation of this volume were the original land development ordinance of the township, adopted August 14, 1990, and all amendments through July 8, 2002.

The land development ordinance has been printed as submitted by the township and the original numbering system has been retained. Obvious misspellings and punctuation errors have been corrected without notation. Words or phrases added by the editor for purposes of clarification are enclosed in brackets.

### *Page Numbering System*

The page numbering system used in this publication is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a section of the Land Development Ordinance, the number to the left of the colon indicates the number of the section. The following are typical parts of publications, which may or may not appear in this volume at this time, and their corresponding prefixes:

LAND DEVELOPMENT ORDINANCE SECTION	LDO:1
COMPARATIVE TABLE	TOA:1
STATE LAW REFERENCE TABLE	SLT:1
INDEX	ix:1

### *Comparative Table*

A feature of this publication that is particularly useful is the comparative table of amendments. Any amendatory ordinance will be listed by ordinance number in this table, and the individual sections or subsections that were amended will be indicated.

### *Index*

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language

generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he/she is interested.

### *Looseleaf Supplements*

As future supplements to this volume are published, each supplement will contain an instruction sheet advising the user of the manner of inserting the new pages and removing the obsolete pages. The table of amendments, as well as the index, will also be updated with each supplement to reflect the new legislation.

### *Acknowledgments*

The publication of this volume was under direct supervision of Tassy W. Spinks, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher wishes to thank the township, particularly Caroline Radice, Community Development Department, Werner B. Nitschmann, Director of Community Development, and John F. Mason, Township Administrator, for their assistance in the publication process. It is hoped that their efforts and those of the publisher have resulted in a publication which will make the land development ordinance of the township readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the township's land development regulations.

ORDINANCE NO. 1990-15

An Ordinance of the Township of Bordentown Adopting the Land Development Ordinance of the Township of Bordentown and Repealing All Prior Ordinances Inconsistent Therewith.

Be it Ordained by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey that:

*Section 1.* The Township Committee hereby finds that the Planning Board of the Township of Bordentown has adopted an update of the Master Plan of the Township of Bordentown as of July 11, 1990, and has recommended that the Township Committee enact a comprehensive Land Development Ordinance in order to implement the Master Plan.

*Section 2.* Pursuant to the authority conferred upon it by the Municipal Land Use Law, N.J.S.A. 50:55D-1, et seq. and by N.J.S.A. 40:49-2.1, that the "Land Development Ordinance of the Township of Bordentown" consisting of Sections 100 through 1100, inclusive, comprising Chapter 25 of the Revised General Ordinances of the Township of Bordentown be and hereby is adopted.

*Section 3.* Three copies of the Land Development Ordinance of the Township of Bordentown shall be placed on file in the Office of the Clerk of the Township of Bordentown and will be available for public inspection until final action is taken on the Ordinance after which the Ordinance shall be published in pamphlet or other similar form and shall be sold at a price to be fixed by the Township Administrator and which shall not exceed the cost of publication and distribution.

*Section 4.* The following is a brief summary of the provisions included in the Land Development Ordinance of the Township of Bordentown:

- a. Section 100 sets forth the title, short title, purpose, standards applicable to interpretation, a provision that all uses not specifically permitted are prohibited and providing for the date of compliance with the regulations.
- b. Section 200 provides definitions.
- c. Section 300 provides for the adoption of a Zoning Map establishing the various zoning districts throughout the Township.
- d. Section 400 establishes the regulations applicable to each of the zoning districts.
- e. Section 500 provides development standards.
- f. Section 600 covers exceptions, modifications and development alternatives.

- g. Section 700 provides for a Zoning Board of Adjustment and a Planning Board.
- h. Section 800 establishes the procedures governing development applications.
- i. Section 900 established fees, escrow deposits, performance guarantees and inspections.
- j. Section 1000 covers administration, waivers, enforcement, violations and penalties.
- k. Section 1100 contains regulations applicable to Fair Share Housing.

*Section 5.* If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of this Ordinance as a whole or any part thereof.

*Section 6.* All ordinances or parts of ordinances of the ~~Township of Bordentown~~ heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

*Section 7.* This ordinance shall take effect immediately upon its final passage, publication and filing with the Burlington County Planning Board as provided by law.

#### CERTIFICATION

IT IS HEREBY CERTIFIED that the foregoing Ordinance was **introduced** and passed on first reading at a meeting of the **Township Committee of the** Township of Bordentown, State of New Jersey, held on July 24, 1990, and that it was considered and finally adopted by the **Township Committee of** the Township of Bordentown on August 14, 1990.

IT IS FURTHER CERTIFIED that this is a true copy of Ordinance 1990-15 and of the Land Development Ordinance of the Township of Bordentown thereby adopted.

IT IS FURTHER CERTIFIED that a true copy of Ordinance 1990-15 and of the Land Development Ordinance of the Township of Bordentown thereby adopted has been **filed with the Planning Board** of the County of Burlington as required by the **New Jersey Municipal Land Use Law, N.J.S.A. 40:55D.**

Ann M. Schubert, R.M.C.  
Township Clerk

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SECTION 100  
**TITLE AND PURPOSE**

25:101.	Title.
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25:104.	Interpretation of Standards.
25:105.	Prohibited Uses.
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**25:101. Title.**

The full title of this Chapter shall be: Chapter 25 of the Revised General Ordinances of the Township of Bordentown, being a comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Bordentown into districts regulated in order to accomplish those purposes; adopting a map of the Township of Bordentown showing boundaries and the classification of the districts; establishing rules, regulations and standards governing the subdivision and development of land within the Township; establishing a Planning Board and a Zoning Board of Adjustment; and prescribing penalties for the violation of its provisions.

**25:102. Short Title.**

The short form by which this Chapter may be known shall be "The Land Development Ordinance of the Township of Bordentown".

**25:103. Purpose.**

This Chapter is adopted pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in order to promote and protect the public health, safety, morals and general welfare, and in the furtherance of the following related and more specific objectives:

- a. To secure safety from fire, flood, panic and other natural and man-made disasters;
- b. To provide adequate light, air and open space;
- c. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- d. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- e. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- f. To provide sufficient space in appropriate locations for a variety of agricultural, 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 New Jersey citizens;
- g. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of facilities and routes which result in congestion or blight;
- h. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;

- i. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;
- j. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- k. To encourage senior citizen community housing construction;
- l. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of development and the more efficient use of land;
- m. To promote utilization of renewable energy resources; and
- n. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

**25:104. Interpretation of Standards.**

The provisions of this Chapter shall be held to be minimum requirements. Where this Chapter imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Chapter shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this Chapter, the provisions of the other laws, rules, regulations or restrictions shall control.

**25:105. Prohibited Uses.**

All uses not expressly permitted in this Chapter are prohibited.

**25:106. Compliance.**

All applicable requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

SECTION 200  
**DEFINITIONS AND DESCRIPTIONS**

- 25:201. General Definitions.
- 25:202. Specific Definitions.

**25:201. General Definitions.**

A. For the purpose of this Chapter, certain phrases and words are described as follows:

1. Words used in the present tense include the future;
2. Words used in the singular number include the plural number and vice versa;
3. Words used to include the male gender include the female gender and vice versa;
4. The word "used" shall also include arranged, designed, constructed, altered, converted, rented, leased or intended to be used;
5. The word "lot" includes the word "plot" and "premises";
6. The word "building" includes the word "structure", "dwelling" or "residence";
7. The word "shall" is mandatory and not discretionary;
8. The word "may" is discretionary and not mandatory.

B. Any word or item not defined herein shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or latest edition). Whenever a term is used in this Chapter which is defined in N.J.S.A. 40:55D-1 et seq., that term is intended to have the same meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specified to the contrary in this Chapter.

**25:202. Specific Definitions.**

**Access:** A single vehicular entrance and/or exit combination between a street and a lot or between two lots.

**Accessory Building, Structure or Use:** A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot as the principal building, structure or use, including, but not limited to, garages, carports, barns, decks, kennels, sheds, non-portable swimming pools and all roofed structures. Any accessory building attached to the principal building shall be considered part of the principal building.

**Administrative Officer:** The Director of Community Development and Zoning Officer of the Township of Bordentown, Burlington County, New Jersey, unless a different official is designated by this Chapter to administer certain of the responsibilities and authorities specified for the Administrative Officer in N.J.S.A. 40:55D-1 et seq.

**ADT (Average Daily Traffic):** The average number of cars per day that pass over a given point.

**Adult Bookstore:** An establishment from which minors are excluded, having a substantial or significant portion of its stock in trade, books, magazines, other periodicals, films, or other viewing material which are distinguished or characterized by their emphasis on matters

depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment in which a segment or section of the premises is devoted to the sale, rental, display or viewing of that material.

**Adult Mini Motion Picture/Live Entertainment Theatre:** An enclosed building with a capacity of less than fifty (50) persons, from which minors are excluded, used for presenting material, films, movies, video or live shows distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons. This definition also applies to an enclosed building which contains any number of individual viewing booths not in excess of the maximum permitted by this Chapter in which a person may privately or individually view material, films, movies, videos or live shows distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Use:** Adult bookstores or adult mini motion picture/live entertainment theatre, as defined herein.

**Adverse Effect:** Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on properties such as, but not limited to, inadequate drainage, unsuitable street grades, street locations that fail to compose a convenient traffic system, and failure to provide or make future allowances for access to the interior portion of adjoining lots or for other facilities required by this Chapter.

**Affordable:** With respect to living accommodations, a dwelling unit for which a household pays, with regard to a unit for sale, not more than 28% of its gross income for mortgage payments, property taxes, insurance and homeowners' association fees, if any; with regard to a rental unit, not more than 30% of gross income for all shelter costs including utilities.

**Aggressive Soils:** Soils which may be corrosive to cast iron and ductile iron pipe. These soils represent approximately five percent (5%) of the soils found within the United States and include dump areas, swamps, marshes, alkaline soils, cinder beds, polluted river bottoms, etc., which are considered to be potentially corrosive.

**Agricultural Easement:** An easement provided for agricultural or farm purposes.

**Agricultural Use:** The use of land for common farm site activities including, but not limited to: production; harvesting; storage; grading; packaging; processing; use of techniques and methods of soil preparation and management; fertilization; weed, disease and pest control; disposal of farm waste; irrigation, drainage, water management; and grazing.

**Aisle:** The traveled-way by which cars enter and depart parking spaces.

**Alley:** A public or private street primarily designed to serve as secondary access to the side or rear of properties whose principal frontage is on some other street.

**Alterations or Additions, Structural:** Any change in, or additions to, the supporting members of a building such as columns, walls, girders, beams or rafters, including an enlargement whether by extension of a side or by increasing in height.

**Animal Kennel:** Any building, structure or premises in which one or more animals kept, boarded, bred or trained for commercial gain.

**Animal Shelter:** A place where one or more animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to short-term boarding and shall be incidental to the medical or surgical use.

**Apartment:** See "Dwelling Unit."

**Appeal:** A request for the review of the Administrative Officer's interpretation of any provision of this Chapter or a request for a variance from the Zoning Board of Adjustment or the Planning Board, as the case may be.

**Applicant:** The landowner or the agent, optionee, contract purchaser or other person authorized in writing to act for and acting for the landowner submitting an application under this Chapter.

**Application for Development:** The application or appeal forms, together with the required fees and all accompanying documents required by this Chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to N.J.S.A. 40:44D-34 or N.J.S.A. 40:44D-36.

**Approving Authority:** The Planning Board or the Zoning Board of Adjustment as the case may be.

**Aquifer:** An underground bed or stratum of earth, rock or other similar natural material that contains water valuable either for maintaining the natural flow of streams, ponds, wetlands, and other bodies of surface water, or for human use.

**Aquifer Recharge Area:** An area important to the replenishment of an aquifer.

**Arterial Road or Street:** See "Streets."

**ASCE:** American Society of Civil Engineers.

**ASTM:** American Society for Testing Materials.

**Attached Sign:** Any sign erected, constructed or maintained on a building with the principal support of the sign being the building, including specifically the painting of signs or displays on the exterior surface of a building. "Attached signs" shall be not more than twelve inches (12") off the building to which they are attached.

**AWWA:** American Water Works Association.

**Barrier Curb:** A steep-faced curb intended to prevent encroachments.

**Basement:** That portion of a building partly below and partly above grade, where the ceiling averages four feet (4'), or more than four feet (4'), above the finished grade where the grade meets the outside walls of the building. See also "Cellar."

**Bedroom:** A room planned or used primarily for sleeping.

**Belgian Block Curb:** A type of paving stone, generally of granite, with vertical faces, used for curbing.

**Berm:** A mound of soil, either natural or man-made used as a view obstruction.

**Bicycle Lane:** A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

**Bicycle Path:** A pathway usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

**Bicycle-Compatible Roadway:** A road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

**Bikeway:** A pathway designed to be used by bikers.

**Billboard:** Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies.

**Block:** The area bordered by one or more streets or a municipal boundary of sufficient size to accommodate a lot or lots of the minimum size required herein.

**Blow-offs:** An outlet in a pipe through which water or sediment can be discharged from a lower sewer.

**Board:** The Planning Board or the Zoning Board of Adjustment of the Township of Bordentown, as the case may be.

**Board of Adjustment:** The Zoning Board of Adjustment established pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**Boarding House:** A residential building offering at least three but not six rooms for rent with meals, and in which no transients are accommodated.

**Buffer:** An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties.

**Building:** A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

**Building Coverage:** The square footage or other area measurement by which all buildings occupy a lot as measured on a horizontal plane around the periphery of the facades and including the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outer most extremities of the roof above the columns.

**Building Height:** The vertical distance measured to the highest point from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a

street. In all cases where this Chapter provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within that footage.

***Building, Principal:*** A structure in which is conducted the principal use of the site on which it is situated.

***Bus Shelter:*** A structure located at a bus stop designed to provide persons waiting for the arrival or departure of a bus or omnibus with temporary protection from weather conditions.

***Bus Stop:*** An officially designated location, with or without a shelter (bus shelter) where passengers may be picked up or discharged along a bus or omnibus route, usually as part of a regularly scheduled service.

***Business Sign:*** An on-premises sign which directs attention to a business, commodity, service, industry, or other activity which is sold, offered, or conducted on the premises on which the sign is located or to which it is affixed.

***Caliper:*** The diameter of a tree trunk measured in inches, six inches (6") above ground level for trees up to four inches (4") in diameter and measured twelve inches (12") above ground level for trees over four inches (4") in diameter.

***Camper trailer:*** A folding or collapsible recreational unit without its own motor power, designed as a temporary living quarters for travel, camping and vacation use.

***Capital Improvements Program:*** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

***Capped System:*** A completed water supply and/or sewerage system requiring New Jersey Department of Environmental Protection approval put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

***Carport:*** A structure with a roof for storing automobiles, enclosed by not more than three sides.

***Cartway:*** The hard or paved surface portion of a street customarily used for vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs. Where there are no curbs, the cartway is that portion of the paved or graded width.

***Cellar:*** That portion of a building partly below and partly above grade, where the ceiling averages less than four feet (4') above the finished grade where that grade meets the outside walls of the building. See also "Basement."

***Cemetery:*** A use of land for the burial of the dead.

***Centerline Offset of Adjacent Intersections:*** The gap between the centerline of roads adjoining a common road from opposite or same sides.

**Chairman or Chairperson:** The Chairman or Chairperson of the Planning Board or of the Zoning Board of Adjustment or of the Housing and Redevelopment Board as the case may be based upon the context in which it is used.

**Channel:** The bed and banks of the water courses located within the boundaries of the Township of Bordentown which convey the normal flow of the water courses most of the time.

**Channelization:** The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

**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.

**Civic Building:** A building owned, operated or utilized for municipal purposes.

**Clerk:** The Township Clerk of the Township of Bordentown in the County of Burlington and State of New Jersey.

**Club, Outdoor:** A private organization principally for the enjoyment of outdoor recreation such as golf, tennis, swimming, riding, hiking and fishing. Accessory facilities may be included if clearly subordinate to the outdoor use such as covered tennis courts fewer in number than open courts, year-round pools, lockers and incidental eating and social functions.

**Club, Social:** A private organization for social purposes in which the principal use is in enclosed buildings and no outdoor sports are involved.

**Cluster Development:** See "Residential Cluster."

**COAH:** The Council on Affordable Housing established pursuant to the Fair Housing Act, N.J.S.A. 52:27D-302 et seq.

**Code Enforcement Officer (Zoning Enforcement Officer):** Operating under the direction of the Construction Official, the Code Enforcement Officer performs various types of field and office work involved in ensuring that residents, business places, and citizens comply with various municipal ordinances other than the State Sanitary Code, State Uniform Construction Code, or any of its subcodes or the State Uniform Fire Code, and does other duties as required.

**Columbarium:** A structure, located in a cemetery which as vaults lined with recesses for cinerary urns.

**Commercial Vehicles:** Vehicles with more than four wheels used for business, retail, service or industrial purposes.

**Common Lateral:** A lateral serving more than one (1) unit.

**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 those complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

**Common Property:** A parcel or parcels of land or an area of water, or a combination of land and water, together with the improvements thereon and designed and intended for the ownership, use or enjoyment of the residents and owners of the development. Common property may contain complementary structures and improvements as are necessary and appropriate for the benefit of the residents and owners of the development.

**Community Impact Statement:** A written and, if appropriate, graphic analysis projecting the impact of the proposed development on existing municipal facilities and services, and projecting future requirements for those facilities and services, together with their estimated cost (required for all applications for preliminary major subdivision approval where more than ten lots are proposed, and for all applications for preliminary major site plan approval).

**Community Residence for the Developmentally Disabled:** Any community residential facility licensed pursuant to P.L. 1977, c.448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not 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, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. The 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 (N.J.S.A. 26:2H-1 et seq.). In the case of a community residence housing mentally ill persons, the residence shall have been approved for a purchase of service contract or an affiliate agreement pursuant to procedures established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

**Community Shelter for Victims of Domestic Violence:** Any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c.337 (N.J.S.A. 30-40-1-14) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of the victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

**Complete Application:** An application for development shall be complete for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board of Adjustment, as the case may be, when so certified by the Board or its authorized designee or upon being deemed complete as provided in Section 800 of this Chapter.

**Concept Plan:** A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

**Conditional Use:** A use permitted in a particular zoning district only upon showing that the use in a specified location will comply with the conditions and standards for the location or operation of that use as specified in this Chapter.

**Conservation Easement:** An easement generally prohibiting the construction of buildings and intended for protection of environmentally-sensitive areas including mature tree stands, floodplains, important views and critical areas as defined by this chapter.

**Construction Official:** Operating under direction of the Township Administrator, the position of Construction Official has chief responsibility for administering and enforcing the provisions of the New Jersey Uniform Construction Code and various municipal ordinances, and he does other related duties as required. Included in this position is the supervision of all subcode officials to ensure proper and accurate fees, applications, inspections, and issuance of construction permits.

**Conventional Development:** Development other than planned development.

**Corporation Stop:** A valve which is placed in a building's water or gas service pipe near its junction with the public water or gas main. Also known as a corporation cock.

**Coverage, Building:** The square footage or other area measurement by which all buildings occupy a lot as measured in a horizontal plane around the periphery of the foundation and including the area under any roof extending more than two feet (2') beyond the foundation.

**Coverage, Lot:** The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s). All surfaced parking areas and all required parking areas which are permitted to remain unsurfaced shall be included in the computation of lot coverage.

**Critical Areas:** Water bodies (including streams, ponds and lakes), 100 year flood plains, wetlands and slopes over 25%.

**Cul-de-sac:** A local street with only one outlet and having the other end for the reversal of traffic movement.

**Culvert:** A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

**Curb:** A vertical or sloping edge of a roadway. See also "Belgian Block Curb," "Barrier Curb," "Mountable Curb."

**Cushions:** Supportive or protective bedding materials placed under piping.

**Days:** Calendar days.

**Dedicated Right-of-Way:** A strip or parcel of land dedicated or required to be dedicated for use for street purposes and intended to accommodate street improvements.

**Dedicated Street Improvements:** Those improvements required by this Chapter and by action of the Planning Board or the Zoning Board of Adjustment, as the case may be, approving an application for development, that are dedicated or required to be dedicated as part of a street right-of-way or are located within street right-of-way lines.

**Dedication:** An offering for public use by an owner of an interest in property, with or without improvements, which is accepted by the appropriate public body.

**Density:** The permitted number of dwelling units per gross acre of land to be developed.

**Design Flood:** The relative size or magnitude of a major flood which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

**Design Flood Profile:** The elevations of the water surface of the floodway design flood and the flood hazard area design flood.

**Design Guidelines:** Guidelines providing a general framework for sound planning.

**Design Standards:** Standards that set forth specific improvement requirements.

**Detention Basin:** A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

**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 any option or contract to purchase, or any other person having an enforceable proprietary interest in that land.

**Development:**

- a. The division of a parcel of land into two or more parcels,
- b. Any man-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings or other structures,
- c. Any mining, dredging, filling, grading, paving, excavation or drilling operations located within or without the flood hazard area,
- d. Any use or change in use of any building or other structure or land or extension of use of land, for which permission may be required.

**Development fees:** Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

**Development Regulation:** A zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, adopted pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**Development Sign:** A sign designating the name of a subdivision of residential homes, whether single-family or multi-family, attached or detached or an apartment complex.

**Developmentally Disabled Person:** A person who is developmentally disabled as defined in N.J.S.A. 30:11B-2.

**Dilapidated Sign:** A sign which is structurally unsound, contains faulty wiring or loose fastenings, or is otherwise detrimental to the public health, safety or welfare.

**Directional Sign:** Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction which is placed on the property to which or on which the public is directed.

**District:** The zone districts per this chapter.

**Divided Street:** A street with an island or other barrier separating moving lanes.

**Dog Kennel:** See "Animal Kennel."

**Drainage:** The removal of surface water or groundwater from land by drains, grading or other means. This includes control of runoff during and after construction or development to minimize erosion and sedimentation to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**Drainage and Utility Right-of-Way:** The lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or lands required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**Drainage System:** The system through which water flows from the land, including all watercourses, waterbodies and wetlands.

**Driveway:** A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Drop Manhole:** A manhole provided for inspection and maintenance of sewers where an incoming sewer is considerably higher than the outgoing.

**Drop Pipe:** A vertical pipe used to convey sewage from a higher to a lower elevation.

**Dry Lines:** See "Capped System."

**Dwelling Unit:** A room or series of connected rooms designed for permanent residency containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit or indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

**Apartment:** A building containing a minimum of three (3) dwelling units and not exceeding three (3) stories and thirty-five feet (35') in height.

**Detached Single-Family:** A building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one housekeeping unit which has its own sleeping, sanitary and general living facilities.

**Duplex:** A building on one lot containing two (2) dwelling units with a closed partition between the units, with two independent means of ingress and egress for each unit and with separate utility unit. Includes the term "Two Family".

**Townhouse:** One building containing at least three (3), but no more than eight (8), connected dwelling units, where each dwelling unit is compatibly designed in relation to all other units, but is distinct by design features such as width, setback, roof design, color, exterior materials, and other features, singularly or in combination. Each dwelling unit may be a maximum of three (3) stories and thirty five feet (35') in height, but nothing in the definition shall be constructed to allow one (1) dwelling unit over another.

**Easement:** A right to use the real property of another created by deed or other legal means, for the benefit of private persons or the public, for one or more specific purposes such as access, drainage, or provision of utility services.

**Environmental Constraints:** Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**Environmental Impact Statement:** A written and graphic statement describing, analyzing and assessing the anticipated effects of a proposal development on environmental constraints and critical lands pursuant to this chapter. (See Section 800).

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

**Escrow:** A deed, bond, money, or a piece of property delivered to a third person to be delivered by that person to the grantee only upon fulfillment of a condition.

**Equalized assessed value:** The value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained by the tax assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

**Externally Lighted Sign:** Any sign whose sole source of artificial illumination is outside the display portion of the sign.

**Facade Sign:** See "Attached Sign."

**Fair Housing Act:** The provisions of N.J.S.A. 52:27D-302 et seq.

**Family:** One or more persons occupying a dwelling unit as a single non-profit housekeeping unit, who are living together as a stable and permanent living unit, being a traditional family unit or the functional equivalent thereof.

**F.A.R.:** See "Floor Area Ratio."

**Farm:**

**Principal Uses:** A lot with at least five (5) contiguous acres devoted to the growing and harvesting of crops and/or the raising and/or breeding of animals, including truck farms, fruit farms, nurseries and greenhouses, silviculture or horticulture operations, dairies and livestock produce, except that commercial piggeries are excluded.

**Accessory Uses:** Structures incidental to farms such as barns and packing, grading and storage buildings for produce raised on the premises; fences; buildings for keeping of poultry and livestock; and garages for the keeping of trucks and other equipment used in farm operations.

**Fence:** An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials.

**Final Approval:** The official action of the Planning Board or the Zoning Board of Adjustment, as the case may be, 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 guarantees properly posted for their completion, or approval conditioned upon the posting of those guarantees.

**Final Plat:** The final map of all or a portion of a subdivision which is presented for final approval.

**Flat:** A suite or series of rooms signed for as a dwelling unit for a single household on one floor contained in a building of three (3) or more similar units.

**Flood Elevation Determination:** A determination of the water surface elevations of the design flood, i.e., the flood level that has a one percent (1%) or greater chance of occurrence in any given year, i.e. a 100-year storm.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry areas from:

- a. Inland or tidal waters; and
- b. The unusual and rapid accumulation of run-off of surface water from any source.

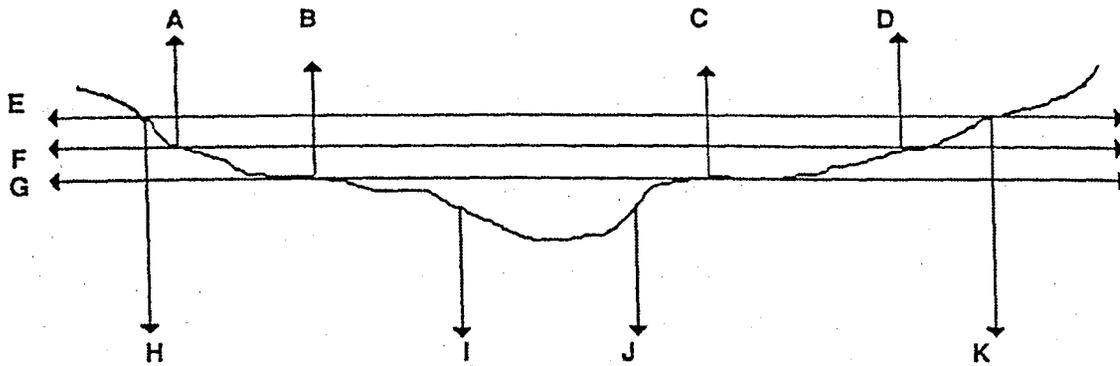
**Flood Fringe Area:** The portion of the flood hazard area not designated as the floodway.

**Flood Hazard Area:** The floodway and the flood fringe area of a delineated stream.

**Flood Hazard Area Design Flood:** The 100-year storm in non-delineated areas and the 100-year storm plus twenty-five per cent (25%) in delineated areas.

**Flood Plain:** The relatively flat area adjoining the channel of a natural stream which has been or may be hereafter covered by flood water. (See Flood Plain Diagram)

## FLOOD PLAIN DIAGRAM



Distances A-B and C-D are the Flood Fringe Zones

Distance H-K is the 100 year Flood Plain & Flood Hazard Area

Distance A-D is the Floodway Line

Distance I-J is the Stream Channel

Line E is the Flood Elevation when confined within the Floodway

Line F is the Flood Elevation after encroachment

Line G is the Flood Elevation before encroachment

**Flood Plain Management Regulations:** Federal, State or local regulations, in any combination thereof, which provide standards for the purpose of flood drainage prevention and reduction.

**Floodway:** The channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the design flood water or flood flow of any natural stream.

**Floor Area:** Area of all floors of buildings or structures.

**Floor Area, Gross (G.F.A.):** The plan projection of all roofed areas on a lot multiplied by the number of full stories under each roof section, provided that the area under any roof overhang of three feet (3') or less shall not be included in the G.F.A. calculation. Basements which satisfy applicable construction code definitions of habitable space are included in the G.F.A. for residential uses. All measurements shall be from outside wall to outside wall.

**Floor Area, Net Habitable (N.H.F.A.):** The finished and heated area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least six and one-half feet (6.5') including working, living, eating, cooking, sleeping, stair, hall, service and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories and unfinished attics and basements.

**Floor Area Ratio (F.A.R.):** The ratio of the Gross Floor Area to the area of the lot or tract.

**Flushing:** The cleaning out of debris and sediment from pipes by force of moving liquid, usually water.

**Frontage:** See "Lot Frontage."

**Fueling Island:** A raised concrete island in a service station which contains one or more fueling positions to service one or more vehicles.

**Fueling Position:** A location for dispensing of motor fuel, whether gasoline or diesel. Each fueling position can only dispense fuel to one vehicle at a time, however, there may be more than one fueling position operated from one fueling island.

**Functional Signs:** Directional, informational or public service signs, such as signs advertising locations of rest rooms, telephones or similar facilities of public convenience, including entry and exit signs from parking areas. Functional signs shall not include any name or business or message other than the directional or informational material as above.

**Garage, Repair:** Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**Garage, Vehicle Storage:** Any building in which a maximum of five (5) vehicles are stored as an accessory use. No commercial maintenance, servicing, repair or painting of vehicles shall be conducted or rendered in a storage garage. The storage garage shall meet all bulk requirements of the applicable zoning district.

**Gas Station:** A building, premises, and land in which, or upon which, automobile and truck fuels are dispensed, stored and sold.

**General Development Plan:** A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details and allows general intentions to be discussed without the extensive costs involved in submitting a detailed proposal.

**G.F.A.:** Gross Floor Area. See "Floor Area, Gross."

**G.L.A.:** Gross Land Area. See "Land Area, Gross."

**Golf Course:** A tract of 75 or more acres containing a full-size, professional golf course of at least eighteen holes, together with appropriate accessory uses and structures such as club houses, dining and refreshment facilities, driving ranges and miniature golf courses, providing the operation of them are incidental and subordinate to the operation of the golf course.

**Grade:** The slope of a road, path, driveway, swale or other surface or the average finished ground elevation adjoining a building at project completion.

**Grade Level of Signs:** The lowest point of elevation of the finished surface of the ground where the sign support meets the ground.

**Greenhouse:** An enclosed structure of glass or plastic as an accessory use.

**Gross Density:** See "Density."

**Gross Leasable Area:** The total of all leasable square footage including closets, mechanical rooms and hallways.

**Ground Cover:** Low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

**Group Dwelling:** A profit or non-profit boarding home for the sheltered care of four or more adult persons providing personal care or service in addition to food and shelter.

**Gutter:** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

**Habitable Floor:** For flood plain management purposes, any floor, including the basement, useable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage is not a "habitable floor".

**Hardy Cross Method:** Method of controlled trial and error by which water distribution system can be analyzed, first introduced in 1936 by Hardy Cross, Professor of Civil Engineering at the University of Illinois.

**Historic District:** One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

**Historic Sites:** Any real property, man-made structure, natural object or configuration of any portion or group of the foregoing which has been formally designated in the master plan as being of historical, archaeological, cultural, scenic or architectural significance.

**Home Occupation:** An occupation including, but not limited to, any licensed profession, conducted in a dwelling unit, subordinate to its residential use, provided that:

- a. The occupation may be pursued in the principal dwelling unit structure or in a secondary building which is accessory to the principal building or structure.
- b. The use of the property for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the net habitable floor area of all structures shall be used in the conduct of the home occupation.
- c. No other person other than members of the household residing on the premises plus one (1) secretary or other assistant shall be engaged in the occupation.
- d. The residential character of the lot and building shall not be changed; no occupational sounds shall be audible outside the building; and no equipment shall be used which will cause interference with radio or television reception in neighboring residences.

- e. There shall be no exterior evidence of the home occupation other than one (1) unlighted name plate identifying the home occupation, not exceeding four (4) square feet in area, either attached or free-standing and set back at least fifteen feet (15') from all street rights-of-way and property lines.
- f. The home occupation shall not generate vehicular traffic in excess of two (2) passenger automobiles, which must be parked off-street.
- g. The applicant shall have applied for and received "minor" site plan approval.

**Horticulture:** The growing or raising of nursery plants for sale for landscape purposes.

**Hotel:** A building or group of buildings with individual sleeping units designed for transient travelers and not for permanent residency, except that not more than one (1) of the total units may be provided for the sole use of a resident employee and family.

**House of Worship:** A building used for religious purposes.

**Housekeeping Unit:** One or more persons living together in one dwelling on a non-seasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

**Housing and Redevelopment Board:** The Housing and Redevelopment Board of the Township of Bordentown established pursuant to Section 25:1100.

**Hydrologic Response:** The properties, distribution and circulation of water.

**IES:** Illuminating Engineering Society.

**Impervious Surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**Impervious Surface Ratio:** The ratio of the area of the impervious surface to the area of the lot or tract.

**Impoundment:** A body of water, such as a pond, confined by a dam, dike, floodgate or other barrier.

**Improved Public Street:** For subdivision purposes or site plan, any street which complies in width and construction with municipal standards.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

**Individual Sewage Disposal System:** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device servicing a single unit.

**Informal Review:** At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The amount of any fees for an informal review shall be a credit toward fees for review of the application for development. Neither the developer nor the Board shall be bound by any concept plan presented or for any comments or recommendations made during an informal review.

***Inoperable Vehicle:*** Any vehicle, including but not limited to automobiles, motorcycles, motor-drawn vehicles, omnibuses, semitrailers, trailers, trucks, truck tractors, and other motor vehicles all as defined in Title 39 of the New Jersey Statutes, which is not operable or which is not capable of being safely and legally operated on public roads, streets or highways. Any vehicle which is unregistered or without current license tags or plates shall be considered an inoperable vehicle. A vehicle located at a facility for not more than seven (7) days while awaiting repairs shall not be considered to be an inoperable vehicle.

***Interested Party:*** Any person, whether residing within or without the Township, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this Chapter or whose rights to use, acquire, or enjoy property under this Chapter or under any law of the State of New Jersey or the United States have been denied, violated or infringed by an action or failure to act under the provisions of this Chapter.

***Internal Sign:*** Any sign erected, constructed or maintained inside of a building and visible from outside the building, whether illuminated or non-illuminated.

***Internally Lighted Sign:*** Any sign whose sole source of artificial illumination is contained within the display portion of the sign.

***Island:*** In street design, a raised area usually curbed, placed to guide traffic, separate lanes, or used for landscaping, signing or lighting.

***ITE:*** Institute of Transportation Engineers.

***Items of Information:*** Syllables, logos or other single images or messages contained on signs.

***Judgment of Repose:*** A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

***Junk Yard:*** Any space, whether inside or outside a building, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, salvage, resale or abandonment of automobiles or other vehicles or machinery or parts thereof.

***Kennel:*** See "Animal Kennel."

***Lakes and Ponds:*** Natural or artificial bodies of water which retain water year-round.

***Land:*** Real property including improvements and fixtures on, above, or below the surface.

***Land Area, Gross (G.L.A.):*** The entire area of a lot or lots included in a single proposed development or site plan, before any deductions are made for wetlands, conservation areas, steep slopes or for any other required purpose.

***Land Area, Net (N.L.A.):*** The remaining developable area of a lot or lots included in a single proposed development or site plan, after deductions are made for wetlands, conservation areas, steep slopes or for any other required purpose.

**Land Development Ordinance:** Chapter XXV of the Revised General Ordinances of the Township of Bordentown, including those provisions commonly referred to as the Zoning Ordinance or as the Subdivision and Site Plan Ordinance.

**Landlocked:** Property which has no ownership adjacent to a public street right-of-way and is surrounded by lands belonging to others.

**Lateral Sewers:** Pipes connecting sewage from individual buildings to larger pipes called trunk or interceptor sewers that usually are located in street rights-of-way.

**Light Manufacturing:** Manufacturing or assembly of semi-finished products, not including chemical or physical change of raw materials into products.

**Livestock:** Animals grown, raised or bred for sale, for human consumption or pleasure. If used in a singular sense in the context in which found it refers to a single animal of whatever type, if used in a plural sense in the context in which found it refers to the total number of animals. The term shall not be interpreted in any manner which would convert a singular use of the term into a plural.

**Loading Space:** An off-street parking 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.

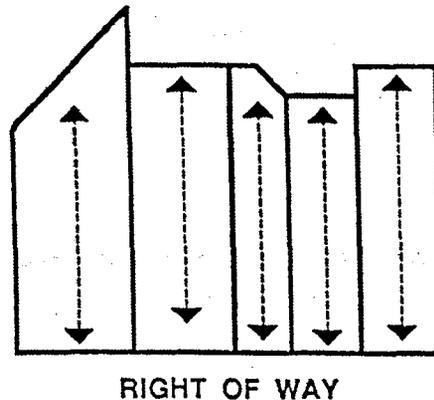
**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit; provided that no portion of an existing public right-of-way shall be included in calculating a lot boundary or lot area. The word "lot" includes the words "plot" and "premises".

**Lot Area:** The area contained within the lot lines of a lot not including any portion of a street right-of-way.

**Lot, Corner:** A lot abutting the intersection of two or more streets, where the interior angle of intersection does not exceed 135°. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard, the side and rear yard to be designated at the time of application for a construction permit.

**Lot Depth:** The perpendicular distance between the right-of-way line or front lot line and a line drawn parallel thereto through the midpoint of the rear lot line.

Measured along a line perpendicular to the right-of-way and from a line parallel to the right-of-way at the midpoint of the rear lot line

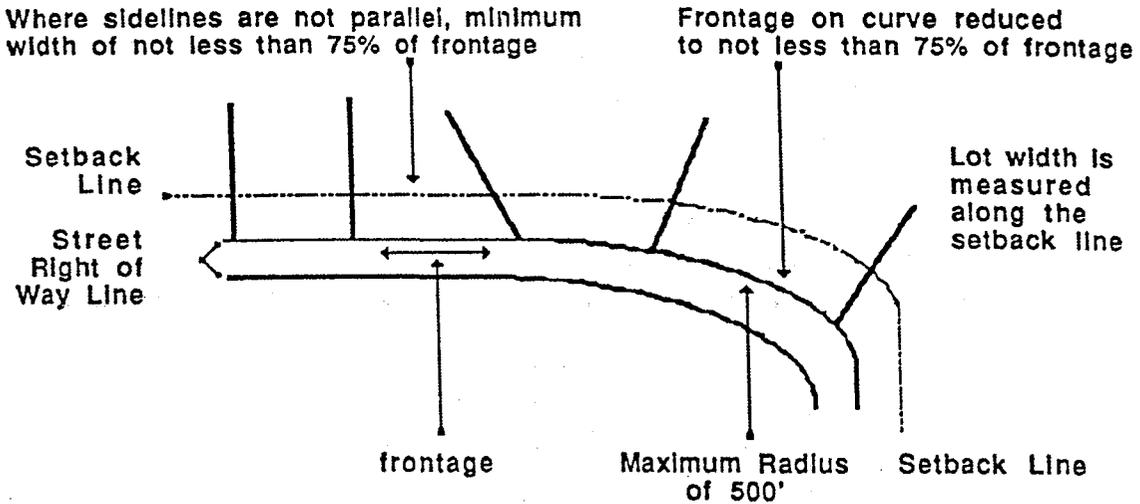


**Lot Frontage:** The distance between the side lot lines measured along the right-of-way line. The minimum lot frontage shall be the same as the minimum lot width, except that where the lot frontage is a curve with an outside radius of less than five hundred feet (500'), the minimum frontage shall not be less than seventy-five percent (75%) of the minimum lot width. In the case of a corner lot, either right-of-way line may be considered the lot frontage, provided that it equals or exceeds the minimum frontage requirements for the land in question. (See diagram below.)

**Lot, Interior:** A lot other than a corner lot.

**Lot, Width:** The straight line horizontal distance between side lot lines at setback points on each side lot line measured from the right-of-way line at the minimum required building setback line. When the side lot lines are not parallel, the minimum lot width at the setback line shall not be less than seventy-five percent (75%) of the minimum lot frontage for the zoning district in which the lot is located. (See diagram below.)

LOT FRONTAGE & LOT WIDTH



**Low-income household:** A household earning between zero and fifty percent of the median income established by the United States Department of Housing and Urban Development for the geographic area in which Bordentown Township is located, as adjusted by that Department for household size.

**Low-income unit:** A dwelling unit affordable to a low-income household.

**Lower-income household:** A low-income or a moderate income household.

**Lower-income unit:** A low-income unit or moderate-income unit.

**Main:** In any system of continuous piping, the principal artery of the system to which branches may be connected.

**Maintenance:** The actions or functions necessary to keep improvements or property in repair or serviceability so that they are fit, safe and useable for the purpose intended. Maintenance shall include, but is not limited to, timely control and removal of snow and ice during adverse weather conditions.

**Maintenance Guarantee:** Any security that may be accepted by a municipality for the maintenance of any required improvements.

**Major Site Plan:** See "Site Plan, Major".

**Major Subdivision:** See "Subdivision, Major".

**Manhole:** An inspection chamber whose dimensions allow easy entry and exit and working room for a person inside.

**Manning Equation:** A method for calculating the hydraulic capacity of a conduit to convey water.

**Marginal Access Street:** A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or subcollector as anticipated daily traffic dictates.

**Master Plan:** A composite of one or more written or graphic proposals for the development of the municipality as set forth and adopted by the Planning Board, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**Mausoleum:** A structure, located in a cemetery, which has vaults for the storage of caskets.

**Median:** That portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions.

**Member of the Immediate Family:** A parent, grandparent, child or sibling, or the spouse, or sibling of a parent, grandparent, or child or sibling.

**Mentally Ill Person:** A person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, but shall not include a person who has been committed after having been found guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

**Mini-Warehouse:** A facility providing individual rental units for the temporary storage of furniture, household goods, office equipment, files and similar items and including not more than one residential unit for a resident manager and family.

**Minor Site Plan:** See "Site Plan, Minor".

**Minor Subdivision:** See "Subdivision, Minor".

**MLUL:** Municipal Land Use Law.

**Mobile Home:** A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly which is contained in one unit, or in units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and which is constructed so that it may be used with or without permanent foundation. For the purposes of this Chapter, travel trailers and campers are not considered as mobile homes.

**Mobile Home Lot:** A parcel of land in a mobile home park which is improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home and which is leased by the park owner to the occupants of the mobile home erected on the lot.

**Mobile Sign:** A sign which is not permanently attached to a building or not placed in the ground in a fashion as to be permanent in a manner conforming to the Uniform Construction Code or which is located or attached to a trailer, on wheels, or similar attachment so that the sign may be moved from place to place, either within the lot or to another location.

**Moderate-income Household:** A household earning between fifty and eighty percent of the median income established by the United States Department of Housing and Urban Development for the geographic area in which Bordentown Township is located, as adjusted by that Department for household size, or any comparable standard adopted by a court of competent jurisdiction for this purpose.

**Moderate-income Unit:** A dwelling unit affordable to a moderate-income household.

**Motel:** A building or group of buildings with individual sleeping units designed for transient travelers and not for permanent residency, except that not more than one (1) of the total units may be provided for the sole use of a resident employee and family.

**Motor Home:** A recreational unit built on or part of a self-propelled chassis, primarily designed to provide temporary living quarters for travel, camping and vacation use.

**Mountable Curb:** A low curb with a flat slope designed to be crossed easily without discomfort.

**Moving Lane:** Any traffic lane where traffic movement is the primary if not the sole function. (Compare with "Parking Lane.")

**Mt. Laurel I:** The decision of the New Jersey Supreme Court in the case of South Burlington County N.A.A.C.P. vs. Mt. Laurel Township, 67 N.J. 151 (1975).

**Mt. Laurel II:** The decision of the New Jersey Supreme Court in the case of South Burlington County N.A.A.C.P. vs. Mt. Laurel Township, 92 N.J. 158 (1983).

**Mt. Laurel Obligation:** The low and moderate-income housing obligations imposed generally on municipalities and specifically on the Township of Bordentown pursuant to "Mt. Laurel I", "Mt. Laurel II" and the "Fair Housing Act".

**Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and aid plant growth.

**Multiple Occupancy and Tenancy Sign:** A single sign relating to a use or facility, such as a shopping center, industrial park or office complex, where there is more than one (1) occupancy and/or tenancy of uses, where the multiple occupancy and tenancy use a common parking facility and/or common private drive or roadway and where the names and professions or business names of the various tenants and/or occupants are displayed.

**Municipal Agency:** The Planning Board, Zoning Board of Adjustment or Township Committee, or any other agency created or responsible to one or more municipalities, when acting pursuant to N.J.S.A. 40:55D-1 et seq.

***Municipal Land Use Law:*** N.J.S.A. 40:55D-1 et seq.

***New Construction:*** Structures for which the start of construction commenced on or after the effective date of this Chapter.

***Newsrack:*** Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or other periodicals.

***N.H.F.A.:*** Net Habitable Floor Area. See "Floor Area, Net Habitable."

***N.L.A.:*** Net Land Area. See "Land Area, Net."

***Nonconforming Building or Structure:*** A building or structure the size, dimension, or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of that adoption, revision or amendment.

***Nonconforming Lot:*** A lot the area, dimension, or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but fails to conform to the requirements of the district in which it is located because of the adoption, revision or amendment.

***Nonconforming Use:*** A use or activity which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of that adoption, revision or amendment.

***Nursery School:*** A school designed to provide daytime care or instruction for two (2) or more children from two (2) to six (6) years of age, inclusive, and operated on a regular basis and licensed by the State of New Jersey.

***Nursing Home:*** A building providing shelter and/or supplemental health care for the elderly or infirm and meeting the standards of the New Jersey State Department of Institutions and Agencies to operate as a "nursing home."

***Official Map:*** A map adopted in accordance with the Official Map and Building Permit Act, N.J.S.A. 40:55-1.30 et seq. only to the extent that it is consistent with the provisions of N.J.S.A. 40:55D-32 et seq. and to the extent that it has not been supplanted by an official map adopted pursuant to N.J.S.A. 40:55D-32 et seq. A map so adopted shall be deemed conclusive with respect to the location and width of streets, drainage rights-of-way, and flood control basins.

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

***Off-Street Parking Space:*** A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

***Off-Street Truck Loading Space:*** A loading area for a truck or delivery van that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

***Off-Tract:*** Not located on the subject property of a development application or on a contiguous portion of a street right-of-way or drainage or utility easement.

**On-Site:** Located on the lot in question.

**On-Street Parking Space:** A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

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

**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 the open space; provided that the areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

**Open Space Organization:** An incorporated, non-profit organization operating in a Planned Development under a recorded land agreement providing that:

- a. Each owner is automatically a member;
- b. Each occupied dwelling unit is automatically 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 organization by the Township; and,
- c. Each owner and tenant has the right to use the common property.

**Open Space Ratio:** The amount of unimproved land, that is landscaped or left in a natural state after development expressed as a ratio of the total site area.

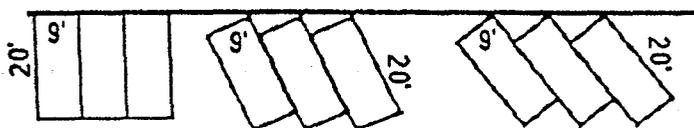
**Owner:** Any individual, firm, association, syndicate, partnership, or corporation having sufficient propriety interest in the land.

**Parking Lane:** A lane usually set on the sides of streets, designed to provide on-street parking for vehicular traffic.

**Parking Loop:** A private street with perpendicular parking.

**Parking Space:** An area not less than nine feet (9') wide by eighteen feet (18') in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit

private driveways for dwelling units, from being considered off-street parking areas, provided that no portion of any public driveway within the right-of-way line of the street intersected by that driveway shall be considered as off-street parking space.



**Party Immediately Concerned:** For purposes of notice means any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under the provisions of the Municipal Land Use Law.

**Pavement:** See "Cartway."

**Perc Test or Percolation Test:** A test designed to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

**Performance Guarantee:** Any security, in accordance with the requirements of this Chapter, which may be accepted subject to review and approval by the Township Attorney in lieu of a requirement that certain improvements be completed prior to final approval of a development application, including cash, performance bonds, letters of credit, escrow agreements and other similar collateral or surety agreements.

**Permitted Use:** Any use of land or buildings permitted by this Chapter.

**Planned Developments:**

**Planned Business Development:** An area with a specified minimum contiguous or non-contiguous acreage to be developed as a single entity according to a plan containing various specified non-residential uses, open space, and development credits for residential uses to be transferred to a designated receiving district as delineated in this chapter.

**Planned Business Development Residential:** As above, but with residential uses as delineated in this chapter.

**Planned Community or Planned Unit Development:** An area with a specified minimum contiguous or non-contiguous acreage to be developed as a single entity according

to a plan containing one or more residential clusters and one or more public or quasi-public and commercial areas in ranges of ratios of non-residential uses to residential uses as specified in this Chapter.

**Planned Residential Development:** An area with a specified minimum contiguous or non-contiguous acreage to be developed as a single entity on each according to a plan, containing one or more residential clusters.

**Residential Cluster:** An area to be developed at a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

**Planning Board:** The Planning Board established pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**Plat:** A map or maps of a subdivision or site plan.

**Potable Water Supply:** Water suitable for drinking or cooking purposes.

**Pre-Application Conference:** An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

**Preliminary Approval:** The conferral of certain rights prior to final approval, but after specific elements of a development plan have been approved by the Planning Board.

**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.

**Preliminary Subdivision Plat:** A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

**Principal Building, Structure or Use:** A building, structure or use which is the main or primary building, structure or use on the lot.

**Projecting Sign:** A sign, other than a wall sign, which is attached to and projects more than twelve (12) inches from a wall of a building.

**Proportionate Share:** The portion of the total capital improvement costs for off-tract water, sewer, drainage and street improvements that are reasonably attributable to new development pursuant to N.J.S.A. 40:55D-43 (also entitled "pro-rata share").

**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.

**Public Purpose Use:** The use of land or buildings by the governing body of the Township or any officially created authority or agency thereof.

**Public Water Supply System:** A water supply system which offers service to the public and is authorized by the New Jersey Board of Public Utilities.

**Quorum:** A majority of the full authorized membership of a municipal agency.

**Rational Method:** A method of Runoff calculation.

**Real Estate Sign:** A sign of an owner of real property or of a licensed real estate broker designating a property "for sale" or "for lease."

**Recreational unit:** A vehicle, as that term is defined by N.J.S.A. 39:1-1, or component that goes with a vehicle, which meets all of the dimension and weight limitations set forth in Article 5 of Chapter 3 of Title 39, New Jersey Revised Statutes, meets all of the requirements for licensure, registration and use upon the highways of this State; meets all of the requirements for insurability for highway use, and which is used or intended for use for recreational purposes. The term "recreational unit" shall include, but not be limited to, the terms "recreational vessel trailer", "camper trailer", "travel trailer", "motor home", "truck camper" and "utility trailer", but shall not include the term "recreational vessel".

**Recreational vessel:** A watercraft, other than a seaplane, not longer than 35 feet, impelled by wind, oars, paddles or mechanical devices, that meets all of the requirements for licensure, registration and use upon the waterway of this State, meets all of the requirements for insurability for water use, and which is designed and/or used for recreational or vacation purposes.

**Recreational vessel trailer:** A recreational unit without its own motor power, designed to transport a recreational vessel.

**Residential Access Street:** The lowest order of residential street (see "Street Hierarchy"). Provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed 250 ADT at any point of traffic concentration. The maximum number of housing units should front on this class of street.

**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 Collector:** The highest order of residential streets (see "Street Hierarchy"). Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed 3,000 ADT.

**Residential Density:** The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

**Residential Subcollector:** Middle order of residential streets (see "Street Hierarchy"). Provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic should have origin or destination in the immediate neighborhood. Traffic volume should not exceed 500 ADT at any point of traffic concentration.

**Restaurant:** Any establishment, however designated, at which food is sold primarily for consumption on the premises and within a building. However, a snack bar or refreshment stand at a public or community swimming pool, playground, playfield or park, operated solely by the agency or group operating the recreational facility and for the convenience of patrons of the facility, shall not be deemed a restaurant.

**Restaurant, Drive-In:** Any restaurant, refreshment stand, snack bar, dairy, bar, hamburger stand or hot dog stand where food is served primarily for consumption at counters, stools or bars outside the building or primarily for consumption in automobiles parked on the premises whether brought to the automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building. All drive-in restaurants and refreshment stands are specifically prohibited in all districts.

**Restaurant, Fast-Food:** A public eating facility where patrons purchase food while within the physical premises of the restaurant, which is obtained by self-service or from an employee of the establishment over a counter, for consumption either within the establishment or away from the premises. Cafeterias constitute "fast-food restaurants" under this chapter.

**Restaurant, Standard:** A public eating facility where patrons are first seated at tables, booths or counters, after which food ordered by them is served to the patrons by waiters or waitresses at the tables, booths or counters. The term "restaurant" does not include drive-in restaurants or fast-food restaurants as otherwise defined in this Chapter.

**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 streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument.

**Retaining Wall:** A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

**Retention Basin:** A pond, pool or basin used for the permanent storage of water runoff.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

**Rodent:** An animal belonging to the order Rodentia, consisting of the gnawing or nibbling mammals, including, but not limited to, mice, rats, squirrels, and beavers.

**R.S.I.S.:** Any reference to R.S.I.S. in any of these ordinances means the State of New Jersey's Residential Site Improvement Standards.

**Satellite Dish Antenna:** Any apparatus or structure constructed or installed out of doors with the purpose of receiving television, radio or similar waves, but distinguished from conventional radio or television antennae.

**Screen:** Structure or planting consisting of fencing, berms, evergreen trees or shrubs providing a continuous view obstruction within a site or property.

**SCS:** Soil Conservation Service.

**Secretary:** The Secretary of the Planning Board or of the Zoning Board of Adjustment as the case may be.

**Sedimentation:** The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

**Self-Storage Facility:** A facility providing individual rental units for the temporary storage of furniture, household goods, office equipment, files and similar items and including not more than one residential unit for a resident manager and family.

**Senior Citizen:** A person who has attained the age of 55 years, or the surviving unmarried spouse of a deceased senior citizen.

**Septic System:** An underground system with a septic tank used for the decomposition of domestic wastes.

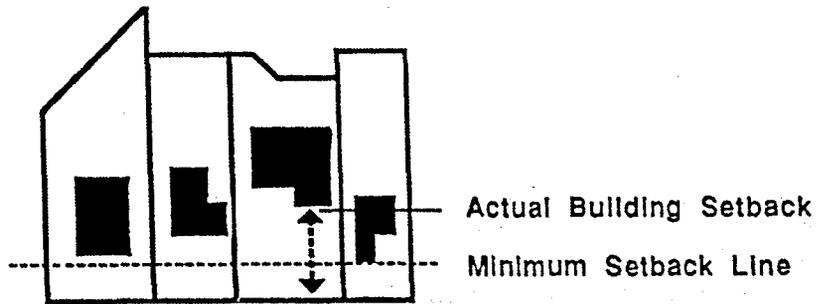
**Septic Tank:** A water-tight receptacle to receive the discharge of sewage.

**Service Station:** Lands and buildings providing for the sale of automotive fuel, lubricants, or automotive accessories. Maintenance and minor repairs for motor vehicles, primarily automobile, but not including trucks or vehicles with more than four wheels, may be provided, but no body repairs or painting shall be permitted. No storage of inoperable, wrecked or unregistered vehicles for more than seven (7) days shall be permitted. Additionally, no car wash operation, car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted. The term service station shall not include either a truck stop, truck repair station or a truck fuel station.

**Setback:** The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

**Setback Line:** A line drawn parallel with a street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the right-of-way line or lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

SETBACK LINE



**Sewer:** Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

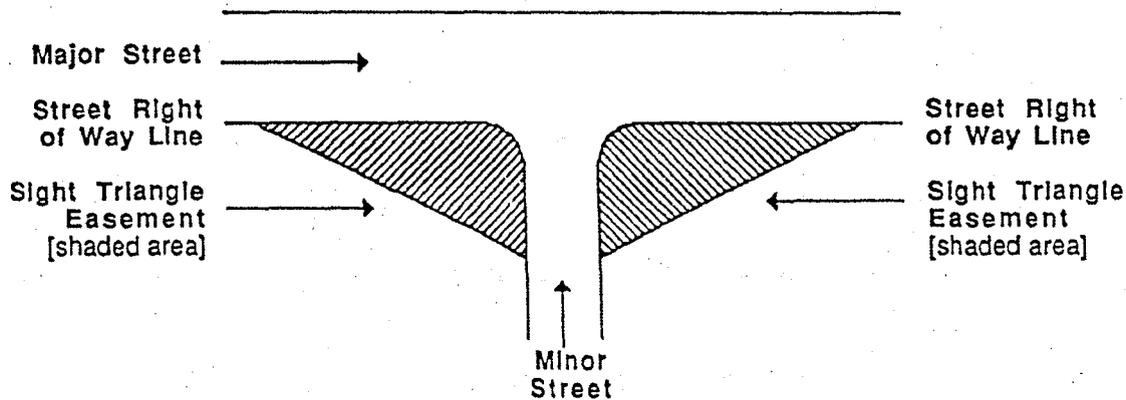
**Shade Tree:** A tree in a public place, street, special easement, or right-of-way adjoining a street.

