

ARTICLE IV - GENERAL PROVISIONS

4.1 ADMINISTRATION

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. Any action taken by the Land Use Board under the terms of this Ordinance shall give primary consideration to the requirements of this Ordinance and to the welfare of the entire community.

4.2 AMENDMENTS

All provisions of this ordinance may be amended in accordance with applicable laws in effect at the time of the amendment.

4.3 BOARD / PLANNING BOARD (combined Land Use Board)

A. Establishment. There is hereby established in the Township, pursuant to the Municipal Land Use Law, a single land use board which shall be called the Planning Board.

B. Organization. The Township Planning Board shall consist of nine (9) regular members and four (4) alternates. The Planning Board's membership and makeup is governed and controlled by N.J.S.A 40:55D-23

C. Experts and Staff. The Planning Board may employ or contract for a Planning Board Attorney, other than the Municipal Attorney; other experts; staff personnel; and other services as it may deem necessary. The Board shall not, however, exceed the amount appropriated by the governing body for its use.

D. Powers and Duties Generally. The Planning Board is authorized to adopt by laws governing its procedural operation. It shall also have the following powers and duties:

1. To make and adopt and, from time to time, amend a Master Plan for the physical development of the municipality, including any areas outside its boundaries, when in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.

2. To administer provisions of all subdivision and site plan regulations of the municipality in accordance with the provisions of said regulations and the Municipal Land Use Law of 1975, N.J.S.A. 50:55D-1, et seq.

3. To participate in the preparation and review of programs and plans required by State or Federal law or regulations.

4. To assemble data on a continuing basis as part of a continuous planning process.

5. To annually prepare a program of municipal capital improvement projects projected

over a term of six (6) years, and amendments thereto, and recommend same to the governing body.

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

7. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

8. Hear and decide, by majority vote, appeals where it is alleged by the applicant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of zoning regulations.

9. Hear and decide, by majority vote, requests for interpretation of the zoning map or regulations, or for decisions upon other special questions upon which such board is authorized by this Ordinance to pass.

10. Grant by majority vote a variance from the strict application of the zoning regulations where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions of such piece of property, the strict application of any regulation in the zoning ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property. In no case shall a variance be granted under this paragraph to allow a structure or use in a district restricted against such structure or use.

11. The Planning Board (combined Land Use Board) is authorized to grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least five (5) members pursuant to N.J.S.A.40 55D-70(d).

4.4 DEVELOPMENT APPLICATIONS AND TIME CONSTRAINTS.

A. Application Procedure for Subdivision or Site Plans. Any applicant for subdivision or site plan review and approval shall obtain all necessary forms from the Planning Board Administrative Officer. Said officer shall inform the applicant of the steps to be taken in securing Planning Board action and of the regular meeting dates of the Boards. A developer seeking minor subdivision, major subdivision, or site plan review and approval shall submit fourteen (14) copies of all plans, together with a completed application form to the Planning Board Administrative Officer at least twenty (20) days prior to the Planning Board meeting at which action by the Board may be taken, together with all items required by the checklists which are a part of this Ordinance.

The Planning Board shall determine, on the basis of advice from the Municipal Engineer and the

Board's Administrative Officer, if the application is incomplete, in which case the developer shall be advised within forty-five (45) days of his initial submission as to the additional materials required. An amended application, together with any required revised site plan or major subdivision plat shall be submitted in the same manner as the original application.

If the application is complete, the Planning Board shall classify the application as a major or minor development and act upon it within the applicable time periods specified in the municipal land use law, and in accordance with other provisions of this Ordinance.

If classified as a major development, and either approved or approved with conditions as a major development, or approved as a minor development, a notation to that effect including the date of the approving authority's action shall be made on all copies of the plat and shall be signed by the Chairman and Secretary of the approving authority (or the vice chairman or assistant secretary in their absence, respectively), except the minor plats shall not be signed until all conditions are incorporated on that plat. All conditions on minor developments shall be satisfied within ninety (90) days of the meeting at which conditional approval was granted, otherwise the conditional approval shall lapse.

B. Preliminary Plan Approvals.

1. Final approval in the case of minor subdivisions, and preliminary approval of site plans, in the case of ten (10) acres or less, shall be granted or denied within forty-five (45) days from the date an application is determined to be complete or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless a map meeting the provisions of the Map Filing Law, or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Clerk.

2. Preliminary applications for major subdivision; site plans for conventional developments of more than one-half (1/2) acre; or any planned development shall be subject to public hearing after notice is properly given by the applicant as provided in Section 4.18E(8) and preliminary approval shall be granted or denied within the time required by the Municipal Land Use Law.

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

Preliminary approval of a major subdivision or site plan shall be granted by resolution which shall set forth any conditions that must be met, including required performance guarantees, and plat changes that must be made precedent to final action. A notation indicating preliminary approval does not authorize recording in the case of a subdivision nor the issuance of a building permit in the case of a site plan, unless the plan has been duly stamped and has had affixed the signature of the Chairman or Secretary of the Township Planning Board.

Preliminary approval shall, confer upon the applicant the rights provided under the Municipal Land Use Law.

C. Final Approval of Site Plans and Major Subdivisions. A developer seeking final approval of a major subdivision or site plan shall, with the knowledge of the Zoning Administrative Officer, submit fourteen (14) paper prints of the final plan, together with originals and processed tracings as required by the Map Filing Law in the case of subdivisions, along with a completed application form to the Planning Board Administrative Officer at least twenty (20) days prior to the scheduled Planning Board meeting at which such final approval shall be considered.

The Planning Board shall determine on the basis of advice from the Municipal Engineer and the Board's Administrative Officer, that the application is complete and properly submitted as of that date, or that the application is incomplete or in error, in which case the developer shall be advised within forty-five (45) days of his initial submission for final approval as to the additional material or corrections required. An amended application, together with any required revised plans shall be submitted in the same manner as the original application.

Final approval of a major subdivision or site plan shall be granted only after all requirements and conditions imposed at the time of preliminary approval have been complied with. A notation indicating approval shall be placed on each plat together with the signatures of the Chairman and Secretary of the Planning Board.

An application for final approval shall be granted or denied within the time required by the Municipal Land Use Law.

D. Relationship Between Planning Board and the Environmental Commission. Whenever an Environmental Commission shall have been created and the Environmental Commission has prepared and submitted to the Planning Board an index of the natural resources of the municipality, the Planning Board shall make available to the Environmental Commission an informal copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

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

F. Granting of variances. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zone regulations.

G. Referral of Applications. Any application under any subsection of this section may be referred to any appropriate person or agency for its report provided that such reference shall not

extend the period of time within which the Planning Board shall act.

