

ARTICLE VI - DESIGN AND PERFORMANCE STANDARDS

6.1 GENERAL

A. Requirement for Sound Design Standards. Any application for development shall demonstrate conformance to the design standards of this Section that will encourage sound development patterns within the Township. Where either an Official Map or Master Plan has been adopted, the development shall conform to the provision and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds, scenic sites, historic sites, and flood control basins shown on the officially adopted Master Plan or Official Map shall be considered in the approval of plats. In accordance with good design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the approving authority. All improvements shall be installed and connected with existing facilities, or installed in required locations to enable future connections with approved systems or contemplated systems, and shall be adequate to handle all present and probable future development.

B. Character of the Land. Land which the approving authority finds to be unsuitable for the intended lot(s) and their use due to flooding, improper drainage, steep slopes, soil conditions, adverse topography, utility easements, or other features which can reasonably be expected to be harmful to the health, safety, and general welfare of the present or future inhabitants of the development and/or its surrounding areas, shall not be subdivided and site plans shall not be approved unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this Ordinance and all other regulations.

C. Plats Straddling Municipal Boundaries. Whenever a development abuts or crosses a municipal boundary, access to those lots within the Township shall be from within the Township as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the approving authority may require documentation that such access is legally established, and that the access road is adequately improved.

D. Development Name. The proposed name of the development shall not duplicate, or too closely approximate, the name of any other development in the Municipality or nearby municipality. The approving authority shall have final authority to designate the name of the development, which shall be determined at the preliminary plat stage.

6.2 ACCESSORY BUILDINGS

Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.

6.3 BIKEWAYS

Bikeways shall be required at the approving authority's discretion depending on the probable volume of bicycle traffic, the development's location in relation to other populated areas, or its location with respect to any overall bike route plan adopted by the Planning Board. Bicycle

traffic shall be separated from motor vehicle and pedestrian traffic as much as possible. Bikeways shall generally not exceed a grade of three percent (3%), except for short distances, and they should be a minimum of five (5) feet wide for one-way and eight (8) feet wide for two-way travel. Bikeways shall have a minimum of four (4) inch base of gravel, crushed stone or slag on the sub-grade and a two (2) inch FABC-2 surface course. Where separate bike paths intersect streets, the curbing shall be ramped for bicycle access to the street grade. Bikeways designed for one-way travel shall only be located along streets. Minimum width for bikeways built in locations other than along streets is eight (8) feet.

6.4 BLOCKS

A. Block Length. Block length, width and acreage shall be sufficient to accommodate the size lot required in that zoning district and to provide for convenient access, circulation control and traffic safety.

B. Large Blocks. Blocks over one thousand (1,000) feet long in residential areas shall be discouraged, but where they are used, pedestrian crosswalks or bikeways between lots may be required in locations deemed necessary by the approving authority, and shall be at least eight (8) feet wide and be straight from street to street. Blocks over one thousand five hundred (1,500) feet in residential areas shall be prohibited. For commercial and industrial uses, block lengths shall be sufficient to meet area and circulation patterns.

6.5 BUFFERS

A. Requirement for Buffers. Buffer areas shall require site plan approval and are required along all lot lines and street lines which separate a non-residential use from either an existing residential use or residential zoning district to the extent deemed necessary by the Planning Board. Buffer areas shall be developed in an aesthetic manner for the primary purpose of screening views and reducing noise perception beyond the lot. Buffer widths shall be measured horizontally and perpendicularly to lot and street lines. No structure, activity, storage of materials, or parking of vehicles shall be permitted in a buffer area. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of the property being screened, the distance between the use and the adjoining property line, differences in elevations, the type of buffer such as dense planting, existing woods, a wall or fence, buffer height, buffer width, and other combinations of man-made and natural features. The buffer shall be designed, planted, graded, landscaped, and developed with the general guideline that the closer a use or activity is to a property line, or the more intense the use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot.

B. Buffer Dimensions. A minimum of one-half of the periphery that requires a buffer shall have a buffer at least fifteen (15) feet wide which shall be designed, planted, graded, landscaped and developed to obscure or screen the activities of the site from view. In addition, not more than one-half of the periphery that requires a buffer shall consist of at least two of the following: (1) fencing or walls in a landscaped area not less than ten (10) feet wide; (2) a landscaped berm at least six (6) feet high; (3) a building with a setback of at least two hundred (200) feet with a grade of less than twenty percent (20%) where groups of plantings and trees are located within

this area to enhance some architectural feature(s) of the structure as well as offer a break to large open areas, but with no other use permitted in this yard area; and (4) a parking area setback of at least one hundred (100) feet that is screened as required under the off-street parking provisions of this Ordinance. If in the judgment of the approving authority any of these alternative provisions will not provide sufficient buffers for the portion of the site proposed, the approving authority may require the site plan to be modified to show the extension of the fifteen (15) foot buffer area outlined above, require that the proposed alternatives be landscaped differently, or be relocated until, in the approving authority's judgment, they provide the desired buffering effect.

C. Buffer Plantings. All buffer areas shall be planted and maintained with either grass or ground cover together with a screen of live shrubs or scattered planting of live trees, shrubs, or other plant material meeting the following requirements: (1) the preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required buffer area provided the growth is of a density and the areas have sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required: (2) plant materials used in screen planting shall be at least three (3) feet in height when planted and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted from the premises; (3) the screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line; (4) trees shall be at least eight (8) feet in height and one and one-half (1 1/2) inches in caliber when planted and be of a species common to the area, be of balled and burlapped nursery stock and be free of insect and disease; (5) any plant material which does not live during the first year of planting shall be replaced, (6) screen plantings and landscaping shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.

6.6 BUILDING PERMITS, SITE PLAN APPROVALS AND ZONING VARIANCES OUTSTANDING

Nothing in this Ordinance shall require any change in a building permit, site plan, or zoning variance which was approved before the enactment of this Ordinance, but is in violation of this Ordinance, provided that construction based on such a building permit shall have been started within ninety (90) days following the effective date of this ordinance and in all other instances approvals and permits shall be void.

6.7 CORNER LOTS

A. Minimum Setback. Any principal or accessory building located on a corner lot shall have a minimum setback from both street lines equal to the required front yard. The remaining two (2) yards shall be considered side yards for the purpose of this Ordinance.

B. Sight Triangle Easement. All corner lots shall maintain an area of clear sight visibility to enhance safe vehicular travel through the Township in accordance with Section 6.40 of this Ordinance. It shall be the responsibility of the property owner to keep this area clear of shrubbery, plantings, structures, and other obstructions for clear sight visibility.

6.8 CURBS AND GUTTERS

Concrete curbs shall be installed along every street within the development and at intersections with municipal roads, county roads, and state highways. The standard curb section to be used shall be not more than ten (10) feet in length, shall be set in accordance with approved lines and grades and radial curbs shall be formed in an arc segment, in a smooth curve. Chord segments are prohibited. Concrete curbs shall be 6" x 8" x 18" with a 6" exposed face, using Class B concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) p.s.i. and shall be air-entrained. At locations specified by the Board, the curbing shall be designed to provide a ramp for bicycles and/or wheelchairs. Where curbs and gutters are required in conjunction with a new street in a residential development, or in a mixed use development where residential uses constitute a portion of that development, the standards for curbs and gutters found in N.J.A.C. 5-21 et seq. shall apply.

6.9 DRAINAGE (Refer also to Section 6.44 and Article VIII regarding Stormwater Management.)

All streets shall be designed to accommodate storm drainage along the streets, including the installation of catch basins and pipes where the same may be necessary for proper surface drainage. The requirements of this section shall not be satisfied by the construction of dry wells. The system shall be adequate to carry off or store the storm water and natural drainage water which originates within the development boundaries and that which originates beyond the development boundaries and passes through the development calculated on the basis of maximum potential development as permitted under this Ordinance. No storm water-runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other lands without proper and approved provisions being made for taking care of these conditions. To the extent State storm water regulations are applicable, those regulations shall be controlling.

A. Computation of Pipe Size. The pipe size determined to be adequate for the run-off computed shall be increased by at least one (1) standard pipe size for the type of pipe being used in order to provide adequate allowance for the normal accumulation of sediment and debris in the storm drainage system. In no case shall the pipe size in a surface water drainage system be less than fifteen (15) inches in diameter.

B. Design of Catch Basins. Catch basins shall be located at all intersections and located in streets with inlets on both sides of the street at intervals of not more than four hundred (400) feet or such shorter distances as required to prevent the flow of surface water from exceeding 6.0 cubic feet per second at the catch basin inlet. Access manholes shall be placed at a maximum five hundred (500) foot intervals throughout the system and at pipe junctions where there are no catch basins.

C. Dished Gutters. Dished gutters shall be permitted only at intersections involving local streets. Dished gutters shall not be permitted on arterial or collector streets.

D. Storm Drain Pipes. Storm drain pipes shall be of the size specified and laid to the exact lines and grades approved by the Municipal Engineer. Specifications for manholes, inlets, and storm drains shall follow the 2001 NJDOT Standard Specifications for Highway and Bridge construction, as amended.

E. Grading of Blocks and Lots. For both major and minor developments, blocks and lots shall be graded to secure proper drainage away from all buildings and to prevent the collection of storm water in pools and to avoid concentration of storm water from each lot to adjacent lots.

F. Flood Hazards. Land subject to periodic or occasional flooding shall not be designed for residential occupancy nor for any other purpose which may endanger life or property or aggravate the flood hazard. Such land within a lot shall be considered for open spaces, yards, or other similar uses in accordance with flood plain regulations.

G. Dedication of Drainage Easements. Where a minor or major development is traversed by a watercourse, surface or underground drainageway or drainage system, channel, or stream, there shall be provided and dedicated a drainage right-of-way easement to the Township conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to accommodate expected storm water runoff in the future based upon reasonable growth potential in the Township and; in addition thereto, a minimum of fifteen (15) feet beyond the bank top on at least one side for access to the drainage right-of-way and, in any event, meeting any minimum widths and locations shown on an adopted official map or master plan or as required under the section entitled "Easements" in Section 6.10.

H. Storm Drain Easements. Easements or rights-of-way shall be required in accordance with the Section entitled "Easements" in Section 6.10 where storm drains are installed outside streets.

I. State Residential Site Plan Standards. Where drainage improvements are required in conjunction with a new street in a residential development, or in a mixed use development where residential uses constitute a portion of that development, said improvements shall conform to the standards of N.J.A.C. 5-21 et seq.

6.10 EASEMENTS

Easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least twenty-five (25) feet wide for one (1) utility and five (5) additional feet for each additional utility and be located in consultation with the companies or governmental departments concerned and, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.

Flood plain and conservation easements shall be indicated on the preliminary and final plats and shown in such a manner that their boundaries can be accurately determined.

The removal of trees and ground cover shall be prohibited in a conservation easement or flood plain except for the following purposes: The removal of dead or diseased trees; limited thinning of trees and growth to encourage the most desirable growth; and the removal of trees to allow for structures designed to impound water or in areas to be flooded in the creation of ponds or lakes.

