Deptford Township
Gloucester County, New Jersey

Unified Development Ordinance (UDO)

Adopted by the Deptford Township Council
March 2, 1995

Incorporating amendments through May 18, 2026
and Ordinance O.11.26

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Article I. General Provisions

§ 1. Title.

This chapter is derived from a comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Deptford, Gloucester County, New Jersey into zoning districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing an official map for said municipality; establishing rules, regulations and standards governing the subdivision and development of land within the Township; establishing a Planning Board and a Zoning Board of Adjustment; and prescribing penalties for the violation of its provisions.

The short form by which this chapter may be known shall be the Unified Development Ordinance (UDO) of the Township of Deptford.

§ 2 Authority.

A. This ordinance is adopted pursuant to *N.J.S.A.* 40:55D-1 *et seq* ., commonly known as the Municipal Land Use Law, which confers the power to regulate the use of lands within its jurisdiction upon New Jersey municipalities.

B. This ordinance is also based upon the duly recognized police powers of a municipality and is an exercise of the same.

§ 3 Purpose.

A. This chapter is adopted in order to promote and protect the public health, safety, and general welfare and in the furtherance of the following specific objectives:

1. Ensuring the coordinated development of the Township in accordance with its Master Plan.

2. Lessening congestion on the streets and ensuring access to the circulation system.

3. Providing for adequate light and air.

4. Preventing the overcrowding of land and buildings.

5. Avoiding the undue concentration of population.

6. Ensuring the conservation and protection of open space and natural features.

7. Conserving the value of property.

§ 4 Conformity with the Master Plan.

A. The Township Council affirms by its adoption of this chapter that it has received and reviewed the Land Use and Housing Elements of the Deptford Township Master Plan, as duly adopted by the Township Planning Board, and that this chapter is substantially consistent with the recommendations and provisions of those elements.

B. The statement of objectives, principles, assumptions, policies and standards contained in the Deptford Township Master Plan is adopted by reference and shall be considered applicable to this chapter.

C. All future amendments to this chapter shall be made only after a review of the Land Use and Housing Elements of the Master Plan and in conformity with its statement of objectives, principles, assumptions, policies and standards.

Article II. Language Interpretation and Definitions

§ 5. Language Interpretations.

A. For the purposes of this chapter, certain words shall have the meaning assigned to them as follows. The following definitions are intended to interpret and clarify word usage in the Deptford Township Unified Development Ordinance and not necessarily intended to be used to interpret or clarify word usage in other portions of the Code of the Township of Deptford. When words are used in the Unified Development Ordinance but are not defined herein, then definitions used in the Municipal Land Use Law, *N.J.S.A.* 40:55D-1 *et seq* ., as applicable, shall control and be utilized to interpret and clarify word usage.

1. Words in the present tense include the future. The singular form of a word includes the plural form and the plural form of a word includes the singular form.

2. The word "building" includes "structure" and any part thereof.

3. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," "constructed for," "altered for," "converted for," "rented for," "leased for," or "occupied for".

4. The word "person" includes an individual, corporation, partnership, incorporated association, or any similar legal entity.

5. The words "includes" or "including" shall not limit the term to the specified examples, but is intended to extend their meaning to all other instances of like kind and character.

6. The words "shall" and "will" are mandatory and not discretionary, and the word "may" is permissive.

7. The feminine gender includes the masculine gender and vice versa.

§ 6. Definitions.

The following words and phrases shall have the meaning given in this section when applied to the entire chapter.

95/5 Restriction - A deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price. [Ord. O.03.26, 3/2/26]

Access- A way or means of approach to provide physical entrance to a property.

Accessory Building or Structure- A building or structure which is detached from a principal building or structure on the same lot and which is customarily incidental and subordinate to the principal building or structure. Any accessory building attached to the principal building shall be considered part of the principal building.

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

Acre- 43,560 square feet.

Adaptable – Constructed in compliance with the technical design standards of the barrier-free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," N.J.S.A.52:27D-119 et seq. and in accordance with the provisions of N.J.S.A.52:27D-123.15. [Ord. O.03.26, 3/2/26]

Addition, Structural- A structure added to the original structure at some time after the completion of the original structure. Any additions to the supporting members of a building, such as walls, columns, beams, girders, posts or tiers.

Adjacent Property- A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land provided, however, that lots which are separated by a public street shall not be considered adjacent.

Administrative Agent – approved by Local Planning Services of DCA responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15. [Ord. O.03.26, 3/2/26]

Administrative Officer- An official of Deptford Township who is appointed by the Township Council for the purpose of enforcing this chapter.

Adult Day Care – A service that provides a coordinated program of social activities, transportation, meals, personal care and therapeutic activities to persons eighteen (18) years or older with diminished physical or cognitive abilities for not more than eighteen (18) hours in any one day for compensation. [Ord. O.18.13, 12/9/13]

Advisory Information – Information on a changeable copy sign presented in a manner that can be read and comprehended in one second or less time, including but not limited to, the time, temperature and date. [Ord. O.24.10, 12/6/10]

Affirmative Marketing – A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16. [Ord. O.03.26, 3/2/26]

Affirmative Marketing Plan - the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements. [Ord. O.03.26, 3/2/26]

Affordability Assistance - the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5. [Ord. O.03.26, 3/2/26]

Affordability Average – An average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households. [Ord. O.03.26, 3/2/26]

Affordable – In the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13. [Ord. O.03.26, 3/2/26]

Affordable Housing Development- A development included in the housing element and fair share plan, or proposed as an amendment to same, that may include, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development. [Ord. 0.3.10, 2/22/10]

Affordable Housing Monitoring System or AHMS – DCA's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund. [Ord. O.03.26, 3/2/26]

Affordable Housing Trust Fund (Municipal) - A separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter. [Ord. O.03.26, 3/2/26]

Affordable Housing Trust Fund (NJ) – *See* New Jersey Affordable Housing Trust Fund. [Ord. O.03.26, 3/2/26]

Affordable Rental Charges – A monthly rent including utilities charged to an eligible very low, low- or moderate-income family which shall not exceed 30% of their monthly gross income as calculated by N.J.A.C. 5:93-7.4(f). [Ord. O.13.20, 10/19/20]

Affordable Unit – A housing unit proposed or created to be affordable in accordance with the NJ Fair Housing Act, approved for crediting by the Court, and/or funded through an affordable housing trust fund. [Ord. O.13.20, 10/19/20]

Aesthetic Improvement Cut- The removal, to the minimum extent possible, of the smallest and poorest trees so as to permit land development while retaining the maximum number of larger and healthier trees. [Ord. 0.1.10, 2/22/10]

Age-Restricted Development - A residential development including accessory buildings and required or permitted social, cultural and recreational facilities requiring at all permanent residents to be 55 years or 62 years of age or older, as the case may be, in each dwelling and prohibiting any temporary resident from being less than 19 years of age, as permitted by law, and conforming to 24 CFR Part 100 Subpart E, Housing for Older Persons, implementing the federal Fair Housing Amendments Act of 1988, as it may be amended or superseded. [Ord. O.17.08, 10/6/08]

Age-Restricted Unit – A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population in an age-restricted development. [Ord. O.13.20, 10/19/20]

Agency - The New Jersey Housing and Mortgage Finance Agency as established in N.J.S.A. 55:14K-1 et seq. [Ord. O.03.26, 3/2/26]

Agriculture- The production, keeping or maintenance; for sale, lease, or personal use; of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Air Pollution- The presence of contaminants in the atmosphere in concentrations that preclude its normal dispersive ability and that interfere directly or indirectly with a person's health, safety or comfort or with the full use and enjoyment of their property.

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

Alley- A public or private street primarily designed to serve as secondary access to the side or rear of a property whose frontage is on another street.

Alteration, Structural- Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Alternative Living Arrangement – A building in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to, transitional facilities for the homeless; Class A, B, C, D, and E boarding homes as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as

licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements. [Ord. O.13.20, 10/19/20]

Ambulatory Surgery Facility – An establishment for outpatient surgery licensed by the NJ Department of Health and Senior Services for same day procedures. [Ord. O.17.08, 10/6/08]

Amusement Games – As defined in N.J.A.C. 13:3-7.9, as it may be amended or superseded. [Ord. O.16.19, 12/3/19]

Anchor Tenant or Store – The major store or stores, or tenant which occupies same, within a shopping center which occupies at least twenty percent (20%) of the gross square footage of the entire shopping center or ten percent (10%) of the gross square footage in a regional mall development, shall be considered an anchor store. [Ord. O.8.22, 6.13.22]

Ancillary Diagnostic Services – Medical services and testing to determine the identity of a disease or condition including but not limited to clinical laboratory draws and assays, medical laboratory, outpatient cardiac testing and procedures, outpatient oncological testing and procedures, and sleep laboratory including overnight testing. [Ord. O.3.14, 2/25/14]

Ancillary Medical Treatment – Medical treatment associated with a health care facility or hospital that provides assistive devices and pharmaceuticals to patients on an inpatient or outpatient basis, including but not limited to orthotics, prosthetics, durable medical equipment services, dental appliances, and complementary medicine. [Ord. O.3.14, 2/25/14]

Anchor Tenant- The major store or stores within a shopping center. For the purpose of this chapter, a store which occupies at least twenty percent (20%) of the gross square footage of the entire shopping center shall be considered an anchor tenant.

Applicant- The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, and who is submitting an application under this chapter.

Application for Development- The application form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of any permit required herein, or any and all approvals otherwise required under the Municipal Land Use Law, N.J.S.A. 40:55D- 1 et seq.

Assisted Living Residence or Assisted Living Facility – An establishment licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining for four or more adult persons unrelated to the proprietor, and a coordinated array of supportive personal and health services, available 24 hours per day, to residents who have been assessed to need help with the activities of daily life, including residents who require formal long-term care. Such facilities will offer units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. [Ord. O.13.20, 10/19/20]

Automobile- A self-propelled free moving vehicle, with four (4) or more wheels, primarily for conveyance on a street or roadway.

Automobile Sales- The use of any building, land area or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

Automobile Service Station- Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

Automobile Wash- Any building or premises or portions thereof used for washing automobiles.

Average Daily Traffic (ADT) - The mean number of cars per day that pass over a given point.

Awning- A roof-like projection from the wall of a building, usually made of cloth, canvas, or similar material, which provides shade or decorative accent to a window or door.

Basement- A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6.5) feet.

Behavioral Health Care Facility – A building or portion of a building, whether private profit or non-profit, or institutional, principally engaged in providing services for inpatient and/or outpatient services for treatment of victims of addiction, psychiatric, psychological, or other behavioral health condition where care may be provided on a short term or long term basis whose operators are licensed to provide such services by the State of New Jersey. [Ord. O.3.14, 2/25/14]

Berm- A mound of earth, at least three (3) feet in height, which is used to shield and screen areas from view or to control the direction of water

Bicycle Lane- A lane at the edge of a roadway which is reserved and designed for the use of bicycles.

Bicycle Path- A pathway designed to be used by bicyclists.

Board of Adjustment- *See* Zoning Board of Adjustment.

Board of Jurisdiction – The Planning Board or the Zoning Board of Adjustment, as the case may be, that has approval and denial powers over an application for development. [Ord. O.5.08, 4/7/08]

Boarder- An individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Boarding House- A dwelling or part thereof, in which lodging is provided by the owner or operator to two (2) or more boarders.

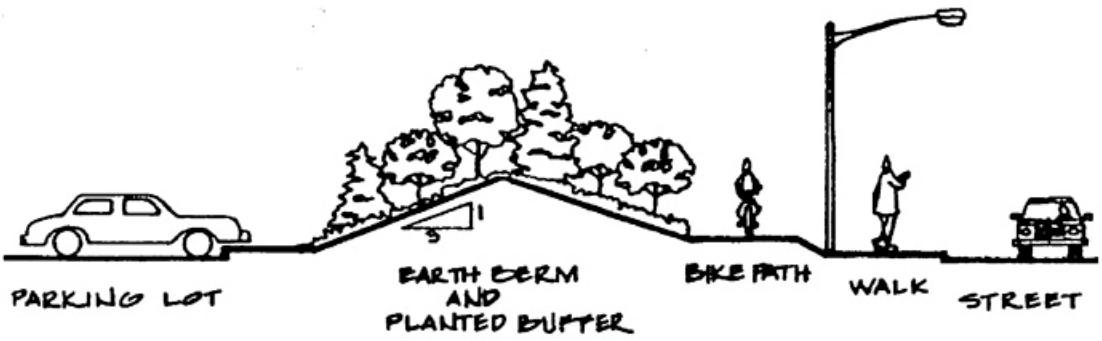


Figure 6.1, Berm

Buffer- A landscaped strip of land used to visually separate one use from another or from a street. Buffers also serve to shield or block noise, lights, and other nuisances.

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

Building Coverage- The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot, divided by the entire area of the lot.

Building Height- The vertical distance of a building measured from the average elevation of the finished grade within five (5) feet of the structure to the to the mid-point of the roof plate and peak.

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

Bulk Standards – Standards and controls that establish the maximum size of building and structures on a lot and the buildable area within which the building may be located, including area, coverage, setback, height, floor area ratio, and yard or other requirements affecting the physical placement of buildings and structures on a lot. [Ord. O.5.08, 4/7/08]

Business Park – An office park that also includes warehousing, light manufacturing and distribution uses. [Ord. O.5.08, 4/7/08]

Business Services (General Business)-Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; reproduction services; and personal supply services.

"c" Variance- A variance prescribed by N.J.S.A. 40:55D-70c.

Caliper- The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees four (4) inches in diameter or less, and measured twelve (12) inches above ground level for trees greater than four (4) inches in diameter. The tree diameter is also 7/22 of the circumference, measured at the points on the tree noted above.

Call Center – A central office place where agents or operators man banks of telephones to either make outgoing, or field incoming, telephone calls for a large company or organization. [Ord. O.5.08, 4/7/08]

Cannabis Manufacturer - A business or organization owned and controlled by a license holder that holds a Class 2 Cannabis Manufacturer license issued by the New Jersey Cannabis Regulatory Commission. [Ord. O.1.25, 3/17/25]

Cannabis Manufacturing - Preparing, compounding, mixing, or converting usable cannabis by a cannabis manufacturer to produce, make, or otherwise create a cannabis product. [Ord. O.1.25, 3/17/25]

Cannabis Retailer - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license from the State of New Jersey. [Ord. O.4.22, 3/14/22]

Canopy- A roof-like cover, open to the elements on all four sides, e.g. a cover which is used to protect outdoor equipment such as gasoline pumps.

Cartway- That area of a street within which vehicles are permitted, including travel lanes and parking areas but not including curbs, sidewalks or swales.

Cemetery- Property used for the interring of the dead.

Certified Household - A household that has been certified by an Administrative Agent as a very low-income, low-income household or moderate-income household. [Ord. O.13.20, 10/19/20]

Change of Use- Any use which is not substantially the same as the previous use of a building or land.

Channel- The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

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

Child Care Center – A facility for the purpose of providing custodial care of persons meeting the definition of 'child care center' as contained within N.J.S.A. 30:5B-3(b), as it may be amended or superseded. [Ord. O.5.08, 4/7/08]

Church- A building or groups of buildings which by design and construction are primarily intended for the conducting of organized religious services.

Circulation- Systems, structures and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

Classification- The determination as to whether a plan is a minor or major subdivision and/ or site plan.

Clear Cutting- The removal of the majority of standing trees on a lot or portion of a lot.

Clinic- An establishment where patients are admitted for examination and treatment by one (1) or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Club- A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

Cluster Development- A development technique that concentrates buildings in specific areas of the site to allow for the remaining land to be used for recreation, common open space, and for the preservation of environmental or historic features.

COAH or the Council - The Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to N.J.S.A. 52:27D-304.1. [Ord. O.03.26, 3/2/26]

College- An educational institution authorized by the state to award associate, baccalaureate or higher degrees.

Commercial Message- Any sign wording, logo, figure, symbol, color, illumination, fixture, projection, or other representation that directly or indirectly, names, advertises, or calls attention to a business product, service, or other commercial activity.

Commercial Use- Any activity carried out for pecuniary gain.

Commercial Vehicle- Any motor vehicle licensed by the state as a commercial vehicle.

Common Open Space- An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Community Association- A homeowners association organized to own, maintain and operate common facilities and open space and to enhance and protect their common interests.

Community Basin - means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter. [Ord. O.6.20, 4/19/20]

Community Facility- A building, structure, recreational device, service system, or other facility generally available to and/or operated for the benefit of residents, whether public or private; including but not limited to swimming pools, tennis courts, bicycle paths, sewage treatment plants, drainageways, municipal buildings, schools, and similar facilities.

Community Residence for the Developmentally Disabled- Any community residential facility licensed pursuant to N.J.S.A. 30:11B-1 et seq., providing food, shelter, and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" N.J.S.A. 26:2H-1, et seq. In the case of such community residence housing mentally ill persons, such a residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the New Jersey Department of Human Services. *See* Developmentally Disabled Person and Mentally Ill Person.

Community Residence for the Terminally Ill - Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than 15 terminally ill persons.

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

Compaction - Means the increase in soil bulk density. [Ord. O.6.20, 4/19/20]

Completeness - A determination as to whether an application contains all information required by this chapter and contained on the applicable submission checklist provided to the applicant.

Compliance Certification - The certification obtained by a municipality pursuant to N.J.S.A. 52:27D-304.1, that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a "judgment of compliance" or "judgment of repose." The term "compliance certification" shall include a judgment of repose granted in an action filed pursuant to N.J.S.A. 52:27D-313. [Ord. O.03.26, 3/2/26]

Comprehensive Personal Care Home – A facility which is licensed by the Department of Health and Senior Services pursuant to N.J.A.C. 8:36, et seq. to provide room and board and to assure that assisted living services are available when needed, to four or more adults unrelated to the proprietor, but not to include a boarding or rooming house as defined in N.J.S.A. 55:13B-3(a) and -3(h), respectively. [Ord. O.17.08, 10/6/08]

Concept Plan- An informal presentation and attendant documentation of a proposed subdivision or site plan which is without legal standing but which is intended to allow the applicant to receive suggestions from the Planning Board and/or Development Review Committee.

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

Condominium - A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Condominium Association - The community association which administers and maintains the common property and common elements of a condominium.

Construction - New construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act as codified in N.J.S.A. 52:27D-119 et seq. [Ord. O.03.26, 3/2/26]

Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous.

Continuing Care Retirement Community – A form of age-restricted land development operated by an organization that provides housing, services, and health care (including long term care), that provides a continuum of levels of care that meet the needs of individual residents and typically offers a contract-based entry fee that guarantees residence and access to various health care services, whether pre-funded or on a fee-for-service basis. [Ord. O.17.08, 10/6/08]

Contributory Drainage Area - Means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself. [Ord. O.6.20, 4/19/20]

Conventional Development - Development other than planned or cluster development.

Core - Means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation. [Ord. O.6.20, 4/19/20]

Corner Lot - *See* Lot, Corner.

Council - The Township Council of the Township of Deptford, said organization being the elected governing body of the municipality.

Country Club - A land area and building(s) containing recreational facilities, clubhouse and customary accessory uses, open only to members and their guests for a membership fee.

County Planning Board - The Planning Board of the County of Gloucester.

County Review Agency - means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be (1) a county planning agency or (2) a county water resource association created under *N.J.S.A.* 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances. [Ord. O.6.20, 4/19/20]

Coverage - *See* Lot Coverage or Building Coverage.

Crown - The branches and foliage of a tree; the upper portion of a tree.

Cul-de-sac - The turnaround at the end of a dead-end street.

Curb - A stone, bituminous or Portland cement concrete, or wood, etc. border usually marking the edge of the roadway or paved area.

"d" Variance - A variance prescribed by N.J.S.A. 40:55D-70d.

Days- Calendar days, including weekends and holidays.

Data Processing Center – A facility utilizing a series of computers and ancillary equipment to store digital information for records backup and archiving, telecommunications purposes and/or packet switching. [Ord. O.5.08, 4/7/08]

Data Center (Including AI Data Center) - A facility, building, structure, or portion thereof used primarily to house computer systems and associated components, including but not limited to servers, data storage systems, telecommunications equipment, backup power supplies, cooling systems, and related infrastructure, for the purpose of processing, storing, transmitting, or distributing digital data. This shall include, but not be limited to, facilities used for cloud computing, artificial intelligence (AI), machine learning, cryptocurrency or blockchain processing, colocation services, data hosting, or similar high-intensity computing operations. A data center shall not include a "data processing center" or similar office-based use as otherwise defined in this Ordinance, where such use is incidental to a permitted principal office or business use and does not involve large-scale infrastructure, energy consumption, or dedicated data storage operations. This definition shall include all functionally equivalent uses regardless of nomenclature. [Ord. O.11.26, 5/4/26]

Day Care Center – *See* Child Care Center. [Ord. O.5.08, 4/7/08]

DCA - The State of New Jersey Department of Community Affairs. [Ord. O.03.26, 3/2/26]

Deciduous - Plants that drop their leaves before becoming dormant in winter.

Decks - A permanent construction, usually of wood, raised off the ground and connected to the primary building, having no roof or walls but with railings, and which may have direct access to the ground surface and the primary building.

Dedication- Gift or donation of property by the owner to another party.

Deficient Housing Unit – A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems. [Ord. O.13.20, 10/19/20]

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

Department [for state agency purposes] – The NJ Department of Environmental Protection. [Ord. O.6.20, 4/19/20]

Department Store - A commercial establishment, which has separate and distinct areas within the structure for the display and sale of differing items, often with changes in décor and furnishing and each department having its own staff and cashiering. These stores are usually on multiple levels. [Ord. O.16.04]

Designated Center - Means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet. [Ord. O.6.20, 4/19/20]

Design Engineer - Means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications. [Ord. O.6.20, 4/19/20]

Design Standards - The standards contained herein which set forth the specifications of required improvements.

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

Detention Facility - A facility, building, or structure used for the confinement, detention, processing, or housing of individuals under the authority of any federal, state, or local governmental agency, including but not limited to facilities operated by or on behalf of U.S. Immigration and Customs Enforcement (ICE), whether publicly or privately operated. This definition shall include any functionally equivalent use regardless of name. [Ord. O.11.26, 5/4/26]

Developable Land Area - That portion of a tract of land which is suitable for development or construction of a building. The developable land area of a tract excludes the area of flood plains, wetlands, open water areas, slopes in excess of twenty percent (20%), and the rights-of-way of any existing or proposed public streets. Where proposed street rights-of-way are unknown, they shall be assumed to account for fifteen percent (15%) of the remaining developable land in conventional developments and ten percent (10%) of the remaining developable land in cluster and PUD developments.

Developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development - The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation, landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law or this chapter. In the case of development of agricultural land, development means: any activity that

requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 *et seq* . [Ord. O.6.20, 4/19/20]

Development Fee - Money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.S.A 40:55D-8.1 through -8.7 and N.J.A.C. 5:99-3. [Ord. O.03.26, 3/2/26]

Development Review Committee - A committee, appointed by the Planning Board and containing such officials as are prescribed in this chapter, which is charged with the task of performing an initial review on certain development applications for the purpose of helping to determine completeness, providing advice to applicants, and determining when an application is ready for listing on a Planning Board or, if applicable, Zoning Board of Adjustment agenda. The Committee shall function as prescribed in this chapter.

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

Direct Illumination - A means of lighting a sign or other object by means of a light source located within or directly on the object to be lit.

Discount Store or Club - A single-use building either freestanding or part of a multi-use structure or retail complex characterized by the large size of the store, wide range of products offered, centralized cashiering, and marketing based upon discount pricing. [Ord. O.16.04]

District- A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

Disturbance - means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation [for purposes of §35]. Milling and repaving is not considered disturbance for the purposes of this definition. [Ord. O.6.20, 4/19/20]

Disturbance Zone - That portion of a lot covered by existing or proposed buildings or structures and within a certain permitted distance around the same as noted in §31.

Dormitory - A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

Drainage - The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage Area - means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody. [Ord. O.6.20, 4/19/20]

Drainage and Utility Rights-of-Way - The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainageways and other utilities.

Drainageway - Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drip Line - The perimeter line on the ground measured from the outermost edge of the vertical plane established by the branches of a tree.

Driveway - A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

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

Duplex - *See* Dwelling, Two-Family.

Dwelling - A structure, or an entirely self-contained portion thereof, which is designed for and occupied principally as a place of residence for one (1) housekeeping unit. A dwelling must be suitable for year-round occupancy and must contain facilities for cooking, sleeping, bathing, and human sanitation which are for the exclusive use of the occupants of the dwelling.

Dwelling, Garden Apartment - A dwelling unit which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit. Garden apartments may have other dwellings intended for occupancy by one (1) housekeeping unit above or below, or adjacent to them within the same building.

Dwelling, Multi-family - A building which contains more than two (2) dwellings, each of which is intended for occupancy by one (1) housekeeping unit.

Dwelling, Senior Citizen - A dwelling unit which is restricted to occupancy by households of two (2) or less persons in which at least one (1) member is age sixty-two (62) or older.

Dwelling, Single Family Detached - A dwelling which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit; and which is not attached to any other dwelling.

Dwelling, Single Family Semi-Detached - A dwelling which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit; and which is attached by means of a common wall to one (1) other dwelling intended for occupancy by one (1) housekeeping unit.

Dwelling, Stacked Flat Over Flat - A multi-family dwelling that is designed and occupied exclusively as the residence of one housekeeping unit where the uppermost dwelling has at least one (1) full floor for occupancy and the lowermost floor one (1) floor of habitable space, excluding any basement, between one or more common vertical fire walls and one horizontal fire floor to at least two (2) other such dwellings all within the same structure,

where each unit has direct access to the outside or to a vestibule which has such direct access to the outside. [Ord. O.18.22, 12/12/22]

Dwelling, Stacked Townhouse – A multi-family dwelling that is designed and occupied exclusively as the residence of one housekeeping unit where each dwelling has at least two full floors for occupancy between one or more common vertical fire walls and one horizontal fire floor to at least two (2) other such dwellings all within the same structure, where each unit has direct access to the outside or to a vestibule which has such direct access to the outside. [Ord. O.18.22, 12/12/22]

Dwelling, Stacked Townhouse Over Flat - A multi-family dwelling that is designed and occupied exclusively as the residence of one housekeeping unit where the uppermost dwelling has at least two (2) full floors for occupancy and the lowermost floor one (1) floor of habitable space, excluding any basement, between one or more common vertical fire walls and one horizontal fire floor to at least two (2) other such dwellings all within the same structure, where each unit has direct access to the outside or to a vestibule which has such direct access to the outside. [Ord. O.18.22, 12/12/22]

Dwelling, Townhouse – A dwelling a minimum of two stories in height that is designed and occupied exclusively as the residence of one housekeeping unit, with no other dwelling above or below them and attached by means of one or more common vertical fire walls to at least two other such dwellings all housed in the same structure. [Ord. O.5.08, 4/7/08]

Dwelling, Two-Family - A structure on a single lot which contains two (2) dwelling units, each of which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit; and which is totally separated from the other by an unpierced wall extending from the ground to the roof or by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Zero-Lot Line - A dwelling which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit; which is located on a separate lot with open space or yard areas provided on three sides of the dwelling.

Easement - A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Eating and Drinking Places - Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared food and drink for immediate consumption.

Elevation - 1), A vertical distance above or below a fixed reference level; or 2) a flat scale drawing of the front, rear, or side of a building.

Emergent Opportunity - A circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification. [Ord. O.03.26, 3/2/26]

Empowerment Neighborhoods - means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69. [Ord. O.6.20, 4/19/20]

Encroachment - Any building, structure or obstruction in, or on, a delineated floodway, right-of-way, or adjacent land.

Environmental Assessment - A written report which analyzes the effect of a development upon the environment.

Environmental Commission - The Deptford Township Environmental Commission.

Environmentally Constrained Area - means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program. [Ord. O.6.20, 4/19/20]

Environmental Constraints - Features, natural resources, or land characteristics that are sensitive to improvements and which may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or which may limit the amount of development which is possible.

Environmentally Critical Area - means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program. [Ord. O.6.20, 4/19/20]

Equalized Assessed Value - assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections N.J.S. 54:1-35a through -54:1-35c. [Ord. 0.3.10, 2/22/10]

Equity Share Amount - The product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent. [Ord. O.03.26, 3/2/26]

Exit Sale - the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit. [Ord. O.03.26, 3/2/26]

Extension of Expiring Controls – Action extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years. [Ord. O.03.26, 3/2/26]

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice, or gravity. [Ord. O.6.20, 4/19/20]

Evergreen - Plants which have green leaves all year long.

Existing Use - The use of a lot or structure at the time of the enactment of a zoning ordinance.

Facade - The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Fair Share Plan - The plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations. [Ord. O.03.26, 3/2/26]

Family - One (1) or more individuals occupying a dwelling unit and living as one (1) housekeeping unit.

Family Day Care Home - An accessory use provided in a private residence approved by the New Jersey Division of Youth and Family Services or an organization with which the Division contracts for family day care in which child care services are regularly provided to no less than three (3) nor more than five (5) children for a period of time of no less than fifteen (15) hours per week nor more than eighteen (18) hours within a single day. The limitation on the number of children for whom day care service is provided shall not include children who are (a), legally related to the service provider or (b), who are being cared for as part of a cooperative agreement between parents for the care of their children by one (1) or more of the parents where no payment for the care is being provided. *See* also the definition of Day Care Centers.

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Final Approval - The official action of the Planning Board taken on a preliminarily approved subdivision or site plan, after all conditions and requirement have been met, and the required improvements have been installed or guarantees properly posted for their installation, or approval has been conditioned upon the posting of such guarantees.

Finished Elevation - The completed elevation of the land surface of a site after final grading.

Flood Fringe Area - That portion of the flood plain outside of the floodway.

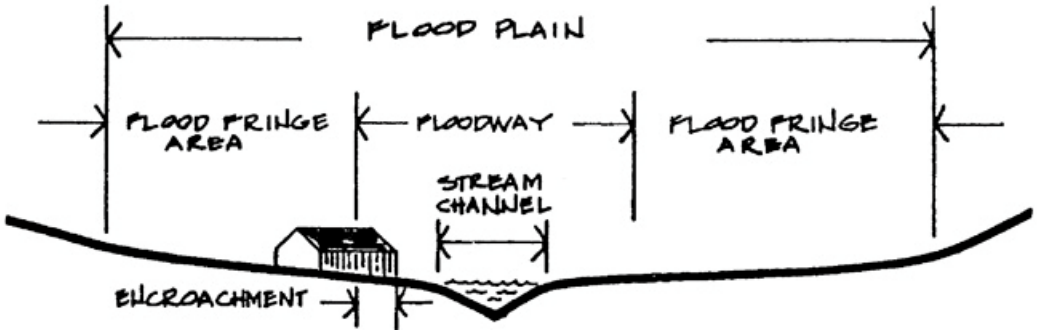


Figure 6.2, Flood Plain Cross-Section

Flood Plain - The stream channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. The flood plain is made up of the floodway and the flood fringe.