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

**Shoulder:** The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curbline.

**Sidewalk (Area):** A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

***Sight Triangle Easements at Intersection:*** A triangular area established in accordance with the requirements of this Chapter in which no grading, planting or structure shall be erected or maintained more than twelve inches (12") above the street centerline except for street signs, fire hydrants and light standards. See Section 25:503 for standards.



***Sign:*** Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illumination, insignia or other visual communication is used to advertise or promote the interest of any person, products or service when the same is placed in view of the general public.

***Sign Area:*** The area of the sign, exclusive of the supporting structure, which is used for calculating the square footage of the sign.

***Sign, Freestanding:*** A sign not attached to a building or structure.

***Sign Height:*** In the case of a freestanding sign, will be computed from grade level to the greatest height at any one point in the sign. In the case of an attached sign, no sign can be higher than the level of a second floor window sill in a two-or-more-story building, nor can it be higher than the lowest point of the roofline in a single-story building, except where a roof sign is expressly permitted in certain zones.

***Sign, Off-premises:*** Any sign located off the site for which the sign is advertising.

***Sign Size:*** The square foot area of a sign computed by multiplying its greatest width by its greatest length, exclusive of supporting structures and bracing devices, unless the supporting structures and bracing devices are illuminated or are in the form of a symbol or contain words or symbols, in which case the supporting structure shall also be computed in determining sign size. Two-or-three-sided signs carrying substantially the same message on each side shall be

measured by using the surface area of one (1) side in the case of two-sided signs or two (2) sides in the case of three-sided signs. When there is a substantially different message on each side of the sign, each side will be considered a separate sign.

**Silviculture:** The growing, harvesting and care of forests for sale.

**Site Plan:** A development plan of one or more lots on which is shown:

- a. The existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, marshes and waterways;
- b. 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, screening devices; and
- c. Any other information reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with this Chapter.

**Site Plan, Major:** Any development plan not classified as a minor site plan.

**Site Plan, Minor:** Any development plan which is limited to the proposed construction of any permitted accessory use (s) other than fences and signs, such as a home occupation or off-street parking area, as the accessory uses are specifically permitted in Section 400 of this Chapter, or any development plan consisting of an expansion of, or addition to, an existing conforming structure and/or use not exempted from site plan review by Section 25:802 B.1. of this Chapter and not accounting for more than ten percent (10%) additional building coverage and not exceeding more than five hundred (500) square feet of enclosed and roofed area; providing that the development plan does not involve alterations to the site, a change of use (with or without alterations to the site), a planned development, the installation of any road improvements or the expansion of public facilities and does not adversely affect the development of an adjoining property or properties.

**Sketch Plat:** Rough layout of a proposed land development of sufficient detail, clarity, and accuracy to be used for discussion prior to submission of a preliminary plat.

**Soil Cement:** A mixture of portland cement and locally available soil. It serves as a soil stabilizer.

**Solar Setback Zone:** The area within which a building, built to the height limit of the buildable area of its lot and built to the height limit allowed in the zoning provisions of this chapter, would interfere with the availability of direct sunlight to the boundary of the buildable area of the lot for which solar access is being sought. The zones shall be determined by means of calculations based on the latitude of the proposed project, the direction and degree of slope on the south side of each lot's buildable area, the altitude and azimuth of the sun's location in the sky between the periods of 9:00 a.m. and 3:00 p.m. on December 21st and based on the boundary of the buildable area using maximum zoned heights.

**Special Satellite Use Permit:** A permit issued by the Zoning Officer to allow the installation of ground-mounted satellite dish antennae in the side yard when evidence is presented that satellite signals are not receivable from any location in the rear yard.

**Specified Anatomical Areas:**

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks and/or female breasts below a point immediately above the top of the areola, or
- b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**Stabilized Turf or Earth:** Turf, or earth (soil), strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

**Standards of Performance:** Standards:

- a. Adopted by ordinance, pursuant to N.J.S.A. 40:55D-65, regulating noise levels; glare, earthborne or sonic vibrations, heat, electronic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and other similar matters as may be reasonably required by the Township or
- b. Required by applicable Federal or State laws or municipal ordinances.

**Storm Water Detention:** A provision for storage of storm water runoff and the controlled release of the runoff during and after a flood or storm.

**Storm Water Retention:** A provision for storage of storm water runoff.

**Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the surface between the floor and the ceiling next above it. For the purpose of this Chapter, the interior of the roof shall not be considered a ceiling. Moreover, cellars and unfinished basements shall not be considered stories when considering the height of a building. Finally, a half-story is the area under a pitched roof at the top of a building, the floor of which is at least four feet (4'), but not more than six feet (6'), below the plate.

**Street:** Any street, avenue, boulevard, road, parkway, viaduct, drive or other right-of-way:

- a. Which is an existing state, county or municipal roadway or
- b. Which is shown on a plat heretofore approved, pursuant to law, or
- c. Which is approved as provided by this Chapter, or
- d. 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 that 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, sidewalks, parking areas and other areas within the street line.

**Street Furniture:** Man-made, above ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

**Street Hardware:** The mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

**Street Hierarchy:** The conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use and residential quality.

**Street Line:** The edge of the existing or future street right-of-way, whichever may result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

**Street Loop:** A street that has its only ingress and egress at two points on the same subcollector or collector street.

**Street Shade Tree:** A tree in a public place, street, special easement, or right-of-way adjoining a street.

**Structure:**

- (a) A combination of materials to form construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land.
- (b) For the purpose of this definition, a parcel of land includes any body of water that may be located on the parcel. Examples of structures include, but are not limited to, buildings, fences, standards, signs, flagpoles, towers, tanks, swimming pools, tennis courts, land fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads, bridges, and the facilities of any utility or governmental agency, whether completed or under construction, alteration, or repair.
- (c) Trees and other vegetation shall not be considered to be structures.

**Stub Street:** A portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

**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 Chapter if no new streets are created:

- a. Divisions of land found by the Planning Board to be for agricultural purposes when all resulting parcels are five acres or more in size;
- b. Divisions of property by testamentary or interstate provisions, provided the division is in conformity with the applicable Ordinance requirements;

- c. Divisions of property upon court order including, but not limited to judgments of foreclosure;
- d. Consolidation of existing lots by deed or other recorded instrument; and
- e. The conveyance of one 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 all requirements of the this Chapter and which are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the Township.

The term "subdivision" shall also include the term "resubdivision".

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

**Subdivision, Minor:** Any division of land containing an aggregate of not more than two (2) lots (one (1) new lot and the remaining parcel), each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of Township facilities; not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Map and/or the street requirements of this Chapter, unless the additional right-of-way width, either along one (1) or both sides of the street(s), as applicable, shall be deeded to the Township or to the appropriate governmental authority prior to classification as a minor subdivision; not adversely affecting the development of the remainder of the parcel or adjoining property; not being a further division of an original tract of land for which previous subdivision(s) have been approved by the Township within one (1) calendar year of the date of approval and where the combination of the proposed and approved minor subdivision(s) constitute a major subdivision, and not being deficient in those details and specifications required of minor subdivisions as specified in this Chapter. The original tract of land shall be considered any tract in existence at the time of the adoption of this Land Development Ordinance as shown on the Township tax maps. Any readjustment of lot lines resulting in no new lots shall be classified as a minor subdivision.

**Subdivision and Site Plan Committee:** A committee that may be appointed by the Chairperson of the Planning Board for the purpose of reviewing, commenting upon and making recommendations with respect to subdivision and site plan applications. Only those committee members or alternates of the Board having jurisdiction to act have the power to vote on the matter involving a minor site plan or subdivision.

**Subgrade:** The natural ground lying beneath a road.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or,
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur

when the first alteration of any wall, floor or other structural part of the floor commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project required to comply with State or local health, sanitary or safety code specifications and necessary to assure safe living conditions; or,
2. Any alteration of a structure listed on the National Historic Register of Historic Places or the New Jersey Inventory of Historic Places.

**Substantive Certification:** A determination by COAH approving a municipality's Housing Element and Fair Share Plan in accordance with the provisions of the Act and the rules and criteria adopted by COAH. A grant of Substantive Certification shall be valid for a period of six (6) years in accordance with the terms and conditions contained therein.

**Swimming Pool, Commercial:** Commercial swimming pools mean and include all pools associated with other than detached single-family and two-family dwellings. Commercial swimming pools shall be further classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute.

**Swimming Pool, Portable:** A swimming pool that is not permanently installed, does not require water filtration, circulation and purification; does not exceed twenty-four inches (24") in depth; does not exceed a water surface of 250 square feet; and does not require braces or supports. Portable swimming pools are not subject to this Chapter.

**Swimming Pool, Private Residential:** A swimming pool, other than a portable swimming pool, located on a lot principally used for a dwelling unit by one housekeeping unit, and including all buildings, structures, and equipment appurtenant thereto.

**Temporary Construction Trailers:** A trailer for construction purposes for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one year, whichever is less, provided the trailer(s) are on the site where construction is taking place and are set back at least 15 feet from all street and lot lines. No more than six (6) shall be permitted.

**Temporary Sign:** A sign which is not permanently attached to a building structure or permanently affixed to a freestanding structure and which may be erected for a limited period of time in compliance with the provisions of this chapter.

**Topsoil:** The original upper layer of soil material to a depth of six inches which is usually darker and richer than the subsoil.

**Township:** Township of Bordentown, Burlington County, New Jersey.

**Tract:** An area of land composed of one or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this Chapter for the use(s) intended. The original land area may be divided by one existing public street and still be considered one tract provided that the street is not an arterial road and that

a linear distance equal to more than seventy-five percent (75%) of the frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

**Travel Trailer:** A rigid recreational unit without its own motor power, designed as a temporary living quarters for travel, camping and vacation use.

**Trip:** A single or one-way vehicle movement to or from a property or study area. "Trips" are added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

**Truck:** Shall include a single unit truck as well as the individual units referred to generally as the tractor, cab, trailer or trailers, all of which, individually or in any combination shall be considered to be a truck. This shall not include pick-up trucks, sport-utility vans or other similar four-wheeled vehicles.

**Truck Camper:** A portable component that goes with a vehicle, without its own motor power, designed to be attached to and transported on a power vehicle and to provide temporary living quarters for travel, camping and vacation use.

**Truck Fuel Station:** Lands and buildings providing for the sale of fuel and add-on lubricants primarily for the trucking industry. No maintenance and repairs, painting, truck wash, truck rental, parking or the storage vehicles or other activity not specifically a part of the truck fuel station use shall be permitted. It shall not include a truck stop or a truck repair station.

**Truck Repair Station:** Lands and buildings used for the repair and towing of trucks. Maintenance and mechanical repairs may be provided, but motor fuel sales, body repairs and painting shall not be permitted. No truck wash operation, truck rental, parking or other activity not specifically a part of the truck repair station use shall be permitted. It shall not include a truck fuel station or a truck stop. No storage of inoperable, wrecked or unregistered vehicles shall be permitted for a period of more than thirty (30) days.

**Truck Service:** A use which consists of performing limited repairs and maintenance such as realignment, tire change, oil change, and retail sales but no body or engine repair.

**Truck Stop:** Lands and buildings providing for those services provided by truck fuel stations and truck repair stations, excluding major engine repairs, and including additional services primarily oriented to the over-the-road truck driver, such as, but not limited to, restaurant services, incidental sales and services, motel services, truck wash, and offices and with parking for ten (10) or more trucks of a tractor-trailer size.

**ULI:** Urban Land Institute.

**USCGS:** United States Coast and Geodetic Survey.

**USCOE:** United States Corps of Engineers.

**Use:** Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

**Utilities:** Those services customarily rendered by public utilities, municipalities, or municipal authorities, such as electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of the services.

**Utility Trailer:** A non-commercial unit, open or enclosed, without its own motor power, designed and/or used for transporting goods and materials, including vehicles."

**Variance:**

- a. Permission granted to an applicant for development to depart from the literal requirements of the zoning provisions of this Chapter.
- b. For flood control purposes, a grant of relief by the Planning Board from the requirements of Section 25:605 thereby permitting construction in a manner otherwise prohibited because the literal enforcement would result in unnecessary hardship.

**Warning Sign:** A sign indicating no trespassing or no fishing and/or hunting or for existing danger where a warning is legally required.

**Wetlands:** Areas known as marshes, swamps, or freshwater wetlands, that are inundated or saturated by surface or groundwater 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.

**Woodlands:** Areas, groves, or stands of mature or largely mature trees i.e. greater than six (6) inches caliper as measured at a point four (4) feet above grade) covering an area greater than one-quarter ( $\frac{1}{4}$ ) acre; or groves of mature trees (greater than twelve (12) inches caliper as measured at a point four (4) feet above grade) consisting of more than ten (10) trees.

**Wye:** A Y-branch or Y-fitting. In a plumbing system, a branch in the shape of the letter Y.

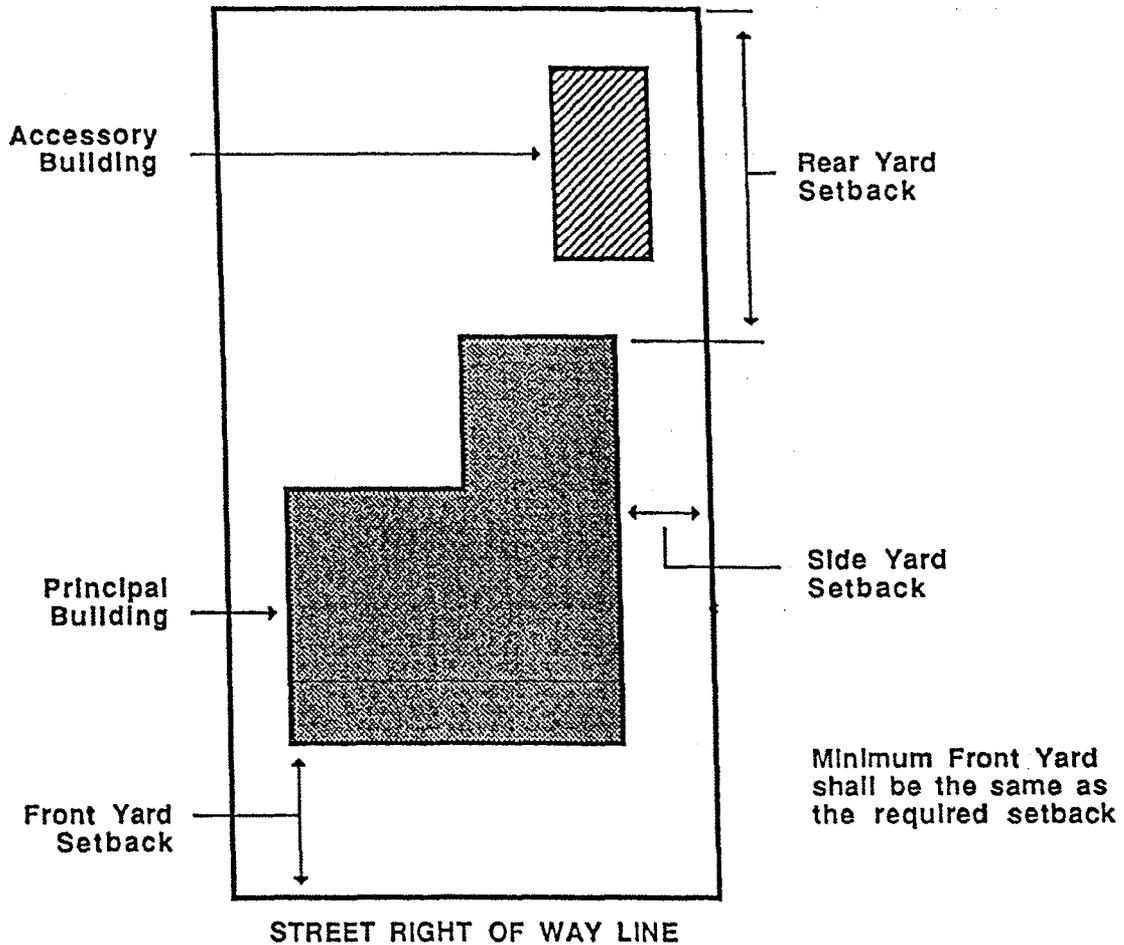
**Wye Connection:** A Y-fitting or connection. See "Wye."

**Yard, Front:** An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines.

**Yard, Minimum Useable Area:** Every residential lot shall contain a minimum yard area for each yard for use by the owners or occupants and exclusive of any critical areas.

**Yard, Rear:** An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the rear yard shall be measured horizontally and at right angles to either a straight rear lot line or the tangent of curved rear lot lines.

**Yard, Side:** An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required side yard shall be measured horizontally and at right angles to either a straight line or the tangent lines of curved lot lines.



**Zoning Officer:** An individual responsible for interpretation of the Zoning Ordinance provisions of the Township of Bordentown, which individual shall be the Director of Community Development.

**Zoning Ordinance:** The Land Development Ordinance of the Township of Bordentown as constituting Chapter XXV of the Revised General Ordinances of the Township of Bordentown.

**Zoning Permit:** A permit issued by the Administrative Officer for the purpose of reviewing applications for construction in order to determine conformance with the applicable land development regulations of this Chapter.

(Ord. No. 1992-4, § 2, 4-28-1992; Ord. No. 1992-29, § 1, 12-22-1992; Ord. No. 1997-05, § II, 9-9-1997; Ord. No. 1998-08, § 2, 5-19-1998; Ord. No. 1998-09, § 2, 6-9-1998; Ord. No. 1999-13, § II, 8-10-1999; Ord. No. 2002-15, 6-24-2002; Ord. No. 2002-11, 7-8-2002; Ord. No. 2002-12, 7-8-2002; Ord. No. 2002-14, 7-8-2002)

## SECTION 300

# ZONING DISTRICTS AND ZONING MAP

- 25:301. Zoning Districts.
- 25:302. Planned Development Alternatives.
- 25:303. Zoning Map.
- 25:304. Interpretation of Boundaries.

**25:301. Zoning Districts.**

For the purpose of this Chapter, the Township of Bordentown is hereby divided into twenty-six (26) districts as follows:

P	Public Use
C	Conservation Areas
R-120	Very Low Single Family Residential
R-40	Low Density Single Family Residential
R-40S	Low Density Single Family Residential Sending
R-30	Medium Density Residential
R-20	Medium Density Residential
R-10	Medium Density Residential
R-30R	Medium Density Residential Receiving
R-8	High Density Residential
R-7	High Density Residential
R-6	High Density Residential
PRD	Planned Residential Development
A/T	Multiple Family Development
PCD	Planned Community Development
PO	Professional Office
CC	Community Commercial
HC	Highway Commercial
GC-I	General Commercial
GC-II	General Commercial
CP	Commercial Professional
REO	Research, Engineering and Office
PUD	Planned Unit Development
PUD/A/T	Planned Unit Development/Multifamily Development Option
PBD	Planned Business Development
PBD-R	Planned Business Development Residential

(Ord. No. 1998-09, § 3, 6-9-1998; Ord. No. 1999-13, § III, 8-10-1999)

**25:302. Planned Development Alternatives.**

In addition to the permitted uses within the designated zoning districts, six (6) types of Planned Developments are permitted in accordance with the requirements of this Chapter as follows:

<i>Name</i>	<i>Where Permitted</i>
Planned Community Development	Within the R-30 District as shown on the Zoning Map. See Section 25:606.

<b>Name</b>	<b>Where Permitted</b>
Planned Unit Development	Within the PUD District where indicated on the Zoning Map. See Section 25:606 for applicable standards.
Planned Residential Development	Within the PRD District where indicated on the Zoning Map. See Section 25:606 for applicable standards.
Residential Cluster	An option within the R-40, R-30, R-20 and R-10 Districts. See Section 25:606 for applicable standards.
Planned Business Development	Within the HC and R-120 District as shown on the Zoning Map. See Section 25:606 for standards.
Planned Business Development	Within the REO district as shown on the Residential Zoning Map. See Section 25:606 for standards.

(Ord. No. 1998-09, § 4, 6-9-1998; Ord. No. 1999-13, § IV, 8-10-1999)

**25:303. Zoning Map.**

The boundaries of these Zoning Districts are established on the Map entitled "Township of Bordentown, Burlington County, New Jersey, Zoning Map", dated March 30, 1998, which accompanies and is hereby adopted as part of this Chapter.

(Ord. No. 1998-09, § 5, 6-9-1998)

**25:304. Interpretation of Boundaries.**

A. Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this Chapter unless otherwise indicated by dimensions on the Zoning Map. The determination of the applicable zoning district shall be made on the basis of the zoning district along the abutting street. If there is more than one abutting street, then the zoning district line shall be determined by the Zoning Board of Adjustment under its authority to interpret the zoning map.

B. Any dimensions shown on the Zoning Map are in feet and are measured horizontally and, when measured from a street, are measured from the street right-of-way line even if the centerline of that street is used for the location of the zoning district line.

C. The exact location of any disputed zoning district boundary line shall be determined by the Zoning Board of Adjustment.

D. The zoning standards, controls and designations apply to every structure, lot and use within each district and the district lines extend vertically in both directions from ground level.

(Ord. No. 1997-05, § IX, 9-9-1997)

## SECTION 400

### DISTRICT REGULATIONS

- 25:401. Regulations Generally.
- 25:402. P—Public Use; C—Conservation Areas.
- 25:402.1. R-40 R-40/R-40S Low Density Residential/Sending.
- 25:402.2. R-120 Low Density Residential.
- 25:403. R-30—Medium Density Residential; R-30R—Medium Density Residential Receiving.
- 25:404. R-20—Medium Density Residential.
- 25:405. R-10—Medium Density Residential; R-8—High Density Residential; R-7—High Density Residential; R-6—High Density Residential.
- 25:406. A/T—Multiple Family Development.
- 25:406.1. PUD/A/T.
- 25:406.2. REOI/A/T.
- 25:407. PO—Professional Office.
- 25:408. CC—Community Commercial; HC—Highway Commercial.
- 25:409. GC-I—General Commercial and GC-II—General Commercial.
- 25:410. REO—Research, Engineering and Office.

**25:401. Regulations Generally.**

A. No buildings shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any land be designed, used or physically altered for any purpose or in any manner except in conformity with this chapter.

B. Where a lot is formed from part of a lot already occupied by a building, any subdivision shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yard and other open space in connection therewith so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located and so that all lots have frontage on a street.

C. No open space provided around any principal building for the purpose of complying with front, side, rear or other yard provisions of this chapter shall be considered as providing the yard provisions for another principal building.

D. In all Districts there shall be a deduction of  $\frac{2}{3}$  or 66.66% of the critical areas of water bodies, including streams, ponds and lakes 100 year floodplains wetlands; comment; 25%, and easements when computing gross density or floor area ratio. Where the property proposed for development is subject to easements covering more than 25% of the entire property, the Board may grant additional credit for calculating gross density or floor area ratio. The determination of critical areas shall be made by the Board on a site specific basis at the time of the review of a development application for the property.

E. In all Zoning Districts, the keeping of livestock is prohibited except on qualified farms in those Zoning Districts where farms are permitted uses and only where the subject property has a minimum of five contiguous acres.

F. The floor area occupied in any building or structure as a child care centers for which a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq. shall be excluded in calculating the permitted density allowable for that building or structure.

G. In all districts there shall be no displays of any nature and no signs other than directional and informational signs authorized by the State of New Jersey, the County of Burlington or the Township of Bordentown placed within the public right-of-way.

H. No newsracks shall be permitted within any sight triangles.

I. Official bus stops and bus shelters as approved by the Township Committee shall be a permitted use in all districts and shall be exempt from the prohibition against structures within the public right-of-way.

(Ord. No. 1992-4, § 2, 4-28-1992)

**25:402. P—Public Use; C—Conservation Areas.****A. Permitted uses on the lands.**

1. Public playgrounds, public conservation areas, public parks and public open space.

2. Public purpose uses in the P-Public District only such as offices for Township, State and Federal Government agencies, Police, Public Works Department and other similar uses. Prison facilities are not permitted.
3. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses in the P District only under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
4. Detached single-family dwelling units in the C District only.
5. Non-residential uses as permitted in other Districts within the Township in the C District only upon those lands situated between the railroad right-of-way and the Delaware River across from Newbold Island.
6. Billboards in the P District in areas abutting the New Jersey Turnpike south of Georgetown Road only as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
7. Mixed uses of any of the above in the P District only.

**B. Accessory uses permitted.**

1. Those uses associated with detached single-family dwelling units.
2. Tennis courts and other usual recreational facilities.

**C. Maximum building height.** No building shall exceed thirty-five (35') in height and two and one-half (2.5) stories except as provided in Section 25:602.

**D. Area and yard requirements for the P and C districts.**

<u>Principal Building</u>	<u>C District</u>
<u>Minimum:</u>	<u>Detached</u>
	<u>Dwelling Units</u>
Lot area	10 ac.
Lot frontage	200'
Lot width	200'
Lot depth	300'
Side yard (each)	50'
Front yard	75'
Rear yard	100'
<u>Accessory Building Minimum:</u>	
Distance to side yard	50'
Distance to rear yard	50'
Distance to other building	20'

Maximum:

Building coverage of principal building	2%
Total lot coverage	5%

**E. General requirements.**

1. All residential uses in the C District shall adhere to the additional requirements specified for detached dwelling units in the R-30 District and shall be subject to review and approval to determine compatibility with the subject lands. It is the intent of this chapter that the environmental integrity of the lands is safeguarded.
2. All non-residential uses shall be subject to site plan review and approval and shall adhere to those requirements specified for similar uses in other Districts, subject to the Board's review and approval.
3. All uses shall comply with the requirements, as applicable, for critical areas.  
(Ord. No. 1996-2, § 2, 3-11-1996; Ord. No. 1999-06, § II, 5-11-1999)

**25:402.1. R-40 R-40/R-40S Low Density Residential/Sending.****A. Principal permitted uses on the land and in buildings.**

1. Farms, including agriculture, agronomy, animal husbandry, horticulture and silviculture, either on one lot or by lease or easement on several lots, provided that the minimum contiguous land area shall be not less than five (5) acres.
2. Detached single-family dwelling units.
3. Fire and emergency services stations.
4. Churches, synagogues, or other places of worship, including a parish house as an accessory use.
5. Public and private day schools of early childhood, elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
6. Community residences and community shelters as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
7. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.
8. Public Golf Courses.
9. In the R-40S zone only, 1.5 dwelling units per acre for transfer to a designated receiving district, on the condition that a permanent deed restriction is placed upon

25:402.1 BORDENTOWN TOWNSHIP LAND DEVELOPMENT ORDINANCE

the R-40S property such that units can be developed on the property equal to the R-40 density minus the equal percentage of R-30 units transferred (i.e., if half of the R-30 units are transferred only half of the R-40 units may be built).

**B. Accessory uses permitted.**

1. Private residential swimming pools (see Section 25:516).
2. Private residential tool shed and storage buildings up to ten feet (10') in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only (See Section 25:508 G.).
4. Tennis courts and similar recreational facilities incidental to the residential use.
5. Off-street parking and private garages and carports.
6. Signs.
7. Farm buildings and uses, including storage buildings, barns, stables and stands for the purpose of display and sale of farm products raised on the premises.
8. Home office occupations.
9. Radio, television and satellite dish antennae.(See Section 25:513 for standards).
10. Animal shelters to house domestic pets.

**C. Maximum building height.** No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except that churches shall not exceed fifty feet (50') in height and except further as provided in Section 25:602.

**D. Area and yard requirements for the R-40 district.**

	<u>Detached Dwelling Units</u>	<u>Fire &amp; Emergency Services Stations</u>	<u>Churches</u>
<u>Principal Building Minimum:</u>			
Lot area	40,000 sq. ft. <sup>(1)</sup>	1 ac	3 ac
Lot frontage	125'	150'	200'
Lot width	125'	200'	200'
Lot depth	125'	200'	300'
Side yard			
(one)	30'	50'	75'
(aggregate)	50'	100'	150'
Front yard	50' <sup>(2)</sup>	75'	150'
Rear yard	35'	75'	75'
<u>Accessory Building Minimum:</u>			
Distance to side line	10'	25'	25'
Distance to rear line	6'	25'	25'

DISTRICT REGULATIONS

25:402.2

Distance to other building	10'	10'	50'
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Maximum:

Building coverage of principal building	20%	10%	8%
Impervious Surface Ratio	0.40	0.50	0.50
Density	1.0 per acre	NA	NA

(1) Lot area required where either public water or sewerage facilities are not available is a minimum of 60,000 square feet.

(2) Front yards may be staggered between 35' and 50' to break up a monotonous view. The setbacks shall be established at the time of preliminary subdivision approval. The final subdivision plan shall show the approved front yard setbacks for each lot.

E. **Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. No parking area or driveway shall be located within six feet (6') of any side or rear property line.

F. **Permitted signs.**

1. Detached dwellings: Information and direction signs. (see Section 25:514).
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) freestanding sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.  
(Ord. No. 1998-09, § 6, 6-9-1998; Ord. No. 1999-13, § V, 8-10-1999; Ord. No. 2002-16, 6-24-2002)

**25:402.2. R-120 Low Density Residential.**

A. **Principal permitted uses on the land and in buildings.**

1. Farms, including agriculture, agronomy, animal husbandry, horticulture and silviculture, either on one lot or by lease or easement on several lots, provided that the minimum contiguous land area shall be not less than five (5) acres.
2. Detached single-family dwelling units.
3. Fire and emergency services stations.
4. Churches, synagogues, or other places of worship, including a parish house as an accessory use.
5. Public and private day schools of early childhood, elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
6. Planned Business Developments where shown on the Zoning Map (See Section 25:606 for Standards).
7. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community

25:402.2 BORDENTOWN TOWNSHIP LAND DEVELOPMENT ORDINANCE

residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.

8. Residential Clusters (see Section 25:606 for standards).
9. Public Golf Courses.
10. Markets selling produce grown on the property.

**B. Accessory uses permitted.**

1. Private residential swimming pools (see Section 25:516).
2. Private residential tool shed and storage buildings up to ten feet (10') in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only (See Section 25:508 G.).
4. Tennis courts and similar recreational facilities incidental to the residential use.
5. Off-street parking and private garages and carports.
6. Signs.
7. Farm buildings and uses, including storage buildings, barns, stables and stands for the purpose of display and sale of farm products raised on the premises.
8. Home office occupations.
9. Radio, television and satellite dish antennae (See Section 25:513 for standards).

**C. Maximum building height.** No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except that churches shall not exceed fifty feet (50') in height and except further as provided in Section 25:602.

**D. Area and yard requirements for the R-120 district.**

<u>Principal Building Minimum:</u>	<u>Detached Dwelling Units</u>	<u>Fire &amp; Emergency Services Stations</u>	<u>Churches</u>
Lot Area	40,000 sq. ft. <sup>1</sup>	1 ac.	3 ac.
Lot Frontage	125'	150'	200'
Lot width	125'	200'	200'
Lot depth	125'	200'	300'
Side yard			
(one)	30'	50'	75'
(aggregate)	50'	100'	150'
Front yard	50' <sup>2</sup>	75'	150'
Rear yard	35'	75'	75'

DISTRICT REGULATIONS

25:403

Accessory Building Minimum:

Distance to side line	10'	25'	25'
Distance to rear line	6'	25'	25'
Distance to other building	10'	10'	50'

Maximum:

Building coverage of principal building	20%	10%	8%
Impervious Surface Ratio	0.40	0.50	0.50
Density	.33 per acre	NA	NA

<sup>(1)</sup> Lot area required where either public water or sewerage facilities are not available is a minimum of 60,000 square feet.

<sup>(2)</sup> Front yards may be staggered between 35' and 50' to break up a monotonous view. The setbacks shall be established at the time of preliminary subdivision approval. The final subdivision plan shall show the approved front yard setbacks for each lot.

E. **Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. No parking area or driveway shall be located within six feet (6') of any side or rear property line.

F. **Permitted signs.**

1. Detached dwellings: Information and direction signs. (see Section 25:514).
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) free-standing sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.

(Ord. No. 1999-13, § V, 8-10-1999; Ord. No. 2002-16, 6-24-2002)

**25:403. R-30—Medium Density Residential; R-30R—Medium Density Residential Receiving.**

A. **Principal permitted uses on the land and in buildings.**

1. Farms, including agriculture, agronomy, animal husbandry, horticulture and silviculture, either on one lot or by lease or easement on several lots, provided that the minimum contiguous land area shall be not less than five (5) acres.
2. Detached single-family dwelling units.
3. Fire and emergency services stations.
4. Churches, synagogues, or other places of worship, including a parish house as an accessory use.
5. Public and private day schools of early childhood, elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).

6. Professional offices in the Northern R-30 District along Route 206, as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
7. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.
8. Residential Clusters (see Section 25:606 for standards).
9. Reserved.
10. In the R-30R District only, the base density may be increased up to 3.5 per acre with the transfer of development rights from sending areas in the Township. For the purposes of this section, the sending and receiving tracts shall be considered a non-contiguous Planned Development.
  - (a) Bulk regulations for single family development standard and cluster shall be those of the R-10 District.
  - (b) Planned Community Development shall be permitted as in 25:606C as shown on the Zoning Map.
11. Senior Citizen Developments restricted to those over 55 years of age as conditional uses under N.J.S.A. 40:55D-67. (See Section 25:601 P. for standards.)

**B. Accessory uses permitted.**

1. Private residential swimming pools (see Section 25:516).
2. Private residential tool sheds and storage buildings up to ten feet (10') in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. (See Section 25:508 H.)
4. Tennis courts and similar recreational facilities incidental to the residential use.
5. Off-street parking and private garages and carports.
6. Fences and walls up to three feet (3') in height in front yards and side yards and six feet (6') in height in rear yards except that tennis courts may have fencing up to fifteen feet (15') in height (see Section 25:503 for additional standards).
7. Signs.
8. Farm buildings and uses, including storage buildings, barns, stables and stands for the purpose of display and sale of farm products raised on the premises.
9. Home office occupations.
10. Radio, television and satellite dish antennae (see Section 25:513 for standards).
11. Animal shelters to house domestic pets.

C. *Maximum building height.* No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except that churches shall not exceed fifty feet (50') in height and except further as provided in Section 25:602.

**D. Area and yard requirements for the R-30 district.**

<u>Principal Building Minimum:</u>	<u>Detached Dwelling Units</u>	<u>Fire &amp; Emergency Services Stations</u>	<u>Churches</u>
Lot area	30,000 sq. ft. <sup>(1)</sup>	1 ac.	3 ac.
Lot frontage	125'	150'	200'
Lot width	125'	200'	200'
Lot depth	125'	200'	300'
Side yard			
(one)	30'	50'	75'
(aggregate)	50'	100'	150'
Front yard	50' <sup>(2)</sup>	75'	75'
Rear yard	35'	75'	75'
 <u>Accessory Building Minimum:</u>			
Distance to side line	10'	25'	25'
Distance to rear line	6'	25'	25'
Distance to other building	10'	10'	50'
 <u>Maximum:</u>			
Building coverage of principal building	20%	10%	8%
Impervious Surface Ratio	0.40	0.50	0.50
Density	1.5 per acre	NA	NA

<sup>(1)</sup> Lot area shown is applicable where public water and sewerage facilities are available. The lot area required where either public water or sewerage facilities are not available is a minimum of 60,000 square feet.

<sup>(2)</sup> Front yards may be staggered between 35' and 50' to break up a monotonous view. The setbacks shall be established at the time of preliminary subdivision approval. The final subdivision plan shall show the approved front yard setbacks for each lot.

**E. Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. No parking area or driveway shall be located within six feet (6') of any side or rear property line.

**F. Permitted signs.**

1. Detached dwellings: Information and direction signs. (See Section 25:514.)
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) free-standing sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.

3. For all other signs the maximum height shall not exceed six feet (6') and maximum area shall not exceed two (2) square feet, except for a home occupation sign which shall not exceed four (4) square feet in area.
4. The minimum set back for a sign shall be fifteen feet (15) from all property lines.
5. See Section 25:514 for additional standards.

**G. *Recreational/open space.*** All development pursuant to this section shall set aside forty percent (40%) of the total land area of the tract in open space. The Township may accept such dedication of open space, but nothing contained herein shall require the municipality to accept such dedication. In the event that the open space is not publicly dedicated, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

(Ord. No. 1996-7, § 2, 5-13-1996; Ord. No. 1998-09, § 8, 6-9-1998; Ord. No. 1999-13, § VI, 8-10-1999; Ord. No. 2000-08, § IV, 5-23-2000; Ord. No. 2002-16, 6-24-2002)

**25:404. R-20—Medium Density Residential.**

**A. *Principal permitted uses on the land and in buildings.***

1. Detached single-family dwelling units.
2. Fire and emergency services stations.
3. Churches, synagogues, or other places of worship, including a parish house as an accessory use.
4. Public and private day schools of early childhood, elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
5. Professional offices in lots with frontage along U.S. Route 206, as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
6. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.
7. Residential Clusters (see Section 25:606 for standards).

**B. *Accessory uses permitted.***

1. Private residential swimming pools (see Section 25:516).
2. Private residential tool sheds and storage buildings up to ten feet (10') in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. (See Section 25:508 H.)
4. Tennis courts and similar recreational facilities incidental to the residential use.

5. Off-street parking and private garages and carports.
6. Fences and walls up to three feet (3') in height in front yards and side yards and six feet (6') in height in rear yards except that tennis courts may have fencing up to fifteen feet (15') in height (see Section 25:503 for additional standards).
7. Signs.
8. Home office occupations.
9. Radio, television and satellite dish antennae (see Section 25:513 for standards).
10. Animal shelters to house domestic pets.

C. **Maximum building height.** No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except that churches shall not exceed fifty feet (50') in height and except further as provided in Section 25:602.

D. **Area and yard requirements for the R-20 district.**

	<u>Detached Dwelling Units</u>	<u>Fire &amp; Emergency Services Stations</u>	<u>Churches</u>
<u>Principal Building Minimum:</u>			
Lot area	20,000 sq. ft. <sup>(1)</sup>	1 ac.	3 ac.
Lot frontage	110'	150'	200'
Lot width	110'	200'	200'
Lot depth	110'	200'	300'
Side yard			
(one)	20'	50'	75'
(aggregate)	40'	100'	150'
Front yard	35' <sup>(2)</sup>	75'	75'
Rear yard	35'	75'	75'
<u>Accessory Building Minimum:</u>			
Distance to side line	10'	25'	25'
Distance to rear line	6'	25'	25'
Distance to other building	10'	10'	50'
<u>Maximum:</u>			
Building coverage of principal building	20%	10%	8%
Impervious Surface Ratio	0.45	0.55	0.55
Density	2 per acre	NA	NA

- (1) Lot area shown is applicable where public water and sewerage facilities are available. The lot area required where either public water or sewerage facilities are not available is a minimum of 60,000 square feet.
- (2) Front yards may be staggered to break up a monotonous view. The setbacks shall be established at the time of preliminary subdivision approval. The final subdivision plan shall show the approved front yard setbacks for each lot.

E. **Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. No parking area or driveway shall be located within six feet (6') of any side or rear property line.

F. **Permitted signs.**

1. Detached dwellings: Information and direction signs. (See Section 25:514.)
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) free-standing sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.
3. For all other signs the maximum height shall not exceed six feet (6') and maximum area shall not exceed two (2) square feet, except for a home occupation sign which shall not exceed four (4) square feet in area.
4. The minimum set back for a sign shall be fifteen feet (15') from all property lines.
5. See Section 25:514 for additional standards.

G. **Recreational/open space.** All development pursuant to this section shall set aside thirty percent (30%) of the total land area of the tract in open space. The Township may accept such dedication of open space, but nothing contained herein shall require the municipality to accept such dedication. In the event that the open space is not publicly dedicated, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

(Ord. No. 1996-7, § 3, 5-13-1996; Ord. No. 1998-09, § 9, 6-9-1998; Ord. No. 2002-16, 6-24-2002)

**25:405. R-10—Medium Density Residential; R-8—High Density Residential; R-7—High Density Residential; R-6—High Density Residential.**

A. **Principal permitted uses on the land and in buildings.**

1. Single-family detached dwelling units.
2. Churches, synagogues, or other places of worship, including a parish house as an accessory use.
3. Fire and emergency services stations.
4. Public and private day schools of early childhood, elementary and/or high school grade licensed by the State of New Jersey as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).

5. Professional offices or office buildings as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
6. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.
7. Residential Clusters in the R-10 District, where the Planning Board has determined that clustering will permit the preservation of open space for environmental or recreational purposes and that clustering is in the public interest, and provided that each clustered lot shall meet the minimum standards established for the R-7 District and the standards contained in Section 25:606.

**B. Accessory uses permitted.**

1. Private residential swimming pools (see Section 25:516).
2. Private residential tool sheds not to exceed ten feet (10') in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. (See Section 25:508 H.)
4. Tennis courts and similar recreational facilities incidental to the residential use.
5. Off-street parking and private garages.
6. Fences and walls up to three feet (3') in height in front yards and side yards and six feet (6') in height in rear yards except that tennis courts may have fencing up to fifteen feet (15') in height (see Section 25:503 for additional standards).
7. Signs.
8. Home office occupations.
9. Radio, television and satellite dish antennae (see Section 25:513 for standards).
10. Animal shelters to house domestic pets.

**C. Maximum building height.** No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except that churches shall not exceed fifty feet (50') in height and except further as provided in Section 25:602 of this chapter.

**D. Area and yard requirements for the R-10, R-8, R-7 and R-6 districts.**

	<u>R-10</u> <u>District</u>	<u>R-8</u> <u>District</u>	<u>R-7</u> <u>District</u>	<u>R-6</u> <u>District</u>	<u>Fire &amp;</u> <u>Emergency</u> <u>Services</u> <u>Stations</u>	<u>Churches</u>
<u>Principal Building</u> <u>Minimum:</u>						
Lot area (sq. ft.)	10,000	8,125	8,000	6,500	1 ac.	3 ac.

DISTRICT REGULATIONS

25:405

	<u>R-10</u> <u>District</u>	<u>R-8</u> <u>District</u>	<u>R-7</u> <u>District</u>	<u>R-6</u> <u>District</u>	<u>Fire &amp;</u> <u>Emergency</u> <u>Services</u> <u>Stations</u>	<u>Churches</u>
Lot frontage	100'	65'	80'	65'	150'	200'
Lot width	100'	65'	80'	65'	200'	200'
Lot depth	100'	100'	100'	100'	200'	300'
Side yard						
(each)	10'	5'	5'	5'	50'	75'
(aggregate)	25'	15'	14'	13'	100'	150'
Front yard	30'	25'	25'	25'	75'	75'
Rear yard	35'	35'	30'	25'	75'	75'
<u>Accessory Building</u>						
<u>Minimum:</u>						
Side line setback	6'	3'	3'	3'	25'	25'
Rear line setback	4'	3'	3'	3'	25'	25'
Distance to other building	15'	10'	10'	10'	10'	50'
<u>Maximum:</u>						
Building coverage of principal building	25%	30%	30%	30%	10%	8%
Impervious surface ratio	0.50	0.55	0.55	0.60	0.65	0.65
Density	3.75	4.5	4.6	5.7	NA	NA

(1) Lot area shown is applicable where public water and sewerage facilities are available. The lot area required where either public water or sewerage facilities are not available is a minimum of 60,000 square feet.

(2) Front yards may be staggered to break up a monotonous view. The setbacks shall be established at the time of preliminary subdivision approval. The final subdivision plan shall show the approved front yard setbacks for each lot.

**E. Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. No parking area or driveway shall be located within five feet (5') of any side or rear property line.

**F. Permitted signs.**

1. Detached dwellings: Information and direction signs. (See Section 25:514.)
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) free-standing sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.
3. For all other signs the maximum height shall not exceed six feet (6') and maximum area shall not exceed two (2) square feet, except for a home occupation sign which shall not exceed four (4) square feet in area.

4. The minimum set back for a sign shall be fifteen feet (15') from all property lines.
5. See Section 25:514 for additional standards.

G. **Recreational/open space.** All development pursuant to this section shall set aside thirty percent (30%) of the total land area of the tract in open space. The Township may accept such dedication of open space, but nothing contained herein shall require the municipality to accept such dedication. In the event that the open space is not publicly dedicated, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

(Ord. No. 1992-4, § 2, 4-28-1992; Ord. No. 1996-7, § 4, 5-13-1996; Ord. No. 2002-16, 6-24-2002)

**25:406. A/T—Multiple Family Development.**

**A. Principal permitted uses on the land and in buildings.**

1. Detached single-family dwelling units, subject to the R-8 District standards.
2. Farms, including agriculture, agronomy, animal husbandry, horticulture and silviculture, either on one lot or by lease or easement on several lots, provided that the minimum contiguous land area shall be not less than five (5) acres.
3. In the PUD (A/T) and REOI (A/T) zones, apartments at a maximum density of 20 units per acre with a 20% minimum set-aside of affordable units under Section 1100 and COAH regulations (See Section 25:603 for design standards).
4. Townhouses at a maximum density of 10 units per acre with a 20% minimum set-aside of affordable units under Section 1100 and COAH regulations (See Section 25:603 for design standards).
5. Churches, synagogues, or other places of worship, including a parish house as an accessory use.
6. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
7. Fire and emergency services stations (see Sections 25:403 D., E. and F.).
8. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.

**B. Accessory uses permitted.**

1. Private residential swimming pools (see Section 25:516).
2. Private residential tool sheds not to exceed ten feet (10') in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. (See Section 25:508 H.)

4. Tennis courts and similar recreational facilities incidental to the primary use.
5. Off-street parking and private garages.
6. Fences and walls up to three feet (3') in height in front yards and side yards and six feet (6') in height in rear yards except that tennis courts may have fencing up to fifteen feet (15') in height (see Section 25:503 for additional standards).
7. Signs.
8. Farm buildings and uses, including storage buildings, barns, stables and stands for the purpose of display and sale of farm products raised on the premises.
9. Home office occupations.
10. Radio, television and satellite dish antennae (see Section 25:513 for standards).
11. Animal shelters to house domestic pets.

C. **Maximum building height.** No dwelling unit shall exceed thirty-five feet (35') and two and one half (2.5) stories in height and no townhouse or apartment building shall exceed thirty-five feet (35') and three (3) stories in height, except as provided in Section 25:602.

D. **Area and yard requirements for the A/T districts.**

	<u>Detached</u> <u>Dwelling Units</u>	<u>Apartments &amp;</u> <u>Townhouses</u>
<u>Principal Building Minimum:</u>		
Lot area	8,125 sq. ft.	10 ac.
Lot frontage	65'	300'
Lot width	65'	300'
Lot depth	100'	300'
Side yard		
(each)	5'	50'
(aggregate)	15'	150'
Front yard	25'	100'/40'
Rear yard	35'	50'
<u>Accessory Building Minimum:</u>		
Distance to side line	3'	50'
Distance to rear line	3'	50'
Distance to other building	10'	10'
<u>Maximum:</u>		
Building coverage of principal building	30%	2%
Impervious Surface Ratio	0.55	0.55
Density	N/A	8 units/acre

E. **Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. No parking area or driveway shall be located within twenty-five feet (25') of any tract property line for apartments and/or townhouse developments or within five feet (5') of any side or rear property line for other permitted uses.

F. **Permitted signs.**

1. Detached dwellings: Information and direction signs. (See Section 25:514.)
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) free-standing sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.
3. For all other signs the maximum height shall not exceed six feet (6') and maximum area shall not exceed two (2) square feet, except for a home occupation sign which shall not exceed four (4) square feet in area.
4. The minimum set back for a sign shall be fifteen feet (15') from all property lines.
5. See Section 25:514 for additional standards.

G. **Low and moderate income housing requirements.**

1. At least twenty percent (20%) of the total number of residential dwellings within an A/T Multiple Family Development shall be subsidized or otherwise made affordable to 'low' and 'moderate' income households as defined in Section 25:1100 of this Chapter.
2. See Section 25:1100 for additional standards and requirements.

H. **Recreational/open space.** All development pursuant to this section shall set aside thirty-five percent (35%) of the total land area of the tract in open space. The Township may accept such dedication of open space, but nothing contained herein shall require the municipality to accept such dedication. In the event that the open space is not publicly dedicated, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

(Ord. No. 1996-7, § 5, 5-13-1996; Ord. No. 1998-09, § 12, 6-9-1998; Ord. No. 2002-16, 6-24-2002)

**25:406.1. PUD/A/T.**

Areas zoned PUD/A/T may be developed as part of PUD's or with multifamily development as prescribed in Section 25:406.

(Ord. No. 1998-09, § 7, 6-9-1998)

**25:406.2. REOI/A/T.**

Areas zoned REOI/A/T may be developed as prescribed in Section 25:410 or Section 25:406.

(Ord. No. 1998-09, § 7, 6-9-1998)

**25:407. PO—Professional Office.****A. Principal permitted uses on the land and in buildings.**

1. Detached single-family-dwelling units.
2. Funeral homes.
3. Local service activities such as barber and beauty shops, tailors, dry cleaning and laundering operations, appliance repair shops, shoe repair shops and upholsterers.
4. Banks, including drive-in facilities.
5. Professional offices limited to doctors, dentists, architects, engineers, lawyers, real estate agents, insurance brokers or similar professional uses.
6. Child care centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
7. Restaurants.
8. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family-care homes for elderly and physically disabled adults. The requirements for such residences shall be the same as for single-family dwelling units within this zone.
9. Mixed uses of any of the above.

**B. Accessory uses permitted.**

1. Private residential swimming pools in rear yards-only (see Section 25:516).
2. Private residential tool sheds not to exceed ten feet (10') in height.
3. Usual recreational facilities associated with the residential uses.
4. Off-street parking and private garages.
5. Fences and walls not exceeding three feet (3') in height in front yards and side yards and not exceeding six feet (6') in height in rear yards except that tennis courts may have fencing a maximum of fifteen feet (15') in height (see Section 25:503 for additional standards).
6. Signs.
7. Home office occupations.
8. Radio, television and satellite dish antennae (see Section 25:513 for standards).
9. Equipment storage and maintenance buildings.

**C. Maximum building height.** No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except as provided in Section 25:602.

**D. Area and yard requirements for the PO district.**

	<u>Detached Dwelling Unit</u>	<u>Non-Residential Unit</u>
<u>Principal Building Minimum:</u>		
Lot area	10,000 sq. ft.	10,000 sq. ft.
Lot frontage	100'	100'
Lot width	100'	100'
Lot depth	100'	100'
Side yard (each)	10'	10'
(aggregate)	25'	25'
Front yard	30'	30'
Rear yard	35'	35'
<u>Accessory Building Minimum:</u>		
Distance to side line	10'	10'
Distance to rear line	35'	35'
Distance to other building	10'	10'
<u>Maximum:</u>		
Building coverage of principal building	25%	25%
Impervious Surface Ratio	0.75	0.75
Floor Area Ratio	N/A	0.25

**E. General requirements for non-residential uses.**

1. One building may contain more than one use provided that the total lot coverage of the combined uses does not exceed the maximums specified for this district.
2. At least the first five feet (5') adjacent to any street right-of-way line shall not be used for parking and shall be planted and maintained in lawn area, ground cover or landscaped with evergreen shrubbery.
3. No merchandise, products, unenclosed waste, equipment or similar material or objects shall be displayed or stored outside.
4. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground-cover, seeding or plantings and maintained in good condition.
5. Where permitted non-residential uses occupy any portion of a building or lot, a minimum buffer area of fifteen feet (15') in width shall be provided along any common property line with a residential district or residential use. A combination of berming and evergreen trees, a minimum of eight to ten feet (8'-10') in height and twelve feet (12') on center in a double staggered row when planted shall be required. Fencing may also be used to enhance the buffer. (see section 25:506 E. for additional standards).

F. **Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508.

G. **Minimum off-street loading for non-residential uses.**

1. Each individual use shall provide off-street loading and unloading areas according to the minimum standards set forth in Section 25:508.
2. The need, location and design for trash and garbage locations shall be considered and determined at the time of site plan review.

H. **Permitted signs.**

1. Detached dwellings:
  - a. Information and direction signs. (See Section 25:514.)
  - b. The maximum height shall not exceed six feet (6') and maximum area shall not exceed two (2) square feet, except for a home occupation sign which shall not exceed four (4) square feet in area.
  - c. The minimum set back for a sign shall be fifteen feet (15') from all property lines.
2. Churches, schools, farms, fire and emergency services stations and other public or quasi-public institution may have one (1) free-standing sign not to exceed ten feet (10') in height and not to exceed sixteen (16) square feet in area.
3. Each permitted non-residential, school or church, fire or emergency services use may have one (1) sign either free-standing or attached, not exceeding an area equivalent to five percent of the front facade or sixteen (16) square feet, whichever is smaller.  
Free-standing signs shall be located no closer than fifteen feet (15') to any lot line, and shall not exceed six feet (6') in height. Where an individual activity has direct access from the outside, a sign not exceeding one (1) square foot identifying the name of the activity may also be attached to the building at the entrance to the activity.
4. See Section 25:514 for additional standards.

(Ord. No. 1997-05, § V, 9-9-1997; Ord. No. 1999-13, § VII, 8-10-1999; Ord. No. 2002-16, 6-24-2002)

**25:408. CC—Community Commercial; HC—Highway Commercial.**

A. **Principal permitted uses on the land and in buildings.**

1. Retail sales of goods and services.
2. Garden centers engaged in the retail sales of living plant material and related garden equipment, vegetation and produce. Outside areas for [the] storage, sale and display [of living plant material] shall conform to all bulk and design requirements for the zone.
3. Banks, including drive-in facilities.
4. Offices and office buildings.

5. Restaurants, bars and taverns.
6. Hotels and Motels as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
7. Car Washes as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
8. Health clubs, bowling alleys, skating rings and other similar indoor recreational activities.
9. Legitimate theaters in the HC District Only.
10. Shopping centers comprised of the preceding uses in the HC District Only.
11. Automobile sales through franchised new car dealers in the HC District Only.
12. Service stations as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
13. Public Utility Uses as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
14. Clubs, fraternal organizations and lodges which are non-profit uses established for eleemosynary and/or civic purposes in the HC District only.
15. Adult uses in the HC District only as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
16. Self-Storage or Mini-Warehouse Facilities in the HC District only as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
17. Billboards as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
18. Child care centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
19. Mixed uses of any of the above.
20. Retail uses of over 5,000 sq. ft. as a conditional use when any lot used abuts a Township public right-of-way subject to the following:
  - (a) Whenever there is a higher category right-of-way abutting the site, that shall be the primary access.
  - (b) Whenever there is a higher category right-of-way abutting the site, the use shall front on that roadway.
  - (c) There shall be a full traffic impact statement submitted including the impact on adjacent intersections and on the abutting Township right-of-way with ameliorative measures to be taken by the applicant. When any such ameliorative measures require approvals from other governmental agencies, the local reviewing boards may mandate those approvals be obtained prior to local approval.

21. Residential uses in the HC Zone under the bulk regulations of the R-20 Zone subject to the condition that they existed lawfully as of July 1, 1999. However, said properties shall still be considered nonconforming uses.
22. The property may be developed as a Planned Development in accordance with Section 25:606.

**B. Accessory uses permitted.**

1. Off-street parking.
2. Fences and walls (see Section 25:503 for standards).
3. Signs.
4. Garages and storage buildings.
5. Temporary construction trailers and one (1) sign not exceeding seventy-five (75) square feet, advertising the prime contractor, subcontractor(s), financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided the trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from all street and lot lines.
6. Radio, television and satellite dish antennae (see Section 25:513 for standards).

**C. Maximum building height.**

1. No building shall exceed thirty feet (30') in height and two and one half (2.5) stories except as allowed in Section 25:602.
2. A building used exclusively for offices or hotels is permitted up to fifty-five feet (55') or five (5) stories in height, subject to the conditions and restrictions set forth in Section 25:602.