The boundary line of any easement shall be monumented at its intersection with all existing or proposed street lines. Such easement dedication shall be expressed on the plat as follows:
"_____ easement granted to the Township of Hopewell as provided for in the Development Ordinance of the Township of Hopewell".

6.11 ENERGY CONSERVATION

The Township Development Ordinance shall be construed to encourage and promote the use of energy saving apparatus, both integral and freestanding, that utilize renewable energy sources. To this end, the following regulations shall apply:

A. Solar Energy.

Equipment or apparatus designed and intended for the conversion of solar energy to electric energy shall be permitted as an accessory use, only, in every Zoning District in the municipality, subject to the following terms and conditions.

- 1) No free standing or ground-based solar energy generation apparatus shall be constructed so as to exceed a height of fifteen (15) feet above ground level.
- 2) No roof-mounted solar energy generation apparatus may exceed the height limitations of the Zoning District in which the equipment is located.
- 3) No free-standing or ground-based solar energy generation apparatus may be placed in the front yard of any property that is located in a Residential Zoning District (i.e., R-1, R-2 or R-3).
- 4) Any free-standing or ground-based solar energy generation apparatus constructed or placed within the front yard of a property located in the Professional Retail (PR), Highway Commercial Business (HCB), Highway Commercial (HC), Agriculture (A), or Agriculture/Business (A-B) Zoning District shall be located at a distance no less than 150 feet from the front boundary or lot line of the property.
- 5) Any free-standing or ground-based solar energy generation apparatus placed in the side yard or the rear yard of a property must be so located as to comply with the minimum rear-yard or side-yard setback requirements of the Zoning District in which the property lies.

B. Wind Energy.

Equipment or apparatus designed and intended for the conversion of wind energy to electric energy shall be permitted as an accessory use, only, in every Zoning District except the Residential Zoning Districts (i.e., R-1, R-2 and R-3), and shall be subject to the following terms and conditions:

- 1) No wind energy generation apparatus shall be permitted upon any lot having an area less than five (5) acres.
- 2) No wind energy generation apparatus may exceed 120 feet in height, at its highest point.
- 3) All wind energy generation apparatus must be set-back from the lot lines and the street lines of the property upon which it is constructed at a distance no less than

150 percent (150%) of the height of the said apparatus, or at a distance that otherwise conforms to the minimum set-back requirements of the applicable Zoning District, whichever is greater.

- 4) All wind energy generation apparatus must be free-standing, ground-based and inaccessible to the general public.

C. General Regulations.

The following regulations shall apply to all alternative energy generation apparatus installed or constructed in Hopewell Township, whether that apparatus is designed and intended for the conversion of solar energy or wind energy to electric energy:

- 1) All equipment, apparatus and structures designed and intended for the purpose of converting solar energy or wind energy to electric energy must be constructed and installed in compliance with all applicable building and construction code requirements. Any application for a building permit for the construction and/or installation of this equipment must be accompanied by a drawing which depicts the structural components of the system and is certified, in writing, by a registered professional engineer that the system complies with the Uniform Construction Code.
- 2) No alternative energy generation equipment may be constructed or installed without a zoning permit. An application for such permit shall clearly state that the applicant intends to construct, install and use renewable energy generation equipment which supplies wind or solar-generated electric energy to the customer's side of the electric meter. The application must also be accompanied by a plan or sketch which depicts
 - (a) all lot lines and street lines for the property at which the equipment is to be installed.
 - (b) the location, dimensions and types of all existing and proposed buildings or other structures on the property.
 - (c) the location, dimensions and types of all of the wind and/or solar energy generation equipment that will comprise the alternative energy generation facility.
- 3) All equipment and wires associated with or comprising the proposed alternative energy generation apparatus must be located on the same lot as the principal structure or use for which the apparatus is intended.
- 4) Any alternative energy generation equipment that is out of service for a continuous 12-month period shall be deemed abandoned. The Zoning Officer may issue a Notice of Abandonment to the owner of the property on which the said equipment or apparatus is located. The property owner shall have the right to respond to the Notice of Abandonment within 30 days of his/her receipt of that notice. The Zoning Officer shall withdraw the Notice of Abandonment and notify the property owner that the notice has been withdrawn if the property owner

provides the Zoning Officer with information demonstrating that the alternative energy generation apparatus has not been abandoned. If the alternative energy generation apparatus is determined to be abandoned, the owner of the property upon which the apparatus is located shall remove the apparatus from the property, at the property owner's sole expense within three (3) months of his/her receipt of the Notice of Abandonment. If the property owner fails to remove the apparatus from the property within this 3-month period, then the municipality may pursue a legal action to have the apparatus removed from the property, at the owner's expense.

6.12 ENVIRONMENTAL IMPACT REPORT

Such report shall accompany all major subdivision and site plan preliminary plats, shall provide the information needed to evaluate the effects of a proposed development upon the environment and shall include data, be distributed, reviewed, and passed on as follows:

A. Description of Impact. A description of the development which shall specify what is to be done and how it is to be done, during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the objective.

B. Inventory of Existing Conditions. An inventory of existing environmental conditions at the project site and in the immediate surrounding region which shall describe air quality; water quality; water supply; hydrology; geology; soils and properties thereof, including capabilities and limitations; sewerage systems; topography; slope; vegetation; wildlife habitat; aquatic organisms; noise characteristics and levels; demography; land use; aesthetics, and history. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the Soil Conservation District Standards and Specifications.

C. Impact analysis. An assessment of the probable impact of the development upon all items set forth above. As a direct result of the investigations made under the environmental impact report, a listing shall be provided which shall be all inclusive stipulating the licenses, permits and approvals needed to be furnished by federal, state, county or municipal law. The status of these permits and approvals shall also be included. During the preparation of the impact report, the applicant shall contact all concerned federal, state, county, or other municipal agencies or officials adjacent thereto or affected by the proposed development. The report shall include as a result thereof the conclusions and comments of all concerned governmental officials and agencies. All appropriate correspondence between the applicant and these officials and agencies shall be included in the report.

D. Adverse Impact Identification. A listing and evaluation shall be included regarding those adverse environmental impacts which cannot be avoided with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing harms, increase in sedimentation and siltation, increase in municipal services, and consequences to municipal tax structure. Off-site and off-tract impact shall also be set forth and evaluated.

E. Impact Minimization. A description of steps to be taken to minimize adverse

environmental impacts during construction and operation, both at the development site and in the surrounding region, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the steps taken. The developer or its consultants in overall charge of the environmental impact report shall include therein all steps that the developer must undertake to successfully implement the report. Recommended steps must include a positive statement affirming the developer's intent to undertake this work by using terms "shall be, must, etc."

F. Irretrievable Resource Impacts. A statement shall be included concerning any irreversible and irretrievable commitment of resources which would be involved in the proposed development. Alternatives shall be set forth which might avoid some or all adverse environmental effects, including a non-action alternative.

G. Action on Impact Report. Upon completion of all reviews and public hearings(s) the approving authority shall either approve or disapprove the Environmental Impact Report of the development. In reaching a decision the approving authority shall take into consideration the effect of applicant's proposed development upon all aspects of the environment as outlined above as well as the sufficiency of applicant's proposals for dealing with any immediate or projected adverse environmental affects.

H. Waiver of Environmental Impact Report. Notwithstanding the foregoing, the approving authority may, at the request of an applicant, waive the requirement for an Environmental Impact Report if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.

I. Submission of Report for Public and Quasi-Public Projects. An Environmental Impact Report as required herein shall also be submitted for all public or quasi-public projects unless such are exempt from the requirements of local law by supervening county, state or federal law.

6.13 FENCES AND WALLS

No fence or wall shall be located in any required sight triangle and no solid or chain link fence shall be located in a front yard.

6.14 FIRE PROTECTION

Wherever a central water supply system services a development, provisions shall be made for fire hydrants along streets and/or on the walls of non-residential structures as approved by the municipal fire department or Municipal Engineer and in accordance with Fire Insurance Rating Organization Standards.

Where streams or ponds exist, or are proposed on lands to be developed, facilities shall be provided to draft water for fire fighting purposes. This shall include access to a public street suitable for use by firefighting equipment and construction of or improvements to ponds, dams, or similar on-site development, where feasible. Such facilities shall be constructed to the satisfaction of the Municipal Engineer and fire department and in accordance with Fire Insurance

Rating Organization Standards. For any major subdivision or site plan where there is no adequate source of fire-fighting water, the developer shall make arrangements for access to an adequate water supply which may include a fire well and holding tank if determined necessary by the Planning Board.

6.15 GRADING AND FILLING

All lots where fill material is deposited shall have clean fill and/or top soil deposited which shall be graded to allow complete surface draining of the lot into local storm sewer systems or natural drainage courses. No re-grading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem on-site or on adjacent properties or which will violate the provisions of the Soil Erosion and Sediment Control and Soil Removal and Redistribution provisions of this Ordinance. Grading shall be limited to areas shown on the approved site plan or subdivision. Any top soil disturbed during approved excavation and grading operations shall be redistributed throughout the site.

6.16 HEIGHT EXCEPTIONS

All buildings and structures shall be subject to height limitations specified in Schedule of District Regulations except: Church steeples, spires, water tanks, and flagpoles. The height of any such structure above the base on which it is fixed or attached shall not exceed two (2) times the district height restriction nor be greater than the shortest distance from such base to any property lines.

6.17 HOME OCCUPATION

A home occupation is a commercial enterprise that is conducted in a residential dwelling or in an accessory structure that is located on the same lot as an existing residential dwelling. A home occupation may include the operation of a professional office. In order to qualify as a “home occupation”, the commercial enterprise must satisfy the following criteria:

(1) The commercial enterprise must be conducted by a member of the family who resides in the residential dwelling; and,

(2) The commercial enterprise must be incidental to the use of the residential dwelling and/or the accessory structures that are located on the subject premises. In order to be deemed “incidental”, the commercial enterprise shall not occupy an area that is greater than 50% of the habitable floor area of the principal residential structure.

In addition, the commercial enterprise shall be subject to the following limitations:

(1) The commercial enterprise shall not employ more than two persons who do not reside in the residential dwelling located on the subject premises.

(2) No stock in trade, inventory, supplies or other materials associated with the operation of the commercial enterprise shall be stored outside of the residential dwelling and/or any accessory structure upon the subject premises; and

(3) The commercial enterprise shall not accept or receive any customers, clients and/or deliveries before 7:00 a.m. or after 9:00 p.m..

Signs. A home occupation may be advertised or otherwise identified by means of a single sign whose total area shall not exceed six (6) square feet. Any sign advertising or otherwise identifying a home occupation shall be subject to and comply with the provisions of sub-section (D), (E), (F), (J), and (K) of Section 6.41 (Signs) of this Development Ordinance.

Parking.