H. Time for Decision in the Appeal from Administrative Officer. The Planning Board shall render its decision not later than the time allowed by the Municipal Land Use Law.

I. The Granting of Hardship and Use Variances. In the granting of hardship and use variances, a time limit of one (1) year from the date of the variance approval shall be set within which time the applicant shall secure a building permit or commence the use. Otherwise the variance granted shall be null and void.

J. Issuance of a Variance in Conjunction with Plan Approval. Whenever an applicant shall request a variance to allow a structure or use in a district restricted against such structure or use, the Planning Board (combined Land Use Board) shall have the power to grant subdivision, site plan, or conditional use approval in conjunction with its action on the “use variance” and may impose restrictions on the subdivision, site plan or conditional use application.

K. Notice of all Decisions on Development. A copy of a development decision of any Township agency shall be mailed by said agency for an appropriate municipal fee to all persons who request a copy of that decision. A copy of the decision shall be kept with the Administrative Officer. A brief notice of all decisions on development application hearings shall be published in the official newspaper of the municipality and a copy shall be sent to the applicant. Such publication shall be arranged by the Administrative Officer.

4.5 COMPLIANCE

All zoning requirements shall be met at the time of any erection, enlargement, moving or change in use. If a new structure is added to an existing complex of structures or if any existing structure has an addition, the site plan provisions of this Ordinance shall apply to the enlargement or new structure. All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards, including conditions imposed by the approving authority, as shown on the approved site plat and/or included in the resolution adopted by the approving authority.

4.6 CONDITIONAL APPROVAL

A. Conditional Approval by the Approving Authority. The approving authority may condition its approval of any application for development on compliance by the applicant with any lawful requirements the approving authority deems reasonable and necessary for the public health, safety, and welfare. The applicant has the responsibility of complying with reasonable conditions for design, dedication, improvements and land use stipulated by the approving authority.

B. Approval Conditioned Upon Other Governmental Action. In the event that development by an application for development requires an approval by a governmental agency other than the municipal agency, the municipal agency shall, in appropriate instances, condition its approval upon subsequent approval of such governmental agency; provided that the municipality shall

make a decision of any application for development within the time period provided in this ordinance or within an extension of such period as has been agreed to by the applicant unless the municipal agency is prevented or relieved from so acting by the operation of law. If such governmental agency's report is returned within the time period and is negative or attaches conditions, the original action by the municipal approving authority shall be null and void and a new resolution shall be adopted which considers the governmental agency's report. Section 4.6 is supplemented as follows:

C. Developer Agreements, Deeds, and Easements.

1. **Developer Agreements.** The Board may require, upon issuance of an approval of a development, that the applicant enter into a developer's agreement with the Township to ensure that the project is completed in accordance with the conditions of approval adopted by the Municipal Land Use Board.
2. **Form of Developer Agreement, Deeds, and Easements.** Any developer's agreement, as well as any deeds or easements to be conveyed to the Township, shall be in a form acceptable to the Hopewell Township Solicitor. The attorney preparing the documents for the applicant shall coordinate that preparation with the Township Solicitor in order to ensure that the approved form(s) of developer agreement, deed, and/or easement is/are used. Furthermore, simultaneous with the Township Solicitor's review of the developer's agreement, deeds, and/or easements, the applicant must, at a minimum, produce a title report providing clear title to the Township, or an updated search, or an opinion letter from the applicant's attorney that there are no liens and that the deed or easement conveys clear title.
3. **Fees and Costs.** It is the responsibility of the applicant to reimburse the Township, from the applicant's escrow deposit, for the fees and cost which the Township incurs during the aforementioned process respecting developer's agreements, deeds, and/or easements.
4. **Repealer.** All Ordinances or parts of Ordinances which are inconsistent or in opposition to the provisions of this section are hereby repealed to the extent of said inconsistency.
5. **Severability.** If any provision of this section, or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

4.7 CONDITIONAL USES

A. Issuance of a Permit for Conditional Use. Before any permit shall be issued for a conditional use, applications shall be made to the Planning Board. The Planning Board shall grant or deny the application after public hearing, but within ninety-five (95) days of submission

of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Where a conditional use application involves a site plan or subdivision, the Planning Board shall review and approve or deny the subdivision or site plan simultaneously with the conditional use application. Failure of the Planning Board to act within the required time period shall constitute approval of the application. In reviewing the conditional use application, the Planning Board shall review the number of employees or users of the property, the requirements set forth in the ordinance and shall give due consideration to all reasonable elements which would affect the public health, welfare, safety, comfort and convenience such as but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, structural location(s) and orientation(s) and shall conduct a public hearing on the application. The use for which conditional uses are granted shall be deemed to be permitted uses in their respective districts, and each conditional use shall be considered as an individual case. In all requests for approval of conditional uses the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the Planning Board.

B. Time Limit on Conditional Uses. In the granting of conditional uses, a time limit of one (1) year from the date of the approval shall be set within which time the owner shall secure a building permit or otherwise commence the use, otherwise the use granted shall be null and void.

4.8 EFFECTIVE DATE

This Ordinance shall take effect upon its final passage and publication according to law.

4.9 ENFORCING OFFICERS

It shall be the duty of the zoning officer who shall be appointed by the governing body to administer and enforce the zoning provisions of this Ordinance. No building permit shall be issued unless the plans are accompanied by an approved zoning permit. No zoning permit shall be issued unless the proposed structure, use, temporary activity, and construction activities are in compliance with this Ordinance. In cases involving a change of Ownership, Tenant, or Use of an existing structure, no certificate of occupancy shall be issued until a zoning permit has been issued. It shall be the duty of the Municipal Engineer to enforce the provisions of subdivision site plan approvals.

4.10 EXCEPTIONS/WAIVERS

The approving authority, when acting upon applications for preliminary or minor subdivision approval and preliminary site plan approval, shall have the power to grant such exceptions from the “Design and Performance Standards” in Article 6 of this Ordinance as may be reasonable and within the general purpose and intent of the provisions for subdivision/site plan review and approval if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

The approving authority shall have the power to review and approve or deny conditional uses or

site plans simultaneously with a review for subdivision approval without the developer being required to make further application, or the approving authority being required to hold further hearings. Whenever approval of a conditional use is requested by the developer in conjunction with a site plan or subdivision, notice of the hearing on the plat shall include reference to the request for such conditional use.