**D. Area and yard requirements for CC and HC Districts.**

<u>Principal Building Minimum:</u>	<u>Individual Uses</u>	<u>Individual Uses</u>	<u>Shopping Centers</u>
	<u>CC District</u>	<u>HC District</u>	<u>HC District<sup>(1)</sup></u>
Lot area	0.25 ac.	1 ac.	8 ac.
Lot frontage	100'	150'	400'
Lot width	100'	150'	400'
Lot depth	100'	150'	400'
Side yard			
(one)	10'	25'	100'
(aggregate)	25'	N/A	N/A
Front yard	25'	75'	100'
Rear yard	35'	50'	100'
<u>Accessory Building Minimum:</u>			
Distance to side line	10'	20'	100'

Distance to rear line	35'	35'	100'
Distance to other building	15'	20'	20'

Maximum:

Floor Area Ratio	0.25	0.20	0.20
Impervious Surface Ratio	0.75	0.75	0.75

<sup>(1)</sup> More than one (1) principal building shall be permitted. All buildings shall be separated by a minimum of twenty feet (20'), provided that the separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of fifty feet (50') where any part of the separation is to be used for parking or vehicular circulation. The separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of the walkway extends between the buildings.

**E. General requirements.**

1. One (1) building may contain more than one (1) use provided that the total floor area ratio and lot coverage of the combined uses does not exceed the maximums specified for the district and, further, that each use occupies a minimum gross floor area of seven hundred fifty (750) square feet.
2. At least the first twenty feet (20') adjacent to any street line and ten feet (10') adjacent to any lot line in the CC District and at least the first fifty feet (50') adjacent to any street line and fifteen feet (15') adjacent to any lot line in the HC District shall not be used for parking and shall be planted and maintained in lawn area or ground cover and landscaped with evergreen shrubbery.
3. No merchandise, products, unenclosed waste, equipment or similar material or objects shall be displayed or stored outside, except for permitted garden centers.
4. No on-site storage of waste shall be permitted for more than ninety (90) days.
5. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition. In any case, no less than forty (40%) percent of the total lot area within the CC District and no less than forty-five (45%) percent of the total lot area within the HC District shall be landscaped, including any permanent water area.
6. The minimum setback area shall include a planted buffer of fifty feet (50') in width in the GC Districts, along with any common property line with a residential district. A combination of berming and evergreen trees, a minimum of eight to ten feet (8'-10') in height and twelve feet (12') on center in a double staggered row when planted shall be required. Fencing may also be used to enhance the buffer. (see section 25:506 E. for additional standards).
7. Any new development of 5,000 square feet or more in the HC Zone, on a lot which has frontage on any right-of-way in addition to Route 130 or Route 206, shall submit a full traffic impact study including the impact on adjacent intersections and residential

areas, ameliorative measures that can be taken, and status of any NJDOT reviews of those measures. No local approval shall be given until NJDOT approval is granted for such improvements as are necessary to minimize those impacts.

F. **Minimum off-street parking.** Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by computing individually the parking requirements for each different activity and adding the resulting numbers together. No parking area or driveway shall be located within five feet (5') of any side or rear property line in the CC District or within ten (10) feet of any property line within the HC District. Complete building perimeter parking is prohibited.

1. Retail and service activities, banks and offices shall provide parking at the ratio of one (1) parking space per two hundred (200) square feet of net habitable floor area or part thereof. Additionally, drive-in banks shall provide room for at least twelve (12) automobiles per drive-in window and/or lane for queuing purposes.
2. Garden centers shall provide parking at the ratio of six (6) spaces per one thousand (1,000) square feet of net habitable floor area of buildings plus one-half (.5) space per one thousand (1,000) square feet of outside storage, sale or display area.
3. Restaurants, bars and taverns shall provide one (1) parking space for every three (3) seats.
4. Theaters shall provide one (1) parking space for every three (3) seats.
5. Automobile sales shall provide ten (10) spaces for customer convenience separated from vehicular displays and not used by employees.
6. Shopping centers shall provide parking at the ratio of six and one-half (6.5) parking spaces per one thousand (1,000) square feet of net habitable floor area.
7. Parking areas for individual 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.
8. See Section 25:508 for additional standards.

G. **Minimum off-street loading and unloading.**

1. Each principal use shall provide for off-street loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering and shall provide that area at the side or rear of the building. Each space shall be at least fifteen feet by forty feet (15' x 40') and at least one (1) space shall be provided for each building. Additional spaces may be necessary and required dependent upon the specific activity. There shall be no loading or unloading from the street.
2. There shall be at least one (1) trash and garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within

the building or in a pick-up location outside the building which shall be a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of all three.

If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area(s), provided the container in no way interferes with or restricts loading and unloading functions.

**H. Permitted signs.**

1. **Uses in the CC district:** One free-standing sign for each improved public right-of-way abutting the site in addition to any facade signage permitted. If free-standing, the sign shall be set back from all street and property lines a distance equivalent to one (1) linear foot for each one and one-half (1.5) square feet of sign area. Where a principal use occupying at least seven hundred fifty (750) square feet of segregated area has direct access, from the outside, a sign not exceeding four (4) square feet in area, identifying the name of the activity, may also be attached to the building at the entrance. The height of the sign shall not exceed sixteen feet (16').
2. **Uses in the HC district:** Each principal commercial building not part of a shopping center or each shopping center may have one free-standing sign for each improved public right-of-way abutting the site in addition to an attached sign shall ((1) major sign, either free-standing or attached) not exceed five (5%) percent of the front facade of the principal building or seventy-five (75) square feet, whichever is smaller. Free-standing signs shall be set back at least thirty (30) feet from all street and property lines. Where a principal use occupying at least seven hundred fifty (750) square feet of segregated area has direct access from the outside, a sign not exceeding eight (8) square feet in area identifying the name of the activity shall be permitted )the height of the sign shall not exceed sixteen feet (16')).

(Ord. No. 1996-2, § 3, 3-11-1996; Ord. No. 1998-08, § 3, 5-19-1998; Ord. No. 1998-09, § 13, 6-9-1998; Ord. No. 1999-13, § IX, 8-10-1999; Ord. No. 1999-15, § II, 11-9-1999; Ord. No. 2000-05, § II.1, 5-9-2000; Ord. No. 2000-08, § IV, 5-23-2000)

**25:409. GC-I—General Commercial and GC-II—General Commercial.**

**A. Principal permitted uses on the land and in buildings.**

1. Banks, including drive-in facilities.
2. Retail sales of goods and services.
3. Offices and office buildings with multi-tenant space.
4. Restaurants, bars and taverns.

5. Limited manufacturing of a type which carry on processes within completely enclosed buildings including the manufacture, assembly or treatment of products from previously prepared materials.
6. Wholesale distribution centers and warehouses.
7. Child care centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
8. Professional Offices or Office Buildings in the GC-I District only, as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
9. Service stations as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
10. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
11. Motels as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
12. Billboards as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
13. Truck stops as Conditional Uses in the GC-II District only, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
14. Truck fuel stations as Conditional Uses in the GC-II District only, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
15. Truck repair stations as Conditional Uses in the GC-II District only, under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
16. Mixed uses of any of the above.
17. Residential uses under the bulk regulations of the R-30 zone subject to the condition that they existed lawfully May 1, 1998.

**B. Accessory uses permitted.**

1. Off-street parking.
2. Fences and walls (See Section 25:503 for standards.)
3. Signs.
4. Garages and storage buildings.
5. Temporary construction trailers and one (1) sign not exceeding seventy-five (75) square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or

one (1) year, whichever is less, provided that the trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from all street and lot lines.

6. Radio, television and satellite dish antennae (see Section 25:513 for standards).

C. **Maximum building height.** No building shall exceed thirty-five feet (35') in height and two and one-half (2.5) stories except as allowed in Section 25:602.

D. **Area and yard requirements for the GC-I and GC-II districts.**

Principal Building Minimum:

Lot area	1 ac.
Lot frontage	150'
Lot width	150'
Lot depth	150'
Side yard	
(one)	25'
(aggregate)	N/A
Front yard	75'
Rear yard	50'

Accessory Building Minimum:

Distance to side line	50'
Distance to rear line	50'
Distance to other building	20'

Maximum:

Building coverage of principal building	0.30
Impervious Surface Ratio	0.75

Note: Except as otherwise provided in Section 25:601, Professional Offices and Office Buildings in the GC-I District shall comply with the area and yard requirements of the PO district.

E. **General requirements.**

1. One (1) building may contain more than one (1) use provided that the total floor area ratio and lot coverage of the combined uses does not exceed the maximums specified for the districts and, further, that each use occupies a minimum gross floor area of seven hundred fifty (750) square feet.
2. At least the first fifty feet (50') adjacent to any street line and fifteen feet (15') adjacent to any lot line in the GC Districts shall not be used for parking and shall be planted and maintained in lawn area or ground cover and landscaped with evergreen shrubbery.

3. No merchandise, products, unenclosed waste, equipment or similar material or objects shall be displayed or stored outside, except for permitted garden centers and trucks if adequately fenced and screened.
4. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition. In any case, no less than forty-five (45) percent of the total lot area within the "GC" Districts shall be landscaped, including any permanent water area.
5. The minimum setback area shall include a planted buffer of fifty feet (50') in width in the GC Districts, along with any common property line with a residential district. A combination of berming and evergreen trees, a minimum of eight to ten feet (8'-10') in height and twelve feet (12') on center in a double staggered row when planted shall be required. Fencing may also be used to enhance the buffer. (see section 25:506 for additional standards).

F. **Minimum off-street parking.** Each individual use shall provide off-street parking spaces according to the standards set forth in Section 25:508. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by computing individually the parking requirements for each different activity and adding the resulting numbers together. No parking area or driveway shall be located within ten feet (10') of any side or rear property line.

G. **Minimum off-street loading.** Each individual use shall provide off-street loading areas according to the standards set forth in Section 25:508.

H. **Permitted signs.**

1. Uses in the GC districts: Each principal commercial building not a part of a shopping center or each shopping center may have one free-standing sign for each improved public right-of-way abutting the site in addition to an attached sign which attached shall not exceed five (5%) percent of the front facade of the principal building or seventy-five (75) square feet, whichever is smaller. Free-standing signs shall be set back at least thirty (30) feet from all street and property lines. Where a principal use occupying at least seven hundred fifty (750) square feet of segregated area has direct access from the outside, a sign not exceeding eight (8) square feet in area identifying the name of the activity shall be permitted. The additional sign(s) shall be either attached flat against the building at the entrance to the activity or suspended in perpendicular fashion from a roof over a common walkway. Suspended signs shall be no closer than eight (8) feet at their lowest point to the finished grade below.

2. See Section 25:514 for additional standards.

(Ord. No. 1996-2, § 4, 3-11-1996; Ord. No. 1998-08, § 5, 5-19-1998; Ord. No. 1999-13, § VII, 8-10-1999)

**25:410. REO—Research, Engineering and Office.**

**A. Permitted principal uses on the land and in buildings.**

1. Farms, provided that the minimum contiguous land area shall be not less than five (5) acres.
2. Offices and office buildings with multi-tenant space.
3. Limited manufacturing plants of a type which carry on processes within completely enclosed buildings, including manufacture, assembly or treatment of products from previously prepared material.
4. Laboratories of an experimental, research or testing nature which carry on processes within completely enclosed buildings and which do not produce noticeable noise, vibrations, smoke, dust, odors, heat or glare outside the building.
5. Wholesale distribution centers and warehouses.
6. Subdivided "Development Parks" on tracts of land at least 20 acres in area comprised of any permitted or conditional uses, except billboards, as permitted in the zone.
7. Hotel/Conference Center and Motels as conditional uses only under N.J.S.A. 40:55D-67 (See Section 25:601 for standards).
8. Public utility uses as conditional uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).
9. Billboards as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601).
10. Child care centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
11. Restaurants.
12. Mixed uses of any of the above.
13. Truck service subject to the following conditions:
  - a. The properties must front on Rising Sun Road between Rt. 295 and Old York Road.
  - b. The depth from the Rising Sun Road right-of-way shall not exceed 400 ft.
14. Residential uses under the bulk regulation of the R-30 zone subject to the condition that they existing lawfully as of May 1, 1998.
15. Planned Business Developments-Residential where shown on the Zoning Map (see Section 25:606 for standards).
16. The property may be developed as a Planned Development in accordance with Section 25:606.

**B. Accessory uses permitted.**

1. Off-street parking.

2. Fences and walls (see Section 25:503 for standards).
3. Signs.
4. Temporary construction trailers and one sign not exceeding one hundred (100) square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with issuance of a Certificate of Occupancy or one year, whichever is less, provided the trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from all street and lot lines.
5. Employee cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees of the principal use designated on the site plan as approved by the Board.
6. Radio, television and satellite dish antennae (see Section 25:513 for standards).

C. **Maximum building height.** No building in the REO District shall exceed forty-five (45) feet and three (3) stories in height except as provided in Section 25:602.

**D. Area and yard requirements for REO District.**

	<u>Lots Not Within Subdivided Development Parks</u>	<u>Lots Within Subdivided Development Park</u>
<u>Principal Building Minimum:</u>	REOI	REOI
Lot area	3 ac.	2 ac. <sup>(1)</sup>
Lot frontage	200'	200'
Lot width	200'	200'
Lot depth	200'	200'
Side yard (each)	50' <sup>(2)</sup>	40' <sup>(2)</sup>
Front yard	50' <sup>(3)</sup>	50'
Rear yard	50' <sup>(2)</sup>	40' <sup>(2)</sup>
 <u>Accessory Building Minimum:</u>		
Distance to side line	50' <sup>(2)</sup>	40' <sup>(2)</sup>
Distance to rear line	50'	40'
Distance to other building	50'	50'
 <u>Maximum:</u>		
Floor Area Ratio	0.30	0.40
Impervious Surface Ratio	0.60	0.65

<sup>(1)</sup> The minimum lot size for lots subdivided as part of an approved Park Development may be one (1) acre in area provided that the average lot size of all lots within the Park be at least two (2) acres in area.

- (2) Or not less than twice the height of the building when abutting a residential district.
- (3) Or not less than twice the height of the building.

**E. General requirements.**

1. Within the required front yard and at least forty feet (40') adjacent to any street line and twenty-five feet (25') to any side or rear lot line, there shall be no parking and, except for access driveways, the area shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery. Complete building perimeter parking is prohibited.
2. No merchandise, products, unenclosed waste, equipment or similar material or objects shall be displayed or stored outside except that outside storage of non-hazardous materials is permitted if it is suitably screened by fencing, wall, plantings or a combination thereof and if the outside storage area does not exceed twenty-five percent (25%) of the coverage of the principal building.
3. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition.
4. The minimum setback area shall include a planted buffer of fifty feet (50') in width in the GC Districts, along with any common property line with a residential district. A combination of berming and evergreen trees, a minimum of eight to ten feet (8'-10') in height and twelve feet (12') on center in a double staggered row when planted shall be required. Fencing may also be used to enhance the buffer. (see section 25:506 E. for additional standards).

**F. Minimum off-street parking.** Each individual use shall provide off-street parking as set forth in Section 25:508.

**G. Minimum off-street loading.** Each individual use shall provide off-street loading areas as set forth in Section 25:508.

**H. Signs.**

1. Office buildings, research and engineering activities shall be permitted one (1) sign which shall be not larger than the equivalent of five percent (5%) of the area of the front wall of the building or seventy-five (75) square feet, whichever is smaller. If attached, the sign shall be attached flat against the building and shall not be higher than the roof line; if free-standing, the sign shall not exceed sixteen feet (16') in height and shall be set back at least thirty feet (30') from all property and street right-of-way lines. See Section 25:514 for additional standards.
2. Each subdivided development park may have one (1) sign along each arterial or collector road which the tract in question abuts, provided that there exists at least two hundred fifty feet (250') of unbroken frontage. The sign(s) shall not exceed sixteen feet (16') in height, shall be set back from the street rights-of-way, driveways and property

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lines at least fifty feet (50'), shall not exceed an area of one hundred (100') square feet, and shall be used only to display the development's name. See Section 25:514 for additional standards.

(Ord. No. 1996-2, § 5, 3-11-1996; Ord. No. 1997-05, § II, 9-9-1997; Ord. No. 1998-08, § 6, 5-19-1998; Ord. No. 1999-13, § VIII, 8-10-1999; Ord. No. 2000-05, § II.1, 5-9-2000; Ord. No. 2001-10, § 8-27-2001)

SECTION 500

**GENERAL PROVISIONS AND DESIGN  
STANDARDS**

- 25:501. Accessory Buildings and Structures.
- 25:502. Drainage.
- 25:503. Fences, Walls and Sight Triangles.
- 25:503.1. Impact Fee-Housing.
- 25:504. Lighting.
- 25:505. Lot Configuration.
- 25:506. Natural Features/Landscaping.
- 25:507. Nonconforming Lots, Structures and Uses.
- 25:508. Off-street Parking, Loading Areas and Driveways.
- 25:509. Performance Standards for All Uses.
- 25:510. Principal Use.
- 25:511. Public Utilities.
- 25:512. Sanitary Sewers and Septic Systems.
- 25:513. Radio, Television and Satellite Dish Antennae.
- 25:514. Signs.
- 25:515. Streets, Curbs and Sidewalks.
- 25:516. Swimming Pools.
- 25:517. Water Supply.
- 25:518. Recreational/Open Space.
- 25:519. Large-Scale Removal of Top Soil.
- 25:520. Telecommunication Tower Sites.

**25:501. Accessory Buildings and Structures.**

A. *Accessory buildings as part of principal buildings.* Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the buildings.

B. *Accessory buildings and structures not to be constructed prior to principal building.* No construction permit shall be issued for the construction of an accessory building or structure, other than construction trailers, storage sheds or farm accessory buildings prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide until the construction of the accessory building or structure, the Construction Official shall revoke the construction permit for the accessory building or structure until the construction of the main building has proceeded substantially toward completion.

C. *Distance between adjacent buildings and structures.* The minimum distance between an accessory building or structure and any other building(s) or structure(s) on the same lot shall be as prescribed in Sections 25:400 and 25:600 except that no poultry or livestock shelter (excluding dog runs or other shelters for household pets) shall be erected, used or located closer than one hundred feet (100') to any dwelling on the same lot.

D. *Height of accessory buildings and structures.* The height of accessory buildings shall be a maximum of twenty-five feet (25') unless otherwise specified in Sections 25:400 and 25:600.

E. *Location.* An accessory building or structure may not be erected in required front yards and shall be set back from side and rear lot lines as prescribed in Section 25:400 except that if erected on a corner lot, the accessory building or structure shall be set back from the side street to comply with the set back line applying to the principal building for that side street and except further that no poultry or livestock shelter (excluding dog runs or other shelters for household pets) shall be erected, used or located closer than one hundred feet (100') to any property line.

**25:502. Drainage.**

All streets shall be provided with manholes, catch basins and pipes where they may be necessary for proper drainage. The requirements of this Section shall not be satisfied with the construction of dry wells. It is intended that all applicants shall comply with the applicable portions of the "Land Development Review Resolution" of Burlington County and with the "New Jersey Department of Transportation Specifications for Road and Bridge Construction" and the requirements of the Burlington County Soil Conservation District, as well as the following provisions.

- A. The system shall be adequate to carry off the storm water and natural drainage water which originates not only within the lot or tract boundaries, but also that which originates beyond the lot or tract boundaries in their current state of development. The

system shall be extended along the full length of any road improvement. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems to create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions. Over the sidewalk, under the sidewalk and/or through the curb drains for the purpose of disposing sump pump runoff is prohibited. These facilities must outlet into an adequate watercourse or drainage system.

- B. Techniques for computing water run-off shall be as follows and all submissions shall include drainage calculations and drainage area maps.
  - 1. Collection System: Rational method 25 year storm frequency. All runoff designed to flow into the detention basins shall do so by underground or overland systems designed for a 100 year storm.
  - 2. Detention systems, retentions systems, flood plain storage and swales.  
Soil Conservation Service TR55.
- C. Bridges and culverts shall be designed for 100 year storm minimum flow capacities.
- D. All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with the specifications of the "New Jersey Department of Transportation Specifications for Road and Bridge Construction", current edition, and any supplements, addenda and modifications thereto unless otherwise specified by the reviewing municipal agency. Modifications or changes of these specifications may be requested by the applicant but may be implemented only with the knowledge and written consent of the Township Engineer after discussion with the reviewing municipal agency.
- E. Pipeline Design: Storm sewer pipelines shall be designed by the following method based on the Manning equation and shall utilize the friction factor (n) of 0.015 for reinforced concrete pipe. Allowances will be made for flow contributions from underdrain systems. The minimum allowable pipe size is fifteen inches (15").
  - 1. Pipeline Flowing full:
    - a. Gravity Flow: This method is based on the assumption that the hydraulic gradient will match the inside top of the pipe when the system is under maximum hydraulic load.
    - b. Surge Flow: For this method, inlet losses, outlet losses, and friction losses through piping shall be calculated to verify the capacity of any existing or proposed drainage systems which can not pass the design flows by gravity flow.
    - c. The minimum slope of any pipe shall be such that a minimum velocity of 2.5 fps shall be maintained when the pipe is flowing 1/2 full.
    - d. When the pipe sizes change, the inside tops of the pipes shall be matched.

- e. Continuous profiles for each reach of pipe run. This information shall include the pipe size and type.
- F. Inlet Design: Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 400 feet or any shorter distances as required to prevent the flow of surface water from exceeding five (5) cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum four hundred foot (400') intervals throughout the system and at pipe junctions where there are no drainage inlets.
1. Storm water inlets shall be equal to New Jersey State Department of Transportation inlet Type "B" with Campbell Foundry Pattern number 2618 Bicycle safe frame and grate. The maximum collection capacities of the inlets shall be considered to be:
    - a. When installed on streets where the grade is less than 1.00% 5 Cu. ft. per Sec.
    - b. When installed all streets where the grade is 1.00% to 2.00% 4.8 Cu. Ft. per Sec.
    - c. When installed all streets where the grade is 2.00% to 3.00% 4.6 Cu. ft. per Sec.
    - d. When installed all streets where the grade is 3.00% to 4.00% 4.4 Cu. ft. per Sec.
    - e. When installed all streets where the grade is 4.00% to 5.00% 4.2 Cu. ft. per Sec.
    - f. When installed all streets where the grade is 5.00% to 6.00% 4.0 Cu. ft. per Sec.
    - g. Sumps 8 Cu. ft. per Sec.
  2. Sufficient inlets shall be located and constructed so that the length of surface run-off will not introduce a flow to the inlet exceeding the preceding designated collecting capacities.
  3. The grate of all inlets shall be set two inches (2") below the gutter grade. The surface of the paving adjacent to the inlets shall be constructed to blend into the lowered gutter grade at the inlet in such a manner that a sudden dropoff or dip at the inlet will not be created.
  4. Where surface water is collected from two (2) directions at (1) street corner, inlets shall be placed at, or near, the tangent points of both ends of the radius. The use of one inlet in the radius shall not be allowed.
  5. Access manholes shall be spaced at 400 feet intervals (maximum) through rights-of-way and at sewer junctions where there are no catch basins and at all changes in grade and direction.

- G. Lots shall be graded away from the building(s) at a minimum two per cent (2%) grade in order to secure proper drainage. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow and water shall not flow across adjacent property lines at greater than pre-development rates.
- H. Detention or retention basins will be required to hold storm water runoff so that discharge from the site will not exceed predevelopment rates. A waiver of this provision may be granted when the applicant shows that the additional runoff resulting from the proposed development will be negligible. Detention Systems must meet the water quality standards of the State of New Jersey.

No detention or retention basin shall be constructed unless approved by the Planning Board or the Zoning Board of Adjustment as part of a site-plan approval.

The required storage in the basin must be for all storms, including the 100 year storm, with basin outflow limited to predeveloped flows for all storms.

Detention basin berms (minimum of 10' at top) constructed of fill shall be provided with an emergency spillway set at or above the maximum water surface elevation for a 100 year storm and shall be designed for a maximum flow into the basin.

The emergency spillway shall be designed for a maximum crest elevation of 6 inches plus 1 foot minimum free board.

The exposed surface of the spillway shall be appropriately designed for integrity at the maximum crest elevation.

Predevelopment flows for open space, undeveloped or cultivated areas shall be calculated using the curve numbers for "Good Meadow". For woodlands use Woodland curve numbers.

Detention basins shall be constructed with side slopes not greater than or equal to 3 horizontal to 1 vertical.

All detention or retention basins must be enclosed by a four-foot (4') high chain-link fence with a self-latching gate. The required chain-link fence must be a non-climbable fence and comply with mesh-size standards provided in Section 421.10.1 of the BOCA building code. Landscaping may be required around the fence as determined by the Planning Board or the Zoning Board of Adjustment as the appropriate Board deems proper for the particular application during the required site-plan review.

For certain commercial developments, a gas/oil separator may be required prior to discharge of storm water into the basin.

Reinforced concrete flow channels shall be provided for all basins with bottom slopes less than 2%.

- I. Open Channel Design:
  - 1. Open ditches or channels will not be permitted unless approved by the Township Engineer or when the design capacity requires a fifteen-inch (15") diameter pipe

or larger. Where permitted, open channel design shall be based upon the following hydraulic considerations.

<i>Material</i>	<i>Velocity</i>
Fine Sand & Firm Loam	2.0 to 3.5 FPS
Stiff Clay & Hardpan	3.75 to 6.0 FPS
Concrete Lined Ditch	15 FPS

2. The channel shall be designed to conform, wherever possible, to the adjacent ground conditions, i.e. it should not be projecting excessively above the surrounding ground or placed excessively below the surrounding ground. Ample freeboard shall be provided on all channels.
  3. Continuous profiles for each reach of open channel shall be plotted, along with the adjacent average ground and the hydraulic information pertinent to each reach within the system. This information shall include the type of channel lining, the "n" factor, the width of the channel bottom, the side slopes, the water depth, the design capacity and the velocity at the design capacity.
  4. Open channels shall have a maximum side slope of three to one (3:1) and shall have adequate slope protection as required by the Burlington County Soil Conservation District.
- J. When required by the Township and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Township where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream. The drainage right-of-way easement shall conform substantially with the lines of the watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map or Master Plan. The easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Land Development Ordinance of Bordentown Township".
- K. For site plan submissions consisting of fifty (50) acres or more and subdivision submissions consisting of fifty (50) lots or more, the applicant shall provide an analysis of any additional water which will drain from the site as a result of the proposed site plan and/or subdivision; that analysis to specifically document the anticipated impact that the increased water flow will have upon existing drainage structures located between the site and the downstream municipal boundary line(s).
- (Ord. No. 1992-4, § 2, 4-28-1992; Ord. No. 2001-02, § III, 5-21-01)

#### **25:503. Fences, Walls and Sight Triangles.**

- A. **Permit required.** No person shall erect a fence or wall without first having obtained a permit therefor.

B. **Application requirements.** An applicant for a permit to erect a fence or wall shall submit the following information to the Administrative Officer unless the request for the fence or wall has been approved as part of a site plan application:

1. Applicant's name and address.
2. Block and lot number of the property on which the fence or wall is to be erected.
3. Name and address of the property owner, if different from that of the applicant.
4. Sketch or survey of the property showing the proposed fence or wall.
5. Description of the fence or wall, including height and construction material. If the fence or wall is not of a standard type, a sketch or photograph shall be supplied.

C. **Permit fee.** The fee for a permit (Section 25:900) shall be submitted with the application.

D. **Action on the application.** The Administrative Officer shall review each application to determine whether the proposed fence or wall meets the requirements of this Chapter. If the proposed fence or wall meets the requirements, the permit shall be issued; otherwise it shall be denied. Reasons for denial shall be set forth in writing. The Administrative Officer may refer any fence or wall permit application to the Planning Board for advice and comment. All permit applications shall be acted upon within ten (10) days after submission, or after the first Planning Board meeting following a referral thereto, as the case may be.

E. **Requirements for fences and walls.**

1. All fences shall be situated on a lot so that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, nor constructed of any material or in any manner which may be dangerous to persons or animals.
2. On any lot in any district no fence shall be erected or altered so that the fence shall be over three feet (3') in height in side and front yards and six feet (6') in height in rear yards, except as otherwise provided herein, except for corner lots where a fence of six feet (6') in height may be erected in one (1) front yard up to the setback line for the other front yard or front building line of the principal structure whichever is less and only if the required sight triangle is provided.
3. A dog run may have fencing up to six feet (6') in height provided it is located in rear yards only and is set back from any lot line at least fifteen feet (15').
4. A private residential swimming pool area must be surrounded by a fence at least four feet (4'), but no more than six feet (6') in height. Swimming pool areas shall be located in rear yards only and the fence shall meet the applicable requirements of the New Jersey State Uniform Construction Code.

5. A tennis court area, located in rear yards only, may be surrounded by a fence a maximum of fifteen feet (15') in height; fence to be set back from any lot line the distance required for accessory buildings in the zoning district as stipulated in Section 25:400 or Section 25:600.
6. Farm fences are permitted to be four feet (4') in height in both side and front yards and shall not require fence or construction permits.
7. Buffer areas shall comply with Section 25:804. Off-street parking, loading and driveway access shall comply with Section 25:508.
8. All detention or retention basins must be enclosed by a four-foot (4') high chain-link fence with a self-latching gate. The required chain-link fence must be a non-climbable fence and comply with mesh-size standards provided in Section 421.10.1 of the BOCA building code. Landscaping may be required around the fence as determined by the Planning Board or the Zoning Board of Adjustment as the appropriate Board deems proper for the particular application during the required site-plan review. Detention or retention basins shall comply with Section 25:502.

F. **Sight triangles.** Sight triangle easements shall be required at intersections, in addition to the specified right-of-way widths, in which no grading, planting or structure shall be erected or maintained more than twelve inches (12") above the street centerline, except for street signs, fire hydrants and light standards.

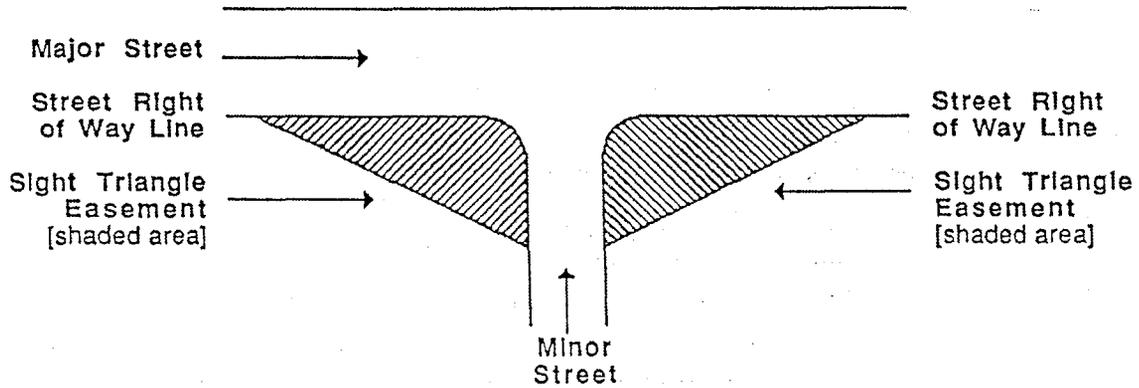
The sight triangle is defined as that area outside of the street right-of-way which is bounded by the intersecting street lines and the straight line connecting "sight points", one each located on the two intersecting street centerlines.

The distances for the sight triangle line at intersections without traffic control shall be based on the authorized speed limit on that street in accordance with the following table:

<i>Speed (mph)</i>	<i>Distance (feet)</i>
10	45
15	75
20	90
25	110
30	130
35	155
40	180
50	220
60	260
70	310

For streets controlled by a "STOP" sign, the sight triangle legs shall be established along the street with the STOP controlled approach from a point fifteen feet (15') behind the curbline extended of the intersecting through road to a point ten times (10x) the prevailing speed limit along the intersecting major road. (See the Institute of Transportation Engineers' Transportation and Traffic Engineering Handbook, current edition.)

The applicable provisions of the Land Development Review Resolution of Burlington County shall apply.



The easement dedication shall be expressed on the plat or plan as follows: "Sight triangle easement dedeed for purposes provided for and expressed in the Land Development Ordinance of Bordentown Township".

(Ord. No. 1998-08, § 7, 5-19-1998; Ord. No. 2001-02, § II, 5-21-2001)

**25:503.1. Impact Fee-Housing.**

A. **Purpose.** In *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution subject to the Council on Affordable Housing's (COAH) developing rules. The purpose of this ordinance is to establish standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees.

B. **Retention of fees.** Any fees collected prior to December 13, 1990 shall be retained by Bordentown Township pursuant to COAH's rules regarding the retention of development fees.

C. **Residential development fees.** Within the R-40, R-30, R-20, R-10, R-8, R-7, R-6, R-120, and PO zones, developers shall pay a development fee of one-half of one percent of the equalized assessed value of any eligible residential activity pursuant to Section E. of this ordinance. Any PCD, PUD, or A/T is subject to the fee, if approved or reapproved by amendment, without affordable units.

D. **Non-residential development fees.** Developers within REO, GC-I, GC-II, HC, CC, PO, PBD, or PBD-R zones shall pay a fee of one percent of equalized assessed value for eligible non-residential activities pursuant to Section E. of this ordinance.

**E. Exemptions.**

1. Developers who have tax credits or other subsidies for the construction of low- and moderate-income units shall be exempt from paying development fees.
2. Developers that have received preliminary or final approval prior to the effective date of this ordinance shall be exempt from paying a development fee unless the developer seeks a major subdivision and site-plan approval.
3. Any improvement of existing residential development shall be exempt from development fees.
4. Any improvement of nonresidential development shall be exempt from development fees.
5. Inclusionary developments shall be exempt from development fees.
6. Developers of churches, synagogues, public-nonprofit and private-nonprofit uses, or nonprofit hospitals shall be exempt from development fees.

**F. Collection of fees.**

1. Developers shall pay 50 percent of the calculated development fee to Bordentown Township at the issuance of building permits. The development fee shall be estimated by the tax assessor prior to the issuance of building permits.
2. Developers shall pay the remaining fee to Bordentown Township at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the tax assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at issuance of building permit.

**G. Housing trust fund.** There is hereby created an interest bearing housing trust fund in a bank to be approved by the Court or COAH for the purpose of receiving development fees from residential and non-residential developers. All development fees paid by developers pursuant to this ordinance shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH or a court of competent jurisdiction.

**H. Use of funds.**

1. Money deposited in a housing trust fund may be used for any activity approved by the Court or COAH for addressing Bordentown Township's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low and moderate income housing, extensions and/or improvements of roads and infrastructure to low and moderate income housing sites, assistance designed to render units more affordable to low and moderate income households and

## 25:503.1 BORDENTOWN TOWNSHIP LAND DEVELOPMENT ORDINANCE

administrative costs necessary to implement Bordentown Township's housing element. The expenditure of all money shall conform to a spending plan approved by COAH or a count of competent jurisdictions.

2. No more than 20 percent of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include: personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment.

(Ord. No. 1998-09, § 14, 6-9-1998; Ord. No. 2001-04, 7-23-2001)

### **25:504. Lighting.**

A. Street lighting of a type supplied by the utility and of a type and number approved by the Township Engineer shall be provided for all street intersections and along all arterial, collector and local streets and anywhere else deemed necessary for safety reasons. Wherever electric utility installations are required to be underground, the applicant shall provide for underground service for street lighting.

B. All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, multiple family or other uses having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare lights focused downward. The light intensity provided at ground level shall be indicated in foot-candles on the submitted site plans and shall average at least five tenths (0.5) foot candles at intersections. Refer to Illumination Guidelines for other areas to be illuminated. Lighting shall be provided by fixtures with a mounting height not more than twenty-five feet (25') or the height of the building, whichever is less, measured from the ground level to the centerline of the light source, spaced a distance not to exceed five times (5x) the mounting height.

C. Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine into windows or onto streets and driveways in a manner as to interfere with or distract driver vision. The intensity of the light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets.

D. For the purpose of application of the appropriate standards from the IES Lighting Handbook, the following definitions shall be used:

1. ***Area classification:***

- a. ***Commercial.*** That portion of a municipality in a business development where ordinarily there are large numbers of pedestrians during business hours.

- b. **Intermediate.** That portion of a municipality often characterized by a moderately heavy nighttime pedestrian activity such as in blocks having libraries, community recreation centers, large apartment buildings or neighborhood retail stores.
  - c. **Residential.** A residential development, or a mixture of residential and commercial establishments, characterized by a few pedestrians at night. This definition includes areas with single family homes, townhouses and/or small apartment buildings.
2. **Activity level:**
- a. **High activity.** Major league athletic events, major cultural or civic events and major regional shopping centers.
  - b. **Medium activity.** Fast food facilities, area shopping centers, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, and residential complex parking.
  - c. **Low activity.** Local merchant parking, industrial employee parking, educational facility parking.
3. **Bikeway classification:**
- a. **Type A bikeway.** A strip within or adjacent to a public roadway or shoulder, used for bicycle travel.
  - b. **Type B bikeway.** An improved strip identified for public bicycle travel and located away from a roadway or its adjacent sidewalk system.

**IES ILLUMINATION GUIDELINES  
for  
STREET, PARKING AND PEDESTRIAN AREAS**

<i>A. Street Illumination</i>			
<i>Area Classification</i>			
<b>Street Hierarchy</b>	<b>Commercial Footcandles</b>	<b>Intermediate Footcandles</b>	<b>Residential Footcandles</b>
Collector	1.2	0.9	0.6
Minor-Residential subcollector	0.9	0.6	0.4
Local	0.6	0.4	0.4

<i>B. Parking Illumination (Open Parking Facilities)</i>			
<i>Illumination Objective</i>			
<b>Level of Activity</b>	<b>Vehicular Traffic Footcandles</b>	<b>Pedestrian Safety Footcandles</b>	<b>Pedestrian Security Footcandles</b>
Low Activity	0.5	0.2	0.8
Medium Activity	1.0	0.6	2.0
High Activity	2.0	0.9	4.0

<i>C. Pedestrian Way Illumination</i>			
<b>Walkways and Bikeway Classifications</b>	<b>Minimum Average Footcandles</b>	<b>Average Levels for Special Mounting Heights 3 to 5 Meters (9 to 15 feet) Footcandles</b>	<b>Average Levels for Pedestrian Security Mounting Heights 5 to 10 meters (15 to 30 feet) Footcandles</b>
<b>Sidewalks (roadside) and Type A bikeways</b>			
Commercial Areas	0.9	2.0	4.0
Intermediate Areas	0.6	1.0	2.0
Residential Areas	0.2	0.4	0.8
<b>Walkways distant from roadways and Type B bikeways</b>			
Park walkways and bikeways	0.5	0.6	1.0
Pedestrian Tunnels	4.0	5.0	—
Pedestrian Overpasses	0.3	0.4	—
Pedestrian Stairways	0.6	0.8	—

**25:505. Lot Configuration.**

A. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

B. Each lot must front upon an improved street.

C. All lots shall be suitable for the purpose(s) of their intended use. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or flood conditions, percolation tests or test borings indicating the ground conditions to be inadequate for proper sewage disposal for on-lot sewage treatment or similar circumstances, the Board, after adequate investigation and receipt of a written report by the Township Board of Health, may withhold approval of the lots. If approval is withheld, the Board shall give reasons and notify the applicant and enter the same in the minutes.

D. Concrete monuments shall be installed on both sides of all streets and elsewhere in accordance with the requirements of the New Jersey Map Filing Act.

### **25:506. Natural Features/Landscaping.**

#### **A. Purpose.**

1. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.
2. Landscaping may include plant materials such as trees, shrubs, ground cover, perennials, and annuals and other materials such as rocks, water, sculpture, art, walls, fences, and building and paving materials.

B. **Landscape plan.** A landscape plan prepared by a professional licensed by the State of New Jersey and authorized by law to prepare the landscape plan shall be submitted with each site plan application. The plan shall identify existing and proposed trees, shrubs, ground cover, natural features such as rock outcroppings, and other landscaping elements. The plans should show where they are or will be located and planting and/or construction details. When existing natural growth is proposed to remain, the applicant shall include in the plans the proposed methods to protect existing trees and growth during and after construction.

#### **C. Site protection and general planting requirements.**

1. **Topsoil preservation.** Topsoil moved during the course of construction shall be redistributed on all regarded surfaces so as to provide at least six inches (6") of even cover to all distributed areas of the development and shall be stabilized by seeding or planting.
2. **Removal of debris.** All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips they may, subject to approval of the municipal engineer, be used as mulch in landscaped areas.

3. ***Protection of existing plantings.*** Maximum effort should be made to save fine specimens (because of size or relative rarity). No material or temporary soil deposits shall be placed within four feet (4') of shrubs or ten feet (10') of trees designated to be retained on the preliminary and/or final plan. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet (4') high and constructed of a durable material that will last until construction is completed. Snow fences and slit fences are examples of acceptable barriers.
4. ***Slope plantings.*** Landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot (1') vertically to three feet (3') horizontally shall be planted with ground covers appropriate for the purpose and soil conditions, water availability and environment.
5. ***Additional landscaping.*** In residential developments, besides the screening and street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy, or for aesthetic reasons in accordance with a planting plan approved by the Planning Board and taking into consideration cost constraints. In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of a site plan approved by the Planning Board.
6. ***Planting specifications.*** Deciduous trees shall have at least a two and one-half inch (2.5") caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable; and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead or dying plants shall be replaced by the developer during the following planting season.
7. ***Plant species.*** The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size. Street trees may be selected by referring to guidelines that may be adopted by the Planning Board by Resolution.
8. ***Tree protection.*** The purpose of this section is to establish protective regulations for trees within the Township of Bordentown in order to control problems of flooding, soil erosion, air and noise pollution; to protect the public health, safety, and welfare of the citizenry of the Township; and to promote quality development in the Township. The

intent of this section is to encourage the protection of the greatest number of trees and of large specimen trees throughout the Township. The following standards should be utilized:

a. **Definitions.**

**Disturbance Zone:** That portion of a lot covered by existing or proposed buildings, structures, or improvements and within a certain distance around them as noted below:

- 1). House or building—Fifteen (15) feet (around all sides)
- 2). Detached garage—Eight (8) feet
- 3). Pool—Twelve (12) feet
- 4). Driveway/Sidewalk—Five (5) feet
- 5). Septic fields—Ten (10) feet
- 6). Underground utility—Five (5) feet
- 7). Paved parking/drive aisle—Five (5) feet
- 8). Shed—Five (5) feet
- 9). Patio/Deck—Eight (8) feet
- 10). Improvement (other)—Five (5) feet

**Specimen Tree:** Any tree with a diameter of eighteen (18) inches and greater, regardless of genus and species.

**Tree-Protection Zone:** That portion of a lot outside of the Disturbance Zone.

**Tree Removal:** The cutting down of a tree, the transplanting of a tree to a site other than that under development, or the infliction of damage to a tree that is of such severity as to show evidence within a period of two (2) years of irreparable harm leading to the ultimate death of a tree. Examples of serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials, and soil compaction; changing the natural grade above or below the root system and around the trunk; damage inflicted on the tree permitting fungus infection or past infestation; excessive pruning; excessive thinning; paving with concrete, asphalt, or other impervious material within proximity as to be harmful to the tree.

- b. **Tree-protection-management plan.** A Tree-Protection-Management Plan must be submitted at the time of site plan or subdivision application, pursuant to this Chapter, if there are one (1) or more live trees proposed to be cut or removed from the property. A Tree-Protection-Management Plan shall contain the following information on a plot plan:

- (1) Location of all existing or proposed buildings, driveways, grading, septic fields, easements, underground utility lines, rights-of-way, and other improvements.
- (2) Location of existing natural features, including wooded areas, water courses, wetlands, and floodplains.

- (3) The limits of the tree-protection zone.
- (4) Location of all existing live trees, with trunk diameters eight (8) inches or greater, measured four and one-half (4½) feet above ground level. Each tree shall be noted by its species, size, and general health condition.

Whenever possible, the actual canopy spread shall be shown. If it must be estimated, the canopy shall equal one and one-half (1½) feet of diameter per one (1) inch of trunk diameter. If the trees to be preserved are part of the wooded area, only the outermost canopy line need be shown, unless disturbance is proposed, then individual trees located within fifty (50) feet of the proposed edge of the woodland shall be shown.

- (5) Each tree, or mass of trees, to be removed or transplanted shall be clearly marked.
- (6) A chart tabulating the diameter inches being removed, the required compensatory trees.
- (7) Specifications for the removal of existing trees and for the protection of existing trees to be preserved, including detail(s) of the tree-protection fencing, as required.

c. ***Compensatory planting.***

- (1) In the event that preservation of existing trees within the tree-protection zone is impossible and/or relocation of improvements impractical, then compensatory planting shall be required for each live tree within the protection zone, and each specimen tree anywhere on the site.
- (2) Trunk diameters shall be measured according to the following guidelines:
  - a. For single trunked shade trees, at a point four-and-one-half (4½) feet above ground level.
  - b. For single trunked ornamental trees, at a point twelve (12) inches above ground level.
  - c. For evergreen trees, at a point twelve (12) inches above ground level.
  - d. For multi-trunked trees that branch between one (1) and four and one-half (4½) feet above ground level, at a point just below the split.
  - e. For multi-trunked trees that branch below one (1) foot above grade, the diameter shall be sixty (60) percent of the sum total of all trunks measured at a point four and one-half (4½) feet above ground level.
- (3) Compensatory trees shall be provided in the following ratios. These standards are applicable to both deciduous and evergreen trees. Compensation is not required for shrubs, unless otherwise required by the Planning Board.
  - a. For trees eight (8) to seventeen (17) inches in diameter, one (1) new tree shall be provided for every one (1) existing tree cut or removed.
  - b. For trees eighteen (18) to thirty (30) inches in diameter, two (2) new trees shall be provided for every one (1) existing tree cut or removed.

- c. For trees thirty-one (31) inches in diameter or greater, three (3) new trees shall be provided for every one (1) existing tree out or removed.
  - d. For existing street, one (1) tree shall be replanted in the street tree planting strip.
- (4) Compensatory trees shall be three to three and one half (3—3½) inches in caliper. Evergreen and ornamental trees may be substituted at a ratio of two (2) to one (1) shade trees, for up to fifty (50) percent of the requirement. Alternative types of compensatory plantings may be permitted, when approved by the Board.
  - (5) Locations of compensatory trees must be clearly labeled on the Landscape Plan. They may be placed anywhere on the site, but they are in addition to other required trees.
  - (6) In the event that the Applicant establishes to the satisfaction of the Planning Board that constraints incident to the land itself (including, without limitation, extreme topography, unsuitable soils, rock outcrops and existing dense canopy) render it impractical to provide the required number of compensatory trees, then, at the election of the Planning Board, the Applicant shall:
    - a. Install a portion of the required compensatory trees on other public lands within the Township; and/or
    - b. Contribute to the Township the estimated cost of those trees which cannot practically be installed on the property for later installation of trees on public lands; and/or
    - c. Install fewer, however, larger or more valuable compensatory trees on the lot with an aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of compensatory trees.

**D. *Street trees.***

- 1. ***Location.*** Street trees shall be installed on both sides of all streets in accordance with the approved landscape plan. The trees shall be installed between the curb and sidewalk when a grass area of at least six (6) feet in width is provided. If the distance between the curb and sidewalk is less than six (6) feet, the street trees shall be installed five (5) feet behind the sidewalk. When curbs and sidewalks are not provided or proposed, the street trees shall be setback eight (8) feet from the edge of paving. Trees shall either be massed at critical points or spaced evenly along the street, or both. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size, as follows:

<i>Tree Size (in feet)</i>	<i>Planting Interval (in feet)</i>
Large Trees (40+)	40—50
Medium Trees (30—40)	35—40
Small Trees (to 30)	25—35

When the spacing interval exceeds 40 feet, small ornamental trees can be spaced between the larger trees. If a street canopy effect is desired, trees may be planted closer together, following the recommendation of a certified landscape architect. The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easements, or street lights. Tree location, landscaping design, and spacing plan shall be approved by the Planning Board as part of the landscape plan.

2. **Tree type.** Tree type may vary depending on overall effect desired, but as a general rule, all trees shall be the same kind on a street, except to achieve special effects. Selection of tree type shall be approved by the Planning Board using the guide "Shade Trees for Street Planting." The Planning Board may adopt, by Resolution, a "Schedule of Recommended Street Trees" for the guidance of developers.
3. **Planting specifications.** All trees shall have a minimum caliper classification of two and one-half inches (2.5") to three inches (3") and they shall be nursery grown, of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the applicant during the next planting season.

#### E. **Buffering.**

1. **Function and materials.** Buffering shall provide a year-round visual screen in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations to achieve the stated objectives.
2. **When required.** Buffering shall be required when topographical or other barriers do not provide reasonable screening and when the Planning Board determines that there is a need to shield the site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light, and traffic. (This determination requires careful consideration of local conditions. For instance, approximate mixing of uses may be appropriately permitted in certain areas. The determination as to the need for buffering and the type of buffering required is not an automatic determination but must be made on the basis of the identified local need.) In small-lot developments, when building design and siting do not provide privacy, the Planning Board may require landscaping, fences, or walls to ensure privacy and screen dwelling units.

Where required, buffers shall be measured from side and rear property lines, excluding access driveways.

- a. A buffer strip of 100 feet in width shall be required when any development abuts or fronts on Crystal Lake, Crosswicks Creek and the Delaware River.
- b. Parking areas, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeter by a buffer strip a minimum of five (5) feet wide.
- c. Where residential subdivisions abut higher-order streets (collectors or arterials) adjacent lots should front on internal streets with landscape buffers from the collector and arterial roads.

F. **Landscaping in parking lots and loading areas.** See Section 25:508 for the applicable standards.

(Ord. No. 1992-4, § 2, 4-28-1992; Ord. No. 2002-01, 3-25-2002; Ord. No. 2002-08, 6-10-2002)

### **25:507. Nonconforming Lots, Structures and Uses.**

#### **A. Lots.**

1. Whenever title to two (2) or more contiguous lots is held by the same owner, regardless of whether or not each of the lots have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law, and one or more of the individual lots should, by reason of exceptional shallowness, topographic conditions, substandard area or yard space or similar measurements, not conform with the minimum lot area and dimension requirements for the zone in which it is located, the contiguous lots of the owner shall be considered as a single lot.
2. Whenever the owner of a lot existing at the time of adoption of this Chapter has dedicated or conveyed land to the Township in order to meet the minimum street width requirements of the Official Map or Master Plan of the Township, the Construction Official shall issue construction and occupancy permits for lots whose depth and/or areas are rendered substandard only because of the dedication and where the owner has no other adjacent lands to provide the minimum requirements.
3. Except as provided in Section 25:507, any existing lot on which a building or structure is located and which does not meet the minimum lot size, or a structure which violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without an appeal for variance relief provided:
  - a. The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this Chapter for the lot in question;
  - b. The total permitted building coverage is not exceeded;
  - c. The accessory building and/or addition do not violate any other requirements of this Chapter such as, but not limited to, height, setback and parking.
4. Any vacant lot existing as a conforming residential lot at the time of the passage of this Chapter, whose area or dimensions do not meet the requirements of the district in

which the lot is located, may have a construction permit issued for a single-family detached dwelling and its permitted accessory uses without an appeal for variance relief provided:

- a. Single-family detached dwellings are a permitted use in that district;
- b. The building coverage limit and parking requirements are met; and,
- c. The yard and height provisions are reduced by the same percentage that the area of the lots bears to the zone district requirements except that no side yard shall be less than either ten feet (10') or half that required by this Chapter, whichever is greater. Additionally, no building shall be set back less than thirty feet (30') from the street right-of-way and no building shall be required to have a height less than twelve feet (12') and one (1) story.

**B. Structures and uses.**

1. Any nonconforming use or structure existing at the time of the passage of this Chapter may be continued upon the lot or in the structure so occupied and any such structure may be repaired in the event of partial destruction thereof.
2. Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure containing a non conforming use. However, no nonconforming structure containing a non conforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal for variance relief.

**C. Abandonment and termination of nonconforming uses.**

1. A nonconforming use that is discontinued for a period of one (1) year shall be presumed to have been abandoned. If contested, the burden shall be on the owner to show that a nonconforming use discontinued for that period has not been abandoned. Other proofs may be shown to establish whether or not a nonconforming use has been abandoned.
2. A nonconforming use is terminated by abandonment, and shall not thereafter be resumed except in conformity with these regulations.

**25:508. Off-street Parking, Loading Areas and Driveways.**

**A. Off-street parking.**

1. **Number of Spaces.**
  - a. An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors.
  - b. For residential developments, off-street parking shall be provided as set forth in the "Residential Off-street Parking Requirements" table.
  - c. For nonresidential developments, off-street parking shall be provided as set forth in the "Non-Residential Off-street Parking Requirements" table.

- d. Each space in a garage shall count as .5 off-street parking spaces and a driveway shall count as one (1) parking space for each 10' x 20' area between the garage door and the right-of-way line, provided that the minimum width of a driveway shall be 20' and the minimum length shall be 25' measured from the right-of-way line to the front of the garage portion of the principal structure. In a cluster development the driveway shall have a minimum length of 36' measured from the right-of-way line to the front of the garage portion of the principal structure. All driveways shall be paved in accordance with the standards set forth in this section, unless the Planning Board, for good cause, shall waive the paving requirement in response to an application specifically requesting that waiver.
- e. Parking areas shall be paved in accordance with the standards set forth in this section and shall be curbed. Concrete work shall be 4,000 psi air entrained Portland Cement Concrete. The Standard Concrete Curb shall be 6" x 8" x 18". Parking areas for individual 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.
- f. Where the total number of off-street parking spaces required may not be immediately required for a particular use, a staged development plan may be permitted which requires that only a portion of the parking area, but not less than sixty-five percent (65%) of the required spaces be completed initially, subject to the following regulations:
  - (1) The site plan shall clearly indicate both the portion of the parking area to be initially paved and the total parking area to be initially paved and the total parking needed to provide the number of spaces required.
  - (2) The site plan shall provide adequate drainage of all parking areas.
  - (3) The portion of the parking area not to be paved initially shall be landscaped in accordance with Section 25:508 A.5.
  - (4) The applicant shall post performance guarantees, in addition to other performance guarantees required, for the cost of additional parking necessary to provide the total number of parking spaces required.
  - (5) A temporary certificate of occupancy may be issued for a period of not more than two (2) years. Prior to the expiration of the two-year period, the applicant either may apply for issuance of a permanent certificate of occupancy or apply to the Board after the use has been in operation at least eighteen (18) months for a determination as to whether the initial parking area provided is adequate. If the Board determines that the parking facility is adequate as originally constructed, the performance guarantees shall be released and a permanent certificate of occupancy issued. If the Board determines that the partial off-street parking area is not adequate, the applicant shall be required to install additional parking facilities in accordance with the terms of the performance guarantees.

- (6) Any change of use on a site for which the planning board may have approved a partial paving of off-street parking areas to a use which requires more parking spaces than are provided on the site shall require submission of a new site plan.
  - g. The floor area occupied in any building or structure as a child care center for which a license is required pursuant to N.J.S.A. 30:5B-1 et seq. shall be excluded in calculating the parking requirements otherwise applicable to that number of units or amount of floor space, as appropriate.
2. **Parking Areas.**
- a. Off-street parking areas shall be oriented to and shall be within a reasonable walking distance of the buildings they are designated to serve. Reasonable walking distances are hereby established as a maximum of:
    - (1) 1,000 feet for employee parking;
    - (2) 500—800 feet for shoppers;
    - (3) 250 feet for non-elderly residents;
    - (4) 150 feet for elderly residents; and
    - (5) 300 feet for guests.
  - b. Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional 2 feet of sidewalk width are provided in order to accommodate that overhang.
  - c. The drainage system for the site shall be designed to accommodate the surface water run-off from all parking and drainage areas, based on the expectation that all those areas are to be paved, whether proposed to be paved as part of the application approval or deferred to a possible future date.
  - d. The applicant shall agree in writing on the submitted plan to pave any or all of the non-paved parking areas should the paved parking areas prove to be inadequate to accommodate the on-site parking needs of the premises.
3. **[Paving.]** All driveways shall be paved and all parking and loading areas and access drives shall be paved in accordance with the requirements below and shall be curbed in accordance with the standard set forth in Section 25:508 A.1.e, unless otherwise specified by the Board and approved as part of the subdivision or site plan approval. All parking areas, regardless of size and location, shall be suitably drained and maintained.
- a. Areas of ingress or egress, loading and unloading area, major interior driveways or access aisles and other areas likely to experience heavy traffic shall be paved with not less than four inches (4") of compacted base course of plant mixed bituminous, stabilized base course, constructed in layers of not more than two

inches (2") compacted thickness and prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey Department of Transportation Specifications for Road and Bridge Construction, current edition.

A minimum of two inch (2") compacted wearing surface of bituminous concrete (FABC) shall be constructed thereon in accordance with the New Jersey Department of Transportation Specifications for Road and Bridge Construction, current edition.

The Planning Board may require higher standards where it determines that the higher standards are appropriate for the use of the subject premises.