(1) Professional Offices. Any professional office conducted as a home occupation shall maintain a minimum of two (2) additional off-street parking spaces (that is, in addition to the two off-street parking spaces that are required for the existing residential dwelling upon the subject premises.)

(2) Retail Sales. Any home occupation engaged in the retail sale of goods or products shall provide one (1) additional off-street parking space for every 150 feet of gross floor area dedicated to the commercial enterprise constituting the home occupation (that is, in addition to the two off-street parking spaces that are required for the existing residential dwelling upon the subject premises.)

All off-street parking spaces provided for the purpose of serving a home occupation shall comply with the standards set forth under Section 6.28 of this Development Ordinance.

Conditional Use: A home occupation is regarded as a conditional use which may only be conducted in those zoning districts where single-family residential dwellings are permitted – namely, the Agricultural Zoning Districts and the R-1, R-2, and R-3 Zoning Districts. Any person seeking to conduct a home occupation shall submit an Application for Permit to the municipal Zoning Office. The applicant must demonstrate that he/she can satisfy all of the requirements of the conditional use and must, as part of his/her application, submit a sketch plan depicting (1) the area or areas on the property where the home occupation shall be conducted; (2) the location and design of any signs that will advertise the home occupation; and (3) the location of any off-street parking spaces that will serve the home occupation.

If, in the judgment and discretion of the Zoning Officer, it appears that the applicant can satisfy all of the requirements and conditions of a home occupation, then the Zoning Officer shall refer the request for a zoning permit to the Planning Board. In considering the applicant's request for a home occupation permit, the Planning Board may require such additional information (including, without limitation, a formal site plan) as it deems necessary in order to make a determination whether or not the proposal qualifies as a conditionally permitted home occupation.

If the applicant's submissions do not, in the opinion of the Zoning Officer, satisfy all of the requirements and conditions of this Ordinance respecting home occupations, the applicant shall be informed of the option of and procedure for bringing a use variance application before the municipal Planning Board (combined Land Use Board.)

6.18 KENNELS AND ANIMAL HOSPITALS

A kennel and/or animal hospital, in addition to complying with other applicable regulation(s) including the submission of a site plan as provided, shall be located on a land parcel having a

minimum of five (5) acres and shall be located at least two hundred (200) feet from all lot lines, unless the use is carried on within a completely enclosed and sound-proof building, in which case, it must observe the residential lot size and setback requirements of the (A) Agricultural District. The maximum number of animals to be housed at any such facility shall not exceed fifty (50).

6.19 LAKES

Any lake shall have a minimum depth of water of not less than three (3) feet from May 1st to September 1st of each year. (See sections entitled “Fire Protection” and “Storm Water Run-off” in Article 6).

6.20 LIGHTING

All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall average a maximum of five-tenths foot candle over the entire area. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent (7 1/2%) of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the site plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences, and overhead sky glow. No lighting shall shine directly or reflect into windows, or onto streets and driveways in such a manner as to interfere with driver vision. No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating, beam, or other intermittent frequency. The intensity of such light sources, light shielding, the direction and reflection of the lighting, and similar characteristics shall be subject to site plan approval by the planning board. The objective of these specifications is to minimize undesirable off-site effects.

6.21 LOTS

A. Dimensions. Lot dimension and area shall not be less than the requirements of the Zoning Provisions of the schedule of district regulations.

B. Side Lot Angles. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

C. Street Frontage. Each lot must front upon an approved, paved street with a right-of-way at least fifty (50) feet.

D. Through Lots on Two Streets. Through residential lots with frontage on two streets will be permitted only under the following conditions: (1) where the length of the lot between both streets is such that future division of the lot into two (2) lots is improbable, and (2) access shall be to the street with the lower traffic function and the portion of the lot abutting the other street shall be clearly labeled on the plat, and in any deed, that street access is prohibited.

E. Zoning Measurements at Street Line. Where extra width has either been dedicated or anticipated for widening of existing streets, zoning considerations shall begin at such new street line and all setbacks shall be measured from such line.

F. Contiguous Lot Ownership. Two (2) or more contiguous lots under the same ownership, regardless of whether or not each may have been approved as portions of a subdivision, acquired by separate conveyance, or by other operation of law, and where one or more of said lots does not conform with the minimum area and/or dimension requirements for the zone in which it is located, such lots shall be considered as a single lot and the provisions of this Ordinance shall apply to it.

G. Non-Conforming Lots. Any non-conforming lot existing at the time of adoption of this Ordinance which does not meet the definition of the previous paragraph may have a building permit issued for a permitted use without an appeal for a variance provided the building coverage is not exceeded, parking requirements are met, and provided further that the non-conforming lot abuts lots on either side that are developed and the non-conforming lot is the largest possible assemblage of contiguous land under the preceding paragraph, but where the non-conforming lot abuts either a vacant lot or an oversized developed lot, the issuance of a building permit may be delayed until the approving authority determines the reasonableness of requiring the applicant to acquire additional land to reduce or eliminate the non-conformity. Where the resulting lot is still non-conforming, the yard and height provisions may be reduced to the same percentage the area of the undersized lot bears to the zone district requirements except that no side yard shall be less than half that required by the Ordinance, or five (5) feet, whichever is greater, and no building shall be required to have a height less than twelve (12) feet.

H. Substandard Lot Depth. Whenever land has been dedicated or conveyed to the municipality by the owner of a lot in order to meet the minimum street width requirements or to implement the official map or master plan, and which lot existed at the effective date of this Ordinance, the building inspector shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has no adjacent lands to meet the minimum requirement.

I. Lot Coverage Inclusions. The building area of all roofed structures, buildings, parking lots, and impervious surfaces shall be included in the determination of lot coverage.

J. Non-Reduction of Lot Size. No lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.

K. Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot width specified in the Schedule shall be measured at the rear line of the required front yard area, provided that in no case shall the distance between side lot lines be reduced less than fifty percent (50%) of the minimum width requirements.

6.22 MOBILE HOMES

In addition to complying with other applicable regulations contained in this or any other township Ordinance, mobile homes may be placed or used only as follows:

A. Temporary Use for Living. Temporary emergency use of one (1) mobile home structure for, living and/or sleeping purposes, as an accessory structure on a lot for a period not to exceed

one (1) month in the case of fire or other disaster on the lot.

B. Temporary Use for Storage. Temporary use of one (1) mobile home structure for office, tool storage or quarters for a watchman as an accessory use to permitted construction projects on the same lot therewith, for a period not to exceed one (1) year.

C. Prohibition as a Principal Use. No mobile home shall be permitted as a principal use in any district.

6.23 MONUMENTS

Monuments shall be the size and shape required by N.J.S.A. 46:23-9.12 of the Map Filing Law, as amended, and shall be placed in accordance with said statute and indicated on the final plat. All lot corners shall be marked with a metal alloy pin of permanent character.

6.24 NATURAL FEATURES

Natural features such as trees, brooks, swamps, hilltops, and views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area. Major subdivision and site plans on wooded sites shall include clearing limits so that no more than 40 percent of the wooded area is cleared.

6.25 NON-CONFORMING USES, STRUCTURES, OR LOTS

The lawful use of land, buildings, or structures existing when this Ordinance was adopted may be continued on the lot or in the structure although they may not conform to this Ordinance and any such structure may be restored or repaired in the event of partial destruction thereof provided, however, that it shall not be enlarged, extended, relocated, converted to another use, or altered, except in conformity with this Ordinance, except as permitted below. Land on which a non-conforming use or structure is located and any non-conforming lot shall not be subdivided or re-subdivided so as to be made more non-conforming in any manner.

A. Abandonment. A non-conforming use shall be considered abandoned: (1) if it is terminated by the owner; (2) if a non-conforming use involving a structure is discontinued for twelve (12) consecutive months, or (3) if a non-conforming use of land without structure(s) ceases for a period of twelve (12) months. The subsequent use of the abandoned building, structure and/or land shall be in conformity with this Ordinance.

B. Conversion to Permitted Uses. Any non-conforming building, structure, or use may be changed to conform to this Ordinance, but shall not be changed back to a non-conforming status.

C. Maintenance. Maintenance may be made to a non-conforming use, structure, or lot provided the maintenance work does not change the use, expand the building or the functional use of the building, increase the area of the lot used for a non-conforming purpose, or increase the non-conformity in any manner.

D. Non-conforming Lots and Structures.

- 1) Any existing structure on a non-conforming lot, or any existing structure on a conforming lot which violates any yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal for a variance provided such non-conformity is not increased, provided the total permitted building coverage is not exceeded and the accessory building and/or the addition to the principal building does not violate any other requirements of this Ordinance. Building permits may be issued on non-conforming vacant lots in accordance with the section entitled “Lots” in Article VI.
- 2) Any non-conforming vacant lot existing at the time of adoption of this Ordinance may have a building permit issued for a permitted use without an appeal for a variance provided the building coverage is not exceeded, parking requirements are met, and the yard and height provisions are reduced to the same percentage the area of the undersized lot bears to the zone district requirements except that no side yard shall be less than half that required by the Ordinance, or five (5) feet, whichever is greater, and no building shall be required to have a height less than one story or twelve (12) feet, whichever is less.

E. Restoration and Repairs.

- 1) Any non-conforming building, structure or use which has been damaged by fire, explosion, flood, windstorm, or act of God, shall be examined by the Building Inspector. If in the opinion of the Building Inspector, the value of repairing the condition is greater than fifty percent (50%) of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a use variance as provided by state statutes.
- 2) Where the value of repairing the condition is determined to be less than fifty percent (50%) of the value of replacing the entire structure, the non-conforming structure or use may be rebuilt and used for the same purpose as before, provided it does not exceed the height, area, and bulk of the original structure.
- 3) The percent damaged shall be the current replacement costs of the portion damaged computed as a percentage of the current replacement cost of the entire structure, neither to include the cost of the foundation unless it is damaged.

F. Sale. Any non-conforming use, structure or lot may be sold and continued to function in the same non-conforming manner.

6.26 OFF-SITE AND OFF-TRACT IMPROVEMENTS

As a condition of preliminary approval and prior to any construction or filing of an application for final approval of a subdivision or site plan, the applicant shall have made cash payments or, with the consent of the Township Committee, installed, in the manner provided below, with respect to the immediate or ultimate installation of any required off-site and/or off-tract improvements, payments for or installation of such improvements as follows:

A. Allocation of costs; criteria in determining allocation. The allocation of costs for off-site and/or off-tract improvements, as between the applicant, other property owners, and the Township or any one or more of the foregoing, shall be determined by the Planning Board, with the assistance of the appropriate Township agencies, on the basis of the total cost of the off-tract improvements, the increase in market values of the property affected and any other benefits conferred and the needs created by the application, population and land use projections for the general area of the applicant's property and other areas to be served by the off-site or off-tract improvement, the estimated time of construction of the off-site or off-tract improvements and the condition and periods of usefulness, which periods may be based upon the criteria of N.J.S.A. 40A:2-22. Requirements for off-site and/or off-tract improvements shall be consistent with N.J.S.A. 40:55D-42. In addition, the following criteria may also be considered, as well as any other reasonable criteria the Planning Board deems is necessary to protect the health, safety and general welfare of the Township:

(1) Streets, curbs, sidewalks, shade trees, streetlights, street signs and traffic light improvements may also be based upon the anticipated increase of traffic generated by the application. In determining such traffic increase, the Planning Board may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks and other traffic related improvements in the area, and the need for improvement thereto, and other factors related to the need created by the application and the anticipated benefits thereto, and the proportion of the traffic generated by the subdivision or sight plan using the new improvement.