Floodway - The channel of a natural stream or river and portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river, in accordance with Federal Emergency Management Agency (FEMA) regulations.

Floor Area, Gross (GFA) - The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six and one-half (6.5) feet.

Floor Area, Net (NFA) - The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor Area Ratio - The sum of the area of all floors of buildings or structures compared to the total area of the site.

Footcandle - The unit used to measure lumens (the density of light) per square foot. [Footcandle = lumens/area].

Forester, Professional - A person who has a B.S. degree from a four-year School of Forestry accredited by the Society of American Foresters.

Frontage - That side of a lot abutting on a street; the front lot line.

Front Lot Line - *See* Lot Line, Front.

Front Yard - *See* Yard, Front.

Funeral Home - A building licensed and used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage - A building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garden Apartment - *See* Dwelling, Garden Apartment.

Gasoline Station - *See* Automobile Service Station.

General Business - Includes all uses defined in the following categories: retail services or trade, business services, personal services and professional offices.

General Development Plan - A comprehensive plan for the development of a planned unit development.

Glare - The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Government Agency - Any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other governmental unit.

Grade - The degree of rise or descent of a sloping surface. *See* Slope.

Green Building Strategies - Strategies that minimize the impact of development on the environment, enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and the availability of community services. [Ord. 0.3.10, 2/22/10]

Green Infrastructure - means a stormwater management measure that manages stormwater close to its source by (1), treating stormwater runoff through infiltration into subsoil; (2), treating stormwater runoff through filtration by vegetation or soil; or (3), storing stormwater runoff for reuse. [Ord. O.6.20, 4/19/20]

Gross Floor Area - *See* Floor Area, Gross.

Gross Leasable Area - The total area of all floors in a building or part of a building for the exclusive use and occupancy of the tenant or building owner, including basements, mezzanines and integral storage areas, measured from the center line of demising walls and from the exterior wall faces; but not including public or common areas, such as but not limited to, public restrooms, public and common tenant corridors, stairways serving more than one tenant or building owner; elevators, machine and equipment rooms serving

more than one tenant or building owner; and loading docks and trash storage exterior to exterior walls, but in no instance shall gross leasable area exceed ninety percent (90%) of gross floor area for an anchor tenant or store. [Ord. O.8.22, 6/13/22]

Ground Cover - Grasses or other plants grown to keep soil from eroding.

Gutter - A shallow channel usually set along a curb or the pavement edge of a road for the collection and transport of runoff.

Halfway House - A profit or nonprofit boarding home, rest home, or other home for the sheltered care of persons which, in addition to providing food and shelter to four (4) or more persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry.

Health Care Facility - A building or portion of a building, whether private profit or non-profit, or institutional, principally engaged in providing services for inpatient and/or outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical condition of patients licensed to provide such services by the State of New Jersey where necessary. Care may be provided on a short term, long term, or outpatient basis. Additional outpatient services and incidental services may also be provided as secondary services. Such facilities may include ambulatory care, ambulatory surgical facility, ancillary diagnostic services, ancillary medical treatment, behavioral health care facility, cancer radiation treatment, chemotherapy, emergency services (including full service or satellite emergency department); observation beds, medical and dental offices, orthodontics, radiology and other imaging services, outpatient rehabilitation, rehabilitation center (including physical and occupational therapy, and speech pathology), renal dialysis, and sports medicine but excluding institutions that provide healing solely by prayer. [Ord. O.3.14, 2/25/14]

Health Center – A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated by profit or not-for-profit organizations, open to bona fide members or guests. Also encompasses the term *Fitness Center*. [Ord. O.17.08, 10/6/08]

Height - *See* Building Height.

Heliport - An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Historic Site - Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which have been formally designated in the master plan, or state or national registers of historic places as being of historical, archaeological, cultural, scenic or architectural significance.

HMFA - The New Jersey Housing and Mortgage Finance Agency established pursuant to N.J.S.A. 55:14K-1 et seq. [Ord. O.03.26, 3/2/26]

Home Occupation - A lawful occupation constituting, either partially or fully, the livelihood of a person, which is conducted in that person's principal residence as an accessory use. Home occupations are permitted conditionally only when they conform to the appropriate specific standards of this chapter.

Homeowners Association - An association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space and facilities. *See* Community Association.

Hospital - A type of health care facility whether private profit or non-profit, or institutional, principally engaged in providing short term acute and sub-acute medical treatment for disease or trauma to persons licensed pursuant to N.J.A.C. 8:43G, as it may be amended or superseded. [Ord. O.3.14, 2/25/14]

Hotel - A lodging facility containing overnight sleeping accommodation for transient guests for compensation which: 1), contains guest rooms or suites, each having its only access from an interior corridor; 2), contains a public lobby providing guest services 24 hours per day; 3), has full-time on-site management; 4), may contain drinking and eating establishments, shops and other ancillary uses; and 5), contains a minimum of 30 guest rooms. [Ord. O.16.19, 12/9/19] *See* Boarding House and Inn.

Household – *See* Housekeeping Unit. [Ord. O.13.20, 10/19/20]

Household Income - A household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability. [Ord. O.03.26, 3/2/26]

Housekeeping Unit - One (1) or more persons living together in one (1) dwelling unit on a nonseasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

Housing Plan Element – The portion of the Township's Master Plan, required by the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-28b(3) and other legislation. [Ord. O.13.20, 10/19/20]

Hydrologic Unit Code 14 or HUC 14 - means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey. [Ord. O.6.20, 4/19/20]

Impervious Surface - Any material with an infiltration rate less than one inch per 120 minutes. [Ord. O.17.08, 10/6/08]

Impervious Surface, Regulated - Any of the following, alone or in combination: (1), a net increase of impervious surface; (2), the total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed

where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created); (3), the total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or (4), the total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased. [Ord. O.6.20, 4/19/20]

Impervious Coverage - The area of all portions of the lot which are covered by impervious surfaces, divided by the entire area of the lot.

Inclusionary Development - A residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households. [Ord. O.03.26, 3/2/26]

Indirect Illumination - A means of lighting a sign or other object by means of a light source which is located beyond the object to be lit but which is directed or reflected upon it.

Industrial Park - A tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, and aesthetics.

Industrial Property - Any lot or parcel of land containing an industrial use or building of such uses as may be defined in this chapter.

Industry - Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

Infill Development - The development of a new building on a vacant lot which is located within a built-up area. [Ord. O.3.13, 2/25/13]

Infiltration - The process by which water seeps into the soil from precipitation. [Ord. O.6.20, 4/19/20]

Infrastructure - Facilities and services for the support of industrial, commercial, institutional and residential activities including water, sewerage, streets, communications, utilities, public facilities such as schools, parks, fire houses, and libraries.

Inn - A lodging facility containing overnight sleeping accommodation for transient guests for compensation which: 1), contains guest rooms or suites, each having its only access from an interior corridor; 2), contains a public lobby; 3), has full-time on-site management, and 4) contains no more than 30 guest rooms. [Ord. O.16.19, 12/9/19]

Island - In street design, a raised area, usually curbed, which is placed to guide traffic, separate lanes, or used for landscaping, signage, or lighting.

Interested Party - In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; or, in a civil proceeding, any person, whether residing within or outside the municipality, whose right to use, acquire, or enjoy property is or may be affected by any

action taken under this chapter, or whose rights to use, acquire, or enjoy property under this chapter, or any other law of this Municipality, State, or of the United States have been denied, violated, or infringed by an action or a failure to act under this chapter.

Intersection - Where two (2) or more roads cross at grade.

Items of Information – [REPEALED Ord. O.8.21, 4/19/21]

Judgment of Compliance or Judgment of Compliance and Repose - A determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round. [Ord. O.03.26, 3/2/26]

Junk - Scrap, waste, reclaimable material or debris as defined by the Junkyard Ordinance, Chapter 36 of the Code of Deptford Township.

Junkyard - Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of junk.

Land - Ground, soil or earth including structures on, above or below the surface.

Land Use - A description of how land is occupied or utilized.

Land Use Plan - That portion of the Deptford Township Master Plan which shows the existing and proposed location, extent and intensity of development of land to be used now or in the future for varying types of residential, commercial, industrial, institutional and other public and private purposes or combination of purposes.

Landfill - *See* Sanitary Landfill.

Landscape - The addition or retention of lawns, trees, plants, and other natural and decorative features to the land.

Landscape Architect - An individual certified as a Landscape Architect by the State of New Jersey.

Lead Planning Agency [§35] - means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee. [Ord. O.6.20, 4/19/20]

Loading Space - An off-street space or berth used for the temporary loading or unloading of commercial vehicles.

Long Term Care Facility - An establishment or distinct part of an establishment licensed by the NJ Department of Health and Senior Services as a long-term care facility, for those persons requiring continuous nursing and medical attention; skilled nursing facility; continuing care facility. [Ord. O.17.08, 10/6/08]

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

Lot Area - The total area within the property lines of a lot, exclusive of any area within a street right-of-way.

Lot, Corner - A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard. A corner lot shall have a primary and a secondary front yard. The primary front yard shall be along the street frontage which the house faces.

Lot Depth - The distance measured from the front lot line to the rear lot line. The minimum lot depth shall apply over no less than eighty percent (80%) of the required lot width.

Lot Frontage - The length of the front lot line measured at the street right-of-way line.

Lot Line, Front - The lot line separating a lot from a street right-of-way.

Lot Line, Rear - The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

Lot, Minimum Area of - The smallest lot area established by this chapter on which a use or structure may be located in a particular district.

Lot Width - The horizontal distance between the side lines of a lot measured an equal distance from the front lot line at the minimum required building setback line.

Low-Income Household – A household with a total gross annual household income equal to 50% or less of the regional median household income by household size. [Ord. O.13.20, 10/19/20]

Low-Income Unit – A restricted unit that is affordable to a low-income household. [Ord. O.13.20, 10/19/20]

Magnet Store - The largest retail establishment in a shopping center which draws customers and thereby generates business for surrounding stores. *See* Anchor Tenant.

Maintenance Guarantee - Any security acceptable to the governing body to insure the maintenance of duly approved improvements installed by the developer after the final inspection of the improvements and in accordance with this chapter.

Major Development [§35] - An individual development as well as multiple developments that individually or collectively meet the calculations in §35.4.A of the UDO. [Ord. O.9.24, 5.20.24]

Major Site Plan - Any site plan not classified as a minor site plan.

Major Subdivision - Any subdivision not classified as a minor subdivision.

Major System (Rehabilitation) – The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building, which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems. [Ord. O.13.20, 10/19/20]

Mall - 1), A shaded walk or public promenade; or 2), A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

Manufacturing - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Market-Rate Units – Housing not restricted by income. [Ord. O.13.20, 10/19/20]

Marquee - A roof-like structure projecting over the door of a theater or other building.

Master Plan - A comprehensive long-range plan of Deptford Township intended to guide the growth and development of the Township which includes analyses, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use and which shall have been adopted by the Planning Board.

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

Median Income – The median income by household size for the applicable housing region, as adopted annually by the Township pursuant to this Article, by COAH or a successor entity approved by the New Jersey Superior Court. [Ord. O.13.20, 10/19/20]

Medical Cannabis Dispensary – An organization issued a permit by the State of New Jersey that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L.2019, c.153 (C.24:61-20), as it may be amended or superseded; and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related

supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products. [Ord. O.4.22, 3/14/22]

Medical Clinic – A public health facility; blood donor center; kidney dialysis center; or walk-in medical office not requiring prior appointment. [Ord. O.3.14, 2/25/14]

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

Minor Development [§35] - Any development that results in an increase of 1,000 square feet or more of impervious surface or which results in a disturbance of 5,000 square feet or more of land, but does not otherwise meet the definition of a Major Development. [Ord. O.9.24, 5/20/24]

Minor Site Plan - Any development plan which is limited to the proposed construction of any permitted accessory use(s), such as a sign, home occupation or off-street parking area, or any development plan consisting of an expansion of, or an addition to, an existing conforming structure and use not exempted from site plan review by this chapter and not accounting for more than fifteen percent (15%) additional building coverage and not exceeding ten thousand (10,000) cubic feet of enclosed and roofed area, provided that such development plan does not involve a planned development, the installation of any new road improvements or the expansion of any off-tract improvement for water, sewer, drainage, streets, or similar improvement otherwise required, and does not adversely affect the development of an adjoining property or properties.

Minor Subdivision - A subdivision of land for the creation of not more than four (4) lots (three (3) new lots and the remaining parcel), provided that such subdivision does not involve: (a), a planned development; (b), any new street, or the provision of any off-tract improvement otherwise required for water, sewer, drainage, or a similar purpose; and (c), contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval of a minor subdivision have been met. The limit as to the maximum number of lots in a minor subdivision shall include all lots created from the same tract or tracts within the previous five (5) years, which shall be certified to by the applicant.

Mixed-Use Building – A building combining non-residential uses on at least the ground floor with multi-family dwellings on upper floors. [Ord. O.5.08, 4/7/08]

Mixed Use Development - Any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1), there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common

developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2), the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature. [Ord. O.03.26, 3/2/26]

Moderate-Income Household – A household with a total gross annual household income in excess of 50% but less than 80% of the regional median household income by household size. [Ord. O.13.20, 10/19/20]

Moderate-Income Unit – A restricted unit that is affordable to a moderate-income household. [Ord. O.13.20, 10/19/20]

Motel – A lodging facility in a building or a group of buildings containing overnight sleeping accommodation for transient guests for compensation with direct access to the outside without the necessity of passing through a lobby or internal corridor. [Ord. O.16.19, 12/9/19] *See* Hotel.

Motor Vehicle - Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks. [Ord. O.6.20, 4/19/20]

Motor Vehicle Surface - Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways. [Ord. O.6.20, 4/19/20]

Motor Vehicle Surface, Regulated - Any of the following, alone or in combination: (1), the total area of motor vehicle surface that is currently receiving water; (2), a net increase in motor vehicle surface; and/or (3), quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed. [Ord. O.6.20, 4/19/20]

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

Multifamily housing development - For the purposes of establishing facilities for the collection or storage of source separated recyclable materials in new multifamily housing developments, "multifamily housing development" means a building containing three (3) or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

Municipal Agency - The Planning Board, Zoning Board of Adjustment or Township Council or any other agency created by or responsible to the municipality when acting pursuant to N.J.S.A. 40:55D-1 et seq.

Municipal Engineer - A professional engineer, licensed by the State of New Jersey, and appointed by the Township Manager to represent the Township's engineering interests. *See* Planning Board Engineer.

Municipal Housing Liaison or MHL - An appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality – A municipal employee annually appointed by resolution of the governing body, responsible for the tracking and reporting of affordable housing units to the appropriate authorities and parties in addition to other affordable housing duties that may be assigned by the Township Manager. [Ord. O.03.26, 3/2/26]

Municipal Planner - A professional planner, licensed by the State of New Jersey, and appointed by the Township Manager to represent the Township's planning interests; Township Planner. *See* Planning Board Planner.

Municipality – The Township of Deptford. [Ord. O.6.20, 4/19/20]

Neighborhood - An area of the community with characteristics that distinguish it from other community areas and which may include distinct ethnic or economic characteristics, schools, or social clubs, or boundaries defined by physical barriers such as major highways and railroads or natural features such as rivers.

New Car Agency - *See* Automobile Sales.

New Jersey Affordable Housing Trust Fund (NJAHTF) - That non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the "Neighborhood Preservation Non-lapsing Revolving Fund" and "Balanced Housing" mean the NJAHTF. [Ord. O.03.26, 3/2/26]

New Jersey Housing Resource Center or Housing Resource Center - The online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq. [Ord. O.03.26, 3/2/26]

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual - The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures,

removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §35-4.G of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter. [Ord. O.6.20, 4/19/20]

Node - An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form. [Ord. O.6.20, 4/19/20]

Noise - Any undesired audible sound, as defined by the Code of the Township of Deptford.

Non-conforming Building or Structure - A building or structure the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this chapter, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the chapter.

Non-conforming Lot - A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the present requirements of this chapter by reason of such adoption, revision or amendment.

Non-conforming Sign - Any sign which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the present requirements of this chapter by reason of such adoption, revision or amendment.

Non-conforming Use - A use or activity which was lawful prior to the adoption, revision or amendment to this chapter, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of this chapter.

Non-Exempt Sale - Any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order. [Ord. O.03.26, 3/2/26]

Nonprofit - an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code. [Ord. O.03.26, 3/2/26]

Non-Residential Development - Shall include any of the following: [Ord. O.03.26, 3/2/26]

A. Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

B. Hotels, motels, vacation timeshares, and child-care facilities; and

C. The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

Nuisance - An interference with the enjoyment and use of property.

Nursery - Land or greenhouses used to raise flowers, shrubs and plants for sale.

Nursery School - *See* Day Care Center.

Nursing Home - An extended or intermediate health care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Nutrient - A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms. [Ord. O.6.20, 4/19/20]

Occupancy or Occupied - The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.

Occupant - The individual or individuals in actual possession of a premises.

Occupation - Gainful employment in which an individual engages to earn compensation for the necessities of life.

Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Office Building - A building used primarily for conducting the affairs of a business, profession, service, industry or government or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office, Medical – A building or portion of a building principally engaged in providing services for health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical or mental condition of patients by physicians or other licensed health care professionals, solely on an outpatient basis, but not to include a behavioral health care center. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, cardiologists, radiologists and other various specialists. [Ord. O.3.14, 2/25/14]

Office Park - A development on a tract of land that contains a number of separate office buildings, supporting uses and open space and which is designed, planned, constructed and managed on an integrated and coordinated basis.

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

Off-tract - Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

Onsite - Located on the lot in question.

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

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

Open Space, Common - Land within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Ordinance - A municipally adopted law or regulation.

Outbuilding - A separate accessory building or structure not physically connected to the principal building.

Outdoor Storage - The keeping, in an unroofed area of any goods, junk, material, merchandise, or unregistered vehicles in the same place for more than twenty-four (24) hours.

Overhang - (1), the part of a roof or wall which extends beyond the facade of a lower wall; or (2), the portion of a vehicle extending beyond the wheel stops or curb.

Pad Site – In shopping centers and other planned commercial development, an ancillary building on a plot of land separate from the main or primary building(s) of the development, typically located at the periphery of the tract. [Ord. O.16.19, 12/9/19]

Parapet - The extension of the main walls of a building above the roof level.

Parcel - A lot or tract of land.

Parking Area - Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

Parking Lot - An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. *See* Garage; Parking Area.

Parking Space, Off-Street - A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way. An area either within a structure or in the open exclusive of driveways, access drives and fire lanes, except that nothing shall prohibit private driveways for dwelling units from being considered off-street parking areas, provided that no portion of such public driveway within the right-of-way line of the street intersected by such driveway shall be considered an off-street parking space.

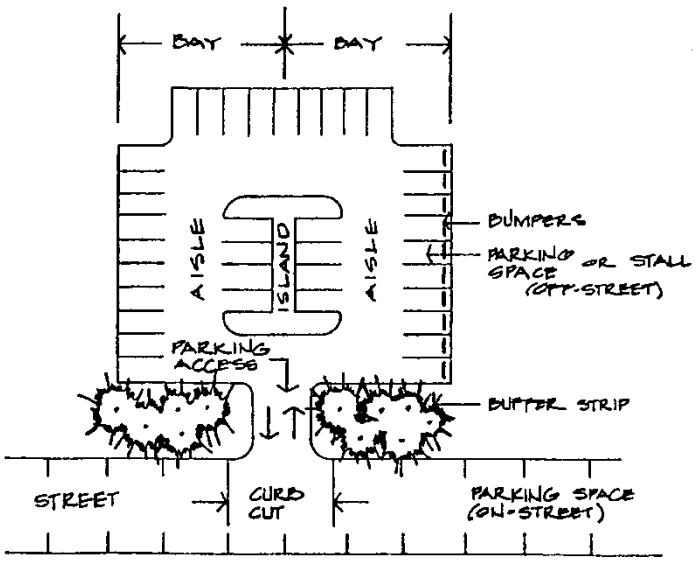


Figure 6.3, Parking Lot

Pavement - (1), Brick, stone, bituminous or portland cement concrete, etc. placed on the surface of the land; (2), That part of a street having an improved surface.

Perc or Percolation Test - A rough test designed to determine the ability of ground to absorb water, which has been used to test the suitability of a soil for the use and design of a septic system.

Performance Guarantee - Any security that may be accepted by a municipality as a guarantee that improvements required as part of an application for development will be satisfactorily completed.

Permeability - A rating of the ability of a substance to allow water to pass through the openings or intersects.

Permit - Any permit in writing as issued by a designated Township official or by a county, state, or federal agency, or any other applicable permit.

Permitted Use - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Pervious Surface - Any material that permits passage of stormwater through the material.

Person - A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, and all political subdivisions or any agency or instrumentality thereof.

Person with a Disability - A person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device. [Ord. O.03.26, 3/2/26]

Personal Services - Establishments primarily engaged in providing services involving the care of a person or his or her agent.

Place of Religious Worship - A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Planned Commercial Development – An area of a minimum contiguous or non-contiguous size as specified herein to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted herein. [Ord. O.5.08, 4/7/08]

Planned Unit Development (PUD) - An area of a minimum contiguous size, as specified by this chapter, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments, and which may include one (1) or more public, quasi-public, or commercial areas in such ratios of nonresidential uses to residential uses as permitted by this chapter.

Planning Board - The duly designated planning board of Deptford Township.

Planning Board Engineer - A professional engineer, licensed by the State of New Jersey, and appointed by the Township Planning Board to represent its engineering interests. *See* Municipal Engineer.

Planning Board Planner - A professional planner, licensed by the State of New Jersey, and appointed by the Township Planning Board to represent its planning interests. *See* Municipal Planner.

Plat - A map or maps of a subdivision or site plan.

Pollutant - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants. [Ord. O.6.20, 4/19/20]

Porch - A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

Potable Water - Water suitable for drinking purposes.

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

Preliminary Floor Plans and Elevations - Architectural drawings prepared during early and introductory stages of the design of a project, illustrating in a schematic form its scope, scale, and relationship to its site and immediate environs.

Preliminary Subdivision or Site Plan - A plan indicating the proposed layout of a development and related information that is submitted for preliminary subdivision or site plan approval.

Principal Building - A building in which is conducted the principal use of the lot on which it is located.

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

Prior Round Unit - A housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: [Ord. O.03.26, 3/2/26]

A. Received substantive certification from COAH; or

B. Is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; or

C. Is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item -A or -B above; or

D. Otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after March 20, 2024, is not a prior round unit unless:

1. It is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before June 30, 2025 (the end of the Third Round), or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and

2. Its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

Professional Office - The office of a member of a recognized profession and/or an administrative or executive office including, but not limited to, architecture, medicine, dentistry, engineering, law, planning, accounting, insurance, and real estate.

Property Line - *See* Lot Line.

Prospective Need - A projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to N.J.S.A.52:27D-304.2 and N.J.S.A. 52:27D-304.3 for the Fourth Round and all future rounds of housing obligations. [Ord. O.03.26, 3/2/26]

Public roadway or railroad [§35] - A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity. [Ord. O.2.25, 3/17/25]

Public transportation entity [§35] - A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad. [Ord. O.2.25, 3/17/25]

Qualified Purchaser or Renter [Ord. O.13.20, 10/19/20] - A person who:

A. Submits an application for certification as a qualified purchaser or renter to the management of the unit;

B. Whose gross aggregate family income at the time of the proposed purchase or rental of an affordable unit is within very low, low or moderate income levels, as defined herein; and

C. Who obtains certification as a qualified purchaser or renter of an affordable unit from

Deptford Township's Administrative Agent as set forth in this Chapter.

Random Selection Process - A lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis. [Ord. O.03.26, 3/2/26]

Recharge - The amount of water from precipitation that infiltrates into the ground and is not evapotranspired. [Ord. O.6.20, 4/19/20]

Reconstruction - Any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the Uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted. [Ord. O.03.26, 3/2/26]

Recreation, Active - Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or specialized fields.

Recreation Facility - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreation, Passive - Any leisure time activity not considered active, including such activities as walking and bird watching.

Recreational Vehicle - A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recycling Area - Space allocated for the collection and storage of source separated recyclable materials.

Redevelopment – (1), For purposes of §35, an activity that results in the creation, addition, or replacement of impervious surface area on an already developed site. Redevelopment includes but is not limited to the expansion of a building footprint; addition or replacement of a structure or a portion of a structure regardless of footprint; and replacement of impervious surface area that is not part of a maintenance activity. If a project is considered to be a redevelopment project, all new impervious cover, whether created by adding to or

replacing impervious cover that was in existence before the redevelopment occurs, shall be considered in calculating the requirements for stormwater management; except that, any such new impervious cover that will drain into an existing stormwater best management practice mechanism that is to remain after the redevelopment and that meets current stormwater management requirements shall be deducted from the total amount of impervious surface that must be treated by new stormwater best management practices; and furthermore in any redevelopment project, the predeveloped land cover shall be considered to be wooded; or (2), as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. [Ord. O.9.24, 5/20/24]

Referral List, Affordable Housing - A register of eligible very low, low and moderate income households for which suitable units are not yet available. [Ord. O.13.20, 10/19/20]

Regional Asset Limit – The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted regional income limits published annually by COAH or a successor entity. [Ord. O.13.20, 10/19/20]

Regional Mall Development – A type of planned commercial development emphasizing retail sales and services which may contain ancillary non-commercial uses as permitted by ordinance in excess of eight hundred thousand (800,000) sf. of gross leasable area typically with two or more large "anchor" uses, mass merchandising, fashion, and apparel, that serves as a dominant shopping venue within a county. [Ord. O.16.19, 12/9/19]

Rehabilitation – The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub-code, *N.J.A.C.* 5:23-6. [Ord. O.13.20, 10/19/20]

Rehabilitation Center - An establishment providing subacute care for persons transitioning from an in-patient hospital status to independent living or recovery from surgery, debilitation or serious illness. [Ord. O.17.08, 10/6/08]

Religious Institution – A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. [Ord. O.5.08, 4/7/08]

Rent, Restricted Unit – The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services. [Ord. O.13.20, 10/19/20]

Research Laboratory - An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of an investigation with the objective of creating end products.

Resource Extraction Operation - The removal of natural resources by means of mining, drilling, or other extractive techniques from the surface or subsurface of the land. For the

purposes of this chapter, natural resources shall include sand, gravel, minerals, or any other inorganic material but shall exclude materials regulated by the New Jersey Board of Public Utilities.

Restaurant - An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Restricted Unit – A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI. [Ord. O.13.20, 10/19/20]

Resubdivision - *See* Subdivision.

Retail Services - Establishments providing services or entertainment, as opposed to products, to the general public.

Retail Trade or Sales - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

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

Retention Basin (Pond) - A constructed or natural water collector used for the permanent storage of runoff with no outlet provided.

Rezone - To change the zoning classification of particular lots or parcels of land.

Right-of-way - A strip of land acquired by reservation, dedication, forced dedication, proscription or condemnation and intended to be occupied or occupied by a road, sidewalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Sanitary Landfill - A site for solid waste disposal.

Satellite Dish Antenna - A structure designed and intended for the reception of radio and television communications which are relayed by means of an earth satellite.

Scenic Area - The natural features of an open area which are visually significant, or geologically or botanically unique.

Scenic Easement - An easement the purpose of which is to limit development in order to preserve a view or scenic area.

School - Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

School, Elementary - Any school licensed by the State and which meets State requirements for elementary education.

School, Private - Any building or group of buildings the use of which meets State requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

School, Secondary - Any school licensed by the State and which is authorized to award diplomas for secondary education.

School, Vocational - A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

Screening - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Sediment - Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion. [Ord. O.6.20, 4/19/20]

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

Selective Cutting - The removal of larger trees on an individual basis while leaving trees of a lesser size.

Self-Service Storage Facility - A structure containing separate storage spaces of varying sizes, leased or rented as individual storage units.

Semi-Detached Dwelling - *See* Dwelling, Semi-Detached.

Service Station - *See* Automobile Service Station.

Services - Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations.

Sewage - All effluent carried by sewers whether it is sanitary sewage, industrial wastes or storm water runoff.

Sewerage - The entire system of sewage collection, treatment and disposal.

Shopping Center – A group of commercial establishments planned, constructed and managed as a single entity and which include on-site customer and employee parking, loading areas and common design features with a gross leasable floor area of at least 100,000 sf. [Ord. O.5.08, 4/7/08]

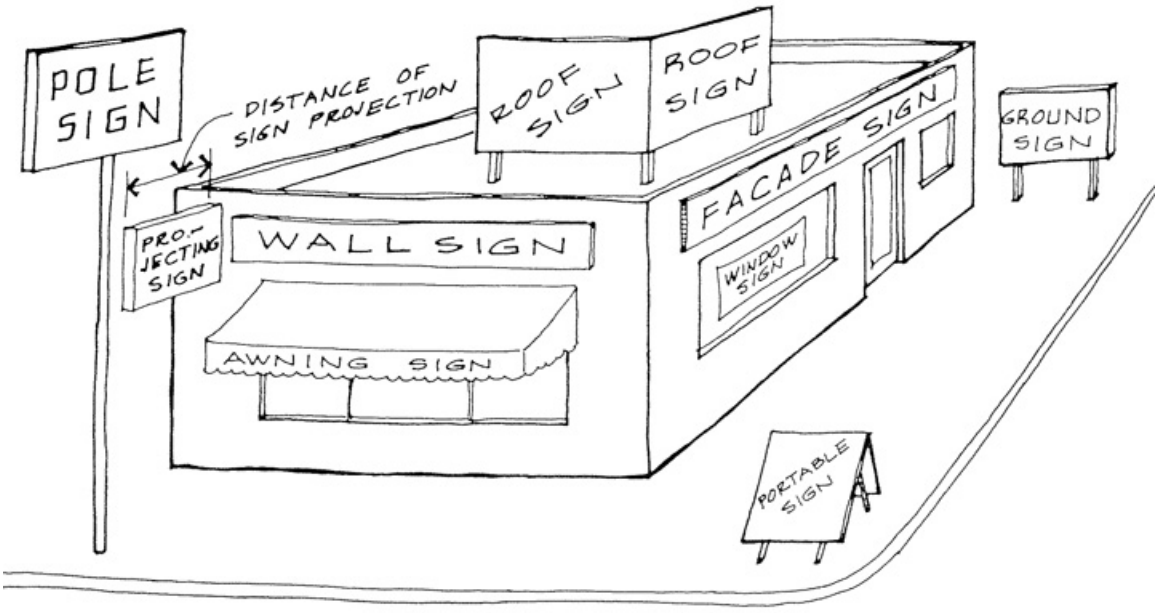
Side Yard - *See* Yard, Side.