4.11 EXEMPTIONS FROM SUBDIVISION REGULATIONS

Divisions of land not considered a subdivision as defined in this Ordinance shall be exempt from compliance with the requirements of this ordinance only after affirmative action by the approving authority. Such action shall be taken following submission of documentation to the approving authority showing the division of land for agricultural purposes where all resulting parcels are five (5) acres or larger in size; divisions by testamentary or intestate provisions; divisions of property by court order, and conveyances so as to combine existing lots by deed or other instrument, as the case may be. Until exempted from the subdivision regulations by the approving authority, no person can transfer, sell, or agree to transfer or sell, as owner or agent, any land which forms a part of a subdivision for which approval is required.

4.12 FEES

Fees shall be paid and escrow funds established in accordance with a schedule adopted by the Township Committee.

4.13 GUARANTEES AND INSPECTIONS

A. Bonding as a Condition of Final Approval. No final plat shall be approved by the approving authority until all items required to be bonded (on-site, off-site and off-tract) in the public interest have been installed, inspected, certified, and approved by the Municipal Engineer and accepted by the governing body and a maintenance guarantee has been filed and accepted by the governing body in accordance with the requirements of this Section or a performance guarantee in a form acceptable to the Township Attorney has been posted to secure such improvements. No maintenance bond shall be accepted nor shall any partial facility be accepted for any item which has further stages of work to be completed or which will need to be altered or re-worked in any manner due to the installation or connection of any other facility. Any improvements installed prior to final plat application that do not meet the standards of this ordinance or other regulations shall be added to the performance guarantee.

B. Developing Cost Estimate for Performance Guarantee. A performance guarantee cost estimate shall be submitted to the approving authority by the Municipal Engineer as part of his report on preliminary and final plat review. The approving authority may request the municipal Engineer to review and update this estimate from time to time as required.

1) Form. A performance guarantee required in connection with the Hopewell Development Ordinance shall be in one of the following forms:

- a. A corporate surety bond furnished by a bonding or

surety company authorized to do business in the State of New Jersey.

- b. A certified or cashier's check made payable to the Township.
- c. A certificate of deposit from a recognized banking institution, which deposit may be withdrawn only after action by the municipal governing body determining that the requirements of final approval guaranteed thereby have been fulfilled and which may be claimed by the Township in the event such requirements are not met; or
- d. A letter of credit from a recognized banking institution.

2) Term. Performance guarantees shall run for a term, to be fixed by the approving authority, of not more than three (3) years, except that, with the consent of the obligor and the surety, if there be one, the governing body may, by resolution, extend the term of such performance guarantee for an additional period, not to exceed three (3) years. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been satisfactorily installed.

3) Lack of Performance. If required improvements are not completed or corrected in accordance with the performance guarantee, the obligor or the surety, if there be one, shall be liable thereon to the Municipality for the reasonable cost of the improvements not completed or corrected and the Municipality may, either prior to or after receipt of the proceeds thereof, complete such improvements.

4) Verification and Review. The proposed performance guarantee required for final plat approval shall be submitted to the Municipal Engineer and Municipal Attorney for recommendations as to accuracy and form and then to the governing body for approval and acceptance by resolution. Submission for final plat approval shall not be made until the performance guarantee has been accepted and approved by the governing body. The performance guarantee may cover: streets, grading, pavement, gutters, curbs, sidewalks, street-lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, other on-site and off-site improvements and landscaping.

C. Deposit of the Performance Guarantee. The performance guarantee shall be deposited with the Township by payment to the Municipal Treasurer. The Treasurer shall issue a receipt for such deposits and shall retain the deposits as security for completion of all requirements to be returned to the developer on completion of all required work or, in the event of default on the part of the developer, to be used by the Township to pay the costs of completing the requirements.

The total performance guarantee shall equal one hundred twenty percent (120%) of the

performance guarantee cost estimate plus an amount equal to fifteen percent (15%) of the cost of any facilities installed prior to final submission as a maintenance guarantee. The Municipal Engineer's certification that the principal has satisfactorily installed or has defaulted in meeting the required standards of construction shall be the basis for governing body action which accepts or rejects the improvements, withholds approval, or may extend the time allowed for installation of the improvements.

In lieu of a performance guarantee, at the discretion of the Planning Board, the applicant may place a deed restriction as a covenant running with the land in a recorded deed to the property, requiring all site improvements of the subdivision approval to be completed prior to the issuance of a Certificate of Occupancy for any structure on the property by the owner of the property at the time at which the Certificate of Occupancy is sought, or in the alternative, at the property owner's option, to pay an amount equal to the Township Engineer's estimate of the costs of such improvements to the Township.

D. Notification of Acceptance. The Township Clerk shall immediately notify the approving authority and the Municipal Engineer when the performance guarantee has been approved and accepted by the governing body.

E. Requirement for Pre-construction Conference. Prior to beginning construction, the developer shall arrange for a pre-construction conference between the developer, contractor, and Municipal Engineer. All improvements and utility installation shall be inspected during the time of their installation under the supervision of the Municipal Engineer to insure satisfactory completion. The Municipal Engineer shall be notified by the developer five (5) days in advance of the start of construction.

F. Approval of Municipal Engineer. No work shall be done without permission from the Municipal Engineer. A representative of the Municipal Engineer's office shall, at the option of the Municipal Engineer, be present at the time all work is performed. No underground installation shall be covered until inspected and approved. The Municipal Engineer's office shall be notified after each of the following phases of the work has been completed so that he may inspect the work: road sub-grade; curb and gutter forms; curbs and gutters; road paving (after each coat in the case of priming and sealing); drainage pipes and other drainage structures before backfilling; shade trees and planting strips; street name signs; and monuments.

G. Utility Inspection. Electrical, gas, telephone and all other utility installations installed by utility companies shall also be subject to the inspection requirements contained herein.

H. Issuance of Occupancy Permits. Occupancy permits will be issued only when the installation of curbs, utilities, functioning water supply and sewage treatment facilities, necessary storm drainage to insure proper drainage of the lot and surrounding land, rough grading of lots, soil stabilization, base course for the street and driveway, and sidewalks are installed to serve the lot and structure for which the permit is requested. Streets shall not receive surface course paving until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. Seeding of grass areas shall be the final operation.

I. Limit of Municipal Liability. Inspection by the Municipal Engineer of the installation of improvements and utilities shall not subject the municipality to liability for claims, suits, or liability of any kind that may arise because of defects or negligence in the design or construction, it being recognized that the responsibility to provide proper utilities and improvements and to maintain safe conditions at all times on all parts of the tract whether construction is waiting to start, is in progress, or is completed, or any combination of conditions on all or part of the tract is upon the developer and his contractors or sub-contractors, if any.