- b. Residential driveways and other areas likely to experience similar light traffic shall be paved with not less than one of the following:
  - (1) A minimum of three inches (3") of compacted base course of plant mixed bituminous, stabilized base course, prepared and constructed in accordance with Section 304, of the New Jersey Department of Transportation Specifications for Road and Bridge Construction, current edition.
  - (2) A minimum of two inches (2") thick compacted wearing surface of bituminous concrete (FABC) shall be constructed in accordance with Section 404, of the New Jersey Department of Transportation Specifications for Road and Bridge Construction, current edition.

The Planning Board may require higher standards where it determines that the higher standards are appropriate for the use of the subject premises.

- c. Where subgrade conditions of proposed parking and loading areas are wet, springy or of such a nature that surfacing would be inadvisable without first treating the subgrade, the treatment of the subgrade shall be made in the following manner:
  - (1) The areas shall be excavated to a suitable depth below the proposed finished grade and filled with a suitable subgrade material as reasonably determined by the Township Engineer.
  - (2) Where required by the Township Engineer, a system of porous concrete pipe subsurface drains or an alternate solution approved by the Board shall be constructed beneath the surface of the parking area and connected to a suitable drain.
  - (3) After the subbase material has been properly placed and compacted, the parking area surfacing material, as described above, shall be spread thereon.
- 4. **Pavement Markings.** All off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces. The designations shall be shown on the Site Plan.
- 5. **Dimensions of Parking Spaces.**
  - a. Regular parking spaces shall be 9' wide by 18' long.

- b. Parking spaces for the physically handicapped shall be 12' wide by 18' long.
- c. Whenever a proposed site plan includes parking for oversized vehicles, the Board shall establish the dimensions of those parking spaces at the time of Site Plan review, taking into consideration the space needed for safe access to the designated parking areas, visibility for other vehicles making use of parking areas and for pedestrians crossing parking areas.

**RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

<i>Housing Unit Type &amp; Size</i>	<i>Off-Street Parking Required</i>	
Single-family Detached	4.0	
	Common Parking	Parking Requirements for Reserved Spaces with Separate Guest Parking
Garden Apartment 1 Bedroom	1.5	2.0
Garden Apartment 2 Bedroom	2.0	2.5
Garden Apartment 3 Bedroom	2.5	3.0
Townhouse/Condominium 1 Bedroom	1.5	2.0
Townhouse/Condominium 2 Bedroom	2.0	2.5
Townhouse/Condominium 3 Bedroom	2.5	3.0

- a. When determination of the number of parking spaces required by this exhibit results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- b. Requirements for attached units include provision for guest parking.
- c. At the time of Site Plan review, the developer shall designate whether the parking is to be on the basis of Common Area Parking or on the basis of Reserved Spaces with Separate Guest Parking. Once the Site Plan has been approved, any change in the treatment of parking shall require approval of an amended Site Plan.

**NON-RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

<i>Non-Residential Land Uses*</i>	<i>Required Off-Street Parking</i>
Assembly Operations	1 per 800 sq. ft. GFA
Automobile Sales	1 per 300 sq. ft. GFA of sales office plus showroom, but not less than ten (10) spaces
Bowling Alley	4.5 per alley
Car wash (automatic)	26 per washing lane for stacking and at least 3 spaces plus 1 per employee for parking

<i>Non-Residential Land Uses*</i>	<i>Required Off-Street Parking</i>
Car wash (self-service)	3 per washing lane for stacking and at least 3 spaces plus 1 per employee for parking
Church/Synagogue	1 per 3 seats
Conference Center	1 per 3 seats
Emergency Services (Fire & Ambulance)	1 per 100 sq. ft. GFA
Fiduciary institutions	1 per 200 sq. ft. GFA plus at least 7 stacking spaces per drive-in window
Finishing Operations	1 per 800 sq. ft. GFA
Golf Course (regulation)	4 per tee, plus 1 per employee
Golf Course (miniature)	2.5 per hole, plus 1 per employee
Golf Driving Range	1.5 per tee, plus 1 per employee
Health Club	1 per 200 sq. ft. GFA
Hotel/Motel	1 per guest room plus 1 per employee in addition to the parking for any ancillary use on the site (restaurant, conference center, etc.)
Industrial	1 per 800 sq. ft. GFA
Library	1 per 300 sq. ft. GFA
Manufacturing	1 per 300 sq. ft. GFA
Medical Center	1 per 150 sq. ft. GFA
Mini-warehouse/Self-Storage	1 per 100 storage units plus 1 per employee, but not less than 3 spaces
Neighborhood Convenience Center Under 400,000 sq. ft. GLA	4 per 1,000 sq. ft. GFA
Nightclub/Tavern	1 per 3 seats
Nursery/Garden Center	1 per 200 sq. ft. GFA, including buildings, display and sales areas.
Offices Under 10,000 sq. ft. GFA 10,000—49,999 sq. ft. GFA 50,000—99,999 sq. ft. GFA 100,000+ sq. ft. GFA	5 per 1,000 sq. ft. GFA 4.5 per 1,000 sq. ft. GFA 4.25 per 1,000 sq. ft. GFA 4 per 1,000 sq. ft. GFA
Receiving	1 per 5,000 sq. ft. GFA
Recreational facility (Indoor) (includes Community Center)	1 per 3 seats plus 1 per employee or 1 per 200 sq. ft. GFA whichever is greater
Research	1 per 1,000 sq. ft. GFA
Restaurant	1 per 3 seats plus 1 per employee

<i>Non-Residential Land Uses*</i>	<i>Required Off-Street Parking</i>
Fast Food Establishments	1 per 3 seats plus 1 per employee and at least 7 stacking spaces per drive-in window
Retail Store	1 per 200 sq. ft. GFA
Schools	
Elementary	2 per classroom; plus 1 per teacher & staff
Intermediate	1.5 per classroom; plus 1 per teacher & Staff
Secondary	4 per classroom; plus 1 per teacher & staff.
Service Station	4 per bay & work area plus 1 per employee
Shipping	1 per 5,000 sq. ft. GFA
Shopping Center	
Under 400,000 sq. ft. GLA	4 per 1,000 sq. ft. GLA
400,000—599,999 sq. ft. GLA	4.5 per 1,000 sq. ft. GLA
600,000+ sq. ft. GLA	5 per 1,000 sq. ft. GLA
Skating Rink	8 per 1000 sq. ft. GFA
Sports Fields	50 spaces per field
Soccer, Football, Baseball, Softball	
Storage Areas	1 per 5,000 sq. ft. GLA
Swimming Pool (community)	2 per 3 family memberships plus 1 per employee; or 1 per 100 sq. ft. of developed recreation area plus 1 per employee
Tennis Court	2 per single court, or 1.5 per court where 2 or more courts are present
Theater	1 per 3 seats
In shopping center	1 per 4 seats
Warehouse	1 per 5,000 sq. ft. GFA

\*For any use not listed, the off-street parking requirements shall be set by the Board at the time of Site Plan review.

**B. Minimum off-street loading.**

- Each Activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering and shall provide that area at the side or rear of the building. Each space shall be at least 15' x 60' and a minimum of one space shall be provided for each building. Where a loading area is to be designated at right angles to a building thereby providing a loading dock, the loading dock area shall be at least 12' x 60'. Additional spaces may be necessary and required dependent upon the specific activity. There shall be no loading or unloading from the street.
- There shall be at least one trash and garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within

the building or in a pick-up location outside the building which shall be a durable totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area provided the container in no way interferes with or restricts loading and unloading functions. Moreover, if located outside the building, the container shall be situated on the same horizontal plane as the driveway providing access to the container.

C. **Lighting.** Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and public streets and shall be in accordance with Section 25:504.

D. **Paving and curbing.**

1. All parking and loading areas and access drives shall be paved as provided below except that the Board, at the request of the applicant and in consideration of the specific parking needs of the applicant, may permit a reduction in the paved area devoted to parking provided:
  - a. The plan shall include all parking spaces required by this Chapter and shall designate those spaces to be paved and those requested not to be paved.
  - b. All parking areas not to be paved shall be suitably landscaped and the landscaping shall be indicated on the submitted plan and be in addition to landscaping otherwise required or necessary.

E. **Access.** The center lines of any separate access points shall be spaced a minimum distance apart in accordance with the authorized speed limit along the road as set forth on the following chart:

<i>Speed Limit (mph)</i>	<i>Minimum Spacing (feet)</i>
30	100
35	160
40	210
45	300
50	350

No access point shall handle no more than four (4) lanes of traffic, two (2) in-bound lanes and two (2) out-bound lanes. The access points shall be at least twenty feet (20') from any property lines; and shall be set back from the street line of any intersecting street at least fifty feet (50') or one-half the lot frontage, whichever is greater, except that in no case need the setback distance exceed two hundred feet (200'). Continuous open driveways in excess of sixteen feet (16') at the street line shall be prohibited except that two-way driveways serving non-residential uses and multiple-family developments shall be at least twenty-four feet (24') wide.

In all instances, due consideration to the proposed width, curbing, direction of traffic flow, radius of curves and method of dividing traffic lanes shall be given. Curbing shall be depressed at the driveway and the curbing may be rounded at the corners.

**F. Location of parking and loading.**

1. Parking spaces may be on, above or below the surface of the ground. When parking spaces are provided within a garage or other structure, that structure shall adhere to the proper accessory or principal building setbacks, as applicable.
2. The provision of parking spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Aisles providing access to parking areas shall have the following minimum dimensions:

<i>Angle of Parking Space</i>	<i>One-Way Aisle</i>	<i>Two-Way Aisle</i>	<i>Parking Modules*</i>			
			<i>Wall to Wall</i>		<i>Interlock-to-Interlock</i>	
			<i>One-Way</i>	<i>Two-Way</i>	<i>One-Way</i>	<i>Two-Way</i>
90°	25'	25'	61'	61'	61'	61'
60°	18'	25'	54'	62'	51'	59'
45°	15'	22'	48'	55'	44'	51'
30°	12'	20'	44'	52'	40'	48'
parallel	12'	20'	28'	36'	28'	36'

\*As defined in the current edition of Traffic Engineering Handbook, published by the Institute of Transportation Engineers.

If the angle is different on both sides of the aisle, the large aisle width shall prevail.

**G. Parking and storage of recreational units and recreational vessels in residential districts and on properties in other districts used for residential purposes.**

Recreational units and recreational vessels may be parked or stored in residential districts, and on properties in other districts used for residential purposes, outside the confines of a building only in accordance with the following:

1. This parking and storage is permitted only to occupants of the property on which the recreational units and recreational vessels are parked or stored, provided, that persons other than the occupants may park (but not store) recreational units and recreational vessels in accordance with this section for periods not to exceed 30 days in any 12 month period.
2. There is no limit on the number of recreational units and/or recreational vessels that may be parked or stored outside the confines of a building, provided, that the ground area actually used for parking or storage shall not, together with the ground area covered by all structures and the ground area covered by all impervious surface, exceed

the applicable impervious surface ratio. A recreational unit parked on an already existing impervious surface shall not be separately counted in determining the impervious surface coverage. A recreational vessel may be parked or stored on a recreational vessel trailer if done in a safe and secure manner. For purposes of this paragraph, the ground area actually occupied by a recreational vessel that is parked or stored on a recreational vessel trailer, rather than the ground area required to park or store the recreational vessel and the recreational vessel trailer separately, shall be considered in determining whether the parking or storage of the recreational vessel and recreational vessel trailer are in accordance with the requirements set forth herein.

3. No recreational unit or recreational vessel shall be stored upon a street. A recreational unit or recreational vessel may be parked on a street only for the purpose of loading and unloading, for a period not to exceed 24 hours in any 48 hour period.
4. A recreational unit or recreational vessel may be parked or stored outside the confines of a building only in the following locations on a lot:
  - a. In the side or rear yard area, in compliance with the minimum distance requirements to side lines and rear lines (but not other buildings) applicable to accessory buildings.
  - b. On the driveway, provided, that a recreational unit or recreational vessel, including the hitch, shall not be parked or stored closer than 2 feet to any sidewalk, or in the absence of a sidewalk, closer than 10 feet to any cartway.
  - c. On a corner lot, in the area, if any, between the setback line and the principal building in the yard adjoining the street which does not run in front of the house.
  - d. Parking or storage of recreational units and recreational vessels is prohibited in any sight triangle. Parking or storage of recreational units and recreational vessels is prohibited in any front yard area except as may be expressly permitted herein.
5. Use of a recreational unit or recreational vessel for living, sleeping or housekeeping purposes, and connection of a recreational unit or recreational vessel to electricity, gas, water or sanitary sewer facilities for purposes of living and sleeping, are prohibited.
6. A recreational unit parked or stored outside the confines of a building shall not be jacked more than 1 inch above the ground measuring from the ground to the underside of the tires, which must be attached to the unit. A jacked unit shall be securely blocked.
7. A recreational vessel parked or stored outside the confines of a building, not on a recreational vessel trailer, shall not be jacked more than 24 inches above the ground measuring from the ground to the lowest point of the vessel.
8. Equipment that does not meet the licensure and insurability requirements set forth in the definitions of the terms "recreational unit" and "recreational vessel" because of its condition, but which can be put in proper condition for licensure and insurability within 60 days and is not unsafe, may nevertheless be parked or stored outside the

confines of a building in accordance with this section for a period of not more than 60 days while the person responsible for parking or storing this equipment is causing it to be put in proper condition for licensure and insurability. The occupant may park or store this equipment for a maximum of two additional 60 day periods by obtaining permits to do so. In no case shall equipment not meeting licensure and insurability requirements be parked or stored outside the confines of a building for more than 180 days in any 12 month period. Parking or storage of unsafe equipment is prohibited.

#### H. *Landscaping.*

1. Except for detached single-family and two-family dwelling units, a screen planting, berm, fence wall or combination thereof, no less than four feet (4') in height, shall be provided between the off-street parking areas and any lot line or street line, except where a building intervenes or where the distance between the areas and the lot line or street line is greater than one hundred fifty feet (150').
2. All loading areas shall be landscaped and screened sufficiently to obscure the view of the parked vehicles and loading platforms from any public street throughout the year. The screening shall be by an extension of the building, a fence, berm, wall, planting or combination thereof and shall not be less than four feet (4') in height.
3. Each off-street parking area shall have a minimum area of 5% equivalent to landscaped and shrubs no higher than three feet (3'). The landscaped areas shall be distributed throughout the parking area in order to break the view of parked cars in a manner not impairing visibility.
4. One shade tree, measuring 2.5" caliper minimum, shall be provided for every three (3) spaces.

(Ord. No. 1992-4, § 2, 4-28-1992; Ord. No. 1992-29, § 2, 12-22-1992)

#### 25:509. Performance Standards for All Uses.

An application for a construction permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a construction permit may be issued with the conditions that no Certificate of Occupancy will be issued until the documentation is submitted with respect to the particular occupant. These provisions shall not apply to any sewage treatment plant approved by the New Jersey Department of Environmental Protection.

- A. **General nuisances.** No land or building in any district which shall be used or occupied for manufacturing purposes shall be operated in a manner which will create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare; or other substance, condition or element which by its presence or intensity would adversely affect the surrounding area or premises so as to be a source of danger and annoyance; thereby constituting either a dangerous or objectionable element at a specified point or points.

- B. **Points for determining dangerous or objectionable elements.** Fire and explosion hazards, radioactivity, electrical disturbances, smoke and other forms of air pollution shall be determined to be dangerous or objectionable elements if they are either dangerous or objectionable to a reasonable person at the point or points where the elements are most apparent. Noise, vibration, glare, odors and all other substances, conditions or elements governed by this section shall be dangerous or objectionable elements if they are either dangerous or objectionable to a reasonable person at the property lines of the use creating the elements.
- C. **Electrical and/or electronic devices.** All electric or electronic devices are subject to the provisions of Federal and State laws and regulations, including 42 U.S.C. § 263b, et seq., "An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation.", and the applicable regulations and guidelines promulgated by the Secretary of the Department of Health and Human Services. Electronic products shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property lines. The applicant, upon request, shall produce certified data wherein measurements made in accordance with the procedures and standards established by the United States Department of Health and Human Services adequately demonstrate compliance with the minimum standards required by law. All other forms of electromagnetic radiation lying between 100 KHz and 10 GHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations. Additionally, electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multi-family dwellings) as the result of the operation of the equipment.
- D. **Glare.** No use shall produce a strong, dazzling light or reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining units, adjoining districts or streets.
- E. **Heat.** No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which could cause the temperature to rise or fall in any body of water, except that this provision shall not apply to any sewerage treatment plant which has received approval by the State Department of Environmental Protection.
- F. **Noise.** Noise levels shall be designated and operated in accordance with local regulations and those rules established by the New Jersey Department of Environmental Protection as they may be adopted and amended.
- G. **Odor.** Odors shall not be discernible at the lot line or beyond.
- H. **Storage and waste disposal.** No provision shall be made for the depositing of materials or waste upon a lot where they may be transferred off the lot by natural causes or forces or where they can contaminate an underground aquifer or otherwise render an underground aquifer undesirable as a source of water supply or recreation or where they will destroy aquatic life. Provision shall be made for all material or

waste which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents, birds, insects or other vectors to be enclosed in appropriate containers to eliminate the hazards. No on-site generated waste shall be retained on the site for more than ninety (90) days.

- I. **Recycling.** Recycling drop-off facilities shall be provided for each building containing more than one residential unit. The specific location of the recycling drop-off facility shall be approved by the Board at the time of site plan review.
- J. **Ventilation.** No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines ten feet (10') or equipped with baffles to deflect the discharged air away from the adjacent use.
- K. **Vibration.** There shall be no vibration which is discernible to the human senses of feeling beyond the immediate lot.
- L. **Fire and explosion hazards.** In every use involving the handling or storage of inflammable or explosive materials, the owner or operator of the use shall provide adequate safety devices against the hazards of fire and explosion and shall also provide adequate fire-fighting and fire suppression equipment and devices reasonably required for the use or industry. The burning of waste materials in open fires is prohibited. The relevant provisions of Federal and State laws and regulations, municipal ordinances and orders of the Fire Official shall also apply.

**25:510. Principal Use.**

Unless otherwise specified in this Chapter, no more than one (1) principal dwelling or building shall be permitted on one lot.

**25:511. Public Utilities.**

A. All public services shall be connected to an approved public utilities system where one exists. The developer shall arrange with the servicing utility for the underground installation of the distribution supply lines and service connections, in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff, as the same are on file with the New Jersey State Board of Public utility Commissioners; provided however, that lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from these overhead lines, but any new service connections from the utilities' overhead lines shall be installed underground. In cases where extension of service are needed to existing or new buildings in established subdivisions or developments, the present method of service may be continued. In the case of existing overhead utilities, however, should a road

widening or an extension of service or any other condition occur as a result of the development and necessitate the replacement or relocation of the utilities, the developer shall cause the replacement or relocation to be underground.

1. Upon submission of preliminary plats or plans for approval, the developer shall present a statement of interest, setting forth all public utility companies to serve the tract and a letter from each company stating that service will be available to the development. Any deviation from the statement of interest shall render null and void any approvals granted by the Township.
2. Prior to the pre-construction meeting proceeding the commencement of construction, the developer shall furnish the Administrative Officer a copy of the agreements with the applicable public utility companies certifying the jurisdiction of the public utility company for the particular portion of the Township; indicating agreement with the proposed utility installation design; and stating who will construct the facility so that service will be available prior to occupancy. The form of the agreement(s) shall be reviewed and approved by the Township Attorney prior to the commencement of construction.
3. The developer shall provide the Township with four (4) copies of a final "as built" plan showing the installed location of the facilities. In accordance with the provisions of Section 25:1003 D.4, the plan shall be certified by a licensed Professional Engineer.

B. Easements along property lines or elsewhere for utility installation may be required. The easements shall be at least twenty feet (20') wide and located in consultation with the companies or Township departments concerned and, to the fullest extent possible, shall be centered on or adjacent to lot lines. The easement dedication shall be expressed on the plat or plan as follows: "Utility right-of-way easement granted for the purposes provided for in the Land Development Ordinance of Bordentown Township."

#### **25:512. Sanitary Sewers and Septic Systems.**

A. Where a public waste water treatment plant and collection system is accessible, or where the facilities are to be constructed as a condition of approval of any application for development, the developer shall construct the waste water treatment facilities and/or sanitary sewer lines and building connections in accordance with New Jersey Department of Environmental Protection permit requirements and in a manner so as to make adequate sewage treatment available to each lot and building within the development.

B. Where, in the written opinion of the Board of Health to the Planning Board or the Zoning Board of Adjustment, as the case may be, the soil characteristics of the subject land are of a quality to permit the use of individual subsurface sewage disposal systems as a temporary means of sewage disposal, they may be approved in the absence of accessibility to a public waste water treatment plant or the construction of the treatment facilities by the developer.

In the event of approval of the use of individual subsurface sewage disposal systems, the Planning Board or the Zoning Board of Adjustment, as the case may be, additionally may

require the installation of sanitary sewer lines, including connections to each building, for future use when public sewage treatment facilities are provided to serve the realty improvements to be constructed in the development.

C. The end fitting of all dry sanitary sewer building connection lines shall have a 'tamper proof' plug or cap, temporarily sealed with a material that can be removed to utilize the fitting when the system is to be activated. The Plumbing Sub-Code Official or the Plumbing Inspector shall affix an adhesive backed disc on the cap or plug bearing a pre-printed message and instructions related to tampering and future use, that will be sufficient to alert and warn the original and subsequent occupants of the building. The capping and plugging shall be performed by the developer who shall be responsible for all costs and expenses related thereto and the message disc shall be provided and attached by Township representatives.

**25:513. Radio, Television and Satellite Dish Antennae.**

**A. Purpose.**

1. To reduce the visual impact of radio, television and satellite dish antennae from surrounding properties and from public streets.
2. To promote a desirable visual environment in the Township through the creative placement and screening of radio, television and satellite dish antenna.

B. **General provisions.** Radio, television and satellite dish antennae proposed to be installed and operated within Bordentown Township shall comply with all of the following general provisions:

1. Licensed radio and television stations and licensed and approved cable television facilities are exempted from compliance with this Section.
2. No radio, television or satellite dish antennae shall be placed on any lot which does not contain a permitted principal structure.
3. A radio, television or satellite dish antennae may be roof-mounted or may be installed on the ground. If roof-mounted, the antennae shall not exceed forty inches (40") in diameter, shall not extend more than four feet (4') above the roof line where it is mounted, and shall be located toward the rear of the structure away from the street line. If mounted on the ground, the antennae shall not exceed twelve feet (12') in diameter, shall not exceed more than fifteen feet (15') above ground level, and shall be located in the rear yard area. If usable satellite signals cannot be received by locating the antenna in the rear yard, the antenna may be located in the side yard, provided that a special satellite use permit is obtained prior to the installation. The permits shall be issued by the Zoning Officer upon a showing by the applicant that usable satellite signals are not receivable from any location in the rear yard. Each ground-mounted antenna shall be set back a distance equivalent to the diameter of the antenna or the setback requirements specified for accessory structures in the zone in which the antenna is located, whichever distance is greater.

4. A satellite dish antenna shall be solid or of mesh type construction, and shall be of a color as to blend in with the immediate natural environment.
5. A ground-mounted antenna shall be effectively screened from adjacent properties with non-deciduous plantings. The location of the plantings shall not interfere with the reception of signals. Plantings shall be selected which, to the greatest extent possible, will blend the antenna to the immediate surrounding area.
6. No lot shall have more than one (1) radio, television or satellite dish antenna. Wires and cables running between the ground-mounted antenna and any structure shall be installed underground. The installation of the antenna shall meet all local, State and Federal requirements, including the State Uniform Construction Code.
7. Portable-mounted satellite dish antennae are prohibited.
8. No antenna shall contain, be used as, or be situated in a manner so as to constitute a sign or advertisement.
9. Radio, television and satellite dish antennae shall be constructed and installed in a manner so as not to interfere with television, radio or similar reception in adjacent and nearby areas.
10. Applications for installation or construction of a radio, television or satellite dish antenna on lots containing one (1) family or two (2) family dwellings shall be subject to review and approval by the Administrative Officer and a construction permit is required. All other radio, television or satellite dish antennae shall require minor site plan approval prior to the issuance of a construction permit.

**25:514. Signs.**

A. **Permit required.** No person shall erect a sign without first having obtained a permit therefor.

B. **Application requirements.** An applicant for a permit to erect a sign shall submit the following information to the Administrative Officer unless the request for the sign has been approved as part of a site plan application:

1. Applicant's name and address.
2. Block and lot number of the property on which the sign is to be erected.
3. Name and address of property owner, if different from that of applicant.
4. Sketch or survey of the property showing the location of the proposed sign.
5. Description of the sign, including size, height, location and construction material. If the sign is to be lighted, details of the proposed lighting shall be supplied.
6. Purpose for which the sign is to be erected.

C. **Permit fee.** The fee for a sign permit shall be as set forth in Section 25:900 of this Chapter and shall be submitted with the application.

D. **Action on application.** The Administrative Officer shall review each application to determine whether the proposed sign meets the requirements of this Chapter. If the proposed sign is found to meet Chapter requirements, the permit shall be issued; otherwise it shall be denied. Reasons for denial shall be set forth in writing. The Administrative Officer may refer any sign permit application to the Planning Board for advice and comment. All permit applications shall be acted upon within ten (10) days after submission, or within ten (10) days after the first Planning Board meeting following a referral thereto, as the case may be.

E. **General provisions.** No signs shall be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises unless specifically permitted herein.

No billboards shall be erected or replaced, except where authorized and approved as a conditional use pursuant to this Chapter.

No signs shall be erected, altered or replaced which are not in compliance with the State Uniform Construction Code and the standards established in this Chapter.

No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, or other signs or windows of the building on which they are located.

No sign, display or advertising device shall be erected which in any way resembles any standard traffic control device.

Signage shall be consistent with the design elements of the principal building in terms of color, logo, and trim.

1. **Animated, flashing and illusionary signs.** Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement are prohibited.
2. **Height.** No free-standing or attached sign shall be higher than twenty feet (20'), except that no sign shall exceed any lesser height if particularly specified.
3. **Free-standing signs.** Free-standing signs shall be supported by one or more columns or uprights which are firmly imbedded in the ground. Exposed guy wires, chains or other connections shall not be a support of a free-standing sign.

a. **Size.**

<b>Abutting R.O.W.</b>			
<b>All Lanes of Traffic</b>	<b>Speed (mph)</b>	<b>Max Sign Area (SF)</b>	<b>Max Height (ft)</b>
2	30—40	35	16
	45—55	75	20
4	30—40	50	16

**Abutting R.O.W.**

<i>All Lanes of Traffic</i>	<i>Speed (mph)</i>	<i>Max Sign Area (SF)</i>	<i>Max Height (ft)</i>
	45—55	120	20
6	30—40	65	16
	45—55	130	25

- b. Height Exceptions projections which are decorative and do not total more than 10% of the total sign size, or 20% of the vertical dimension of the sign shall not be counted in the height.
  - c. Size Exceptions: a total increase of up to 10% in size and height may be allowed for signs which incorporate as an integral part of the sign's design:
    - 1. Raised, carved or sand-blasted copy or border.
    - 2. Non-rectilinear or square shape.
4. **Illuminated signs.** Illuminated signs shall be arranged to reflect the light and glare away from adjoining streets. No sign with red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light shall be erected in any location. No sign, display or advertising device shall be erected which in any way resembles any standard traffic control device.
5. **Information and direction signs.** Street number designations, postal boxes, "private property", "no hunting", on-site directional and parking signs and warning signs are permitted in all zones but are not considered in calculating sign area.
- None of those signs shall exceed two (2) square feet in area, nor do those signs require a sign permit. Street address numbers shall be at least three inches (3") high and of a contrasting color to the background and shall be prominently displayed on buildings so as to be easily visible at all times and under all weather conditions.
6. **Maintenance.** Signs and, in the case of permitted free-standing signs, the mounting area on the ground level beneath the sign, shall be constructed of durable materials, shall be maintained in good condition and shall not be allowed to become dilapidated or unsightly.
7. **Non-profit organization event signs.** Any organization formed for or exclusively engaged in nonprofit charitable or benevolent activities may erect not more than three (3) signs, temporary in nature as described herein, announcing an event sponsored by the organization, to take place within the Township of Bordentown, subject to the following conditions:
- a. A written application shall first be submitted by the organization to the Zoning Officer, naming a Bordentown Township resident as the organization's local

contact person, identifying the name of each property owner where signs shall be posted, and containing the owner's written permission for display of the signs. No fee shall be charged for filing the application.

- b. The application shall be accompanied by a sketch showing:
    - (1) The proposed signs, and
    - (2) The locations where the signs will be displayed.
  - c. One (1) sign may be located on the property owned by the nonprofit organization, if and wherever the property exists, and up to two (2) signs may be located on properties other than that which may be owned by the nonprofit organization, provided the properties are situated within the CC or HC Commercial Districts.
  - d. Permitted signs may be free-standing or attached. Each sign shall not exceed thirty (30) square feet in area. If free-standing, the sign shall not exceed five feet (5') in height and shall be set back from all street, driveway, and property lines a distance equivalent to one (1) linear foot for each two and one-half (2.5) square feet of sign area.
  - e. The permitted signs shall not be illuminated and shall be located so as not to interfere with driver vision.
  - f. All signs shall be constructed of as durable material, shall be neatly painted and shall be adequately secured for aesthetic and safety purposes.
  - g. No more than one (1) sign for any particular non-profit organization shall be permitted on any particular property at the same time and no more than two (2) non-profit organization event signs shall be permitted on any particular property at the same time.
  - h. Permitted signs may be displayed for not more than two (2) weeks and the specific time period for the display of signs shall be indicated on the written application, unless the advertised event occurs earlier, in which instance the sign shall be removed within twenty-four (24) hours after the event.
  - i. It shall be the responsibility of the organization to remove all permitted signs prior to the expiration of the specified time period for their display.
8. **Political signs.** Political signs, temporarily giving notice of political campaigns, shall be located on private property and shall be set back at least ten feet (10') from all side property lines and shall not exceed sixteen (16) square feet in area. Signs shall be permitted within forty-five (45) days prior to any municipal, county, state or national election and shall be removed within five (5) days after the election. No political sign shall be erected on any public property or within the right-of-way of any street. Political signs erected in conformance with this provision do not need a sign permit.

9. **Portable signs.** No sign shall be exhibited which is portable, i.e., fixed on a movable stand, self-supporting without being firmly imbedded in the ground; supported by other objects; mounted on wheels or movable vehicles; or made easily movable in some other manner.
10. **Real estate signs.** Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be located on private property and, if not attached to the building, shall be set back from all side property lines a distance equivalent to one and one half (1.5) linear feet for each one (1) square foot of sign area, provided the required set back shall in no case be less than ten feet (10'). Signs shall not exceed four (4) square feet in area on individual residential lots and thirty-two (32) square feet in area within non-residential districts and within major residential subdivisions of four (4) or more lots where the signs are used to advertise the development and signify the location thereof. All real estate signs shall be removed at the expense of the advertiser within fifteen (15) days after the termination or completion of the matter of business being advertised or, in the case of major residential subdivisions, when ninety-five percent (95%) of the lots have been initially sold. "Sold" signs shall be permitted between the signing of the contract of sale and the date of the legal closing. Real estate signs do not require a construction permit.
11. **Billboards and off-premises signs.** Billboards and Off-Premises signs are classified as Conditional Uses in the districts where authorized in Section 25:400 with standards established in Section 25:601.
12. **Sign area.** The area of a sign shall be measured around the edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background whether open or enclosed, but the area shall not include any supporting framework and bracing incidental to the display itself.
13. **Signs with two exposures.** The signs shall be measured for area by using the surface of one side of the sign only. Both sides may be used.
14. **Wall fascia or attached signs.** Wall fascia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than six inches (6") from the building.
15. **Window signs.** Interior window signs shall not be considered in computing the allowable signs provided, however, that the interior signs shall not exceed fifty percent (50%) of the total window area.
16. **Flags of the United States of America, the State of New Jersey, the Township of Bordentown and those specifically authorized or required by federal or state law.** The flags of the United States of America, the State of New Jersey, the Township of Bordentown and those specifically authorized or required by Federal or State law may be displayed in all zones and do not need a construction permit. A flagpole shall, however, be considered to be a sign structure and shall comply with standards applicable to signs, including setback and height requirements, except that the height

of a flagpole for the display of the flags of the United States of America, the State of New Jersey, the Township of Bordentown and those specifically authorized or required by Federal or State law shall not exceed the height of the principal building by more than ten feet (10').

F. **Street signs.** Street signs shall be of the type, design and standard previously installed elsewhere in the Township. The location of the street signs shall be determined by the Township, but there shall be at least two (2) street signs furnished at each intersection. All signs shall be installed free of visual obstruction.

(Ord. No. 1998-09, § 8, 5-19-1998)

### **25:515. Streets, Curbs and Sidewalks.**

#### **A. Streets.**

1. All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan and all streets shall have an adequate crown. The arrangement of the streets not shown on the Master Plan or Official Map, as adopted by the Township, shall be designed in a manner so as to provide for the appropriate extension of the streets and conform with the topography as far as practicable.
2. When a new development adjoins land susceptible of being subdivided or developed, suitable provisions shall be made for access to adjoining lands.
3. Local streets shall be so planned and identified with appropriate signs so as to discourage through traffic.
4. In the event that a development adjoins or includes existing streets that are narrower than the widths shown on the adopted Master Plan or Official Map or the street width requirements of this Chapter, additional land along either or both sides of the street, sufficient to conform to the right-of-way requirements, shall be dedicated for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way. The necessary deeds of ownership shall be furnished and the dedication shall be expressed as follows: "Street right-of-way granted for the purposes provided for and expressed in the Land Development Ordinance of Bordentown Township." If the development is along one (1) side only, one-half (.5) of the required extra width shall be dedicated and shall be improved, including excavation, base course and surfacing, in accordance with the approved application.
5. In all developments, the minimum public street right-of-way shall be measured from lot line to lot line. The cartway shall be the paved portion of the roadway. In no case shall a new street that is a continuation of an existing street be continued at a right-of-way or cartway width less than the existing street although a greater width may be required in accordance with the following schedule:

<i>Street Classification</i>	<i>Right-of-Way</i>	<i>Cartway</i>
Residential/Local	50' to 56'	32' to 36'
Commercial streets and streets in Industrial Parks	60' to 66'	40' to 48'
Collector	60' to 66'	36' to 40'
Minor/Secondary Arterial, or located in Commercial Districts or Industrial Parks	72' to 80'	40' to 48'
Arterial	80' to 100'	60' to 76'

- Street intersections shall be as nearly at right angles as possible and in no case shall be less than eighty degrees (80°). Approaches to all intersections involving collector or arterial roads shall follow a straight line, or a curve with a radius of not less than seven hundred feet (700'), for at least one hundred feet (100'). No more than two streets shall meet or intersect at any one point and the centerlines of both intersecting streets shall pass through a common point. Any development abutting an existing street classified as an arterial or collector shall be permitted only one new street connecting with the same side of the existing street, except where the frontage is sufficient, more than one street may intersect the arterial or collector street provided the streets shall not intersect with the same side of the existing street at intervals of less than eight hundred feet (800'). The block corners of intersections shall be rounded at the curblines, with the street having the highest radius requirement as outlined below determining the minimum standards for all curblines:

<i>Street Classification</i>	<i>Curblines Radius</i>
Residential/Local	20'
Collector	25'
Minor/Secondary Arterial	30'
Arterial	30'

- A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial or collector streets. When connecting street lines deflect from each other at only one (1) point, they shall be connected by a curve with a radius conforming to standard engineering practice as contained in the "Transportation & Traffic Engineering Handbook," ITE, latest edition.
- Cul-de-sacs serving residential areas shall be no more than seven hundred fifty feet (750') in length. Cul-de-sacs serving non-residential areas shall be no more than one thousand feet (1000') in length. A turn-around shall be provided at the end of the cul-de-sac with a radius of fifty feet (50') on the curblines plus a utility and planting strip of ten feet (10') around the entire cul-de-sac. The center point for the radius shall be the centerline of the associated street or, if off-set, off-set to a point where the radius becomes tangent to the right curblines of the associated street.
- No street shall have a name which will duplicate or so nearly duplicate the name of an existing street name that confusion might result. The continuation of an existing street

shall have the same name. Curvilinear streets shall change their name only at street intersections. The Planning Board shall have the right to approve or name streets within a proposed development. No name of a street shown on an approved site plan shall be changed without the approval of the Planning Board.

10. The pavement width of streets and the quality of subsurfacing and base materials shall adhere to the minimum standards set forth by the County or State Engineers when the paving concerns roads under their jurisdiction and where the appropriate standards exist. For streets under the jurisdiction of the Township, the following standards shall apply:
  - a. All construction shall be in accordance with the applicable portions of the "Land Development Review Resolution" of Burlington County and the New Jersey Department of Transportation Specifications for Road and Bridge Construction, current edition.
  - b. On all Township roads, the base course shall be five inches (5") of Bituminous Stabilized Base, Stone Mix No. I-2, constructed in two layers each of not less than two and one-half inches (2.5") of compacted thickness.
  - c. The surface course for all Township roads shall consist of two inches (2") of Bituminous Concrete, Type FABC, Mix No. I-5, applied according to the New Jersey Department of Transportation Specifications for Road and Bridge Construction, current edition.
  - d. Where subgrade conditions are wet, springy or of a nature that surfacing would be inadequate without first treating the subgrade, a dense rated aggregate base course or soil aggregate base course shall be provided as directed by the Township Engineer.

B. **Curbs.** Curbing, either Belgian block, granite or concrete, shall be installed along both sides of all streets. All curbing shall be laid in the manner approved by the Township or other appropriate governmental authority. All curb construction shall be in accordance with the applicable portions of the "Land Development Review Resolution" of Burlington County. Depressed curb ramps for the handicapped shall be installed at all radii in accordance with the laws of the State of New Jersey.

C. **Sidewalks.**

1. Sidewalks and aprons shall be required on both sides of all existing and proposed streets serving an arterial or primary collector function.
2. Sidewalks and aprons on secondary collector and local streets in non-residential developments and in residential "planned developments" shall be required, at the discretion of the Board, depending upon the probable volume of pedestrian traffic, the general type of development intended and any alternate plans proposed for the movement of people and bicycles.

3. Where required, sidewalks shall be at least four feet (4') wide and shall be four inches to six inches (4"—6") thick. Sidewalks, aprons, and sidewalks at aprons shall be concrete and shall be constructed in accordance with the applicable portions of the "Land Development Review Resolution" of Burlington County.  
(Ord. No. 1992-4, § 2, 4-28-1992)

**25:516. Swimming Pools.**

A. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residence building. Pools shall be located in rear yard areas only, shall occupy no more than seventy-five per cent (75%) of the rear yard area, and shall be located no closer than fifteen feet (15') to any lot line.

B. A private residential swimming pool area must be enclosed by a suitable fence with a self-latching gate at least four feet (4'), but no more than six feet (6'), in height.

C. No commercial swimming pool shall be constructed or installed unless approved by the Board as part of a site plan approval. Commercial swimming pools shall be classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute or the current edition of the Swimming Pool Code of New Jersey whichever is more stringent.

**25:517. Water Supply.**

A. Where public water is accessible, water mains shall be constructed in a manner as to make adequate water service available to each lot or building within the development. The entire system shall be designed in accordance with the requirements and standards of the local and/or State agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure and in a looped system with no dead-end lines, whenever possible.

B. Subdivisions shall be connected to an existing public water supply system if public service is available within the following distances:

<i>Distance (feet)</i>	<i>Units in the Development</i>
200	One (1)
400	Two (2)
600	Three (3)
800	Four (4)
1000	Five (5)

For developments of greater than fifteen (15) units which are within one (1) mile from an existing public water supply system, a connection shall be required to the existing public water supply system, except where the Board determines that there is good cause and adequate justification for the granting of a waiver from this requirement.

For developments of greater than fifteen (15) units which are more than one (1) mile from an existing public water supply system, the water supply strategy shall be determined on a case-by-case basis taking into consideration the density of the developments, economic considerations, ground water availability and quality and the public policy in favor of connection to a public water supply system.

C. If a public water supply system will be provided to the area within a six-year period as indicated in the municipal water master plan, official map, or other official document, the Township may require installation of a capped system or "dry lines" (mains, only) within the road right-of-way; or alternatively, the Township may require a payment in lieu of the improvement.

D. Water Supply System Requirements.

1. **Capacity.**

- a. The water supply system shall be adequate to handle the necessary flow based on complete development.
- b. The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is provided, the system should be capable of providing required fire demand plus the required domestic demand.
- c. Average daily residential consumption can be computed in accordance with the housing type and size data.
- d. Non-residential flows can be computed in accordance with standards approved by the Township Engineer.
- e. Fire protection shall be furnished for any development connected to the public water supply system.
- f. Minimum fire flows shall be based on current recommendations by the American Insurance Association and the National Board of Fire Underwriters.
- g. The water system shall be designed to carry peak-hour flows and be capable of delivering the peak hourly demands in accordance with standards approved by the Township Engineer.

2. **System design and placement.** System design and placement shall comply with the construction specifications and standards approved by the Township Engineer.

3. **Fire hydrants.**

- a. Hydrants shall be placed to provide necessary fire flow, and the average area per hydrant typically should not exceed 120,000 square feet. In addition, hydrants shall be spaced so that each residence shall be within 600 feet of a hydrant.
- b. A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.

- c. Hydrants shall be located at the ends of lines, and valves of full line size shall be provided after hydrant tees at the ends of all dead lines which may be extended in the future.
- d. Size, type and installation of hydrants shall conform to the specifications and standards approved by the Township Engineer.

E. Where no public water is accessible, water shall be furnished on an individual lot basis. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the wells shall be of the drilled type with a minimum fifty feet (50') of casing where possible or, where the minimum footage of casing is not possible, the well shall be drilled at least twenty feet (20') into unweathered rock. Well installation, seating and testing shall be in accordance with applicable Federal and State laws and regulations, municipal ordinances and in accordance with the guidelines and resolutions adopted by the Township Board of Health. Prior to being placed in consumer use and prior to issuance of a Certificate of Occupancy for any building served by the well, the developer shall provide a certification by a licensed Professional Engineer to the Township Board of Health that the installation complies with all applicable State and local regulations.

#### **25:518. Recreational/Open Space.**

##### **A. Purpose and policy.**

1. In order to provide for the safety and general welfare of the public, all subdivisions or site plans in the residential zoning districts of the Township (R-30, R-20, R-10, R-8, R-7, R-6, and A/T) which result in five (5) or more dwelling units, shall set aside areas for off-street recreation and/or play areas in accordance with the requirements for individual zones listed in sections 25:403 through 25:406. The areas shall not include easement or right-of-way areas. Of the land area set aside for open space, not more than fifty percent (50%) of the minimum set aside requirement may be satisfied by "critical" lands. No less than fifty percent (50%) of land set aside shall be usable for active recreational uses. The requirements for recreation and open space shall be dependent upon the type and number of residential units proposed in a development in accordance with section 25:518 C.(4), it being the intent to correlate the open space and recreational facilities to the likely future population within the development. The location, form and design of such areas shall be approved by the approving authority. If that area of land to be set aside constitutes an area of less than one (1) acre, in lieu thereof and prior to preliminary approval, the approving authority may require the developer to contribute to the municipality, for the purposes of recreation, a cash sum or other appropriate gift in accordance with section 25:518 B.(1).
2. The area specifically required and designated for recreational/open space purposes shall be fully usable and adequate for that purpose and shall have all improvements required by this section.
3. Wherever possible, recreation/open space sites should be located adjacent to school sites. In the case of large subdivisions, consideration should be given to decentralizing

several smaller recreational areas throughout the development. The method of preserving such areas for recreation, open space, whether by easement, deed restriction, dedication, homeowner association or other means, shall be approved by the Planning Board.

4. In the selection of the location of such recreational and open spaces, consideration shall be given to the preservation of natural features.
5. The recreation and open space requirement shall be considered to be waived when enforcement of this requirement would prevent the construction of low and moderate income housing.
6. Dedication of open space to the Township:
  - a. Prior to final subdivision approval, the applicant shall agree in writing to dedicate all open space areas within a proposed subdivision to the Township, unless the Township specifically declines to accept dedication of such areas pursuant to the recommendation of the approving authority and the approval of the governing body.
  - b. In the event that the Township declines to accept the dedication of open space within a subdivision, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

**B. *Contribution in lieu of construction of active recreation; recreation trust fund.***

1. In lieu of the set aside of land and/or the construction of the active recreation, the developer may elect, with approval by the approving authority, to make a contribution of six hundred fifty dollars (\$650) per unit to the Township Recreation Trust Fund.
2. The Recreation Trust Fund shall be maintained by the Township specifically for the periodic purchase, lease, acquisition and/or maintenance of active recreation lands and improvements for the use of Township residents. The contribution shall be paid as follows: one-half ( $\frac{1}{2}$ ) at the time of final approval, and the balance prior to the issuance of the first building permit, unless the Township Committee shall approve an agreement including a modified payment schedule.

**C. *General requirements.***

1. Prior to final approval or as otherwise directed by the approving authority, the applicant shall submit, for approval by the Township, manufacturer's descriptive data and supporting information for all park and recreation equipment and playground apparatus.
2. All equipment installed on all recreation facilities shall be subject to approval by the Township Engineer.

3. Minimum Facilities.

- a. For all residential development, the applicant shall propose adequate recreational facilities to serve the population of the development. The developer's recreation plans shall be submitted to the approving authority for its review and approval. For the purposes of this section, a single-family detached house shall be deemed to contain three (3) persons, and any attached unit shall be deemed to contain two and five-tenths (2.5) persons. The applicant shall propose recreation facilities and the approving authority shall evaluate plans in terms of the following considerations:
- i. Passive recreation. A minimum standard based upon one (1) acre per one hundred (100) people is recommended. Large tracts are preferable to scattered sites.
  - ii. Active recreation. The developer shall install as a minimum the following active recreational facilities on the land which has been set aside for recreational purposes:
    - A. Tot lots: A minimum standard of one tot lot per each 100 dwelling units.
    - B. Tennis courts: one (1) court per 1,000 persons.
    - C. Baseball diamonds: one (1) diamond for every 3,000 persons.
    - D. Softball diamonds: one (1) diamond for every 1,500 persons.
    - E. Basketball courts and court games: one (1) hard surface play area with basketball nets for every 2,000 persons.
    - F. Bikeways: one (1) mile of six-foot-wide bituminous trail for each 300 persons. These should link homes with local recreation and service opportunities.
    - G. Jogging and fitness trails: one (1) mile per 1,000 persons. These should be integrated into district parks.
    - H. Open space trails: one (1) mile per 3,000 persons.
    - I. Soccer fields: one (1) field per 3,000 persons.
    - J. Football fields: one (1) field per 3,000 persons.
    - K. General use fields: one (1) field per 6,000 persons.
    - L. Swimming pools: one (1) swimming pool per 20,000 persons.
  - iii. The mix of facilities and required lighting shall be determined by the approving authority.

(Ord. No. 1996-7, § 9, 5-13-1996)

**25:519. Large-Scale Removal of Top Soil.**

**[A.] Definitions.**

**Attorney** shall mean the attorney for either the Planning Board or Zoning Board of Adjustment.

**Engineer** shall mean the individual or firm appointed by either the Planning Board or the Zoning Board of Adjustment to provide engineering services to that entity.

**Planning Board** shall mean the Planning Board of the Township of Bordentown.

**Soil** shall mean any earth, sand, clay, loam, gravel, humus, rock, or dirt, without regard to the presence or absence of organic matter.

**Township Clerk** shall mean the clerk of the Township of Bordentown.

**Zoning Board of Adjustment** shall mean the Zoning Board of Adjustment of the Township of Bordentown.

[B.] **Permission required.** No developer in a major subdivision as defined in the Ordinances of the Township shall excavate, scrape, dig or remove 200 cubic yards (or more) of soil for sale, gift, or for use other than on the premises from which the soil is taken, except in connection with construction or alteration of a building on the premises and excavating or grading incidental thereto, without first having procured a permit from the Planning Board.

[C.] **Application for permit.** An application for a soil permit shall be filed with the Office of Community Development and shall be accompanied by the prescribed fee in the amount of \$100.00. Application shall be made in duplicate, on forms prescribed by the Township and supplied by the Office of Community Development.

The application shall contain the following:

- (a) Name & address of the applicant;
- (b) Name & address of the owner, if other than the applicant;
- (c) A description and location of the land in question, including the tax map block & lot number(s);
- (d) Purpose for soil removal or disturbance;
- (e) The kind and quantity, in cubic yards, of soil to be removed;
- (f) The place to which the soil is to be moved;
- (g) Proposed date of completion;
- (h) Name & address of the person supervising the removal of soil;
- (i) Topographic map;
- (j) Such other information pertinent to the application.

Upon receipt of a complete application, the Office of Community Development shall refer the application to the Engineer of the appropriate board, who shall review the application and submit a recommendation report to the Planning Board or Zoning Board of Adjustment for final determination. All engineering and inspection fees shall be paid from the escrow account established for the project for which the permit is being sought.

[D.] **Topographic map required.** The applicant shall be required to provide with an application for a permit a topographic map showing the current contour lines and proposed contour grades that will result from the soil removal. The map shall be prepared and sealed by an Engineer licensed and registered in the State of New Jersey. The applicant's final site grading shall conform to all the appropriate standards and provisions of the Land Use Ordinance. The proposed contour lines and proposed grades shall be subject to final site inspection and approval of the Engineer. No permission for soil removal shall be granted by the Planning Board or the Zoning Board of Adjustment until the map is on file and the proposed contour lines and grades have been approved in writing by the appropriate board's Engineer.

Applications for soil removal 200 cubic yards or less will not require submission of a topographic map.

[E.] **Factors to be considered in granting a permit.** The Planning Board or Zoning Board of Adjustment shall consider the representation made by the applicant and Engineer and shall be guided in its decision, and take into consideration the public health, safety, and general welfare, and in particular consider the following factors:

- (a) Soil erosion by water;
- (b) Drainage;
- (c) Soil fertility;
- (d) Lateral support slopes and grades of abutting streets and lands;
- (e) Land uses;
- (f) Such other factors as may bear upon or correlate to the coordinated, adjusted, and harmonious physical development of the Township.

[F.] **Top soil retained.** The applicant and/or owner of the premises in charge of soil removal, when permission has been granted, shall not remove or take away the top layer of arable soil for a depth of 6 inches, but such top layer shall be set aside for retention on the premises and shall be respread over the rest of the premises when the rest of the soil has been removed pursuant to the contours and grades approved by the Engineer.

[G.] **Public hearing; notification.** The Planning Board or Zoning Board of Adjustment shall grant or deny the application within 45 days at a meeting open to the public in accordance with the Open Public Meetings Act. All applicants removing top soil in excess of 200 cubic yards shall notify all property owners within 200 feet of the extreme limits of the property, as their names appear on the Township tax records, at least 10 days written notice of the meeting on the application. The notice shall be given in person or by registered mail and shall state the time and place of the meeting and a brief description of the proposed soil removal and that a copy of the application and map has been filed with the Office of Community Development for public inspection. The applicant shall also cause notice of the meeting to be published in the official newspaper at least 10 days prior to the meeting.

Prior to taking action on the application the Planning Board or Zoning Board of Adjustment shall confirm the receipt of the following:

- (a) Certification, in the form of an affidavit, signed and sworn by the applicant, affirming that he has notified all property owners, as required; and
- (b) Proof of publication of newspaper notice is required.

[H.] **Review period.** Upon receipt of a completed application for a soil permit, the Office of Community Development shall send a copy to the Engineer who shall review the application and submit a report to the Planning Board or Zoning Board of Adjustment within 30 days of the date of the application. The Planning Board or Zoning Board of Adjustment shall have 45 days in which to approve, approve with conditions, or deny the application. Failure on the part of the Planning Board or Zoning Board of Adjustment to act on an application within the proscribed time period shall automatically be construed as an approval.

[I.] **Performance bond required.** Prior to issuance of a soil-removal permit, the applicant shall have posted with the Township a performance bond conditioned upon full compliance with all the terms and conditions of approval, including the provisions of this chapter. The amount of such bond shall be fixed by the Planning Board or Zoning Board of Adjustment and shall be in the form of cash or surety bond in a form acceptable to the attorney for either the Planning Board or Zoning Board of Adjustment. The performance bond shall not be canceled or released until all conditions set forth in the permit have been met.

[J.] **Liability insurance required.** The applicant shall furnish liability insurance with a company licensed to do business on the State of New Jersey in an amount approved by the Planning Board or Zoning Board of Adjustment, but in no case less than twenty-five thousand (\$25,000) dollars.

[K.] **General regulations.** All applications requiring a permit under this Ordinance are subject to the following general regulations:

- (a) Streets used for top soil removal shall at the applicants expense be kept free from dirt resulting from such top-soil removal operation; and
- (b) The Planning Board or Zoning Board of Adjustment reserves the right to designate local roads for soil removal in excess of 200 cubic yards; and
- (c) If permission is granted to remove soil, the person removing the top soil shall conduct operations so that there shall be no sharp declivities, pits, or depressions, and the grading must conform with the contour lines and grading approved in the permit.

[L.] **Violations.** Unless otherwise specified herein, for a violation of any provision of the Ordinance, the maximum penalty, upon conviction thereof, shall be up to \$1,000 per day, for each day that there is an outstanding violation for each individual premises or 90 days imprisonment.

[M.] **Severability.** In the event that any portion of the Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not affect the operation on any other portion thereof.

[N.] **Interpretation.** This Ordinance shall be liberally construed to effect the purposes set forth herein.

(Ord. No. 2001-13, 12-27-2001; Ord. No. 2002-04, 2-25-2002)

## **25:520. Telecommunication Tower Sites.**

### **1. Bulk and use requirements.**

- (a) **Principal or accessory use.** Antennas and towers may be either principal or accessory uses on the lots where they are to be erected. Notwithstanding any other township land use regulation, an existing structure on the same lot not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use. If a tower and its appurtenant structures are not the sole use of the lot, the tower shall be deemed an accessory use.
- (b) **Maximum height of towers.** The maximum permitted height of a tower is 140 feet, except that the height may extend to 180 feet if more than one (1) set of commercial transmitting/receiving antennas are collocated. The measured height of the tower includes the antennas and any other appurtenances. The tower base shall be designed and constructed to allow for at least three (3) collocations.
- (c) **Fencing/security.** All towers shall be designed with anti-climbing devices to prevent unauthorized access. Additionally, any tower supporting cellular or other wireless antennas and any building enclosing related electronic equipment shall be surrounded by a non-climbable fence not greater than six (6) feet in height. The fence shall be bordered by not less than twenty (25) feet of stepped landscaping containing 60% conifer/evergreen trees 10 feet in height. All deciduous trees shall be specified using the approved planting list adopted by Bordentown Township Planning Board. The landscaping shall be designed to obscure the tower base, appurtenant structures and fencing from view from the public right of way and adjacent lots. No towers, appurtenances or fences shall be permitted to install barbed or razor wire for any purpose.
- (d) **Equipment shelters.** All electronic equipment shelter buildings, structures, appurtenances established in support of a new site to be devoted to wireless communications facilities shall be limited to an area not to exceed six hundred (600) square feet. In the event that the use of a site becomes shared with a collocating wireless communications provider, there shall be permitted a maximum increase in overall area of existing electronic equipment shelter buildings of two hundred (200) square feet for each such subsequent collocating wireless communications provider. Any proposed building, structure or appurtenance shall not be more than twelve (12) feet in height and only

one such building, structure or appurtenance shall be permitted on the lot for each provider of communication services located on the site. Equipment buildings, structures or appurtenances shall be located at minimum fifteen (15) feet from the base of the structure and must be appropriately landscaped to minimize the visual impacts from the public right-of-way and/or neighboring properties.

- (e) **Antennas on existing structures.** Equipment or antennas placed on existing structures shall extend no higher than twelve (12) feet above the structure, shall not exceed the over all height limitations of one-hundred-forty (140) feet, shall not extend beyond the sides of the existing structure by more than five (5) feet and shall not violate the setback requirements for the zone.
- (f) **Antennas on existing towers.** Antennas may be placed on existing towers subject to the following:
  - i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless otherwise approved by the Bordentown Township Planning Board or Zoning Board of Adjustment (hereinafter "the Board") through submission and approval of a formal site-plan application.
  - ii. An existing tower may be modified or reconstructed to a taller height not to exceed the maximum tower height established in Section (b) above.
  - iii. The height change referred to above may only occur one time per such additional user, up to a maximum of three (3) times per tower.
  - iv. A tower which is reconstructed to accommodate the collocation of an additional antenna may not be moved without the approval of the Board.
  - v. Only one (1) tower may be located at a Board approved site.
- (g) **Minimum lot area.** Where the tower is the principal use, the required minimum lot area shall be one (1) acre unless zone in which the site is located requires a minimum lot size that is greater than one (1) acre. Where the tower is a accessory use the minimum lot area shall be two (2) acres. The dimensions of the entire lot shall control the determination of whether the parcel meets the area requirement even though the antenna or tower may be located on a leased premises less than the entire parcel. The construction of towers shall be permitted only as a conditional use in the HC, REO, CC, GC1, and GC2 zones. Location of towers in other areas is not compatible with the zoned uses and shall be discouraged. All zone district development regulations shall be complied with, including but not limited to setback requirements, lot coverage requirements and other such requirements. The owner/telecommunications provider shall own or leased sufficient land to provide for at least three (3) collocations on site.
- (h) **Setbacks.** Setbacks from all property lines shall meet the most restrictive requirements of the HC, REO, CC, GC1, and GC2 zones in which the site is located or the height of the structure, whichever is greater. Where the tower site is located on a leased portion of a larger tract, the remainder of the tract shall, as a condition of site

plan approval for the tower, be deed restricted to require that any buildings, structures or appurtenances erected on the remainder of the tract be located to maintain a minimum setback distance from the tower equal to the height of the tower.