Sidewalk - A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sight Triangle Easement - A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign - Any object, device, display, mural or structure, or a part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition shall specifically include any building or part of a building, including walls and facades used for such purposes and shall further include banners, pennants, flags and similar attention attracting devices. [Ord. O.24.10, 12/6/10]

Figure 6.4, Sign Types



Sign, Animated or Moving - Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Sign Area - The area of a sign which is computed by multiplying the greatest height of the sign face by the greatest width of the sign face. The sign area shall include the advertising surface and any framing, trim or molding, but shall not include the supporting structure. *See* Signable Facade Area.

Sign, Awning - A sign that is mounted or painted on, or attached to an awning that is otherwise permitted by this chapter.

Sign, Banner - A sign which may or may not contain a message constructed of cloth, canvas, plastic, or other flexible material typically suspended or hung by cord, string, or rope from a structure. [Ord. O.24.10, 12/6/10]

Sign, Billboard - A type of off-premise sign, whether on- or off-premises, greater than one hundred fifty (150) square feet in area, attached or affixed to a structure, erected principally or in large part to serve as a means of displaying said sign. [Ord. O.24.10, 12/6/10]

Sign, Business – An on-premises sign which directs attention for purposes of promoting a business, commodity, service, industry, or other activity which is sold, offered or conducted on the premises on which such sign is located or to which it is affixed.

Sign, Campus Identification - A message constructed of cloth, canvas or other flexible material held in tension by spring loaded arms that are affixed to a permanent object, which may contain an organizational or corporate logo, or other depiction primarily intended to provide a uniform identification for a health care facility. Campus identification signs shall not be construed to be banner signs. [Ord. O.3.14, 2/25/14]

Sign, Canopy - A sign that is mounted or painted on, or attached to a canopy that is otherwise permitted by this chapter.

Sign, Changeable Copy - A sign that is designed so that the message on the sign can be easily and periodically altered.

Sign, Commercial – Any sign which directs attention for purposes of promoting any business, commodity, service or industry for transactional purposes. [Ord. O.24.10, 12/6/10]

Sign, Development – A sign designating the name of a subdivision of residential homes, whether single-family or multi-family, attached or detached or an apartment complex; or, a sign identifying an entire group of buildings in an office or industrial park. [Ord. O.24.10, 12/6/10]

Sign, Dilapidated – A sign which is structurally unsound, contains faulty wiring, or, loose or oxidized fastenings, or is otherwise detrimental to the public health, safety or welfare. [Ord. O.24.10, 12/6/10]

Sign, Directional - Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit".

Sign, Directory – A sign designed for the use of motorists and pedestrians within the interior of a site or commercial or industrial complex which is intended to direct such persons to individual buildings or tenants in multi-tenanted office or industrial parks and shopping centers; or, identify tenants in a single building. [Ord. O.24.10, 12/6/10]

Sign, Facade - *See* Sign, Wall.

Sign, Freestanding - Any nonmovable sign not affixed to a building.

Sign Height – The highest spot at any one point on the sign measured from the average grade level at the base of the sign. [Ord. O.24.10, 12/6/10]

Sign, Illuminated - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign. *See* Direct Illumination and Indirect Illumination.

Sign, Incidental – A sign to convey information to the general public that has a purpose secondary to the use of the lot on which it is located. Examples include, but are not limited to "No Parking", "No Trespassing", "Loading Zone", "Telephone", "Danger High Voltage" and "Rest Room" or other similar information such as the hours of operation or credit cards honored at the establishment. [Ord. O.24.10, 12/6/10]

Sign, Internal – Any sign erected, constructed or maintained inside of a building and visible from outside the building, whether illuminated or non-illuminated. [Ord. O.24.10, 12/6/10]

Sign, Marquee - A changeable copy sign associated with a movie or performing arts theater. [Ord. O.24.10, 12/6/10]

Sign, Official – A sign, symbol or device, erected, constructed or maintained by the Federal, State, county or local government or any agency thereof, for the purpose of informing or guiding the public or for the protection of the public health, safety and welfare. [Ord. O.24.10, 12/6/10]

Sign, Off-Premise Commercial – A sign containing a commercial message, or primarily displays one or more such commercial messages, which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the property on which the sign is location. [Ord. O.8.21, 4/19/21]

Sign, Off-Premise Non-Commercial – A sign that does not contain a commercial message which directs attention to an institution, government, governmental entity, eleemosynary institution not primarily engaged in transactional commercial activity, or which is intended for viewpoint communication by either governmental or non-governmental speakers at a location other than the property on which the sign is located. [Ord. O.24.10, 12/6/10]

Sign Permit – A specialized form of zoning permit specifically for signs issued by the Zoning Officer in accordance with the provisions of this Ordinance. [Ord. O.24.10, 12/6/10]

Sign, Portable – A sign not permanently attached to the ground or other permanent structure in a manner considered non-permanent under the Uniform Construction Code or which is located or attached to a trailer, on wheels, or other similar attachment such that the sign may be moved from place to place, either within the lot or to another location. [Ord. O.24.10, 12/6/10]

Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

Sign, Real Estate – A sign of an owner of real property or of a licensed real estate broker indicating that a property is available for a new owner or tenant. [Ord. O.24.10, 12/6/10]

Sign, Residential - A sign located in a district zoned for residential purposes that does not contain any commercial message except for goods or services legally offered on the premises on which the sign is located.

Sign, Roof – A sign that is mounted on the roof of a building or which is wholly dependent upon a building's roof for support and which projects above the parapet of a building with a flat roof, the cornice line of a building with a gambrel, gable, or hip roof, or above the division between the upper and lower slopes of a building with a mansard roof. [Ord. O.24.10, 12/6/10]

Sign, Temporary – A sign which is not permanently attached to a building structure or permanently affixed to a freestanding structure and which is erected for a limited period of time in compliance with the provisions of this chapter. [Ord. O.24.10, 12/6/10]

Sign, Trespassing or Warning – An incidental sign indicating no trespassing or no fishing and/or hunting or for dangerous or hazardous conditions. [Ord. O.24.10, 12/6/10]

Sign, Variable Message - A type of electrical or electronic changeable copy sign capable of depicting black and white and full color static sign messages. [Ord. O.8.21, 4/19/21]

Sign, Vehicle - A type of portable commercial sign affixed or painted on a motor vehicle or trailer and parked at a location conspicuous to the traveling public for a period in excess of 48 continuous hours, where the design elements and use characteristics of said vehicle or trailer provide evidence that its primary purpose is to serve as a means of displaying and conveying such signage as a commercial message. [Ord. O.24.10, 12/6/10]

Sign, Viewpoint – Any non-commercial sign, symbol, or display, the content of which is intended to draw attention to, or express advocacy for or against, any idea, belief, person, place, thing, entity or policy. [Ord. O.24.10, 12/6/10]

Sign, Wall – A sign fastened to or painted on the facade of a building or structure in such manner that the facade becomes the supporting structure for, or forms the background surface of the sign, and which does not extend more than twelve (12) inches from the supporting facade. [Ord. O.24.10, 12/6/10]

Sign, Window – An internal sign that is affixed to the interior of a window or supported in such a manner as to be readily visible from the exterior of the building. [Ord. O.24.10, 12/6/10]

Single-Family Dwelling - *See* Dwelling, Single-Family.

Site - Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Plan - A development plan of one (1) or more lots on which is shown: (1), the existing and proposed conditions of the lot, including but not limited to topography, vegetation,

drainage, flood plains, marshes, and waterways; (2), the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures, signs, lighting, and screening devices; and (3), any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this chapter. *See* Major and Minor Site Plan.

Short-Term Rental - The rental of any dwelling unit, or any portion thereof, for residential purposes for a period of less than thirty (30) consecutive days, whether arranged through an online platform, marketplace, broker, agent, or by any other means. [Ord. O.10.26, 5/18/26]

Sketch Plan - *See* Concept Plan.

Slope - The degree of deviation of a surface from the horizontal, usually expressed in percent, degrees or ratio. *See* Grade.

Soil - All unconsolidated mineral and organic material of any origin. [Ord. O.6.20, 4/19/20]

Specimen Tree - A tree with a diameter of twenty-four (24") inches or greater; or a unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance, or any other characteristics which may be designated as such by the Township.

Spending Plan - A method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals. [Ord. O.03.26, 3/2/26]

State – The State of New Jersey. [Ord. O.18.20, 12/7/20]

State Development and Redevelopment Plan Metropolitan Planning Area (PAl) - An area delineated on the State Plan Policy Map and adopted by the State Planning Commission on, that is intended to be the focus for much of the State's future redevelopment and revitalization efforts. [Ord. O.6.20, 4/19/20]

State Plan Policy Map - is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies. [Ord. O.6.20, 4/19/20]

Stormwater - Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment. [Ord. O.6.20, 4/19/20]

Stormwater Management BMP - An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry

(that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands). [Ord. O.6.20, 4/19/20]

Stormwater Management Measure - Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. [Ord. O.6.20, 4/19/20]

Stormwater Runoff - Water flow on the surface of the ground or in storm sewers, resulting from precipitation. [Ord. O.6.20, 4/19/20]

Stormwater Management Planning Agency - A public body authorized by legislation to prepare stormwater management plans. [Ord. O.6.20, 4/19/20]

Stormwater Management Planning Area - The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency. [Ord. O.6.20, 4/19/20]

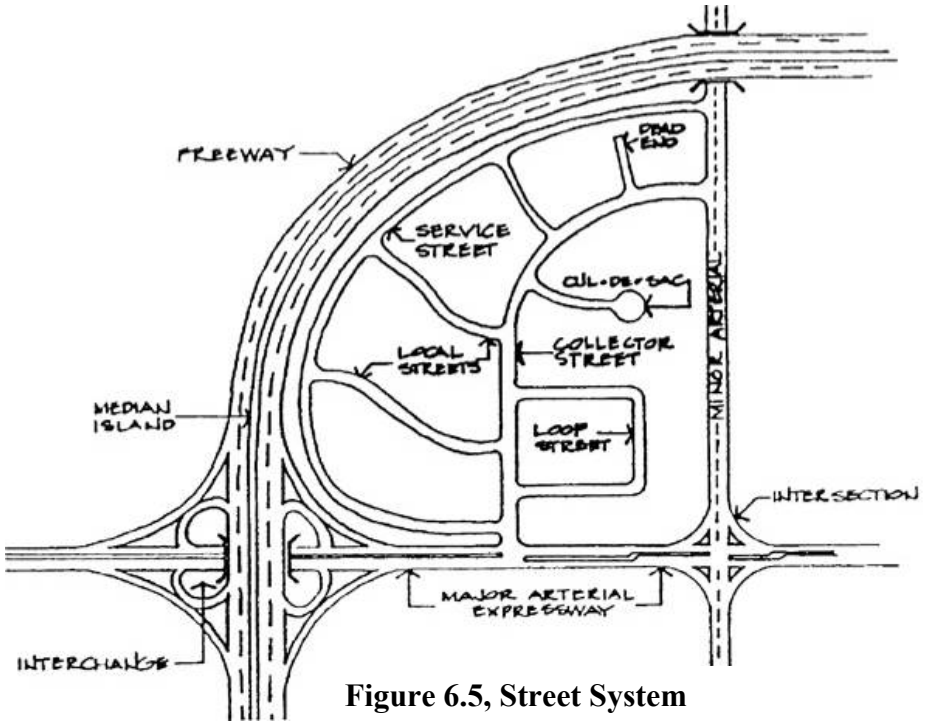


Figure 6.5, Street System

Street - Any street, avenue, boulevard, road, parkway, viaduct, drive or other way: (1), which is an existing state, county, or municipal roadway; or (2), which is shown upon a plat approved pursuant to law; or (3), which is approved by other official action as provided by the Municipal Land Use Law; or (4), which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between

such street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, paving areas and other areas within the street lines.

Street, Collector - A street which collects traffic from local streets and connects with minor and major arterials.

Street, Cul-De-Sac - A street with a single common ingress and egress and with a turnaround at the end.

Street, Dead End - A street with a single common ingress and egress and without a turnaround at the end.

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

Street, Local - A street designed to provide vehicular access to abutting property and to discourage through traffic.

Street, Major Arterial - A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

Street, Minor Arterial - A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

Structure - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Fences which are not used for the purposes of corralling or otherwise containing livestock or poultry shall not be considered to be a structure as defined by this chapter.

Structure, Temporary - A structure that has no footing or foundation, no permanent floor, and does not have all of the normal structural components of a structure designed for permanent occupancy of humans or goods.

Subdivision - The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: (1), divisions of land found by the Planning Board or Development Review Committee to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; (2), divisions of property by testamentary or intestate provisions; (3), divisions of property upon court order, including but not limited to, judgements of foreclosure; (4), consolidation of existing lots by deed or other recorded instrument; and (5), the conveyance of one (1) or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the Administrative Officer to conform to the requirements of this chapter and are shown and designated as separate lots, tracts, or parcels on the municipal tax map. The term subdivision shall also include the term resubdivision. *See* Major and Minor Subdivision.

Supermarket - A retail establishment exceeding 20,000 square feet in area, primarily selling groceries as well as other convenience and household goods.

Supportive Housing Household - A very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. [Ord. O.03.26, 3/2/26]

Supportive Housing Unit - A restricted rental unit, as defined by N.J.S.A. 34:1B-21.24, that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. Supportive housing units are also referred to as permanent supportive housing units. [Ord. O.03.26, 3/2/26]

Swimming Pool - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than twenty-four (24) inches, designed, used and maintained for swimming and bathing.

Tenant - An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

Theater - A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Thinning - The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

Tidal Flood Hazard Area - A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events. [Ord. O.6.20, 4/19/20]

Topography - The configuration (relief) of the surface of a portion of the earth showing natural and artificial features thereon; including, but not limited to, contours, structures, hydrography, and vegetation.

Tot Lot - An improved and equipped play area for small children usually up to elementary school age.

Township Engineer - *See* Municipal Engineer.

Township Planner - *See* Municipal Planner.

Tract – An area, parcel, piece of land, or property consisting of one or more lots that is the subject of an application for development. [Ord. O.5.08, 4/7/08]

Tract, Net – The subset of the area of a tract devoted to a single use within a development consisting of more than one use. [Ord. O.17.08, 10/6/08]

Trailer - A structure on wheels, capable of being towed or hauled by another vehicle, which is further defined by Chapter 72 of the Code of the Township of Deptford.

Trade School - *See* School, Vocational.

Transient Occupant - Any person or group of persons with no permanent residence at the dwelling unit being rented and whose occupancy is of a temporary or short-term nature. [Ord. O.10.26, 5/18/26]

Tree - Any woody perennial plant usually having one (1) main stem or trunk and a more or less definitely formed crown, and which has the potential based on its genus and species to grow to a height of ten (10) feet or more.

Tree Diameter - The width of a tree, equal to 7/22 of the circumference, measured four and a half (4.5) feet above the ground.

Tree Mass - Six (6) or more trees each with a minimum diameter breast height of four (4) inches or greater forming a common drip line encompassing at least six hundred (600) square feet in area. [Ord. O.1.10, 2/22/10]

Tree Protection Zone - That portion of a lot outside of the disturbance zone.

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

Tree Root Area - The area under a tree extending from the trunk to the drip line.

Trip - A single, one-way vehicle movement to or from a property or study area.

UHAC – The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq. [Ord. O.13.20, 10/19/20]

Urban Coordinating Council Empowerment Neighborhood - A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority. [Ord. O.6.20, 4/19/20]

Urban Enterprise Zones - A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq. [Ord. O.6.20, 4/19/20]

Urban Redevelopment Area - is defined as previously developed portions of areas: (1), delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes; (2), designated as CAFRA Centers, Cores or Nodes; (3), designated as Urban Enterprise Zones; and (4), designated as Urban Coordinating Council Empowerment Neighborhoods. [Ord. O.6.20, 4/19/20]

Urgent Care Center - A type of medical clinic in a building or portion of a building, whether private or institution, principally engaged in the provision of immediate medical services to patients in an outpatient or ambulatory care setting not requiring emergency room services, for medical conditions caused by illnesses or injuries that require prompt attention and/or treatment to prevent complications or deterioration, but are not life-threatening. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays. [Ord. O.3.14, 2/25/14]

Urgent Care Treatment - the provision of immediate medical service as outpatient care for the treatment of acute and chronic illness and injury that does not require the traumatic care services of an emergency treatment facility in a hospital. [Ord. O.18.13, 12/9/13]

Use - The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Use, Accessory - *See* Accessory Use.

Use, Conditional - *See* Conditional Use.

Use, Existing - *See* Existing Use.

Use Variance - *See* Variance, Use.

Utility Services - Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes.

Variance - A departure from the terms of this chapter authorized by the appropriate municipal agency in accordance with the N.J.S.A. 40:55D-1 et seq.

Variance, Use - *See* "d" variance.

Vehicle, Motor - A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

Very Low-Income Household – A household with a total gross annual household income equal to 30% or less of the median household income by household size. [Ord. O.13.20, 10/19/20]

Very Low-Income Unit – A restricted unit that is affordable to a very low-income household. [Ord. O.13.20, 10/19/20]

Veteran - Any citizen and resident of this State honorably discharged or released under honorable circumstances from active service in any branch of the Armed Forces of the United States pursuant to N.J.S.A. 54:4-8.10. [Ord. O.03.26, 3/2/26]

Veterans' Preference - An agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j. [Ord. O.03.26, 3/2/26

Wall - (1), The vertical exterior surface of a building; or (2), the vertical interior surfaces which divide a building's space into rooms.

Warehouse - A building used primarily for the storage of goods and materials.

Water Control Structure - A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir. [Ord. O.6.20, 4/19/20]

Water Course- Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

Waters of the State - The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction. [Ord. O.6.20, 4/19/20]

Weatherization (Rehabilitation) – Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, sufficient to constitute a major system for rehabilitation of housing. [Ord. O.13.20, 10/19/20]

Wetlands - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however, that the delineation of the wetland shall use a three parameter approach involving hydrology, soils, and vegetation which shall be acceptable to the New Jersey Department of Environmental Protection and Energy or the U.S. Army Corps of Engineers, whichever shall have primary jurisdiction.

Wrecking Establishment - A facility where the salvage from demolished structures is stored out of doors and is available for resale or reuse.

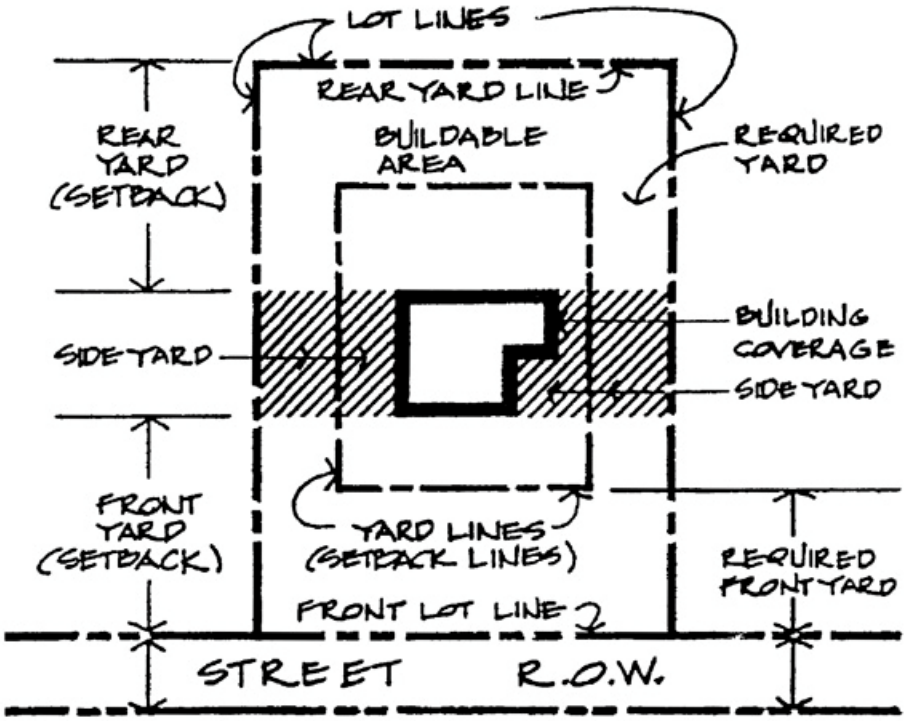


Figure 6.6, Yards and Lot Lines

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter.

Yard, Front - An open space extending the full width of the lot between any building and the street line, and measured perpendicular to the street line. Such front yard shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter. In the case of a corner lot, each yard with frontage on a street shall be considered a front yard.

Yard, Rear - A space extending the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the rear lot line. Such rear yard shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter. In the case of a corner lot, only one rear yard shall be provided and the applicant may choose which yard is to be considered the rear yard.

Yard, Side - A space extending from the front yard to the rear yard between the principal building and the side lot line, and measured perpendicular to side lot line. Such side yard shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in this chapter. In the case of a corner lot, not more than one (1) side yard shall be provided and the applicant may choose which yard is to be considered the side yard.

Zero Lot Line - The location of a building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

Zone - A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

Zoning - The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

Zoning Board of Adjustment - An officially constituted body of the Township of Deptford, governed by the Municipal Land Use Law, whose principal duties are to grant variances from the strict application of the zoning ordinance.

Zoning Map - The map or maps which are a part of the zoning ordinance and delineate the boundaries of zone districts.

Zoning Officer - The municipal official designated to enforce the provisions of this Chapter.

Article III. Zoning Districts

§ 7 Effect and Establishment of Zoning Districts

A. Effect of this chapter.

1. This chapter shall be applicable to the regulation of the use of all land and structures within the Township of Deptford.

   a. The provisions of this chapter shall be held to be the minimum requirements (or the maximum, when so specified). Where this chapter imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this chapter shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this chapter, the provisions of such laws, rules, regulations or resolutions shall control.

   b. The standards established by this chapter shall be applied uniformly within each zoning district to each class or kind of structure or land. Only uses which are specifically provided for by the regulations of any district shall be permitted in that district unless authorized by the Zoning Board of Adjustment pursuant to this chapter.

   c. Upon the effective date of this chapter, no building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, nor shall any lands be subdivided, developed, or redeveloped in any manner except in conformity with the standards provided herein, as applied to the zoning district in which the building or land is located.

   d. Upon the effective date of this chapter, all buildings and land which are not in full conformity with the standards provided herein, as applied to the zoning district in which the building or land is located, shall be deemed to be non- conforming and shall be subject to the provisions of this chapter.

B. Establishment of zoning districts and zoning map.

1. The following zoning districts are hereby created and all land within the Township of Deptford shall be placed in one of these districts by designation on a zoning map, as described below.

   R- 40: Low Density Residential Zoning District
   R- 20: Medium Density Residential District
   R-20A: Medium Density Residential District [Ord. O.11.14, 5/5/14]
   R- 10: Medium Density Residential District
   R-10A: Medium and Low Density Residential District [Ord. O.20.02, 12/2/02]
   R-8: Medium High Density Residential District [Ord. O.9.24, 5/20/24]

R- 6: High Density Residential District
R-6A: Affordable High Density Residential District
AR-1: Age-Restricted Residential 1 District [Ord. O.17.08, 10/6/08]
AR-2: Age-Restricted Residential 2 District [Ord. O.17.08, 10/6/08]
AR-3: Age-Restricted Institutional 3 District [Ord. O.17.08, 10/6/08]
AR-4: Age-Restricted 4 and Health Care District [Ord. O.3.14, 2/25/14]
AR-5: Age-Restricted Residential 5 District [Ord. O.5.26, 3/2/26]
RM-1: Multi-family Residential District 1 [Ord. O.16.20, 10/19/20]
RM-2: Multi-family Residential District 2
RM-3: Multi-family Residential District 3 [Ord. O.4.26, 3/2/26]
PUD: Planned Unit Developments
PVD-1: Planned Village Development 1 District
PVD-2: Planned Village Development 2 District [Ord. O.17.20, 10/19/20]
TC-1: Transitional Commercial 1 District
TC-2: Transitional Commercial 2 District
BC-4: Business Center 4 District
BC-3: Business Center 3 District
BC-2: Business Center 2 District
BC-1: Business Center 1 District
ROM: Research, Office and Manufacturing District [Ord. O.5.08, 4/7/08]
O: Office District [Ord. O.18.13, 12/9/13]
C-1: General Commercial District
C-2: Neighborhood Commercial District
FLX: Flex Space District
LI-1: Light Industrial 1 District
LI-2: Light Industrial 2 District
LI-3: Light Industrial 3 District [Ord. O.13.21, 9/13/21]
INS: Institutional Zoning District
OS: Open Space Zoning District [Ord. O.9.24, 5/20/24]

2. Zoning map. The boundaries of these zoning districts are established on a map entitled, "Zoning, Deptford Township, Gloucester County, NJ", dated April 2024, which accompanies this ordinance and is incorporated herein. [Ord. O.9.24, 5/20/24]

C. Interpretation of boundaries.

1. The boundaries between zoning districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way, municipal boundary lines, property lines existing at the time of the zoning map adoption or amendment, or lines parallel or perpendicular thereto. Distances not specifically indicated shall be determined by the scale of the map.

2. Where a district boundary line divides a lot existing at the time of adoption of this chapter, the regulations applicable to the least restrictive district shall extend over the portion of the lot in the more restrictive district for a distance of not more than twenty (20) feet.

D. Notice of proposed change to classification or boundaries of zoning districts.

1. Notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the Master Plan by the Planning Board pursuant to Section 76 of P.L.1975, c.291 (C.40:55D-89), shall be given at least 10 days prior to the hearing by the Municipal Clerk to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within 200-feet in all directions of the boundaries of the district, and located, in the case of a boundary change, in the State within 200-feet in all directions of the proposed new boundaries of the district which is the subject of the hearing.

2. A notice pursuant to this Section shall state the date, time and place of the hearing, the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the municipal Tax Assessor's office.

   a. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or their agent in charge of the property, or (2) mailing a copy thereof by certified mail and regular mail to the property owner at their address as shown on the said current tax duplicate.

   b. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200-feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation, in addition to notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

3. The Municipal Clerk shall execute affidavits of proof of service of the notices required by this Section, and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

4. Protest. Notice of the hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic

general reexamination of the Master Plan by the Planning Board pursuant to Section 76 of P.L.1975, c.291 (C.40:55D-89), shall be given prior to adoption in accordance with the provisions of Section 2 of P.L.1995, c.249 (C.40:55D-62.1). A protest against any proposed amendment or revision of a zoning ordinance may be filed with the Municipal Clerk, signed by the owners of 20% or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending 200-feet in all directions therefrom inclusive of street space, whether within or without the municipality. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds (2/3) of all the members of the governing body of the municipality.

§ 8 R-40 Low Density Residential District.

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family detached dwellings at a low density and to permit other compatible uses in accord with the spirit of this chapter.

B. Uses.

1. Principal permitted uses on the land and in the buildings.

a. The following principal uses shall be permitted by right[1]:

1) Single family detached dwellings.

2) Public playgrounds, woodland, wildlife preserve, natural resource conservation area and parks

3) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts of a municipality, and the requirements therefore shall be the same as for single family dwelling units located within such districts shall be restricted to not more than 15 persons.

4) Agricultural uses, subject to the bulk provision of §8.F, below.

b. The following principal uses are permitted conditionally upon a determination by the Planning Board that the use can be provided in a manner that will minimize the impact upon adjacent properties, will be compatible with the surrounding neighborhood, will not unduly burden adjacent areas with increases in traffic, noise, threats to public health and

[1] - §8.B.1.a.5 repealed by Ord. O.17.08, 10/6/08.

safety, and will conform with such additional standards as provided in §61.

1) Commercial recreational uses.

2) A church, synagogue, or similar place of religious worship.

3) A club, lodge, or similar fraternal organization.

4) A cemetery or memorial park.

5) Day care center.

c. Affordable housing. A developer may setaside a minimum of fifteen percent (15%) of the total number of dwellings within any R-40 district shall be affordable to low and moderate income households in accordance with Article XII, excepting congregate care housing and assisted living uses. As compensation, the developer may develop such housing on smaller lots utilizing single family semi-detached dwellings for such affordable unit and thereby gain additional lots for unsubsidized housing. Developers not utilizing such an option shall pay an affordable housing development impact fee in accordance with §113. Fractions of a unit shall be addressed through the provisions of §106.B. [Ord. O.13.20, 10/19/20]

2. Accessory uses.

a. The following accessory uses shall be permitted by right:

1) Signs. (See §30 for standards.)

2) Fences and walls. (See §54 for standards.)

3) Off-street parking and private garages. (See §27 for standards.)

4) Private residential recreational facilities. (See §43. for standards.)

5) Private residential sheds.

6) Gardening and tilling of the soil for personal use.

7) Reserved. [Ord. O.17.08, 10/6/08]

8) The erection of a television or radio antenna, other than a satellite dish antenna, which is intended for personal use, provided that it does not exceed the height limitation of the district in which it is located. No more than one (1) antenna shall be permitted per lot.

9) The storage of personal, non-commercial boats and recreational vehicles, provided that they are not used for the purposes of habitation and are not stored within the designated front yard area.

10) The storage of trucks and other vehicles with no more than two axles, provided that they are not stored within the designated front yard area.

11) Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(a) The home occupation may not employ more than one (1) person who is not a member of the household residing in the dwelling.

(b) The home occupation shall primarily be conducted by mail, computer media or via the telephone so that it will not generate traffic caused by clients or customers visiting the dwelling.

(c) The residential exterior appearance of the structure shall not be altered.

(d) Not more than twenty percent (20%) of the total floor area of the dwelling may be devoted to the home occupation use.

(e) There shall be no outdoor storage or display of materials, products or equipment.

(f) One (1) off street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(g) Signs are not permitted to identify any approved Home Occupation.

12) The erection of a television or radio antenna, including satellite dish antenna with a diameter if thirty-six (36) inches or less, which is intended for personal use, provided that it does not exceed the height limitation of the district in which it is located. No more than one (1) antenna shall be permitted per lot.

b. The following accessory uses are permitted conditionally upon a determination by the Planning Board that the use can be provided in a manner that will minimize the impact upon adjacent properties and will conform with such additional standards provided in §61.