(2) Drainage facilities may also be based upon or be determined by the drainage created by or affected by a particular land use, considering:

(a) The percentage relationship between the acreage of the application and the acreage of the total drainage basin.

(b) The use of a particular site and the amount of area to be covered by impervious surfaces on the site itself and the contribution to total run off of the area.

(c) The use, condition and status of the remaining area in the drainage basin.

(3) Water supply and distribution facilities may be also based upon the added facilities required by the total anticipated water use requirements of the property of the applicant and other properties in the general area benefiting therefrom.

(4) Sewerage facilities may be based upon the proportion that the total anticipated volume of sewage effluent of the applicant's property and other properties connected to the new facility bears to the existing capacity of existing sewerage facilities, including but not limited to, lines and other appurtenances leading to and servicing the applicant's property. Consideration may also be given to the types of effluent and particular problems requiring special equipment and added costs for treatment. In the event that the applicant's property shall be permitted to be connected to existing sewer facilities, the applicant shall pay a charge or be assessed in accordance with law.

B. Determination of cost of improvements. The costs of installation of required off-site and/or off-tract improvements shall be determined by the Planning Board with the advice of the Township Committee and/or Township Engineer and appropriate Township or other agencies involved.

C. Manner of construction. When those estimates are received, the Township Committee shall then decide whether the off-site or off-tract improvement is to be constructed by:

- (1) The Township as a general improvement;
- (2) The Township as a local improvement; or
- (3) The applicant under a formula providing for partial reimbursement by the Township for benefits to properties other than the subdivision or site plan project involved in the application.

D. Amount of contribution. When the manner of construction has been determined, the applicant may be required to provide a cash deposit to the Township of one of the following amounts:

(1) If the improvement is to be constructed by the Township as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount, if less, by which all properties to be serviced thereby, including the subject property, will be specifically benefited by the off-site or off-tract improvement.

(2) If the improvement is to be constructed by the Township as a local improvement, then, in addition to the amount referred to in Subsection D(1) above, the estimated amount by which the subject property will be specifically benefited by the off-tract improvement.

(3) If the improvement is to be constructed by the applicant, an amount equal to the estimated cost of the off-site or off-tract improvement, less an offset for benefits to properties other than the subject property.

(4) Any improvement which solely benefits the sub-division or site plan property shall be paid for exclusively by the applicant and the cost thereof may be required to be deposited with the Township, or with the Townships approval, the applicant may construct the improvement.

E. Payment of allocated costs.

(1) The estimated costs of the off-site or off-tract improvement allocated to the applicant, if deposited in cash, shall be paid by the applicant to the Township Chief Financial Officer, who shall provide a suitable depository therefor, and such funds shall be used only for the off-site or off-tract improvement for which they are deposited or improvements serving the same purpose, unless such improvements are not initiated by the Township within a period of 10 years from the date of payment, after which time said funds so deposited shall be returned, together with accumulated interest or other income thereon, if any.

(2) In the event that the payment by the applicant to the Township Chief Financial Officer provide for herein is less than its share of the actual cost of the off-site or off-tract

improvement, then it shall be required to pay its appropriate share of the cost thereof as soon as such additional costs are determined.

(3) In the event that the payment by the applicant to the Township Chief Financial Officer provide for above is more than its appropriate share of the actual cost of installation of the off-site or off-tract improvement, it or its successor or assigns shall be repaid an amount equal to the difference between the deposit and its share of the actual cost.

(4) If the applicant shall deem that any of the amounts so estimated by the Planning Board are unreasonable, it may challenge them and seek to have them revised in appropriate proceedings brought to compel subdivision or site plan approval.

(5) If the applicant and the Planning Board cannot agree with respect to the applicant's appropriate share of the actual cost of the off-site or off-tract improvement or the determination made by the officer or board charged with the duty of making assessments as to special benefits, if the off-site or off-tract improvement is to be constructed as a local improvement, no approval shall be granted; provided, however, that the applicant may challenge each determination and seek to have it revised in appropriate judicial proceedings in order to compel subdivision or site plan approval.

F. Assessment of properties. Upon receipt from the applicant of its allocated share of the costs of the off-site or off-tract improvements, the Township may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-site or off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by a deposit by the applicant may be assessed against benefiting property owners by the Township. Any assessments for benefits conferred made against the applicant or its successors in interest shall be first offset by a pro rata share credit of the allocated costs previously deposited with the Township Chief Financial Officer pertaining thereto. The applicant or its successors in interest shall not be liable for any part of an assessment for such improvements unless the assessment exceeds the pro rata share credit for the deposit, and then only to the extent of the deficiency.

G. Credit for worked performed. In the event that the applicant, with the Township's consent, decides to install and construct the off-site or off-tract improvement or any portion thereof, the certified cost shall be treated as a credit against any future assessment for that particular off-site or off-tract improvement or portion thereof constructed by the Township in the same manner as if the developer had deposited its apportioned cost with the Township Chief Financial Officer, as provided herein.

H. Installation of improvements by applicant.

(1) At the discretion and option of the Township and with the consent of the applicant, the Township may enter into a contract with the applicant providing for the installation and construction of off-site or off-tract improvements by the applicant upon contribution by the Township of the remaining unallocated portion of the cost of the off-site or off-tract improvement. Whenever the Township shall enter into such an agreement with an applicant, said applicant shall provide proof of compliance with all laws and/or regulations which would be

binding on the Township if it were to be undertaking said development, such as but not limited to, the Public Contracts Law, payment of prevailing wage, the Equal Opportunities Employment Act, Americans with Disabilities Act, and any other requirement being in effect at time of construction.

(2) In the event that the Township so elects to contribute to the cost and expense of installation of the off-site or off-tract improvements by the applicant, the portion contributed by the Township shall be subject to possible certification and assessment as a local improvement against benefiting property owners in the manner provided by law, if applicable.

Compliance to design criteria. Should the applicant and the Township enter into a contract for the construction and erection of the off-site or off-tract improvements to be done by the applicant, said contract shall observe all requirements and principals of Township ordinances and state regulations in the design of such improvements.

6.27 ON-TRACT IMPROVEMENTS

On-tract improvements, including street right-of-way, street or shoulder paving, curb and gutters, street signs, street lighting, street trees, sidewalks, survey monuments, surface drainage ways, surface drainage structures and facilities, potable water supply structures and facilities, sanitary sewerage and facilities, off-street parking and loading areas and paving, private driveway paving, open space areas and improvements and screen or buffer planting, as specified in this Ordinance and according to design criteria contained in this Ordinance shall be required where applicable in connection with all minor and major subdivisions and site developments, including permitted planned developments of any kind. Where any improvements proposed in conjunction with a subdivision or site plan application are regulated by the New Jersey Residential Site Planning Act standards, N.J.A.C. 5-21, said standards shall apply in addition to the requirements of this Ordinance and if inconsistent with this ordinance shall apply in lieu of this ordinance to the extent required by State Law.

6.28 OFF-STREET PARKING AND LOADING

A. Access to and From Lots. Drives shall be limited to a maximum of two (2) to any street, except when the frontage of a property along any one street exceeds five hundred (500) feet, the number of drives to that street may be based on one (1) drive for each two hundred fifty (250) feet of property frontage. Each drive shall be at least three (3) parking aisles from any other drive on the same property. Each drive shall handle no more than two (2) lanes of traffic each direction; be at least fifty (50) feet or one-half (1/2) the lot frontage, whichever is greater, but need not exceed three hundred (300) feet from the street line of any intersection street; and be at least twenty (20) feet from any property line. The width of the curb cut shall be determined by the type traffic to be handled and the number of lanes of traffic. Driveways with widths exceeding twenty-four (24) feet shall be reviewed by the approving authority giving consideration to the width, curbing, direction of traffic flow, radii of curves, and traffic lane divider. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the access drive connected to the street in the same manner as another street.

B. Access to Parking and Loading Spaces. Individual parking and loading spaces shall be

served by on-site aisles designed to permit each motor vehicle to proceed from each parking and loading space without requiring the moving of any other motor vehicles. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

C. Buffers. Parking and loading areas for commercial and industrial uses shall be buffered from adjoining streets, existing residential use, or any residential zoning district in a manner meeting the objectives of the buffer section of this Ordinance.

D. Curbing. All off-street parking areas containing six (6) or more spaces and all off-street loading areas shall have concrete or Belgian block curbing around the perimeter of the parking and loading areas and along major interior driveways to separate them from the parking and loading spaces. Curbing may also be installed within the parking or loading areas to define segments of the parking and loading areas. Concrete wheel blocks may be located within designated parking or loading spaces. All curbing shall be located in conjunction with an overall drainage plan. Curbing installed at locations requiring pedestrian access over the curbing shall be designed to have ramps from the street grade to the sidewalk. The breaks shall be either opposite each aisle or no less frequent than one every sixty-five (65) feet along the curb.

E. Dimensions. Off-street parking spaces shall be either nine (9) feet wide or ten (10) feet wide (depending on the width of the access aisle and the angle of parking) and a minimum of twenty (20) feet in length in accordance with the following schedule. All parking lot plans shall provide handicapped parking spaces in accordance with current ADA requirements.

<u>Angle of Parking Space</u>	<u>For Parking Spaces Nine (9) Feet Wide</u>		<u>For Parking Spaces Ten (10) Feet Wide</u>	
	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>
90 degrees	25'	25'	22'	22'
60 degrees	20'	22'	18'	20'
45 degrees	18'	20'	15'	18'
30 degrees	15'	18'	12'	12'
parallel	12'	18'	12'	18'

Off-street loading spaces shall have fifteen (15) feet of vertical clearance and be designed in accordance with the following schedule:

<u>Loading Space</u>		<u>Apron/Aisle Length</u>	
<u>Length</u>	<u>Width</u>	<u>90</u>	<u>60</u>
60'	10'	72'	66'
60'	12'	63'	57'
60'	14'	60'	54'

F. Drainage. All parking and loading areas shall have drainage facilities installed in accordance

with good engineering practice as approved by the Municipal Engineer and in accordance with the "Drainage" provisions of Article 6 of this Ordinance. Where sub-base conditions are wet, springy, or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least six (6) to twelve (12) inches below the proposed sub-grade and filled with a suitable sub-base material as determined by the Municipal Engineer. Where required by the Engineer, a system of porous concrete pipe, sub-surface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

G. Surfacing Approval. Surfacing shall be approved as part of the plan approval.

- 1) Areas of ingress and egress, loading and unloading areas, major interior driveways, aisles, and other areas likely to experience similar heavy traffic shall be paved with not less than four (4) inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers not more than two (2) inches compacted thickness, or equivalent, and prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey Department of Transportation Standard Specifications for Roads and Bridge Construction (1961) and amendments thereto. A minimum two (2) inch thick compacted wearing surface of bituminous concrete (FABC), or equivalent, shall be constructed thereon in accordance with Division 3, Section 10, of the New Jersey Department of Transportation Specifications and amendments thereto.
- 2) Parking space areas and other areas likely to experience light traffic shall be paved with not less than three (3) inches of compacted base course of plant-mixed bituminous stabilized base course, or equivalent, prepared and constructed in accordance with Division 3, Section 2A of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1961) and amendments thereto. At least one-and one half inch (1 1/2") compacted wearing surface of bituminous concrete (FABC), or equivalent, shall be constructed thereon in accordance with Division 3, Section 10, of the New Jersey Department of Transportation Specifications and amendments thereto.