- (i) **Minimum distance.** The minimum distance to another tower should be at least 5,280 feet radius, unless the Board is convinced by testimonial and technical documentary evidence provided by the Applicant that a lesser distance is required.
- (j) **Escrow.** The owner/telecommunication provider shall provide sufficient funds in escrow to enable the applicable land use board to obtain the services of a licensed planner, engineer, radio frequency engineer to review the site plan application. Fees shall be established in accordance with Chapter 25:901.

## 2. Collocation.

- (a) Bordentown Township requires licensed telecommunications carriers to share telecommunications towers and sites where feasible and appropriate, thereby reducing the number of towers. Collocation must be permitted for other telecommunications providers, at a reasonable, market rate compensation to the property owner/primary telecommunications provider. When the denial of collocation on an approved tower, by the owner or telecommunications provider, will result in an application for approval of an additional tower, the matter shall be referred to the Board that approved the original site plan application for the site in dispute. The telecommunications provider seeking dispute resolution for collocation shall file a land use application and establish the appropriate escrow accounts. All such disputes over collocation on an existing approved tower shall be submitted to the appropriate Board for a determination of the reasonableness to permit access or appropriate compensation. The property owner/primary telecommunications provider shall be bound by the board's determination. The Board shall be entitled to engage the services of a market analyst to perform a market analysis to establish the reasonable compensation for collocation. Cost of the market analysis shall be charged to the escrow of the party seeking collocation. All towers shall be constructed to provide for at minimum three (3) collocations.
- (b) Each applicant for a new telecommunication tower shall prove that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building or other structure (e.g. water towers) within a five (5) mile search radius of the proposed tower.

3. **Design standards.** The site plan shall conform with the design standards in Chapter 25 of the Bordentown Township Land Use Development Ordinances. In addition to the requirements of Chapter 25, the following standards shall be met:

- (a) **Aesthetics.** Towers and antennas shall, at the discretion of the Board, meet the following:
  - i. Towers and antenna shall maintain a nonreflective galvanized finish subject to any applicable standards of the FAA or Board, or be painted a neutral color so as reduce the visual obtrusiveness. Telecommunication towers shall be of a mono-

pole design unless the Board determines that an alternative design would better blend into the surrounding environment or unless the applicant demonstrates that it is technically infeasible to provide a monopole. Towers shall to the greatest extent possible use industry stealth technology, such as a tree-like mono-pole in highly visible areas.

- ii. At the tower site, the design of the buildings, structures or appurtenances shall, to the extent possible, use non-reflective materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding built environment. All buildings, structures or appurtenances shall be located behind existing structures, buildings, or terrain features will shield the buildings, structures and appurtenances from view.
- iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral, non-reflective color that is identical to, or closely comparable with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- iv. Lighting. No lighting shall be permitted except as follows:
  - (a) A building, structure or appurtenance enclosing electronic equipment shall be permitted one (1) light attached at the entrance the building, structure or appurtenance and is switched so that the light is on only when workers are on site.
  - (b) The light must be focused downward and shielded to the greatest extent possible to avoid light projection outside of the fenced enclosure.
  - (c) No lighting is permitted on the tower except lighting specifically required by the FAA.
- v. State and federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other state or federal agency with authority to regulate such uses. The towers shall not be located on sites listed on the New Jersey and/or National Registers of Historic Places or encroach upon scenic vistas or endangered species without the necessary state and federal authorization.
- vi. Building codes. The tower, antenna, buildings, structures or appurtenances shall be constructed in compliance with the applicable national, state or local building codes and applicable standards for towers that are published by the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard, entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" as updated and amended.
- vii. Signs. No signs other than warnings, safety information and/or owner contacts limited to two feet square in area, shall be permitted on an tower, antenna, buildings, structures or appurtenances except as required by the FAA and FCC or other state and federal agencies.

- viii. Parking and driveways. Minimal off street parking and driveways shall be permitted as needed and approved by the appropriate land use board. The approved number of vehicles and parking spaces shall be approved as part of the site plan. The construction of all off street parking shall conform to the requirements of the zone in which the site is located.
- ix. Interference. No cellular or wireless communications shall be permitted to interfere with any public safety communications.
- x. Noise. Noise emanating from the site shall not exceed the limit set forth in Chapter 25 for the zoning district where the site is located.
- xi. Generators. Any generator located on the site shall be enclosed within a portion of the electronic equipment building, structure or appurtenance. Any fuel storage shall be done in compliance with federal and state regulations and shall be limited to fuel stored within the primary tank provided by the manufacturer of the generator. No auxiliary or supplemental fuel storage is permitted.
- xii. Maintenance. Wireless telecommunications antennas and towers shall be maintained to assure their continued structural integrity and appearance.
- xiii. Annual reports. The telecommunications provider(s) shall report once a year, at the end of the calendar year, on usage of the tower over the previous year with a focus on whether the tower is no longer being used for the approved telecommunications purpose.
- xiv. Facility abandonment. All telecommunications towers, antenna, buildings, structures; or appurtenances that become obsolete or disused for the express purpose for which they were approved shall be removed by the provider and/or property owner within six months of cessation of its use for telecommunications. The site shall be cleared and restored. The tower and all supporting structure shall be removed to a point four (4) feet below grade. Any and all costs of removal shall be the sole responsibility of the provider and/or owner. In order to ensure compliance with these requirements the owner shall provide a performance bond sufficient to cover the removal of the tower, antenna, buildings, structures or appurtenances as well as restore the site. The amount of the performance guarantee shall be 120% of the estimated cost of removal and shall be subject to the approval of the Township Engineer. Failure to remove an abandoned tower or antenna shall entitle the Township to remove it at the owner's expense.

4. **Additional submission requirements.** Each submission and/or application for a tower and/or antenna shall include:

- 1. **Inventory of existing sites.** For each application for a tower and/or antenna, the applicant shall provide to the Board an inventory of all its existing towers, antennas, sites approved for towers or antennas, and plans for future towers and antennas that are within Bordentown Township and within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower.

2. **Report.** A report from a qualified and licensed engineer that includes the following:
  - (a) Description of tower height and design including cross section and elevation;
  - (b) Description of the need for such a tower in the desired location; in the case of a new tower or, if use of a pre-existing tower is proposed, the need for such a additional antenna;
  - (c) Indication of the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
  - (d) Description of the tower's capacity, including the number and type of antennas that it can accommodate; and
  - (e) Indication of what steps the applicant will take to avoid interference with established public safety communications.

5. **Severability.** If any section of this ordinance is declared unconstitutional by a court of competent jurisdiction, then the remaining sections shall remain in full force and effect.  
(Ord. No. 2002-07, 6-10-2002)

## SECTION 600

# **EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES**

- 25:601. Conditional Uses.
- 25:602. General Exceptions and Modifications.
- 25:603. Townhouses and Apartments.
- 25:604. Fee Simple Townhouse Lots.
- 25:605. Flood Plain Areas.
- 25:606. Planned Developments.

**25:601. Conditional Uses.**

**A. General provisions.**

1. No construction permit or Certificate of Occupancy shall be issued for any conditional use as provided by this chapter, until the use has been approved by the Planning Board.
2. The review by the Planning Board of a conditional use application shall include any required site plan review pursuant to this chapter.
3. Public notice and a hearing shall be required as stipulated in this chapter.
4. In all requests for approval of conditional uses, the burden of proof shall be on the applicant.
5. In making its decision on an application for a conditional use, the Board shall take no action which will be detrimental to the public welfare or which will substantially impair the intent or purpose of this chapter.
6. The Board may attach terms and conditions to an approval if, in its judgment, it determines that the conditions will contribute to the public welfare or the intent or purpose of this Chapter.
7. The Board shall be guided by the following principles:
  - a. The proposed use does not substantially adversely affect the general plans for the physical development of the Township, as embodied in this chapter and in any Master Plan or portion thereof.
  - b. The proposed use will not be substantially detrimental to the use or development of adjacent properties or the character of the neighborhood.
  - c. The proposed use will not be affected adversely by the existing uses.
  - d. The proposed use will adequately provide for access facilities for the estimated traffic from public streets and sidewalks.
  - e. The proposed use shall be subject to the off-street parking, loading and service requirements of this chapter.
  - f. Screening or buffer strips, as required, shall be installed.
  - g. No outdoor floodlighting or spotlighting shall be permitted to shine directly or indirectly on any abutting property.
  - h. The proposed use shall be reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as water, sewers, police and fire protection, transportation, recreation and public schools.
  - i. Each proposed use shall be further subject to specific conditions as set forth in this chapter.
8. The Planning Board shall have the authority to waive or to modify any of the development standards set forth in Section 25:500 whenever it is considering an

application for approval of a Conditional Use. A request for a waiver or modification of any of the development standards set forth in Section 25:500 shall not be considered as a request for a variance and shall not require a variance from the Zoning Board of Adjustment.

**B. Adult uses.**

1. Purpose. These regulations are adopted in furtherance of all of the public purposes of municipal zoning and planning, including, but not limited to, guiding the appropriate use and development of the Township of Bordentown in a manner which will promote the public health, safety, morals and general welfare, and in order to meet the needs of citizens of the Township of Bordentown and of the State of New Jersey, while maintaining the quality and character of Bordentown Township and deterring the growth and spread of blight and crime (especially prostitution, sexual offenses, public indecency, and related offenses). It is recognized that there are some uses commonly known as "adult" uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when those uses are located near residential areas or in other inappropriate locations, or without sufficient showing that those uses in a specified location will comply with the conditions and standards for the location and operation of those uses. Therefore, special regulations of these objectionable "adult" uses is deemed necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the Township of Bordentown. In no way is the fact that the Township of Bordentown regulates any or all of the adult uses described herein, or prohibits or allows them in the various zoning districts, to be construed as approval of, or condoning of, those uses.
2. No permitted adult use shall be located within two hundred feet (200') of any residential district; within two hundred feet (200') of any existing church, synagogue, or other place of worship; within two hundred feet (200') of any religious, charitable or nonprofit institution, or any public or private school, nursery, child care center, public community center, park, playground, recreation center, or similar use; or within two hundred feet (200') of any premises licensed for the sale or distribution of alcoholic beverages. The foregoing distance limitations shall be measured by a straight line drawn from the nearest point of the lot boundary on which the proposed adult use is to be located to the nearest point of the lot or district boundary, as the case may be, of the other use or district, and those uses, district boundary lines and dimensions shall be indicated on the submitted site plan. No permitted adult use shall be located within two hundred feet (200') of any existing residential use or residential zone in the Township of Bordentown or in any contiguous municipality.
3. Adult uses must be located in a free standing building which will include a buffer zone to separate it from family oriented businesses.
4. Adult uses in buildings having a capacity of fifty (50) or more persons are excluded from all zones.

EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES 25:601

5. Off-street parking shall be provided at the ratio of one space per every two hundred (200) square feet of gross floor area or portion thereof. In addition, one (1) parking space is required for each viewing theater of from one to three occupants; one (1) parking space for each additional three occupants or part thereof; and one (1) parking space for each employee. Provided, that a minimum of ten (10) parking spaces shall be provided.
6. Signs shall meet the requirements specified for retail commercial activities in the HC District; additionally, no "specified anatomical areas" or "specified sexual activity" shall be shown, described or depicted on any signs, advertisements, displays or exhibits that are visible from outside the building.
7. The interior of the adult use building shall be designed so that no interior contents of the building are visible at any time from the outside through windows, door openings or in any other manner.
8. The interior of any building in which an adult use is located shall be adequately lighted and shall be constructed so that every portion thereof is readily visible without obstruction to the clerk or other person in charge of the building from the counter, booth, cash register, or other place where the person is normally stationed.
9. All other applicable requirements of the HC District and of the Zoning and Land Development Ordinances of Bordentown Township shall be met.
10. All adult uses must be licensed as required in the Revised General Ordinances of the Township of Bordentown.
11. Hours of operation shall not be earlier than 9 a.m. nor later than 12 midnight, prevailing time, on weekdays and Saturday and shall be closed on Sundays.
12. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**C. Billboards.**

1. **Purpose.** These regulations are adopted in furtherance of all of the public purposes of the Master Plan of the Township of Bordentown and to guide the appropriate use and development of lands in the Township that will promote the general welfare, enhance economic development, deter blight, and encourage and maintain the quality and character of the Township of Bordentown.
2. **Standards.**
  - a. Billboards, which term shall include all off-premise advertising signs, are permitted in the following zoning districts: Manufacturing (MFG), General Commercial II (GCII), Research Engineering and Office (REO), Community Commercial (CC), Public Use (P) (limited areas) and Highway Commercial (HC) (limited areas) zones only. In the Public Use (P) zone, billboards will be permitted in areas abutting the New Jersey Turnpike south of Georgetown Road only. In the

Highway Commercial (HC) zone, north of Ward Avenue, only existing signs will be permitted to be upgraded to meet the requirements and standards of the ordinance. No new billboard locations will be permitted in the Highway Commercial (HC) zone north of Ward Avenue.

- b. No billboards shall be permitted within 200 feet of a residential use or residential zone. The Planning Board may allow a reduction of the distance to 100 feet where the applicant shows that the impact on residential zone will be minimal and the benefit substantially outweighs the potential detrimental impact on residential properties.
- c. Billboards shall require site plan approval from the Planning Board. In addition to any other requirements, the site plan shall require the provision and maintenance of a clear sight triangle whenever located on a corner lot.
- d. No billboards shall be allowed within a five hundred (500') foot radius of any other billboard showing to the same highway.
- e. There shall be no more than four (4) billboards per linear mile of roadway, except that along interstate highways, the limitation shall apply to the same side of the highway only.
- f. No billboards shall obstruct existing access drives of adjoining properties, nor shall they block reasonable visibility of existing free-standing signs or buildings.
- g. The minimum lot size shall be 20,000 square feet.
- h.
  - (i) The minimum front yard setback for billboards directed toward non-limited access highways shall be 30 feet from the right-of-way line and the maximum size of a billboard at the setback line shall be seventy-five (75') square feet. The size of any such billboard may increase by no more than thirteen and one-half (13.5') square feet for every one (1) foot for which the sign is set back beyond the 30 foot setback line. The maximum size of any billboard shall be 300 square feet (with basic proportions of 12 feet high by 25 feet wide) on any non-limited access highway.
  - (ii) For signs directed at limited access highway the minimum set back shall be ten (10') feet and the maximum size shall be 1,200 square feet (with basic proportions of 20 feet high by 60 feet wide).
  - (iii) Any use of design features, such as cut-outs, which vary from the rectangular shape shall require an adjustment of the dimensions but shall not exceed the total square footage allowed for the sign.
- i. Side and rear yard setbacks shall be not less than the front yard setback.
- j.
  - (i) The maximum height of any billboard shall be thirty (30) feet, measured from the average grade at the base of the billboard's structure. If the elevation of the road differs from the elevation at the base of the structure,

then the height of the sign shall be measured from an elevation established by taking an imaginary plane at the edge of the cartway nearest to the proposed sign.

- (ii) The Planning Board may permit any billboard face directed toward motorists traveling limited access highways to be of sufficient height to minimize the adjustment, alteration or removal of natural landscaping or provide an unobstructed, legible view of the billboard face, provided that the maximum height shall not exceed ninety feet (90').
- k. The minimum clearance for any billboard shall be eight (8) feet from the bottom of the billboard to the grade at the base of the billboard or to the elevation of the imaginary plane at the edge of the pavement, whichever insures unobstructed visibility to motorists traveling along the nearby roadway(s).
- l. All billboard faces shall be erected on and displayed from a single metal pole, constructed and maintained according to applicable regulations promulgated by the State of New Jersey and shall be grounded and/or otherwise protected as necessary from lightning and electrical storms.
- m. Illumination of any billboard must be effectively shielded so as to prevent light from being directed at any portion of the main traveled way of any street or highway and shall also conform and be subject to regulations relating to illumination of billboards promulgated by the State of New Jersey. No moving parts, flashing lights, animated pictures or other distracting displays shall be permitted except those which may display the time, date or temperature. The illumination of any billboard must be effectively shielded so as to minimize the impact on residential properties.
- n. Only one billboard structure may be permitted per lot except that more than one structure may be permitted on lots abutting an interstate highway and along Old York Road and Rising Sun Square Road where the viewing area of the sign is directed to a limited access highway.
- o. "V" shaped or double-faced billboard structures shall be permitted; however, no more than two (2) billboard structures shall be permitted per lot. Two (2) billboard faces in the same plane shall not be permitted, even if they are single-sided.

**D. *Car washes.***

- 1. The principal building shall be a minimum of 2,500 square feet and the total floor area of the principal building shall not be more than twenty percent (0.20) of the total lot area.
- 2. All mechanical activities must be conducted within a totally enclosed building.
- 3. Off-street parking shall be provided in accordance with the following schedule: Three (3) access lanes for each mechanized car wash entrance with each lane having a minimum capacity for twelve (12) vehicles; one (1) separate space for each waxing,

upholstery cleaning or similar specialized service area; and one (1) space for each employee. All vehicle entrances shall be from the rear of the building and all parked and waiting vehicles shall be accommodated on the lot and shall in no way hinder or impair normal traffic flow on public roads or adjoining property.

4. One (1) sign shall be permitted, either free-standing or attached, not exceeding an area equivalent to five percent (5%) of the first floor portion of the front facade or seventy-five (75) square feet, whichever is smaller. Free-standing signs shall be set back at least twenty-five feet (25') from all street and lot lines.
5. All of the other area, yard, building coverage, height, and general requirements of the respective zone must be met.
6. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

E. *Reserved.*

F. *Hotels/conference centers.*

1. A Hotel or a Hotel/Conference Center shall meet all of the requirements set forth in for Motels, in addition to the requirements set forth herein.
2. The Maximum floor area ratio shall be .25.
3. The Floor Area Ratio may be increased, with the approval of the Planning Board, to .30 if structured parking is used to accommodate at least fifty percent (50%) of the parking demand for the center.
4. Barber shops, gift shops, magazine/newspaper stands, and similar uses shall be permitted as accessory uses provided they have no outside building access for customers and no outside advertising.
5. Off-street parking shall be provided in accordance with the design requirements set forth in Section 25:508, which may be waived or modified by the Planning Board, as it deems appropriate for the particular application, during site plan review. Those spaces shall be for automobile or four wheeled vehicles only. The Planning Board may permit, in its sole discretion and in accordance with an approved Site Plan, parking for not more than two oversized vehicles, such as recreational vehicles.
6. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

G. *Motels.*

1. Any motel that may be constructed on a lot or parcel of land must contain a minimum of at least twenty (20) units of accommodation, exclusive of, but in addition to, a permanent, on-site superintendent's or manager's living quarters. There shall be a minimum of ten (10) units of accommodation in each building.

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2. Each unit of accommodation shall contain a minimum floor area of two hundred fifty (250) square feet. Ceilings shall be a minimum of eight feet in height.
3. Each unit of accommodation shall include a minimum of two rooms, a bedroom and a separate bathroom. No more than twenty (20) percent of the units shall include cooking facilities with the unit.
4. There shall be a residency limitation on all guests of thirty days maximum. Whenever a guest shall have occupied a unit for the thirty day maximum, that guest shall not, directly or indirectly, rent that or any other unit in the motel for a period of not less than ninety (90) days. The foregoing residency limitation shall not apply to the resident superintendent or manager.
5. Minimum frontage shall be three hundred feet (300'). All of the other area, yard, building coverage, height and general requirements of the respective zone and other applicable requirements of this Chapter must be met.
6. Off-street parking shall be provided in accordance with the design requirements set forth in Section 25:508, which may be waived or modified by the Planning Board, as it deems appropriate for the particular application, during site plan review. Those spaces shall be for automobile or four wheeled vehicles only. The Planning Board may permit, in its sole discretion and in accordance with an approved Site Plan, parking for not more than two oversized vehicles, such as recreational vehicles.
7. One sign shall be permitted, either free-standing or attached, not exceeding an area equivalent to five percent (5%) of the first floor portion of the front facade or seventy-five square feet (75), whichever is smaller. Free-standing signs shall be set back at least twenty-five feet (25') from all street and lot lines.
8. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**H. Professional offices or office buildings.**

1. Professional offices or office buildings may be located on lots in the R-30, R-20, R-10, R-8, R-7, and R-6 Districts provided that the lots have frontage on U.S. Route 206, U.S. Route 130, Georgetown Road, Bordentown-Chesterfield Road or Farnsworth Avenue; or within the GC-I District.
2. The professional office uses shall be located on lots not less than ten thousand (10,000) square feet.
3. Off-street, on-site parking shall be provided to adequately serve the proposed professional use. The standards set forth in Section 25:508 shall be applicable.
4. The regular hours of operation shall be stipulated at the time of application and shall be limited to daytime in order to eliminate the need for the lighting of parking areas.
5. Sufficient landscaping shall be provided to enhance the appearance of the structure as well as to adequately screen any adjacent residential districts or uses.

6. Any new construction of professional offices shall be of the design and appearance so as to be in character with adjoining residential buildings.
7. Any new construction of or addition to professional offices shall adhere to the requirements for those uses in the PO District or the District in which it is located, whichever is more stringent.
8. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**I. Public and private schools.**

1. Public and private schools offering early childhood, elementary and/or secondary secular or religious education instruction and approved by the State of New Jersey, shall be located on a lot of no less than three (3) acres in size and of two hundred feet (200') in width.
2. No building shall be located within fifty feet (50') of a lot line.
3. No accessory use shall be located within twenty-five feet (25') of a lot line.
4. The use shall have direct access to a street classified as other than a local street as shown in the adopted Master Plan of the Township of Bordentown.
5. A planted buffer area of no less than fifteen feet (15') in depth and fencing or both shall be required between all parking areas, outdoor facilities and adjacent lot lines. This provision may be waived if natural topography, wetlands or other natural or man made features adequately separate parking areas from adjoining residentially zoned land.
6. Off-street parking shall be required in accordance with the standards set forth in Section 25:508 and specifically as set forth in the "Guidelines for Non-Residential Off-Street Parking Requirements". In all cases sufficient space for school bus loading and unloading shall be provided.
7. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**J. Public utility uses.**

1. For purposes of this chapter, the term "public utility uses" shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by the public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

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2. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.
3. Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Code in effect at the time of the construction.
4. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
5. Off-street parking shall be provided as determined by the Planning Board during site plan review.
6. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**K. *Self-storage or mini-warehouse facilities.***

1. No site shall contain less than two (2) acres.
2. Frontage shall be not less than two hundred feet (200') and shall be located on a state highway.
3. A single residential unit shall be allowed on the lot for the use of the resident manager and his or her family only.
4. Buffers shall comply with the standards established for the zoning district in which the facility is located.
5. There shall be no storage of any hazardous or combustible materials or any unlawful substances.
6. There shall be no sales conducted from the premises, except pursuant to law in order to enforce a lien for unpaid rentals.
7. There shall be a minimum of forty-five feet (45') between buildings.
8. There shall be no keeping of livestock or animals in any of the storage units.
9. There shall be no outside storage permitted.
10. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.
11. The Planning Board shall fix the maximum impervious surface ratio at the time of Site Plan review.

**L. Service stations.**

1. The minimum lot size for service stations shall be one (1) acre and the minimum frontage shall be two hundred feet (200').
2. No service station shall be located within five hundred feet (500') of any firehouse, school, playground, church, hospital, public building or institution.
3. All appliances, pits, storage areas and trash facilities other than gasoline filling pumps or air pumps shall be within a building. Gasoline filling pumps and air pumps shall be permitted within the required front yard space of a service station but shall be no closer than fifty feet (50') to any future street line. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of an enclosed building.
4. No junked motor vehicle or part thereof shall be permitted on the premises of any service station. Moreover, no more than six (6) motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period not to exceed seven (7) days.
5. Landscaping shall be provided in the front yard area equal to at least twenty percent (20%) of the front yard area and the landscaping shall be reasonably distributed throughout the entire front yard area.
6. The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale shall not be permitted as part of a service station.
7. Service stations shall have a minimum building floor area of 1,500 square feet and shall be set back fifty feet (50') from any property line. Further, service stations shall provide at least four (4) off-street parking spaces for each bay or work area, plus one (1) for each employee. The parking spaces shall be separated from the driveway and general apron areas which give access to the gasoline and air pumps and service areas. No designated parking space shall obstruct access to any facilities. No parking shall be permitted on unpaved areas. The impervious surface ratio shall be fixed by the Planning Board at the time of Site Plan review.
8. Service stations may be permitted one (1) free-standing sign and one (1) sign attached against the building. The free-standing sign shall not exceed an area of twenty (20) square feet and shall be set back at least twenty feet (20') from all street rights-of-way and lot lines. The attached sign shall not exceed thirty (30) square feet in area.
9. All of the other area, yard, and general requirements of the respective zone and other applicable requirements of this chapter must be met.
10. No more than three (3) service stations shall be permitted within a linear mile.
11. Not more than twenty percent (20%) or two (2), whichever is less, of the fueling positions shall be for diesel fuel.

12. Fueling positions for gasoline fuel shall be located at separate islands from the fueling positions for diesel fuel. The specific location of the respective fueling islands shall be designated on the Site Plan and shall be designed in a manner that will reduce the conflicting traffic movements between automobile and truck traffic.
13. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**M. Truck fuel stations.**

**1. Findings and policy.**

- a. Due to the convergence of major highway systems, specifically U.S. Route 130, U.S. Route 206, Interstate Highway 295 and the New Jersey Turnpike, within a portion of the Township of Bordentown, truck fuel stations are reasonably needed to service the traffic on those highways.
- b. The location of truck fuel stations should be focused into the immediate area where those highways converge and should not be generally permitted throughout the Township. Truck fuel stations present unique problems with respect to traffic generation, parking, environmental impact, and public safety that can only be effectively addressed by regulating the location and size of the facilities.

**2. Standards.** Truck fuel stations shall be permitted as conditional uses in the GC-II District only, subject to the following:

- a. Minimum lot size shall be not less than four (4) acres;
- b. There shall be a maximum of two access points for ingress and egress;
- c. Minimum frontage shall be four hundred feet (400');
- d. Buffers shall be a minimum of fifty (50) feet around the perimeter of the facility and shall include berming and landscaping to create a visually impervious barrier with adjoining land uses. The buffering and landscaping requirement shall apply only along the perimeter abutting an adjoining land use and shall not apply along any abutting roadway. When the adjoining land is reserved for conservation use or open space or is used for a Truck Repair Station, a Truck Fuel Station or a Truck Stop, the Planning Board may permit a buffer of not less than twenty-five (25) feet with appropriate berming and/or landscaping.
- e. No access shall be permitted through a residential area.
- f. There shall be not more than twelve (12) fueling positions. Not more than thirty percent (30%) of the fueling positions shall be for gasoline fuel.
- g. The impervious surface ratio shall be fixed by the Planning Board at the time of Site Plan review.
- h. Fueling positions for gasoline fuel shall be located at separate islands from the fueling positions for diesel fuel. The specific location of the respective fueling

islands shall be designated on the Site Plan and shall be designed in a manner that will reduce the conflicting traffic movements between automobile and truck traffic.

- i. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**N. Truck repair stations.**

**1. Findings and policy.**

- a. Due to the convergence of major highway systems, specifically U.S. Route 130, U.S. Route 206, Interstate Highway 295 and the New Jersey Turnpike, within a portion of the Township of Bordentown, truck repair stations are reasonably needed to service the traffic on those highways.
- b. The location of truck repair stations should be focused into the immediate area where those highways converge and should not be generally permitted throughout the Township. Truck repair stations present unique problems with respect to traffic generation, parking, environmental impact, and public safety that can only be effectively addressed by regulating the location and size of the facilities.

**2. Standards.** Truck repair stations shall be permitted as conditional uses in the GC-II District Only, subject to the following:

- a. Minimum lot size shall be not less than two (2) acres.
- b. There shall be a maximum of two access points for ingress and egress.
- c. Minimum frontage shall be four hundred feet (400').
- d. Buffers shall be a minimum of fifty (50) feet around the perimeter of the facility and shall include berming and landscaping to create a visually impervious barrier with adjoining land uses. The buffering and landscaping requirement shall apply only along the perimeter abutting an adjoining land use and shall not apply along any abutting roadway. When the adjoining land is reserved for conservation use or open space or is used for a Truck Repair Station, a Truck Fuel Station or a Truck Stop, the Planning board may permit a buffer of not less than twenty-five (25) feet with appropriate berming and/or landscaping.
- e. No access shall be permitted through a residential area.
- f. The impervious surface ratio shall be fixed by the Planning Board at the time of Site Plan review.
- g. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

O. **Truck stops.**

1. **Findings and policy.**

- a. Due to the convergence of major highway systems, specifically U.S. Route 130, U.S. Route 206, Interstate Highway 295 and the New Jersey Turnpike, within a portion of the Township of Bordentown, truck stop facilities are reasonably needed to service the traffic on those highways.
- b. The location of truck stop facilities should be focused into the immediate area where those highways converge and should not be generally permitted throughout the Township. Truck stops and truck service facilities, including related restaurant facilities, present unique problems with respect to traffic generation, parking, environmental impact, and public safety that can only be effectively addressed by regulating the location and size of the facilities.

2. **Standards.** Truck stops shall be permitted as conditional uses in the GC-II District Only, subject to the following standards, in addition to the standards generally applicable to the GC-II District. Where the standards set forth in this section differ from the standards in the GC-II District, these standards shall apply:

- a. Minimum lot size shall be not less than ten (10) acres.
- b. The facility shall not exceed the number of parking spaces for trucks and for automobile and recreational vehicles as approved by the Planning Board at the time of Site Plan review. In determining the number of parking spaces allowed, the Planning Board shall consider the impact on the surrounding road network, the provisions for safe ingress and egress, the need for traffic control devices, the appropriate lot coverage and design and provisions for landscaping and buffering.
- c. In recognition of the fact that this use presents a unique relationship between buildings, parking area and the total lot, the floor area ratio and impervious surface ratio shall be established by the Planning Board at the time of site plan review after consideration of proposed plan, the recommendations of the professional consultants to the Board and the general planning considerations embodied in the Master Plan and this Chapter.
- d. Access shall only be permitted within the GC-II District and to U.S. Route 206, Old York Road and Rising Sun Square Road.
- e. Truck movements, truck fuel stations and truck parking shall be separated from automobile traffic, automobile fuel stations and automobile parking on the site.
- f. Buffers shall be a minimum of fifty (50) feet around the perimeter of the facility and shall include berming and landscaping to create a visually impervious barrier with adjoining land uses. The buffering and landscaping requirement shall apply only along the perimeter abutting an adjoining land use and shall not apply along any abutting roadway. When the adjoining land is reserved for

conservation use or open space or is used for a Truck Repair Station, a Truck Fuel Station or a Truck Stop, the Planning board may permit a buffer of not less than twenty-five (25) feet with appropriate berming and/or landscaping.

- g. No access shall be permitted through a residential area.
- h. Other development standards shall be in accordance with the provisions of Section 25:500, which may be waived or modified by the Planning Board as it deems appropriate for the particular application during site plan review.

**P. Senior citizen developments.**

- 1. Minimum tract size: 50 acres.
- 2. Maximum gross density: 2.5 units per acre.
- 3. Permitted uses:
  - a. Single-family detached.
  - b. Multi-family such as quadraplexes and similar configurations.
- 4. Single-family detached units minimum lot requirements:
  - a. Lot Size: 5,000 square feet.
  - b. Width at Building Line: 50 feet.
  - c. Frontage: 40 feet.
  - d. Front Yard: 20 feet.
  - e. Side Yard: 5 feet (one); 12 feet (both).
  - f. Rear Yard: 20 feet.
- 5. Single-family attached units and quadraplexes and other multi-family units; fee simple:
  - a. Lot Size: 2,000 square feet.
  - b. Width at Building Line: 18 feet.
  - c. Front Yard: 20 feet.
  - d. Side Yard: 10 feet.
  - e. Rear Yard: 20 feet.
- 6. Parking shall be provided at two (2) spaces per unit.
- 7. Open space:
  - a. Are: 25% of total tract in one acre minimum parcels and contiguous where possible.
  - b. A maximum of 50% of the open space may be wetlands.

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- c. A community building of at least ten (10) square feet per unit shall be included within the open space.  
(Ord. No. 1995-6, § 2, 10-12-1995; Ord. No. 1997-05, §§ IV, VI—VIII, 9-9-1997; Ord. No. 2000-08, § III, 5-23-2000; Ord. No. 2002-16, 6-24-2002)

**25:602. General Exceptions and Modifications.**

A. **Height limits.** Excepting for residential dwelling units as permitted in this Chapter, penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building; skylights, spires, cupolas, flagpoles, chimneys or similar structures; may be erected above the height limits prescribed by this Chapter, but in no case more than fifteen percent (15%) more than the maximum height permitted for use in the district, except that silos and barns for farming purposes associated with farming shall be a maximum of fifty five feet (55') in height.

B. **Parking of commercial vehicles in residential zones.** One registered commercial vehicle of a rated capacity not exceeding one and one-half (1.5) tons on four wheels, owned or used by a resident of the premises, shall be permitted to be regularly parked or garaged on a lot in any residential district, provided that the vehicle is not parked on a street and is parked in a side or rear yard area, which area is relatively unexposed to neighboring properties and is screened from neighboring properties by plantings at least five feet (5') in height. For purposes of this chapter, a commercial vehicle is a bus and/or vehicle containing advertising matter intending to promote the interest of any business, whether or not the vehicle is registered as a "commercial" vehicle with the New Jersey Division of Motor Vehicles; except that this provision shall not be deemed to limit the number of commercial trucks or cars used on a farm, or construction equipment which is used on the site for construction purposes.

C. **Public election voting places.** The provisions of this chapter shall not be construed so as to interfere with the temporary use of any property as a voting place in connection any public election.

D. **Public utility lines.** Public Utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses.

**25:603. Townhouses and Apartments.**

No townhouse or apartment dwelling unit shall be constructed in the Township unless the dwelling is part of an approved site plan and unless the following minimum standards are met in addition to other applicable requirements of this Chapter:

- A. The architectural character of each dwelling unit shall be compatible in style, size, color and materials with proposed dwelling units in the same development.

- B. Height shall be limited to three (3) stories and thirty-five feet (35'). Chimney, cupola and similar appurtenances are exempt.
- C. Minimum setback for all structures from any street, public or private, shall be twenty feet (20') from any common parking area and be thirty feet (30') from the right-of-way. Minimum setback for all structures from any major thoroughfare or collector road, as defined elsewhere in this chapter, shall be fifty feet (50'). The front yard setback for units with integrally designed garages shall be a minimum of thirty feet (30') including a four foot (4') sidewalk and a three foot (3') planting/street lighting placement strip area.
- D. No parking space assigned to a townhouse unit can be more than two hundred feet (200') from the entrance to that unit. All off-street parking lots shall be visually screened with a five foot (5') high, ninety percent (90%) visually impervious landscape barrier.
- E. Bulk Standards for Townhouses.
 

Minimum Lot Area	Two thousand feet (2,000')
Minimum Lot Frontage	Twenty feet (20') per unit
Minimum Lot Width	Twenty feet (20') per unit
Minimum Front Yard	Thirty feet (30') for units with garages; Fifteen feet (15') for units without garages
Minimum Side Yard	Zero feet (0') if adjoining another unit; Fifteen feet (15') if outside wall
Minimum Rear Yard	Sixty feet (60')
- F. Off-street parking spaces shall meet the standards in Section 25:508. For townhouses, which have an attached or an integrally designed garage, the front yard setback shall be sufficient to park one (1) car in the driveway, as well as provide adequate pedestrian circulation space around and between the vehicle. The visual image from the access street of the front yard of the units shall not be akin to that of an off-street parking lot.
- G. Units shall be attached in a manner that will provide maximum safety and privacy for adjoining units.
- H. Not more than ten (10) dwelling units in any single townhouse structure shall be constructed in a manner as to form one (1) linear plane. No more than twenty (20) dwelling units shall be included in a structure having units constructed on more than one (1) linear plane.
- I. Attached apartment units on a single linear plane shall not exceed a length of one hundred twenty feet (120').
- J. The front facades of at least forty percent (40%) of the units which are attached in a structure shall be set back not less than ten feet (10') behind the facades of the remaining units in the structure.
- K. All apartment structures shall be designed on the site-plan to allow for fire access.

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- L. Where an outdoor living space is included for each or for any particular unit, it shall be provided with adequate visual screening from all other neighboring units, outdoor living spaces, parking areas and roadways. Screening may be accomplished with plant materials, masonry structures or wood fencing. Architectural elements, such as masonry walls and fences, shall be compatible in both styles and materials with the dwelling units.
- M. Each apartment or ground floor unit shall have a private rear yard of two hundred (200) square feet minimum, which shall be enclosed by means of a minimum of a four foot (4') high wooden fence, hedge or a combination of both. Each unit above the ground floor shall have a balcony or terrace of at least sixty (60) square feet.
- N. One (1) enclosed, roofed or trellised structure for solid waste and storage of maintenance equipment shall be provided for each group of twelve (12) units. A plan for solid waste disposal should also be included.
- O. A minimum of five hundred (500) cubic feet of storage shall be provided for each unit, including storage for garbage in the front of the unit and bicycles, garden equipment, barbecue equipment and so forth in the rear of the unit.
- P. Front yards of units shall be enclosed with a three foot (3') high picket fence or hedge maintained at three feet (3').
- Q. A minimum of three hundred (300) cubic feet of storage shall be provided for each unit, including storage for garbage, bicycles, garden equipment, barbecue equipment and so forth in an appropriate location.
- R. All public utilities shall be installed in accordance with the Township development regulations and the regulations of the utility providing the service; all developments shall be tied into approved and adequate public sanitary sewerage systems, water systems and water drainage systems.
  - 1. All water systems shall be looped, and shall be of a size and type as approved by the Township Engineer and by the supplier of the water.
  - 2. All sewerage systems shall be approved by the Bordentown Sewerage Authority.
- S. Streets, roads, sidewalks and bikeways shall comply with the configuration and proposed alignments and design standards set forth in the Master Plan and this Chapter.
- T. Refuse and refuse collection areas shall be provided and shall be located for the occupant's convenience. All refuse and refuse collection areas shall be screened either with an enclosed masonry structure of at least six feet (6') in height on three (3) sides or with evergreens on at least three (3) sides of the refuse and pickup area, planted and maintained at a height of at least six feet (6'), with a maximum growth of at least eight feet (8') in height.
- U. Landscaping plan shall be prepared by a certified landscape architect and approved by the Planning Board.

- V. Lighting plan shall comply with Section 25:504.
- W. Pedestrian sidewalks shall be provided in all locations, including entrances and exits, where normal pedestrian traffic will occur. Where appropriate, bikeways may be provided instead of sidewalks. Provision of bikeways along streets shall be determined by the Planning Board based on the requirements of the Master Plan.
- X. Access to off-street parking areas shall not be through entrances directly abutting streets, but shall be connected to streets by means of access driveways, not less than fifteen feet (15') long, situated between the parking areas and adjacent streets.
- Y. Bike racks shall be provided where there are twenty-four (24) or more units.
- Z. All development applications for Townhouses and Apartments shall include an Environmental Impact Statement, a Community Impact Statement, and a Traffic Impact Statement.
- AA. The types of energy to be used to heat, cook, supply power and generally service the development shall be considered. The applicant shall identify measures to reduce energy demands by considering alternatives, such as active and passive solar systems and construction standards.
- BB. 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 building for the laundering and artificial drying of the laundry of the occupants of each building.
- CC. Dwelling units shall have access to a master television antenna system and cable television system and individual townhouse units may not erect individual external radio, television or satellite dish antennae.
- DD. Each dwelling unit shall have the following minimum net habitable floor areas:
 

<i>Apartments</i>	<i>Townhouses</i>
Efficiency:	550 s.f.
1-bedroom:	650 s.f.
2-bedroom:	725 s.f.
3-bedroom:	875 s.f.
	1-bedroom: 800 s.f.
	2-bedroom: 850 s.f.
	3-bedroom: 1,000 s.f.
- EE. No townhouse dwelling unit shall be less than sixteen feet (16') wide.
- FF. Review and Approval of Documents.
  - 1. All Master Deeds, Covenants, Restrictions, Easements, Homeowner's Association documents, including By-Laws, and any similar documents as well as any amendments to any of the documents shall be subject to review and approval by the Planning Board before they are filed, recorded or take effect.

2. No documents shall be approved that, in the determination of the Planning Board, conflict with the sound development and maintenance of the subject property or the Township, are contrary to public policy or the general welfare of the Township or are not written in easily understandable English.

GG. **Recreational/open space.** All development pursuant to this section shall set aside thirty-five percent (35%) of the total land area of the tract in open space. The Township may accept such dedication of open space, but nothing contained herein shall require the municipality to accept such dedication. In the event that the open space is not publicly dedicated, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

(Ord. No. 1996-7, § 6, 5-13-1996)

#### **25:604. Fee Simple Townhouse Lots.**

Lot and yard dimensions encompassing individual townhouse dwelling units may be freely disposed and arranged on a tract of land, provided they are superimposed upon an approved site plan for the subject development. In addition, the following provisions shall be met:

- A. The boundaries of any lot shall not infringe upon any common open space land areas, nor shall the boundaries of any lot be closer than five feet (5') from any driveway or parking lot area.
- B. No lot line shall be located closer than fifteen feet (15') from any tract property line or any "collector" street, nor closer than ten feet (10') from any "local" street.
- C. No construction permit shall be issued for any townhouse dwelling unit, at any time, unless the proposed construction is in accordance with the approved site plan, and this condition shall be recited in the deed of the subdivided townhouse lot.
- D. Review and Approval of Documents.
  1. All Master Deeds, Covenants, Restrictions, Easements, Homeowner's Association documents, including By-Laws, and any similar documents as well as any amendments to any of the documents shall be subject to review and approval by the Planning Board before they are filed, recorded or take effect.
  2. No documents shall be approved that, in the determination of the Planning Board, conflict with the sound development and maintenance of the subject property or the Township, are contrary to public policy or the general welfare of the Township or are not written in easily understandable English.

E. **Recreational/open space.** All development pursuant to this section shall set aside thirty-five percent (35%) of the total land area of the tract in open space. The Township may accept such dedication of open space, but nothing contained herein shall require the municipality to accept such dedication. In the event that the open space is not publicly dedicated, the developer shall provide for an organization for the ownership and maintenance of the open space pursuant to N.J.S.A. 40:55D-43 et seq.

(Ord. No. 1996-7, § 7, 5-13-1996)

**25:605. Flood Plain Areas.**

**A. Regulations for flood plain areas.**

1. **Purpose.** The purpose of these regulations is to permit only that development of flood prone areas within Bordentown Township which
  - a. Is appropriate in light of the probability of flood damage and the need to reduce flood losses,
  - b. Represents an acceptable social and economic use of the land in relation to the hazards involved,
  - c. Does not increase the danger to human, plant or animal life,
  - d. Provides that no decreases in the amount of available storage for flood waters within the flood plain results from any development; and conversely, to discourage all other development.

This zone is created in recognition of the increased threat, severity, and frequency of floods expected to result from continued development. It is intended to retain areas adjacent to streams and rivers free from structures and other obstructions to the water flow during the periodic rises in the water level.

These regulations are intended to protect flood plains so that flood water may have a natural course to follow; that the water course is not constricted or altered in a manner that will increase water velocities or create a dam; that the water level may rise without danger to persons, animals or property; that the water level may rise and cover larger land surfaces for the purposes of greater water percolation and recharging of the underground water supply; and that a park-like network is developed throughout the Township along these water courses.

**B. Site plan review.** All proposals for any development within a flood plain area shall require site plan approval by the Planning Board in accordance with Section 25:800; provided, however, that when a plan does not include the construction of permanent buildings or structures but, instead, includes such work as grading, landscaping, work associated with agricultural uses and similar uses, and where, in the opinion of the Township Engineer, the proposed work is of such a minor nature that Planning Board review is not required, a site plan approval by the Planning Board may be waived. In any case, all other requirements of this Section shall apply.

Fees shall be as provided for site plans in Section 25:900 and public notice of hearings shall be given as stipulated for site plans in Section 25:700. In addition to the applicable information required for preliminary site plan approval set forth in Section 25:800, the following information shall be provided:

1. Proposed finished grade elevations at the corners of any structure or structures.
2. The extent of any proposed or previous filling, cutting or regarding of the land.

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3. The location, type and size of all existing and proposed erosion and siltation control measures, such as slope protection, soil stabilization, sedimentation basins, sediment trap headwalls and aprons.
4. Proof of stream encroachment lines (floodway) obtained from the New Jersey Department of Environmental Protection. Should this information not be available through the Department of Environmental Protection, it is required that the applicant submit a floodway delineation for the reach of the stream involved with all required engineering data to the Township Engineer for review and approval.
5. The applicant should be prepared to present evidence that the proposal:
  - a. Has an inherent low flood damage potential.
  - b. Acting alone or in combination with the existing or future uses will not obstruct flood flows or increase flood heights and/or velocities or reduce ground absorption or storage volume of storm water.
  - c. Does not affect adversely the water carrying or storage capacity of the channel, floodway or flood fringe areas.
  - d. Does not increase local run-off or erosion and provides proper drainage of the area to an existing adequate water course or drainage system.
  - e. Does not unduly stress or degrade the natural environment of the flood plain or degrade the quality of surface water or the quality or quantity of ground waters.
  - f. Does not require channel modification or relocation.
  - g. Is set forth in this chapter as a permitted use.
  - h. Is not a prohibited use in that portion of the flood plain where it is proposed to be located.
6. Where required by the Planning Board, the applicant shall furnish information relating to subsurface conditions based on percolation tests and soil borings or probes. Test borings or probes shall be performed by a licensed professional engineer and shall be in accordance with acceptable engineering standards and practices. Written notification of intention to conduct the tests shall be forwarded to and received by the Township Engineer at least two (2) working days prior to testing. A detailed report of the test shall be submitted to the Planning Board and the Township Engineer for review.

**C. Uses in floodways and flood fringe areas.**

1. **Prohibited uses.** No person shall hereafter engage in, cause or permit other persons to engage in prohibited uses within a delineated flood plain. The following uses are prohibited:
  - a. Placing, depositing or dumping any vehicles, solid waste, garbage, refuse, trash, rubbish or debris.

- b. Dumping or discharging untreated domestic sewerage or industrial waste, either solid or liquid.
  - c. Storage or disposal of pesticides.
  - d. Storage or processing of materials that are in time of flooding buoyant, flammable or explosive.
  - e. The storage or processing of hazardous materials that could be injurious in time of flooding to human, animal or plant life.
2. **Permitted uses in floodways.** Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood lands during the occurrence of a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Channel improvements or changes may be permitted only in connection with stream improvements and stabilization, which improvements or changes have the approval of the New Jersey Department of Environmental Protection, the Burlington County Planning Board and the Bordentown Township Planning Board. The accepted practices of soil husbandry and farming as well as recreational uses in the nature of parks, wildlife preserves, play yards, picnic areas, golf courses and boat landings shall be permitted. Any proposed use involving the removal of trees shall be undertaken only in accordance with the approval of the Bordentown Township Planning Board. Material, equipment or vehicles related to and used in conjunction with a permitted use shall not be parked or stored in the floodway area.

3. **Permitted uses in the flood fringe areas.** Within any flood fringe area, the accepted practices of soil husbandry and farming as well as restricted uses in the nature of parks, wildlife preserves and undeveloped common open space shall be permitted provided site plan approval is obtained from the Township. Detached dwellings may be constructed on lands within the flood fringe area provided that the lowest habitable floor is at a minimum of one (1) foot above the flood hazard design elevation and provided further that:
- a. Each lot be a minimum of five (5) acres in area outside or beyond the floodway;
  - b. Each lot have direct access to a public street;
  - c. The floor area ratio not exceed one and one-half percent (1.5%); and
  - d. The lot coverage not exceed two and one-half percent (2.5%).

D. **Conditions of approval.** The Planning Board may impose any conditions on permitted uses as it deems appropriate in order to promote the public safety, health and welfare; to protect public and private property, wildlife and fisheries and to preserve and enhance the

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natural environment of the flood plain. No Certificate of Occupancy shall be issued unless all conditions of approval have been complied with. In all flood hazard areas, the following conditions are specified in any case:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
4. All new and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into the flood waters.
5. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
7. All subdivision proposals shall be consistent with the need to minimize flood damage.
8. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
9. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
10. Appropriate and adequate controls on operations, sureties, deed restrictions and maintenance bonds shall be provided.
11. The construction of storm water detention and/or retention facilities, channel modifications, dikes, levees and other protective measures shall be required.
12. The installation of an adequate flood warning system shall be required.
13. The postponement of development until such a time as any necessary and required pre-construction protective measures are installed or implemented shall be required.
14. New construction or substantial improvement of any residential structure shall have the lowest habitable floor, including a cellar or basement, elevated to one (1) foot above the flood hazard area design flood elevation.
15. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including a cellar or basement, elevated to one (1) foot above the design flood elevation or, together with the attendant utility and sanitary facilities, be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A licensed professional engineer or

architect shall certify that the standards of this Section are satisfied. The certification shall be provided to the Planning Board. Any or all of the following floodproofing measures may be required:

- a. Installation of watertight doors, bulkheads and shutters, or similar devices.
  - b. Reinforced walls to resist water pressure.
  - c. Use of paints, membranes or mortars to reduce seepage of water through walls.
  - d. Addition of weights to structures to resist flotation.
  - e. Installation of pumps to lower water levels of structures.
  - f. Pumping facilities or comparable measures for the subsurface drainage systems of the building to relieve external foundation wall and basement flood pressures. Over the sidewalk and under the sidewalk gravity or sump pump drains are not permitted. All such drains shall outlet into an existing adequate watercourse or drainage system.
  - g. Construction that resists rupture or collapse caused by water pressure or floating debris.
  - h. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewerage or storm waters into the structure; gravity drainage of basements may be eliminated by mechanical devices.
  - i. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to inundation and flooding.
16. Where and when permitted, fill shall be no lower than one foot (1') above the flood hazard area design flood elevation and shall extend at that height for a distance of at least fifteen feet (15') beyond the limits of any structure erected thereon.
17. Where and when permitted, structures on fill shall be so built that the basement, or in the event there is no basement, that the lowest habitable floor is at a minimum of one foot (1') above the flood hazard design elevation.

E. ***Variances from conditions.*** Variances from the conditions of this Section may be issued by the Bordentown Township Planning Board in conformance with the following provisions:

1. For the reconstruction, rehabilitation or restoration of structures listed on either the National or New Jersey Registers of Historic Places.
2. If an increase in flood levels within any designated floodway or flood fringe area would not occur during the design flood.
3. Upon a determination that the variance is the minimum necessary to afford relief considering the flood hazards.
4. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant and a determination that the granting of the variance will

not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

F. **Flood insurance.** Flood insurance in accordance with the Federal Insurance Agency shall be required for all developments in the flood plain.

G. **Warning and disclaimer.** The degree of flood protection required herein is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside flood hazard areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the Township of Bordentown or by any other officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**25:606. Planned Developments.**

**A. Types and locations.**

1. Single family clusters are permitted as an option within the R-120, R-40, R-40S, R-30/R, R-30, R-20, and R-10 Districts on tracts of land of at least ten (10) acres in acres in area only where public water and sewerage facilities are provided.
2. Planned Community Developments (maximum of six (6) dwellings per gross acre) including a 20% set aside for affordable housing are permitted on a minimum of 35 acres in total area where indicated on the zoning map.
3. Planned Unit Developments (maximum of seven (7) dwellings per gross acre) including 20% set aside for affordable housing are permitted on a minimum of thirty-five (35) acres in areas where indicated on the Zoning Map under the conditions of Section 25:606 C.11.
4. Planned Residential Developments (maximum of six (6) dwellings per gross acre) including a 20% set aside for affordable housing are permitted on a minimum of at least seventy-five (75) acres in areas where indicated on the zoning Map.

**B. Single-family clusters.**

1. **Principal permitted uses on the land and in buildings.**
  - a. Detached dwelling units.
  - b. Public purpose uses.
  - c. Public utility uses as Conditional Uses (See Section 25:601 for standards).
2. **Accessory uses permitted.**
  - a. Private residential swimming pools in rear yard areas only (see Section 25:516 for standards).

- b. Private residential sheds for the storage of objects owned by the residents of the property, not exceeding ten feet (10') in height.
  - c. Recreational facilities customarily associated with detached single-family dwelling units.
  - d. Off-street parking and private garages (see Sections 25:508).
  - e. Fences and walls not exceeding six feet (6') in height (see Section 25:503).
  - f. Signs (see Section 25:514).
  - g. Home office occupations (see Section 25:200 requirements).
3. **Maximum building height.** No principal building shall exceed thirty-five feet (35') in height and two and one-half stories.
  4. **Maximum number of dwelling units permitted.** The maximum number of dwelling units permitted within a Single-Family Cluster is calculated for a full yield of the permitted gross density of non-critical lands in the applicable Zoning District. It is the specific intent of this chapter that no structures be constructed on any "critical" lands within a Single-Family Cluster, although up to twenty-five percent (25%) of any residential lot may be within the established "critical" land area.
  5. **Area and yard requirements for cluster developments in the R-120, R-40, R-40S, R-30, R-30R, R-20, and R-20 districts.**

Lot Area:

Minimum (R-120 District)	18,000 sq. ft.
Minimum (R-40 and R-40S District)	12,000 sq. ft.
Minimum (R-30 and R-30R District)	12,000 sq. ft.
Minimum (R-20 District)	8,000 sq. ft.
Minimum (R-10 District)	8,000 sq. ft.

<u>Principal Building Minimum:</u>	<u>R-120</u>	<u>R-40 R-40S</u>	<u>R-30 R-30/R</u>	<u>R-20</u>	<u>R-10</u>
Lot Frontage	90	80	80	70	65
Lot Width	100	80	80	70	65
Lot Depth	125	100	100	100	100
Side Yard (one)	10	10	10	10	5
Front Yard (staggered)	40	30	30	25	25
Rear Yard	50	30	30	30	30

Accessory Building Minimum:

Distance to Side Line	15	10	10	5	5
Distance to Rear Line	15	8	8	5	5
Distance to Other Building	25	10	10	10	10

Minimum Open Space:

R-120	65%, But not less than 2 acres
R-40 and R-40S	45%, but not less than 1 acre

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R-30 and R-30/R	40%, but not less than 1 acre
R-20	40%, but not less than 1 acre
R-10	20%, but not less than 1 acre

Note: A minimum of fifty percent (50%) of all dwelling units shall have access to common space. See Section 25:606 A. for additional standards, requirements and guidelines.

6. **Minimum off-street parking.** See Section 25:508 for standards.
7. **Signs.**
  - a. Detached dwelling units: Information and direction signs as defined in subsection 25:514 E.5.
  - b. See Section 25:514 for additional standards.

**C. Planned unit development.**

1. Residential Uses, including:
  - a. Detached single family or two family dwellings (non-age restricted).
  - b. Zero lot line dwellings.
  - c. Single family detached or two family dwellings for senior citizens.
  - d. Flats provided that the total of such units shall not exceed sixty percent (60%) of all housing types.
  - e. Townhouses, duplexes and triplexes, provided that the total of such units shall not exceed sixty percent (60%) of all housing types.
2. Alternative living arrangements, such as congregate care, nursing homes, assisted living and similar living arrangements.
3. Non-residential uses limited to those listed below, provided that such uses shall not occupy more than twenty-five (25%) percent of the total tract acreage.
  - a. Retail sales of goods and services.
  - b. Sports and fitness centers.
  - c. Banks, including drive-in facilities.
  - d. Restaurants, excluding fast food establishments.
  - e. Shopping centers comprised of the above uses.
  - f. Office uses, including:
    1. Professional services.
    2. Medical clinics and offices.
    3. General offices.
    4. Research facilities.
    5. Telecommunications offices.