1) Family day care homes.

2) Satellite dishes with a diameter greater than thirty-six (36) inches or microwave antennas.

C. Bulk Standards

1. Principal Uses Other than Agricultural.

a. Minimum lot area - Forty thousand (40,000) square feet.

b. Minimum street frontage - One hundred fifty (150) feet.

c. Minimum lot width - One hundred seventy-five (175) feet.

d. Minimum lot depth - One hundred fifty (150) feet.

e. Minimum front yard setback - Forty (40) feet.

f. Minimum side yard setback, each - Forty (40) feet.

g. Minimum rear yard setback - Fifty (50) feet.

h. Maximum permitted building coverage - Fifteen percent (15%).

i. Maximum permitted impervious coverage - Twenty-five percent (25%).

j. Maximum permitted building height - Thirty-five (35) feet.

k. Accessory structures shall not be located in a front yard nor within ten (10) feet of any property line, provided however, that accessory structures which are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

2. Reserved. [Ord. O.17.08, 10/6/08]

3. Reserved. [Ord. O.17.08, 10/6/08]

4. Affordable single family semi-detached dwelling. [Ord. O.12.06, 11/13/06]

a. Minimum lot size – Ten thousand (10,000) square feet.

b. Minimum street frontage – Seventy-five (75) feet.

c. Minimum lot width – Seventy-five (75) feet.

d. Minimum lot depth – One hundred twenty-fifty (125) feet.

e. Minimum front yard setback – Forty (40) feet.

f. Minimum side yard setback, common wall – Zero (0) feet.

g. Minimum side yard setback, other – Thirty-five (35) feet.

h. Minimum rear yard setback – Forty (40) feet.

i. Maximum permitted building coverage – Twenty percent (20%).

j. Maximum permitted impervious coverage – Thirty percent (30%).

k. Maximum permitted building height – Thirty-five (35) feet.

l. Accessory buildings and structures shall conform to the requirements of §8.C.1.k.

D. Reserved. [Ord. O.4.06, 4/3/06]

E. Street trees should be provided as required in §31.

F. Bulk Standards for Agricultural Uses in this and all other Residential Districts.

1. Minimum Lot Area.

a. For uses involving the keeping of pigs or poultry – Thirty (30) acres.

b. For all other agricultural uses (other than non-commercial gardening, including the growing of fruits and vegetables, which is accessory to a single family dwelling) – Five (5) acres.

2. Minimum setback of any structure from any street or property line.

a. For uses involving the keeping of pigs or poultry – Three Hundred (300) feet.

b. For all other agricultural uses – One Hundred (100) feet.

§ 9 R-20 Medium Density Residential District.

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family detached dwellings at a medium density and to permit other compatible uses in accord with the spirit of this chapter.

B. Uses. All principal and accessory uses as permitted by right and conditionally in the R-40 Zoning District.

C. Bulk standards

1. Lots with public sewer and water.

   a. Minimum lot size – Twenty thousand (20,000) square feet.

   b. Minimum street frontage – One hundred (100) feet.

   c. Minimum lot width – One hundred twenty-five (125) feet.

   d. Minimum lot depth – One hundred twenty-five (125) feet.

   e. Minimum front yard setback – Thirty-five (35) feet.

   f. Minimum side yard setback, one side – Twenty (20) feet.

   g. Minimum aggregate side yard setback (both sides) – Fifty (50) feet

   h. Minimum rear yard setback – Thirty-five (35) feet.

   i. Maximum permitted building coverage – Twenty percent (20%).

   j. Maximum permitted impervious coverage – Thirty percent (30%).

   k. Maximum permitted building height – Thirty-five (35) feet.

   l. Accessory buildings and structures shall not be located in a front yard nor within ten (10) feet of any property line, provided, however, that accessory structures that are 0ne hundred (100) square feet of less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

2. Affordable single family semi-detached dwelling. [Ord. O.12.06, 11/13/06]

   a. Minimum lot size – Ten thousand (10,000) square feet.

   b. Minimum street frontage – Sixty-five (65) feet.

   c. Minimum lot width – Sixty-five (65) feet.

   d. Minimum lot depth – One hundred twenty-five (125) feet.

   e. Minimum front yard setback – Thirty-five (35) feet.

   f. Minimum side yard setback, common wall – Zero (0) feet.

   g. Minimum side yard setback, other – Twenty (20) feet.

   h. Minimum rear yard setback – Thirty-five (35) feet.

i. Maximum permitted building coverage – Twenty percent (20%).

j. Maximum permitted impervious coverage – Thirty percent (30%).

k. Maximum permitted building height – Thirty-five (35) feet.

l. Accessory buildings and structures shall conform to the requirements of §9.C.1.l.

3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings. [Ord. O.12.06, 11/13/06]

D. Reserved. [Ord. O.4.06]

E. Street trees should be provided as required in §31.

§ 9.1 R-20A Medium Density Residential District [Ord. O.11.14, 5/5/14]

A. Intent. The intent and purpose of the R-20A district is to provide an alternative lot arrangement with more flexible area and yard requirements compared to the R-20 district to promote the development of single family detached uses at a density not to exceed two dwellings per acre. [Ord. O.11.14, 5/5/14]

B. Permitted Principal and Accessory Uses. All principal and accessory uses as permitted by right and conditionally in the R-40 Zoning District. [Ord. O.11.14, 5/5/14]

C. Area, Yard, Coverage and Height Regulations. [Ord. O.11.14, 5/5/14]

1. Principal Uses: Lots with public sewer and water.

a. Minimum lot size – Twenty thousand (20,000) square feet, except when the total number of building lots is five or more, twenty percent (20%) of the buildings lots may be a minimum of fifteen thousand (15,000) square feet in lot area.

b. Minimum street frontage – Eighty (80) feet, except that on rights-of-way with a radius of five hundred (500) feet or less, the minimum street frontage may be reduced to fifty (50) feet.

c. Minimum lot width – Eighty (80) feet.

d. Minimum lot depth – One hundred eighty-five (185) feet.

e. Minimum front yard setback – Thirty-five (35) feet.

f. Minimum individual side yard setback - Ten (10) feet.

g. Minimum aggregate side yard setback (both yards) - Twenty-five (25) feet.

h. Minimum rear yard setback – Thirty-five (35) feet.

i. Maximum permitted building coverage – Twenty-five percent (25%).

j. Maximum permitted impervious coverage – Thirty-five percent (35%).

k. Maximum permitted building height – Thirty-five (35) feet.

2. Principal uses: Lots without public water and/or sewer. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

3. Accessory uses and structures. Accessory buildings and structures shall not be located in a front yard nor within ten (10) feet of any property line, provided, however, that accessory structures that are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

4. Accessory buildings and structures shall conform to the requirements of §9.C.1.l. See also §49 for additional limitations and requirements.

D. Additional Requirements. [Ord. O.11.14, 5/5/14]

E. Street trees shall be provided as required in §31.

F. In the event that an application for site plan or subdivision includes land designated for the construction or widening of a public right-of-way contained on the Circulation Plan or Official Map of the municipality, that portion within the tract area shall be constructed or widened as part of the proposed development.

§ 10 R-10 Medium Density Residential District

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family detached dwellings at a medium density and to permit other compatible uses in accord with the spirit of this chapter.

B. Uses. In the R-10 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following: [Ord. O.3.09, 3/16/09]

1. All principal and accessory uses as permitted by right and conditionally in the R-40 Zoning District except that private swimming pools shall only be permitted for single family detached and semi-detached dwellings.

2. In the R-10 district marked on the Zoning Map with a designation of LG-3 semi-detached single family dwellings shall be an additional permitted principal use.

3. In the R-10 district marked on the Zoning Map with a designation of LG-4, LG-5 and LG-6, the following additional principal uses shall be permitted:

   a. Multi-family dwellings.

   b. Townhouse dwellings.

4. In the R-10 district marked on the Zoning Map with a designation of LG-4, LG-5 and LG-6, the following additional accessory uses shall be permitted:

   a. Community center.

   b. Indoor and outdoor recreational facility.

   c. Maintenance building.

C. Bulk standards. [Ord. O.3.09, 3/16/09]

1. Lots with public sewer and water:

   a. Minimum lot area - Ten thousand (10,000) square feet.

   b. Minimum street frontage - Seventy (70) feet.

   c. Minimum lot width - Eighty (80) feet.

   d. Minimum lot depth - One hundred (100) feet.

   e. Minimum front yard setback - Thirty (30) feet.

   f. Minimum individual side yard setback - Ten (10) feet.

   g. Minimum aggregate side yard setback (both yards) - Twenty-five (25) feet.

   h. Minimum rear yard setback - Thirty (30) feet.

   i. Maximum building coverage - Twenty percent (20%).

   j. Maximum impervious coverage - Thirty percent (30%).

   k. Maximum building height - Thirty-five (35) feet.

2. Affordable single family semi-detached dwelling. [Ord. O.12.06, 11/13/06]

   a. Minimum lot size – Five thousand (5,000) square feet.

b. Minimum street frontage – Fifty (50) feet.

c. Minimum lot width – Fifty (50) feet.

d. Minimum lot depth – One hundred (100) feet.

e. Minimum front yard setback – Thirty (30) feet.

f. Minimum side yard setback, common wall – Zero (0) feet.

g. Minimum side yard setback, other – Twelve feet (12) feet.

h. Minimum rear yard setback – Thirty (30) feet.

i. Maximum permitted building coverage – Thirty percent (30%).

j. Maximum permitted impervious coverage – Forty percent (40%).

k. Maximum permitted building height – Thirty-five (35) feet.

l. Accessory buildings and structures shall conform to the requirements of §10.C.1.l.

3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings. [Ord. O.12.06]

4. The following bulk standards shall apply to any area designated R-10 and LG-1 on the Zoning Map: [Ord. O.3.09, 3/16/09]

a. Minimum lot area - Eight thousand (8,000) square feet.

b. Minimum street frontage - Sixty (60) feet.

c. Minimum lot width – Seventy-five (75) feet.

d. Minimum lot depth – Ninety (90) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum individual side yard setback - Ten (10) feet.

g. Minimum aggregate side yard setback (both yards) - Twenty-five (25) feet.

h. Minimum rear yard setback – Twenty-five (25) feet.

i. Maximum building coverage – Twenty-five percent (25%).

j. Maximum impervious coverage – Thirty-five percent (35%).

k. Maximum building height - Thirty-five (35) feet.

5. The following bulk standards shall apply to any area designated R-10 and LG-2 on the Zoning Map: [Ord. O.3.09, 3/16/09]

a. Minimum lot area - Nine thousand (9,000) square feet.

b. Minimum street frontage - Sixty (60) feet.

c. Minimum lot width – Ninety (90) feet.

d. Minimum lot depth – Ninety (90) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum individual side yard setback - Ten (10) feet.

g. Minimum aggregate side yard setback (both yards) - Twenty-five (25) feet.

h. Minimum rear yard setback – Twenty-five (25) feet.

i. Maximum building coverage – Twenty-five percent (25%).

j. Maximum impervious coverage – Thirty-five percent (35%).

k. Maximum building height - Thirty-five (35) feet.

6. The following bulk standards shall apply to any area designated R-10 and LG-3 on the Zoning Map: [Ord. O.3.09, 3/16/09]

a. Single family detached dwellings.

1) Minimum lot area - Seven thousand (7,000) square feet.

2) Minimum street frontage - Forty (40) feet.

3) Minimum lot width – Fifty-six (56) feet.

4) Minimum lot depth – One hundred twenty-five (125) feet.

5) Minimum front yard setback – Twenty-five (25) feet.

6) Minimum individual side yard setback - Seven (7) feet.

7) Minimum aggregate side yard setback (both yards) - Fifteen (15) feet.

8) Minimum rear yard setback – Twenty-five (25) feet.

9) Maximum building coverage – Thirty percent (30%).

10) Maximum impervious coverage – Forty percent (40%).

11) Maximum building height - Thirty-five (35) feet.

b. Single family semi-detached dwellings.

1) Minimum lot size – Four thousand five hundred (4,500) square feet.

2) Minimum street frontage – Eighteen (18) feet.

3) Minimum lot width – Thirty-six (36) feet.

4) Minimum lot depth – One hundred twenty (120) feet.

5) Minimum front yard setback – Twenty-five (25) feet; secondary front yard for a corner lot, fifteen (15) feet.

6) Minimum side yard setback, common wall – Zero (0) feet.

7) Minimum side yard setback, other – Six feet (6) feet.

8) Minimum rear yard setback – Twenty-five (25) feet.

9) Maximum building coverage – Thirty percent (30%).

10) Maximum impervious coverage – Forty percent (40%).

11) Maximum building height – Thirty-five (35) feet.

7. The following bulk standards shall apply to any area designated R-10 and LG-4 on the Zoning Map: [Ord. O.3.09, 3/16/09]

a. Maximum density - Five (5) dwelling units per acre.

b. Minimum lot size – Two thousand four hundred (2,400) square feet.

c. Minimum street frontage – Fourteen (14) feet.

d. Minimum lot width – Twenty-four (24) feet.

e. Minimum lot depth – One hundred (100) feet.

f. Minimum front yard setback – Twenty (20) feet; secondary front yard for a corner lot, ten (10) feet.

g. Minimum side yard setback, common wall – Zero (0) feet.

h. Minimum side yard setback, other – Fifteen (15) feet.

i. Minimum rear yard - Twenty-five (25) feet.

j. Maximum building coverage, individual lot - Fifty-five percent (55%).

k. Maximum impervious surface coverage, individual lot – Seventy-five percent (75%).

l. Maximum building height - Thirty-five (35) feet.

m. Minimum dwelling width – Twenty-four (24) feet.

n. Minimum distance between buildings - Thirty (30) feet.

o. Minimum fully planted landscaped buffer adjacent to public rights-of-way - Twenty-five (25) feet.

p. No more than eight (8) dwellings shall be contained in any one (1) building.

8. The following bulk standards shall apply to any area designated R-10 and LG-5 on the Zoning Map: [Ord. O.3.09, 3/16/09]

a. Minimum tract area – Five (5) acres.

b. Maximum density – Eight (8) dwellings per acre.

c. Minimum building setback:

1) From tract perimeter – Fifty (50) feet.

2) From street sidewalk – Twenty-five (25) feet.

3) From edge of cartway – Thirty-three (33) feet.

4) From parking lot – Twenty-five (25) feet.

5) From on street parking – Twenty (20) feet.

d. Minimum dwelling width – Twenty (20) feet.

e. Maximum building length through the long axis – One hundred sixty (160) feet.

f. Minimum distances between buildings:

1) From front of building to any other building – ninety (90) feet.

2) From rear of building to rear of building – Forty (40) feet.

3) From side of building to side of building – Twenty (20) feet.

4) From rear of building to side of building – Thirty (30) feet.

g. Maximum building height – Thirty-five (35) feet.

h. Maximum building coverage of tract – Twenty-five percent (25%)

i. Maximum impervious coverage of tract – Fifty percent (50%)

j. Minimum parking setback from tract perimeter – Fifty (50) feet.

k. Minimum fully planted landscaped buffer adjacent to public rights-of-way - Twenty-five (25) feet.

l. No more than eight (8) dwellings shall be contained in any one (1) structure.

9. The following bulk standards shall apply to any area designated R-10 and LG-6 on the Zoning Map: [Ord. O.3.09, 3/16/09]

a. Minimum tract area – Five (5) acres.

b. Maximum density – Twelve (12) dwellings per acre.

c. Minimum building setback:

1) From tract perimeter – Fifty (50) feet.

2) From parking lot and on street parking – Ten (10) feet.

d. Maximum building length through the long axis – Two hundred fifty (250) feet.

e. Minimum distances between buildings:

1) From front of building to any other building – One hundred (100) feet.

2) From rear of building to rear of building – Sixty (60) feet.

3) From side of building to side of building – Thirty (30) feet.

4) From rear of building to side of building – Forty (40) feet.

f. Maximum building height – Thirty-five (35) feet.

g. Minimum parking setback from tract perimeter – Twenty-five (25) feet.

h. Maximum building coverage of tract – Twenty-five percent (25%)

i. Maximum impervious coverage of tract – Fifty percent (50%)

j. Minimum fully planted landscaped buffer adjacent to public rights-of-way - Twenty-five (25) feet.

10. Accessory uses and structures, with the exception of –B.4 uses, shall not be located in a front yard or within ten (10) feet of any property line, provided however, that accessory structures which are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code. Accessory uses and structures permitted under –B.4 herein shall meet the area and yard requirements for principal uses and structures. [Ord. O.3.09, 3/16/09]

D. Cluster Development is not permitted in the R-10 District.

E. Landscaping shall be provided as required in §31. [Ord. O.3.09, 3/16/09]

§ 10.1 R-10A Medium and Low Density Residential District.

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family detached dwellings at a medium density and to permit other compatible uses in accord with the spirit of this chapter.

B. Uses. All principal and accessory uses as permitted by right and conditionally in the R-40 Zoning District.

C. Bulk standards.

1. Lots with public sewer and water:

a. Minimum lot area - Ten thousand (10,000) square feet.

b. Minimum street frontage - Seventy (70) feet.

c. Minimum lot width - Eighty (80) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum individual side yard setback - Ten (10) feet.

g. Minimum aggregate side yard setback (both yards) - Twenty-five (25) feet.

h. Minimum rear yard setback - Thirty (30) feet.

i. Maximum permitted building coverage - Twenty percent (20%).

j. Maximum permitted impervious coverage - Thirty percent (30%).

k. Maximum permitted building height - Thirty-five (35) feet.

l. Accessory structures shall not be located in a front yard nor within ten (10) feet of any property line, provided however, that accessory structures which are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

2. Affordable single family semi-detached dwelling. [Ord. O.12.06, 11/13/06]

a. Minimum lot size – Five thousand (5,000) square feet.

b. Minimum street frontage – Fifty (50) feet.

c. Minimum lot width – Fifty (50) feet.

d. Minimum lot depth – One hundred (100) feet.

e. Minimum front yard setback – Thirty (30) feet.

f. Minimum side yard setback, common wall – Zero (0) feet.

g. Minimum side yard setback, other – Twelve feet (12) feet.

h. Minimum rear yard setback – Thirty (30) feet.

i. Maximum permitted building coverage – Thirty percent (30%).

j. Maximum permitted impervious coverage – Forty percent (40%).

k. Maximum permitted building height – Thirty-five (35) feet.

l. Accessory buildings and structures shall conform to the requirements of §10.1-C.1.l.

3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings. [Ord. O.12.06, 11/13/06]

D. Cluster Development is not permitted in the R-10A District.

E. Street trees should be provided as required in §31.

F. Any lot which is ten (10) acres or larger subsequent to January 1, 2003, shall be subject to the area and bulk requirements of the R-40 zoning district.

§ 10.2 R-8 Medium High Density Residential District.
[Ord. O.9.24, 5/20/24]

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family dwellings at densities intermediate between the R-6 and R-10 Residential Districts and to permit other compatible uses in accord with similar zoning districts.

B. Permitted Principal Uses. In the R-8 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwellings.

2. Parks and recreation, and other open space, whether public or common.

3. Municipal purpose.

4. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults, in accordance with N.J.S.A. 40:55D-66.1.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use.

1. Signs in accordance with §30.

2. Fences and walls in accordance with §54.

3. Off-street parking and private garages (see §27 for standards).

4. Private residential recreational facilities in accordance with §43.

5. Private residential tool sheds.

6. Gardening and tilling of the soil for personal use.

7. The erection of a television or radio antenna, other than a satellite dish antenna, which is intended for personal use, provided that it does not exceed the height

limitation of the district in which it is located. No more than one (1) antenna shall be permitted per lot.

8. The storage of personal, non-commercial boats and recreational vehicles, provided that they are not used for the purposes of habitation and are not stored within the designated front yard area.

9. The storage of trucks, whether commercially tagged or not, and other vehicles with no more than two axles, provided that such vehicles are not in excess of 10,000 lb. gross vehicle weight and are not parked or stored within a front yard.

10. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

    a. The home occupation may not employ more than one (1) person who is not a member of the household residing in the dwelling.

    b. The home occupation shall primarily be conducted by mail, internet, digital media or via the telephone so that it will not generate traffic caused by clients or customers visiting the dwelling.

    c. The residential exterior appearance of the structure shall not be altered.

    d. Not more than twenty percent (20%) of the total floor area of the dwelling may be devoted to the home occupation use.

    e. There shall be no outdoor storage or display of materials, products or equipment.

    f. One (1) off street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

    g. Signs are not permitted to identify any approved Home Occupation.

11. The erection of a television or radio antenna, including satellite dish antenna with a diameter if thirty-six (36) inches or less, which is intended for personal use, provided that it does not exceed the height limitation of the district in which it is located. No more than one (1) antenna shall be permitted per lot.

D. Bulk standards.

1. Lots with public sewer and water.

    a. Minimum lot area - Eight thousand (8,000) square feet.

    b. Minimum street frontage – Sixty-five (65) feet.

c. Minimum lot width - Seventy (70) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum side yard setback - Ten (10) feet.

g. Minimum rear yard setback - Twenty-five (25) feet.

h. Maximum permitted building coverage - Twenty-five percent (25%).

i. Maximum permitted impervious coverage - Thirty-five percent (35%).

j. Maximum permitted building height - Thirty-five (35) feet.

k. Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

2. Affordable (deed-restricted by income class) single family semi-detached dwelling.

a. Minimum lot size – Four thousand (4,000) square feet.

b. Minimum street frontage – Forty (40) feet.

c. Minimum lot width – Forty (40) feet.

d. Minimum lot depth – One hundred (100) feet.

e. Minimum front yard setback – Twenty (20) feet, except for attached or detached garages, which shall be set back thirty (30) feet.

f. Minimum side yard setback, common wall – Zero (0) feet.

g. Minimum side yard setback, other – Eight feet (8) feet.

h. Minimum rear yard setback – Twenty-five (25) feet.

i. Maximum permitted building coverage – Thirty-five percent (35%).

j. Maximum permitted impervious coverage – Fifty percent (50%).

k. Maximum permitted building height – Thirty-five (35) feet.

l. Accessory buildings and structures shall conform to the requirements of §11.C.1.a.12.

3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

E. Cluster development is not permitted in the R-8 District.

F. Street trees shall be provided as required in §31.

§ 11 R-6 High Density Residential District.

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family dwellings at higher densities and to permit other compatible uses in accord with the spirit of this chapter. This district is specifically designed to permit infill development and redevelopment in and near older neighborhoods which developed with small lot sizes prior to the enactment of zoning in Deptford Township. It is also designed to provide standards for single and two-family detached and semi-detached dwellings located in planned unit developments.

B. Uses.

1. All principal and accessory uses as permitted by right and conditionally in the R-40 Zoning District.

2. Single family zero-lot line dwellings as principal uses, when located in a planned unit development.

3. Two-family dwellings as principal uses, when located in a planned unit development.

C. Bulk standards.

1. Lots with public sewer and water:

a. Single family detached dwellings (conventional lot).

1) Minimum lot area - Six thousand (6,000) square feet.

2) Minimum street frontage - Fifty (50) feet.

3) Minimum lot width - Sixty (60) feet.

4) Minimum lot depth - One hundred (100) feet.

5) Minimum front yard setback - Thirty (30) feet.

6) Minimum individual side yard setback - Five (5) feet.

7) Minimum aggregate side yard setback (both yards) - Fifteen (15) feet.

8) Minimum rear yard setback - Twenty-five (25) feet.

9) Maximum permitted building coverage - Twenty-five percent (25%).

10) Maximum permitted impervious coverage - Thirty-five percent (35%).

11) Maximum permitted building height - Thirty-five (35) feet.

12) Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

b. Single family detached dwellings (Zero Lot Line or "Z" Lot), when located in a planned unit development.

1) Minimum lot area - Six thousand (6,000) square feet.

2) Minimum street frontage - Fifty (50) feet.

3) Minimum lot width - Sixty (60) feet.

4) Minimum lot depth - One hundred (100) feet.

5) Minimum front yard setback - Twenty (20) feet; however, an attached or detached garage must be set back thirty (30) feet.

6) Minimum individual side yard setback - None required, however, where a side yard of less than five (5) feet is provided, the building walls closest to the reduced side yard line may not be broken by any doors or windows and a minimum three (3) foot wide maintenance easement must be provided on the adjacent property.

7) Minimum aggregate side yard setback (both yards) - Fifteen (15) feet.

8) Minimum rear yard setback - Twenty-five (25) feet.

9) Maximum permitted building coverage - Thirty-five percent (35%).

10) Maximum permitted impervious coverage - Fifty percent (50%).

11) Maximum permitted building height - Thirty-five (35) feet.

12) Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

c. Two-family dwellings, when located in a planned unit development.

1) Minimum lot area - Five thousand (5,000) square feet per housekeeping unit [ten thousand (10,000) square feet per two-family structure].

2) Minimum street frontage per lot - Sixty (60) feet.

3) Minimum width per lot - Seventy-five (75) feet.

4) Minimum lot depth - One hundred (100) feet.

5) Minimum front yard setback - Thirty (30) feet.

6) Minimum individual side yard setback - Fifteen (15) feet.

7) Minimum aggregate side yard setback (both yards) - Thirty (30) feet.

8) Minimum rear yard setback - Twenty-five (25) feet.

9) Maximum permitted building coverage - Twenty percent (20%).

10) Maximum permitted impervious coverage - Thirty-five percent (35%).

11) Maximum permitted building height - Thirty-five (35) feet.

12) Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

2. Affordable single family semi-detached dwelling. [Ord. O.12.06, 11/13/06]

a. Minimum lot size – Four thousand (4,000) square feet.

b. Minimum street frontage – Forty (40) feet.

c. Minimum lot width – Forty (40) feet.

d. Minimum lot depth – One hundred (100) feet.

e. Minimum front yard setback – Twenty (20) feet, except for attached or detached garages, which shall be set back thirty (30) feet.

f. Minimum side yard setback, common wall – Zero (0) feet.

g. Minimum side yard setback, other – Eight feet (8) feet.

h. Minimum rear yard setback – Twenty-five (25) feet.

i. Maximum permitted building coverage – Thirty-five percent (35%).

j. Maximum permitted impervious coverage – Fifty percent (50%).

k. Maximum permitted building height – Thirty-five (35) feet.

l. Accessory buildings and structures shall conform to the requirements of §11.C.1.a.12.

3. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings. [Ord. O.12.06, 11/13/06]

D. Cluster Development is not permitted in the R-6 District.

E. Street trees should be provided as required in §31.

§ 11.1 R6-A Affordable High Density Residential District.

A. Intent. The intent of this District is to promote the development of appropriately zoned land within the Township for single family detached and attached dwellings at higher densities and to permit other compatible uses in accord with the spirit of this chapter. This district is specifically designated to require inclusionary residential developments whereby a portion if the dwelling units will be affordable to low and moderate income households as regulated by the New Jersey Council on Affordable Housing. All residential lots within this District must be served by public sewer and water.

B. Low and moderate income housing requirements. All residential development in this District shall make provisions for housing units affordable to low and moderate income households as provided by §38. The sum of low and moderate income units shall be fifteen percent (15%) of the entire development.

C. Permitted uses and mix of uses.

1. The following principal uses shall be permitted by right:

a. Single family detached dwellings, conventional or zero-lot line.

b. Single family semi-detached dwellings.

c. Community residences for the developmentally disabled and community shelters for victims of domestic violence serving not more than six (6) persons, pursuant to *N.J.S.A.* 40:55D-66.1.

d. All accessory uses as permitted by right and conditionally in the R-40 Zoning District.

D. Bulk standards.

1. Minimum tract size - Fifteen (15) acres.

2. Maximum density shall not exceed four (4) dwelling units per acre.

3. Permitted mix of uses and lot sizes.

a. Single family detached dwellings (minimum lot area 10,000 sq. ft.) must constitute a minimum of fifty percent (50%) of the tract area.

b. Single family detached dwellings, zero-lot line or conventional (minimum lot area 6,000 sq. ft.) may constitute up to fifty percent (50%) of the tract area.

c. Single family semi-detached dwellings may constitute up to thirty-five percent (35%) of the tract area.

4. Single family detached dwellings (minimum 10,000 sq. ft.):

a. Minimum lot area - Ten thousand (10,000) square feet.

b. Minimum street frontage - Seventy (70) feet.

c. Minimum lot width - Eighty (80) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum individual side yard setback - Ten (10) feet.

g. Minimum aggregate side yard setback (both yards) - Twenty-five (25) feet

h. Minimum rear yard setback - Thirty (30) feet.

i. Maximum permitted building coverage - Twenty percent (20%).

j. Maximum permitted impervious coverage - Thirty percent (30%).

k. Maximum permitted building height - Thirty-five (35) feet.

l. Accessory structures shall not be located in a front yard nor within ten (10) feet of any property line, provided however, that accessory structures which are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

5. Single family detached dwellings (conventional lot - 6,000 sq. ft.).

a. Minimum lot area - Six thousand (6,000) square feet.

b. Minimum street frontage - Fifty (50) feet.

c. Minimum lot width - Sixty (60) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum individual side yard setback - Five (5) feet.

g. Minimum aggregate side yard setback (both yards) - Fifteen (15) feet

h. Minimum rear yard setback - Twenty-five (25) feet.

i. Maximum permitted building coverage - Twenty-five percent (25%).

j. Maximum permitted impervious coverage - Thirty-five percent (35%).

k. Maximum permitted building height - Thirty-five (35) feet.

l. Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

6. Single family detached dwelling (zero-lot line).

a. Minimum lot area - Six thousand (6,000) square feet.

b. Minimum street frontage - Fifty (50) feet.

c. Minimum lot width - Sixty (60) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard setback - Twenty (20) feet; however, an attached or detached garage must be set back thirty (30) feet.

f. Minimum individual side yard setback - None required, however, where a side yard of less than five (5) feet is provided, the building walls closest to the reduced side yard line may not be broken by any doors or windows and a minimum three (3) foot wide maintenance easement must be provided on the adjacent property.

g. Minimum aggregate side yard setback (both yards) - Fifteen (15) feet

h. Minimum rear yard setback - Twenty-five (25) feet.

i. Maximum permitted building coverage - Thirty-five percent (35%).

j. Maximum permitted impervious coverage - Fifty percent (50%).

k. Maximum permitted building height - Thirty-five (35) feet.

l. Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

7. Single family semi-detached dwellings.

a. Minimum lot area - Five thousand (5,000) square feet per housekeeping unit [ten thousand (10,000) square feet per single family semi-detached structure].

b. Minimum street frontage per lot - Fifty (50) feet.

c. Minimum width per lot - Seventy-five (75) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard setback - Thirty (30) feet.

f. Minimum individual side yard setback - Fifteen (15) feet.

g. Minimum aggregate side yard setback (both yards) - Thirty (30) feet

h. Minimum rear yard setback - Twenty-five (25) feet.

i. Maximum permitted building coverage - Twenty percent (20%).

j. Maximum permitted impervious coverage - Thirty-five percent (35%).

k. Maximum permitted building height - Thirty-five (35) feet.

l. Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including

sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

E. Street trees should be provided as required in §31.

§ 11.2 AR-1 Age-Restricted Residential 1 District. [Ord. O.17.08, 10/6/08]

A. Intent. The Age-Restricted Residential 1 (AR-1) district is intended to provide for residential development restricted by age for active adults with ancillary social, cultural and recreational amenities in a comprehensively planned development with significant open space. All development in the AR-1 district shall be age-restricted development as defined herein.