H. Landscaping in Parking Areas. Trees shall be staggered and/or spaced so as not to interfere with driver vision and shall be placed at the rate of at least one (1) tree for every five (5) parking spaces in parking lots containing more than ten (10) spaces. Not less than six percent (6%) of the interior of a parking lot containing more than ten (10) spaces shall be landscaped. Planting which is required for screening along the perimeter of any parking lot shall not be considered as part of the interior landscaping requirements. All areas between the parking area and the building shall be landscaped with trees, shrubs, and ground cover. Any plantings which do not live during the first year after planting shall be replaced. A majority of the parking areas for more than fifty (50) cars shall be obscured from streets by buildings, landscaped berms, natural ground elevation, or plantings, singularly or in combination.

I. Minimum Loading Requirements. Adequate off-street loading and maneuvering space shall be provided for every use. The number of spaces shall be based on the following schedule.

- 1) A minimum of one (1) space per use except that where more than one (1) use

shall be located in one (1) building or where multiple uses are designed as part of a self-contained complex the number of loading spaces shall be based on the cumulative number of square feet within the building or complex and shall be dispersed throughout the site to best serve the individual uses.

- 2) There shall be at least one (1) central point for trash/garbage pickup in multi-family and non-residential uses which shall be separate from parking and loading areas by locating such facility either within a building or outside the building in totally enclosed metal container(s), obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three (3). If located within the building, the doorway(s) may serve both the loading and trash/garbage collection functions. If a container is used for trash/garbage collection functions and is located outside the building, it may be located adjacent to or within the general loading area(s) providing the container(s) does not interfere with or restrict in any manner loading and unloading functions.
- 3) Retail Stores: One (1) space every four thousand (4,000) square feet of gross floor area.
- 4) Office Uses: One (1) space for every twenty thousand (20,000) square feet of gross floor area.
- 5) Wholesale distribution, Shipping Receiving: One (1) space for every ten thousand (10,000) square feet of gross floor area.
- 6) Research, Testing, Laboratory, Manufacturing, and Assembly: One (1) space for every twenty thousand (20,000) square feet of gross floor area.
- 7) Public and quasi-public: One (1) space.
- 8) Where any use is located on a tract of at least fifty (50) acres and no portion of a loading area, including maneuvering areas, is closer than two hundred (200) feet to any property line and where the length of the driveway connecting the loading area to the street is at least three hundred (300) feet, the number of off-street loading spaces may be fewer than the number required by the above schedule provided the applicant as part of the site plan application shall indicate on the site plan and shall document to the approving authority that the number of spaces to be provided will be adequate to meet the needs of the specific use proposed.

J. Minimum Off-Street Parking Requirements. Adequate off-street parking shall be provided for every use. The following schedule shall be used to determine the number of spaces required. Where a particular function contains more than one of the following categories, the total parking requirements shall be the sum of the component parts:

- 1) Residential: Two (2) spaces per dwelling unit.
- 2) Farm: Two (2) spaces per dwelling unit.

- 3) School: One and one-half (1 1/2) spaces per classroom, but not less than one (1) space per three (3) seats in an auditorium.
- 4) Municipal Government: One (1) space for each vehicle assigned to the building plus one (1) space for every three (3) seats in the general meeting room and auditorium.
- 5) Church and Sunday School: One (1) space for every two and one-half (2 1/2) seats.
- 6) Hotel & Motel - One (1) space per room plus one (1) space per employee on the largest shift.
- 7) Utility: Two (2) spaces.
- 8) Professional Offices as part of Home Occupation: Minimum of five (5) spaces (in addition to the two (2) residential spaces): Six (6) spaces per examination room or dental chair, or one (1) space per two hundred (200) square feet of gross floor area, whichever is greater.
- 9) Mortuary: Ten (10) spaces for each viewing room and chapel.
- 10) Medical Centers: Six (6) spaces per each examination room or dental chair, or one (1) space per two hundred (200) square feet of floor area, whichever is greater.
- 11) Offices: One (1) space for each three hundred twenty-five (325) square feet of gross floor area.
- 12) Restaurant: One (1) space for every two and one-half (2 1/2) seats.
- 13) Retail Sales: One (1) space for every one hundred fifty (150) square feet of gross floor area.
- 14) Service Station: Four (4) spaces per interior service area, bay, wheel alignment pit, and work area.
- 15) Farm equipment and supplies: One (1) space for every two thousand (2,000) square feet of gross floor area.
- 16) Wholesale Distribution: One (1) space for every five thousand (5,000) square feet of gross floor area.
- 17) Research, testing & experimentation: One (1) space for every one thousand (1,000) square feet of gross floor area.
- 18) Manufacturing, fabrication & assembly plants: One (1) space for each employee for the largest work shift at the plant.

- 19) Hospital: Two (2) spaces per bed.
- 20) Veterinary Hospital: Six (6) spaces per examination room or doctor, whichever is greater.
- 21) Neighborhood Swimming Pool: One (1) space for every fifty (50) square feet of water surface.
- 22) Theatres and assembly halls - One (1) space for every two (2) seats.

K. Location of Parking and Loading Areas.

- 1) Loading spaces shall be located on the same lot as the use being served, may abut the building being served rather than requiring a setback from the building, and shall be located to directly serve the building for which the space is being provided.
- 2) No loading and parking spaces shall be located in any required buffer area.
- 3) Parking spaces located to serve residential uses shall be within one hundred fifty (150) feet of the entrance of the building and within three hundred (300) feet of commercial/industrial uses.
- 4) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks, or turning area.

6.29 PERFORMANCE STANDARDS

A. Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.

B. Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operation shall be shielded, buffered, and directed as approved on the site plan so that any glare, direct light, flashes, or reflection will not interfere with the normal use of nearby properties, dwelling units and streets.

C. Air, Water and Environmental Pollution. No use shall emit heat, odor, vibrations, noise, or any other pollutant into the ground, water, or air that exceeds the most stringent, applicable state and federal regulation. No building permit, zoning permit or certificate of occupancy shall be issued for any use until a state permit has been issued, where a state permit is required, to ascertain and approve the level of emission, quality of emission, type and quality of emission control, and such use shall comply with other state regulations governing the emission of pollutants into the ground, water, or air.

D. Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces

such as precipitation, surface water, evaporation or wind. All materials or wastes which might create a pollutant, be a safety hazard, or be a health hazard shall be stored on a property under conditions approved by the fire department and all Local, State and Federal agencies having jurisdiction of such matters.

6.30 POULTRY OR TURKEY FARMS

All applications for turkey or poultry farms shall, to the extent required by law, be made to the County Agriculture Development Board. Otherwise, all applications for a turkey or poultry farm shall be accompanied by a written opinion of the County Agricultural Agent indicating that the operation will not create an unreasonable disturbance of odor, noise, runoff, dust, or other measurable impact beyond the property line of the proposed poultry or turkey farm. In addition to site plan information normally required under Article 5, the application shall set forth the purpose of the operation, the manner in which birds will be housed, methods for recycling or disposing of manure, the number of birds to be kept in relation to the size of the parcel, all building or range area, property line setbacks and, in the case of poultry, if birds are to be kept outdoors, proposals for regular rotation and cropping of range areas. In addition, turkeys may be raised inside entirely enclosed buildings. The report of the County Agricultural Agent should also contain observations regarding the above listed matters. Any certificate of occupancy shall remain valid only so long as the use is operated in a nuisance-free manner in accordance with any conditions included in approval of the Planning Board.

6.31 PRINCIPAL USE

No lot shall have erected upon it more than one (1) principal permitted use. No more than one (1) principal building shall be permitted on one (1) lot except that industrial, agricultural and commercial complexes receiving site plan approval and agricultural uses not requiring site plan approval may be permitted to have more than one building on a lot in accordance with the zoning district in which it is located.

6.32 PUBLIC UTILITIES

All public services shall be connected to an approved public utilities system where one exists.

A. Underground Installation. The developer shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.

B. Requirement for Utility Compliance with this Ordinance. The development shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, 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 those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground, except for residential and agricultural uses. In the case of existing overhead utilities, should a road

widening, or an extension of service or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation, or extension shall be underground.

C. Utility Screening. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year-round.

D. Waivers. On any lot where by reason of soil conditions, wooded area, or other special condition of land, the applicant deems it a hardship to comply with the provisions of this section, the developer may apply to the approving authority for a waiver from the terms of this Section. Waivers may be granted if the Board determines that they are required for the reasonable use of the site and can be granted without damage to the public health, safety and welfare. Where overhead lines are permitted by waivers, the alignments and pole locations shall be carefully routed to avoid locations along horizons, avoid the clearing of swaths through areas of trees by selective cutting and a staggered alignment, by planting trees in open areas at key locations to minimize the views of the poles and alignment, by following rear lot lines and other interior locations, and similar design and location considerations to lessen the visual impact of overhead lines.

E. Exemption from Performance Guarantees. Any installation under this section to be performed by a servicing utility shall be exempt from requiring performance guarantees, but shall be subject to inspection and certification by the Municipal Engineer and shall require proof of payment for installation of the utility.

6.33 RESERVATION OF PUBLIC AREAS

If the Master plan or the official map provides for the reservation of designated streets and roads, public drainage ways, flood control basins, or public areas within the proposed development, before approving a subdivision or site plan the approving authority shall require that such streets and roads, public drainage ways, flood control basins, or public areas be shown on the plat in locations and sizes suitable to their intended uses. The approving authority may reserve the location and extent of such street, ways, basins, or areas shown on the plat for a period of one (1) year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the Township shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins, or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to the streets and roads, flood control basins or public drainage ways necessitated by the subdivision or land development and required for final approval.