J. Application for Final Inspection and Improvements. After completing the construction of the improvements covered by the performance guarantee, the subdivider shall prepare two (2) sets of the improvements and utility plans and the profiles amended to read “as constructed” and apply to the governing body for final inspection of the work. The Municipal Engineer shall, within sixty (60) days of completing the inspection, report in writing to the governing body indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

K. Action on Improvements by Governing Body. The governing body shall either approve, partially approve or reject the improvements, on the basis of the report of the Municipal Engineer and shall notify the obligor in writing, of the contents of said report and the action of said approving authority with relation thereto.

L. Rejection of Improvements and Requirements to Complete. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements, and upon completion, the same procedure of notification, as set forth in this section shall be followed.

M. Relationship of Improvement Approval and Acceptance by Township. The approval of any plat under this Ordinance by the approving authority shall in no way be construed as acceptance of any street, drainage system, or other improvement required by this Ordinance, nor shall such plat approval obligate the Township in any way to maintain or exercise jurisdiction over such street, drainage system, or other improvement. Acceptance of any street, drainage system or other improvement shall be implemented only by favorable action by the governing body.

N. Maintenance Guarantees

1) Establishment. As a condition precedent to final release of any performance guarantee, the governing body may require the developer to execute a maintenance guarantee and post said guarantee with the Municipal Clerk as a surety for maintenance and repair of all improvements required to be installed by the developer. The maintenance guarantee shall be for a period of two (2) years from the date of final acceptance of the improvements by resolution of the governing body, after recommendation of acceptance by the Municipal Engineer, and its amount shall be equal to fifteen percent (15%) of the Municipal Engineer’s estimate of the cost of construction or required improvements. The maintenance guarantee

shall apply only to such repairs as may be necessitated by substandard original construction or by damage by the developer in the course of development. In the event that other governmental agencies or public utilities will own the utilities to be installed, and the improvements are covered by a performance or maintenance guarantee, as the case may be, it shall be required also to run to the Municipality for such utilities or improvements.

2) Form. A maintenance guarantee may be in a form as provided for by Section 4.13B of this Ordinance.

3) Verification. All maintenance guarantees shall be presented to the Municipal Clerk who shall forward one (1) copy of the guarantee to the Township Engineer and one (1) copy to the Township Attorney. The Township Engineer shall advise the governing body and the Township Attorney if the maintenance guarantee is executed in the correct amount; and the Township Attorney shall notify the governing body as to the acceptability of the maintenance guarantees in terms of their form and execution.

4) Records. The Township Clerk shall maintain a record of all maintenance guarantees received by the Township in connection with development approval and shall notify the Township Engineer sixty (60) days prior to the expiration date of such maintenance guarantees.

5) Release of Forfeiture. Prior to the expiration date of any maintenance guarantee or to the release of any maintenance guarantee, the Township Engineer shall inspect the improvements and report to the governing body concerning their condition and any deficiencies still existing. Release of a maintenance guarantee shall be by resolution of the governing body based on recommendation for release by the Township Engineer. The governing body may cause a maintenance guarantee to be forfeited if the report of the Township Engineer illustrates that deficiencies in the bonded improvements exist at the time release is requested.

4.14 INCONSISTENT ORDINANCES REPEALED

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Upon the adoption of this Ordinance according to law, all previously adopted procedural, subdivision, site plan and zoning ordinance and their amendments are repealed. This Ordinance shall not affect the right to farm ordinance which shall remain in effect.

4.15 INTERPRETATION

A. Interpretation of Minimum Requirements. The provisions of this Ordinance shall be held to be minimum requirements. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance,

rule or regulation, or other provision of law, whichever provision(s) are more restrictive or impose higher standards shall control.

B. Interpretation of Zoning District Boundary Lines. Zoning district boundary lines are intended to follow street centerlines, streams, and lot or property lines unless otherwise indicated by dimensions on the zoning map. Any dimensions shown shall be in feet, measured horizontally and measured from the street right-of-way line even if the centerline of that street serves as a zoning district line. The location of any disputed zoning district line shall be determined by the Planning Board. Zoning district lines extend vertically in both directions from ground level.

C. Modification of District Line. Where a zoning district line divides a lot, the zoning district line may be modified by the owner by moving the zoning district line up to the property line provided the property line is within twenty (20) feet of the zoning district line as shown on the zoning map. A use permitted in the zoning district so extended shall thereafter be a permitted use in the extended area. A zoning district line shall be altered only once by utilizing this section of the ordinance after which the use shall be governed by the district in which it is located after adjustment.

4.16 PERMITS

A. Issuance of Permits. No zoning permit, building permit, or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this ordinance or for use of a lot which was created by subdivision after the effective date of, and not in conformity with the provisions of this Ordinance. No site improvements such as, but not limited to, excavation or construction of public or private improvements shall be commenced except in conformance with this Ordinance in accordance with plat approvals and the issuance of required permits.

B. Requirement for Issuance of Zoning Permit Prior to Other Permits.

1. For both Residential and Commercial construction, a zoning permit shall be issued by the Zoning Officer before the issuance of a building permit.
2. For existing commercial buildings, a zoning permit is required prior to a certificate of occupancy to the occupant(s) of the building that has had a change in ownership and/or tenant, even if the prior permitted use would not change. Whenever there is a change in Use, due to the decision of the current owner/tenant and as determined by the Zoning Officer, a zoning permit is required prior to a certificate of occupancy.
3. All applications for a zoning permit shall be accompanied by a verification from the Hopewell Township Tax Collector indicating that no taxes or assessments are due or delinquent on the property or properties in question.

C. Requirement for a Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or part thereof hereafter created, erected, changed, converted, altered or enlarged, wholly or in part, until a certificate of occupancy has been issued by the Construction official. No certificate shall be issued unless the land, building and use thereof comply with this Ordinance; all matters incorporated on an approved subdivision or site plan must have been

completed and certified by the Municipal Engineer, and the building and health codes are complied with.

No owner or agent thereof shall hereafter sell, rent lease or let to any person(s), whether or not for consideration, any commercial building, in whole or in part, unless a zoning permit and certificate of occupancy is obtained. For clarification purposes, real estate transactions involving existing residential properties require a Code Inspection Letter to be obtained prior the change in occupant habitation.

No tenant or occupant shall sublease, sublet, or permit use without following the above requirements for Permits.