B. Permitted Uses. In the AR-1 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwellings.

2. Single family semi-detached dwellings.

3. Townhouse dwellings.

4. Municipal purpose.

5. Active and passive recreation.

C. Limitations on Permitted Uses. Within an AR-1 district, a minimum of fifty-five percent (55%) shall be –B.1 uses and a maximum of thirty-five percent (35%) of the total number of units shall be –B.3 uses.

D. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:

1. Community center for the use of residents and their guests.

2. Active common recreational facilities for the use and enjoyment of residents and their guests, including but not limited to, tennis, community swimming pool, court and field sports, fitness center, fitness trail and bikeway.

3. Management office as part of a community center.

4. Maintenance facility.

5. Security facility, excluding gate-controlled access.

6. Sales center for on-tract real estate transactions only, until the final dwelling is initially sold.

7. Decks on fee simple townhouses and as approved as part of a site plan in accordance with Article IX.

8. Private tool shed for fee simple lots.

9. Swimming pool for fee simple lots provided no community swimming pool is present.

10. Off-street surface parking.

11. Fences, walls and street furniture.

12. Signs.

13. Accessory uses on the same lot and customarily incidental to the principal use.

E. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the AR-1 district:

1. Maximum Density. The maximum density of the AR-1 district shall not exceed three units per gross acre, except as modified by sub-paragraph –F, herein below.

2. Single family detached dwelling.

   a. Minimum lot area - Six thousand (6,000) square feet.

   b. Minimum street frontage – Forty-five (45) feet.

   c. Minimum lot width - Sixty (60) feet.

   d. Minimum lot depth - One hundred (100) feet.

   e. Minimum front yard – Twenty-five feet (25) feet, except for attached or detached garages, which shall be set back a minimum of thirty (30) feet.

   f. Minimum individual side yard – Six (6) feet.

   g. Minimum aggregate (both yards) side yard - Fifteen (15) feet.

   h. Minimum rear yard - Twenty-five (25) feet.

   i. Maximum building coverage – Thirty percent (30%).

   j. Maximum impervious coverage - Forty percent (40%).

   k. Maximum building height - Thirty-five (35) feet.

3. Single family semi-detached dwelling.

a. Minimum lot size – Four thousand (4,000) square feet.

b. Minimum street frontage – Thirty-five (35) feet.

c. Minimum lot width – Forty (40) feet.

d. Minimum lot depth – One hundred (100) feet.

e. Minimum front yard – Twenty-five feet (25) feet, except for attached or detached garages, which shall be set back a minimum of thirty (30) feet.

f. Minimum side yard, common wall – Zero (0) feet.

g. Minimum side yard, other – Eight feet (8) feet.

h. Minimum rear yard – Twenty-five (25) feet.

i. Maximum building coverage – Thirty-five percent (35%).

j. Maximum impervious coverage – Fifty percent (50%).

k. Maximum building height – Thirty-five (35) feet.

4. Townhouse dwelling, fee simple lots.

a. Minimum lot size – Two thousand (2,000) sf.

b. Minimum street frontage – Twenty (20) feet per unit

c. Minimum lot width – Twenty (20) feet per unit.

d. Minimum lot depth – One hundred (100) feet.

e. Minimum front yard- Twenty-five (25) feet.

f. Minimum side yard - Zero (0) feet if adjoining another unit, ten (10) feet if an outside wall.

g. Minimum rear yard– Twenty (20) feet.

h. Maximum building coverage – Sixty percent (60%).

i. Maximum impervious coverage – Seventy percent (70%).

5. Townhouse dwellings, condominium ownership. Where individual fee simple lots are not proposed, the following distance requirements shall substitute for required yard areas:

a. Minimum distance from the front of any building to any other building – One hundred (100) feet.

b. Minimum distance from the side of any building to any other building – Thirty (30) feet.

c. Minimum distance from the rear of any building to any other building – Sixty (60) feet.

d. Minimum distance of recreational or maintenance facilities to any dwelling – Eighty (80) feet.

e. Minimum distance of any dwelling to the tract perimeter – Sixty (60) feet.

f. Maximum building coverage of net tract area – Forty percent (40%)

g. Maximum impervious coverage of net tract area – Fifty-five percent (55%).

6. Additional townhouse requirements.

a. Maximum building height – Thirty-five (35) feet.

b. Minimum unit width – Twenty (20) feet.

c. A minimum of three hundred (300) square feet of storage shall be provided for each unit, excluding kitchen and bathroom cabinetry.

d. No more than eight (8) townhouse dwellings shall be permitted in any one structure.

e. Where parking lots for townhouse uses are proposed, no parking space shall be closer than twelve (12) feet to the face of the building. This provision shall not be construed as to affect private parking in residential driveways.

f. The front façade of any garage, whether attached or detached, shall not extend towards the street any closer than the front façade of the dwelling.

g. Accessory structures shall not be located in a front yard or within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

7. Lots without public sewer and water shall comply with the bulk standards as required in §8.C.1, the R-40 zoning district, for single family detached dwellings.

F. Affordable Housing. A minimum of twenty percent (20%) of the total number of dwellings within an AR-1 district shall be affordable to low and moderate income households in accordance with Article XII and *N.J.A.C.* 5:93-1 *et seq*., as they may be amended or superseded. The required affordable housing shall not be counted towards the density limitation otherwise applicable in the AR-1 district. For the purposes of §113.B.2.a, construction after the effective date of this section [October 6, 2008] within the AR-1 district shall be considered inclusionary development.

G. Buffer Requirements. In addition to the general requirements of §31, the following specific requirements pertain to the AR-1 district:

1. Perimeter buffer requirements. Landscape buffers shall be required along the perimeter property lines and where residential building types change. In the development of the site, existing vegetation shall be retained which is of high quality and appropriate density. Where existing vegetation is unsuitable, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the Planning Board. The perimeter buffer shall be a minimum width of twenty-five (25) feet and suitable for its function of site enhancement, screening, or control of climatic effects. The perimeter buffer may be planted within any required perimeter setback but shall not be included in any fee simple lot.

2. Building within a perimeter buffer. Public and private streets affording access to the site may cross a required perimeter buffer. Accessory structures and buildings such as utilities, entrance gate facilities, recreational trail, signs approved as part of the signage plan, and traffic signal and street lighting systems shall be permitted within the buffer. No off-street parking facilities, above ground storm water management facilities or other buildings shall be constructed within the required perimeter buffer.

§ 11.3 AR-2 Age-Restricted Residential 2 District. [Ord. O.17.08, 10/6/08]

A. Intent. The Age-Restricted Residential 2 (AR-2) district is intended to establish zoning standards for a portion of the Locust Grove planned unit development. All residential development in the AR-2 district shall be age-restricted development as defined in this Ordinance.

B. Permitted Uses. In the AR-2 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwellings.

2. Common and public open space.

3. Municipal purpose.

4. Active and passive recreation.

5. Professional offices when approved as part of a planned unit development and not exceeding five percent (5%) of the net tract area of the development devoted to age-restricted residential development.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:

1. Community center for the use of residents and their guests.

2. Active common recreational facilities for the use and enjoyment of residents and their guests, including but not limited to, tennis, community swimming pool, court and field sports, fitness center, fitness trail and bikeway.

3. Recreational facilities when part of municipally owned open space.

4. Management office as part of a community center.

5. Maintenance facility.

6. Security facility, excluding gate-controlled access.

7. Sales center for on-tract real estate transactions only, until the final dwelling is initially sold.

8. Private tool shed.

9. Swimming pool provided no community swimming pool is present.

10. Off-street surface parking.

11. Fences, walls and street furniture.

12. Signs.

13. Accessory uses on the same lot and customarily incidental to the principal use.

D. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the AR-2 district:

1. Single family detached dwelling.

a. Minimum lot area – Four thousand five hundred (4,500) square feet.

b. Minimum street frontage – Forty (40) feet.

c. Minimum lot width - Fifty (50) feet.

d. Minimum lot depth - Ninety (90) feet.

e. Minimum front yard – Twenty feet (20) feet.

f. Minimum individual side yard - Five (5) feet.

g. Minimum aggregate (both yards) side yard - Twelve (12) feet.

h. Minimum rear yard - Fifteen (15) feet. [Ord. O/9/24, 5/20/24]

i. Maximum building coverage – Forty percent (40%).

j. Maximum impervious coverage – Fifty-five percent (55%).

k. Maximum building height - Thirty-five (35) feet.

2. Other uses.

a. Minimum lot area – One and one-quarter acres.

b. Minimum street frontage – Two hundred fifty (250) feet.

c. Minimum lot width - Two hundred fifty (250) feet.

d. Minimum lot depth – One hundred fifty (150) feet.

e. Minimum front yard – Thirty feet (30) feet.

f. Minimum side yard - Twenty (20) feet.

g. Minimum rear yard - Thirty (30) feet.

h. Maximum building coverage – Twenty-five percent (25%).

i. Maximum impervious coverage – Sixty percent (60%).

j. Maximum building height – Twenty-eight (28) feet.

§ 11.4 AR-3 Age-Restricted 3 Institutional District. [Ord. O.17.08, 10/6/08]

A. Intent. The district is intended for combinations of medical and residential uses existing within Deptford with an emphasis on providing assistance to the elderly and the infirm.

B. Permitted Uses. A building may be erected, altered, or used and a lot may be occupied or used for any of the following purposes or combination of purposes.

1. Assisted living facility.

2. Comprehensive personal care home.

3. Long term care facility.

4. Rehabilitation center.

5. Municipal purpose.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:

1. Active and passive recreation.

2. Management and medical offices.

3. Maintenance facility.

4. Security facility.

5. Off-street surface parking.

6. Fences, walls and street furniture.

7. Signs.

8. Accessory uses on the same lot and customarily incidental to the principal use.

D. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the AR-3 district:

1. Minimum lot area: Three (3) acres.

2. Maximum building coverage: Twenty-five percent (25%).

3. Maximum impervious surface coverage: Sixty-five percent (65%).

4. Minimum lot frontage: Two hundred (200) feet.

5. Minimum lot width at the building line: Two hundred (200) feet.

6. Minimum lot depth: Three hundred (300) feet.

7. Minimum front yard setback: Fifty (50) feet, except that this distance shall be reduced to twenty-five (25) feet along Clements Bridge Road in conjunction with the implementation of streetscape standards.

8. Minimum side yard setback: Thirty (30) feet.

9. Minimum rear yard setback: Thirty-five (35) feet.

10. Minimum parking area setback from property line:

a. Thirty-five (35) feet adjacent to an arterial or collector road; twenty-five (25) feet from any other street;

b. Thirty-five (35) feet adjacent to a lot used for residential purposes;

c. Ten (10) feet adjacent to a lot used for non-residential purposes, except that in the case of an integrated use combining non-residential uses planned together, no setback shall be required.

d. Minimum distance from building to parking - Twelve (12) feet.

e. Off-street parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel parking along interior private streets unless the street width is constructed to Township standards.

f. Maximum height: Two stories and thirty-five (35) feet.

11. More than one building per lot shall be permitted, provided the minimum lot size requirement is met.

§ 11.5 AR-4 Age-Restricted 4 and Health Care District. [Ord. O.3.14, 2/25/14]

A. Intent. The district is intended for age-restricted development designed to meet the diverse housing and health care needs of an aging population and alternatively for the development of health care facilities and medical uses. As part of an age-restricted community, retail personal sales and services, medical complex and office uses designed to serve both senior citizens within the district and nearby neighborhoods and as part of a health care facility, intended for regional health care needs along with various and sundry medical and accessory uses. All residential uses in the AR-4 district shall be age-restricted development as defined in this Ordinance.

B. Permitted Uses. A building may be erected, altered, or used and a lot may be occupied or used for any of the following purposes or combination of purposes.

1. Single family detached dwellings.

2. Comprehensive personal care homes.

3. Assisted living facility.

4. Rehabilitation center.

5. Long-term care facility.

6. Health center and health education center.

7. Municipal use.

8. Medical and dental offices, medical clinic and/or medical services

9. Child care center pursuant to *N.J.A.C.* 40:55D-66.6.

C. Conditional Uses. The following uses may be permitted when authorized as a conditional use by the board of jurisdiction:

1. Health care facility, medical clinic and medical offices in a campus setting provided that the following criteria are met:

   a. The minimum tract size shall be thirty (30) gross acres.

   b. The total development of the site shall not exceed a floor area ratio of 0.50.

   c. The uses are not combined with a –B.1 use on any portion of the tract.

   d. There shall be direct access to a major arterial road as classified on the Circulation Plan of the Master Plan.

2. Continuing care retirement community (CCRC), provided that the following criteria are met:

   a. The minimum tract size shall be thirty (30) gross acres.

   b. There shall be direct access to a major arterial road as classified on the Circulation Plan of the Master Plan.

   c. A minimum of sixty percent (60%) of the net tract acreage shall consist of single family detached dwellings conforming to the area, yard, building coverage and height standards of the AR-2 district.

   d. A maximum of thirty percent (30%) of the net tract acreage shall consist of apartment dwellings.

   e. Townhouse dwellings shall be an additional permitted use.

   f. A minimum of ten percent (10%) and a maximum of twenty percent (20%) of the net tract acreage shall consist of –B.2 through –B.5 permitted principal uses.

3. Personal sales and services, in no way to be construed as permitting a convenience store, provided that the following criteria are met:

   a. The floor area ratio shall not exceed .02 of the total tract area, or 25,000 sf., whichever is less.

b. Such uses shall not be in more than two buildings.

c. The orientation of each building shall be towards the highest order street.

4. Accessory conditional uses permitted as part of a comprehensively designed continuing care retirement community:

a. Medical and dental offices and/or medical services, ambulatory surgery facility, provided that the floor area ratio shall not exceed .04 of total tract area or 50,000 square feet, whichever is less.

D. Accessory Uses and Structures. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:

1. Residential uses and CCRC.

a. Community center for the use of residents and guests.

b. Active common recreational facilities for the use and enjoyment of residents and their guests, including but not limited to, tennis, community swimming pool, court and field sports, fitness center, fitness trail and bikeway.

c. Management office as part of a community center.

d. Sales center for on-tract real estate transactions only, until the final dwelling is initially sold.

e. Private tool shed on fee simple lots.

f. Swimming pool on fee simple lots provided no community swimming pool is present.

2. Health care facility, medical clinic and medical offices in a campus setting.

a. Bus stop and taxi stand with associated facilities.

b. Child care center pursuant to *N.J.A.C.* 40:55D-66.6.

c. Community/conference meeting space.

d. Retail sales and services related to the primary facility use that in no way shall be construed as permitting a convenience store.

e. Interior and exterior playground.

f. Outdoor storage of industrial gases.

g. Pharmacy.

h. Restaurant, café and snack bar.

i. Health Center including gymnasium space

j. General Administrative Offices

3. All permitted and conditional uses excepting –B.1 uses.

a. Maintenance facility.

b. Security facility, excluding gate-controlled access.

c. Off-street surface parking.

d. Fences, walls and street furniture.

e. Signs.

f. Accessory uses on the same lot and customarily incidental to the principal use.

E. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the AR-4 district:

1. Single family detached dwelling (not in a CCRC).

a. Minimum lot area - Six thousand (6,000) square feet.

b. Minimum street frontage – Forty-five (45) feet.

c. Minimum lot width - Sixty (60) feet.

d. Minimum lot depth - One hundred (100) feet.

e. Minimum front yard – Twenty-five feet (25) feet, except for attached or detached garages, which shall be set back thirty (30) feet.

f. Minimum individual side yard - Five (5) feet.

g. Minimum aggregate (both yards) side yard - Fifteen (15) feet.

h. Minimum rear yard - Twenty-five (25) feet.

i. Maximum building coverage – Thirty percent (30%).

j. Maximum impervious coverage - Forty percent (40%).

k. Maximum building height - Thirty-five (35) feet.

2. Townhouse dwelling, fee simple lots (only within a CCRC).

    a. Minimum lot size – Two thousand (2,000) sf.

    b. Minimum street frontage – Twenty (20) feet per unit

    c. Minimum lot width – Twenty (20) feet per unit.

    d. Minimum lot depth – One hundred (100) feet.

    e. Minimum front yard- Twenty-five (25) feet.

    f. Minimum side yard - Zero (0) feet if adjoining another unit, ten (10) feet if an outside wall.

    g. Minimum rear yard– Twenty (20) feet.

    h. Maximum building coverage – Sixty percent (60%).

    i. Maximum impervious coverage – Seventy percent (70%).

3. Townhouse dwellings, condominium ownership (only within a CCRC). Where individual fee simple lots are not proposed, the following distance requirements shall substitute for required yard areas:

    a. Minimum distance from the front of any building to any other building – One hundred (100) feet.

    b. Minimum distance from the side of any building to any other building – Thirty (30) feet.

    c. Minimum distance from the rear of any building to any other building – Sixty (60) feet.

    d. Minimum distance of recreational or maintenance facilities to any dwelling – Eighty (80) feet.

    e. Minimum distance of any dwelling to the tract perimeter – Sixty (60) feet.

    f. Maximum building coverage of net tract area – Forty percent (40%).

    g. Maximum impervious coverage of net tract area – Fifty-five percent (55%).

4. Additional townhouse requirements.

    a. Maximum building height – Thirty-five (35) feet.

    b. Minimum unit width – Twenty (20) feet.

c. A minimum of three hundred (300) square feet of storage shall be provided for each unit, excluding kitchen and bathroom cabinetry.

d. No more than eight (8) townhouse dwellings shall be permitted in any one structure.

e. Where parking lots for townhouse uses are proposed, no parking space shall be closer than twelve (12) feet to the face of the building. This provision shall not be construed as to affect private parking in residential driveways.

5. Apartments.

a. Minimum lot size - Three (3) acres.

b. Maximum lot size – Six (6) acres.

c. Maximum building coverage of net tract area – Twenty percent (20%).

d. Maximum impervious surface coverage of net tract area - Fifty percent (50%).

e. Maximum building height – Two stories and thirty-five (35) feet.

f. Minimum distance from the front of any building to any other building – One hundred (100) feet.

g. Minimum distance from the side of any building to any other building – Thirty (30) feet.

h. Minimum distance from the rear of any building to any other building – Sixty (60) feet.

i. Minimum distance of recreational or maintenance facilities to any dwelling – Eighty (80) feet.

j. Minimum distance of any dwelling to the tract perimeter – Sixty (60) feet.

k. Minimum building setback from public streets and property lines - Fifty (50) feet.

l. Minimum distance from building to parking - Twelve (12) feet.

m. Off-street parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel

parking along interior private streets unless the street width is constructed to Township standards.

n. Buildings shall be arranged in groups or clusters and not in long rows parallel to street lines. The total length of any one axis in a structure shall not exceed one hundred sixty hundred (160) feet.

o. Buildings shall be designed in a common architectural style. Variations in setback, materials and design shall be encouraged.

p. More than one building per lot shall be permitted, provided the minimum lot size requirement is met.

q. Sufficient area and equipment shall be provided within each building for the laundering and artificial drying of the laundry of the occupants of each building, unless each unit is equipped with a washer and dryer.

r. A minimum of one hundred (100) square feet of storage shall be provided for each efficiency dwelling and one hundred fifty (150) square feet for any other apartment dwelling, excluding kitchen and bathroom cabinetry.

6. Comprehensive personal care home, assisted living facility, rehabilitation center, and long term care facility:

a. Minimum lot area: Two (2) acres.

b. Maximum lot area: Five (5) acres.

c. Maximum beds per acre: Thirty-six (36).

d. Maximum building coverage: Twenty percent (20%).

e. Maximum impervious surface coverage: Sixty percent (60%).

f. Minimum lot frontage: One hundred twenty-five (125) feet.

g. Minimum lot width at the building line: Two hundred (200) feet.

h. Minimum lot depth: Three hundred (300) feet.

i. Minimum front yard setback: Fifty (50) feet.

j. Minimum side yard setback: Thirty (30) feet.

k. Minimum rear yard setback: Thirty-five (35) feet.

l. Minimum parking area setback from property line:

1) Thirty-five (35) feet adjacent to an arterial or collector road; twenty-five (25) feet from any other street;

2) Twenty-five (25) feet adjacent to a lot used for residential purposes;

3) Ten (10) feet adjacent to a lot used for non-residential purposes, except that in the case of an integrated use combining offices and the uses herein planned together, no setback shall be required.

4) Maximum height: Two stories and forty-five (45) feet.

7. Medical and dental offices, medical clinic and/or medical services, health center and health education center and child care centers.

a. Minimum lot area – One and one-quarter acres.

b. Minimum street frontage – Two hundred fifty (250) feet.

c. Minimum lot width - Two hundred fifty (250) feet.

d. Minimum lot depth – One hundred fifty (150) feet.

e. Minimum front yard – Thirty feet (30) feet.

f. Minimum side yard - Twenty (20) feet.

g. Minimum rear yard - Thirty (30) feet.

h. Maximum building coverage – Twenty-five percent (25%).

i. Maximum impervious surface coverage – Sixty percent (60%).

j. Maximum building height – Twenty-eight (28) feet.

8. Health care facility including medical clinic and medical offices, and child care centers.

a. Multiple principal buildings on the same lot or tract

1) Minimum tract area – Ten (10) acres.

2) Minimum lot area per principal building – Two (2) acres.

3) Minimum street frontage – One hundred seventy-five (175) feet.

4) Minimum lot width – Two hundred (200) feet.

5) Minimum lot depth – Three hundred (300) feet.

6) Minimum front yard – Fifty (50) feet.

7) Minimum side yard:

(a) From a non-residentially zoned lot – Twenty (20) feet.

(b) From a residentially zoned lot or –B.1 use – Fifty (50) feet.

8) Minimum rear yard:

(a) From a non-residentially zoned lot – Twenty (20) feet.

(b) From a residentially zoned lot or –B.1 use – Fifty (50) feet.

9) Maximum building height. No building shall exceed fifty (50) feet within one hundred (100) feet of the tract perimeter or seventy-five (75) feet with a setback of 100 feet or greater, excepting guard houses, which shall be setback a minimum of twenty-five (25) feet.

10) Parking setback from the tract perimeter – twenty five (25) feet

11) Minimum building separation from another freestanding building shall be thirty (30) feet, excepting maintenance facilities and guard houses.

12) Maximum building coverage (includes all principal and accessory buildings located on a site) – Thirty percent (30%).

13) Maximum impervious surface coverage - Seventy-five percent (75%).

14) Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a total ground floor area in excess of fifteen percent (15%) of the area of the site.

b. One principal building on individual lots.

1) Minimum lot size – Three (3) acres.

2) Minimum frontage – Two hundred (200) feet.

3) Minimum lot width – Two hundred (200) feet.

4) Minimum lot depth – Two hundred (200) feet.

5) Minimum front yard – Fifty (50) feet.

6) Minimum side yard:

(a) From a non-residentially zoned lot – Twenty (20) feet.

(b) From a residentially zoned lot or –B.1 use – Thirty (30) feet.

7) Minimum rear yard:

(a) From a non-residentially zoned lot – Twenty (20) feet.

(b) From a residentially zoned lot – Thirty (30) feet.

8) Maximum building height. Maximum building height. No building shall exceed fifty (50) feet within one hundred (100) feet of the tract perimeter or seventy-five (75) feet with a setback of 100 feet or greater, excepting guard houses, which shall be setback a minimum of twenty-five (25) feet.

9) Minimum building separation from another freestanding building shall be thirty (30) feet, excepting maintenance facilities and guard houses.

10) Parking setback from the tract perimeter – twenty five (25) feet

11) Maximum building coverage (includes all principal and accessory buildings located on a site) – Thirty percent (30%).

12) Maximum impervious surface coverage - Seventy-five percent (75%).

F. Affordable Housing Requirements. A minimum of twenty percent (20%) of the total for-sale dwellings or fifteen percent (15%) of the total rental dwellings (or other residential use) within an AR-4 district shall be affordable to low and moderate income households in accordance with Article XII and *N.J.A.C.* 5:97-6.4(b) as it may be amended or superseded. For the purposes of §113.B.2.a, the net residential development within the AR-4 district shall be considered inclusionary development.

G. Additional Requirements.

1. Comprehensive personal care homes and assisted living facilities shall conform to the requirements of *N.J.A.C.* 8:36-1 *et seq* . as they may be amended or superseded.

2. Each assisted living facility unit shall offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. This provision shall not be construed to limit the ability to have shared units.

3. The front façade of any garage, whether attached or detached, shall not extend towards the street any closer than the front façade of the dwelling.

H. Buffer Requirements. In addition to the general requirements of §31, the following specific requirements pertain to the AR-4 district.

1. Perimeter buffer requirements. Landscape buffers shall be required along the perimeter property lines, where residential building types change and between residential and non-residential uses. Wetlands, wetlands buffers and other environmentally sensitive property in required buffer areas may be left in a naturally vegetated state and shall be considered buffer areas in satisfaction of these requirements. In the development of the site, existing vegetation shall be retained which is of high quality and appropriate density. Where existing vegetation is unsuitable, if possible, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the Planning Board. The perimeter buffer width shall be as required in §31.D. For the purpose of establishing buffer requirements, the uses listed in §11.5.B.8 and -9 and §11.5.C.1 shall be considered professional offices.

2. Building within a perimeter buffer. Public and private streets affording access to the site may cross a required perimeter buffer. Accessory structures and buildings such as utilities, entrance gate facilities, recreational trail, signs approved as part of the signage plan, and traffic signal and street lighting systems shall be permitted within the buffer. No off-street parking facilities, above ground storm water management facilities or other buildings shall be constructed within the required perimeter buffer.

§ 11.6 AR-5 Age-Restricted Residential District 5

[Ord. O.5.26, 3/2/26]

A. Permitted Uses. All residential development within the AR-5 shall be age-restricted development as defined in §6 of this Ordinance. In the AR-5 Age-Restricted 5 District, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Continuing care retirement community.

2. Senior congregate care community.

3. Age-restricted multi-family dwellings.

4. Municipal use.

B. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:

1. Community center for the use of residents and their guests.

2. Common recreational facilities for the use and enjoyment of residents and their guests.

3. Dwelling for manager or other staff of the facility.

4. Indoor and outdoor recreation facilities.

5. Maintenance facility.

6. Management office.

7. Home occupation in accordance with the requirements of §8.B.2.a.11 except that no non-resident employee shall be permitted.

8. Open space.

9. Personal services for residents.

10. Security office.

11. Social service office for the benefit of residents.

12. Off-street surface parking.

13. Fences, walls and street furniture.

14. Signs.

15. Accessory uses on the same lot and customarily incidental to the principal use.

C. Required Income Restriction and Allowed Compliance. In any AR-5 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households for for-sale dwellings and fifteen percent (15%) for rental development. The percentages shall be calculated on the total number of income-restricted and non – income-restricted dwellings. All income-restricted units shall be provided on site.

D. **Area, Yard, Height and Building Coverage**. Except as otherwise modified, the following bulk standards shall apply to all lots and buildings. :

1. Minimum lot area: Four (4) acres

2. Minimum tract frontage: Four hundred (400) feet on a public
1. or private r.o.w. or public access easement.

3. Minimum lot depth: Two hundred (200) feet

4. Minimum yard regulations:

a. Minimum front yard: Thirty (30) feet measured from a public
2. or private r.o.w. or public access easement.

b. Minimum side yard: Thirty (30) feet

c. Minimum rear yard: Fifty (50) feet

5. Maximum density: The number of dwellings shall not exceed twenty-three (23) units per gross acre of the tract.

6. Maximum building coverage shall not exceed fifty-five percent (55%) of total tract area.

7. Maximum impervious surface coverage shall not exceed seventy-five percent (75%) of total tract area.

8. Maximum building height shall not exceed four (4) stories and sixty-five (65) feet.

E. Additional requirements. The following additional regulations shall apply to any site development in the AR-5 District:

1. Parking. Notwithstanding any other provision to the contrary, at least one and one tenth (1.1) parking spaces per dwelling unit shall be provided. Accordingly, a de minimis exception from the Residential Site Improvement Standards (RSIS), pursuant to N.J.A.C. 5:21-4.14 Table 4.4, may be permitted.

2. Buffers and landscaping shall be provided as required in §31. In any location where a private r.o.w. or private access easement functions in a similar manner as a public street, street trees in accordance with §31.C.1 shall be required.

3. In any location where a private r.o.w. or private access easement functions in a similar manner as a public street, street lighting in accordance with §26.J shall be required. An entity submitting an application for development may propose an alternative standard to §26.J in order to maintain a consistent lighting standard throughout its development and adjacent development.

4. Signs shall be permitted in accordance with the general regulations of Section 30 and more particularly §30.L.2 of the Ordinance.

§ 12 RM-1 Multi-Family Residential District 1

[Ord. O.16.20, 10/19/20]

A. Purpose and Intent. The purpose and intent of §12, RM-1 Multi-Family Residential District 1, is to provide market rate and subsidized affordable housing in the Township of Deptford to aid in meeting its constitutional obligation to provide for very low, low and moderate income housing in accordance with the Fair Housing Act (*N.J.S.A.* 52:27D-301 *et seq* .). The RM-1 district is further divided into sub-districts that apply to each specific site with inclusionary affordable housing in accordance with the objectives of the Housing Plan Element of the Master Plan and implementing resolutions, ordinances, and agreements constituting the Fair Share Plan. The RM-1 district provides a compensatory benefit over

the preceding zoning district's use and/or intensity standards sufficient to address the affordable housing components of inclusionary development.

B. Permitted Uses. In the RM-1 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Townhouse dwellings.

2. Municipal purpose.

3. Active and passive recreation; conservation.

4. For RM-1 districts with the sub-district designation of AH-1, the following shall be additional permitted principal uses: [Ord. O.2.26, 3/2/26]

   a. Multi-family dwellings.

   b. Principal permitted uses and bulk requirements conforming to the §19, C-2, Neighborhood Commercial District, provided the floor area ratio of all such uses shall not exceed .10 of the total tract area.