- g. Public utilities as conditional uses (See Section 5:601 for standards).
  - h. Community Centers, clubhouses and the like as part of recreational facilities.
4. Accessory Uses Permitted:
- a. Private residential swimming pools in rear yard areas only (see Section 25:516 for standards) and other recreational facilities usually found as accessories to residential uses.
  - b. Off-street parking and garages in conformance with the Residential Site Improvement Standards (see Section 25:508).
  - c. Fences and walls not exceeding six feet (6') in height (see additional design standards in Section 25:503).
  - d. Private residential sheds for detached dwelling units for the storage of objects owned by the residents of the property, not exceeding ten feet (10') in height and 100 sq. ft. in floor area.
  - e. Signs (see Section 25:514).
  - f. Temporary construction trailers and one (1) sign not exceeding one hundred square feet, advertising the prime contractor, subcontractor(s), architect, financial institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with a Certificate of Occupancy or one year, whichever is less, providing that the trailer(s) and sign are on the site where construction is taking place and are setback at least thirty feet (30') from all street and lot lines.
5. Maximum building height. No detached dwelling units shall exceed thirty-five (35') feet. No townhouse, or flat building shall exceed thirty-five feet (35') except as provided in Section 25:602. Building height shall be measured from the finish grade of the front elevation to the average roof ridge line.
6. Minimum number of affordable dwelling units. It is the intent of the Planned Unit Development district to generate a minimum of 155 low and moderate income housing units subject to Section 12.
7. Design requirements.
- a. ***Area and yard requirements for single family, detached residential lots.***

<u>Principal Building:</u>	<u>PUD District</u>
Minimum Lot Area	5,000 square feet
Minimum Lot Frontage	40 feet
Minimum Lot Width	50 feet
Minimum Lot Depth	90 feet
Side Yard minimums	
(Each)	5 feet
(Aggregate)	12 feet

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Front Yard Minimum	18 feet from front building line to sidewalk line
Rear Yard Minimum	15 feet
Maximum Building Coverage	45 percent

Accessory Building Minimum:

Side yard Minimum	5 feet
Rear yard Minimum	5 feet
Maximum Coverage	5 percent

b. *Senior citizen and zero lot line single family housing units.*

<u>Principal Building:</u>	<u>PUD District</u>
Minimum Lot Area	4,500 square feet
Minimum Lot Frontage	40 feet
Minimum Lot Width	50 feet
Minimum Lot Depth	80 feet
Side yard Minimum	
(One)	0 feet
(Aggregate)	15 feet
Front yard Minimum	18 feet
Rear Yard Minimum	15 feet
Maximum Building Coverage	50 percent

Accessory Building:

Side yard Minimum	5 feet
Rear yard Minimum	5 feet
Maximum Coverage	5 percent

- c. *Design requirements for townhouses and flat buildings.* Maximum net density for apartments shall be 20 units per acre; for townhouse developments maximum net density shall be 12 units per acre. Apartment units shall be located on parcels abutting two rights-of-way of at least major collector status in order to provide maximum access and minimal impact on inappropriate rights-of-way.

In developments, or portions thereof which do not include fee simple lots, the minimum distance between attached or multi-family residential buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum separation between the buildings shall be the sum of the two abutting distances. The minimum distances shall be twenty feet (20') for the front of a building on a public street and ten feet (10') for the front of a building on a private street; fifteen feet (15') for the side of a building; and twenty-five feet (25') for the rear of a building. No portion of any building shall be closer to any portion of any other building than the combined

distances of the abutting requirements for each building, providing that the corner of a building off-set more than a twenty degree (20°) angle from a line drawn parallel to another building shall be considered a side of the building.

In developments, or portions thereof which include fee simple lots, for townhouses the following bulk standards shall apply:

Minimum Lot Area	Two thousand square feet (2,000 s.f.)
Minimum Lot Frontage	Twenty feet (20') per unit
Minimum Lot Width	Twenty feet (20') per unit
Minimum Lot Depth	Eighty feet (80')
Minimum Side Yard	Zero feet (0') if adjoining another unit Fifteen feet (15') if outside wall
Minimum Front Yard	Twenty feet (20')
Minimum Rear Yard	Twenty-two feet (22') per unit

Decks, patios, chimneys and similar structures are permitted within the side and rear yard setback areas. This does not include enclosed additions which may be used year round, such as but not limited to "all season porches."

In addition, no building shall be located closer than fifty feet (50') from the right-of-way line of any arterial street, thirty feet (30') from the right-of-way line of any collector street; twenty-five feet (25') from the right-of-way line of any local street, or ten feet (10') from any private road or parking area, except that an attached garage may be five feet (5') from any private access road or parking area.

d. ***Other conditions relating to townhouse and/or apartments.***

- (1) An eight foot (8') long section of privacy fence shall be located between all townhouse units and shown on the site plans.
- (2) No fences taller than four feet (4') shall be permitted along open space lots. The design vocabulary for all of the site elements, including, but not limited to fences, sheds, and decks shall be included on the sit plans for review, prior to approval.

e. ***Standards for alternative living arrangements.***

- (1) Minimum Lot shall be 3 acres.
- (2) Maximum intensity shall be 20 beds per acre.
- (3) Minimum frontage: 200 feet.
- (4) Yard minimums for one-story:
  - Front: 50 feet
  - Rear: 50 feet
  - Side: 30 feet
- (5) Yard minimums for buildings greater than one-story:
  - Front: 100 feet
  - Rear: 100 feet

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Side: 50 feet

- (6) Parking minimum: .5 per bed.
- (7) Building coverage maximum: 35%
- (8) Total coverage maximum: 75%

7.[8.] Non-residential use development requirements.

- a. A maximum lot coverage of the area reserved for non-residential uses of seventy (70%) percent and a maximum floor area ratio of 0.25 shall be permitted. When a non-residential use is not separated from an adjacent residential use by a major collector street or a higher order roadway, the following buffer requirements shall apply.
  - (1) The buffer planting shall consist of a continuous minimum six foot (6') high evergreen tree planting. In addition, a six foot (6') high wood fence will be installed, if it is deemed necessary by the Board.
  - (2) the buffer planting shall also include deciduous and ornamental trees, as well as deciduous and evergreen shrubs for color, seasonal interest, and added screening.
  - (3) When installed along a common lot line with existing residential uses, the buffer planting shall be designed to be visually impermeable within two (2) years after the installation is completed. The size of the plants installed and the species selected for the planting should reflect this objective.
  - (4) The minimum width of the buffer planting shall be ten feet (10'), not including lawn, seeded, or ground cover areas. The minimum width shall be increased to twenty feet (20') along a common lot line with existing residential uses. The buffer width may be reduced, at the discretion of the Board, if the planting is adequately designed to provide sufficient screening.
- b. At least the first twenty-five (25') adjacent to any street or property line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery.
- c. No merchandise, products, waste, equipment, or similar material or objects shall be displayed or stored outside excluding dumpsters and similar devices properly enclosed.
- d. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover or similar plantings and maintained in good condition. In any case, no less than thirty percent (30%) of the total lot area devoted to the permitted non-residential uses shall be landscaped.

8.[9.] Minimum off-street parking. See Section 25:508.

9.[10.] Minimum off-street loading. See Section 25:508.

10.[11.] Permitted signs. See Section 25:514.

- 11.[12.] Open space requirements. Public Open Space totaling no less than 20 percent of the total tract area shall be set aside in parcels of no less than 1 acre in size. Natural water features may be included. The Township shall accept dedication of all open spaces in excess of 1 acre if no multi-family dwellings are developed within the PUD district. See Section 25:606 D.2. et seq. for additional requirements.
- 12.[13.] Low and moderate income housing requirements.
- a. Unless modified by a Court or COAH approved developer's agreement, a minimum of twenty percent (20%) of the total number of residential dwelling units within the Planned Unit Development (PUD) shall be made affordable to low and moderate income households as required in N.J.A.C. 5:93-7.
  - b. There shall be a temporary overlay rental option (TORO) applicable to Planned Unit Developments permitting the base maximum density of 7 units per acre. During that period the TORO is in effect, a developer may satisfy the low and moderate income housing requirement by producing a combination of market and affordable units. To the extent rental units are provided, the portion of the tract specifically devoted to rental units may be developed at a density of twenty (20) dwellings per acre with a twenty percent set aside of the total PUD units of affordable housing.
  - c. The TORO shall automatically expire as of the date that any developer files with the Planning Board or Zoning Board of Adjustment, as the case may be, an application that includes rental units in which 100% of units are affordable using any documented tax credit or subsidy program, the total number of which satisfies the 20% requirement for the PUD. The permissible gross density of the PUD shall then be five (5) units per acre. The total low and moderate income units may be located on a specified parcel or area within the PUD district whereupon the developer shall be relieved of its inclusionary requirements in the remainder of the project.
  - d. Additional standards and requirements in conformance with COAH regulations, N.J.A.C. 5:93-7, 9, 10, 11.
  - e. In reviewing a development application for low and moderate income housing or for a development that has made a contribution toward low and moderate income housing (such as the dedication of land), the Planning Board/Board of Adjustment shall conduct its review in accordance with N.J.A.C. 5:93-10.1 et seq. In conducting its review, the Planning Board shall expedite its review by cooperating with developers of inclusionary developments in scheduling pre-application conferences and scheduling regular and special meetings (as needed) that provide ample time to consider the merits of the application. The goal of such a schedule is to act on a development application within the time limits outlined in the Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq.). The Planning Board/Board

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of Adjustment shall cooperate with developers of inclusionary developments in granting reasonable variances necessary to construct the inclusionary development.

**D. Planned community developments.**

**1. Principal permitted uses on the land and in buildings.**

- a. Townhouses and/or Apartments (see Section 25:603 for additional standards).
- b. Non-residential uses limited to those listed below, provided that the non-residential uses shall occupy no more than five percent (5%) of the overall tract acreage.
  - (1) Retail sales of goods and services.
  - (2) Offices and office buildings.
  - (3) Banks, including drive-in facilities.
  - (4) Restaurants.
  - (5) Shopping centers comprised of the above uses.
  - (6) Public Utilities as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards).

**2. Accessory uses permitted.**

- a. Private residential swimming pools (see Section 25:516 for standards) and other recreational facilities usually found as accessories to residential uses.
  - b. Off-street parking and private garages (see Sections 25:508).
  - c. Fences and walls not exceeding six feet (6') in height (see additional design standards in Section 25:503).
  - d. Signs (see Section 25:514 and the standards for the applicable district).
  - e. Temporary construction trailers and one (1) sign not exceeding one-hundred square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with a Certificate of Occupancy or one year, whichever is less, provided that the trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from all street and lot lines.
- 3. Maximum building height.** No townhouse or apartment building shall exceed thirty-five feet (35') and three (3) stories in height, except as provided in Section 25:602.
- 4. Maximum number of dwelling units permitted.** The maximum number of dwelling units within a Planned Community Development shall be computed on the basis of six (6) dwelling units per gross acre. The maximum number of dwelling units permitted in a Planned Community Development shall be 525 dwelling units.

5. ***Area and distance requirements.***

- a. Minimum distance between townhouse and apartment buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum separation between the buildings shall be the sum of the two abutting distances. The minimum distances shall be twenty feet (20') for the front of a building on a public street and ten feet (10') for the front of a building on a private street; fifteen feet (15') for the side of a building; and twenty-five feet (25') for the rear of a building. No portion of any building shall be closer to any portion of any other building than the combined distances of the abutting requirements for each building, providing that the corner of a building off-set more than a twenty degree (200) angle from a line drawn parallel to another building shall be considered a side of the building. In addition, no building shall be located closer than fifty feet (50') from the right-of-way line of any arterial street; forty feet (40') from the right-of-way line of any collector street; twenty-five feet (25') from the right-of-way line of any local street; or ten feet (10') from any private road or parking area, except that an attached garage may be five feet (5') from any private road or parking area.
  - b. Areas devoted to the permitted non-residential uses shall meet the following requirements:
    - (1) A maximum lot coverage of sixty percent (60%), plus an additional five percent (5%) for amenity areas, plazas and similar design features, and a maximum floor/area ratio of 0.25 shall be permitted.
    - (2) At least the first twenty-five feet (25') adjacent to any street or property line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery.
    - (3) No merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside.
    - (4) All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. In any case, no less than forty percent (40%) of the total lot area devoted to the permitted non residential uses shall be landscaped.
    - (5) The minimum setback area shall include a planted buffer of twenty feet (20') along any common property line with a residential district, use or development (see Section 25:804 for additional standards).
6. ***Minimum off-street parking.*** See Section 25:508 for standards.
  7. ***Minimum off-street loading.*** See Section 25:508 for standards.
  8. ***Permitted signs.*** See Section 25:514 for standards.
  9. ***Open space requirements.*** See Section 25:606 D. for standards, requirements and guidelines.

10. ***Low and moderate income housing requirements.***

- a. At least 20% of the total number of units within a PCD shall be subsidized or otherwise made affordable to low and moderate income households as defined in Section 25:1100 and COAH regulations, as amended. A PCD may obtain approvals for two alternative plans, either with an affordable housing component or without an affordable housing component. Any plan with an affordable component shall have a maximum density of 6/acre. Any plan without an affordable housing component shall have a maximum density of 3.5/acre. Any approved plan without an affordable housing component shall be perfected upon the developer posting a performance bond acceptable to the Township for a minimum amount of \$20,000 per affordable unit, otherwise required by ordinance or previous approval, or entering into a Developer's Agreement acceptable to the Township, or at such time as the Township receives COAH or Court certification for a Housing Plan which does not include affordable units in the PCD. The purpose of performance bond is to assure the development of the affordable units.
- b. See Section 25:607 for additional standards and requirements.

E. ***Open space requirements.***

1. Land area equal to a minimum of forty percent (40%) of the tract of land proposed for residential development shall be specifically set-aside for conservation, open space, flood plain, recreation and/or other common open space. Land utilized for street rights-of-way shall not be included as part of the above forty percent (40%) open space requirement. In the R-10 District the minimum percentage shall be fixed at twenty percent (20%). In the R-20 District the minimum percentage shall be fixed at thirty percent (30%). All other provisions of this section and Section 25-518 shall be applicable to the percentage of land area set aside.
2. In its preparation of the set-aside common open space and the purposes proposed for its use, the developer shall be guided by the recommendations contained within the Township Master Plan prepared by the Planning Board. High priority concerns include:
  - a. The location and construction of adequate recreational facilities throughout the Township for public use.
  - b. The conservation of stream rambles throughout the Township for passive recreational use.
  - c. The protection of environmentally fragile and important resource land areas, including aquatic buffer areas, 500-year flood plains, wetlands, and treed acreage.
  - d. The common open space shall be distributed throughout the development so that as many residential lots as is practicable abut and have access to the common open space. The Township shall review the submitted common open space plan in the context of the particular development proposal, the particular characteristics

of the subject land area, and the ability, desirability and practicality of relating the proposed open space to adjacent and nearby lands. In any case, the lands shall be improved as may be necessary to best suit the purpose(s) for which they are intended.

3. Should the proposed development consist of a number of stages, the Planning Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with the granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.
4. Common open space may be deeded to the Township or dedicated to an open space organization or trust, with incorporation, master deed and by-laws to be approved by the Planning Board. If common open space is not dedicated and accepted by the Township, the landowner shall provide for and establish an open space organization or trust for the ownership and maintenance of the common open space. That organization or trust shall not be dissolved, nor shall it dispose of any common open space by sale or otherwise.
  - a. If the applicant proposes that the common open space shall be dedicated to the Township, then the Planning Board shall forward that request with its recommendation to the Township Committee prior to the granting of preliminary plan approval of any development application containing common open space. No open space dedication to the Township shall be valid unless that dedication has been accepted by the Township Committee.
  - b. All lands not offered to and/or not accepted by the Township shall be owned and maintained by an open space organization or trust as provided in N.J.S.A. 40:55D-43 and stipulated herein.
  - c. The homeowners association must be established before the homes are sold.
  - d. Membership in the homeowners association must be mandatory for each homebuyer and any successive buyer.
  - e. The open space restrictions must be permanent, not just for a period of years.
  - f. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  - g. Homeowners must pay their pro-rata share of the cost; the assessment levied by the association shall become a lien on the property if allowed in the master deed establishing the homeowners association.
  - h. ~~The association must be able to adjust the assessment to meet changed needs.~~
5. In the event that the organization created for common open space management shall fail to maintain any open space or recreation area in a reasonable order and condition in accordance with the approved site plan, the Township may serve notice upon that organization or upon the owners of the development, setting forth the manner in which the organization has failed to maintain the areas in reasonable conditions, and the

notice shall include a demand that the deficiencies of maintenance be cured within thirty (30) days thereof and shall set the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. At the hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time not to exceed sixty-five (65) days, within which time the deficiencies shall be cured.

- a. If the deficiencies set forth in the original notice or in modifications thereof shall not be cured within the thirty (30) days or any extension thereof, the Township, in order to preserve the common open space and maintain it for a period of one year, may enter upon and maintain that land.

The entry and maintenance shall not vest in the public any rights to use the open space and recreation areas except when the open space and recreation area is voluntarily dedicated to the public by the owners.

- b. Before the expiration of the year, the Township shall, upon its initiative or upon the request of the organization responsible for the maintenance of the areas, call a public hearing upon fifteen (15) days written notice to the organization and to the owners of the development to be held by the Township, at which hearing the organization and owners of the development shall show cause why the maintenance by the municipality shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that the organization is ready and able to maintain the open space and recreation areas in reasonable condition, the Township shall cease to maintain the open space and recreation areas at the end of the year. If the Township shall determine that the organization is not ready and able to maintain the open space and recreation areas in a reasonable condition, the Township may, in its discretion, continue to maintain the open space and recreation areas during the next succeeding year and, subject to a similar hearing, a determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.
- c. The cost of the maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with the assessed value at the time of imposition of the lien, and shall become a lien and tax on those properties and be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the Township in the same manner as other taxes.
- d. Any open space organization or trust initially created by the developer shall clearly describe in its by-laws the rights and obligations of the homeowners and tenants in the residential development and the articles of incorporation, master deed and by-laws of the organization, including any amendments thereto, shall be submitted for review and approval by the Planning Board prior to the granting of final approval by the Township.

6. Undeveloped Open Space. As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the Planning Board may require a developer to make other improvements such as removal of dead or diseased trees; thinning of trees or other vegetation to encourage more desirable growth; and grading and seeding.

**F. Review and approval of documents.**

1. All Master Deeds, Covenants, Restrictions, Easements, Homeowner's Association documents, including By-Laws, and any similar documents as well as any amendments to any of the documents shall be subject to review and approval by the Planning Board before they are filed, recorded or take effect.
2. No documents shall be approved that, in the determination of the Planning Board, conflict with the sound development and maintenance of the subject property or the Township, are contrary to public policy or the general welfare of the Township or are not written in easily understandable English.
3. All Planned Developments consisting of more than 100 acres shall require General Development Plan approval as specified below; all developments of more than 100 acres in the REO and/or HC Zones, may apply for General Development Plan approval as specified below:
  - (a) An applicant requesting General Development Plan approval shall first submit to the administrative officer, twelve (12) copies of the materials stipulated in Section 606 E.5.
  - (b) The application shall be declared to be complete or incomplete within 45 days from the date of submission.
  - (c) An application for approval of a General Development Plan shall require a public hearing and notice pursuant to the provisions of N.J.S.A. 40:55d-10, 11 and 12.
  - (d) The Planning Board shall, within 95 days or within such further time as may be consented to by the applicant, either grant approval of the General Development Plan as submitted or with changes and/or conditions, or deny approval.
4. General Development Plan Details/Durations.
  - (a) The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density and the nonresidential floor area ratio for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development. The planned development shall be development plan approved by the planning board notwithstanding any provision of P.L. 1975, c.291 (C. 40:55D-1 et seq.), or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.

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- (b) The term of the effect of the general development plan approval shall be determined by the planning board using the guidelines set forth in subsection (c) of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development pursuant to P.L. 1975, c. 291 (c. 40:55D-1 et seq.).
  - (c) In making its determination regarding the duration of the effect of approval of the development plan, the planning board shall consider: the number of dwelling units or amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capability of completing the proposed development, and the contents of the general development plan and any conditions which the planning board attaches to the approval thereof.
5. Information that is required to be submitted for General Development Plan approval.
- (a) A general land use plan at a scale not less than 1"=200' indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of non-residential uses to be included in the planned development shall be set forth and the land area to be occupied by each proposed use shall be estimated. The density and intensity of the use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;
  - (b) Circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development;
  - (c) An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conversation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands;
  - (d) A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal and a plan for the operation and maintenance of proposed utilities;
  - (e) A storm water management plan setting forth the proposed method of controlling and managing storm water on the site;

- (f) An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site existing man-made structures or features and the probable impact of the development on the environmental attributes of the site;
  - (g) A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations;
  - (h) A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, c.222 will be fulfilled by the development;
  - (i) A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;
  - (j) A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipality or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection or property tax revenues which will accrue to the county, municipality and school districts according to the timing schedule provided under Subsection 11 [(k)] of this Section, and following the completion of the planned development in its entirety;
  - (k) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety; and
  - (l) A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.
  - (m) Other information. The Planning Board may require such additional information not specified in the Section, or any revisions in the accompanying the documents, as are 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 municipal agency.
6. General Development Plan; timing schedule; modification.
- (a) In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the planning board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and

actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development.

- (b) Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval by the Department of Environmental protection pursuant shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the planning board, that the variation being proposed is a direct result of such determination by the Department of Environmental Protection, as the case may be.
- (c) General Development Plan (GDP) certification upon completion; failure to complete or comply, and, termination of approval; Upon the completion of each section of the development as set forth in the approval GDP, the developer shall notify the administrative officer by certified mail as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this Section "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved GDP. If the Municipality does not receive such notification at the completion of any section of the development, the Municipality, shall notify the developer, by certified mail, in order to determine whether or not terms of the approved plan are being complied with. If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if at any time the Municipality has caused to believe that the developer is not fulfilling their obligations pursuant to the approved plan, the Municipality shall notify the developer, by certified mail, and the developer shall have ten (10) days within which to give evidence that they are fulfilling their obligation pursuant to the approved plan.

The Municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the Municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

- (d) In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the planning board, the municipality shall have cause to terminate the approval.
- (e) GDP satisfactory completion: In the event that a development which is the subject of an approved GDP is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purpose of this section, a development shall be considered complete on the

date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

**G. PBD planned business development.**

**1. Principal permitted uses.**

- a. Uses consistent with those permitted in the HC Highway Commercial District on development tracts abutting the Rt 130 right-of-way.
- b. Uses consistent with those permitted in the REO District except for wholesale distribution centers and manufacturing.
- c. Congregate care facilities.

**2. Accessory uses permitted.** As permitted in the respective districts noted above.

**3. Conditional uses.** Residential development credits at 1.5 units per gross acre.

- a. The credits must be transferred to a designated receiving district, which shall for the purposes of this section be considered part of the non-contiguous PBD.
- b. As part of any PBD approval including the residential credit transfer, a deed restriction must be imposed upon the PBD tract against residential development in the amount transferred.

**4. Intensity of uses.**

- a. HC uses may be located on no more than  $\frac{1}{3}$  of the gross PBD acreage.
- b. REO uses as permitted may be located on no more than  $\frac{1}{3}$  of the total gross PBD acreage.
- c. Congregate care uses shall be limited to a maximum 100 beds, which shall include a 20% set-aside for affordable accommodations under COAH regulations (N.J.A.C. 5:93-5 and 7).

**5. Bulk regulations.**

- a. HC uses as in Section 25:408 C. and D., except that the maximum impervious surface shall be 75%.
- b. REO uses modified as in Section 25:410 C. and D. except that the maximum impervious surface shall be 75%.
- c. Congregate care:
  - (1) Maximum intensity: 20 beds per acre.
  - (2) Minimum frontage: 200 feet.
  - (3) Minimum yards:
    - Front: 100 feet
    - Side: 50 feet

Rear: 100 feet

(4) Minimum parking: .5 spaces per bed.

6. **Open space.**

a. A minimum of one-third of the total PBD tract, exclusive of open areas on development sites, shall be in contiguous open space.

7. **Access.** Primary access of all non-residential uses shall be to Rt. 130; no delivery or dispersal traffic from any non-residential use shall be via any other existing or new right-of-way.

H. **PBD-R planned business development residential.**

1. **Principal permitted uses.**

a. Uses consistent with those permitted in the HC-Highway Commercial District on development tracts abutting the Rt. 130 right-of-way.

b. Uses consistent with those permitted in the REO District.

c. Residential uses. Consistent with the types permitted in the A/T multi-family district subject to the design standards in this section and including a set-aside for affordable units of 15% of the units developed on site. Such affordable units shall be equally divided between low and moderate income units as those terms are defined, from time to time under N.J.A.C. 5:91-1 et seq. And 5:93-1 et seq. In lieu of constructing affordable units on site, the developer may make a cash contribution equal to \$10,000 for each affordable unit otherwise to be developed on site. Such payment shall be made upon the developer's receipt of a certificate of occupancy for the unit otherwise to be built as an affordable unit under the phasing requirements in N.J.A.C. 5:93-1 et seq.

2. **Accessory uses.** As permitted in the respective districts noted above.

3. **Conditional uses.**

a. Residential units, in addition to those above consistent with the types permitted in the A/T District to a maximum of 195 units when utilizing residential development credits transferred from elsewhere in the Township and including a set aside for affordable units of 15% of the units developed on site. Such affordable units shall be equally divided between low and moderate income units as those terms are defined, from time to time under N.J.A.C. 5:91-1 et seq. And 5:93-1 et seq. In lieu of constructing affordable units on site, the developer may make a cash contribution equal to \$10,000 for each affordable unit otherwise to be developed on site. Such payment shall be made upon the developer's receipt of a certificate of occupancy for the unit otherwise to be built as an affordable unit under the phasing requirements in N.J.A.C. 5:93-1 et seq. For the purposes of this section, the PBD-R tract and the property from which residential credit are transferred shall be considered a non-contiguous planned development.

4. ***Additional conditional uses.***

- a. Upon payment of a density bonus fee for each bonus residential unit, a maximum of 135 additional residential units of the types permitted above shall be permitted. The density bonus fee and its method of payment shall be in accordance with the provisions of the Order of Compliance and Judgment of Repose entered by the Court resolving the litigation of cases titled E'Town Properties v. Township of Bordentown, et al., and Bordentown Development Company v. Township of Bordentown, et al., with Docket Numbers BUR-L-975-97; 1281-97; 1113-98; 1296-98; and 2583-98. The magnitude of the density bonus, up to the maximum of 135 additional units, shall be at the sole discretion of the developer.

5. ***Inclusionary obligation.***

- a. Any and all residential development within the zone shall set aside 15% of all units as price-restricted units. Such affordable units shall be equally divided between low and moderate-income units and administered in accordance with Section 25:1100. In lieu of restricting the prices of units within the development, the developer may opt to make a cash contribution to the Township for the purposes of providing affordable housing in the amount of \$20,000.00 per unit otherwise required to be price-restricted. Payments shall be made by the developer in four equal increments occurring prior to the issuance of the certificate of occupancy for homes totaling 25%, 50%, 75%, and 90% of the total number of homes that have received preliminary approval by the Planning Board of Bordentown Township.

6. ***Location and overall intensity of uses.***

- a. The permitted number of residential units shall be 1.5 units per gross tract acreage, inclusive of all lands to be used for non-residential purposes. The units authorized as a Conditional Use (G2(a)), shall be in addition to this number and may not exceed 135 additional units.

7. ***Bulk regulations.***

- a. HC uses as in Section 25:408 C. and D., except:
  1. The floor area ratio in the PBD-R for HC uses shall be 25%.
  2. The maximum impervious surface in the PBD-R for HC uses shall be 75%.
  3. The maximum floor-area ratio for hotels and motels permitted as conditional use within the HC, is .40 for development within the PBD-R District.
  4. The parking ratio for Shopping Centers in the PBD-R District is 5.5 per one-thousand (1,000) square feet of net habitable floor area.
- b. REO uses as in Section 25:410 C. and D. except:
  1. The floor area ratio in the PBD-R for REO uses shall be 40%.
  2. The maximum impervious surface in the PBD-R for HC uses shall be 75%.

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- c. Residential uses as per Section 25:406 C. and D., and Section 25:603, except:
1. The height of all residential structures in the PBD-R District shall be measured from the average grade of the front of the structure to the average roof ridge.
  2. The maximum height of residential structures in the PBD-R District shall be 45' when parking, either in common lots or individual garages, is provided within the structure at the first level. No more than two (2) stories of living space, excluding lofts and attics, may be provided above the parking level.
  3. All decks, patios, chimneys, fireplaces, bay windows, and similar structures may intrude into yard setbacks or building separations.
  4. The following sections of the Township of Bordentown Land Development Ordinance shall not apply:
    - (a) Section 25:603 M.: Each apartment or ground floor unit shall have a private rear yard of two-hundred (200) square feet minimum, which shall be enclosed by means of a minimum of a four-feet (4') high wooden fence, hedge, or a combination of both. Each unit above the ground floor shall have a balcony or terrace of at least sixty (60) square feet.
    - (b) Section 25:603 O.: A minimum of five-hundred (500) cubic feet of storage shall be provided for each unit, including storage for garbage in the front of the unit and bicycles, garden equipment, barbecue equipment, and so forth in the rear of the unit.
    - (c) Section 25:603 P.: Front yards of units shall be enclosed with a three-feet (3') high picket fence or hedge maintained at three feet.
    - (d) Section 25:603 Q.: A minimum of three-hundred (300) cubic feet of storage shall be provided for each unit, including storage for garbage, bicycles, garden equipment, barbecue equipment, and so forth in an appropriate location.
  5. Section 25:603 shall be modified to provide a minimum of twenty (20) feet from garage face or other parking stall terminus to any sidewalk or pedestrian way.
  6. Where yards are not provided for apartment structures, buildings shall be separated by sixty (60) feet when no entrances are present (i.e., sides of buildings) and one-hundred (100) feet when entrances are present along a facade (i.e., fronts and rears).
- d. Residential uses, as permitted in Section 25:406, may provide a minimum lot area of 7,700 square feet for detached, single-family-unit construction, and as to such lots the rear set-back requirement shall be twenty-five (25) feet and the front-, side-, and rear-yard setbacks may be reduced by not more than one-third ( $\frac{1}{3}$ ) to allow for the construction of such features as decks, patios, chimneys, fireplaces, bay windows, and similar structures.

8. ***Other standards.*** At the option of the developer, residential units may be age restricted where at least one member of the household is at least 55 years old, in accordance with appropriate Federal and State Law.

(Ord. No. 1996-7, § 8, 5-13-1996; Ord. No. 1998-09, §§ 10, 11, 6-9-1998; Ord. No. 1999-13, §§ X—XII, 8-10-1999; Ord. No. 2000-05, § II, 5-9-2000; Ord. No. 2001-12, 9-24-2001)

## SECTION 700

# ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

- 25:701. Establishment of the Zoning Board of Adjustment.
- 25:702. Powers and Jurisdiction of the Zoning Board of Adjustment.
- 25:703. Appeals and Applications to the Zoning Board of Adjustment.
- 25:704. Establishment of a Planning Board.
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- 25:708. Notice of Decisions.
- 25:709. Expiration of Variances.

**25:701. Establishment of the Zoning Board of Adjustment.**

A. A Zoning Board of Adjustment is hereby created, pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven (7) regular members and two (2) alternate members, each of whom shall be residents of Bordentown Township and be appointed by the Township Committee. The current members of the Zoning Board of Adjustment are hereby reappointed to serve their respective terms. The terms of all new members appointed shall be so determined that, to the greatest practicable extent, the expiration of their terms shall be distributed, in the case of regular members, evenly over the first four (4) years after their appointment and, in the case of alternate members, evenly over the first two (2) years after their appointment; provided, however, that the initial term of no regular member shall exceed four (4) years and that the initial term of no alternate member shall exceed two (2) years. Thereafter, the term of each regular member shall be four (4) years and the term of each alternate member shall be two (2) years.

B. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2". Alternate members may participate in the discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate is to vote, "Alternate No. 1" shall vote.

C. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.

D. Any vacancy on the Board occurring other than by expiration of term shall be filled by appointment by the Township Committee to serve for the unexpired term of the member whose term shall become vacant. A member may be removed by the Township Committee for cause, but only after public hearing, if requested, and other requested procedural due process protections.

E. The Zoning Board of Adjustment shall organize annually by selecting from among its regular members a Chairman and a Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee.

F. The Township Committee, after giving due consideration to budget requests that may be submitted by the Zoning Board of Adjustment, shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.

G. The Office of Zoning Board of Adjustment Attorney is hereby created. The Board of Adjustment may annually appoint to that office and fix the compensation or rate of compensation of an attorney at law of New Jersey other than the municipal attorney.

H. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of those experts and other staff and services as it may deem necessary.

I. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

**25:702. Powers and Jurisdiction of the Zoning Board of Adjustment.**

The Zoning Board of Adjustment shall have the power to:

- A. ***Error or refusal.*** Hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or refusal made by an official based on or made in the enforcement of the zoning provisions of this Chapter.
- B. ***Exceptions or interpretations.*** Hear and decide requests for interpretation of the Zoning Map or the provisions of this Chapter or for decisions upon other special questions upon which the Board is authorized to pass by any provisions of this Chapter or by any duly adopted Official Map.
- C. ***General bulk variances.***
  1. Where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) 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 of this Chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of the property, grant, upon an application or an appeal relating to the property, a variance from the strict application of the regulation so as to relieve the difficulties or hardship;
  2. Where, in an application or appeal relating to a specific piece of property the purposes of this Chapter would be advanced by a deviation from the zoning requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from the zoning regulation;provided, however, that no variance from those enumerated in Section 25:702 D. (N.J.S.A. 40:55D-70(d)) 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.
- D. ***Use variance, variances from conditional use standards, and major specific bulk variances.*** In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this Chapter to permit:
  1. A use or principal structure in a district restricted against the use or principal structure;
  2. An expansion of a nonconforming use;
  3. Deviation from a particular specification or standard set forth in this Chapter as pertaining solely to a conditional use, except for those specifications or standards that the Planning Board is authorized to waive or modify by this Chapter;

4. An increase in the permitted floor area ratio as defined in Section 25:200 and in N.J.S.A. 40:55D-4;
5. An increase in the permitted density as defined in Sections 25:400 or 25:600, and in N.J.S.A. 40:55D-4, 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 an isolated undersized lot or lots resulting from a minor subdivision, in which event applications would be made pursuant to Section 25:702 C.

A variance under this subsection shall be granted only by the affirmative vote of at least five (5) members of the Board.

**E. *General provisions.***

1. No variance or other relief may be granted under the terms of this Section unless the 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 zoning plan and the zoning provisions of this Chapter.
2. In respect of any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983" (N.J.S.A. 6:1-80 et seq.), no variance or other relief may be granted under the terms of this Section permitting 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.
3. An application under this section may be referred to any appropriate person or agency for its report; provided that the reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

**F. *Other powers.*** The Zoning Board of Adjustment shall have those other powers as prescribed by law, including, but not limited to, the following:

1. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-34 for the construction of a building or structure within the bed of a mapped street or public drainageway, flood control basin or public area as shown on a duly adopted Official Map of the municipality whenever one or more parcels of land within the bed cannot yield a reasonable return to the owner unless a construction permit is granted. The Board may grant the relief only by affirmative vote of a majority of the full, authorized membership of the Zoning Board of Adjustment, ensuring that the relief will tend to cause a minimum change of the Official Map and will not significantly add to the cost of opening any proposed street. The Board shall impose reasonable requirements as a condition of granting the construction permit so as to promote the health, morals, safety and general welfare of the public.
2. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-36 for the construction of a building or structure on a lot not abutting a street which is shown on a duly adopted Official Map of the Municipality or which is (a) an

existing State, County or municipal street or highway; or (b) a street shown upon a plat approved by the municipal Planning Board; or (c) a street on a plat duly filed in the office of the County Recording Officer. The Board may grant the relief only when the enforcement of the requirement that a building lot abut a street would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to abut a street. The Board shall impose requirements or conditions that will provide adequate access for fire fighting equipment, ambulances and other necessary emergency vehicles for the protection of the public health and safety and that will protect any future street layout on the Official Map or on the general circulation plan element of the municipal Master Plan.

3. The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision, site plan or conditional use approval whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to Section 25:702 D.
  - a. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use.
  - b. The separate approval of the variance shall be conditioned upon a grant of all required subsequent approvals by the Zoning Board of Adjustment.
  - c. No such subsequent approval shall be granted unless that approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the provisions of this Chapter.
  - d. The number of votes of Board members required to grant the subsequent approval shall be as otherwise provided in this Chapter, and the special vote pursuant to section 25:702 D. shall not be required.

G. **Annual report.** The Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The Zoning Board of Adjustment shall send copies of its report and resolution to the Township Committee and to the Planning Board.

### **25:703. Appeals and Applications to the Zoning Board of Adjustment.**

A. Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of a municipal official of the municipality based on or made in the enforcement of the zoning provisions of this Chapter or a duly adopted Official Map. The appeal shall be taken within twenty (20) days by filing a notice of appeal on the appropriate application form and the payment of the required fee and escrow deposit, as set forth in Section

25:901, with the official from whom the appeal is taken, with three (3) copies of the notice given to the Secretary of the Zoning Board of Adjustment. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.

C. An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the official from whose action the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property.

In that case, proceedings shall not be stayed other than by an order of the New Jersey Superior Court upon notice to the Municipal official from whom the appeal is taken and due cause shown.

D. A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to a Municipal official.

E. The Zoning Board of Adjustment shall act upon any appeal or any application for development within one hundred twenty (120) days either from the date the appeal is taken from the decision of the municipal official or from the date the application is certified as a complete application, as the case may be, or within such further time as may be consented to by the applicant, except that when an applicant elects to submit separate consecutive applications for use variance approval and site plan, subdivision or conditional use approval, the one hundred twenty (120) day time period for action shall apply to the application for approval of the use variance, and the time period for granting or denying any subsequent approval shall be as otherwise provided in this Chapter.

#### **25:704. Establishment of a Planning Board.**

A. A Planning Board is hereby created consisting of nine (9) regular and two (2) alternate members of the following four (4) classes:

- |           |   |
|-----------|---|
| Class I   | The Mayor.  |
| Class II  | One of the officials of the Township other than a member of the Township Committee, to be appointed by the Mayor. |
| Class III | A Member of the Township Committee to be appointed by it.   |

- Class IV-Regular Six (6) citizens of the Township to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board as required by R.S.40:56A shall be a Class IV Planning Board member unless there be among the Class IV regular or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be the Class II member of the Planning Board.
- Class IV-Alternate Two (2) other citizens of the Township to be appointed by the Mayor. Alternate members shall meet the qualifications of Class IV regular members and shall be designated by the Mayor at the time of their appointment as "Alternate No. 1" and "Alternate No. 2".

B. The term of the member composing Class I shall correspond with his or her official tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II (or Class IV) member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his or her term as a member of the Environmental Commission, whichever comes first.

C. All present Class IV members of the Planning Board shall continue in office until the completion of the terms for which they were appointed. The term of a Class IV member who is also a member of the Zoning Board of Adjustment or the Board of Education shall terminate whenever he or she is no longer a member of that other body or at the completion of his or her Class IV term, whichever comes first.

D. The terms of Class IV regular members first appointed pursuant to this Chapter shall be so determined that to the greatest practicable extent the expiration of the term shall be evenly distributed over the first four (4) years after their appointment; provided that the initial term shall not exceed four (4) years. Thereafter the term of each Class IV regular member shall be four (4) years. All terms shall run from January 1st of the year in which the appointment is made.

E. The terms of the Class IV alternate members shall be two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. All terms shall run from January 1st of the year in which the appointment is made.

F. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

G. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Any member other than a Class I member may be removed by the Township Committee for cause but only after public hearing, if requested, and other requested procedural due process protection.

H. The Planning Board shall organize annually by selecting from among its Class IV regular members a Chairman and a Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or an employee of the Township.

I. The Township Committee, after giving due consideration to budget requests that may be submitted by the Planning Board, shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.

J. The Office of Planning Board Attorney is hereby created. The Planning Board may appoint to that office and fix the compensation or rate of compensation of an attorney at law of New Jersey other than the Township attorney.

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

L. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for its use.

**25:705. Powers and Jurisdiction of the Planning Board.**

The Planning Board shall have the powers listed below in addition to other powers established by law:

- A. Make, adopt and, from time to time, amend a Master Plan for the physical development of the Township, including any areas outside its boundaries which, in the Board's judgment, bear an essential relationship to the planning of the Township.
- B. Administer the Subdivision and Site Plan Review provisions of the Land Development Ordinance in accordance with the applicable provisions of this Chapter.
- C. Hear and decide applications for conditional uses in accordance with the applicable provisions of this Chapter.
- D. Participate in the preparation and review of programs or plans required by state or federal law or regulation.
- E. Assemble data on a continuing basis as part of a continuous planning process.

- F. Annually, at the request of the Township Committee, prepare a program of municipal capital improvements projects projected over a term of six (6) years and recommend the same to the Township Committee.
- G. Consider and report to the Township Committee within thirty-five (35) days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the Township Committee.
- H. Whenever the proposed development requires approval of a subdivision, site plan or conditional use, but not a variance pursuant to Section 25:702 D. (N.J.S.A. 40:55D-70(d)), to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:
  - 1. Variances pursuant to subsection 25:702 C. (N.J.S.A. 40:55D-70(c)).
  - 2. Direction pursuant to subsection 25:702 F.1. (N.J.S.A. 40:55D-34) for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32.
  - 3. Direction pursuant to subsection 25:702 F.2. (N.J.S.A. 40:55D-36) for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this section, notice of the 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 for a subdivision, site plan, or conditional use. Any separate approval of the variance or direction of the issuance of a permit, shall be conditioned upon 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 detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this Chapter.

**25:706. Provisions Applicable to Both the Planning Board and the Zoning Board of Adjustment.**

A. **Conflicts of interest.** No regular or alternate member of the Planning Board or the Zoning Board of Adjustment shall act on any matter in which that member has either directly or indirectly any personal or financial interest. Whenever any member shall disqualify himself or herself from acting on a particular matter, that member shall not continue to sit with the Board on the hearing of that matter nor participate in any discussion or decision relating to that matter.

B. **Meetings.**

- 1. Meetings of both the Planning Board and the Zoning Board of Adjustment shall be scheduled no less than once a month and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.

2. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which meetings shall be held on notice to its members and the public in accordance with all applicable legal requirements.
3. No action shall be taken at any meeting without a quorum being present, the quorum to be the majority of the full authorized membership of the Board.
4. All actions shall be taken by majority vote of the members of the Board present at the meeting except as otherwise required by a provision of N.J.S.A. 40:55D-1 et seq. A member of the Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings; provided, however, that the Board member has available the transcript or recording of all of the hearing from which the member was absent, and certifies in writing to the Board that he or she has read the transcript or listened to the recording.
5. All regular meetings and all special meetings shall be open to the public, except as provided in the Open Public Meeting Act, N.J.S.A. 10:4-6. Notice of all meetings shall be given in accordance with the requirements of the Open Public Meeting Act, N.J.S.A. 10:4-6.

**C. Public hearings.**

1. The Planning Board or the Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each Board shall make rules governing the conduct of those hearings.
2. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Administrative Officer. The applicant may produce any documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
3. The officer presiding at the hearings, or a person designated by the presiding officer, shall have the 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", (N.J.S.A. 2A:67A-1 et seq.) shall apply.
4. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, or another person designated 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 reasonable limitations as to time and number of witnesses.

**D. Public notice of a hearing.**

1. Public notice of a hearing shall be given for the following applications for development:
  - a. Any request for a variance;
  - b. Any appeal from the administrative officer.
  - c. Any request for an interpretation.
  - d. Any request for conditional use approval;
  - e. Any request for issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street;
  - f. Any request for site plan and/or subdivision approval involving one or more of the aforesaid elements;
  - g. Any request for preliminary approval of a major subdivision and/or preliminary major site plan; and,
  - h. Any request for approval of a planned development.
  - i. Any matter where the Board determines that it is in the public interest that notice be given of the time and date of the hearing.
2. The Secretary of the Planning Board or the Zoning Board of Adjustment, as the case may be, shall notify the applicant at least two (2) weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:
  - a. By publication in an official newspaper of the Township, if there is one, or in a newspaper of general circulation in the Township in the absence of an official newspaper.
  - b. By notification by personal service or certified mail to the following. An affidavit of proof of the giving of the required notice shall be filed by the applicant with the municipal agency at, or prior to, the hearing. It is not required that a return receipt is obtained; notice is deemed complete upon mailing (N.J.S.A. 40:55D-14).
    - (1) To all owners of real property as shown on the current tax duplicate, located in the State and within two hundred feet (200') in all directions of the property which is the subject of the hearing; provided that this requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it.
      - a) Notice to a partnership owner may be made by service upon any partner.
      - b) Notice to a corporate owner may be made by service upon its president, a vice-president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

- c) Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of the common elements or areas.
- (2) To the Clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of the adjoining municipality or municipalities.
- (3) To the Burlington County Planning Board when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or County Master Plan, adjoining other county land or situated within 200 feet of a municipality boundary.
- (4) To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway and to the New Jersey Turnpike Authority when the property abuts the New Jersey Turnpike.
- (5) To the Director of the Division of State and Regional Planning in the Department of Community Affairs when the hearing involves an application for the development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be filed with the Township.

3. Upon the written request of an applicant, the Administrative Officer shall, within seven (7) days, make and certify a list from current tax duplicates of names and addresses of owners within the Township to whom the applicant is required to give notice.

The applicant shall be charged a fee, as set forth in Section 25:901, for the list and shall be entitled to rely upon the information contained in the list, and failure to give notice to any lot owner not on the list shall not invalidate any hearing or proceeding. Additionally, the applicant shall be responsible for giving proper notice to all property owners pursuant to Section 25:706 D.2.b. above who do not reside within the Township.

4. The notice shall state the date, time and place of the hearing and the nature of the matters to be discussed, and an identification of the property proposed for development by street address, if any, and by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

#### **E. Records.**

1. Minutes of every regular or special meeting shall be kept and shall include the names and addresses of the persons appearing and addressing the Planning Board or the Zoning Board of Adjustment, and of any persons appearing by attorney, the action

taken by the Planning or Zoning Board, the findings, if any, made by it and the reasons therefor. The minutes shall thereafter be made available, after approval by the Board, for public inspection during the normal business hours at the office of the Administrative Officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of the minutes. The interested party shall be charged a reasonable fee for the reproduction of the minutes, as provided in Section 25:901.

2. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made either by stenographer, mechanical or electrical means. The municipality shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at the expense of that party, provided that the charge for a transcript shall not exceed the maximum amount permitted in N.J.S.A. 2A:11-15, and as provided in Section 25:901. Each transcript shall be certified in writing by the transcriber to be accurate.

**F. Decisions.**

1. Each decision on any application for development shall be reduced to writing by the Board and shall include findings of facts and conclusions based thereon.
2. The Board shall provide the findings and conclusions through:
  - (a) A resolution adopted at a meeting held within the time period provided in this Chapter for action by the Board on the application for development; or
  - (b) A memorializing resolution adopted at a meeting held no later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval. Only the members of the Board who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of those members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9 (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.
3. The vote on any memorializing resolution shall be deemed to be a memorialization of the action of the Board and not to be an action of the Board; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required in Section 25:708.
4. If the Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time and the cost of the application, including attorneys fees, shall be assessed against the municipality.

**25:707. Appeal of Decisions.**

A. Any interested party as defined in N.J.S.A. 40:55D-4 may appeal to the Township Committee any final decision of the Zoning Board of Adjustment approving an application for a use variance pursuant to N.J.S.A. 40:55D-70d and Section 25:702 D. Notwithstanding the right of appeal to the Township Committee, any party has the right to obtain a review of the Zoning Board of Adjustment decision by any court of competent jurisdiction according to law.

B. Any appeal to the Township Committee shall be made within ten (10) days of the date of publication of the final decision pursuant to Section 25:708. The appeal to the Township Committee shall be made by serving the Township Clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and the name and address of his or her attorney, if represented.

C. The appellant shall either:

- (1) Within five (5) days of serving notice of the appeal, arrange for a transcript for use by the Township Committee and pay a deposit of fifty dollars (\$50.00) or the estimated cost for the transcription, whichever is less; provided that the charge by the Township to the applicant for the transcript shall not exceed the maximum permitted in N.J.S.A. 2A:11-15; or
- (2) Within thirty-five (35) days of serving notice of the appeal, submit a transcript to the Township Clerk for use by the Township Committee.

Should the appellant fail to arrange for or to submit a transcript as provided above, the Township Committee may dismiss the appeal for failure to prosecute. All transcripts shall be certified in writing by the transcriber to be accurate.

D. Notice of the meeting to review the record below shall be given by the Township Committee by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Section 25:708, and to the Zoning Board of Adjustment at least ten (10) days prior to the date of the meeting. The appeal shall be decided by the Township Committee only upon the record established by the Zoning Board of Adjustment. The parties may submit oral and written arguments on the record at the Township Committee meeting, and the Township Committee shall provide and pay for verbatim recording and transcripts of that meeting.

E. The Township Committee shall conclude a review of the record below not later than ninety-five (95) days from the publication of the notice of the subject decision of the Zoning Board of Adjustment, unless the appellant consents in writing to an extension of the time period. Failure of the Township Committee to hold a hearing and conclude a review of the record below and to render a decision within the specified period without the written consent of the appellant shall constitute a decision affirming the action of the Zoning Board of Adjustment.

F. The Township Committee may reverse, remand or affirm, with or without conditions, the final decision of the Zoning Board of Adjustment being appealed. The affirmative vote of three (3) members of the Township Committee shall be necessary to reverse, remand, or impose or remove conditions upon the final decision. In the event that an affirmative vote of three (3) members of the Township Committee is not obtained, the final decision shall be deemed affirmed without change.

G. An appeal to the Township Committee shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the Zoning Board of Adjustment certifies to the Township Committee, after the notice of appeal has been filed with the Board, that by reasons of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed other than by an order of the Superior Court on application, with notice to the Zoning Board of Adjustment and on good cause shown.

(Ord. No. 2001-03, § II, 6-11-2001)

**Editor's note**—Prior to the reenactment of § 25:707 by Ord. No. 2001-03, § III of Ord. No. 2000-05, adopted May 9, 2000, repealed § 25:707 which pertained to appeal of decisions and derived from the original land development ordinance, adopted Aug. 14, 1990.

#### **25:708. Notice of Decisions.**

Notice of any decision of the Planning Board or the Zoning Board of Adjustment when acting upon an application for development and of any decision of the Township Committee when acting upon an appeal shall be given in the following manner:

- A. A copy of the decision shall be mailed by the appropriate Township authority within ten (10) days of the date of decision to the applicant or appellant, or, if represented, then to his or her attorney, without separate charge. A copy of the decision shall also be mailed within ten (10) days to any interested party who has requested it and who has paid the fee prescribed by the Township for the service.
- B. The Administrative Officer shall cause a brief notice of every decision of the Planning Board, Zoning Board of Adjustment, or Township Committee, as the case may be, to be published in the official newspaper of Bordentown Township, the cost of publication to be charged to the applicant's escrow account. The notice shall be sent to the official newspaper within ten (10) days of the date of the decision.
- C. A copy of the decision shall also be filed in the office of the Administrative Officer, who shall make a copy of the filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Township.

#### **25:709. Expiration of Variances.**

A. Any use variance for which the use has not been actually commenced within one year after the date of the publication of the decision granting the variance shall expire and shall be considered to have been abandoned. The use thereby permitted shall not be thereafter permitted on the basis of that variance.

B. Any other variance which has been granted by the Zoning Board of Adjustment or by the Planning Board in conjunction with an approved subdivision or an approved site plan shall expire:

1. One hundred eighty (180) days after the date of the publication of the decision granting the variance in conjunction with the approval of a subdivision unless the subdivision shall have been completed by the filing and recording of a plan or a deed as required by law;
2. One year after the date of the publication of the decision granting the variance, unless the construction for which the variance has been requested has been commenced.
3. A variance granted in conjunction with the approval of a site plan shall expire and shall be treated as having been abandoned on the same date that the approval of the site plan shall expire as provided by law.

C. The Planning Board or the Zoning Board of Adjustment, as the case may be, may, for good cause, extend the expiration date of a variance for not more than one additional year.

**SECTION 800**

**DEVELOPMENT APPLICATION REVIEW  
PROCEDURES**

- 25:801. Jurisdiction or Responsibility During Development Application Review.
- 25:802. Application Requirements.
- 25:803. Submission of Minor Subdivision Plats and Minor Site Plans.
- 25:804. Submission of Preliminary Major Subdivision Plats and Preliminary Major Site Plans.
- 25:805. Submission of Final Subdivision Plats and Final Major Site Plans.
- 25:806. Rodent and Pest Control.
- 25:807. Checklists.

**25:801. Jurisdiction or Responsibility During Development Application Review.**

The Planning Board and the Zoning Board of Adjustment have certain overlapping powers to expedite the review process. Their respective responsibilities are outlined below:

**A. Powers of the planning board.**

1. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.
2. The Planning Board shall have the power to act in lieu of the Zoning Board of Adjustment and subject to the same extent and restrictions of the Zoning Board of Adjustment on the following matters when the Planning Board is reviewing applications for approval of subdivision plans, site plans or conditional uses. Whenever relief is requested pursuant to this subsection, public notice shall be given and shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
  - a. Grant variances pursuant to N.J.S.A. 40:55D-70c.
  - b. Direct, pursuant to N.J.S.A. 40:55D-34, the issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to N.J.S.A. 40:55-34.
  - c. Direct, pursuant to N.J.S.A. 40:55D-36, the issuance of a permit for a building or structure not related to a street.

- B. Zoning board of adjustment action in lieu of planning board.** The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan, subdivision or conditional use approval whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to N.J.S.A. 40:55D-70d.

**25:802. Application Requirements.**

**A. Subdivision review.** All subdivisions as defined under Section 25:200, are subject to the review procedures specified herein.

**B. Site plan review.** No construction permit shall be issued for any new structure or for an addition to an existing structure and no Certificate of Occupancy shall be issued for any change of use or change of ownership of an existing structure until the site plan has been reviewed and approved by the Township except that:

1. A construction permit for a single-family detached dwelling unit or a two-family dwelling unit and/or their accessory building(s) on a lot shall not require site plan approval, except that the use of any existing or proposed principal or accessory building for a "home occupation" as defined and permitted by this Chapter shall require minor site plan approval prior to the issuance of a construction permit or certificate of occupancy;

2. Any addition or alteration to an existing conforming, non-residential structure which does not account for more than ten percent (10%) additional building coverage; which does not exceed five hundred (500) square feet of enclosed and roofed area; which does not involve any variance request; and which, in the opinion of the Administrative Officer, meets the parking and other applicable requirements of this Chapter and will create no adverse effects, shall not require site plan approval;
3. Any construction permit for the customary buildings incidental to farms shall not require site plan approval; and
4. Any change of use from one permitted non-residential use to another permitted non-residential use shall not require site plan approval if the Administrative Officer certifies to the Board that the existing site development meets the requirements of this Chapter for the new use, including the on-site parking requirements.

**C. *Application procedures.***

1. All applications shall be filed on the Application Form approved by the Administrative Officer.
2. Fifteen (15) copies of the Application Form together with fifteen (15) copies of the applicable checklist and of all supporting plans and documents shall be submitted to the Administrative Officer at least fifteen (15) business days, but not more than twenty (20) business days, prior to the regularly scheduled monthly meeting of the Planning Board or the Zoning Board of Adjustment, as the case may be, at which the application is to be considered, together with and the fee and escrow deposit required in accordance with Section 25:900.
3. The application shall contain an acknowledgement signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon applications, and agrees to be bound by it. The Administrative Officer shall process the application and shall issue an application number. Once an application has been assigned a number, that number shall appear on all papers, maps, plans and other documents in conjunction with the application.
4. In addition to the copies filed with the Administrative Officer, it shall be the responsibility of the applicant to file complete copies of the Application Form, Checklist, and all supporting documents at least fifteen (15) business days, but not more than twenty (20) business days, prior to the regularly scheduled monthly meeting of the Planning Board or the Zoning Board of Adjustment, as the case may be, at which the application is to be considered, with each of the following:
  - a. The Township Engineer;
  - b. The Township Planning Consultant;
  - c. The Township Traffic Consultant;
  - d. The Attorney for the Planning Board or the Zoning Board of Adjustment, as the case may be.

- e. Bordentown Sewerage Authority.
5. Any application not filed with the Administrative Officer and with the designated professional consultants in a timely manner as herein required shall be deemed to be incomplete.
6. Any amendments, supplements, revisions or additional data filed in conjunction with the application shall be filed with the Administrative Officer and with the professional consultants in the same manner as the original application and supporting documents.
7. All applications shall be accompanied by a Certificate from the Township Tax Collector that all taxes and assessments are paid to date;
8. The Board shall act upon the application as required by law.