Any Real estate broker and/or agent rendering services to an owner in the selling, renting, or leasing of a property shall be deemed to be an agent of the owner and give notice to parties involved in the real estate transaction as to the obligations of the Permit requirements section. In the event the agent is charged with a violation of this section, the agent may present a notice to the owner to obtain a certificate of occupancy, provided said notice is either sent by certified mail with receipt or seller has affixed seller's signature to said notice.

D. Fee for Zoning Permits and Certificates of Occupancy. Each request for a zoning permit and a certificate of occupancy shall be accompanied by a cash payment, check or bank money order payable to the Township in the amount established in the fee schedule.

4.17 PROHIBITED USES

All uses not expressly permitted in this Ordinance are prohibited including but not limited to the following:

1. Earth extraction other than that incidental to excavating or re-grading in connection with or in anticipation of building development or landscaping the site.
2. Piggeries and intensive livestock feed lots or buildings. The raising of one (1) pig for home consumption per family member in the agricultural zone shall not be considered a piggery.
3. Mobile homes or trailers except as permitted in Article 6.
4. Trailer Parks.
5. Dumping or disposal of waste or scrap material of any kind by any person or the sufferance of such disposal upon any property by the owner or occupant thereof. This paragraph shall not apply to waste agricultural product produced on the farm where deposited where applied as an agricultural management practice.

6. Junk yard including automobile wrecking.
7. Reduction or rendering of fish or animal products.
8. Smelting of ore.
9. Public Auction Marts.
10. Distillation of bones, processing or refining or manufacture of acid, gas, gypsum, asbestos or lime.
11. Above ground bulk-storage (more than 10,000 gallons) of petroleum products, or any other flammable liquids, solids, or gases other than fertilizers..
12. Trash or garbage incinerator.
13. Acetylene gas producers, Bauxite Burners, Asphalt and Petroleum or Petrochemical refining or processing, Alcoholic beverage producers, Ammonia manufacture, Bleaching powder manufacture, Celluloid manufacture. Fireworks or explosive manufacture or processing, Match production, Tallow Refinery, Grease Refinery, Leather tanning storage or curing, Chemical manufacturing, Sodium compound manufacturing, Cement manufacturing, or any other trade, industry or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than those here enumerated.
14. Activities which involve substantial danger of fire, explosion, emission of toxic and noxious matter, radiation, or other hazards, or which create vibrations, smoke, heat, or humidity beyond the lot lines.
15. Sale, manufacture, or distribution of any material deemed pornographic as defined by the decisions of the United States Supreme Court.
16. Kennels housing more than fifty (50) dogs, including pups.

4.18 PROVISIONS APPLICABLE TO THE MANAGEMENT OF THE PLANNING BOARD

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

B. Meetings.

- 1) Meetings of the Planning Board shall be scheduled no less than once a month and any meeting so scheduled shall be held as scheduled unless canceled 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 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.
- 4) All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of N.J.S.A. 40:55D et seq.
- 5) All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law (N.J.R.S. 10:4-6).

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

D. Fees for Board Administration. Fees for applications or for the rendering of any service by the Planning Board or any member of their administrative staffs which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board, and copies of said rules or of the separate fee schedule shall be available to the public. Applicants shall be required to post escrow deposits for review and inspection in amounts to be determined by the Township Engineer.

E. Hearings.

1) When Required. Hearings shall be required for the following:

- a. Preliminary approval of all site plans.
- b. Preliminary approval of major subdivisions.
- c. Conditional Uses pursuant to N.J.S.A. 40:55D-67.
- d. Bulk variances pursuant to N.J.S.A. 40:55D-70(c).
- e. Use variances pursuant to N.J.S.A. 40:55D-70(d).

f. Issuance of a permit to build a structure in the bed of a mapped street, drainage way, flood control basin, or public area reserved on the official map pursuant to N.J.S.A. 40:55D-34.

g. Issuance of a permit for a building of structure not related to a street pursuant to N.J.S.A. 40:55D-36.

2) Rules. The Planning Board may make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this Ordinance.

3) Oaths. The officer presiding at the hearing or such persons as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents presented by the parties, and the provisions of the “County and Municipal Investigations Law”, N.J.R.S. 2A:67A-1 et seq. shall apply.

4) Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right to cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

5) Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

6) Records. Each board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at their expense.

7) Hearing for Relief from Regulations. Whenever relief is requested from the terms of this Ordinance, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

8) Requirements to Give Notice. Whenever a hearing is required on an application for development, it shall be the responsibility of the applicant to give notice as provided by the Municipal Land Use Law.

F. List of Property Owners Furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Township Tax Assessor shall, within seven (7) days after receipt of a request therefor, and upon receipt of a payment of a fee of Ten Dollars (\$10.00), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice.

G. Payment of Taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provisions for the payment thereof in such manner that the municipality

will be adequately protected.

4.19 SAVING PROVISION

These regulations shall not be construed as altering any action taken by virtue of prior existing subdivision, site plan, or zoning regulations.

4.20 SITE PLAN APPROVAL REQUIREMENT

Site plan approval shall be required for all developments except the following:

1. Building permits for individual lot applications involving only detached one or two dwelling unit buildings;
2. Accessory uses such as a private garage (unless it is part of an apartment or townhouse project);
3. A sign for an existing use or structure which meets all applicable zoning requirements as determined by the Zoning Officer.
4. Other building incidental to residential or agricultural land use.
5. In connection with the alteration or repair of an existing building or use when the Zoning Officer determines that all of the following are applicable to the said alteration or repair:
 - 1) Will not result in additional coverage;
 - 2) Will conform to the maximum and minimum building standards set forth in the Zoning Ordinance;
 - 3) Will not increase the number of required off-street parking or loading spaces; and
 - 4) Is not proposed in connection with a use requiring conditional use approval by the Zoning Ordinance or change in use.
6. An accessory building that will be added to a property that is already developed or otherwise dedicated to a commercial use, provided that the Zoning Officer is satisfied that the proposed building will conform to the following standards or criteria:
 - 1) The footprint of the building shall not encompass an area in excess of 400 square feet;
 - 2) The building shall otherwise conform to all of the applicable bulk

standards of the zoning district;

- 3) The building shall be used, exclusively, for storage of the personal property of the owner or occupant of the subject premises; and
- 4) The building shall not be used in such manner as shall result in or cause the patrons of the commercial enterprise or the members of the general public to enter the structure for any purpose.