5. For RM-1 districts with the sub-district designation of AH-4, stacked townhouse over flat and stacked flat over flat dwellings shall be an additional permitted use provided that at least one of the two dwellings in the stacked configuration is an affordable housing unit as defined herein. [Ord. O.18.22, 12/12/22]

C. Accessory Uses. In the RM-1 district, the following additional accessory uses shall be permitted:

1. Community center for the use of residents and their guests.

2. Common recreational facilities for the use and enjoyment of residents and their guests.

3. Private swimming pools on fee simple lots.

4. Maintenance building.

5. Management office if located within a community center.

6. Home occupation in accordance with the requirements of §8.B.2.a(11), except that no non-resident employee may work from the premises.

7. Off-street surface parking; car sheds and detached garages for private residential use, only.

8. Fences, walls and street furniture.

9. Signs in accordance with §30.

10. Common satellite dish and television antennas.

11. Residential tool shed on fee simple lots.

12. Accessory uses on the same lot and customarily incidental to the principal use.

D. Bulk standards. The following area, yard, and coverage standards shall apply to uses within the RM-1 district:

1. Maximum gross density shall not exceed the following:

a. For RM-1 zoning districts without any sub-district designation, the maximum gross density shall be six (6) dwelling units per acre.

b. For RM-1 zoning districts with designated sub-district Affordable Housing 1 (AH-1), the maximum gross density shall not exceed twelve (12) units per acre.

c. For RM-1 zoning districts with designated sub-district Affordable Housing 2 (AH-2), the maximum gross density shall not exceed nine (9) units per acre, rounded to the nearest whole number. [Ord. O.1.26, 3/2/26]

d. For RM-1 zoning districts with designated sub-district Affordable Housing 3 (AH-3), the maximum gross density shall not exceed five (5) units per acre, except should the property develop as for-sale housing, a bonus density of one and a half (1.5) units per acre, for a total of six and a half (6.5) units per acre, shall be permitted.

e. For RM-1 zoning districts with designated sub-district Affordable Housing 4 (AH-2), the maximum gross density shall not exceed eight and five tenths (8.5) units per acre.

2. Maximum building coverage.

a. Multi-family use - Twenty-five percent (25%) of total tract area.

b. Townhouse use - Twenty-five percent (25%) of the total tract area and seventy percent (70%) of lot area for individual townhouse parcels.

c. Combined multi-family and townhouse uses: Twenty-five percent (25%) of the total tract area and seventy percent (70%) of lot area for individual townhouse parcels.

3. Maximum impervious surface coverage - Sixty percent (60%) of total tract area.

4. Maximum building height. [Ord. O.18.22, 12/12/22]

a. Townhouse dwelling - Two and a half stories and thirty-five (35) feet.

b. Stacked flat over flat dwelling - Two and a half stories and thirty-five (35) feet.

c. Stacked townhouse over flat dwelling - Three and a half stories and forty-five (45) feet.

d. Multi-family building - Three stories and fifty (50) feet.

e. Community building - Twenty-eight (28) feet.

f. Maintenance building and other accessory structures - Eighteen (18) feet.

g. Residential tool shed - Twelve (12) feet.

5. Building limitations and separation requirements for townhouses and multi-family uses shall be as indicated in the following table:

Requirement	Standard
Maximum Dwellings per Building (Townhouses)	8 dwellings
Maximum Dwellings per Building (Multi-family)	32 dwellings
Minimum Distance from Building front to Building front	60 feet
Minimum Distance from Building front to Building side	35 feet
Minimum Distance from Building front to Building rear	60 feet
Minimum Distance from Building side to Building rear	35 feet
Minimum Distance from Building rear to Building rear	50 feet
Minimum Distance from Building side to Building side	20 feet

6. Fee simple townhouse and community building requirements when placed on a fee simple lot shall be as indicated in the following table: [Ord. O.1.26, 3/2/26]

Use	Townhouse	Community Building
Minimum lot size	2,000 sf.	10,000 sf.
Minimum lot frontage	20 feet	80 ft.
Minimum lot depth	100 ft.	120 ft.
Maximum building coverage	70%	50%
Maximum lot coverage	80%	70%
Principal Building Minimum Yard Depths and Height Limitations		

Use	Townhouse	Community Building
Front yard	25 ft.	25 ft.
Side yard	0 ft. common wall; 12 ft. end unit	20 ft.
Rear yard	25 ft.	30 ft.
Accessory Building Minimum Yard Depths and Height Limitations		
Front Yard	N.P.	N.P.
Side yard	N.P.	10 ft.
Rear yard	5 ft.	10 ft.
Tool shed side and rear yard	5 ft.	5 ft.

N.P. = Not a permitted location

7. Building setbacks from streets and driveways. Minimum building setbacks shall be as in the following table:

Requirement	Standard
From major collector drive or street (public r.o.w. or private r.o.w. easement)	50 feet[(1)]
Front façade from a residential access drive or street (public r.o.w. or private r.o.w. easement)	22 feet[(2)]
Rear façade from a residential access drive or street (public r.o.w. or private r.o.w. easement)	20 feet
Side facades from a residential access drive or street (public r.o.w. or private r.o.w. easement)	12 feet[(3)]
From the r.o.w. of a limited access highway	100 feet

[(1)] - or 60 feet from the edge of cartway, whichever is greater.

[(2)] - or 30 feet from the edge of cartway, whichever is greater.

[(3)] - or 20 feet from the edge of cartway, whichever is greater.

8. Parking lot setbacks. Where parking lots for residential uses are proposed, no parking space shall be closer than twelve (12) feet to a building. This requirement shall not apply to driveways leading to individual garages. Parking lots shall be setback a minimum of twenty (20) feet from a right-of-way or private right-of-way easement, sixty (60) feet from the edge of cartway of a major collector or minor arterial road, and twenty (20) feet from the edge of a residential access cartway.

9. Minimum landscaped buffer width adjacent to existing public streets and property lines. Twenty-five (25) feet for townhouses and the height of the building for

multi-family uses. Landscaping requirements shall be as required in §31. [Ord. O.1.26, 3/2/26]

10. Accessory uses and structures, with the exception of –B.4 uses, shall not be located in a front yard or within ten (10) feet of any property line, provided however, that accessory structures which are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code. Accessory uses and structures permitted under –B.4 herein shall meet the area and yard requirements for principal uses and structures.

E. Required Affordable Housing. In any RM-1 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households for for-sale development and at least fifteen percent (15%) for rental development. Affordable units shall be restricted, regulated and administered consistent with the Township's affordable housing regulations, the Uniform Housing Affordability Controls rules (*N.J.A.C.* 5:80-26.1 *et seq*.) and the New Jersey Fair Housing Act (*N.J.S.A.* 52:27D-301 *et seq*.), including the Fair Housing Act's definition of very low-income households and all other provisions of Article XII, Affordable Housing of this ordinance.

F. Design Standards.

1. Multi-family buildings. The following standards shall be used in the design of multi-family buildings:

a. A minimum of one hundred twenty (120) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.

b. Access to dwellings shall be designed as to provide a sense of safety and security for the residents, particularly in internal stairwells.

c. All stairs shall be enclosed in the building.

d. The exterior of the building shall be designed to visually break up any facade in excess of one hundred (100) lineal feet through the use of, but not limited to, offsets, bump-outs and building entrances.

e. The design should distinguish between the base, middle, and top of the building.

f. Where an outdoor living space is proposed, adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways shall be provided. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of 4 feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling.

g. All utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located at the side or rear of buildings and shall be screened by architectural elements or landscape plantings.

2. Townhouses. The following standards shall be used in the design of townhouse and stacked townhouse buildings:

a. A minimum of one hundred fifty (150) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.

b. The front facades of at least forty percent (40%) of the number of dwellings in a structure shall be set back not less than two (2) feet behind the facades of the remaining dwellings in such structure.

c. The roof lines of at least thirty percent (30%) of the number of dwellings which are attached in a structure, shall be staggered in line with the offsets required in -2.b, hereinabove. Chimneys, skylights, dormers, and other roof structures are encouraged, but not required, to vary the elevation and provide additional light into upper story dwellings.

d. Where an outdoor living space is included for a unit, it shall be provided with adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of four (4) feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.

§ 13 RM-2 Multi-Family Residential District 2.

A. Intent. The intent of this District is to provide standards for the development and redevelopment of appropriately zoned lands within the Township for single and two-family dwellings, townhouses and garden apartments, and other compatible uses in accord with the spirit of this chapter. The district is intended to primarily serve areas already zoned for this type of development. Expansion of the garden apartment use is anticipated to occur primarily in planned unit developments.

B. Low and moderate income housing requirements. All townhouse and garden apartment developments in this District shall make provision for housing units affordable to low and moderate income households as provided for by §38. The sum of low and moderate income units shall be twenty percent (20%) of the entire development.

C. Uses.

1. Principal uses permitted.

a. All residential uses permitted in the R-6 District.

b. Townhouses.

c. Garden apartments.

2. Accessory uses permitted.

a. Off-street parking and private garages. (See §27 for standards.)

b. Signs. (See §30 for standards.)

c. Fences and walls. (See §54 for standards.)

d. Recreational facilities.

e. Indoor common laundry facilities for garden apartments.

D. Bulk and design standards.

1. Uses permitted in the R-6 District shall use that District's bulk and design standards.

2. Townhouses shall use the RM-1 District's bulk and design standards governing townhouses.

3. Garden apartments.

a. Minimum tract size - Five (5) acres.

b. Maximum density shall not exceed six (6) dwelling units per acre for sale units and ten (10) dwelling units per acre for rental units.

c. Maximum building coverage - Twenty percent (20%).

d. Maximum impervious surface coverage - Seventy percent (70%).

e. Maximum building height - Thirty-five (35) feet.

f. Minimum distance between structures - Thirty-five (35) feet.

g. Minimum building setback from public streets and property lines - Fifty (50) feet.

h. Minimum distance from building to parking - Twenty-five (25) feet.

i. All off-street parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel

parking along interior private streets unless the street width is constructed to Township standards.

j. Buildings containing apartment flats shall be arranged in groups or clusters and not in long rows parallel to street lines. The total length of any one (1) structure shall not exceed two hundred (200) feet.

k. Variations in setback, materials and design shall be encouraged.

l. More than one (1) building per lot shall be permitted, provided the minimum tract size requirement is met.

m. A landscaped buffer, twenty-five (25) feet in width, shall be provided along all public streets and adjacent to all property lines.

n. Buildings shall be designed in a common architectural style.

o. Sufficient area and equipment shall be provided within each building for the laundering and artificial drying of the laundry of the occupants of each building.

p. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.

E. Common open space requirements. (See §32 for standards.)

F. Landscaped buffers and interior parking lot landscaping shall be provided as is required in §31.

G. Collection or storage of recyclable materials in multifamily housing shall be provided as required in §59.

§13.1. RM-3 Multi-Family Residential District 3.

[Ord. O.4.26, 3/2/26]

A. Purpose and Intent. The purpose and intent of §13.1, RM-3, Multi-Family Residential District 3, is to provide for the development of entirely affordable housing in the Township of Deptford to aid in meeting its constitutional obligation to provide for very low, low and moderate income housing in accordance with the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

B. Permitted Uses. In the RM-3 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Townhouse dwellings.

2. Stacked townhouse dwellings.

3. Garden apartment dwellings.

4. Multi-family dwellings.

5. Municipal purpose.

6. Active and passive recreation; conservation.

C. Accessory Uses. In the RM-3 district, the following accessory uses shall be permitted:

1. Community center for the use of residents and their guests.

2. Common recreational facilities for the use and enjoyment of residents and their guests.

3. Maintenance building.

4. Management and leasing or sales office.

5. Home occupation in accordance with the requirements of §8.B.2.a(11), except that no non-resident employee may work from the premises.

6. Off-street surface parking; car sheds and detached garages for private residential use, only.

7. Fences, walls and street furniture.

8. Signs in accordance with §30.

9. Common satellite dish and television antennas.

10. Residential tool shed on fee simple lots.

11. Accessory uses on the same lot and customarily incidental to the principal use.

D. Bulk standards. The following area, yard, and coverage standards shall apply to uses within the RM-3 district:

1. Minimum lot area: Ten and a half acres (10.5) acres.

2. Minimum lot frontage. None required; however, adequate access shall be obtained pursuant to the standards of N.J.S.A. 40:55D-36.

3. Minimum lot dimension: Five hundred (500) feet.

4. Maximum gross density shall not exceed eight (8) dwelling units per acre.

5. Maximum building coverage.

a. Townhouse use - Twenty-five percent (25%) of the total tract area and seventy percent (70%) of lot area for individual townhouse parcels.

b. All other uses: Twenty-five percent (25%) of the total tract area.

6. Maximum impervious surface coverage - Sixty percent (60%) of total tract area.

7. Maximum building heights.

a. Townhouse and garden apartment: Two and a half stories and thirty-five (35) feet.

b. Stacked townhouse: Three and a half stories and forty-five feet (45).

c. Multi-family – Four stories and sixty (60) feet.

d. Community building – Twenty-eight (28) feet.

e. Maintenance building and other accessory structures – Eighteen (18) feet.

f. Residential tool shed – Twelve (12) feet.

8. Minimum building setbacks.

a. Thirty-five (35) feet from a property line.

b. Seventy-five (75) feet from a gas pipeline line easement.

9. Building limitations for principal building uses shall be as indicated in the following table:

Requirement	Standard
Maximum Dwellings per Building (Townhouses)	8 dwellings
Maximum Dwellings per Building (Stacked Townhouses)	16 dwellings
Maximum Dwellings per Building (Multi-family)	24 dwellings
Minimum Distance from Building front to Building front	60 feet
Minimum Distance from Building front to Building side	35 feet
Minimum Distance from Building front to Building rear	60 feet
Minimum Distance from Building side to Building rear	35 feet
Minimum Distance from Building rear to Building rear	50 feet
Minimum Distance from Building side to Building side	20 feet

10. Fee simple townhouse and community building requirements when placed on a fee simple lot shall be as indicated in the following table:

Use	Townhouse	Community Building
Minimum lot size	2,220 sf.	10,000 sf.
Minimum lot frontage	20 feet; 22 feet if internal garage	80 ft.
Minimum lot depth	110 ft.	120 ft.
Maximum building coverage	70%	50%
Maximum lot coverage	80%	70%
Principal Building Minimum Yard Depths and Height Limitations		
Front yard	25 ft.	25 ft.
Side yard	0 ft. common wall; 12 ft. end unit	20 ft.
Rear yard	25 ft.	30 ft.
Accessory Building Minimum Yard Depths and Height Limitations		
Front Yard	N.P.	N.P.
Side yard	N.P.	10 ft.
Rear yard	5 ft.	10 ft.
Tool shed side and rear yard	5 ft.	5 ft.

N.P. = Not a permitted location

11. Building setbacks from streets and driveways. Minimum building setbacks shall be as in the following table:

Requirement	Standard
From major collector drive or street (public r.o.w. or private r.o.w. easement)	30 feet(1)
Front façade from a residential access drive or street (public r.o.w. or private r.o.w. easement)	22 feet(2)
Rear façade from a residential access drive or street (public r.o.w. or private r.o.w. easement)	20 feet
Side facades from a residential access drive or street (public r.o.w. or private r.o.w. easement)	12 feet(3)
From the r.o.w. of a limited access highway	100 feet

(1), or 40 feet from the edge of cartway, whichever is greater.
(2), or 30 feet from the edge of cartway, whichever is greater.
(3), or 20 feet from the edge of cartway, whichever is greater.

E. Off-street parking facilities shall be on the same lot as the building and located within two hundred fifty (250) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel parking along interior private streets unless the street width is constructed to Township standards.

1. Minimum parking area setbacks.

   a. Twenty-five (25) feet from side and rear lot lines and gas pipeline line easement.

   b. Minimum distance from building to parking shall be ten (10) feet. This requirement shall not apply to any maintenance building.

2. Parking lot setbacks. Where parking lots for residential uses are proposed, no parking space shall be closer than twelve (12) feet to a building. This requirement shall not apply to driveways leading to individual garages. Parking lots shall be setback a minimum of twenty (20) feet from a right-of-way or private right-of-way easement, forty (40) feet from the edge of cartway of a major collector road/driveway, and twenty (20) feet from the edge of a residential access cartway.

3. Minimum landscaped buffer adjacent to existing public streets and property lines - Twenty-five (25) feet or in accordance with §31.D, whichever imposes the greater width. Landscaping requirements shall be as required in §31.

4. Accessory uses and structures, with the exception of –B.4 uses, shall not be located in a front yard or within ten (10) feet of any property line, provided however, that accessory structures which are one hundred (100) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code. Accessory uses and structures permitted under –B.4 herein shall meet the area and yard requirements for principal uses and structures.

F. Required Affordable Housing. In any RM-3 district, all dwellings, with the exception of a superintendent's or manager's dwelling, shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Township's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of Article XII, the Affordable Housing of this ordinance.

G. Design Standards.

1. Multi-family buildings and Garden Apartments. The following standards shall be used in the design of multi-family buildings:

    a. A minimum of one hundred twenty (120) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.

    b. Access to dwellings shall be designed as to provide a sense of safety and security for the residents, particularly in internal stairwells.

    c. All stairs shall be enclosed in the building.

    d. The exterior of the building shall be designed to visually break up any facade in excess of one hundred (100) lineal feet through the use of, but not limited to, offsets, bump-outs and building entrances.

    e. The design should distinguish between the base, middle, and top of the building.

    f. Where an outdoor living space is proposed, adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways shall be provided. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of 4 feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling.

    g. All utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located at the side or rear of buildings and shall be screened by architectural elements or landscape plantings.

2. Townhouses and Stacked Townhouses. The following standards shall be used in the design of townhouse and stacked townhouse buildings:

    a. A minimum of one hundred fifty (150) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.

    b. The front facades of at least forty percent (40%) of the number of dwellings in a structure shall be set back not less than two (2) feet behind the facades of the remaining dwellings in such structure.

    c. The roof lines of at least thirty percent (30%) of the number of dwellings which are attached in a structure, shall be staggered in line with the offsets required in -2.b, hereinabove. Chimneys, skylights, dormers, and other roof structures are encouraged, but not required, to vary the elevation and provide additional light into upper story dwellings.

    d. Where an outdoor living space is included for a unit, it shall be provided with adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways. Screening may be

accomplished with plant materials, masonry structures or wood fencing a minimum of four (4) feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.

§ 14 PUD Planned Unit Developments.

A. Intent. The Planned Unit Development (PUD) regulations are designed to permit the integrated development of exceptionally large tracts of land so as to permit a well planned project which provides a balanced mix of land uses. Because of the unique nature of PUD's and the fact that their development normally extends over a longer period of time than conventional development, these regulations allow a different approval mechanism than that required of other forms of development. PUD's are designed as conditional uses to be authorized by the Planning Board only after a determination that the proposed PUD will meet the objectives of this section and can be developed in full compliance with the regulations of this chapter.

B. Applications for approval of a planned unit development (PUD) shall be required to first secure general development plan approval from the Planning Board.

C. Permitted uses and mix of uses.

1. Residential uses and their associated open space and buffer areas shall constitute a minimum of seventy-five percent (75%) of the land area of the entire PUD. [Ord. O.12.06, 11/13/06]

    a. Single family detached dwellings, other than zero lot line dwellings, must constitute a minimum of forty percent (40%) of the land area of the residential portion of the PUD.

    b. Townhouses, zero lot line dwellings, and two-family dwellings may constitute up to fifty percent (50%) of the land area of the residential portion of the PUD. All townhouses shall be within inclusionary developments as required in Article XII.

    c. Multi-family dwellings may constitute up to thirty percent (30%) of the land area of the residential portion of the PUD. The dwellings may take the form of garden apartment dwellings, in combination with townhouse structures or as dwellings in combined buildings in accordance with sub-paragraph -3, herein. Structures containing both townhouses and multi-family dwellings shall count towards the multi-family portion of the residential part of the PUD. [Ord. O.12.06, 11/13/06]

2. Non-residential uses and their associated open space and buffer areas may constitute up to twenty-five percent (25%) of the land area of the entire PUD.

a. Any use permitted in the C-1 Commercial District may be provided as part of the non-residential portion of the PUD in a parcel of twenty (20) acres or more.

b. Any use permitted in the C-2 Commercial District may be provided as part of the non-residential portion of the PUD in a parcel of less than twenty (20) acres.

c. Any use permitted in an INS Institutional District may be provided in a PUD provided that the minimum area standards of the INS District are met.

d. No other non-residential uses shall be permitted in a PUD.

3. Combined residential and non-residential buildings shall be permitted provided that the ground level floor is a retail or office use, excepting means of access to upper floors. Such buildings shall be counted towards the non-residential land area of the PUD. [Ord. O.12.06, 11/13/06]

D. Bulk standards.

1. Minimum tract area for a PUD - One hundred (100) contiguous acres.

2. The overall density of the residential portion of a PUD, including its associated open space, shall not exceed five (5) units per acre. Density shall be calculated on the developable land area minus all lands intended for commercial or institutional uses.

3. Single family detached dwellings, other than zero lot line dwellings, may be developed according to the densities and bulk standards permitted in the R-10 Residential District.

4. Zero lot line and two-family dwellings may be developed according to the densities and bulk standards permitted in the R-6 Residential District.

5. Townhouses and garden apartments may be developed according to the densities and bulk standards permitted in the RM-2 Residential District.

6. Non-residential uses may be developed according to the bulk standards, buffering and landscaping, and general requirements of the appropriate zoning district for that use, as prescribed above in permitted non-residential uses.

E. Special open space, recreation, and community facilities requirements.

1. Open space and recreation is required as per §32.

2. Circulation.

a. All street improvements shall be provided with curb and sidewalk, to such design standards as may be required by the Township Engineer upon review of the required traffic impact study.

b. Every PUD shall provide a path system for bicycles and pedestrians throughout the development, including the open space system. This path system may, at times, parallel the vehicular circulation system but shall always be grade separated from the cartway of the street system.

c. Provisions shall be made for the future extension of all portions of the circulation system and for connection to existing systems on adjacent lands.

d. At no point in the phased development of the PUD shall any building be permitted to be occupied if it is situated more than twelve hundred (1,200) feet from a point on a street which provides at least two (2) separate means of access to the township-wide street system. In the event that access is to be provided by means of a future road extension, temporary or emergency street access must be provided.

3. Buffers and landscaping.

a. A landscaped buffer of not less than fifty (50) feet in width shall be provided along the entire perimeter of the PUD and along any existing or proposed collector or arterial roads.

b. Foundation and accent plantings must be provided for every building in a PUD. Detailed landscape plans may be submitted at the time of site plan approval for each section.

c. The landscaping and buffer requirements of §31 and the requirements of the appropriate zoning district for each use, as prescribed by this ordinance, shall apply.

4. Utilities.

a. Public water and sanitary sewer service must be provided to all occupied buildings in the PUD.

b. All residential buildings other than single family detached dwellings and all non-residential buildings shall be provided with facilities for the common private collection and disposal of solid waste, including areas for the collection and storage of recyclable materials. Design requirements of the appropriate zoning district for each use shall apply.

c. Street lighting, signage, and street furniture shall be designed and installed according to a common design standard for the entire development,

subject to the size requirements of the appropriate zoning district for each use which shall apply.

d. All existing and proposed utilities shall be installed underground.

e. All streets, pedestrian and bicycle paths, and occupied parking areas serving three (3) or more vehicles shall be adequately lit between the hours of dusk and dawn.

5. Site planning considerations.

a. All development shall be designed so as to maximize the preservation of significant existing trees, natural features, and to protect and utilize viewsheds.

b. No residential lots shall have direct vehicular access from collector or arterial roadways. Reverse frontage lots shall be discouraged but, when necessary for residential lots on collector or arterial streets, shall be provided as required in §40.

c. All development shall be sited so as to attempt to preserve privacy and to ensure natural light.

d. All buildings shall be designed with consideration given to energy efficiency and sun and wind orientation.

6. Signs shall be provided as permitted by §30 for the appropriate zoning district for each use.

F. Off-street parking and loading shall be provided as required by §27.

G. Inclusionary Affordable Housing Requirements. [Ord. O.12.06, 11/13/06]

1. Residential uses. A minimum of fifteen percent (15%) of the total number of dwelling units shall be affordable to low and moderate income households in accordance with Article XII.

2. Non-residential uses. Affordable housing units generated by non-residential development as determined by Article XII shall be constructed within the PUD. If the non-residential use is a retail or office use, the required affordable housing dwellings may be constructed within the same building as permitted under paragraph –C.3, herein. Other required units generated by the non-residential uses shall be integrated into the residential part of the PUD. The entire affordable housing obligation may also be constructed within the residential part of the PUD.

§ 14.1 PVD-1 Planned Village Development 1.

A. Purpose. The Planned Village Development 1 (PVD-1) is intended for residential development with a variety of housing types serving various segments of the population. A submission for development approval as a planned unit residential development pursuant to *N.J.S.A.* 40:55D-62 is encouraged.

B. Permitted Uses. No lot within PVD-1 shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Parks and recreation; conservation.
2. Single family detached dwellings.
3. Stacked townhouse dwellings.
4. Townhouse dwellings.
5. Multi-family dwellings.
6. Municipal purpose.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal permitted use:

1. Community center and recreation center.
2. Gatehouse.
3. Community swimming pool for the common use of residents.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street surface and structured parking.
6. Car sheds and detached garages for private residential use, only.
7. Fences, walls and street furniture.
8. Signs.
9. Common satellite dish and television antennas.
10. Management building and sales or rental office.
11. Maintenance building.
12. Accessory uses on the same lot and customarily incidental to the principal use.

D. Density Limitations and Affordable Housing Requirements. The base residential density shall be four (4) units per gross acre with a mandatory setaside for affordable housing of twenty percent (20%) if a rental tenure and twenty-five percent (25%) if a for-sale tenure. For the purposes of this district, "gross acre" shall mean the total acreage of all of the lots included in the application for development minus any existing rights-of-way and lands deed restricted from further development at the time of an application for development. At the option of the developer, the maximum density may be increased to eight (8) units per gross acre provided the following requirements are met:

1. A portion of the tract consisting of a minimum of five (5) acres of developable land is subdivided and conveyed to the municipality for affordable housing purposes;

2. The affordable housing site has adequate access to a public street;

3. The affordable housing site's storm water volume shall be controlled on the remainder of the applicant's site and an adequate easement for discharge granted;

4. Public sewer and water with adequate capacity for the size of the development planned for the affordable housing development is made available at the location of adequate public access to the site;

5. The development has initially for-sale tenure; and

6. The initial submission application is classified as a planned development.

E. General tract requirements.

1. The amount of land to be reserved for park and active recreation facilities shall be equal to or greater than 0.01 acres per dwelling and oriented primarily towards the multi-family concentration of the development.

2. Minimum frontage on an arterial road shall be seven hundred fifty (750) lineal feet.

3. Minimum perimeter setback for buildings shall be fifty (50) feet.

4. Minimum parking area setback shall be fifty (50) feet from a public street existing prior to the development of the tract and twenty (20) feet from any other tract boundary except that in no circumstance shall parking be permitted in any required perimeter buffer.

5. Common open space and adequate recreation areas shall be set aside in suitable locations to provide for the recreation needs of residents those portions of the project that, because of their natural features, constitute important visual amenities and environmental resources. A planned unit residential development is required to have continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas within the tract. Parks shall be

developed with active recreation appropriate to the population being served or may function as passive recreation and seating areas.

6. Appearance and Aesthetic Control. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to the various residential building types within the development. The creation and promotion of such aesthetic conditions shall strengthen and preserve the municipality's environmental characteristics and promote the civic pride, prosperity, and general welfare of the residents of the development, the Township, and visitors thereto.

7. Pedestrian circulation. There shall be an extensive system of pedestrian walks serving all facilities within the development, providing access to dwellings, parking areas, open spaces, recreational and other communal facilities. The walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials to enhance the appearance of the walkway areas. Pedestrian walkways shall have adequate lighting.

F. Bulk Requirements. Except as otherwise modified, the following area, yard, and coverage standards contained herein shall apply to all development in the PVD-1 district. These regulations shall not apply to any lot dedicated for public utility uses or solely used for storm water management:

1. Building type ratios. No more than fifty percent (50%) of any one residential building type shall be permitted within the PVD-1 district, excluding any dwellings on a paragraph –D.1 site.

2. A minimum of fifteen percent (15%) of the total number of dwellings, excluding any dwellings on a paragraph –D.1 site, shall be single family detached.

3. Single family detached dwellings shall conform to the R-6 requirements, except as modified by paragraph –E.3.

4. Building limitations and separation requirements shall be as indicated in the following table:

Requirement	Standard
Maximum Dwellings per Building (Townhouses)	8 dwellings
Maximum Dwellings per Building (Stacked Townhouses)	16 dwellings
Maximum Dwellings per Building (Multi-family)	24 dwellings
Maximum Dwellings per Building (Multi-family in 100% affordable building)	75 dwellings
Minimum Distance from Building front to Building front	60 feet

Requirement	Standard
Minimum Distance from Building front to Building side	35 feet
Minimum Distance from Building front to Building rear	60 feet
Minimum Distance from Building side to Building rear	35 feet
Minimum Distance from Building rear to Building rear	50 feet
Minimum Distance from Building side to Building side	20 feet

5. Building dimensions. Minimum and maximum building dimensions shall be as indicated in the following table:

Requirement	Standard
Minimum width of townhouse or stacked townhouse with no attached garage	20 feet
Minimum width of townhouse or stacked townhouse with attached or internal garage	24 feet
Maximum building length through the long axis of a townhouse or stacked townhouse	228 feet
Maximum height - townhouse	35 feet
Maximum height - stacked townhouses and multi-family buildings	4 stories/45 feet

6. Fee simple townhouse and community building requirements shall be as indicated in the following table:

Use	Townhouse (fee simple lots)	Community Building
Minimum lot size	1,800 sf.	10,000 sf
Maximum lot size	2,400 sf.	Not Applicable
Minimum lot frontage	20 ft.	100 ft.
Minimum lot depth	100 ft.	100 ft.
Maximum building coverage	70%	50%
Maximum lot coverage	80%	70%
Principal Building Minimum Yard Depths and Height Limitations		
Front yard	25 ft.	25 ft.
Side yard	0 ft. common wall, 15 ft. end unit.	20 ft.
Rear yard	25 ft.	30 ft.
Maximum Height	35 ft.	35 ft.