**D. *Informal review.***

1. At the request of a developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development.
2. The application for an informal review shall be submitted in accordance with the Application Procedures set forth in Section 25:802 C.
3. No escrow deposit shall be required for an informal review.
4. No professional review(s) will be undertaken unless the developer agrees to pay for the review(s) and deposits with the Administrative Officer an escrow deposit sufficient to cover the professional review.
5. Neither the Planning Board nor the developer shall be bound by any concept plan submitted for informal review or for any comments or suggestions made during the informal review.
6. The Zoning Board of Adjustment shall have the power to the same extent and subject to the same restrictions as the Planning Board to grant an informal review whenever it has the power to consider an application for subdivision or site plan approval.

**E. *Action by the township on all applications.***

1. The Planning Board or Zoning Board of Adjustment, as the case may be, and its professional advisors, shall review the application for the purpose of determining, within forty-five (45) days of its submission, whether the application is complete, and they shall submit their reports to the Planning Board or the Zoning Board of Adjustment for consideration at the next regular monthly meeting after the submission of the application.
2. The Planning Board or the Zoning Board of Adjustment, as the case may be, shall thereafter:
  - a. If the application is found to contain all of the information required the Board shall certify that the application is complete.

- b. The Board shall fix the date for the hearing to be held on the application so that the applicant may give public notice as required by law.
  - c. The Board may, whenever it determines that the public interest will be served thereby, require that the applicant give public notice of any hearing to be held on an application for which public notice is not a requirement under the provisions of the Municipal Land Use Law or this Chapter.
  - d. If the application is found to lack some of the information required by this Chapter the Board shall either:
    - (1) Cause the applicant to be notified, in writing, that the application is incomplete, specifying the deficiencies in the application; or
    - (2) If the Board reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the Board may waive the requirement that the items be supplied as a prerequisite for completeness and certify that the application is complete notwithstanding the missing items.
  - e. An applicant who has been notified that the application is incomplete may request waiver of one or more of the submission requirements and the request shall be granted or denied by the Board within forty-five (45) days.
  - f. In the event that the Board fails to act to declare the application complete or incomplete within forty five (45) days of the date of submission of the application, the application shall be deemed complete as of the forty-sixth (46th) day following its submission.
  - g. Where the application has been found to be incomplete, the applicant may submit the additional items required to complete the application, provided that they are filed in the same manner as the original application at least fifteen (15) business days prior to the next regular meeting of the Board, at which time the application shall again be considered for completeness.
3. On the date the application is certified complete, or on the forty-sixth (46th) day following the submission of the application, in the event the Board fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence.
  4. In any case, the applicant is obliged to prove that the applicant is entitled to approval of the application.
  5. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this Chapter, and/or may require any revisions in the application documents that are reasonably necessary to make an informed decision as to whether the requirements for approval of the application have been met, provided that the application shall not be deemed incomplete for lack of the additional information or revisions.

6. Promptly after certification of completeness, the application documents shall be distributed by the Administrative Officer to each of the following:
  - a. The members of the Planning Board or the Zoning Board of Adjustment, as the case may be;
  - b. Township Administrator;
  - c. Construction Official;
  - d. The Township Board of Health;
  - e. At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies shall be sent to other Township, County or State agencies and officials.
  
7. Time for Action.
  - a. The Board shall take action on minor subdivision and minor site plan applications within forty-five (45) days after the application has been certified complete by the Board.
  - b. The Board shall take action on a preliminary major site plan application involving ten (10) acres of land or less and ten (10) dwelling units or less and/or a preliminary major subdivision application involving ten (10) lots or less within forty-five (45) days after the application has been certified complete; provided that any preliminary major site plan or preliminary major subdivision application which includes any requested variance relief pursuant to N.J.S.A. 40:55D-60 and Section 25:801 A.2. shall be acted upon within one hundred twenty (120) days.
  - c. The Board shall take action on a preliminary major site plan application involving more than ten (10) acres of land or more than ten (10) dwellings and/or a preliminary major subdivision application involving more than ten (10) lots within ninety-five (95) days after the application has been certified complete; provided that any preliminary major site plan or preliminary major subdivision application which includes any requested variance relief pursuant to N.J.S.A. 40:55D-60 and Section 25:801 A.2. shall be acted upon within one hundred twenty (120) days.
  - d. The Board shall take action on a final major site plan and/or a final major subdivision application within forty-five (45) days after the application has been certified complete.
  - e. The Zoning Board of Adjustment shall take action on a preliminary major site plan application and/or preliminary major subdivision applications in cases where the applicant has requested a "use" variance. All aspects of the application shall be acted upon within one hundred twenty (120) days after the application has been certified complete by the Zoning Board of Adjustment.

- f. The Zoning Board of Adjustment shall take action on variance applications within one hundred twenty (120) days after the application has been certified complete by the Zoning Board of Adjustment.
- g. All of the times for action set forth herein may be extended to such further time as may be consented to by the applicant.
- h. Failure of the Board to act within the prescribed time period shall constitute approval of the application.

**F. *Additional rules of procedure and waivers.***

- 1. The Planning Board and the Zoning Board of Adjustment, as the case may be, are hereby authorized, in accordance with N.J.S.A. 40:55D-8, to adopt, by Resolution, any additional Rules of Procedure, not inconsistent with the provisions of this Chapter, as the Board may deem appropriate.
- 2. The Administrative Officer shall provide an applicant with a copy of the Resolution adopting any additional Rules of Procedure at the time that an Application Form is requested.
- 3. The Planning Board and the Zoning Board of Adjustment, as the case may be, may, for good cause and where notice is not required to be served or published pursuant to the Municipal Land Use Law or this Chapter, waive the requirement that the application be considered only for completeness at the first meeting after the application has been filed.

**25:803. Submission of Minor Subdivision Plats and Minor Site Plans.**

**A. *Procedure for submitting minor subdivision plats and minor site plans.*** An application shall be submitted in accordance with the Application Procedures set forth in Section 25:802 C. and the further requirements of this Section.

**B. *Details required for minor subdivision plats and minor site plans.*** Each minor plat or minor plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of the professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor.

Each subdivision shall be drawn at an appropriate scale not less than 1" equals 100' and shall be submitted on one of four of the following standard sheet sizes (8½" × 13"; 15" × 21"; 24" × 36"; or 30" × 42").

If one sheet is not sufficient to contain the entire territory, the map may be divided into two sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets. Each minor plat or plan shall show the following information, as the information is applicable to the minor subdivision or minor site plan submission:

- 1. A key map showing the entire tract and its relation to the surrounding area, at a scale of one inch equals not more than 2,000 feet;

2. Title block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36), including:
  - a. Name of subdivision or development, Bordentown Township and Burlington County;
  - b. Name, title, address and telephone number of the subdivider or developer;
  - c. Name, title, address, telephone number and license number of the professional or professionals that prepared the plat or plan;
  - d. Name, title, address and telephone number of the owner or owners of record;
  - e. Scale in inches to feet and bar scale; and
  - f. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
3. Acreage figures (both with and without areas within public rights-of-way) and north arrow;
4. Approval signature lines:
  - a. Chairman;
  - b. Secretary; and
  - c. Township Engineer.
5. Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Township Tax Map;
6. Subdivision or development boundary line (heavy solid line);
7. The location of existing and proposed property lines (with bearings and distances), streets, buildings (with their numerical dimensions and an indication as to whether existing buildings will be retained or removed); parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, and any historic features such as family burial grounds and buildings more than sixty (60) years old, both within the tract and within two hundred feet (200') of its boundary;
8. The location and width of all existing and proposed utility easements;
9. Zoning districts affecting the tract, including district names and requirements;
10. Proposed buffer and landscaped areas;
11. Delineation of flood plains, including both floodway and flood fringe areas;
12. Contours as shown on the U.S.G.S. topographic sheets;
13. Marshes, ponds and lands subject to flooding within the tract and within one hundred feet (100') thereof;
14. The name of all adjacent property owners as they appear on the most recent tax list prepared by the Township Tax Assessor;

15. Concerning minor subdivisions only, existing and proposed iron or copper pins and/or monuments;
16. Concerning minor subdivision applications only and if the proposed lot(s) is (are) not served by a sanitary sewer, certification by a licensed professional engineer that the proposed lot(s) can adequately accommodate a septic system and a copy of any written review and report by the Township Board of Health. The location(s) of the test hole(s), test results and compliance with the "Individual Sewage Disposal Code of New Jersey" shall be shown on the plat and certified by a licensed professional engineer;
17. No minor subdivision or minor site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this Chapter shall be approved unless the additional right-of-way, either along one (1) or both sides of the streets, as applicable, shall be granted to the Township or other appropriate governmental agency;
18. No minor subdivision or minor site plan involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified in this Chapter; and
19. Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications shall be submitted for review and approval.

**C. *Specific actions on minor subdivision or minor site plans.***

1. Any proposed subdivision or development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties, may be required to be revised to remove any adverse effect(s) prior to further review, classification or approval by the Board, or, where the remaining portion of the original tract is sufficient to be subdivided or developed further, the applicant may be required to submit a sketch of the entire remaining portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose, aggravate or lead to any adverse effect.
2. When a minor subdivision or minor site plan is approved by the Board, a notation to that effect, including the date of approval, shall be made on a master copy. At least ten (10) prints of the plat or plan and any related deed descriptions to be filed with the County Recording Officer shall be signed by the Township Engineer and the Chairman and Secretary of the Board (or the Acting Chairman or Secretary where either or both may be absent). No further approval of the application shall be required and the Secretary of the Board, within ten (10) days of the date of approval, shall notify the applicant of the Board's action. Additionally, the Secretary of the Board shall forward to the applicant a copy of the approval resolution within ten (10) days of its adoption by the Board.
3. When a minor subdivision or minor site plan is disapproved by the Board, the Secretary of the Board, within ten (10) days of that action, shall notify the applicant of

the disapproval. Additionally, the Secretary of the Board shall forward to the applicant a copy of the disapproval resolution within ten (10) days of its adoption by the Board, setting forth the reasons for the disapproval.

4. Within 190 days from the date of approval by the Board of a minor subdivision, a plat map drawn in compliance with the Map Filing Act, N.J.S.A. 46:23-9.9 et seq., or deed description, properly drafted and signed by the Chairman and Secretary of the Board (or the Acting (Chairman or Secretary where either or both may be absent), shall be filed by the subdivider with the County Recording Officer. Unless filed within 190 days, the approval shall expire and will require Board approval as in the first instance. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval by the Board, provided that the approved minor subdivision shall have been duly recorded.
5. Before the Secretary of the Board returns any approved minor subdivision or minor site plan to the applicant, the applicant shall provide additional copies of the plat or plan as may be necessary in order to furnish copies to each of the following:
  - a. Administrative Officer;
  - b. Township Engineer;
  - c. Township Planning Consultant;
  - d. Township Traffic Consultant;
  - e. Township Tax Assessor;
  - f. File of the Planning Board or the Zoning Board of Adjustment, as the case may be, (3 copies); and
  - g. Any other Township, County or State agencies and officials as directed by the Board.

**25:804. Submission of Preliminary Major Subdivision Plats and Preliminary Major Site Plans.**

**A. Procedure for submitting preliminary major subdivision plats and preliminary major site plans.** An application shall be submitted in accordance with the Application Procedures set forth in Section 25:802 C. and the further requirements of this Section.

**B. Details required for preliminary major subdivision plats and preliminary major site plans.** Each preliminary plat or preliminary plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of the professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor.

Each submission shall be drawn at an appropriate scale not less than 1" equals 100' and shall be submitted on one of four of the following standard sheet sizes (8 1/2" x 13"; 15" x 21"; 24" x 36"; 30" x 42"). If one sheet is not sufficient to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets.

Each preliminary plat or plan shall show the following information, as appropriate to a subdivision plat or site plan, unless the municipal agency determines and so notifies the applicant that the information either is unnecessary or inapplicable to the particular subdivision or development plan:

1. A key map showing the entire tract and its relation to the surrounding areas, at a scale of one inch equals not more than 2,000 feet.
2. Title block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36), including:
  - a. Name of subdivision or development, Bordentown Township, Burlington County, New Jersey;
  - b. Name, title, address and telephone number of subdivider or developer;
  - c. Name, title, address, telephone number and license number of the professional or professionals who prepared the plat or plan;
  - d. Name, title, address and telephone number of the owner or owners of record;
  - e. Scale in inches to feet and bar scale; and
  - f. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
3. North arrow.
4. Certification that the applicant is the owner of the land or the properly authorized agent of the owner, or that the owner has consented to the making of the application under an option agreement.
5. Approval signature lines:
  - a. Chairman;
  - b. Secretary; and
  - c. Township Engineer.
6. Acreage to the nearest tenth of an acre and a computation of the area of the tract to be disturbed.
7. The names and lot and block numbers of all property owners within two hundred feet (200') of the extreme limits of the tract as shown on the most recent tax list prepared by the Township Tax Assessor.

8. Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Township Tax Map, and proposed block and lot numbers as provided by the Township Tax Assessor upon written request.
9. Tract boundary line (heavy solid line).
10. Zoning districts including district names and requirements.
11. The locations and dimensions of existing and proposed bridges and the location of natural features such as wooded areas, and any extensive rock formations, both within the tract and within two hundred feet (200') of its boundaries.
12. The location and species associations of all individual trees or groups of trees having a caliper of eight inches (8") or more measured three feet (3') above the ground level shall be shown within the portion (s) of the tract to be disturbed as a result of the proposed development. The proposed location of all proposed plantings also shall be indicated and a legend provided listing the botanical and common names, the sizes at time of planting, the total quantity of each plant, and the location of each plant keyed to the plan or plat.
13. All existing and proposed water courses (including lake's and ponds) shall be shown and accompanied by the following information, as may be required by the Township Engineer:
  - a. When a stream is proposed for alteration, improvement or relocation or where a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by the New Jersey Department of Water Policy and Supply shall accompany the submission;
  - b. Cross-sections of water courses and/or drainage swales at an approximate scale showing the extent of the flood plain, top of bank, normal water levels and bottom elevations at the following locations, where appropriate:
    - (1) At any point where a water course crosses a boundary of the tract.
    - (2) At one hundred foot (100') intervals up to five hundred feet (500') upstream and downstream of any point of juncture of two or more water courses within the tract.
    - (3) At one hundred foot (100') intervals for a distance of five hundred feet (500') upstream and downstream of any proposed and/or existing culvert or bridge within the tract.
    - (4) At a maximum of one hundred foot (100') intervals, but not less than two (2) locations, along each water course which runs through or within five hundred feet (500') of the tract.
    - (5) When ditches, swales, streams or water courses are to be altered, and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown.

- (6) The delineation of the floodways and flood fringe areas of all water courses within or adjacent to the tract.
  - c. The total acreage of the drainage basin of any water course running through or adjacent to the tract;
  - d. The location of all drainage structures downstream of the tract, to which the tract is tributary, between the tract and the municipal boundary, including hydrologic and hydraulic computations for each of the structures;
  - e. The location and extent of drainage and conservation easements and stream encroachment lines;
  - f. The location, extent and water level evaluation of all existing or proposed lakes or ponds within the tract and within two hundred feet (200') of the tract.
14. Existing and proposed contours with intervals of one foot (1') where slopes are less than two percent (2%); with intervals of two feet (2') where slopes are between two percent (2%) and ten percent (10%); and with intervals of five feet (5') where slopes exceed ten percent (10%). All contour information shall refer to a known datum. Existing contours shall be shown as a dashed line; finished grades shall be shown as a solid line.
  15. Proposals for soil erosion and sediment control as required by the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
  16. Locations of all existing structures showing existing and proposed front, rear and side yard setback distances, an indication of whether the existing structures and uses will be retained or removed, and a specific identification of any family burial grounds and buildings more than sixty (60) years old, both within the tract and within two hundred feet (200') of its boundary.
  17. Size, height and location of all proposed buildings, structures, signs and lighting facilities.
  18. All dimensions necessary to confirm conformity to the this Chapter such as the size of the tract and any proposed lot(s), structure setbacks, structure heights, yards and floor area ratios. All tract and lot sizes shall be expressed in acres and square feet and shall include bearings and distances.
  19. The proposed location, direction of illumination, power and type of proposed outdoor lighting including details of lighting poles and luminaires.
  20. The proposed screening, buffering and landscaping, including a landscaping plan.
  21. The location and design of any off-street parking area, showing size and location of bays, aisles and barriers.

22. The application shall include plans and computations for any storm drainage system including the following:
  - a. All existing or proposed storm sewer lines within or adjacent to the tract showing size and slope of the lines, direction of flow and the location of each catch basin, inlet, manhole, culvert and headwall.
  - b. The location and extent of any proposed ground water recharge basins, detention basins or other water or soil conservation or drainage devices.
23. The location of existing structures such as water and sewer mains, utility structures, gas transmission lines and high tension power lines on the tract and within two hundred feet (200') of its boundaries.
24. Plans of proposed improvements and utility layouts including sewers, storm drains and water lines and feasible connections to gas, telephone and electrical utility systems. If private utilities are proposed, they shall comply fully with all Township, County, State and Federal regulations. If service will be provided by an existing utility company, in lieu of detailed plans, a letter from that company stating that service will be available before occupancy will be sufficient. When individual on site water or sewage disposal is proposed, the plan for those systems shall be approved for each lot by the appropriate Township and State agencies and the result of percolation tests and soil log data, completed in accordance with the requirements and conditions prescribed by the Township Board of Health, shall be indicated on the plat or plan.
25. Plans, typical cross sections and details, centerline profiles and tentative grades of all proposed streets and of existing streets abutting the tract based on U.S.G.S. vertical datum or a more specified datum supplied by the Township Engineer, including curbing, sidewalks, storm drains and drainage structures. Sight triangles, the radius of curb lines and street sign locations shall be clearly indicated at the intersections.
26. All proposed street names, which shall be subject to the approval of the Board. No proposed street name shall duplicate or be substantially similar to the name of any existing or approved street in the Township of Bordentown, the City of Bordentown or in any municipality served by a post office which also serves the Township of Bordentown or the City of Bordentown.
27. Any proposed protective covenants or deed restrictions applying to the land being developed shall be submitted with the application and/or indicated on the submitted plat or plan. All covenants or deed restrictions are subject to approval by the Planning Board and shall be written in easily understandable English.
28. The proposed permanent monuments shall be shown, in accordance with the Map Filing Act (N.J.S.A. 46:23-9.9 et seq.).

**C. *Environmental impact statement.***

1. ***General provisions.*** The impact on the environment generated by land development projects necessitates a comprehensive analysis of the variety of problems that may

result and the actions that can be taken to minimize the problems. It is further recognized that the level of detail required for various types of applications will vary depending on the size of the proposal, the nature of the site, the location of the project and the information already in the possession of the Township. Therefore, having determined that some flexibility is needed in preparing the Environmental Impact Statement, the basic requirements for an Environmental Impact Statement pertaining to different types of development applications are listed below:

- a. All agricultural operations conducted in accordance with a plan approved by the Soil Conservation District and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the Environmental Impact Statement requirements.
  - b. Any variance applications to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an Environmental Impact Statement unless specifically requested by the Board. The Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.
  - c. Any application for subdivision approval where ten lots or less are involved and all applications for minor site plan approval, either to the Planning Board or to the Zoning Board of Adjustment, as the case may be, may require an Environmental Impact Statement, dependent upon the nature of the particular development proposal and the subject land area. The Planning Board or the Zoning Board of Adjustment, as the case may be, shall inform the applicant regarding any information that may be required.
  - d. All preliminary major subdivision applications consisting of more than ten (10) lots and all preliminary major site plan applications shall be accompanied by an Environmental Impact Statement, unless specifically waived by the Planning Board or the Zoning Board of Adjustment, as the case may be.
2. ***Submission procedures.***
- a. The Environmental Impact Statement shall be submitted in the same manner as required for the submission of an Application as set forth in Section 25:802 C.
  - b. In the case of a major subdivision application consisting of more than ten (10) lots and major site plan applications, the Environmental Impact Statement shall be submitted at the time of preliminary application to the Township.
  - c. In the case of variance, subdivision applications involving ten (10) lots or less, and minor site plan applications, the Environmental Impact Statement shall be submitted within thirty (30) days after the Board has informed the applicant of the information required.
  - d. Any revisions in the Environmental Impact Statement shall be distributed in the same manner as the original was distributed.

3. **Submission format.** When an Environmental Impact Statement is required, the applicant shall retain one or more competent professionals to perform the necessary work. The qualifications and background of the professionals shall be provided, and the method of investigation shall be described. All applicable material on file in the Township pertinent to evaluation of regional impacts shall also be considered. Furthermore, as much original research as necessary shall be conducted to develop the Environmental Impact Statement. All Environmental Impact Statements shall consist of written and graphic materials which clearly present the required information utilizing the following format:
  - a. **Project description.** Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population and visitor population shall be estimated. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
    - (1) Township Master Plan.
    - (2) Master Plan of Adjacent Municipalities.
    - (3) Burlington County Master Plan.
    - (4) Regional and State Planning Codes.
    - (5) Other Pertinent Planning Documents.
  - b. **Site description and inventory.** Provide a description of environmental conditions on the site which shall include the following items:
    - (1) **Types of soils.** List and describe each soil type on the site. If applicable, provide percolation data. Where the proposed area of land disturbance will involve soils with moderate or severe limitations relative to the type of project proposed, a complete mapping of all soil types where the moderate and severe limitations exist.
    - (2) **Topography.** Describe the topographic conditions on the site.
    - (3) **Geology.** Describe the geologic formations and features associated with the site as well as depth to bedrock conditions. Delineate those areas where bedrock is within two feet (2') of the surface as well as major rock outcroppings.
    - (4) **Vegetation.** Describe the existing vegetation on the site. A map shall be prepared showing the location of major vegetative groupings such as woodlands, open fields and wetlands. Where woodlands are delineated, the forest types shall be indicated.
    - (5) **Wildlife.** Identify and describe any habitats of endangered or protected species.

- (6) **Subsurface water.** Describe the subsurface water conditions on the site both in terms of depth to ground water and water supply capabilities. The location, depth, capacity and water quality of all existing water wells on the site and within five hundred feet (500') of the site shall be indicated.
  - (7) **Distinctive scenic and/or historic features.** Describe and map those portions of the site that can be considered to have distinctive scenic and/or historic qualities.
  - (8) **Existing development features.** Describe any existing features on the site that are not considered to be part of the natural environment. This may include, but shall not necessarily be limited to, roads, driveway accesses, housing units, accessory structures, utility lines, etc.
  - (9) **Wetlands study and delineation.** An analysis should be conducted in accordance with the standards of the New Jersey State Department of Environmental Protection along with proof that a Letter of Interpretation has been requested from the New Jersey State Department of Environmental Protection.
  - (10) **Miscellaneous.** When warranted, an analysis should be conducted of existing air quality and noise levels as prescribed by the New Jersey State Department of Environmental Protection.
- c. **Impact.** Discuss the negative and positive impacts during and after construction. Indicate the negative impacts that are unavoidable. Indicate any measures that could be taken to reduce, minimize, or eliminate the negative impacts and discuss the reasonableness and/or practicality of those measures. The specific concerns that shall be considered shall be accompanied by specific quantitative measurements where possible and shall include the following:
- (1) Soil erosion and sedimentation resulting from or reasonably anticipated to result from surface run-off.
  - (2) Flooding and flood plain disruption.
  - (3) Degradation of surface water quality.
  - (4) Ground water pollution.
  - (5) Reduction of ground water capabilities.
  - (6) Sewage disposal.
  - (7) Solid waste disposal.
  - (8) Vegetation destruction.
  - (9) Disruption of wildlife habitats of any endangered and/or protected species.
  - (10) Destruction or degradation of scenic and historic features.
  - (11) Air quality degradation.
  - (12) Noise levels.
  - (13) Energy utilization.

- (14) Wetlands Impact.
- d. ***Environmental performance controls.*** Describe what measures will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts that could result from the proposed project. Of specific interest are:
- (1) Drainage plans which shall include soil erosion and sedimentation controls.
  - (2) Sewage Disposal Techniques.
  - (3) Water Supply and Water Conservation Proposals.
  - (4) Energy Conservation Measures.
  - (5) Noise Reduction Techniques.
  - (6) Solid and Liquid Waste Disposal Plans.
  - (7) Pest and Rodent Extermination Plan approved by the Burlington County Health Department.
- e. ***Licenses, permits and other approvals required by law.*** The applicant shall list all known licenses, permits and other forms of approval required by law for the development and operation of the proposed project. The list shall include approvals required by the Township, as well as agencies of the County, State and Federal governments. Where approvals have been granted, copies of the approvals shall be attached. Where approvals are pending, a notation shall be made to that effect.
- f. ***Documentation.*** All publications, file reports, manuscripts or other written sources of information which were first consulted and employed in compilation of the Environmental Impact Statement shall be listed. All agencies and individuals from whom all pertinent information was obtained orally or by letter shall be listed separately. Specify the dates and locations of all meetings.
4. ***Disposition by the board.*** The Board shall review the information furnished in the Environmental Impact Statement in the context of the overall design of the proposed development and the relationship of the proposed development to the environment. The information is to be used solely to help insure that the proposed development will cause no reasonably avoidable damage to any environmental resource.
- D. ***Traffic impact statement.***
1. ***General provisions.*** The Traffic Impact Statement is required in order to assist the Planning Board, or the Zoning Board of Adjustment, as the case may be, as well as other governmental officials to understand and plan for the impact of the proposed development on traffic flow, intersection traffic controls, road design and other matters affected by increased traffic and changes in traffic patterns.
  2. ***Submission procedures.***
    - a. The Traffic Impact Statement shall be submitted in the same manner as required for the submission of an Application.

- b. In the case of a major subdivision application consisting of more than ten (10) lots and major site plan applications, the Traffic Impact Statement shall be submitted at the time of preliminary application to the Township.
  - c. In the case of variance, subdivision applications involving ten (10) lots or less, and minor site plan applications, the Traffic Impact Statement shall be submitted within thirty (30) days after the Board has informed the applicant of the information required.
  - d. Any revisions in the Traffic Impact Statement shall be distributed in the same manner as the original was distributed.
3. **Submission format.** The Traffic Impact Statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest as well as providing:
- a. An analysis of the existing road network available to serve the proposed development as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development, including the capacity of the existing and proposed roadways, the anticipated traffic volumes as a result of the proposed development as well as the increase in traffic volumes expected from other developments and any problem spots in the overall road network including unsafe intersections, turns or grades.
  - b. An analysis of all means of vehicular access and egress to and from the site onto public streets, showing the site and the location of driveways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, sight triangle easements, additional width and other proposed devices necessary to prevent a difficult traffic situation.
  - c. If the existing streets, roads, traffic signals, channelization, acceleration and deceleration lanes, sight triangles, width and other devices are determined to be inadequate to serve or overburdened by the need created by the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated cost for the additional facilities and how the developer proposes to address those costs.
  - d. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
    - (1) Township Master Plan.
    - (2) Master Plan of Adjacent Municipalities.
    - (3) Burlington County Master Plan.
    - (4) Other Pertinent Planning Documents.

E. **Community impact statement.**

- 1. **General provisions.** The Community Impact Statement shall provide an analysis of the proposed development and its expected impact upon existing municipal facilities and services.

2. **Submission procedures.**

- a. The Community Impact Statement shall be submitted in the same manner as required for the submission of an Application.
- b. In the case of a major subdivision application consisting of more than ten (10) lots and major site plan applications, the Community Impact Statement shall be submitted at the time of preliminary application to the Township.
- c. In the case of variance, subdivision applications involving ten (10) lots or less, and minor site plan applications, the Community Impact Statement shall be submitted within thirty (30) days after the Board has informed the applicant of the information required.
- d. Any revisions in the Community Impact Statement shall be distributed in the same manner as the original was distributed.

3. **Submission format.** The Community Impact Statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest as well as providing data and opinions concerning the following specific items:

- a. **Population impact.** An analysis of the number of people expected to be added to the municipal population as a result of the proposed development according to the following age cohorts:
  - (1) Pre-school aged children;
  - (2) School aged children;
  - (3) Parents of family-bearing age;
  - (4) Middle-aged adults;
  - (5) Retired people.
- b. **School impact.** An analysis of the anticipated number of pupils who will be added to the student population in the Township and the ability of the existing public school facilities to absorb the expected student population during a ten (10) year time period. If expanded or new school facilities and/or increased teaching staff are expected to be required, the expected cost for the additions shall be specified.
- c. **Facilities impact.** An analysis of the existing facilities available to serve the proposed development and the impact of the development upon the facilities, including the adequacy of existing public water facilities; public sewerage facilities; recreational facilities; and library and cultural facilities. If the existing facilities are determined to be inadequate or overburdened by the need created by the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated cost for the additional facilities and who, in the opinion of the applicant, should be responsible for the payment of those costs.

- d. **Services impact.** An analysis of the existing services provided by the Township, or by agencies serving the population of the Township, and the impact of the proposed development upon those services, specifically including police protection, fire protection, emergency services, hospitals and health care, solid waste disposal, and street maintenance.
- e. **Financial impact.** An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the Township, the school systems serving the Township and the County.

F. **[Additional information.]** The Board may require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and the surrounding area.

G. **Specific actions on major site plan and major subdivision applications.**

- 1. Any proposed subdivision or development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties, may be required to be revised to mitigate any adverse effect(s) prior to further review, classification or approval by the Board, or, where the remaining portion of the original tract is sufficient to be subdivided or further developed, the applicant may be required to submit a sketch of the entire portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be subdivided in a manner that will not create, impose, aggravate or lead to an adverse effect.
- 2. In the case of planned developments only, the Board shall find the following facts and conclusions prior to granting approval:
  - a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning provisions specified in Section 25:600 pursuant to N.J.S.A. 40:55D-65c;
  - b. That the proposals for maintenance and conservation of the common space are reliable, and the amount, location and purpose of the common open space are adequate;
  - c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
  - d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
  - e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

3. All hearings held on applications for preliminary major subdivision approval (and in certain cases preliminary major site plan approval) shall require public notice of the hearing. The Board shall set the date, time and place for the public hearing and shall inform the applicant of the date at least fourteen (14) days prior to the hearing date. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing as required by law.
4. The recommendation of those agencies and officials to whom the preliminary plat or plan was forwarded shall be given careful consideration in the final decision on the development application. If the County Planning Board or the Township Engineer approve the preliminary submission, the approval shall be noted on the plat or plan. If the Board acts favorably on the preliminary plat or plan, the Township Engineer and the Chairman and Secretary of the Board (or the acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least ten (10) copies of the plat or plan with the notification that it has been approved. The applicant shall furnish the copies to the Board.
5. If minor revisions or additions to the plat or plan are deemed necessary, the Board may grant preliminary approval subject to specified conditions and receipt of revised plans within thirty (30) days from the date of the approval. Should major revisions be deemed necessary, the Board shall require that an amended plat or plan be submitted and acted upon as in the case of the original application.
6. If the Board, after consideration and discussion of the preliminary plat or plan, determines that it is unacceptable, a notation shall be made by the Chairman of the Board to that effect on the plat or plan and a resolution adopted setting forth the reasons for the rejection. One copy of the plat or plan and the resolution shall be returned to the applicant within ten (10) days of the adoption of the resolution.

#### **H. *Effect of preliminary approval.***

1. Preliminary approval shall confer upon the applicant the following rights for a three (3) year period from the date of preliminary approval:
  - a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to: use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions; and off-tract improvements;
  - b. That the applicant may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section of sections of the preliminary plat or plan; and
  - c. That the applicant may apply for and the Board may grant extensions on the preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that if the design standards have been revised by Ordinance, the revised standards may govern.

2. In the case of a subdivision or of a site plan for an area fifty (50) acres or more, the Planning Board may grant the rights referred to in Section 25:804 H.1. for any period of time, longer than three (3) years, as shall be determined by the Board to be reasonable taking into consideration:
  - a. The number of dwelling units and non-residential floor area permissible under preliminary approval;
  - b. Economic conditions; and
  - c. The comprehensiveness of the development.
3. The applicant may apply for thereafter, and the Board may thereafter grant, an extension to preliminary approval for any additional period of time as shall be determined by the Board to be reasonable taking into consideration:
  - a. The number of dwelling units and non-residential floor area permissible under preliminary approval;
  - b. The potential number of dwelling units and non-residential floor area of the section or sections awaiting final approval;
  - c. Economic conditions; and
  - d. The comprehensiveness of the development;
  - e. Provided that if the design standards have been revised by Ordinance, the revised standards may govern.

**25:805. Submission of Final Subdivision Plats and Final Major Site Plans.**

**A. Procedure for submitting final plats and final plans.**

1. A final plat or final plan shall be submitted to the Administrative Officer within three (3) years after the date of preliminary approval which time period shall be extended to include or any authorized extension of the preliminary approval.
2. An application shall be submitted in accordance with the Application Procedures set forth in Section 25:802.

**B. Details required for final major subdivision plats and final major site plans.**

1. All details stipulated in Section 25:804 B.
2. All additional details required at the time of preliminary approval shall be submitted.
3. A section or staging plan, if proposed, indicating the portion of the tract to be considered for final approval as part of the current application and the relationship of the portion of the tract to the remaining land area, including all applicable comparisons such as parking spaces, building coverage, lot coverage, open space areas and number of lots.

4. Detailed architectural and engineering data including:
  - a. An architect's isometric design of each building and sign or a typical building and sign showing front, side and rear elevations.
  - b. Cross sections, plans, profiles and established grades of all streets, aisles, lanes and driveways.
  - c. Plans and profiles of all storm and sanitary sewers and water mains.
  - d. All dimensions of the exterior boundaries of any subdivision and the dimensions of all lots shall be balanced and closed to a precision of one (1) to ten thousand (10,000). All dimensions, angles and bearings must be tied in to permanent monuments in accordance with the U.S. Geodetic Survey System, which monuments shall be provided and set at the following ratio:

<i>Land Area</i>	<i>Number of Monuments</i>
0 to 10 acres	one (1)
10 to 30 acres	two (2)
30 or more acres	three (3)

5. The final submission shall be accompanied by the following documents:
  - a. Letters directed to the Chairman of the Board and signed by a responsible official of the lighting agency, water company, sewer utility cable television company and of any other company or governmental authority or district which provides accessory utility service and has jurisdiction in the area, approving each proposed utility installation design and stating who will construct the facility so that service will be available prior to occupancy. The designing engineer(s) shall certify to the Board that the existing cross-section(s) and profile(s) have been run in the field and the field notes shall be forwarded to the Township Engineer;
  - b. The applicant shall certify in writing to the Board that the applicant has:
    - (1) Installed all improvements in accordance with the requirements of this chapter; and/or,
    - (2) Posted a performance guarantee in accordance with Section 25:902.
  - c. A statement from the Township Engineer that all improvements installed prior to application have been inspected as provided in Section 25:902, and that the improvements installed prior to application for final approval that do not meet or exceed Township standards shall be factored into the required performance guarantee.

***C. Specific actions on applications for final subdivision or final site plan approval.***

1. The recommendations of those agencies and officials to whom the final plat or plan was submitted shall be given careful consideration in the final decision on the development application. If the County Planning Board or the Township Engineer approve the final

submission, the approval shall be noted on the plat or plan. If the Board acts favorably on the final plat or plan, the Township Engineer and the Chairman and Secretary of the Board (or the acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least ten (10) paper copies of the plat or plan with the notification that it has been approved. The applicant shall furnish sufficient copies to the Board for signing. Moreover, in the case of final subdivisions only, the applicant shall include for signing one (1) cloth copy and at least two (2) mylar copies of the approved plat in addition to the ten (10) paper copies.

2. After approval of the final plat or plan by the Board, the Secretary of the Board shall retain one (1) paper copy of the signed plat or plan and shall furnish other copies to each of the following within ten (10) days from the date of the adoption of a resolution in accordance with Section 25:706 F:
  - a. Administrative Officer (one (1) paper copy and, if applicable, one (1) mylar and one (1) cloth copy);
  - b. Township Engineer (one (1) paper copy);
  - c. Construction Official (one (1) paper copy);
  - d. Zoning Officer (one (1) paper copy);
  - e. Township Tax Assessor (one (1) paper copy);
  - f. The Applicant (one (1) paper copy and, if applicable, one (1) mylar copy); and
  - g. Any other Township, County or State agencies and officials as directed by the Board.
3. Within ninety-five (95) days of the date of approval by the Board of a final subdivision plat, the subdivider shall file a copy of same with the Burlington County Clerk. In the event of failure to file within the ninety-five (95) days, the approval of the major subdivision shall expire and any further proceedings shall require the filing of a new application as in the first instance. The Board, for good cause shown, may extend the filing for an additional ninety-five (95) days.
4. If the Board, after consideration and discussion of the final plat or plan, disapproves the submission, a notation to that effect shall be made by the Chairman of the Board on the plat or plan. The Secretary of the Board, within ten (10) days of adoption, shall notify the applicant of the disapproval and forward the applicant a copy of the adopted resolution setting forth the reasons for the disapproval.

**D. *Effect of final approval.***

1. Final approval of a subdivision or site plan shall confer upon the applicant the following rights for a period of two (2) years from the date of final approval:
  - a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed.

- b. If the developer has followed the standards prescribed for final approval, the Board may extend the period of protection for extensions of one (1) year each, not exceeding three (3) such extensions.
2. In the case of a subdivision or site plan for a planned unit development, planned residential development or residential cluster of 50 acres or more, or in the case of a conventional subdivision or site plan of 150 acres or more, the Board may grant the rights referred to in Section 25:805 D.1. for a period of time, longer than two (2) years, as shall be determined by the Board to be reasonable taking into consideration:
    - a. The number of dwelling units and non-residential floor area permissible under final approval;
    - b. Economic conditions; and
    - c. The comprehensiveness of the development.
  3. The developer may apply thereafter and the Board may thereafter grant an extension to preliminary approval for any additional period of time as shall be determined by the Board to be reasonable taking into consideration:
    - a. The number of dwelling units and non-residential floor area permissible under final approval;
    - b. The number of dwelling units and non-residential floor area remaining to be developed;
    - c. Economic conditions; and
    - d. The comprehensiveness of the development.

**25:806. Rodent and Pest Control.**

The Board may require the Developer to provide a means to control an exodus of rodents or pests from the development during the period of construction.

**25:807. Checklists.**

The checklists in the form set forth in the Appendix to this Chapter and dated March, 1992, are hereby adopted.

(Ord. No. 1992-4, § 2, 4-28-1992)

SECTION 900

**FEEES, GUARANTEES, INSPECTIONS AND  
OFF-TRACT IMPROVEMENTS**

- 25:901. Fees.
- 25:902. Guarantees and Inspections.
- 25:903. Off-tract Improvements.
- 25:904. Maintenance of Improvements.

FEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS 25:901

**25:901. Fees.**

A. Every application for development shall be accompanied by a check payable to the Township of Bordentown for the application charge and, if applicable, a check made payable to the Township of Bordentown Builder's Trust Account for the Escrow Account, in the total amount required in accordance with the following schedule. The fee schedule in whole or in part will henceforth be established by majority-vote resolution of the Township Committee of the Township of Bordentown.

<i>No.</i>	<i>Subject of Application</i>	<i>Fee</i>	<i>Escrow Deposit</i>
1	Subdivision—Minor Plat	\$250.00	\$300.00 + \$200.00 per lot
2	Subdivision—Preliminary Plat	\$500.00	\$150.00 per lot, but not less than \$1,000.00
3	Subdivision—Final Plat	\$250.00	\$25.00 per lot, but not less than \$750.00
4	Site Plan Waiver	\$75.00	\$250.00
5	Site Plan—Minor	\$250.00	\$400.00
6	Site Plan—Preliminary	\$500.00	\$1,000.00 + \$100.00 per lot
7	Site Plan—Final	\$250.00	\$500.00 + \$50.00 per lot
8	Conditional Use	\$125.00	\$500.00
9	Informal	\$50.00	\$500.00 minimum if professional review involved.
10	Staff Conference	\$50.00	\$750.00 if any of the professional consultants are to participate.
11	Appeals (40:55D-70a)	\$250.00	\$250.00
12	Ordinance or Map Interpretation (40:55D-70b)	\$250.00	\$250.00
13	Bulk Variances (40:55D-70c)	\$50.00	\$200.00
14	Use Variances (40:55D-70d)	\$250.00	\$1,000.00
15	Permit (40:55D-34 & 35)	\$150.00	\$600.00
16	Appeals to Township Committee	\$100.00	\$1,000.00
17	Request for Re-Zoning	\$400.00	\$10.00 per acre, but no less than \$1,000.00
18	Any other matter under the provisions of this Chapter or the Municipal Land Use Law for which no specific fee or escrow deposit is established.	\$25.00	\$500.00

<i>No.</i>	<i>Subject of Application</i>	<i>Fee</i>	<i>Escrow Deposit</i>
19	Certified List of Property Owners	\$0.25 per name or \$10.00 whichever is greater	not applicable
20	Copies of Minutes, Transcripts, Decisions or any other document or record to which the public is entitled and for which no specific fee has been established.	\$0.75 per page for pages 1—10, \$0.50 per page for pages 11—20, and \$0.25 for every page thereafter	not applicable
21	Fence Permit	\$25.00	none required
22	Sign Permit	\$25.00	none required
23	Construction Permit	See Chapter XIX of the Revised General Ordinances	
24	Certificate of Occupancy	See Chapter XIX of the Revised General Ordinances	
25	Special Satellite Use Permit	\$50.00	\$500.00
26	Zoning Permit (Local Clearance)	\$25.00	none required
27	Subdivision Approval Certificate	\$25.00	none required
28	Soil Removal Permit	\$100.00	\$500.00
29	Copy of Land Development Ordinance	\$35.00	not applicable
30	Copy of Master Plan	\$35.00	not applicable
31	Copy of Zoning Map	\$7.50	not applicable
32	Copy of Street Map	\$5.00	not applicable
33	Telecommunication Towers	\$100.00	\$1,500.00

B. Application Fees and Escrow Deposits.

1. The application charge is a flat fee to cover administrative expenses.
2. The escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials.
3. All billings for professional services to be charged back to applicants shall be submitted on the same basis and at the same hourly rate as if the work was being performed directly for the Township.
4. Sums not utilized in the review process shall be returned to the applicant.

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5. It shall be the obligation of the applicant to maintain the escrow deposit at the amount specified. The Administrative Officer shall notify the applicant whenever an additional deposit is required. Copies of all billings charged to the escrow account shall be provided to the applicant on request.
6. The Administrative Officer may waive the requirement for the additional payment if the Administrative Officer determines that the amount in the escrow account will be sufficient to satisfy all additional billings that are reasonably anticipated.
7. If the applicant objects to any payments out of the escrow account, the Administrative Officer shall review the objections with the applicant and the professional in an effort to resolve any questions. If the matter is not resolved, the questions shall be reviewed by a committee consisting of the Administrative Officer, the Township Administrator and the Chairperson of the Board. The determination of the committee shall be final.
8. If the Administrative Officer determines that additional sums are necessary, the applicant shall be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.
9. No approvals shall be granted or permits issued where there is a deficiency in the escrow account.

C. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

D. Each applicant shall agree to pay all reasonable costs for professional services required by the Township relating to the review of the application and for inspection of the improvements. All costs for review and inspection must be paid before any approved plat, plan or deed is signed or any construction permit is issued and all remaining costs must be paid in full before any occupancy of the premises is permitted or Certificate of Occupancy issued.

E. If an applicant desires a court reporter, the cost for taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant who shall arrange for the reporter's attendance.

F. Whenever a special meeting of the Township Committee, the Planning Board or the Zoning Board of Adjustment is held for the consideration of one or more applications, all costs related to that special meeting, including administrative costs and professional fees, shall be the responsibility of the applicant or applicants whose applications are considered at the special meeting. If more than one application is considered at the special meeting, the costs shall be equally divided among the applicants.

G. Each applicant and/or developer for any approval that results in the creation of any new lot(s) shall be responsible for paying all charges incurred by the Township Engineer in amending the Township's tax map(s).

(Ord. No. 2001-09, 8-27-2001; Ord. No. 2002-02, 2-5-2002; Res. No. 2002-084-8, 3-25-2002)

**25:902. Guarantees and Inspections.**

**A. Performance guarantee estimate.**

1. No final application for development (whether for an entire tract or a section thereof) shall be approved by the Board unless the owner shall have filed with the Township a performance guarantee, in the form approved by the Township Attorney and accepted by the Township Committee assuring the installation of the public improvements on or before an agreed date as hereinafter provided. The performance guarantee shall not be required for any improvements which the Township Engineer shall certify as having been completed in accordance with all applicable standards.
2. It is the intention of the Township Committee that residents living in each new section of a development be provided with a lot and/or dwelling unit and tract area that is as complete as possible with respect to tract and individual lot and/or dwelling unit improvements. In order to accomplish this objective, and except as hereafter provided, all remaining improvements shall be completed as to each category set forth in the performance guarantee to a percentage extent equal to the percent of lots and/or dwelling units which have been conveyed in any manner.
3. A performance guarantee estimate shall be prepared by the applicant's engineer and submitted to the Township Engineer for review and approval, setting forth all requirements for improvements, as fixed by the Board, and their estimated cost. The Township Committee shall pass a resolution either approving or adjusting this performance guarantee.

**B. Approval by township attorney.**

1. The owner shall present two (2) copies of the performance guarantee, in an amount equal to one hundred twenty percent (120%) of the approved performance guarantee estimate for approval as to form and execution by the Township Attorney.
2. The Township Attorney shall notify the Administrative Officer when it is determined that the performance guarantee is properly executed. Until that notification is received no permits shall be issued for the project.

**C. Bonding and cash requirements.**

1. The performance guarantee shall be made payable and deposited to Bordentown Township and shall be in the form of cash, irrevocable letter of credit or certified check or a performance bond in which the owner shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey. Any letter of credit or performance bond shall include a provision that the letter of credit or performance bond shall not expire and may not be revoked, rescinded or cancelled except upon sixty (60) days written notice given to the Township. Any notice shall be valid only if given both to the Township Administrator and to the Township Attorney. The Township shall issue its receipt for the deposits and shall cause the performance guarantee to be deposited in the name of the Township to be retained as

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security for completion of all requirements and to be returned to the owner on completion of all required work or, in the event of default on part of the owner, to be used by the Township to pay the cost and expense of obtaining completion of all requirements.

2. Ten percent (10%) of the amount of the approved performance guarantee shall be in the form of an irrevocable letter of credit or shall be deposited by the owner in cash with the Township. The remaining ninety percent (90%) may be in cash, irrevocable letter of credit or surety bond. In the event of default, the ten percent (10%) fund herein mentioned shall be first applied to the completion of the requirements and the cash, letter of credit, or surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash, letter of credit, or surety bond shall recite the foregoing provisions.

**D. *Inspection and tests.***

1. All site improvements and utility installations for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the Township Engineer to insure satisfactory completion. The cost of the inspection shall be the responsibility of the owner who shall pay to the Township Treasurer a sum equal to four percent (4%) of the amount of the estimated costs for the required improvements for payment of the inspection costs. These sums shall be deposited into an escrow account. If additional sums are deemed necessary, the owner shall be notified and shall add that additional sum to the escrow within fifteen (15) days.
2. In no case shall any paving work be done without permission from the Township Engineer. At least two (2) working days notice shall be given to the Township Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done.
3. Streets shall not be paved with a wearing course until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. The seeding of grass and the placing of surveyor's monuments shall be among the last operations.
4. The Township Engineer's office shall be notified prior to each of the following phases of work so that the Township Engineer or a qualified representative may inspect the work:
  - a. Road subgrade.
  - b. Curb and gutter forms.
  - c. Curbs and gutters.
  - d. Road paving.
  - e. Sidewalk forms.
  - f. Sidewalks.
  - g. Drainage pipes and other drainage construction.

- h. Street name signs.
  - i. Monuments.
  - j. Sanitary sewers.
  - k. Detention and/or retention basins.
  - l. Topsoil, seeding and planting.
  - m. Underground utilities.
5. Any improvement installed contrary to the plan or plat approved by the Township shall constitute just cause to void the municipal approval.
6. Any improvement installed without notice for inspection pursuant to Section 25:902 D.4. above shall constitute just cause for:
- a. Removal of the uninspected improvement;
  - b. The payment by the developer of any costs for material testing;
  - c. The restoration by the developer of any improvements disturbed during any material testing; and/or
  - d. The issuance of a 'stop work' order by the Township Engineer pending the resolution of any dispute.
7. Inspection by the Township of the installation of improvements and utilities shall not operate to subject the Township to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and the contractor, if any.
8. Upon the completion or substantial completion of all required appurtenant utility improvements, and the connection of them to the public system, the obligor may notify the Township Committee in writing, by certified mail in care of the Township Clerk, of the completion or substantial completion of the improvements and shall simultaneously send a certified copy thereof to the Township Engineer. Within ten (10) working days of receipt of the notice, the Township Engineer shall inspect all the improvements as to which the notice has been given and file a detailed report, in writing, with the Township Committee, indicating either approval, partial approval or rejection of the improvements with a statement of the reasons for any rejection. The costs of the improvements as approved or rejected shall be set forth.
9. Whenever a developer requests acceptance, in whole or in part, of certain improvements by the Township and the residents of the subject property are represented by a homeowner's association, a copy of the request and of the Township Engineer's report shall be mailed to the homeowner's association ten (10) days prior to any action by the Township to accept or reject the improvements.

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E. **Release.** The Township Committee shall approve, partially approve or reject the improvements, on the basis of the report from the Township Engineer, and shall notify the obligor, in writing, by certified mail, of the Engineer's report and the action of the Township Committee, not later than sixty-five (65) days after the receipt of the written notice of the obligor of the completion or substantial completion of the improvements. Failure of the Township Committee to send or provide the notification to the obligor within the sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and the surety, if any, shall be released from all liability pursuant to the performance guarantee for the improvements.

1. Where partial approval is granted, the obligor shall be released from all liability pursuant to the performance guarantee for the improvements, except for that portion adequately sufficient to secure provision of the improvements not yet approved; provided that thirty percent (30%) of the performance guarantee posted may be retained to ensure the completion of all improvements and that the thirty percent (30%) may be applied against all improvements, regardless of when completed.
2. If any portion of the required improvements is rejected, the obligor shall complete the improvements and, upon completion, shall notify the Township Committee as specified in Section 25:902 D.8. of this Chapter and the same procedures shall be followed as in the first instance.

F. **Conditions and acceptance of improvements.** The approval of any application for development by the Township shall in no way be construed as acceptance of any street or drainage system, or any other improvement, nor shall the approval obligate the Township in any way to exercise jurisdiction over the street or drainage system or other improvement. No improvement shall be accepted by the Township Committee unless and until all of the following conditions have been met:

1. The Township Engineer shall have certified in writing that the improvements are completed and that they comply with the requirements of this Chapter;
2. The final application for development shall have been approved by the Board;
3. The owner shall have filed with the Township Committee a maintenance guarantee in an amount equal to and not more than fifteen percent (15%) of the cost of installing the improvements;

The maintenance guarantee shall run for a period of two (2) years. The procedures and requirements governing the maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in this Chapter. The requirements for a maintenance guarantee may be waived by the Township Committee only if the Township Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Township Engineer certified completion of the improvements and that during this period the owner has maintained the improvements in a satisfactory manner; and,

4. An "as built" plan and profiles of all utilities and roads (three (3) black and white prints plus a mylar copy to be sent to the Township Engineer), with certification signed and sealed by a New Jersey licensed Professional Engineer as to the actual construction as approved by the Township Engineer, shall be provided.
5. A copy of the request to the Township Committee for the acceptance, in whole or in part, of improvements and of the Township Engineer's report thereon shall be mailed to the homeowner's association consisting of the residents of the subject development at least ten (10) days prior to any consideration of the request by the Township Committee. Proof of mailing shall be filed with the Township Clerk.

**G. Extension of time.** The time allowed for installation of the improvements for which the performance guaranty has been provided may, but need not, be extended by the Township Committee by resolution, provided that the current cost of installation of the improvements shall first be redetermined by the Township Engineer and if the current cost is found to be greater than the cost as originally determined, the applicant shall be required to increase the amount of its performance guaranty to an amount equal to one hundred twenty percent (120%) of the cost of installation as redetermined, as a condition of any extension. In the event that the redetermined cost shall be less than the cost as originally determined, and in further event that the applicant's performance guaranty exceeds 120% of the redetermined costs, the applicant shall be entitled to a reduction of its performance guaranty to an amount equal to 120% of the redetermined costs.

**25:903. Off-tract Improvements.**

**A. Required improvements.** Applicants shall be required, as a condition for approval of a subdivision, site plan or conditional use, to pay their pro rata share of the cost of providing reasonable and necessary street improvements and/or water, sewerage and drainage facility improvements, and any necessary easements therefor, located outside the property limits of the subject premises, but necessitated or required by construction or improvements within the subdivision or development. The following criteria shall be utilized in determining the developer's proportionate pro rata monetary share for the necessary off-tract improvements.

**B. Improvements to be constructed at the sole expense of the developer.** In cases where the need for an off-tract improvement is created by the proposed subdivision or development and where no other property owners receive a special benefit thereby (as opposed to a mere incidental benefit), the applicant may be required, as a condition of approval and at the applicant's sole expense, to acquire and/or improve lands outside the tract and dedicate those lands to Bordentown Township or Burlington County or, in lieu thereof, require the subdivider or developer to deposit with the Township a sum of money sufficient to allow the Township to acquire and/or improve the lands on conditions it may deem appropriate under the circumstances.

**C. General standards for other improvements.** In cases where the need for any off-tract improvement to be implemented now or in the future is necessitated by the proposed development application, and where it is determined that properties outside the development

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will also be benefited by the improvement, the following criteria, together with the provisions or rules and regulations of Bordentown Township or any department thereof, may be utilized in determining the developer's proportionate share of the improvements:

1. **Water supply.**

- a. All necessary improvements and costs to the water supply and distribution system are to be determined by the Planning Board based on the standards set forth in Section 25:517 and the recommendations of the Township Engineer and after consideration of the standards established by the utility providing water service to the site.
- b. The plans for the improvement system or the extended system shall be prepared by the developer's engineer. All work shall be calculated by the developer and approved by the utility providing water service to the site.

2. **Sanitary sewers.**

- a. All necessary improvements and costs to the sanitary sewer system are to be determined by the Planning Board based on the recommendations of the Township Engineer and after consideration of the standards established by the utility providing sewerage service to the site.
- b. The plans for the improvement system or the extended system shall be prepared by the developer's engineer. All work shall be calculated by the developer and approved by the utility providing sewerage service to the site.

3. **Roadways.** For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered by other regulations, the construction or reconstruction of new or existing streets and other associated streets or traffic improvements, the applicant's proportionate cost shall be determined as follows:

- a. The applicant shall provide the Board with the existing and anticipated peak-hour volumes which impact the off-tract areas in question, the volumes shall analyze pedestrian, bicycle and motor vehicle traffic, together with all other information requested by the Board or by the consultants advising the Board.
- b. The applicant shall furnish a plan for the proposed off tract improvements, which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour traffic shall form the basis of the proportionate share. The pro-rated share shall be computed as follows:

$$\frac{\text{Total Cost of Roadway Improvement and/or Extension}}{\text{Developer's Cost}} = \frac{\text{Future Peak-Hour Traffic}}{\text{Future Peak-Hour Traffic Generated by the Development}}$$

- c. The Board shall establish the cost of the anticipated improvements and the fair-share allocation of the improvements to be paid by the applicant after consideration of the traffic plan submitted by the applicant and any traffic plan or comments submitted by the consultants advising the Board.
- d. The minimum percentage allocation shall be two and one-half percent (2.5%) of the cost of the anticipated improvements as established by the Board.
- e. The allocation policy shall be applicable to any development which proposes:
  - (1) Fifty (50) or more residential units or
  - (2) Is determined to have an impact of at least one-half of one percent (.5%) based on the traffic study accepted by the Board.