Moreover, the Zoning Officer shall not permit more than one such structure to be added to an existing commercial enterprise; any attempt to add a second or subsequent structure shall require site plan review and approval

4.21 VACATING A STREET OR OTHER PUBLIC WAY

Where a street or public way serves as the zoning district line and it is lawfully vacated, the former centerline shall be considered the zoning district line.

4.22 VALIDITY

If any section, paragraph, clause, or other provision of this Ordinance shall be determined by the courts to be invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

4.23 VIOLATIONS AND PENALTIES

A. Penalty. Violations of the zoning provisions of this Ordinance by any owner or lessee or other person shall constitute disorderly conduct and each twenty-four (24) hour violation shall be deemed a separate offense punishable by imprisonment not to exceed thirty (30) days or a fine not to exceed One Thousand Dollars (\$1,000.00) or both such fine or imprisonment.

B. Subdivisions - Selling Before Approval. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agency, any land which forms a part of a subdivision for which Township approval is required by ordinance such person shall be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00), and each lot disposition so made may be deemed a separate violation. In addition to the foregoing, the Township may institute and maintain a civil action:

1. For injunctive relief; and
2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with Article 6, Section 44 of the Municipal Land Use Law.

In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six (6) years, if unrecorded.

C. Site Plan Approval. Any development subject to site plan review regulations shall not be instituted and no building permit issued therefore until final site plan approval has been granted by a duly constituted approving authority. A building permit or certificate of occupancy issued for a development after receipt of final approval by a duly constituted approving authority shall remain valid only so long as the terms and conditions of said final approval are fully complied with. Any such development that violates any of the terms and conditions of site plan approval shall be found by the responsible building official to be in violation of the terms of the Township Development Ordinance and shall be subject to penalties provided for such violation set forth in Section 4.23A.

4.24 YARD SALES

An owner or person in possession of real estate may hold a yard or tag sale no more than three (3) times in any calendar year upon obtaining a permit from the Zoning Officer. The tag or yard sale shall not exceed four (4) consecutive days. Tax-exempt organizations are exempt from obtaining a permit under this paragraph. The permit fee for such a sale shall be Five Dollars (\$5.00).

A maximum of four (4) temporary off-premises directional signs measuring not over twelve (12) inches by eighteen (18) inches (12"x18") each for tag sales, bazaars, fairs and sales such as church food sales are permitted. Signs must be removed by the permittee within three (3) days after the event.

4.25 ZONING DISTRICT AND ZONING MAP

The zoning districts shall be as shown on the accompanying map and enumerated in the Schedule of District Regulations.

4.26 PERMISSABLE USES

The following uses are permissible in the zoning districts indicated. No use which is not expressly authorized shall be permissible. In the event of any uncertainty or conflict, this section shall be controlling over the Schedule of District Regulations. No more than one principal use structure shall be permitted on a lot.

Professional/Retail: PR

A. Permitted uses:

1. Professional service businesses such as medical, legal, accounting, and similar professional practices.

2. Personal Service Businesses such as hairdressers, barbershops, insurance agencies and travel agencies.

3. Banks and similar financial service establishments.

4. General business, governmental and institutional offices and office buildings.

5. Medical clinics and hospitals.

6. Stores and shops for the conduct of retail businesses.

B. Accessory uses which are customarily incidental to the principal permitted use on the lot.

C. Conditional uses.

1. On the south side of Route 49, multiple family residential dwellings at a density of 5 units to the acre including multiplexes, garden apartments, townhouses, on the following conditions:

(a) Any such unit must be connected to public sewer.

(b) Access to any such unit must be from Roadstown Road rather than Route 49.

(c) The use is situated in such a manner that it does not conflict with existing business uses on adjacent lots.

(d) The use is of a size and design that will not create any unreasonable adverse traffic, drainage, noise or environmental impact on surrounding properties.

(e) The use shall be buffered with a planted buffer 40 feet wide buffering it from all adjacent uses.

(f) The following bulk requirements shall apply to any such use:

minimum front set back - 50 feet

minimum side yard set back - 25 feet

minimum rear yard set back - 25 feet

minimum distance between buildings - 30 feet

maximum height - 35

minimum lot size - 5 acres

parking - 2 spaces per unit

lot coverage - 50%

2. Public Parks and Playgrounds.

3. Motels and Hotels on the following conditions:

(a) Any such unit must be connected to public sewer.

(b) Access to any such unit must be from Roadstown Road rather than Route 49.

(c) The use is situated in such a manner that it does not conflict with existing business uses on adjacent lots.

(d) The use of a size and design that will not create any unreasonable adverse traffic, drainage, noise or environmental impact on surrounding properties.

(e) The use shall be buffered with a planted buffer 20 feet wide buffering it from all adjacent uses.

(f) Lot dimensions and setbacks, height and lot coverage shall be the same as for this use in the HCB Zone.

4. Minor expansions of existing single-family dwellings on the condition that such expansion will not unreasonably conflict with commercial uses.

D. The following requirement shall apply to all uses in the PR Zone.

(1) All uses shall be connected to the existing public sewer system.

(2) All uses must comply with N. J. D.O.T. highway access requirements.

(3) Wherever possible, access to a use in the PR zone should be from a feeder road, such as West Park Drive, Barrett Run Road, or the like, rather than directly from Route 49.

(4) All parking shall be in accordance with the parking requirements of the Site Plan sections of this Ordinance and signs shall be in compliance with the sign requirements of this Ordinance.

Highway Commercial Business: HCB

A. Permitted Uses:

1. Professional service businesses such as medical, legal, accounting, and similar professional practices.
2. Personal Service Businesses such as hairdressers, barbershops, insurance agencies and travel agencies.
3. Sales and service of minor equipment and appliances.
4. Banks and similar financial service establishments.
5. Business, governmental and institutional offices and office buildings.
6. Theaters and assembly halls.
7. Restaurants.
8. Retail automobile showrooms and vehicle sale lots.
9. Gasoline service stations and car washers and repair garages.
10. Public utility uses.
11. Medical clinics and hospitals.
12. Motels and hotels.
13. Indoor commercial recreation facilities such as sports facilities and fitness centers.
14. Public transit facilities.
15. Agricultural use/purpose activities such as farm markets, nurseries and garden centers.
16. Stores and shops for the conduct of retail business.
17. Retail and combined retail/wholesale sales and service of food, household and clothing goods and new auto part sales.
18. Full service restaurants, licensed pursuant to Title 33 of the New Jersey Revised Statutes, to sell alcoholic beverages. Full service restaurants shall be required to provide full menu service and seating for not less than 150 persons. Full service restaurants shall not be permitted in any other zoning district other than "HC and HCB".