6.34 ROADSIDE STANDS

Roadside stands for the sale of farm, truck, gardening, nursery and greenhouse produce may be established as provided in the district regulations and provided further that the major portion of such produce offered for sale is raised by the seller in the Township on land owned or leased by him. The Certificate of Occupancy for a roadside stand operation shall be valid only so long as

the stand is maintained in good repair on a well-kept site. The roadside stand shall have only one (1) entrance and one (1) exit from the highway; shall maintain no display of goods closer than forty (40) feet to a road right-of-way; and shall provide one (1) parking space for every one hundred (100) square feet of display area. A maximum of three (3) temporary off-site signs shall be permitted during periods of operation only, each not more than six (6) square feet in area. No signs shall be located within the right-of-way of the adjoining highway, nor shall any sign obstruct the vision of vehicle operators entering or leaving the off-street parking area. Interior or exterior lighting in connection with a roadside stand shall not produce noticeable glare off the premises.

6.35. NO NEW ROADS IN AGRICULTURAL ZONES. No subdivisions involving new streets or roads shall be permitted in the Agricultural (A) or Agricultural/Business (A-B) Zones.

6.36 SANITARY SEWERS AND SEPTIC SYSTEMS

A. Requirement for Connection. If a sewage treatment and distribution system is accessible, the developer shall construct facilities in such a manner as to provide adequate sewerage within the development to transport all sewage from each lot and the total development to said treatment and distribution system. Where a future treatment and distribution system is part of the adopted municipal capital improvements program and said system will be accessible to the proposed development, the developer shall install dry sewers designed to tie into the proposed facility upon its completion. Sewer shall be deemed accessible for any major subdivision of more than ten (10) units or major site plan when within one-half (1/2) mile of the property line of the tract unless extreme hardship is shown.

B. Capacity. Any sanitary sewer collection system shall be adequate to handle all present and probable future development. Alignments outside streets shall require easements or rights-of-ways .

C. Applicability of New Jersey D.E.P. Regulations. Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Department of Environmental Protection and the County Department of Health.

6.37 SERVICE STATIONS AND REPAIR GARAGES

A. Storage Areas. All storage areas, trash facilities, pits, lifts, and working areas shall be within a building. All lubrication, repair, or similar activities shall be performed in an enclosed building and no dismantled parts shall be placed outside.

B. Setback of Pumps and Islands. All gasoline pumps, air pumps, and the islands upon which pumps are normally located shall be set back from the street line at least sixty (60) feet and from any other property line at least fifty (50) feet. A minimum space of twenty-five (25) feet shall exist between any two (2) islands and between any island and the service station building.

C. Prohibition of Junk Yards and Unregistered Vehicles. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. No more than six (6) motor vehicles may be located outside a service station building

for a period not to exceed fourteen (14) days provided the owners are awaiting the repair of said motor vehicles.

D. Display and Parking for Rent or Sale. The exterior display and parking of equipment, not including motor vehicles for rent or sale, shall be permitted provided the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed twenty percent (20%) of the total area of the entire site, the maximum sign area for a service station is not exceeded, and that the location of the equipment being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the on lot traffic circulation indicated on the approved site plan.

E. General Design Standard. It is intended that service stations be designed compatibly with other permitted commercial or industrial uses in the zone in which they are located, that they not be stripped along the available highway frontage or at each quadrant of an intersection, and that they be located within shopping centers and in office and industrial complexes as an integral part of the overall design. Ingress and egress shall be designed to recognize the turning movements generated. These access points shall be coordinated with the access points required for nearby uses, frequency of intersecting side streets, minimizing left turns off collector and arterial streets, and maintaining building setbacks compatible with the required setbacks and landscaping.

6.38 SHADE TREES

All planted shade trees shall have a minimum diameter of two and one-half (2 1/2) inches measured six (6) inches above the ground and be of a species approved by the approving authority. Trees shall be planted forty (40) to sixty (60) feet apart and parallel to but no more than twenty (20) feet from the curb line and shall be balled and burlapped, nursery grown, free from insects and disease, and true to species and variety. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to re-establish the tone of the area and to conform with adjacent lots. Dead or dying trees shall be replaced by the developer during the recommended planting season. Parking lots shall be planted as required in the section entitled "Off-Street Parking and Loading" in Article VI.

6.39 SIDEWALKS

Sidewalks shall be required at the approving authority's discretion depending on the probable volume of pedestrian traffic, the street classification in instances where streets are involved, the development's location in relation to other populated areas, schools and other generators of pedestrian traffic. Where required, sidewalks shall be at least four (4) feet wide and located as approved by the approving authority. Sidewalks shall be at least four (4) inches thick, of Class C concrete having a twenty-eight (28) day compressive strength four thousand (4,000) p.s.i., and shall be air-entrained. Where sidewalks are constructed in conjunction with residential development regulated by the New Jersey Residential Site Planning Act Standards, N.J.A.C. 5-21, et seq., said standards shall apply.

6.40 SIGHT TRIANGLES

Sight triangles shall be required at each quadrant of an intersection of streets, and streets and driveways. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting capable of growing more than thirty inches (30") above the ground or structure shall be erected or maintained more than thirty inches (30") above the street centerline or lower than eight feet (8') above the street centerline except for street name signs and official traffic regulation signs. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle. The sight triangle is that area bounded by the intersecting street lines and a straight line which connects "sight points" located on each of the two (2) intersection street lines and shall maintain the following distances away from the intersection street lines: arterial streets at one hundred thirty feet (130'); collector streets at sixty feet (60'); and primary and secondary local streets at thirty-five feet (35'). Where the intersection streets are both arterial, both collectors, or one arterial and one collection, two overlapping sight triangles shall be required formed by connecting the sight points noted above with a sight point thirty-five feet (35') on the intersecting street. Any proposed development requiring site plan approval shall provide sight triangle easements at each driveway with the driveway classified as a local street for purposes of establishing distances. The classification of existing and proposed streets shall be those shown on the adopted Master Plan or as designated by the Planning Board at the time of the application for approval for a new street not included on the Master Plan. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the Hopewell Development Ordinance". Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by the zoning provisions.

6.41 SIGNS

Signs shall be permitted in accordance with the following standards and requirements:

A. Exempt Signs. The following shall not be included in the application and requirements:

- 1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, or name of occupants or date of construction.
- 2) Warning signs and signs posting property such as "private property", "no hunting", "no trespassing", or similar signs which do not exceed two(2) square feet in area.
- 3) Flags and insignias of any government except when displayed in connection with commercial promotion.
- 4) Legal notices, information or directional signs erected by governmental bodies.
- 5) Integral decorative or architectural features of buildings, except letters,

trademarks, moving parts, or moving lights or displays.

- 6) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

B. Signs Allowed Without Permit. In all zoning districts, the following signs not exceeding four (4) square feet in area shall be permitted without obtaining a sign permit:

- 1) All signs and signals owned and operated by the Township of Hopewell, the county of Cumberland, the State of New Jersey, or the United States of America.
- 2) Identification signs for public or quasi-public facilities, such as schools, churches, hospitals, or libraries, not exceeding four (4) square feet in area.
- 3) Memorial or historical markers or tablets not exceeding four (4) square feet in area.
- 4) Traffic or directional signs when approved by the Township Engineer.
- 5) Customary Real Estate for sale signs not exceeding four (4) square feet.

C. Signs Allowed With Permit. In any district, customary on-site, for sale, no trespassing and professional office or home occupation name plates not exceeding six (6) square feet in area provided that eight (8) square feet shall be allowed in the HCB Zone nor one (1) such sign for each two hundred feet (200') or part thereof, of road frontage contained in the property are permitted upon issuance of a permit by the Zoning Officer and provided such sign is located at least ten feet (10') from any street sign and complies with applicable side yard requirements for the district in which it is located.

D. Prohibited Signs. The following signs are prohibited in any part of the Township:

- 1) Off-site signs, other than municipal, county, or state traffic or direction signs, which advertise or publicize an activity, business, product, or service not conducted on the premises, except in the case of yard sales as specified in Section 4.25.
- 2) Signs which are located in a public right--of-way or approved sight easement.
- 3) Signs lit with flashing or intermittent light or are in any way animated or are so lit or reflectorized that they interfere with or may be mistaken for a traffic signal.
- 4) Signs which purport to be or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "STOP", "GO SLOW", "CAUTION", "DANGER", "WARNING", or similar words other than those contained in the name of the business.
- 5) Signs which are located on a water tower, storage tank, utility pole, or similar structures.

- 6) Signs which are placed above the roof peak of a building or structure or on a flat roof.
- 7) Signs using mechanical or electrical devices to revolve, flash, or display movement or the illusion of movement.

E. Sign Interpretation and Measurement. For the purpose of determining the number of signs, a “sign” shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of the sign shall be computed to include the entire area within a parallelogram, triangle, circle, semicircle, or other geometric design, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members of freestanding signs shall not be included in computation of the sign surface area.

F. Design Standards. For signs which shall require site plan approval in the HCB and A-B Zones, all signs shall be designed, constructed, and maintained in accordance with the following standards and provisions:

- 1) No freestanding sign shall exceed the maximum height or area permitted under the following schedule:

<u>Type of Road Fronting on Sign Location</u>		<u>Maximum Permitted Sign Height</u>	<u>Maximum Permitted Sign Area</u>
<u>No. of Lanes</u>	<u>Speed Limit</u>		
2	Less than 30 mph	10'	6 square feet
	30-44 mph	12'	29 square feet
	More than 45 mph	14'	35 square feet

- 2) No free-standing sign shall be located any closer than the following distances to street rights-of-way:

<u>Area of Sign</u>	<u>Minimum Distance</u>
Less than 25 square feet	10'
25 square feet and more	15'

- 3) Signs shall conform to applicable side yard requirements for the district in which they are located.
- 4) Illuminated signs shall be so arranged as to reflect the light and glare away from adjoining premises and away from adjoining streets and/or rights-of-way.
- 5) Signs with two (2) exposures shall be measured for area by using the surface area of one (1) side only. Both sides, however, may be used for display.

- 6) All signs shall be constructed of durable materials, such as wood, metal or stone.
- 7) Wall signs shall be affixed with their face parallel to and not more than fifteen (15) inches from the wall to which they are attached.
- 8) Projecting signs are subject to the following limitations:
 1. Projecting signs shall be no higher than the sill of the second floor windows, not to exceed four (4) feet above the tops of lower windows or eaves, whichever is less.
 2. Projecting signs above a sidewalk shall be no closer than eight (8) feet at their lowest point to the finished grade below them.
 3. Projecting signs above an area traversed by motor vehicles shall be no closer than fourteen (14) feet at their lowest point to the finished trade below them.
 4. Projecting signs must project from a wall at a ninety (90) degree angle except at buildings which occupy a street corner. In such cases, the sign may project diagonally from the building corner.
 5. No projecting sign may be closer than fifty (50) feet to any other projecting sign, other than in a shopping center wherein the signage is approved as part of site plan approval.
 6. No projecting sign shall exceed thirty (30) square feet in area.
- 9) Freestanding signs are subject to the following limitations:
 1. A freestanding sign which is six (6) square feet or more in area may be displayed only on a frontage of one hundred (100) feet or more, and may not be closer than one hundred (100) feet to any other freestanding sign which is six (6) square feet or more in size.
 2. An activity may have both a freestanding and a projecting or a wall sign, on-site, if only one of those signs is six (6) square feet or more in size.