The allocation policy shall not apply to developments with fewer residential units than, or having a smaller input than, these standards and no contribution shall be required of any such development:

- 4. **Drainage improvements.** For the stormwater and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, riprap or improved drainage ditches and appurtenances thereto and the relocation or replacement of other storm drainage facilities or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:
  - a. The capacity and design of the drainage system to accommodate stormwater run-off shall be based on a method described in Urban Hydrology for Small Watersheds, Technical Release 55, Soil Conservation Service USDA, January 1975, as amended, and shall be computed by the developer's engineer and approved by the Township Engineer.
  - b. The capacity of the enlarged, extended or improved system required for the subdivision or development and areas outside of the subdivision or development shall be computed by the developer's engineer and be subject to the approval of the Township Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system shall be calculated by the Township Engineer. The pro rated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total Enlargement or Improvement Cost of Drainage Facilities}}{\text{Developer's Cost}} = \frac{\text{Total Tributary cfs}}{\text{Development cfs}}$$

D. **Escrow accounts.** Where the off-tract improvement is to be undertaken at a future date, funds required for the improvement shall be deposited to the credit of the Township in a separate account until the improvement is constructed. In lieu of a cash escrow account, developers may present irrevocable letters of credit for the term required, in a form acceptable to the Township Attorney. If the off-tract improvement is not begun within ten (10) years of the

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deposit, all monies and interest shall be returned to the applicant or the letter of credit surrendered. An off-tract improvement shall be considered "begun" if the Township has taken legal steps to provide for the design and financing of the improvements.

### ***E. Referral to township committee.***

1. Where applications for development suggest the need for off tract improvements, whether to be installed in conjunction with development in question or otherwise, the Board shall forthwith forward to the Township Committee a list and description of all the improvements together with a request that the Township Committee determine and advise the Board of the procedure to be followed in construction or installation thereof, including timing. The Board shall defer final action upon the subdivision or site plan until receipt of the Township Committee's determination or the expiration of ninety (90) days after the forwarding of the list and description to the Township Committee without determination having been made, whichever comes sooner.
2. The Township Committee, within ninety (90) days after receipt of the list and description, shall determine and advise the Board concerning the procedure to be followed and advise the Board with regard to suggested conditions of approval, if any, to adequately protect the municipality.
3. In the event that the Board is required by law to act upon the application prior to receipt of the Township Committee's determination as to construction of off-tract improvements, it shall request the applicant to consent to an extension of time within which to act, of sufficient duration to enable the Township Committee to make the determination. In the event that the applicant is unwilling to consent to the requested extension of time, the Board shall, in its discretion, either determine the procedure to be followed in constructing the improvements, or shall condition its approval upon the subsequent determination of the Township Committee.

### ***F. Implementation of off-tract improvements.***

1. In all cases, developers shall be required to enter into an agreement or agreements with Bordentown Township in regard to off-tract improvements, in accordance with this Chapter and any other ordinances, policies, rules and regulations of the Township of Bordentown, Burlington County and the State of New Jersey and any departments, authorities or agencies thereof.
2. Where properties outside the subject tract will be benefited by the improvements, the Township Committee may require the applicant to escrow sufficient funds, in accordance with Section 25:903, to secure the developer's pro rata share of the eventual cost of providing future structural improvements based upon the standards expressed herein.
3. Where properties outside the subject tract will benefit by the improvements, the Township Committee may determine that the improvement or improvements are to be installed by the municipality as a general improvement, the cost of which is to be borne as a general expense. If the Township Committee shall determine that the improve-

- ment or improvements shall be constructed or installed as a general improvement, the Township Committee may direct the Planning Board to estimate, with the aid of the Township Engineer or any other persons who have pertinent information or expertise, the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will be specifically benefited thereby, and the subdivider or developer shall be liable to the municipality for the expense.
4. If the Township Committee shall determine that the improvement or improvements shall be constructed or installed as a local improvement, all or a part of the cost of which is to be assessed against properties benefited thereby in proportion to the benefits conferred by the improvements in accordance with Chapter 56 of Title 40 of the Statutes of the State of New Jersey, the developer may be required to sign an agreement acknowledging and agreeing to this procedure and, in addition, the Township Committee may require that the developer shall be liable to the municipality, in addition to the amount of any special assessments against the subject property for benefits conferred by the improvement or improvements, the difference between the total cost actually incurred and the total amount by which all properties, including the subject tract, are specially benefited by the improvement as may be determined by the Board of Improvement Assessors.
  5. If the Township Committee shall determine that the improvements are to be constructed or installed by the applicant, the agreement may contain provisions, consistent with the standards in this Chapter and any other rules, regulations or policies of the Township of Bordentown, County of Burlington and the State of New Jersey and any departments, authorities or agencies thereof with jurisdiction therein, whereby the applicant shall be reimbursed by the municipality or otherwise, as a result of any participation fees, connection charges, charges paid in regard to developer's agreements with other applicants and the like, all in accordance with an agreement between the Township Committee and the applicant.
  6. In determining the procedures to be followed in the event of the submission of a list and request from the Planning Board, as provided in Section 25:903 E.1., the Township Committee shall be guided by the following considerations:
    - a. The local trends in regard to the probability of development within the drainage or circulation area in question and the intensity of the development;
    - b. The risk and exposure that neighboring areas are subject to in the event that the improvements to be required are delayed;
    - c. The extent to which temporary measures may sufficiently alleviate the condition or conditions requiring the off tract improvement and the likelihood that larger, regional or sub-regional facilities will be required in the future to serve the development tract and the general area of the municipality in which the development is located; and
    - d. The extent to which the health, safety and welfare of the residents, current and future, depend on the prompt implementation of the off-tract improvement.

**25:904. Maintenance of Improvements.**

A. ***Developer's responsibility prior to acceptance.*** Until Township Committee shall accept a dedicated right-of-way and/or dedicated street improvements, which acceptance shall be by formal action as provided by ordinance and general law, the developer responsible for dedicating the right-of-way and/or constructing the improvements shall be and at all times remain solely responsible for the maintenance of the right-of-way and/or improvements, at the developer's sole cost and expense. In the case of control and removal of snow and ice, the developer shall be expected to perform the same maintenance functions at the same level of performance and on the same schedule as the Township maintains as to accepted streets and roads.

B. ***Failure to maintain; violation; penalties and remedies.*** It shall be a violation of this Chapter for a developer having responsibility for maintenance of a dedicated right-of-way and/or dedicated street improvements to fail to do so within a reasonable time after receipt of notice from the Zoning Officer that maintenance is required. Penalties and remedies are set forth in Section 25:1005.

## SECTION 1000

# **ADMINISTRATION, WAIVERS, ENFORCEMENT, VIOLATIONS AND PENALTIES**

- 25:1001. Administration.
- 25:1002. Waivers.
- 25:1003. Enforcement.
- 25:1004. Subdivision Approval Certificates.
- 25:1005. Violations, Penalties and Remedies.

**25:1001. Administration.**

These rules, regulations and standards shall be considered to be the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. Any action taken by the Township under the terms of this Chapter shall give primary consideration to the above mentioned matters and to the welfare of the entire community.

**25:1002. Waivers.**

The Planning Board, when acting upon applications for preliminary or minor subdivision approval or upon applications for preliminary site plan approval, shall have the power to grant exceptions and waivers from the requirements for subdivision or site plan approval as specified in Sections 25:500 and 25:800 if an applicant or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of the requirements is impracticable or will exact undue hardship; however, any exception granted by the Planning Board must be reasonable, must not be substantially detrimental to the public good and must be within the general purpose and intent of the rules, regulations and standards established by this Chapter.

The Zoning Board of Adjustment shall have the power to grant exceptions and waivers in the same manner and to the same extent as the Planning Board whenever acting upon applications for preliminary or minor subdivision approval or for preliminary site plan approval in connection with applications for a use or "d" variance.

**25:1003. Enforcement.**

**A. *The construction official and the code enforcement officer.*** It shall be the duty of the Construction Official and the Code Enforcement Officer of the Township to administer and enforce the provisions of this Chapter. No new structure shall be erected and no improvements to the interior of an existing building shall be constructed unless a construction permit is obtained from the Construction Official in accordance with the New Jersey State Uniform Construction Code. No structure or lot shall be used in violation of this Chapter.

1. It shall be the duty of the Construction Official to keep a record of all applications and all construction permits which are either issued or denied, with notations of any conditions involved, which data constitute public records of the Township. A monthly report of construction permits shall be filed with the Tax Assessor and the Township Committee.
2. It shall be the duty of the Code Enforcement Officer to inspect the structures and land in the Township and to order the owner in writing to remedy any condition found to exist in violation of the provision (s) of this Chapter. For purposes of this inspection, the Code Enforcement Officer shall have the right to enter any building or premises during reasonable hours, subject to due process of law. The order shall specify that the owner must contact the Code Enforcement Officer within fifteen (15) days after service of the order to propose a plan to remedy the violations cited.

3. In the event that an owner cited for violations of this Chapter fails to propose a remedial plan within fifteen (15) days, or in the event that the plan proposed is deemed unacceptable to the Zoning Officer, the Zoning Officer shall so inform the Township Administrator and Township Attorney. The Township Attorney shall advise the Township Administrator and Zoning Officer of the legal options available to facilitate remedial action in each individual case.

B. **Construction permits.** Construction permits shall be required as provided by the State Uniform Construction Code, its subcodes, and regulations promulgated pursuant thereto. Fees for construction permits shall be as set forth in the Revised General Ordinances of the Township of Bordentown.

C. **Escrow deposits and performance guarantees required.** Deposits for all estimated inspection fees and for all performance guarantees required by this Chapter shall be posted with the Township before any work begins on any construction or any site work in accordance with any approved development plan.

D. **Certificate of occupancy.**

1. Upon the completion of any building, structure or alteration in compliance with this Chapter and any other ordinance, rule or regulation, the owner or the owner's agent may apply to the Construction Official, in writing, for the issuance of a Certificate of Occupancy for the structure, building or alteration pursuant to the provisions of this section, but only when:
  - a. The structure or part (s) thereof and the proposed use conform to this Chapter and all other Township codes and ordinances;
  - b. Prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this Chapter;
  - c. All local taxes and assessments on the property have been paid; and
  - d. A letter from each utility, public or private, providing service to the property has been received by the Township certifying that the utility service has been inspected in accordance with the approved plan and is ready for use.
2. Every application for a Certificate of Occupancy shall be accompanied by payment of the fee set forth in the Revised General Ordinances of Bordentown Township.
3. The Construction Official shall issue a Certificate of Occupancy to the owner of every structure, building or alteration entitled to receive a Certificate of Occupancy, within the time and in accordance with the procedures set forth in the New Jersey State Uniform Construction Code, and in this Chapter.
4. With respect to any finally approved subdivision and/or site plan or subsection thereof, a Certificate of Occupancy shall be issued only upon the completion of the improvements required as part of subdivision and/or site plan approval. The developer shall file with the Administrative Officer and with the Township Engineer an "as built" plan,

certified by a licensed professional engineer. If the "as built" plan differs in any way from the approved plan, no certificate of occupancy shall be issued until the Township Engineer approves the "as built" plan. The "as built" plan shall show the location of all structures, in addition to the following:

- a. Curbs.
  - b. All utilities.
  - c. Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question.
  - d. Storm drainage facilities.
  - e. Rough grading of the property.
  - f. Base course of the street or streets serving the property.
  - g. Base course of driveways and parking areas.
5. With respect to any individual residential lot within a subdivision, a Certificate of Occupancy shall be issued only upon the completion of the following improvements, in addition to those listed in Section 25:1003 C.4., to the extent that the improvements are required as part of the subdivision approval:
- a. Sidewalks.
  - b. Driveway aprons.
  - c. Street names and regulatory signs.
6. A copy of the Certificate of Occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.
7. Should the Construction Official decline to issue a Certificate of Occupancy, the reason for doing so shall be stated on two (2) copies of the application and one (1) copy shall be returned to the applicant.
8. A Temporary Certificate of Occupancy may be issued for a new structure or use for which site approval has been granted although there has not been compliance with all conditions of the approval. A Temporary Certificate of Occupancy shall be issued only in extenuating circumstances and only with the approval of the Construction Official who shall establish specific terms and conditions, including, but not limited to, a time limit for the installation of the uncompleted improvements and the receipt of an appropriate performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan.
9. A monthly report of the Certificates of Occupancy issued shall be filed with the Tax Assessor. A record of all Certificates of Occupancy shall be kept in the office of the Construction Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be established by resolution of the Township Committee except that there shall be no charge to a municipal agency.

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10. The following shall be unlawful until a Certificate of Occupancy is issued by the Construction Official:

- a. Occupancy and use of a building erected, constructed, restored, altered, or moved, or any changes in the use of an existing building.
- b. Occupancy, use or change in use of vacant land, other than for agricultural purposes.
- c. Any change in the use of a nonconforming use.
- d. Occupancy and use of any enlargement to an existing structure.

(Ord. No. 2002-14, 7-8-2002)

**25:1004. Subdivision Approval Certificates.**

A. A prospective purchaser, prospective mortgagee or other person interested in any land in the Township which has been part of a subdivision in effect as of July 14, 1973, may apply in writing to the Administrative Officer for the issuance of a certificate certifying whether or not the subdivision has been approved by the Planning Board.

B. The application for a Subdivision Approval Certificate shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof. A fee, as provided in Section 25:901, shall be paid to the Administrative Officer, on behalf of the Township, for the certificate.

**25:1005. Violations, Penalties and Remedies.**

A. It shall be a violation of this Chapter for any building or structure to be erected, constructed, altered, repaired, converted or maintained, or for any building, structure or land to be used, occupied, transferred or sold, except in conformity with the requirements of this Chapter and any permits, certificates or authorizations as may be issued pursuant thereto.

B. It shall be a violation of this Chapter for any property to be used in a manner not shown on the approved Site Plan.

C. All properties with approved Site Plans must be maintained in accordance with the approved Site Plan, including, but not limited to, the maintenance of the landscaping and lighting elements of the approved Site Plan. Whenever landscaping elements must be replaced, the replacement elements shall be of a size reasonably comparable to the elements that have survived and which do not require replacement.

D. Parking spaces shown on an approved Site Plan for automobile parking are not to be used for trucks or other oversized vehicles. Trucks and other oversized vehicles shall be parked only where specifically provided for on an approved Site Plan.

E. The Township of Bordentown, in addition to other remedies, may prosecute any violation of this Chapter by filing a complaint against the alleged violator in Bordentown Township Municipal Court.

F. Any person who shall be adjudged by the Bordentown Township Municipal Court to have violated any provision of this Chapter shall be subject to the penalty set forth in Section 3-1 of the Revised General Ordinances of the Township of Bordentown and/or the remedies set forth in this Section, except that the maximum daily fine for each violation shall be one thousand dollars (\$1,000).

G. In addition to the remedies set forth above and in addition to other remedies, the Township of Bordentown and/or any interested party may initiate an appropriate action or proceeding to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate any violation; to prevent the occupancy of any building, structure, or land; or to prevent any illegal act, conduct, business or use in or about the premises.

H. Procedure for the Recovery of the Costs of Abatement and Correction of Violations.

1. Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Code Enforcement Officer shall be served on the person or persons responsible for the correction thereof.
2. The notice shall specify the violation or violations committed, what must be done to correct the violations, a reasonable period of time, not to exceed 30 days, to correct or abate the violation, the right of the person served to request a hearing, and that the notice shall become an order ten days after service unless a hearing is requested. The notice shall also advise the recipient that if the violation is not corrected or abated, the Township may do same, the costs of which shall become a lien on the subject property.
3. Notice may be served personally or by prepaid telegram or by mail with postage prepaid, addressed to the last known address of the person to be served. The "last known address" shall be the address of the owner as shown in the office of the tax collector. If the last known address cannot be ascertained, service may be accomplished by printing the notice in the newspaper designated for official notices of hearings under this Chapter at least one time. Service upon any owner, operator or occupant may also be attained by service of any notice upon a member of the family over 14 years old of the owners, operator or occupant. The date of service of notice shall be determined where service is by mail as of the day following the day of mailing of notices to addresses within the Township, and as of the third day after the day of mailing for notices to addresses outside the Township. Where the day of service would fall upon a Sunday or other day where mail is not ordinarily delivered, then the day of service shall be the next regular delivery day.
4. Ten days after the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon, serves a written request within the ten day period in person or by mail on the Township Administrator. The request for a hearing shall set forth briefly the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of

violation which are to be disputed at the hearing. The Township Committee, upon receipt of the request shall within 30 days therefrom and upon five days' notice to the party aggrieved hold the hearing.

5. At any hearing the Township Committee shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records or other documents at any hearing which may be pertinent to matters to be determined and to enforce any subpoena or secure any order for the enforcement of any subpoena as provided by law. A determination shall be made within fifteen days from the completion of the hearing. The Township Committee shall issue an order either incorporating the determinations and directions contained in the notice, modifying the notice or withdrawing the notice.
6. The Township Administrator or the Township Committee may extend the time for correction or abatement of the violations for an additional period of time not to exceed 60 days, except where major capital improvements or renovations are involved, in which instance the time for completion may be extended for a period not to exceed 180 days beyond the expiration date of the original notice.
7. Where the violation or condition existing on the premises are of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Township Committee may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition immediately within a period of time not to exceed three days, and upon failure to do so, the Township Committee may abate the condition immediately thereafter.
8. Where abatement of any nuisance, correction of a defect in the premises or the maintenance of the premises in a proper conditions as to conform to this Chapter, an approved site plan, other Township ordinances or State law requires expending Township monies therefor, the enforcing officer shall present a report of work proposed to be done to accomplish the foregoing to the Township Committee with an estimate of the costs along with a summary of the proceedings undertaken to secure compliance including notices served upon the owners, operators, lessors or agents, as the case may be, and hearing and orders of the Township Committee. The Township Committee may thereupon order the abatement of the nuisance, correction of the defect or work necessary to place the premises in proper condition and in compliance with ordinances of the Township and laws of the State. The enforcing officer may thereafter proceed to have the work performed in accordance with the order at Township expense not to exceed the amount specified in the order, and shall upon completion thereof submit a report of the monies expended and costs to the Township Committee. After review of the same, the Township Committee may approve the expenses and costs whereupon they shall become a lien against the premises collectible as provided by law for the collection of tax liens. A copy of the resolution approving the expenses and costs shall be certified by the Township Clerk and filed with the tax collector of the Township who

shall be responsible for the collection thereof, and a copy of this resolution shall be sent by certified mail to the owner at the last known address of the owner as shown on the tax records of the Township.

**SECTION 1100**  
**FAIR SHARE HOUSING**

- 25:1101. Regulation of Sales and Rentals.
- 25:1102. Administration.
- 25:1103. Sales Prices and Rental Levels.
- 25:1104. Eligibility.
- 25:1105. Sales and Rental Procedures and Standards.
- 25:1106. Restrictions on Use.
- 25:1107. Duration of Sales and Rent Levels: Termination of Levels by Owner Buy-out.
- 25:1108. Foreclosure Regulations.
- 25:1109. Affirmative Housing Marketing Plan.
- 25:1110. Selection Process.
- 25:1111. Rehabilitation of Substandard Dwelling Units.
- 25:1112. Funds for Rehabilitation.
- 25:1113. Developer Contributions.

**25:1101. Regulation of Sales and Rentals.**

Every sale and rental of lower-income housing units produced in Bordentown Township in compliance with its obligations under Mt. Laurel II, the Fair Housing Act, the regulations of the Council on Affordable Housing, the substantive certification granted by the Council to the housing element and fair share plan submitted by Bordentown Township, and this Chapter, shall be regulated in accordance with the provisions of this section and any administrative regulations of the Bordentown Township Housing and Redevelopment Board.

**25:1102. Administration.**

The sale and rental of lower-income units shall be made in accordance with the procedures established hereunder as enforced and monitored by the Housing and Redevelopment Board of the Township of Bordentown (the "Housing and Redevelopment Board"). All applications for purchase and rental of lower-income units shall be made to the Chairman of the Housing and Redevelopment Board (the "Chairman").

There is hereby established the Bordentown Township Housing and Redevelopment Board to consist of five members to be appointed by the Township Committee, two shall be municipal officials and three shall be citizen members. The terms of office of the municipal officials shall be for one year each. In the first year, one citizen member shall be appointed for a one-year term; one member shall be appointed for a two-year term, and one member shall be appointed for a three-year term. Thereafter, upon the expiration of each of the respective citizen member's first terms, a member will be appointed to fill that seat for a term of three years so that one citizen member will be appointed each year.

The five members of the Housing and Redevelopment Board shall annually elect one of their members to serve as Chairman (the "Chairman"). The members shall serve without salary, but shall be reimbursed expenses incurred in the performance of their duties.

The Housing and Redevelopment Board shall meet from time to time at the request of the Chairman for the purpose of rendering assistance with respect to the implementation of this Section, including establishing regulations and eligibility standards to supplement the criteria set forth herein. The Housing and Redevelopment Board may make recommendations to the Township Committee for amendments to this Section.

**25:1103. Sales Prices and Rental Levels.**

*A. General policy for initial sales prices and rentals.* The initial sales prices (including any fees and charges as are imposed on the buyer by the seller) and rents of low and moderate income housing units (hereinafter termed "lower-income units") shall not exceed the applicable maximums established from time to time by written regulation. No separate parking fee shall be charged, and any fees for use of recreational facilities shall be no greater than those charged owners or renters of the market rate units.

**B. Establishment of sales prices and rent levels.**

1. The Housing and Redevelopment Board shall establish and periodically revise sales prices and rent levels for the lower-income units in order that units are affordable to low and moderate income households (hereinafter termed "lower-income households") and may establish differentials in sales prices and rents on the basis of the type of structure, the floor area of, number of bedrooms in and location of the unit, whether or not utilities are borne by the tenant, the interest rates and type of mortgages available to purchasers, and other relevant factors relevant to sales prices and rental levels.
2. The sales prices and rent levels shall be set so that units shall be affordable, not only by households at the ceiling income for low-income households and moderate-income households respectively, by a reasonable cross-section of households within each category, in accordance with policies and regulations of the Council on Affordable Housing, and in accordance with the definition of low and moderate income units families in this Chapter.
3. For purposes of relating affordability to household size, households shall be presumed to occupy units in accordance with the following table:

<i>Size of Unit</i>	<i>Size of Household</i>
0 bedroom	1 person
1 bedroom	2 persons
2 bedrooms	3—4 persons
3 bedrooms	4—6 persons

The average of the incomes of all persons in a household shall be taken into account in computing household income.

**C. Rent levels for re-rentals.** When establishing rent levels for re-rentals to a tenant of lower income housing, the Housing and Redevelopment Board shall take into account whether a rent increase would raise the rent beyond an affordable level to that tenant.

**D. Sales prices for resales.** When establishing sales prices for resale of the lower-income units, the Housing and Redevelopment Board shall assure that the units remain affordable to low-income households, if they initially were low-income units, and moderate-income households, if they initially were moderate-income units, and shall limit price increases to the percentage increase in the median household income in the region in which Bordentown Township is located or in any other manner as will assure continued availability of the units to lower-income households and a fair return to the homeowner. In addition, the Housing and Redevelopment Board shall, by regulation, provide the manner and extent to which out-of-pocket costs and the value of reasonable improvements are recoverable by the homeowner upon sale and the manner in which needed repairs are made or paid for by the owner. It may establish procedures whereby homeowners can secure certification of improvements in advance of their construction, in which case, the homeowner shall recover the value of same at the time of sale.

E. *Exceptions to sales and rent ceilings.* The Housing and Redevelopment Board may grant exceptions to the sales and rent ceilings established by this section when extraordinary circumstances associated with a lower-income unit make the ceiling impractical or otherwise inappropriate.

**25:1104. Eligibility.**

A. The lower-income units shall be sold or rented only to persons who meet the eligibility standards established by written regulation of the Housing and Redevelopment Board for ownership or rental of those units and who are certified by the Housing and Redevelopment Board as eligible.

B. The Housing and Redevelopment Board shall establish and periodically revise eligibility standards for the lower-income units in order that only lower-income households are eligible therefor;

C. No household which has been certified by the Chairman as eligible for the ownership or rental of a lower-income unit and which has purchased or rented a lower-income unit shall be removed or relocated from that unit during the initial rental term solely because the household's income has increased beyond the low or moderate income range, as the case may be, subsequent to the purchase or initial rental terms of the unit.

**25:1105. Sales and Rental Procedures and Standards.**

A. The Housing and Redevelopment Board shall by regulation establish:

1. A procedure providing for notification to it and to eligible households in the event that lower-income units become available for sale or rental;
2. Procedures to assure that lower-income units are rented or sold only to persons determined to be eligible therefor in accordance with applicable eligibility, preference, and priority standards, that households entitled to a preference or priority are given a reasonable opportunity to utilize same, and that the Office and the Chairman of the Housing and Redevelopment Board are notified of the persons to whom the units are rented or sold; and
3. Any other procedures and policies pertaining to sales and rentals which it deems necessary to fulfill the purposes of this section.
4. **Waiting List.** At the time when all units in any category (e.g., 1 or 2 or 3-bedroom units for low or moderate income families) have been sold or rented, the Housing and Redevelopment Board will establish a waiting list for the purchase or rental as the units become available in the future. The households on waiting lists will be ranked according to the same priority ranking standards as set forth for the initial selection of sale or rental units.
5. The Housing and Redevelopment Board shall propose to the Township Committee those policies and procedures that the Housing and Redevelopment Board from time to

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time considers necessary, including periodic recertification of households on waiting lists to ensure that the list remains current and that households on the list are qualified for the units for which they applied.

B. Preference for fifty percent (50%) of the available lower-income units shall be given to persons who reside or have resided or are employed in the Township of Bordentown or who presently live in substandard or overcrowded housing. The Housing and Redevelopment Board may by regulation establish a priority system for sale or rental of units to eligible persons afforded a preference, and any other eligible persons as it deems appropriate.

C. In no event shall an owner be required to offer a lower-income unit for rental or sale through the Housing and Redevelopment Board for more than 20 days in the case of rental, and 60 days in the case of sale from the date it becomes available for rental and occupancy or for purchase, as the case may be. If during that time period, an eligible household does not make an offer to rent or purchase, meeting the terms upon which the offer to rent or sell was made, the owner may rent or sell the unit to any household meeting the eligibility standards established by the Housing and Redevelopment Board and the sales and rent controls established by the Office, and the sales and rent controls established herein shall continue to apply.

D. All rentals must be effected by written lease, and the lease shall be filed with the Housing and Redevelopment Board.

**25:1106. Restrictions on Use.**

Every purchaser or tenant of a lower-income unit shall use it for his/her own primary residence and shall certify on a form prescribed by the Housing and Redevelopment Board that he/she is acquiring or leasing the unit as a primary place of residence. Purchasers or tenants may lease or sublet the units only with the approval of the Housing and Redevelopment Board, and only to persons eligible therefor, and at rent levels not exceeding those established by the Housing and Redevelopment Board.

**25:1107. Duration of Sales and Rent Levels: Termination of Levels by Owner Buy-out.**

A. Levels on sales and rentals for each lower-income unit shall be established by the Housing and Redevelopment Board and shall be of 20-year duration for each unit.

B. The owner of a lower-income unit subject to Housing and Redevelopment Board established resale or rental levels may terminate those levels by transferring to the Housing and Redevelopment Board a sum of money to be established by it as reflecting the difference between the fair market value of the unit with and without the Housing and Redevelopment Board-established resale or rental levels. However, to ensure against loss of low and moderate income units, the Housing and Redevelopment Board shall refuse to accept the amount offered and to terminate the levels if it determines that a replacement lower-income unit cannot be made available.

**25:1108. Foreclosure Regulations.**

A. Any lower income unit which is acquired by a first mortgagee by deed in lieu of foreclosure, or by any purchaser at a mortgage foreclosure sale conducted by the holder of the first mortgage (including the first mortgagee but excepting the defaulting mortgagor) shall be permanently released from the regulations, restrictions and covenants established herein or by the Housing and Redevelopment Board pursuant to this Chapter and all resale restrictions shall cease to be effective as to the first mortgagee and all subsequent purchasers and mortgagees of that particular unit (except for the defaulting mortgagor, who shall be forever subject to the resale restrictions of this Chapter with respect to the lower-income unit owned by him or her at the time of his or her default). Execution or foreclosure sales by any other class of creditor shall not result in a release of the lower-income unit from the provisions of this plan.

B. The Housing and Redevelopment Board may, at its sole option, advance and pay all sums necessary to protect, preserve and retain the lower-income unit as a unit constructed towards fulfillment of the Township's Mt. Laurel II obligation. All sums so advanced and paid by the Housing and Redevelopment Board shall be recoverable against the owner of the unit in the same manner as municipal assessments and those expenditures shall constitute a municipal assessment lien against the premises. The lien sums may include, but are not limited to, expenditures for insurance premiums, taxes, assessments (public or private) and liens which may be or become prior to senior to any first purchase money mortgage as a lien on the lower-income unit, or any part thereof. In the event any first mortgagee or other creditor of an owner of a lower-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the owner of the unit, the owner shall notify the Chairman in writing within ten (10) days after service of any summonses and complaint. In that event the Housing and Redevelopment Board may exercise any of the following remedies to protect, preserve and retain the lower-income unit: to purchase the unit; to redeem or cure any default upon any terms and conditions as may be agreeable to all parties in interest; and/or to acquire the first purchase money mortgage of the lower-income unit, thereby succeeding to the rights of the first mortgagee of the unit. The Housing and Redevelopment Board shall have the same priority of lien as was held by the first mortgagee at the time the Housing and Redevelopment Board acquired the first purchase money mortgage, and shall have the right of subrogation with respect to any other claim or lien it satisfies or acquires.

C. The Township and/or the Housing and Redevelopment Board or any instrumentality designated by the Township shall have the right to purchase any mortgage which is in default at any time prior to the entry of a foreclosure judgment, or within the redemption period thereafter. Notification of default, institution of a foreclosure action, and/or a sheriff's sale shall be served in writing upon the Chairman with a copy also sent to the Township Clerk. The Township shall at all times be considered a party in interest and shall have the right to be joined as a party defendant and/or shall have the right to intervene in any foreclosure action seeking foreclosure of a first mortgage and/or shall have the right to redeem and acquire the owner's equity of redemption or to acquire the lower-income unit from the owner upon any terms and conditions as may be determined by the Township and/or Housing and Redevelop-

ment Board. Appropriate restrictions of perpetual duration shall be included in the title to the lot upon the sale to the original owner requiring any mortgage lender to give the notice set forth herein in any foreclosure action.

D. In the event of a foreclosure sale of a lower-income unit by the holder of the first purchase money mortgage to a purchaser other than the Township as described above, the owner shall be personally obligated to pay to the Housing and Redevelopment Board any surplus funds, but only to the extent that the surplus funds exceed the difference between what the owner could have resold his or her lower-income unit for under the Chapter at the time of the foreclosure sale and the amount necessary to redeem and satisfy the first purchase money mortgage debt, including costs of foreclosure. For purposes of this paragraph, surplus funds shall be the total amount paid to the sheriff in excess of the amount required to pay and satisfy the first purchase money mortgage, including costs of foreclosure, even if junior creditors actually receive payment from the surplus funds to the exclusion of the owner of the unit. The Housing and Redevelopment Board is hereby given a priority lien, second only to the first mortgagee of a lower-income unit and any taxes or public assessments by a duly authorized governmental body, equal to the full amount of surplus funds. This obligation of the owner to pay this full amount to the Housing and Redevelopment Board shall be deemed to be personal obligation of the owner of record at time of the foreclosure sale and the Housing and Redevelopment Board is hereby empowered to enforce the obligation of the owner in any appropriate court of law or equity as though same were a personal contractual obligation of the owner. Neither the first mortgagee nor the purchaser at the foreclosure sale shall be responsible or liable to the Housing and Redevelopment Board for any portion of these surplus funds.

E. Notwithstanding the foregoing provisions, the Housing and Redevelopment Board is authorized to amend its regulations dealing with foreclosure proceeding from time to time in conformance with Council on Affordable Housing regulations.

**25:1109. Affirmative Housing Marketing Plan.**

The Housing and Redevelopment Board will develop and implement and Affirmative Housing Marketing plan for dwellings covered by this Chapter. At a minimum the availability of housing for low/moderate income families shall be made known to a variety of public and private agencies and shall be advertised in appropriate ways throughout the commutershed region. All advertisements shall conform with applicable Affirmative Action, Equal Opportunity and Non-discrimination Laws of the State and Federal Governments.

**25:1110. Selection Process.**

The sale and rental of fifty percent (50%) of the lower-income units shall be offered to households meeting the income eligibility guidelines established hereunder, as amended from time to time, which define low and moderate income for Bordentown Township's prospective need housing region, as determined from time to time, in accordance with the following schedule of priority:

- A. Residents of Bordentown Township living in overcrowded housing or in residential units lacking adequate plumbing and heating.

- B. Employees of Bordentown Township and its school district and active members of Bordentown Township's several fire departments and rescue squads living in overcrowded housing or in residential units lacking adequate plumbing or heating.
- C. Residents of Bordentown Township who are 65 years of age or older or who are handicapped.
- D. Residents of Bordentown Township.
- E. Employees of Bordentown Township and its school district and active members of Bordentown Township's several fire departments and rescue squads.
- F. Households with one or more wage earners who work within Bordentown Township whose present place of residence is ten (10) or more miles from the wage earner(s)' place(s) of employment.
- G. Households with one or more wage earners who work within Bordentown Township whose present place of residence is less than ten (10) miles from the wage earner(s) place(s) of employment.
- H. Former residents of Bordentown Township.
- I. Relatives of those individuals described in subsections A. through H. above, in the same order of priority as established by subsections A. through H. For purposes of this subsection I., a relative is defined to mean a parent, child, grandparent, grandchild, brother, sister, aunt or uncle.
- J. All other persons and households.

**25:1111. Rehabilitation of Substandard Dwelling Units.**

A. Every owner of a substandard dwelling unit, whether or not actually residing in the unit, may apply to the Chairman for a grant or a revolving low interest loan for the purpose of rehabilitating the substandard unit. The application shall be made in accordance with the Housing and Redevelopment Board's rules and regulations.

B. In the event that the applicant is currently residing in the substandard unit, the applicant must establish, to the satisfaction of the Housing and Redevelopment Board, that he or she is a member of a low or moderate income household, now resides in the unit, and will reside therein after rehabilitation of the unit. In the event that the applicant is not actually residing in the substandard unit, the applicant must establish to the satisfaction of the Housing and Redevelopment Board that the rehabilitated unit shall be sold or rented to a low or moderate income household.

C. The resale prices of rehabilitated units shall be controlled in order to ensure that the units will remain affordable to low and moderate income households for a minimum of six (6) years after the completion of the rehabilitation. Notwithstanding anything contained herein, an applicant shall repay the outstanding balance on any revolving low cost loan at the time the rehabilitated unit is sold.

D. The Township will ensure that a minimum of 50% of the units are for low income households and shall monitor the program with the Burlington County Office of Community Development on an annual basis. At the end of 3 years from the enactment of this Chapter, the program may be adjusted if fewer than 50% of the units rehabilitated have been rented or sold to low income households.

**25:1112. Funds for Rehabilitation.**

Bordentown Township shall make funds available for the rehabilitation of substandard units from the following sources.

- A. **Subsidies.** Bordentown Township shall aggressively apply for subsidies from the Small Cities Program, Balanced Housing Program, Neighborhood Preservation Program, the NJ Housing and Mortgage Finance Agency and any other Federal, State or County programs which may become available.
- B. **Affordable housing contributions.** The contributions made pursuant to this Section shall be made available by the Housing and Redevelopment Board for the purpose of providing funds for the rehabilitation of substandard units and for subsidization of any or all new units or a unit occupied by a qualified household as approved by the Housing and Redevelopment Board.

**25:1113. Developer Contributions.**

In order to provide funds to finance and administer the Bordentown Township Mt. Laurel II compliance program, the following schedule of contributions from applicants for development in Bordentown Township subsequent to the effective date of this Chapter is established. The Township of Bordentown is aware that the Council on Affordable Housing will not sanction or certify any mandatory developer contribution plan for the creation of a Housing trust Fund, and that the certification of Bordentown Township's Housing Element excludes this portion of the Fair Share Plan. Furthermore, the ability of the Township to execute or administer its Fair Share Plan is not dependent upon establishment of this developer contributions fund.

- A. **A residential development.** All applicants for building permits on tracts containing two or more single family lots and/or for multi-family units shall make a contribution of \$500.00 per residential unit unless the unit is in a planned development or apartment/townhouse development in which the development has provided for its full share of low and/or moderate income housing pursuant to the applicable ordinances of the Township of Bordentown and Planning Board approval.
- B. **Office, research, laboratory development, manufacturing, retail, and all other non-residential uses.** All applicants for building permits for offices, research, laboratory development, manufacturing, retail and all other non-residential uses shall make a contribution equal to \$0.50 per square foot of gross floor area.

- C. ***No retroactive effect.*** The developer contributions specified in Paragraphs A and B above apply to all applications for building permits made on or after the passage of this Chapter, but shall not apply to valid subsisting building permits which do not require renewal now or in the future.
- D. ***Exemptions.*** No public agency, hospital or educational institution shall be obligated to make any contribution contemplated herein.
- E. ***Time of contribution.*** All contributions as provided for in Paragraphs A through D above shall be paid in full at the time of the issuance of the building permit or permits applied for.
- F. ***Place and method of contribution.*** All contributions made hereunder shall be paid to the Township of Bordentown and delivered to the Township Administrator, who will immediately forward same to the Chairman. The Housing and Redevelopment Board shall utilize the contributions for the purpose of financing and administering Bordentown Township's Mt. Laurel II compliance program in accordance with its regulations.

APPENDIX

**TOWNSHIP OF BORDENTOWN  
LAND DEVELOPMENT APPLICATION  
CHECKLIST**

APPENDIX—LAND DEVELOPMENT APPLICATION CHECKLIST

TOWNSHIP OF BORDENTOWN  
LAND DEVELOPMENT APPLICATION CHECKLIST

This CHECKLIST has been adopted in accordance with Section 25:807 of the Land Development Ordinance of the Township of Bordentown and will be used to determine whether an application filed with the Bordentown Township Planning Board or Zoning Board of Adjustment is complete. Failure to provide the items listed will result in the application being declared incomplete, unless the Board, pursuant to Section 25:802, waives the deficiency.

Applicant \_\_\_\_\_ Application No. \_\_\_\_\_

Date Filed \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

**General Requirements for all Applications**

All Applicants are advised to review the provisions of the Land Development Ordinance before submitting an application.

1. \_\_\_\_\_ Completed application form with completed checklist and copies of all documents, reports and plans relating to the application (Original and fifteen [15] copies) filed with the Administrative Officer at least fifteen (15) business days, but not more than twenty (20) business days prior to the regularly scheduled meeting of the Planning Board or the Zoning Board of Adjustment, as the case may be.
2. \_\_\_\_\_ One (1) copy of the completed application form and the completed checklist and copies of all documents, reports and plans related to the application delivered to each of the following members of the Township's professional staff at least fifteen (15) business days, but not more than twenty (20) business days prior to the regularly scheduled meeting of the Planning Board or the Zoning Board of Adjustment, as the case may be. [Addresses are provided on the last page of the Application Form]:
  - \_\_\_\_\_ a. Township Engineer
  - \_\_\_\_\_ b. Township Planning Consultant
  - \_\_\_\_\_ c. Township Traffic Engineer
  - \_\_\_\_\_ d. Board Solicitor
3. \_\_\_\_\_ Certification from the Bordentown Township Tax Collector that all taxes are paid as of the date the application is filed.
4. \_\_\_\_\_ Application Fee and Escrow Deposit, as required by Section 25:901.
5. \_\_\_\_\_ Proof that there are no outstanding uncollected fees and escrows resulting from past applications or prior submissions by this applicant or involving this property or any part thereof.

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6. \_\_\_ Statement as to any request for a waiver from any of the filing or submission requirements, together with a statement of the reasons offered in support of the request for the waiver or waivers.
7. \_\_\_ List of any requests for waivers from the development standards, together with a statement of reasons offered in support of the request.
8. \_\_\_ Proof that any conditions attached to any prior approval granted for the subject property have been fulfilled.
9. \_\_\_ List of the names and addresses of all expert witnesses proposed together with a statement of their area of expertise.
10. \_\_\_ In any instance where a formal subdivision or site plan is not required to be submitted, a survey or sketch of the property which is the subject of the application showing all structures located on the property.

NOTE Proof of Notice and Proof of Publication of Notice. These items may be filed at the time of the hearing on the application. They are not required to be filed with the application, since notice cannot be given until the date of the hearing is fixed. The hearing cannot proceed, however, until the Proof of Notice and of Publication have been filed.

**Details required for Minor Subdivision Plats and Minor Site Plans**

11. \_\_\_ Plats or Plans signed and sealed by a New Jersey Licensed Land Surveyor or Professional Engineer, as required, and folded into eighths with title block revealed.
- 11(b) \_\_\_ A completed application for a soil-removal permit filed with the Office of Community Development and accompanied by the appropriate fees and escrow.
12. \_\_\_ Scale of not less than 1" equals 100' and submitted on one of four of the following standard sheet sizes (8½" × 13"; 15" × 21"; 24" × 36"; or 30" × 42"). If one sheet is not sufficient to contain the entire territory, the map may be divided into sections shown on separate sheets of equal size, with reference on each sheet to the adjoining sheets.
13. \_\_\_ Key map at less than 1" equals 2000'.
14. \_\_\_ Title Block:
  - \_\_\_ a. Name of subdivision or development, Bordentown Township and Burlington County;
  - \_\_\_ b. Name, address and telephone number of subdivider or developer;
  - \_\_\_ c. Name, title, address and license number of the professional or professionals who prepared the plot or plan;
  - \_\_\_ d. Name, address and telephone number of the owner or owners of record;

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- e. Scale in inches to feet and bar scale; and,
  - f. Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.
15.  Acreage figures (both with and without areas within public rights-of-way) and north arrow.
16.  Approval signature lines.
- a. Chairman
  - b. Secretary
  - c. Township Engineer
17.  Existing block and lot number (s) of the lot (s) to be subdivided or developed as they appear on the Township Tax Map, and proposed block and lot numbers as provided by the Township Tax Assessor.
18.  Subdivision or development boundary line (heavy solid line).
19.  The location of existing and proposed property lines (with bearings and distances), streets, buildings (with their numerical dimensions and an indication as to whether existing buildings will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, and any historic features such as family burial grounds and buildings more than sixty (60) years old, both within the tract and within two hundred feet (200') feet of its boundary.
20.  The location and width of all existing and proposed utility easements.
21.  Zoning districts affecting the tract, including district names and requirements.
22.  Proposed buffer and landscaped areas.
23.  Delineation of flood plains, including both floodway and flood fringe areas.
24.  Contours as shown on the U.S.G.S. topographic sheets.
25.  Marshes, ponds and land subject to flooding within the tract and within one hundred feet (100') thereof.
26.  The names of all adjacent property owners as they appear on the most recent tax list prepared by the Township Tax Assessor.
27.  Concerning minor subdivisions only, existing and proposed iron or copper pins and/or monuments.
28.  Concerning minor subdivisions applications only, and if the proposed lot(s) is (are) not served by a sanitary sewer, certification by a licensed professional engineer that the proposed lot (s) can adequately accommodate a septic system and a copy of any written review and report by the Township Board of Health.

## BORDENTOWN TOWNSHIP LAND DEVELOPMENT ORDINANCE

The location(s) of the test hole(s), test results and compliance with the "Individual Sewage Disposal Code of New Jersey" shall be shown on the plat and certified by a licensed professional engineer.

- 29. \_\_\_ Road right-of-way dedication and improvement, as applicable.
- 30. \_\_\_ Sight triangle easements, as applicable.
- 31. \_\_\_ Deed descriptions, including metes and bounds description, copies of all easements, covenants, restrictions now affecting the property or to be recorded, and roadway and sight triangle dedications.

The requirement for copies includes, but is not limited to, existing or proposed easements to telephone, electric, gas, water and sewer utilities; deed restrictions and covenants, master deeds and proposed by-laws of any homeowner's or community associations; proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body. It is a requirement of the Township of Bordentown that any of the instruments specified above must be written in clear and understandable English language and the instruments will be reviewed on that basis prior to any approval.

- 32. \_\_\_ Impact Statement
  - \_\_\_ a. Environmental Impact Statement (see Section 25:804 C.):
  - \_\_\_ b. Traffic Impact Statement (see Section 25:804 D.):
  - \_\_\_ c. Community Impact Statement (see Section 25:804 E.):

Any application for subdivision approval where ten lots or less are involved and all applications for minor site plan approval, either to the Planning Board or to the Zoning Board of Adjustment, as the case may be, may require an Impact Statement, depending upon the nature of the particular development proposal and the subject land area. The Planning Board or Zoning Board of Adjustment, as the case may be, shall inform the applicant regarding any additional information that may be required.

### **Details required for Preliminary Major Subdivision Plats and Preliminary Major Site Plans**

- 33. \_\_\_ Plats or Plans signed and sealed by a New Jersey Professional Engineer and folded into eighths with title block revealed.
- 34. \_\_\_ Protective Covenants or Deed Restrictions [Note the requirement of Section 25:606.E. that all covenants and restrictions must be written in easily understandable English.]
- 35. \_\_\_ Scale of not less than 1" equals 100' and submitted on one of four of the following standard sheet sizes (8½" x 13"; 15" x 21"; 24" x 36"; or 30" x 42"). If one sheet

APPENDIX—LAND DEVELOPMENT APPLICATION CHECKLIST

is not sufficient to contain the entire territory, the map may be divided into sections shown on separate sheets of equal size, with reference on each sheet to the adjoining sheets.

36. \_\_\_ Key map at less than 1" equals 2000'.
37. \_\_\_ Title Block:
  - \_\_\_ a. Name of subdivision or development, Bordentown Township and Burlington County;
  - \_\_\_ b. Name, address and telephone number of subdivider or developer;
  - \_\_\_ c. Name, title, address and license number of the professional or professionals who prepared the plot or plan;
  - \_\_\_ d. Name, address and telephone number of the owner or owners of record;
  - \_\_\_ e. Scale in inches to feet and bar scale; and,
  - \_\_\_ f. Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.
38. \_\_\_ Acreage figures (both with and without areas within public rights-of-way) and north arrow.
39. \_\_\_ Approval signature lines.
  - \_\_\_ a. Chairman
  - \_\_\_ b. Secretary
  - \_\_\_ c. Township Engineer
40. \_\_\_ Acreage to the nearest tenth of an acre and a computation of the area of the tract to be disturbed.
41. \_\_\_ The names and lot and block numbers of all property owners within 200 feet of the extreme limits of the tract as shown on the most recent tax list prepared by the Township Tax Assessor.
42. \_\_\_ Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Township Tax Map, and proposed block and lot numbers as provided by the Township Tax Assessor upon written request.
43. \_\_\_ Tract boundary line (heavy solid line).
44. \_\_\_ Zoning districts, including district names and requirements.
45. \_\_\_ The locations and dimensions of existing and proposed bridges and the location of natural features, such as wooded areas and any extensive rock formations, both within the tract and within 200 feet of its boundaries.
46. \_\_\_ The location and species associations of all individual trees or groups of trees having a caliper of eight inches (8") or more measured three feet (3') above the ground level shall be shown within the portion(s) of the tract to be disturbed as

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a result of the proposed development. The proposed location of all proposed plantings shall be indicated and a legend provided listing the botanical and common names, the sizes at time of planting, the total quantity of each plant, and the location of each plant keyed to the plan or plat.

47. \_\_\_ Existing and proposed watercourses (including lakes and ponds) with the following required information:
  - \_\_\_ a. When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by the New Jersey Department of Water Policy and Supply;
  - \_\_\_ b. Cross-sections of watercourses and/or drainage swales at an appropriate scale showing the extent of flood plain, top of bank, normal water levels and bottom elevations at the locations specified in the Ordinance;
  - \_\_\_ c. The total acreage of the drainage basin of any watercourse running through or adjacent to the tract;
  - \_\_\_ d. The location and extent of drainage and conservation easements and stream encroachment lines;
  - \_\_\_ e. The location, extent and water level elevation of all existing or proposed lakes or ponds within the tract and within 200 feet of the tract.
48. \_\_\_ Existing contours.
49. \_\_\_ Proposals for soil erosion and sediment control.
50. \_\_\_ Locations of all existing structures.
51. \_\_\_ Size, height and location of all proposed buildings, structures, signs and lighting facilities.
52. \_\_\_ All dimensions necessary in order to confirm compliance with all requirements of the Land Development Ordinance.
53. \_\_\_ The proposed location, direction of illumination, power and type of proposed outdoor lighting, including details and luminaries.
54. \_\_\_ The proposed screening, buffering and landscaping plan.
55. \_\_\_ The location and design of any off-street parking area, showing size and location of bays, aisles and barriers.
56. \_\_\_ All means of vehicular access to or egress from the site onto public streets, with the information required by Ordinance.
57. \_\_\_ Plans and computations for any storm drainage systems.
58. \_\_\_ The location of existing utility structures on the tract and within 200 feet of its boundaries.
59. \_\_\_ Plans of proposed improvements and utility layouts.

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60. \_\_\_ Plans, typical cross sections and construction details, horizontal and vertical alignment of the centerline of all proposed streets and of existing streets abutting the tract.

61. \_\_\_ A copy of any easements, protective covenants or deed restrictions applying to the land being developed and an indication of the location of them on the submitted plat or plan.

The requirement for copies includes, but is not limited to, existing or proposed easements to telephone, electric, gas, water and sewer utilities; deed restrictions and covenants, master deeds and proposed by-laws of any homeowner's or community associations; proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body. It is a requirement of the Township of Bordentown that any of the instruments specified above must be written in clear and understandable language and the instruments will be reviewed on that basis prior to any approval.

62. \_\_\_ Proposed permanent monuments.

63. \_\_\_ In the case of any subdivision or site plan submission of a planned development, all of the required information for all of the properties comprising the planned development.

64. \_\_\_ Environmental Impact Statement including all information specified in Section 25:804 C. All preliminary major subdivision and/or preliminary major site plan applications shall be accompanied by an Environmental Impact Statement, unless specifically waived by the Board.

65. \_\_\_ Traffic Impact Statement including all information specified in Section 25:804 D. All preliminary major subdivision and/or preliminary major site plan applications shall be accompanied by a Traffic Impact Statement, unless specifically waived by the Board.

66. \_\_\_ Community Impact Statement including all information specified in Section 25:804 E. All preliminary major subdivision and/or preliminary major site plan applications shall be accompanied by a Community Impact Statement, unless specifically waived by the Board.

Note: The Board reserves the right to require additional information before granting preliminary approval, provided however that no application shall be declared incomplete for lack of the additional information.

**Details required for Final Major Subdivision Plats and Final Major Site Plans**

67. \_\_\_ Plats or Plans signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.

68. \_\_\_ Scale of not less than 1" equals 100' and submitted on one of four of the following standard sheet sizes (8½" × 13"; 15" × 21"; 24" × 36"; or 30" × 42"). If one sheet

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is not sufficient to contain the entire territory, the map may be divided into sections shown on separate sheets of equal size, with reference on each sheet to the adjoining sheets.

- 69. \_\_\_ All details stipulated in Items 33 through 66 of this Checklist.
- 70. \_\_\_ All additional details required at the time of preliminary approval.
- 71. \_\_\_ A section or staging plan, if proposed.
- 72. \_\_\_ Detailed architectural and engineering data as required by Ordinance.
- 73. \_\_\_ Letters directed to the Board Chairman and signed by a responsible official of all utility companies, such as, but not limited to water, sewer, electric, gas, telephone, and cable television, that service will be provided to the tract.
- 74. \_\_\_ Certification in writing from the applicant to the Board that the applicant has:
  - \_\_\_ a. Installed all improvements in accordance with the requirements of the Land Development Ordinance; and/or,
  - \_\_\_ b. Posted a performance guarantee in accordance with Section 25:902 of the Land Development Ordinance.

\_\_\_\_\_  
Signature and Title of person completing check list.

Date: \_\_\_\_\_

(Ord. No. 2002-13, 7-8-2002)

## TABLE OF AMENDMENTS

This table shows the section or subsection affected by ordinances amending the land development ordinance of the township, adopted August 14, 1990. "Rpld" stands for repealed; "Rnbd" stands for renumbered (or relettered).

Ordinance Number	Adoption Date	Section	Disposition
1992-4	4-28-1992	2	25:202 25:401 D. 25:405 D. 25:502 25:506 B. 25:508 A. 25:508 F. 25:515 A. 25:606 B. 25:807
1992-29	12-22-1992	1	25:202
		2	25:508 G.
1995-6	10-12-1995	2	25:601 C.
1996-2	3-11-1996	2	25:402 A.
		3	25:408 A.
		4	25:409 A.
		5	25:410 A.
1996-7	5-13-1996	2	Added 25:403 G.
		3	Added 25:404 G.
		4	Added 25:405 G.
		5	Added 25:406 H.
		6	Added 25:603 GG.
		7	Added 25:604 E.
		8	25:606 D.
		9	Added 25:518
1997-05	9- 9-1997	II	25:202
		III	25:410 A.
		IV	25:601 F.
		V	25:407 A.
		VI	25:601 M.2.
		VII	25:601 N.2.
		VIII	25:601 O.2.
		IX	25:304 A.
1998-08	5-19-1998	2	25:202
		3	25:408 H.
		4	25:409 H.
		5	25:409 A.
		6	25:410
		7	25:503 E.2.
		8	25:514 E.
1998-09	6- 9-1998	2	25:202

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Ordinance Number	Adoption Date	Section	Disposition
		3	25:301
		4	Rpld 25:302
			Added 25:302
		5	25:303
		6	Added 25:402.1
		7	Added 25:406.1, 25:406.2
		8	25:403 A.
		9	25:404 A.
		10	25:606
		11	25:606 D.
		12	25:406 A.
		13	25:408 A.
1999-06	5-11-1999	14	Added 25:503.1
1999-13	8-10-1999	II	25:402 A.2.
		II	25:202
		III, IV	25:301, 25:302
		V	25:402.1
			Added 25:402.2
		VI	25:403
		VII	25:407 D. 25:408 D. 25:409 D. 25:410 D.
		VIII	25:410 A.
		IX	25:408 A.
		X	25:606 A., B.
		XI	25:606 F.
1999-15	11- 9-1999	XII	25:606 G., H.
2000-05	5- 9-2000	II	25:408 A.
		II	25:606 E.
		II.1	25:408 A. 25:410 A.
2000-08	5-23-2000	III	Rpld 25:707
		II	25:403 A.
		III	Added 25:601 P.
		IV	25:408 E.
2001-02	5-21-2001	II	25:503 E.
		III	25:502 H.
2001-03	6-11-2001	II	Added 25:707
2001-04	7-23-2001		25:503.1
2001-09	8-27-2001		Added 25:901 G.
2001-10	8-27-2001		25:410 C.
2001-12	9-24-2001		25:606 H.
2001-13	12-27-2001		Added 25:519
2002-02	2-25-2002		25:901 A.
2002-04	2-25-2002		25:519

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2002-01	3-25-2002		25:506 D.1.
2002-084-8(Res.)	3-25-2002		25:901 A.
2002-07	6-10-2002	Added	25:520
2002-08	6-10-2002		25:506 C.3.
			25:506 C.8.
2002-15	6-24-2002		25:202
2002-16	6-24-2002		25:402.1 A.7.
			25:402.2 A.7.
			25:403 A.7.
			25:404 A.6.
			25:405 A.6.
			25:406 A.8.
			25:407 A.8.
		Rpld	25:601 E.
2002-11	7- 8-2002		25:202
2002-12	7- 8-2002		25:202
2002-13	7- 8-2002		App. A
2002-14	7- 8-2002		25:202
			25:1003

## STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to the New Jersey Statutes Annotated.

N.J.S.A.	Section this Code	N.J.S.A.	Section this Code
2A:11-15	25:706		25:405
	25:707		25:406
2A:67A-1 et seq.	25:706		25:518
4:24-39 et seq.	25:804		25:603
6:1-80 et seq.	25:702		25:604
10:4-6	25:706	40:55D-60	25:802
26:2H-1 et seq.	25:202	40:55D-65	25:202
30:4-23	25:202	40:55D-65c	25:804
30:5B-1 et seq.	25:401	40:55D-67	25:402
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	25:408		25:402.2
	25:409		25:403
	25:508		25:404
30:11B-1 et seq.	25:202		25:405
30:11B-2	25:202		25:406
39:1-1	25:202		25:408
40:44D-34	25:202		25:409
40:44D-36	25:202		25:410
40:49-2.1	Adopt. Ord.		25:606
40:55-1.30 et seq.	25:202	40:55D-69 et seq.	25:701
40:55-34	25:801	40:55D-70(c)	25:705
40:55D	Adopt. Ord.		25:801
40:55D-1 et seq.	25:103	40:55D-70(d)	25:705
	25:201		25:707
40:55D-4	25:202		25:801
	25:702	45:8-36	25:802
	25:707		25:804
40:55D-8	25:802	46:23-9.9 et seq.	25:803
40:55D-9	25:706		25:804
40:55D-10, 11 and 12	25:606	50:55D-1 et seq.	Adopt. Ord.
40:55D-14	25:706		25:606
40:55D-32	25:705		25:706
40:55D-32 et seq.	25:202	52:27d-301 et seq.	25:503.1
40:55D-34	25:705	52:27D-302 et seq.	25:202
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