19. Banquet facility

B. Accessory uses which are customarily incidental to the principal permitted use on the lot.

C. Conditional Uses

1. Educational, long-term care and religious institutions on the following conditions:

(a) Any such unit must be connected to public sewer.

(b) The use is situated in such a manner that it does not conflict with existing business uses on adjacent lots.

(c) The uses of a size and design that will not create any unreasonable adverse traffic, drainage, noise or environmental impact on surrounding properties.

(d) The use shall be buffered with a planted buffer 20 feet wide buffering it from all adjacent uses.

(e) The following bulk requirement shall apply to any such use:

minimum front set back - 50 feet

minimum side yard set back - 25 feet

minimum rear yard set back -25 feet

minimum distance between buildings - 30 feet

maximum height - 35

minimum lot size - 2 acres

parking - according to site plan requirements

2. Cultural uses such as an auditorium, library or museum.

(a) Any such unit must be connected to public sewer.

(b) The use is situated in such a manner that it does not conflict with existing business uses on adjacent lots.

(c) The uses of a size and design that will not create any unreasonable adverse traffic, drainage, noise or environmental impact on surrounding properties.

(d) The use shall be buffered with a planted buffer 20 feet wide buffering it from all adjacent uses.

(e) The following bulk requirement shall apply to any such use:

minimum front set back - 50 feet

minimum side yard set back - 25 feet

minimum rear yard set back -25 feet

minimum distance between buildings - 30 feet

maximum height - 35

minimum lot size - 2 acres

parking - According to site plan requirements

3. On the south side of Route 49, Multiple family residential dwellings at a density of 5 units to the acre including multiplexes, garden apartments, townhouses, on the following conditions:

- (a) Any such unit must be connected to public sewer.
- (b) Access to any such unit must be from a feeder Road rather than Route 49.
- (c) The use is situated in such a manner that it does not conflict with existing business uses on adjacent lots.
- (d) The uses of a size and design that will not create any unreasonable adverse traffic, drainage, noise or environmental impact on surrounding properties.
- (e) The use shall be buffered with a planted buffer 40 feet wide buffering it from all adjacent uses.
- (f) The following bulk requirement shall apply to any such use:
 - minimum front set back - 50 feet
 - minimum side yard set back - 25 feet
 - minimum rear yard set back -25 feet
 - minimum distance between buildings - 30 feet
 - maximum height - 35
 - minimum lot size - 5 acres
 - parking - 2 spaces per unit
 - lot coverage - 50%

4. Public Parks and Playgrounds

5. Minor expansions of existing single-family dwellings on the condition that such expansion will not unreasonably conflict with commercial uses.

6. Self-storage facility not fronting on or having direct access from Shiloh Pike:

- (a) The following bulk requirement shall apply to any such use:
 - minimum front set back - 50 feet
 - minimum side yard set back - 25 feet
 - minimum rear yard set back -25 feet
 - minimum distance between buildings - 30 feet
 - maximum height - 35
 - minimum lot size - 2 acres
 - lot coverage - 80%

The following requirements shall apply to all uses in the HCB Zone.

- 1. All uses shall be connected to the existing public sewer system.
- 2. All uses must comply with N. J. D.O.T. highway access requirements.
- 3. Wherever possible, access to a site should be from a feeder road such as West Park Drive, Barrett Run Road or the like rather than directly from Route 49.
- 4. All parking shall be in accordance with the parking requirements of the Site Plan sections of this Ordinance and signs shall be in compliance with the sign requirements of this Ordinance.

Highway Commercial: HC

A. Permitted Uses

1. Sales and service of minor equipment and appliances.
2. General business, governmental and institutional offices and office buildings.
3. Banks and similar financial services.
4. Professional services such as medical, legal, accounting, etc.
5. Public utility uses.
6. Agricultural use/purpose activities, such as farm markets, nurseries, garden centers.
7. Business and corporate centers.
8. Medical laboratories and research centers.
9. Wholesale businesses.
10. Assembly and fabrication of products from previously prepared materials, including retail and wholesale sales of such products.
11. Agricultural materials and equipment sales and service.
12. Full service restaurants, licensed pursuant to Title 33 of the New Jersey Revised Statutes, to sell alcoholic beverages. Full service restaurants shall be required to provide full menu service and seating for not less than 150 persons. Full service restaurants shall not be permitted in any other zoning district other than "HC and HCB".
13. Banquet facility.

B. Accessory uses which are customarily incidental to the principal permitted use on the lot.

C. Conditional Uses:

1. Educational, medical and long-term care institutions-2 acres-200 foot frontage.
2. Food services as part of a business park or other large complex of buildings-No minimum.
3. Restaurant, not including drive-ins, with indoor seating for at least 60-1 acre -250 foot frontage.
4. Retail sale of food and food-related products, whether prepared on or off the premises, and regardless whether for consumption on or off the premises – 2 acres, 200 foot frontage
5. Farm Market, nursery and garden center – 1 acre – 150 foot frontage.
6. Set back requirements shall be those of the HC Zone.

The following conditions shall be required of any conditional use:

1. Connection to the existing public sewer system.
2. Location so that the same does not unreasonably conflict with adjacent business uses.
3. Vegetative buffering from any adjacent use with a 20-foot planted buffer; provided however, that if the adjacent use is residential in nature (i.e., whether zoned residential or actually residential), then the vegetative buffer shall be a 40-foot planted buffer.
4. The use is of a size and design that will not create any unreasonable adverse traffic, drainage, noise or environmental impact on surrounding properties.
5. All uses must comply with N. J. D.O.T. highway access requirements.

Agricultural Zone: A

1. Agricultural materials and equipment, sales and service, agricultural product processing of crops produced on the farm of the processor.
2. General purpose agriculture not including livestock feed lots or other intensive animal feeding operations.
3. Single family residences.
4. All accessory agricultural buildings.
5. Airports as a conditional use. The conditions are that the location of the runway, hangars and parking areas shall not be in such proximity to residential uses as to expose those uses to unreasonable noise. Such use shall have the same lot size and bulk requirements as a farm in the A Zone.
6. No new lots shall be subdivided in this zone unless fronting on an existing dedicated and improved public road.