G. Permitted Commercial, Industrial or Institutional Signs. Each commercial, industrial, or institutional use may have one on-site sign, either lighted or unlighted. Such sign may be either a wall, projecting, or freestanding sign. Wall signs shall not exceed an area equivalent to five percent (5%) of the first story portion of the wall to which it is attached or thirty-two (32) square feet, whichever is smaller. Where the building(s) is designed for rear or side entrances, one (1) unlighted wall sign may be attached against the building at rear or side entrances, each sign not to exceed an area equivalent to half that of the area of a wall sign permitted on the front of the building. Where an individual office unit in a building has direct access from the outside, a sign not exceeding four (4) square feet identifying the name of the office may be attached to the building at the office entrance.

H. Shopping Center Signs. Each shopping center may have one (1) freestanding sign, either lighted or unlighted, along each arterial or collector road which the tract in question abuts:

- 1) Where uses in a shopping center share a common walkway, each use served by the walkway may have one (1) additional sign, either lighted or unlighted. No such sign shall exceed ten (10) square feet in area.
- 2) All signs in a shopping center shall conform in character to all other signs in the complex and shall blend with the overall architectural scheme of the shopping center and shall be included in the site plan for the site.

I. Temporary Signs. Zoning permits are required for temporary signs and when granted, shall authorize the erection of said signs and their maintenance for a period not to exceed ninety (90) days in any one (1) calendar year. When found reasonable, the Planning Board may grant an extension of a temporary sign permit. Temporary signs shall not exceed thirty-two (32) square feet in an area on one (1) side. The advertisement contained on any temporary sign shall pertain only to the business or activity conducted on or within the premises on which such sign is or will be erected or maintained. Temporary signs of a civic, political, or religious nature to be erected or placed by non-profit organizations and which meet the standards of this section shall not be required to obtain a zoning permit and shall be removed within ten (10) days following the conclusion of the event.

J. Requirements for Sign Permit. Unless otherwise exempted in this Chapter, all signs to be erected, constructed, or placed within the Township shall require issuance of a sign permit. Applications for permits to erect, construct, or place any sign shall be made to the Zoning Officer and shall contain the following:

- 1) Name, address, and telephone number of the applicant, the person preparing and/or constructing the sign(s) and the person erecting the sign(s).
- 2) Location of the building, structure, or the lot to which the sign is or is to be erected or attached.
- 3) A scaled drawing showing the size of the existing or proposed sign; the location of the sign on the building to which it is to be attached or on the property on which it is to be placed (in which case setback dimensions shall be shown); the materials to be utilized in the construction of the sign, including whether or not the sign will be illuminated, and the message, lettering, artwork, illustrations, color, and appurtenances to be placed or shown on the sign(s).
- 4) In the case of signs to be erected, constructed, or placed on property or attached to structures not belonging to the applicant, evidence of the property or structure owner's approval and permission for the locating of said sign.

K. Maintenance of Signs.

- 1) Signs must be maintained in good condition and must also not be allowed to

deteriorate or become dilapidated. The Building Inspector shall require proper maintenance of all signs and shall inspect every sign which requires issuance of a permit within thirty (30) days after it is erected. All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

- 2) The Building Inspector or Zoning Officer shall notify the owner of any sign which is in disrepair and state such disrepair in writing. The owner of such sign shall correct such deficiency within a reasonable period of time from the date of said notice. In the event that the owner fails to correct said deficiency or make the required repairs, he shall be subject to the penalties set forth in section 4.23A.

6.42 SOIL EROSION AND SEDIMENT CONTROL

All developments shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development including anticipated starting and completion dates.

A. Data Required. The applicant shall submit a Natural Resource Plan as outlined under the Development Review provisions of this Ordinance which shall clearly establish the means for controlling soil erosion and sedimentation for each site, or portion of a site, when developed in stages. The soil erosion and sediment control measures shall have the approval of the Soil Conservation Service pursuant to the Soil Erosion and Sediment Control Act (Ch 251, P.L. 1975).

B. General Design Principles. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan: (1) stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion; (2) whenever feasible, natural vegetation shall be retained and protected; (3) the extent of the disturbed area and the duration of its exposure shall be kept within practical limits; (4) either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbances; (5) drainage provisions shall accommodate increased run-off resulting from modified soil and surface conditions during and after development or land disturbance; (6) water run-off shall be minimized and retained on-site wherever possible to facilitate ground water recharge; (7) sediment shall be retained on-site, and (8) diversions, sediment basins, and similar required structures shall be installed prior to any on-site grading or land disturbance.

C. Maintenance. All necessary erosion and sediment control measures installed under these provisions shall be adequately maintained for one (1) year after completion of the approved plan or until such measures are permanently stabilized as determined by the Municipal Engineer. The Engineer shall give the applicant upon the applicant's request, certification of this determination.

D. Soil Erosion Prevention Plan. Each tract shall have a soil erosion prevention plan to accompany the preliminary plat which shall show temporary sedimentation basins(s) through which storm waters will be directed during periods of construction. The plan shall show existing

contours, temporary contours, temporary ditching, and final contours. In addition, the plan shall outline general construction stages to illustrate what portion(s) of the site will be unprotected at various stages, the maximum amount of land to be exposed at various stages, the availability and use of water trucks to prevent dust and erosion by wind, areas where top soil will be stockpiled during construction period(s), the areas where it will be redistributed after completion of the applicable stage of construction, the methods of seeding the top soil while it is stockpiled and again after its redistribution, and a plan of progressing toward completion of the entire project that shall outline how and at what stages and approximate times the previously exposed areas will be final graded and seeded or paved, or by some other means have the soil established prior to completion of the entire project so that permanent soil erosion prevention methods will be employed at the earliest time.

6.43 SOIL REMOVAL AND REDISTRIBUTION

The excavation and grading for completion of a development shall be done in accordance with the approved plat which contains soil erosion and sediment control provisions. Excavation of soil, other than required for the construction of approved structures and supporting facilities such as but not limited to streets, driveways and parking areas, shall be prohibited. Regrading of property so as to redistribute top soil throughout the site from areas excavated for such approved structures and supporting facilities shall be done in the following manner to minimize or eliminate the erosion of soil. Any application proposing the disturbance of more than five thousand (5,000) square feet of surface area of land as defined in the Soil Erosion and Sediment Control Act (Ch 251, P.L. 1975) shall include on its plan the following: the means to control or prevent erosion, provide for sedimentation basin(s) for soil that does erode due to water, and control drainage, dust, and mud on the premises as well as abutting lands; the preservation of soil fertility and the resulting ability of the area-affected to support plant and tree growth by maintenance of adequate top soil consisting of at least six (6) inches of the original layer; maintenance of necessary lateral support and grades of abutting lands, structures and other improvements; prevention of pits and declivities which are hazardous or which provide insect breeding locations; the physical limitations and characteristics of the soil shall not be altered to prevent the use to which the land may lawfully be put; and such other factors as may reasonably bear upon or relate to the public health, safety and general welfare. This section shall not apply to agricultural grading where the soil remains on-site.

6.44 STORM WATER RUN-OFF

(Refer also to Section 6.9 and Article VIII regarding Stormwater Management.)

Note: Easements. Where storm drains are installed outside streets, easements or rights-of-way shall be required in accordance with the section entitled “Easements” in Article VI.

Management, Maintenance and Repair of Storm Water Drainage facilities.

1. Whenever the Township is requested to accept dedication of properties to be maintained for storm water detention or retention basin purposes, which will result in the Township having to expend funds in the future for maintenance of such facilities, the Township shall, unless otherwise determined by the Township Committee, require that the property owner dedicating such property a fund with the Township in an amount equal to the estimated costs of facility maintenance

for a 10 year period.

2. **Maintenance in General.** Responsibility for operation and maintenance of drainage basins, including periodic removal and disposal of accumulated debris, shall remain with the owner or owners of the property, with permanent arrangements that shall pass to any successive owner, unless assumed by a government agency. If portions of the land are sold, legally binding arrangements shall be made to convey the basic responsibility to the successor in title. These arrangements shall designate, for each project, the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance. Such person or entity is referred to hereinafter as “the responsible person.”
3. The applicant shall enter into an agreement with the Township to ensure the continued operation and maintenance of the drainage facility. This agreement shall be in a form satisfactory to the Township Solicitor, and may include, but is not limited to, personal guarantees, deed restrictions, covenants, and/or a bond. In cases where property is subdivided and sold separately, a perpetual homeowner’s association entity shall be created to fulfill the duties of the responsible person, absent an explicit, written agreement executed on behalf of a governmental entity, agreeing to assume maintenance responsibility.
4. In the event that drainage facility becomes a danger to public safety or public health, or if it is in need of maintenance, the Township shall notify the responsible person in writing. From the date of that notice, the responsible person shall have 14 days to conduct such maintenance and repair of the facility, as specified by and to the reasonable satisfaction of the Township Engineer. If the responsible person fails or refuses to perform such maintenance, the Township may proceed to do so and shall bill the cost thereof to the responsible person.
5. If the Responsible person fails to satisfactorily perform the maintenance as set forth above, the Responsible person shall also be liable for the Township’s Engineer’s fee, and for the Township’s Counsel fees and costs.

6.45 STREET LIGHTING

Street lighting standards of a type and number approved by the approving authority and Municipal Engineer shall be installed at street intersections and elsewhere as deemed necessary by the approving authority. The developer shall provide for the installation of underground service for street lighting.

6.46 STREETS

A. Requirements for Paved Streets. All development shall be served by paved streets with an all weather base and pavement with an adequate crown. The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets, conform with the topography as far as practicable, and allow for continued extension into adjoining undeveloped tracts.

B. Requirement for Street Access. When a development adjoins land capable of being developed or subdivided further, suitable provisions shall be made for optimum access from the adjoining tract to existing or proposed streets.

C. Through Traffic. Local streets shall be designed to discourage through traffic.

D. Driveway Access onto Streets. In all residential zones, development bounded by any arterial or collector street shall control access to said streets by having all driveways intersect minor streets. Where the size, shape, location, or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector street and abutting lots may be required to use abutting driveways with one curb out. All lots requiring reverse frontage shall have an additional twenty-five (25) feet of depth to allow for the establishment of the buffers outlined below unless such buffers are established in a reserve strip controlled by the Township or County. That portion of the development abutting an arterial or collector street right-of-way shall either be planted with nursery grown trees to a depth of not more than the twenty (25) foot buffer strip along the right-of-way line and for the full length of the development so that in a reasonable period of time a buffer area will exist between the development and the highway. Berms shall not be less than five (5) feet in height, they shall be stabilized by ground cover to prevent soil erosion and shall be planted with evergreens and deciduous trees according to a landscaping plan designed to have no adverse effect on nearby properties. All trees shall be of nursery stock having a caliper of not less than two and one half (2 1/2) inches measured six (6) inches above ground level and be of an approved species grown under the same climatic conditions as the location of the development. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use, and durable under the maintenance contemplated.