Use	Townhouse (fee simple lots)	Community Building
Accessory Building Minimum Yard Depths and Height Limitations		
Front Yard	N.P.	N.P.
Side yard	N.P.	10 ft.
Rear yard	5 ft.	10 ft.
Maximum accessory building height	18 ft.	28 ft.
Tool shed height	12 ft.	12 ft.
Tool shed side and rear yard	5 ft.	5 ft.

N.P. = Not a permitted location

7. Building setbacks from streets and driveways. Minimum building setbacks shall be as in the following table:

Requirement	Standard
From major collector drive or street (r.o.w. or private r.o.w. easement)	50 feet(1)
Front or rear façade from a residential access drive or street (r.o.w. or private r.o.w. easement)	30 feet(2)
Side facades from a residential access drive or street (r.o.w. or private r.o.w. easement)	20 feet(3)

(1) - or 60 feet from the edge of cartway, whichever is greater.
(2) - or 40 feet from the edge of cartway, whichever is greater.
(3) - or 30 feet from the edge of cartway, whichever is greater.

8. Parking lot setbacks. Where parking lots for residential uses are proposed, no parking space shall be closer than twelve (12) feet to a building. Parking lots shall be setback a minimum of fifty (50) feet, if from a right-of-way or private right-of-way easement, or sixty (60) feet from the edge of cartway of a major collector, whichever is greater, and twenty (20) feet from the edge of a residential access cartway.

9. Master Plan Streets. The public street plan for any Planned Village Development that encompasses all or part of a new, extended or expanded street, as depicted on the Circulation Plan of the Master Plan, shall be designed to implement the intent and purpose of said master plan street.

G. Design standards.

1. The design and layout of any PVD-1 development shall conform to the following standards.

a. Site planning principles.

1) Spatial relationships between buildings and other structures shall be formal. Façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. A lot with multiple buildings should be organized around a feature such as a courtyard, green, or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be located to allow for adequate fire and emergency access.

2) Community buildings should be located to front toward and relate to public streets, both functionally and visually. Buildings shall not be oriented to front toward a parking lot. Buildings shall be oriented to address the geometry of the abutting street pattern.

3) Buildings shall define the street-edge through adherence to uniform setbacks along the street for each block. A minimum of eighty percent (80%) of all residential building facades on a block face shall be located at the minimum front yard setback line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.

4) Buildings on corner lots shall be considered significant structures, since they have at least two facades visibly exposed to the street. Such buildings shall be designed architectural features to emphasize their location.

5) Buildings located at entrances from collector and arterial roads into and out of neighborhoods shall mark the transition in a distinctive fashion using massing, additional height, contrasting materials, and/or architectural detailing to obtain this effect.

6) Focal points or points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements or other distinguishing features.

7) Driveways from single family residential properties which intersect streets shall be no wider than 12 feet at the property line, but may expand to match the width of the garage doors within the 20 feet of driveway length directly in front of the garage.

b. Variation in single-family detached residential building design.

1) Excessive uniformity in the exterior design and appearance of dwellings erected in the same residential neighborhood may adversely affect the desirability of the residential area and impair

the value of both improved and unimproved real property in such areas. Planned village development, in which residential lot sizes are modest and, consequently, houses will be close together, is particularly susceptible to the negative impacts of such uniformity. It is the purpose of this section to prevent these and other harmful effects of excessive uniformity in design and appearance of dwellings and thus promote and protect the general welfare of the community.

2) Not more than one zoning permit shall be issued for any particular single-family detached dwelling unit design in any housing development consisting of two or more detached dwelling units when the houses are substantially alike in exterior design and appearance unless such houses are separated by a distance of at least one hundred fifty (150) feet.

3) Houses shall be considered substantially alike in exterior design and appearance if they share any one of the following characteristics:

(a) The basic dimensions of the floor plans are without substantial differentiation.

(b) The height and design of the roofs are without substantial change in design and appearance.

(c) The size, location and type of windows and doors in the front elevation are without substantial differentiation.

4) There shall be not less than six basic house designs in any single family detached planned village development.

5) When houses which are substantially alike in exterior design and appearance are located within the same block, the materials used on the exterior shall be varied.

6) To insure conformity with the provisions of this section, no construction permit shall hereafter be issued for more than one dwelling in any housing development until the builder shall post for each specific lot on the map of the subdivision on file with the construction official, the type and model of each house for which a construction permit has been or is being issued.

c. Accessory Garages.

1) Each market rate dwelling shall have a garage. Dwellings intended for low and moderate income household occupancy are exempt

from this requirement; however, affordable dwellings shall have adequate off-street parking.

2) Garages may be detached from or attached to the principal dwelling. In either case the garage shall be aligned either parallel with or perpendicular to the alignment of the principal building.

3) The architectural design of the garage, including the proportions, roof pitch, exterior materials, windows/doors, and color shall be the same as that of the dwelling.

4) As part of the application and review process, the applicant shall develop a pattern book of architectural standards to be reviewed and approved by the Planning Board. Such approval may be subsequent to a general development plan approval but precedent to a grant of preliminary subdivision or site plan approval. The Planning Board may request the assistance of qualified staff and consultants to provide technical assistance in analyzing the adequacy of the architectural standards. Once approved, the pattern book will be utilized to ensure that sufficient variation in building design occurs to avoid sameness in the design of houses.

§ 14.2 PVD-2 Planned Village Development 2

[Ord. O.17.20, 10/19/20]

A. Purpose. The Planned Village Development 2 (PVD-2) is intended for residential development with a variety of housing types serving various segments of the population and with a significant inclusionary affordable housing component. A submission for development approval as a planned unit residential development pursuant to N.J.S.A. 40:55D-62 is encouraged.

B. Permitted Uses. No lot within the PVD-2 shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Parks and recreation; conservation.

2. Single family detached dwellings.

3. Stacked townhouse dwellings.

4. Townhouse dwellings.

5. Multi-family dwellings.

6. Municipal purpose.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal permitted use:

1. Community center and recreation center.

2. Gatehouse.

3. Community swimming pool for the common use of residents.

4. Outdoor recreational facilities, including tennis or other court sports.

5. Off-street surface and structured parking.

6. Car sheds and detached garages for private residential use, only.

7. Fences, walls and street furniture.

8. Signs.

9. Common satellite dish and television antennas.

10. Management building and sales or rental office.

11. Maintenance building.

12. For single family detached uses, any accessory or conditional use allowed in §8.B.2.

13. For other residential uses, home occupations in accordance with §8.B.2.a.11 except that no non-resident employee may work from the premises.

14. Accessory uses on the same lot and customarily incidental to the principal use.

D. Density Limitations and Affordable Housing Requirements. The base residential density shall be six and seven tenths (6.7) dwellings per gross acre with a mandatory setaside for affordable housing of twenty percent (20%), or as set forth in any developer's agreement, whichever is greater. For the purposes of this district, "gross acre" shall mean the total acreage of all of the lots included in the application for development minus any existing rights-of-way and lands deed restricted from further development at the time of an application for development. Non-contiguous planned development where some or all of the dwelling units either for market-rate, affordable units, or both, shall be permitted to transfer to any planned village development district provided that the gross density within this district is not exceeded. [Ord. O.1.26, 3/2/26]

E. General tract requirements.

1. The amount of land to be reserved for park and active recreation facilities shall be equal to or greater than 0.01 acres per dwelling and shall be organized in a central recreation area and as preserved stream corridor.

2. Minimum frontage on an arterial road shall be seven hundred fifty (750) lineal feet.

3. Minimum overall tract perimeter setback for buildings shall be fifty (50) feet, except for single family detached uses which shall be governed by –F.3, hereinbelow.

4. Minimum parking area setback shall be fifty (50) feet from a public street existing prior to the development of the tract and twenty (20) feet from any other tract boundary except that in no circumstance shall parking be permitted in any required perimeter buffer.

5. Common open space and adequate recreation areas shall be set aside to provide for the recreation needs of residents. A planned unit residential development is required to have continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas within the tract. A central passive and/or active recreation area shall be incorporated in the design of the development.

6. Appearance and Aesthetic Control. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to the various residential building types within the development. The creation and promotion of such aes¬thetic conditions shall strengthen and preserve the municipal¬ity's environmental characteristics and promote the civic pride, prosperity, and general welfare of the residents of the development, the Township, and visitors thereto.

7. Pedestrian circulation. There shall be a system of pedestrian walks serving all facilities within the development, providing access to dwellings, parking areas, open spaces, recreational and other communal facilities. Sidewalks along streets shall conform to the applicable standards in *N.J.A.C.* 5:21-1 et seq . Pedestrian walkways shall have adequate lighting that may be provided in whole or in part by the street lighting system.

F. Bulk Requirements. Except as otherwise modified, the following area, yard, and coverage standards contained herein shall apply to all development in the PVD-1 district. These regulations shall not apply to any lot dedicated for public utility uses or solely used for storm water management:

1. Building type ratios. No more than sixty percent (60%) of any one residential building type shall be permitted within the PVD-2 district.

2. A minimum of fifteen percent (15%) of the total number of dwellings, shall be single family detached.

3. Lots for single family detached dwellings shall conform to the following requirements:

   a. Minimum lot area - Seven thousand five hundred (7,500) square feet.

   b. Minimum street frontage - Fifty (50) feet.

   c. Minimum lot width - Sixty (60) feet.

   d. Minimum lot depth - One hundred fifteen (115) feet.

   e. Minimum front yard setbacks:

      1) Corner lot – Thirty (30) feet on the shorter frontage and twenty (20) feet on the longer frontage.

      2) Other lots – Thirty (30) feet.

   f. Minimum individual side yard setback - Five (5) feet.

   g. Minimum aggregate side yard setback (both yards) - Fifteen (15) feet.

   h. Minimum rear yard setback - Twenty-five (25) feet.

   i. Maximum permitted building coverage - Thirty-five percent (35%).

   j. Maximum permitted impervious coverage - Fifty percent (50%).

   k. Maximum permitted building height - Thirty-five (35) feet.

   l. Accessory structures shall not be located in a front yard nor within five (5) feet of a side or rear property line. All accessory structures, including sheds, shall be constructed in accordance with the requirements of the Uniform Construction Code.

4. Building limitations and separation requirements for townhouses, stacked townhouses and multi-family uses shall be as indicated in the following table:

Requirement	Standard
Maximum Dwellings per Building (Townhouses)	8 dwellings
Maximum Dwellings per Building (Stacked Townhouses)	16 dwellings
Maximum Dwellings per Building (Multi-family)	48 dwellings

Requirement	Standard
Minimum Distance from Building front to Building front	60 feet
Minimum Distance from Building front to Building side	35 feet
Minimum Distance from Building front to Building rear	60 feet
Minimum Distance from Building side to Building rear	35 feet
Minimum Distance from Building rear to Building rear	50 feet
Minimum Distance from Building side to Building side	20 feet

5. Building dimensions. Minimum and maximum building dimensions shall be as indicated in the following table:

Requirement	Standard
Minimum width of townhouse or stacked townhouse with no attached garage	18 feet
Minimum width of townhouse or stacked townhouse with attached or internal garage	20 feet
Maximum building length through the long axis of a townhouse or stacked townhouse structure	228 feet
Maximum height - townhouse	3 stories
Maximum height - stacked townhouses and multi-family buildings	4 stories and 60 feet

6. Fee simple townhouse and community building requirements shall be as indicated in the following table:

Use	Townhouse (fee simple lots)	Community Building
Minimum lot size	1,800 sf.	10,000 sf.
Maximum lot size	2,650 sf.	Not Applicable
Minimum lot frontage	Per -F(5) unit width standard	100 ft.
Minimum lot depth	100 ft.	100 ft.
Maximum building coverage	70%	50%

Use	Townhouse (fee simple lots)	Community Building
Maximum lot coverage	80%	70%
Principal Building Minimum Yard Depths and Height Limitations		
Front yard	20 ft.	25 ft.
Side yard	0 ft. common wall, 12 ft. end unit.	20 ft.
Rear yard	25 ft.	30 ft.
Maximum Height	3 stories	35 ft.
Accessory Building Minimum Yard Depths and Height Limitations		
Front Yard	N.P.	N.P.
Side yard	N.P.	10 ft.
Rear yard	5 ft.	10 ft.
Maximum accessory building height	18 ft.	28 ft.
Tool shed height	12 ft.	12 ft.
Tool shed side and rear yard	5 ft.	5 ft.

N.P. = Not a permitted location

7. Building setbacks from streets and driveways (excepting single family detached uses). Minimum building setbacks shall be as in the following table:

Requirement	Standard
From major collector drive or street (r.o.w. or private r.o.w. easement)	50 feet(1)
Front façade from a residential access drive or street (r.o.w. or private r.o.w. easement)	22 feet(2)
Rear façade from a residential access drive or street (r.o.w. or private r.o.w. easement)	20 feet
Side facades from a residential access drive or street (r.o.w. or private r.o.w. easement)	12 feet(3)

3. (1) - or 60 feet from the edge of cartway, whichever is greater.
4. (2) - or 30 feet from the edge of cartway, whichever is greater.
5. (3) -or 20 feet from the edge of cartway, whichever is greater.
8. Parking lot setbacks. Where parking lots for residential uses are proposed, no parking space shall be closer than twelve (12) feet to a building. This requirement shall not apply to driveways leading to individual garages. Parking lots shall be setback a minimum of twenty (20) feet from a right-of-way or private right-of-

way easement, sixty (60) feet from the edge of cartway of a major collector or minor arterial road, and twenty (20) feet from the edge of a residential access cartway.

9. Master Plan Streets. The public street plan for any Planned Village Development that encompasses all or part of a new, extended or expanded street, as depicted on the Circulation Plan of the Master Plan, shall be designed to implement the intent and purpose of said master plan street.

G. Design standards.

1. Multi-family buildings. The following standards shall be used in the design of multi-family buildings:

   a. A minimum of one hundred twenty (120) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.

   b. Access to dwellings shall be designed as to provide a sense of safety and security for the residents, particularly in internal stairwells.

   c. All stairs shall be enclosed in the building.

   d. The exterior of the building shall be designed to visually break up any facade in excess of one hundred (100) lineal feet through the use of, but not limited to, offsets, bump-outs and building entrances.

   e. The design should distinguish between the base, middle, and top of the building.

   f. Where an outdoor living space is proposed, adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways shall be provided. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of 4 feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling.

   g. All utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located at the side or rear of buildings and shall be screened by architectural elements or landscape plantings.

2. Townhouses and Stacked Townhouses. The following standards shall be used in the design of townhouse and stacked townhouse buildings:

   a. A minimum of one hundred fifty (150) cubic feet of storage shall be provided for each dwelling, exclusive of kitchen cabinetry.

b. The front facades of at least 40% of the number of dwellings in a structure shall be set back not less than two (2) feet behind the facades of the remaining dwellings in such structure.

c. The roof lines of at least 30% of the number of dwellings which are attached in a structure, shall be staggered in line with the offsets required in -2.b, hereinabove. Chimneys, skylights, dormers, and other roof structures are encouraged, but not required, to vary the elevation and provide additional light into upper story dwellings.

d. Where an outdoor living space is included for a unit, it shall be provided with adequate visual screening from all other neighboring dwellings, outdoor living spaces, parking areas and roadways. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of 4 feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.

§ 15 TC-1 Transitional Commercial District.

A. Intent. The intent of the TC-1 Transitional Commercial District is to protect the character of neighborhoods which have historically developed in a predominantly residential fashion but which have significant non-residential uses located within the district and which are located on or near arterial roadways.

B. Uses.

1. Principal permitted uses on the land and in the buildings.

a. Single-family detached dwelling existing as of January 1, 2003 subject to the regulations of the R-6 zoning district.

b. General business and professional offices.

c. Facilities of financial and related service organizations including banks, stock brokers, Realtors, insurance agencies, and similar facilities.

d. Stores for the sale of retail goods.

e. Shops specializing in personal or business services, excluding the repair of large items which cannot be hand carried.

f. Day care centers.

g. Eating and drinking establishments.

2. Accessory uses permitted.

a. Off-street parking lots. However, no off-street parking shall be permitted in any part of the front yard for non-residential developments. (See §27 for additional standards.)

b. Signs. (See §30 for standards.)

c. Fences and walls. (See §54 for standards.)

d. Recreational uses for residential lots.

C. Conditional Uses Permitted. The following use shall be permitted when meeting the criteria established for the use:

1. Cannabis retail store, conforming to the criteria in §61.A.13 and the following criteria:

a. The use shall be located on Hurffville Road, State Route 41, between Good Intent Road, County Route 534, and County House Road, County Route 705.

b. The minimum lot area for such use shall be 35,000 sf.

c. The use shall provide a minimum of eighteen (18) parking spaces, including barrier free spaces, regardless of the floor area of the establishment.

d. Two cannabis retailer licenses shall be permitted. [Ord. O.11.24, May 18, 2024]

D. Bulk standards.

1. Minimum lot area.

a. Single family dwellings or conversions of existing residential structures for non-residential use - Six thousand (6,000) square feet.

b. New non-residential development - Twenty thousand (20,000) square feet.

2. Street frontage and yard requirements.

a. Single family dwellings or conversions of existing residential structures for non-residential use:

1) Minimum lot width at building line - Sixty (60) feet.

2) Minimum street frontage – Fifty (50) feet.

3) Minimum lot depth - One hundred (100) feet.

4) Minimum front yard - Thirty (30) feet.

5) Minimum side yards - Fifteen (15) feet aggregate width provided, however, that one (1) side yard shall be at least ten (10) feet in width and the remaining side yard shall be no less than five (5) feet in width.

6) Minimum rear yard - Twenty-five (25) feet

b. New non-residential development.

1) Minimum lot width at the building line - Two hundred (200) feet.

2) Minimum street frontage - Two hundred (200) feet.

3) Minimum lot depth - One hundred (100) feet.

4) Minimum front yard - Thirty (30) feet.

5) Minimum side yards - Fifty (50) feet aggregate width provided, however, that no single side yard shall be less than twenty-five (25) feet in width.

6) Minimum rear yard - Twenty-five (25) feet.

3. Maximum building height - Thirty-five (35) feet.

4. Maximum building coverage, including all principal and accessory buildings.

a. Single family dwellings or conversions of existing residential structures for non-residential use - Thirty percent (30%).

b. New non-residential development - Twenty percent (20%).

5. Maximum impervious site coverage.

a. Single family dwellings or conversions of existing residential structures for non-residential use - Eighty percent (80%).

b. Single family dwellings or conversions of existing residential structures for non-residential use – Eighty percent (80%).

c. New non-residential development - Seventy percent (70%).

E. Buffers and landscaping.

1. Single family dwellings - None required.

2. Non-residential conversions of existing residential structures.

a. All portions of the front yard area not required for access walks and driveways shall be landscaped with a variety of deciduous and evergreen trees, shrubs grass, and natural ground cover.

b. Whenever possible, a landscaped buffer screen ten (10) feet in width shall be provided adjacent to any side or rear property line. The Planning Board may authorize a reduction in the width of the buffer area and/or the provision of an opaque fence or similar visual screen when it is demonstrated that the provision of a ten (10) foot wide buffer would be impractical because of the location of an existing structure or the need to provide required off-street parking.

c. All landscaping, screening, and buffers shall be further subject to the provisions of §31.

3. New non-residential development.

a. A landscaped buffer of not less than twenty (20) feet in width shall be provided adjacent to any street line.

b. A landscaped buffer of not less than twenty (20) feet in width shall be provided along any common property line in a side or rear yard.

c. Buffer plantings and interior parking lot landscaping should be provided as specified in §31.

§ 16 TC-2 Transitional Commercial 2 District.

A. Intent. The intent of the TC-2 Transitional Commercial District is to protect the character of neighborhoods which have historically developed in a predominantly residential fashion but which have significant non-residential uses located within the district and which are located on or near arterial roadways.

B. Uses.

1. The following uses shall be permitted by right.

a. Single-family detached dwelling existing as of January 1, 2003 subject to the regulations of the R-10 zoning district.

b. General business and professional offices.

c. Facilities of financial and related service organizations including banks, stock brokers, Realtors, insurance agencies, and similar facilities.

d. Stores for the sale of retail goods.

e. Shops specializing in personal or business services, excluding the repair of large items which can not be hand carried.

f. Day care centers.

g. Eating and drinking establishments.

2. Accessory uses permitted.

a. Off-street parking lots, however, no off-street parking shall be permitted in any part of the front yard. (See §27 for additional standards.)

b. Signs. (See §30 for standards.)

c. Fences and walls. (See §54 for standards.)

C. Conditional Use Permitted. The following use shall be permitted when meeting the criteria established for the use: [Ord. O.9.24, 5/20/24]

1. Cannabis retail store, conforming to the criteria in §61.A.13 and the following criteria:

a. The use shall be located on Hurffville Road, State Route 41, between Good Intent Road, County Route 534, and County House Road, County Route 705.

b. The minimum lot area for such use shall be 35,000 sf.

c. The use shall provide a minimum of eighteen (18) parking spaces, including barrier free spaces, regardless of the floor area of the establishment.

2. Cannabis retail store, conforming to the criteria in §61.A.13 and the following criteria: [Ord. O.14.24, 6/24/24]

a. The use shall be located on Mantua Pike, State Route 45, between and including 1270 Mantua Boulevard and College Road.

b. The minimum lot area for such use shall be 30,000 sf.

c. The use shall provide a minimum of sixteen (16) parking spaces, including barrier free spaces, regardless of the floor area of the establishment.

D. Bulk standards.

1. Minimum lot area.

a. Single family dwellings or conversions of existing residential structures for non-residential use - Ten thousand (10,000) square feet.

b. New non-residential development - Forty thousand (40,000) square feet.

2. Street frontage and yard requirements.

a. Single family dwellings or conversions of existing residential structures for non-residential use.

1) Minimum lot width at building line - Eighty (80) feet.

2) Minimum street frontage - Seventy (70) feet.

3) Minimum lot depth - One hundred (100) feet.

4) Minimum front yard - Thirty (30) feet.

5) Minimum side yards - Twenty-five (25) feet.

6) Minimum rear yard - Thirty (30) feet.

b. New non-residential development.

1) Minimum lot width at building line - Two hundred (200) feet.

2) Minimum street frontage - Two hundred (200) feet.

3) Minimum lot depth - One hundred fifty (150) feet.

4) Minimum front yard - Thirty (30) feet.

5) Minimum side yards - Fifty (50) feet, each.

6) Minimum rear yard - Fifty (50) feet.

3. Maximum building height - Thirty-five (35) feet.

4. Maximum building coverage, including all principal and accessory buildings.

a. Single family dwellings or conversions of existing residential structures for non-residential use - Thirty percent (30%).

b. New non-residential development - Thirty-five percent (35%).

c. Maximum impervious site coverage.

1) Single family dwellings or conversions of existing residential structures for non-residential use - Fifty percent (50%).

2) New non-residential development - Seventy percent (70%).

E. Buffers and landscaping.

1. Single family dwellings - None required.

2. Non-residential conversions of existing residential structures.

a. All portions of the front yard area not required for access walks and driveways shall be landscaped with a variety of deciduous and evergreen trees, shrubs, and grass or natural ground cover.

b. Whenever possible, a landscaped buffer screen ten (10) feet in width shall be provided adjacent to any side or rear property line. The Planning Board may authorize a reduction in the width of the buffer area and/or the provision of an opaque fence or similar visual screen if it is demonstrated that the provision of a ten (10) foot wide buffer would be impractical because of the location of an existing structure or the need to provide required off-street parking.

c. All landscaping, screening, and buffers shall be further subject to the provisions of §31.

3. New non-residential development.

a. A landscaped buffer of not less than twenty (20) feet in width shall be provided adjacent to any street line.

b. A landscaped buffer of not less than twenty (20) feet in width shall be provided along any common property line in a side or rear yard.

c. Buffer plantings and interior parking lot landscaping should be provided as specified in §31.

4. General design requirements, as required by §37.

§ 17 BC-4 Business Center 4 and BC-3 Business Center 3

A. Purpose. To provide an area for various types of non-residential development with minimal feasible impacts upon natural features and traffic congestion. For the purposes of this section, “tract” shall mean the total lot or lots included in the development application.

B. Uses.

1. Principal permitted uses on the land and in the buildings.

a. Retail sales and services, including supermarkets.

b. General business, governmental, and professional offices.

c. Facilities of financial and related service organizations including banks, stock brokers, Realtors, insurance agencies.

d. Data processing and information processing centers.

e. Day care centers.

f. Hospital; nursing home; medical, dental, or similar health related clinic including offices for the practice of medicine by more than one (1) doctor and/or medical group for the examination of and/or treatment of persons as out-patients and the laboratories incidental thereto.

g. Business services including software writing, drafting services, reproduction and printing services, typing or stenographic services, accounting offices, employments offices, and the offices of temporary office personnel services.

h. [Reserved.] [Ord. O.9.24, 5/20/24]

i. Planned office development. Two (2) or more buildings containing uses permitted within this District located on one (1) or more lots; or one (1) or more buildings containing uses located on two (2) or more lots; and designed as a planned development of related structures and uses including the provision of common access and drives, shared parking, a unified architectural and building scheme, a unified signage and graphic plan, indoor malls connecting buildings when required, and a coordinated storm drainage and open space layout.

j. Eating and drinking places.

k. Planned Commercial Development: as above in –i. but including any use permitted in this zone.

l. Recreation, exercise and health clubs and facilities.

m. Funeral parlors.

n. Department stores.

o. Discount stores or clubs.

2. Accessory uses permitted.

a. The following accessory uses are permitted by right.

1) Off-street parking lots and structures.

2) Signs.

3) Fences and walls.

4) Other uses normally incidental and subordinate to permitted uses.

b. The following accessory uses shall be permitted only in a building principally used for offices, when intended to provide ancillary services and facilities to the employees or visitors to the office campus. No exterior signage shall be permitted for these accessory uses other than a listing on a directory sign as herein provided for.

1) Day care or similar custodial care centers for children or adults requiring supervision.

2) Health club, athletic or related facilities.

3) Newsstand including the accessory sales of candy, tobacco, sundries and similar items.

C. Design Standards:

1. Minimum development tract size: 2 acres

2. Trip Generation: all development shall be designed as to uses such that no more than the following maximum peak hour trips per acre shall be generated:

Development Tract Size (Acres)	Maximum Trip Ends per Acre. [2, 3, 4]
Under 50 acres	18
50 acres or more	16 [Ord. O.16.04, 10/4/04]

a. Pass-by trips shall be excluded for no more than the ITE average for that use.

[2] - Based upon the most current edition of the ITE Trip Generation Manual for a.m., or p.m. street peak equations, whichever is greater.

[3] - If the traffic generation information supplied includes information that concludes to the satisfaction of the reviewing agency that a percentage of the peak traffic enters a limited access state or federal highway prior to impacting an intersection which legs are local or county rights-of-way, the maximum peak trips permitted under this section may be increased by the same percentage.

[4] - Acres shall not include wetlands or 100 year flood plain

b. Traffic information shall include impacts on the level of service on adjacent rights-of-way and intersections for the purpose of determining fair-share of improvement costs.

c. If improvements to the existing circulation system are proposed that will ameliorate declines in level of service on adjacent rights-of-way and intersections resulting from the development, increases in the maximum trips up to an additional 10% will be permitted, provided those trips are part of the level of service calculated above.

3. Street frontage and yard requirements:

	Development Tract Size	
	Under 50 acres	**50 acres or more**
Frontage	300 feet	500 feet
Width	300 feet	600 feet
Depth	300 feet	800 feet
Side Yard (each)		
- from an existing residential use	150 feet	200 feet
- from a non-residential use	50 feet	100 feet
Front Yard		
- Buildings over 14,000 sf.	150 feet	200 feet
- Other Buildings	75 feet	75 feet
Rear Yard		
- from an existing residential use	150 feet	200 feet
- from a non-residential use	50 feet	100 feet

4. Maximum Height: Three stories or 40 feet. [Ord. O.10.09, 8/3/09; Ord. O.9.24, 5/20/24]

5. Minimum building to building distance: 30 feet.

6. Maximum building coverage: N/A

7. Maximum impervious coverage:

a. Tracts under 50 acres: 60%

b. Tracts 50 acres or more: 75%

8. Maximum size of single use: 75,000 square feet in BC4 only. Maximum size of discount stores or clubs in BC-3 100,000 square feet. [Ord. O.16.04, 10/4/04]

9. Accessory Structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of five percent (5%) of the area of the site. Provided, however, that canopies over gasoline pumps may be within sixty (60) feet of a street line.

10. Buffer and landscaping

    a. Landscape buffers shall be provided as follows:

        1) Adjacent to any street line: 50 feet

        2) Adjacent to a residential district: 100 feet

        3) Adjacent to a non-residential district: 50 feet

    b. Buffer plantings and interior parking lot landscaping should be provided as specified in §31.

D. General design requirements as required by §37.

E. Planned Developments

1. Base requirements: Any planned commercial or planned office development of at least 25 acres total may utilize this section. Total acres is defined as either contiguous or non-contiguous property included in the development application.

2. Applicability: The peak trip generation limits shall apply to the total acreage in the application.

§ 17.1 BC-2 Business Center 2

6. [Ord. O.16.19, 12/9/19]

A. Purpose. To provide an area in the municipality proximate to the regional highway network for multi-county commercial and mixed-use development with a strong retail component.

B. Principal Permitted Uses. In the BC-2 district, no lot shall be used, and no structure shall be erected, altered or occupied for any purpose except the following:

1. Child care centers.

2. Eating and drinking places.

3. Entertainment uses, including but not limited to movie theaters, indoor sports and leisure pursuits, performing arts facilities, amusement games and nightclubs.

4. Financial and related service organizations including, but not limited to, banks, credit unions and stockbrokers; real estate agents and insurance agencies.

5. Garden centers.

6. Health care facility, medical, dental, or similar health related clinic including offices for the practice of medicine by more than one doctor and/or medical group for the examination of and/or treatment of persons as out-patients and the laboratories incidental thereto.

7. Health center.

8. [Reserved.] [Ord. O.9.24, 5/20/24]

9. Planned office development. Two (2) or more buildings containing uses permitted within this district located on one or more lots; or one or more buildings containing uses located on two (2) or more lots; and designed as a planned development of related structures and uses including the provision of common access and drives, shared parking, a unified architectural and building scheme, a unified signage and graphic plan, and open space layout.

10. Planned commercial development. As above in –9, but including any use in the zoning district that includes at least three principal permitted uses in this zone.