A-B Agricultural/Business Zone:

PERMITTED USES	Min Lot (acres)	Min Width	Front Min.	Side Yard Setback	Rear Setback	Height Max	Lot Coverage Max %
1) All uses permitted in the A. Agriculture District a. Residential	1.5	250	100	25	50	35	20
2) Farm or Construction Machinery sales or service	2.0	250	50	25	50	35	50
3) Food processing, storage and distribution, such as dairies, canneries, and other such packaging facilities	10	500	100	100	200	50	40
CONDITIONAL USES							
1) Contractors office and storage facilities	1.5	250	50	25	50	35	50
2) Wholesale warehousing and distribution facilities	5.0	350	100	50	100	50	50
3) Light manufacturing operations such as pharmaceuticals, glass and ceramics, electronic parts, metal & plastic products, and small parts assembly	5.0	350	100	50	100	50	40
4) Concrete, wood, and metal products manufacture and fabrication	10	500	100	100	200	50	40
5) Scientific and research laboratories	3	250	50	50	50	50	40
6) Commercial Printing Plants	2	250	50	25	50	35	50
7) Education, medical care, nursing, medical research, correctional, religious, and public service institutions	3	250	50	25	50	50	50
8) Service uses for 7) in close proximity thereto such as shopping areas, restaurants, and professional services	2	250	50	25	50	35	60
9) Cultural uses such as auditorium, library, arena, or museum	1.5	250	50	25	50	50	50
10) Cemetery	10	500	100	50	100	35	N/A
11) Telephone and communications transmission stations	2	250	50	25	50	100	30
12) Public utility facilities such as transformer stations, pumping stations and maintenance facilities	1.5	250	50	25	50	50	60
13) Airports under federal and state regulations	10	500	100	50	100	35	50
14) Public and private membership recreational facilities such as golf courses, indoor fitness centers, etc.	2	250	50	25	50	35	30
15) Office centers	2	250	50	25	50	50	60
16) Professional centers	2	250					
17) Senior multi unit housing under the conditional use standards of the PR ZONE (Properties North of Roadstown Road Only – Ordinance Amendment 07-03)							

NOTE: The following conditions shall be satisfied by the applicant in proofs to the Planning Board prior to any conditional use being granted:

1. The nature of the use, its physical location on the lot, the level of activity which will take place in connection with the use, and the noise, traffic, light, glare and emissions shall be such that residential or agricultural premises adjacent to the proposed conditional use shall not be disturbed thereby. It is the purpose of this section to keep the general atmosphere of residential and agricultural properties in the A-B Zone as they exist without any significant increase in the disturbances resulting from urbanization and development.

2. The use must be located on, or with direct physical access to, an improved public road already improved to a standard adequate to accommodate all traffic projected to be generated by the proposed use. In the event that the Planning Board determines that it is necessary to have a professional traffic study in order to decide whether this condition has been satisfied, it may require such a study to be provided by the applicant as part of the conditional use application.

3. The use shall emit no smoke, fumes, odors, or air emissions, or liquid waste, or effluent which will carry beyond the property lines of the property on which the use is situated, which emission would in any manner adversely effect the enjoyment or occupancy of adjacent properties. In the event that the use emits any type of liquid waste requiring treatment, the use shall not be approved unless it is connected to a municipal sanitary sewer line, with whatever pre-treatment of such waste as may be required according to the regulations of the Cumberland County Utilities Authority.

4. The use shall not involve the storage, outside of buildings, of raw materials, fuel, or the products or commodities handled by the facility, or any waste products or other materials of any kind, unless such storage is completely buffered by natural vegetative plantings so as to be invisible from any public roadway or adjacent property.

5. All conditional uses shall have adequate on-site parking, approved pursuant to site plan approval, which will insure that all parking of motor vehicles in relation to the use will be on the private property of the use, and will allow a safe and reasonable traffic flow within the site, as well as safe access to the public road, with adequate sight distances, and adequate improvement to insure safe access and preservation of the public roadway.

6. No use shall generate solid waste requiring disposal unless the applicant demonstrates to the Planning Board that the maximum practicable effort to recycle solid waste generated at the site has been provided and that the applicant has a reliable and fully licensed method of solid waste disposal which will insure that no solid waste will be accumulated at the property, and that the same will be properly disposed of, in accordance with all governmental regulations, on a regular basis, at the sole cost and expense of the applicant.

7. The Board shall be satisfied that the proposed conditional use will not result in the introduction of the appearance or atmosphere of urbanization or the installation of linear extensions of infrastructure, which will generate urbanization, other than in areas of the A-B Zone which are adjacent to or in reasonable proximity to existing development. The purpose of this condition is to avoid locating a commercial use at a remote location in the A-B Zone, far from any existing development, which would change the nature and atmosphere of the area

adjacent to the use from a rural, agricultural area to a commercial area. It is the purpose of this condition to encourage growth out from existing elements and infrastructure of urbanization rather than to locate such uses at remote scattered locations.

8. Any applicant for conditional use shall demonstrate, as a condition for approval of the use, that the applicant has all state, federal, county and local permits required for the use, or the acquisition of such permits shall be an express condition upon the approval of the conditional use.

R-1 Zone:

1. Single family residences according to the bulk requirements of the schedule of district regulations.
2. Accessory uses which are customarily incidental to the principal permitted use on the lot.
3. General purpose agriculture not including feed lot or livestock or poultry operations.

R-2 Zone:

1. Single family residences according to the bulk requirements of the schedule of district regulations.
2. Accessory uses which are customarily incidental to the principal permitted use on the lot.
3. General purpose agriculture not including feed lot or livestock or poultry operations.

R-3 Zone:

1. Single family residences according to the bulk requirements of the schedule of district regulations.
2. Accessory uses which are customarily incidental to the principal permitted use on the lot.
3. General purpose agriculture not including feed lot or livestock or poultry operations.

P Zone: (Parks)

1. Public Parks

V Zone (Village):

- A. Permitted Uses

1. All uses permitted in the A - District except the commercial raising of livestock and fowl.
2. Single family detached dwellings.
3. The following retail type commercial uses: Retail antique shop, general store, food service (limited to a capacity of 25 persons or less), arts and craft shops.

B. Area and Bulk Requirements

1. Site size - 30,000 sq. ft.
2. Minimum lot size per building - 30,000 sq. feet.
3. Building setbacks:
 - a. Front lot line: In blocks where structures have already been erected, the average setback line observed by buildings on the same side of the street within 200 feet on each side of any vacant lot proposed for construction shall determine the setback of all structures on such lot, not to exceed 50 feet and not to be less than 15 feet.
 - b. Side lot line: 15 feet.
 - c. Back lot line: 25 feet.
4. Maximum height permitted: 35 feet
5. Lot coverage, maximum percentage of gross lot area for:
 - a. Impervious materials and buildings - 30%
6. Lot width minimum: 100 feet of frontage at the road and 100 feet at the building line.