E. Street Right-of-Way. In all developments the minimum street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule, but in no case shall a new street that is a continuation of an existing street to be continued at a width less than the existing street although a greater width may be required in accordance with the following schedule. Where any arterial or collector street intersects another arterial or collector streets, the right-of-way and cartway requirements shall be increased by ten (10) feet on the right side of the street(s) approaching the intersection for a distance of three hundred (300) feet from the intersection of the centerlines.

<u>Classification</u>	<u>R-O-W Width</u>	<u>Traffic Lanes</u>	<u>Width Between Curbs</u>	<u>Total Utility Right-of-Way Outside the Curb*</u>
Arterial	86'	4 @ 11 1/2'	64'	22'
Collector	66'	2 @ 11'	40'	26'
Secondary Local	50'	2 @ 10'	30'	20'

*Shall be grass stabilized topsoil, minimum 4" deep.

F. Reserve Strips. No development showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body.

G. Required Right-of-Way. In the event that a development adjoins or includes existing Township streets that do not conform to widths as shown on either the Master Plan or Official Map or the street width requirements of this ordinance, additional land along both sides of said street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design by creating over-sized lots to accommodate the widening at some future date, the additional widening may be offered to the Township for the location, installation, repair, and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way and shall be expressed on the plat as follows: "Street rights-of-way easement granted to the Township of Hopewell permitting the Township to enter upon these lands for the purposes provided for and expressed in the Development Regulations Ordinance of the Township of Hopewell." This statement on an approved plat shall in no way reduce the subdivider's responsibility to provide, install, repair or maintain any facilities installed in this area dedicated by Ordinance or as shown on the plat or as provided for by any maintenance or performance guarantees. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be anticipated.

H. Longitudinal Grades. Longitudinal grades on all local streets shall not exceed ten percent (10%), nor four percent (4%) on arterial and collector streets. No street shall have a longitudinal grade of less than one-half percent (0.50%). Maximum grades within intersections shall be four percent (4%). The cross-section of the cartway from the centerline to the curb line or edge of the paving shall be parabolic, and not exceed two percent (2%) slope. Where the cart way on a collector or arterial street is banked to facilitate a curve in the street alignment, the slope toward the curb line or shoulder shall conform to accepted engineering practice.

I. Intersecting Street Centerlines. Intersection street centerlines shall be as nearly at right angles as possible and in no case shall they be less than seventy-five (75) degrees at the point of intersection. The curb lines shall be parallel to the centerline. Approaches to all intersections shall follow a straight line for at least one hundred (100) feet measured from the curb line of the intersecting street to the beginning of the curve. No more than two (2) street centerlines shall meet or intersect at any one point. Collector and arterial streets intersecting another street from the opposite sides shall not be offset unless measuring from the point of intersection of the street centerlines, the two (2) intersections shall be spaced a sufficient distance to permit a minimum of two (2) lot depths between the two (2) street rights-of-way, but not less than two hundred and fifty (250) feet between rights-of-way. Any development abutting an existing street which is classified as an arterial or collector street shall be permitted not more than one (1) new street every eight hundred (800) feet on the same side of the street within the boundaries of the tract being subdivided. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development. Intersections shall be rounded at the curb line with the street having the highest radius requirement as outlined below determining the minimum standard for all street lines. Arterial @ 40 feet; collector @ 30 feet; and local streets @ 20 feet.

J. Sight Triangles. Sight triangles shall be provided as required in the section entitled "Sight Triangles" in Article VI.

K. Tangents. A tangent at least two hundred (200) feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect in any direction they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance within the curb line shall be one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred fifty (550) feet for an arterial street.

L. Changes in Grade. All changes in grade where the difference in grade is one percent (1%) or greater shall be connected by a vertical curve having a length of at least fifty (50) feet for each two percent (2%) difference in grade, or portion thereof, and providing minimum sight distances of one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred fifty (550) feet for an arterial street. Intersections shall be designed with as flat a grade as practical with the advice of the Municipal Engineer.

M. Cul-de-Sacs. Where dead-end (cul-de-sac) streets are utilized, they shall conform to the following standards:

- 1) Dead-end streets of a permanent nature (where provision for future extension of the street to the boundary of the adjoining property is impractical or impossible) or of a temporary nature (where provision is made for the future extension of the street to the boundary line of adjoining property) shall provide a turnaround at the end of the right-of-way radius of not less than seventy-five (75) feet and a cartway radius of not less than sixty (60) feet. The center point for the radius shall be on the centerline of the associated street, or, if off-set to a point where the cartway radius also becomes a tangent to one (1) of the curb lines of the associated street.
- 2) If a dead-end street is of temporary nature, provisions shall be made for removal of the turnaround and reversion of the excess right-of-way to the adjoining properties as off-tract responsibility of the developer creating the street extension when the street is extended.
- 3) A dead-end street shall be no longer than one thousand (1,000) feet.

N. Street Names. No street shall have a name, which in the municipality or nearby municipalities, will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets so as to be confusing therewith. The continuation of an existing street shall have the same name. The names of new streets must be approved by the approving authority.

O. Street Construction Standards. Streets shall be constructed in accordance with the following standards and specifications:

- 1) Arterial Streets
 - 6" quarry blend stone base
 - 4" bituminous stabilized gravel intermediate course
 - 2" FABC-1 surface course
- 2) Collector and Local Streets

5" quarry blend stone base
3" FABC-2 surface course

- 3) Where sub-base conditions are wet, springy, or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least six (6) to twelve (12) inches below the proposed sub-grade and filled with a suitable sub-base material as determined by the municipal Engineer. Where required by the Engineer, a system of porous concrete pipe, sub-surface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

P. New Jersey Residential Site Planning Act Standards. Where any street or related improvements are proposed in conjunction with a subdivision or site plan application that is regulated by the New Jersey Residential Site Planning Act Standards N.J. A.C. 5-21, et seq., said standards shall apply in addition to the requirements of this Ordinance and in the event of any conflict, the State standards shall apply where required by State law. To the extent that State storm water regulations are applicable, those regulations shall be controlling.

6.47 STREET SIGNS

Street signs shall be metal on metal posts of the type, design and standard as approved by the approving authority on advice of the Municipal Engineer. The location of the street signs shall be determined by the Engineer but there shall be at least two (2) street signs furnished at each four-way intersection and one (1) street sign at each "T" intersection. All signs shall be installed free of visual obstruction.

6.48 SWIMMING POOLS

A. As an Accessory Use. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. The pool shall meet the yard requirements for accessory buildings in the district in which it is located.

B. Pool Area. A pool shall occupy no more than the equivalent of fifty percent (50%) of the yard area in which it is located. For purposes of calculating the area of a pool, the area shall include the water surface, the patio adjoining the pool, and any pumping, circulation, and other mechanical equipment required to operate the pool. No swimming pool shall be located in a front yard.

C. Health and Safety. Pools shall otherwise be installed, operated and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment; fencing; noise; and lighting.

6.49 TRAILERS

No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons or for the permanent conduct of any business,

profession, occupation or trade, except that such facilities may be used for temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction provided a temporary permit has been issued for its use by the building inspector. This section shall not be construed so as to prohibit the parking or storage of trailers and campers, not including residential occupancy, on private premises although no more than one (1) camper or travel trailer shall occupy the premises and shall not occupy the front yard. This section shall not apply to travel trailer dealerships.

6.50 YARDS

A. Relationship to Principal Building. No open space provided around any principal building for the purpose of complying with front, side, or rear yard provisions shall be considered as providing the yard provisions of another principal building. On a lot which extends through a block in a manner resulting in frontage on two or more streets, including corner lots, the building setback from each street shall not be less than the required front yard.

B. Extensions and Setbacks. Building projections including bays, chimneys, cornices, and gutters may extend into required yard areas for a distance not to exceed five (5) feet and shall not be located within ten (10) feet of any property line.

C. Reduction. No yard existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements established herein.

6.51 WATER SUPPLY

A. Public Water and Sewer. Where water is accessible from a servicing utility, the developer shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot, dwelling unit, or use within the development. The entire system shall be designed in accordance with the requirements and standards of the municipal, county 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 for present and probable future development.

B. Design Standards. Where public water is not available, potable water supply shall be provided to each lot on an individual well basis. Such wells shall be designed in accordance with the requirements and standards of the municipal and/or state agency having jurisdiction.

C. Easements. Where water distribution systems are installed outside streets, easements or rights-of-way shall be required in accordance with the section entitled "Easements" in Article VI.

6.52 SENIOR CITIZEN HOUSING

A. Public Water and Sewer. Multi-family conditional use housing may be senior citizen housing under the Federal Fair Housing Act. All Senior Citizen Housing Developments shall be connected to public sewer utilities.

B. Design Standards. Senior Citizen Housing Developments shall be designed in accordance with the parking, landscaping, and all other requirements of this Ordinance, with exception to the

following:

- 1) **Parking.** In addition to the required number of parking spaces per residential dwelling unit, Senior Citizen Housing Developments shall also include handicapped parking spaces in accordance with the Americans with Disabilities Act.
- 2) **Sidewalks and Pedestrian Ways.** Sidewalks and other pedestrian ways shall be constructed to provide access from Senior Citizen Housing Developments to the existing sidewalk network of the Township. Specifically, it is the intent of this Ordinance to require sidewalks from the Senior Citizen Housing Development to the center of the Township so that shopping, post office, banking, and other services that may be provided within the Township center are accessible to the Development residents.

6.53 LIGHT INDUSTRY STADARDS.

A. Access. Light Industrial Uses in the HCI and AI Zones shall conform to the New Jersey Highway Access Code and provide the prescribed driveways, acceleration and deceleration lanes, and/or other access requirements of the Code.

B. Landscaping. Light Industrial Uses in the HCI and AI Zones shall be landscaped to provide a buffer from the principal roadway. The buffer shall comprise of vegetative landscaping as described in Section 6.5 of this Ordinance. In addition to the principal industrial use, all parking areas shall also be buffered and landscaped from the roadway and all neighboring properties.

C. Nuisance. No Industrial Use shall pose a nuisance in terms of odor, noise, dust, or other emittance to neighbors or adjoining property. There shall not be permitted the idling of trucks, or the running of machinery that would create a noise beyond the confines of the industrial building between the hours of 10:00 p.m. and 6:00 a.m.

D. Parking. In accordance with Section 6.28 of this Ordinance.

E. Lighting. In accordance with Section 6.20 of this Ordinance.

F. State and Federal Regulation. The manufacture or assembly of materials in the HCI and AI Zones shall meet emission and all other standards of operation prescribed by law under State and Federal rules, regulations, and statutes. It shall be the responsibility of the applicant and/or operator of said use to ensure that such standards are being fully implemented.