11. Offices for general business, governmental, and professional establishments.

12. Regional mall development.

13. Retail sales and retail services to the general public.

14. Shopping centers.

C. Accessory uses and structures permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal permitted use:

1. Automobile service stations including facilities for the retail sale of motor fuel for consumption by motor vehicles and convenience goods when provided on the site of an approved planned commercial development or regional mall development.
2. Conference center or rooms, business center, banquet rooms, and recreational facilities such as gyms and swimming pools when used in conjunction with a hotel.
3. Off-street parking lots and parking structures.
4. Garages to house delivery trucks and other commercial vehicles (not including unenclosed parking spaces.
5. Fences, walls and street furniture (see §54 for standards).
6. Signs (see §30 for standards).
7. Management building and sales or rental office.

8. Maintenance building.

9. Accessory uses on the same lot and customarily incidental to the principal use.

D. Conditional uses permitted. The following uses may be permitted when authorized as a conditional use by the board of jurisdiction meeting the criteria following each such use:

1. Colleges, technical, vocational, and business schools, when part of a planned commercial or regional mall development and limited to no more than twenty percent (20%) of the total floor area of the development.

2. Discount stores or clubs when part of a shopping center.

3. Low inventory automotive dealers, subject to the following criteria:

a. The use shall be indoor only.

b. The use is limited to a sales floor to display and sell display and off-site inventory.

c. The display of inventory shall be limited to twenty-five (25) vehicles.

d. If located within the common area of the mall shall be so situated to afford interfering with normal pedestrian and mall security traffic.

4. Medical cannabis dispensaries, subject to compliance with §17.1 and the criteria of §61.A.13. [Ord. O.18.20, 12/7/20]

5. Cannabis retail store, complying with the following criteria and the criteria of §61.A.13:

a. The use shall be located in a shopping center containing at least 40,000 sf. and five other stores.

b. The use shall be located on a street classified as a major arterial or higher order street in the Circulation Element of the Master Plan.

c. The use shall be located within two thousand (2,000) lineal feet of the exterior edge of the Deptford Mall main building.

E. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the BC-2 District, except for Regional Mall Development. Minimum yard and coverage requirements apply to the tract area.

1. Minimum tract size – five (5) acres (tracts may consist of more than one lot)

2. Minimum tract size for planned office or commercial development – twelve (12) acres

3. Minimum lot size – three (3) acres.

4. Minimum frontage – under fifty (50) acres, three hundred (300) feet; fifty (50) acres or more, five hundred (500) feet.

5. Minimum width – under fifty (50) acres, three hundred (300) feet; fifty (50) acres or more, six hundred (600) feet.

6. Minimum depth – under fifty (50) acres, three hundred (300) feet; fifty (50)

acres or more, eight hundred (800) feet.

7. Minimum front yard for buildings in excess of forty thousand (40,000) sf. – under fifty (50) acres, one hundred (100) feet; fifty (50) acres or more, one hundred fifty (150) feet.
8. Minimum front yard for buildings of twenty thousand (20,000) sf. or less – fifty (50) feet.
9. Minimum side yard from an existing residential use – one hundred (100) feet.
10. Minimum side yard to any other use – fifty (50) feet.
11. Minimum rear yard to an existing residential use – one hundred (100) feet.
12. Minimum rear yard to any other use – fifty (50) feet.
13. Maximum building height - Three stories and fifty (50) feet, except that hotels located a minimum of three hundred (300) feet from a residential district may be up to six (six) stories and seventy-five (75) feet in height (measured from the closest façade).
14. Minimum building-to-building distance – thirty (30) feet.
15. Maximum building coverage: No limitation
16. Maximum impervious coverage – under fifty (50) acres, sixty percent (60%); fifty (50) acres or more, seventy-five percent (75).
17. Accessory structures shall be subject to the same bulk requirements as principal buildings, with the following exceptions:
    a. Fencing shall follow the requirements of §54.
    b. Signs shall follow the requirements of §30.
    c. Streetscape element shall follow the requirements of §31.M.
    d. Electric vehicle charging station equipment in parking lots.
    e. Canopies of motor fuel pumps shall be setback a minimum of thirty (30) feet from the streetline.
    f. Guardhouses, which shall be setback sufficiently from the right-of-way to accommodate three (3) vehicles.
    g. Utility structures, subject to the placement requirements of the respective agencies and organizations.

F. Landscaping shall be subject to the requirements of §31.

G. Trip generation. All development shall be designed to limit the allowed uses on the site to no more than the following maximum peak hour trips per acre that shall be generated:

Development Tract Size (Acres)	Maximum Trip Ends per Acre [1,2,3]
Under 100 acres	27.0
100 acres or more	22.5

[1] - Based upon the most current edition of the ITE Trip Generation Manual for a.m., or p.m. street peak equations, whichever yields the highest overall generation.

[2] - If the traffic generation information supplied includes information that concludes to the satisfaction of the reviewing agency that a percentage of the peak traffic enters a limited access state or federal highway prior to affecting the level of service at an intersection which contributing roads are local or county rights-of-way, the maximum peak hour trips permitted under this section may be increased by the same percentage.

[3] - Acres shall not include undevelopable land (examples: wetlands or 100-year floodplain)

1. Pass-by trips shall be excluded for no more than the ITE average for that use.

2. Traffic information shall include impacts on the level of service on adjacent rights-of-way and intersections for the purpose of determining fair share of improvement costs.

3. If improvements to the existing circulation system are proposed that will ameliorate declines in level of service on adjacent rights-of-way and intersections resulting from the development, increases in the maximum trips up to an additional 10% will be permitted, provided those trips are in the level of service calculations noted above.

H. General design requirements as required by §37. Owners of regional mall developments may submit and be approved for a coordinated sign package applying to all uses with the tract that deviates from the requirements of §30 provided the board of jurisdiction finds that it meets the purpose of promoting a desirable visual environment with good civic design and arrangement, without the need for individual variance or design exception relief.

I. Bulk Standards for Regional Mall Development. The following area, yard, and coverage standards shall apply to uses within a regional mall development. Minimum yard and coverage requirements apply to the tract area.

1. Minimum tract size. Ninety (90) acres (tracts may consist of more than one lot).
2. Minimum lot size – Eight (8) acres, except where the regional mall development includes a primary building and connected or immediately adjacent structures containing at least eight hundred thousand (800,000) sf. of gross leasable area, pad sites of a minimum one-half (0.5) acre shall be permitted by subdivision. .
3. Minimum frontage – Five hundred (500) feet on an arterial road identified in the master plan.

4. Minimum width – Six hundred (600) feet.
5. Minimum depth – Eight hundred (800) feet.
6. Minimum front yard for principal buildings and pad site buildings.
    a. For buildings in excess of sixty thousand (60,000) sf. - One hundred fifty (150) feet.
    b. For buildings of sixty thousand (60,000) sf. or less to twenty thousand (20,000) sf. – One hundred feet, except that a hotel may be located to within seventy-five (75) feet of the front property line.
    c. For buildings less than twenty thousand (20,000) sf. to eight thousand five hundred (8,500) sf. – Twenty-five (25) feet.
    d. For buildings less than eight thousand five hundred (8,500) sf. – Fifteen (15) feet, provided that the front façade of the building facing a public street is integrated into the streetscape design requirements for color and material(s).
7. Minimum side yard – Fifty (50) feet.
8. Minimum rear yard – Fifty (50) feet.
9. Maximum building height: Three stories and fifty (50) feet, except that hotels located a minimum of three hundred (300) feet from a residential district may be up to six stories and 75 feet in height (measured from the closest façade).
10. Minimum building-to-building distance:
    a. Where the buildings are separated by a driveway: Thirty (30) feet.
    b. Where the buildings are separated by a public pedestrian way: Fifteen (15) feet.
    c. Any other condition: As required by the fire code.
11. Maximum building coverage - No limitation
12. Maximum impervious coverage – under ninety (90) acres, sixty percent (60%); ninety (90) acres or more, seventy-five percent (75%).
13. Accessory structures shall be subject to the same bulk requirements as principal buildings, with the following exceptions:
    a. Fencing shall follow the requirements of §54.
    b. Signs shall follow the requirements of §30.
    c. Streetscape element shall follow the requirements of §31.M.
    d. Electric vehicle charging station equipment in parking lots.
    e. Canopies of motor fuel pumps shall be setback a minimum of thirty (30)

feet from the streetline.

f. Guardhouses, which shall be setback sufficiently from the right-of-way to accommodate three (3) vehicles.

g. Utility structures, subject to the placement requirements of the respective agencies and organizations.

J. Landscaping shall be subject to the requirements of §31.

§ 17.2 BC-1 Business Center 1

A. Purpose. To provide an area for various types of more intensive development adjacent to a major highway interchange. For the purposes of this section, "tract" shall mean the total lot or lots included in the development application.

B. Uses:

1. Principal permitted uses.

a. All those permitted in the BC-2 zone.

b. New vehicle sales with incidental sale of used vehicles.

c. The following principal uses and no others shall be permitted provided that the use does not create any noise, vibration, smoke, dust, odor, heat, glare, or other objectionable effect in excess of the performance standards for industrial developments as required in §36.

d. Scientific or industrial research, testing or experimental laboratory, or product development.

e. General business or governmental offices.

f. Repair and service of home, business, and/or industrial appliances, equipment, or instruments.

g. Assembly of parts manufactured elsewhere.

h. Warehouse, storage, packing and crating, and distribution facilities, wholesale sales.

i. Data processing, printing, publishing, book binding, engraving, lithographing, reproducing, photo finishing, film processing, radio, television, or cinema studio, or similar establishment.

j. Cold storage, frozen food, and food processing.

k. General service or contractor's shop including carpenter and cabinet making shop, roofing shop, plumbing shop, furniture repair, light metal working, electrical shop, and similar establishments.

l. Mail order merchandise business provided no more than 10% of the total floor area may be used for retail sales to the general public.

m. Commercial greenhouse, nursery, and wholesale florist.

n. Self-service storage facilities, subject to the following additional standards:

1) Off-street parking shall be provided at the office at the rate of two (2) spaces per one hundred (100) storage units plus two (1) spaces for the manager's apartment.

2) One (1) ten (10) foot wide parking/loading lane shall be provided adjacent to each bay of storage buildings, exclusive of required aisle widths.

3) The minimum aisle width, exclusive of parking/travel lanes, shall be fifteen (15) feet for one-way traffic flow and twenty-four (24) feet for two-way traffic flow.

4) Self-service storage facilities shall not exceed three (3) stories in height.

5) Self-service storage facilities shall be designed so that the exterior of the development is composed of solid masonry walls or a decorative fence, unbroken by garage doors. Chain link fences are specifically prohibited. No portion of the facility shall be unprotected by either a solid wall or fence.

6) Each facility shall be sufficiently landscaped to lessen the impact of the severe exterior wall or fence.

7) One (1) resident manager's apartment shall be required for onsite supervision.

8) The facility shall agree to include in each storage unit lease a prohibition on the storage of toxic, explosive, hazardous, or illegal materials.

o. Department Stores. [Ord. O.16.04, 10/4/04]

p. Discount Stores or Clubs not to exceed 100,000 sq. ft. in any configuration including outdoor sales area. [Ord. O.16.04, 10/4/04]

2. Accessory uses permitted (as permitted in the BC-2 zone)

C. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the BC-1 District: [Ord. O.9.24, 5/20/24]

1. Minimum lot area: 5 acres

2. Trip generation: All development shall be designed as to uses such that no more than the following maximum peak hour trips per acre shall be generated:

Development Tract Size (Acres)	Maximum Trip Ends per Acre[5, 6, 7]
Under 100 acres	31.5
Greater than 100 acres	27.0

a. Pass-by trips shall be excluded for no more than the ITE average for that use.

b. Traffic information shall include impacts on the level of service on adjacent rights-of-way and intersections for the purpose of determining fair-share of improvement costs.

c. If improvements to the existing circulation system are proposed that will ameliorate declines in level of service on adjacent rights-of-way and intersections resulting from the development, increases in the maximum trips up to an additional 10% will be permitted, provided those trips are part of the level of service calculated above.

3. Street frontage and yard requirements.

a. Minimum street frontage: 200 feet

b. Minimum lot width: 200 feet

c. Minimum lot depth: 400 feet

d. Minimum front yard: 75 feet

e. Minimum rear yard.

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[5]- Based upon the most current edition of the ITE Trip Generation Manual for a.m., or p.m. street peak equations, whichever is greater.

[6] - If the traffic generation information supplied includes information that concludes to the satisfaction of the reviewing agency that a percentage of the peak traffic enters a limited access state or federal highway prior to impacting an intersection which legs are local or county rights-of-way, the maximum peak trips permitted under this section may be increased by the same percentage.

[7]- Acres shall not include wetlands or 100 year floodplain.

1) Abutting a non-residential district: 50 feet

2) Abutting a residential district: 100 feet

f. Minimum side yard: 25 feet

4. Maximum Height: Two stories and 35 feet

5. Minimum building to building distance: 30 feet

6. Maximum building coverage: Fifty percent (50%)

7. Maximum impervious coverage: Seventy percent (70%)

8. Accessory buildings and structures shall not exceed fifteen percent (15%) of the floor area of the principal building(s) and shall not exceed eighteen (18) feet in height. Accessory buildings and structures shall meet the principal building yard requirements, except for signs, gatehouses, fencing and walls. Gatehouses shall be setback from the front property line a minimum of twenty (20) feet.

9. Landscaping and buffering requirements shall be as required in §31.

D. General design requirements as required by §37.

E. Planned Developments.

1. Base requirements: Any planned commercial or planned office development of at least 25 acres total may utilize this section. Total acres is defined as either contiguous or non-contiguous property included in the development application.

2. Applicability: The Peak hour trip generation limits shall apply to the total acreage in the application.

§ 18 C-1 General Commercial District.

A. Intent. The intent of the C-1 General Commercial District is to promote the commercial development of appropriately located larger tracts of land which are not located within the Town Center District. The property in the C-1 Commercial District shall be of sufficient size to permit the unified development of tracts of land with primary access to the principal arterial or collector roads within the Township. The complimentary and coordinated development of adjacent properties shall be encouraged through regulations designed to control points of ingress and egress, provide for common access and drives, shared parking, a common architectural and building scheme, pedestrian malls connecting buildings, and coordinate storm drainage and open space areas.

B. Uses.

1. Principal permitted uses on the land and in the buildings.

a. Retail trade.

b. Eating or drinking place.

c. Banking facilities, including those with drive-through and bank machine facilities.

d. Data processing and information processing centers.

e. General business or professional offices.

f. Day care centers.

g. Medical clinic with offices for the practice of medicine by more than one (1) doctor and/or medical group for the examination of and/or treatment of persons as out-patients and the laboratories incidental thereto.

h. Movie theaters, performing arts facilities, and community centers.

i. Personal and business service establishments.

j. Facilities for the retail sale of gasoline or diesel fuels for consumption by motor vehicles.

k. Shopping Center.

l. Supermarket, when located in a shopping center.

m. Recreation, exercise and health clubs and facilities when owned and operated by a nongovernmental agency including, but not limited to, buildings for bowling alleys, indoor court games such as racquetball, handball, squash, tennis, basketball and other facilities related thereto including indoor swimming and sauna facilities.

n. Public Park and Ride facilities.

o. Garden center stores and facilities.

2. Accessory uses permitted.

a. Off-street parking lots and structures. (See §27 for standards.)

b. Garages to house delivery trucks and other commercial vehicles. (Unenclosed storage of trucks is not permitted.)

c. Signs. (See §30 for standards.)

d. Fences and walls. (See §54 for standards.)

e. Repair of motor vehicles only when accessory to a facility for the retail sale of gasoline or diesel fuels or to a motor vehicle sales agency.

f. Canopies over gasoline pumps.

C. Bulk standards.

1. Minimum lot size - Five (5) acres.

2. Minimum frontage - Three hundred (300) feet.

3. Minimum lot width - Three hundred (300) feet.

4. Minimum lot depth - Three hundred (300) feet.

5. Minimum front yard - Fifty (50) feet.

6. Minimum side yard (each).

a. Twenty (20) feet adjacent to a non-residentially zoned lot.

b. Fifty (50) feet adjacent to a residentially zoned lot.

7. Minimum rear yard.

a. Twenty (20) feet adjacent to a non-residentially zoned lot.

b. Fifty (50) feet adjacent to a residentially zoned lot.

8. Maximum building height. Height regulations are a function of setbacks from any property or yard line. The height of any building shall not exceed thirty-five (35) feet at the building setback line from all public streets and lot lines; increasing to a maximum permitted height of fifty (50) feet at the rate of one (1) foot in height for each additional one (1) foot that the building is set back from the building setback line.

9. Minimum building setback from another freestanding building within the same commercial development - Twenty (20) feet or a distance equal to fifty percent (50%) of the height of the taller of the buildings, whichever is greater.

10. Maximum building coverage (includes all principal and accessory buildings located on a site) - Twenty-five percent (25%).

11. Maximum impervious coverage - Seventy percent (70%).

12. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of five percent

(5%) of the area of the site. Provided, however, that canopies over gasoline pumps may be within thirty-five (35) feet of a street line.

D. Buffers and landscaping.

1. Landscaped buffers shall be provided as follows:

a. Adjacent to any street line - Twenty-five (25) feet.

b. Adjacent to a residential district - Twenty-five (25) feet.

c. Adjacent to a non-residential district - Twenty (20) feet.

2. Buffer plantings and interior parking lot landscaping should be provided as specified in §31.

E. General design requirements, as required in §37.

§ 19 C-2 Neighborhood Commercial District

A. Intent. The intent of the C-2 Neighborhood Commercial District is intended to promote the development of appropriately located tracts of land to provide commercial services to nearby residential areas.

B. Uses.

1. Principal permitted uses on the land and in the buildings -

a. Retail trade.

b. Eating or drinking place.

c. Banking facilities, including those with drive-through and bank machine facilities.

d. General or professional offices.

e. Personal service establishments.

f. Day care centers.

2. Accessory uses permitted.

a. Off-street parking lots. (See §27 for standards.)

b. Signs. (See §30 for standards.)

c. Fences and walls. (See §54 for standards.)

C. Bulk standards.

1. Minimum lot size - Twenty thousand (20,000) square feet.

2. Minimum street frontage - One hundred (100) feet.

3. Minimum lot width - One hundred (100) feet.

4. Minimum lot depth - Two hundred (200) feet.

5. Minimum front yard - Fifty (50) feet.

6. Minimum side yard (each).

   a. Adjacent to a non-residential use - None required, but ten (10) feet when provided.

   b. Adjacent to a residential use or district - Twenty-five (25) feet.

7. Minimum rear yard.

   a. Adjacent to a non-residential use - Twenty (20) feet.

   b. Adjacent to a residential use or district - Fifty (50) feet.

8. Maximum building height - Thirty-five (35) feet.

9. Maximum building coverage (includes all principal and accessory buildings located on a site) - Thirty percent (30%).

10. Maximum impervious coverage - Eighty percent (80%).

11. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of five percent (5%) of the area of the site.

D. Buffers and landscaping.

1. Landscaped buffers shall be provided as follows:

   a. Adjacent to any street line - Ten (10) feet.

   b. Adjacent to a residential district - Twenty-five (25) feet.

   c. Adjacent to a non-residential district, when a yard is provided - Ten (10) feet.

E. General design requirements, as required in §37.

§ 20 ROM – Research, Office and Manufacturing District. [Ord. O.5.08, 4/7/08]

A. Intent. The Research, Office and Manufacturing (ROM) district is intended for the research, development and manufacturing of products, delivery of professional services and administration of businesses serving primarily regional and/or national markets. By virtue of this type of activity, size, parking and loading requirements, land use and/or nuisance characteristics, these uses require a nearby entrance to a limited access highway.

B. Permitted Uses. In the ROM district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. On lots less than 10 acres:

   a. Professional, administrative and business offices.

   b. Data processing center.

   c. Call center.

   d. Combined office and manufacturing or distribution uses in a single building.

   e. Agriculture.

   f. Public parks and recreation; conservation.

   g. Municipal purpose.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:

1. Security office.

2. Maintenance building.

3. Restaurant or employee cafeteria as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees and visitors to the principal use.

4. Indoor and outdoor recreational facilities planned as an integral part of the principal use.

5. Display showrooms for products of permitted on-site research, testing or manufacturing not exceeding five percent (5%) of the total floor area of the building.

6. Child care center.

7. Off-street surface and structured parking.

8. Fences, walls and street furniture.

9. Signs.

10. Outdoor storage of equipment and materials in accordance with sub-paragraph – E, herein below.

11. Accessory uses on the same lot and customarily incidental to the principal use.

D. Bulk Standards. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Individual principal use.

a. Minimum lot area – Four (4) acres.

b. Minimum lot frontage – Two hundred (200) feet.

c. Minimum lot width – Three hundred (300) feet.

d. Minimum lot depth – Four hundred (400) feet.

e. Minimum front yard – One hundred (100) feet.

f. Minimum side yard – Thirty (30) feet.

g. Minimum rear yard – Fifty (50) feet.

h. Maximum building height – Forty (40) feet or two (2) stories, whichever is less.

i. Maximum impervious coverage – Sixty-five percent (65%)

j. Maximum floor area ratio – Twenty-five hundredths (.25)

2. Office park or business park use.

a. Minimum lot area – Five (5) acres.

b. Minimum lot frontage – Three hundred (300) feet.

c. Minimum lot width – Four hundred (400) feet.

d. Minimum lot depth – Four hundred (400) feet.

e. Minimum front yard – One hundred (100) feet.

f. Minimum side yard – Thirty (30) feet.

g. Minimum rear yard – Fifty (50) feet.

h. Maximum building height – Fifty (50) feet or three (3) stories, whichever is less.

i. Maximum impervious coverage – Seventy percent (70%)

j. Maximum floor area ratio – Three tenths (.30)

3. Accessory buildings and uses. The following regulations shall apply to accessory buildings and uses:

a. No accessory building or use shall be located in a front yard.

b. Minimum side yard – Thirty (30) feet.

c. Minimum rear yard – Twenty-five (25) feet.

d. Minimum distance to other building – Thirty (30) feet.

e. Maximum height - Half the height of the principal use to which it relates.

f. Accessory uses to a comprehensively planned office or business park may be located on an individual lot. In this event, the area, yard and coverage standards of the TC-1 Transitional Commercial District for new non-residential development may be utilized.

4. Parking area setback.

a. From street line – Fifty (50) feet.

b. From any other lot line – Thirty (30) feet.

5. Minimum landscape buffer widths.

a. Adjacent to any street line excepting a limited access highway – Fifty (50) feet.

b. Adjacent to the street line of a limited access highway – Thirty (30) feet.

c. Adjacent to any other lot line – Thirty (30) feet.

E. Outdoor Storage. Materials used in the manufacture or assembly of products and equipment may be stored outside behind the front building line provided that such storage shall meet the following requirements:

1. The location of the outdoor storage shall be approved by the board of jurisdiction and delineated on a site plan;

2. Outdoor storage shall be located in a side or rear yard behind the front building line;

3. Outdoor storage shall not occupy more than fifty percent (50%) of the total area of the side and rear yards;

4. The height of outdoor storage shall not exceed twelve (12) feet;

5. The outdoor storage shall be behind a fully opaque fence; and

6. Landscape buffering of the outdoor storage shall be required in accordance with §31.C.

§ 20.1 O Office District [Ord. O.18.13, 12/9/13]

A. Intent. The purpose of the Office (O) district is to provide for office and related principal and accessory uses on lots with vehicular access to a collector or arterial road devoted to the establishment of non-retail commercial uses and specifically to serve the need for medical services due to population growth and an aging population.

B. Permitted Uses. In the O district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Professional office, as modified by –B.2, below.

2. Medical and dental offices and clinics, including urgent care treatment facilities, but not to include outpatient treatment for addictive substances.

3. Ambulatory surgical facility.

4. Bank and other financial institution, including drive-through facilities.

5. Funeral home.

6. Child care center.

7. Adult day care.

8. Technical, trade or occupational school.

9. Municipal use.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal use.

1. Drive-thru facilities for banks and other financial institutions.

2. Off-street parking.

3. Fences, walls and street furniture.

4. Signs.

5. Garages and tool sheds.

6. Accessory uses customarily incidental to a principal use.

D. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the O district:

1. Minimum lot size – Sixty thousand (60,000) sf.

2. Minimum lot frontage – One hundred twenty-five (125) feet.

3. Minimum lot width – One hundred twenty-five (125) feet.

4. Maximum floor area ratio – Two tenths (0.20).

5. Maximum impervious surface ratio – Sixty-five percent (65%).

6. Maximum building height – Thirty-five (35) feet and two stories.

7. Minimum front yard – Thirty (30) feet.

8. Minimum side yard – Fifteen (15) feet.

9. Minimum rear yard – Twenty-five (25) feet.

10. Parking area setback:

    a. From any streetline - Thirty (30) feet.

    b. From any side or rear yard – Fifteen (15) feet.

    c. From any building – Ten (10) feet, except that parking aisles may be within six (6) feet.

    d. Notwithstanding any other provision, no parking shall be located in between the front façade of a building and the streetline.

11. Accessory buildings and uses. The following regulations shall apply to accessory buildings and uses:

    a. No accessory building or use shall be located in a front yard.

b. Minimum side and rear yard – Fifteen (15) feet.

c. Minimum distance to any other building – Twenty (20) feet.

d. Maximum accessory building height:

1) Garages - One-and-a-half stories and twenty (20) feet.

2) Tool Sheds – One story and twelve (12) feet.

3) Other accessory buildings – Sixteen (16) feet.

E. Design requirements shall be as required in §31.M, Streetscape Standards, and §37, General Design Requirements.

§ 21 FLX Flex Space District.

A. Intent.

The intent of the FLX Flex Space District is to promote the development of appropriate areas within the Township which will provide opportunities for the use of buildings for office, light manufacturing, warehousing, and distribution facilities.

B. Uses.

1. Principal permitted uses on the land and in the buildings.

a. The following uses shall be permitted by right.

1) Scientific research laboratory.

2) Printing, publishing, lithographing, binding, or similar processes.

3) Offices and shops of tradesmen, including the sale of materials produced onsite by the tradesman.

4) Warehouse, storage house, or distribution center, including a truck terminal.

5) Mail order merchandise facility.

6) Motion picture film production, television or radio studio, cable television studio, satellite ground station.

7) General business offices, banks, and offices of financial institutions.

8) Facilities for the retail sale of gasoline and diesel fuel for consumption by motor vehicles.

9) Automotive sales and service facilities.

b. The following principal uses are permitted conditionally upon a determination by the Planning Board that the use can be provided in a manner that will minimize the impact upon adjacent properties and will conform with such additional standards as provided in §61.

1) Self-service storage facilities.

2. Accessory uses permitted.

a. Off-street parking lots and structures. (See §27 for standards.)

b. Garages to house delivery trucks and other commercial vehicles. (Unenclosed storage of trucks and trailers are not permitted).

c. Signs. (See §30 for standards.)

d. Fences and walls. (See §54 for standards.)

e. The warehousing of materials permitted in association with a permitted principal use.

f. Canopies over gasoline pumps.

C. Bulk standards.

1. Minimum lot area - Two (2) acres.

2. Minimum lot width at building line - Three hundred (300) feet.

3. Minimum lot depth - Two hundred fifty (250 feet.

4. Minimum front yard - Seventy-five (75) feet.

5. Minimum side yards, each.

a. The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

b. The minimum building setback from a residentially zoned lot - Fifty (50) feet.

6. Minimum rear yard.

a. The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

b. The minimum building setback from a residentially zoned lot - Fifty (50) feet.

7. Maximum building height - Twenty-five (25) feet.

8. Maximum building coverage (includes all principal and accessory buildings) - Thirty-five percent (35%).

9. Maximum impervious coverage - Eighty percent (80%).

10. Minimum gross leasable floor area for the first building or first phase of any development - Three thousand five hundred (3,500) square feet.

11. Accessory structures shall be subject to all the same locational requirements as principal buildings provided, however, that canopies over gasoline pumps may be within thirty (30) feet of a street line.

D. Buffers and landscaping.

1. Landscaped buffers shall be provided as follows:

a. Adjacent to any street line - Twenty-five (25) feet.

b. Adjacent to a residential district - Twenty-five (25) feet.

c. Adjacent to a non-residential district - Ten (10) feet.

2. Buffer plantings and interior parking lot landscaping should be provided as specified in § 31.

E. General design requirements, as required in §37.

§ 22 LI-1 Light Industrial 1 District.

A. Intent.

The intent of the LI-1 Light Industrial 1 Zoning District is to promote the industrial development of appropriately located tracts of land which are well located with respect to major arterial roadways. The LI-1 Light Industrial 1 District is intended to encourage industrial development within smaller, previously approved individual parcels and industrial parks with non-polluting industrial and related uses.

B. Uses.

1. The following principal uses and no others shall be permitted provided that the use does not create any noise, vibration, smoke, dust, odor, heat, glare, or other objectionable effect in excess of the performance standards for industrial developments as required in §36.

a. Scientific or industrial research, testing or experimental laboratory, or product development.

b. General business or governmental offices.

c. Repair and service of home, business, and/or industrial appliances, equipment, or instruments.

d. Assembly and light manufacturing.

e. Warehouse, storage, packing and crating, and distribution facilities.

f. Data processing, printing, publishing, book binding, engraving, lithographing, reproducing, photo finishing, film processing, radio, television, or cinema studio, or similar establishment.

g. Cold storage, frozen food, and food processing.

h. Laundry, cleaning, and dying plant.

i. General service or contractor's shop including carpenter and cabinet making shop, roofing shop, plumbing shop, furniture repair, light metal working, electrical shop, and similar establishments.

j. Automobile repair, body work, and painting.

k. Mail order merchandise business provided no retail sales to the general public occur onsite.

l. Commercial greenhouse, nursery, and wholesale florist.

m. Self-service storage facilities, subject to the following additional standards:

1) Off-street parking shall be provided at the office at the rate of two (2) spaces per one hundred (100) storage units plus two (2) spaces for the manager's apartment.

2) One (1) ten (10) foot wide parking/loading lane shall be provide adjacent to each bay of storage buildings, exclusive of required aisle widths.

3) The minimum aisle width, exclusive of parking/travel lanes, shall be fifteen (15) feet for one-way traffic flow and twenty-four (24) feet for two-way traffic flow.

4) Self-service storage facilities shall not exceed one (1) story in height.

5) Self-service storage facilities shall be designed so that the exterior of the development is composed of solid masonry walls or a decorative fence, unbroken by garage doors. Chain link fences are specifically prohibited. No portion of the facility shall be unprotected by either a solid wall or fence.

6) Each facility shall be heavily landscaped to lessen the impact of the severe exterior wall or fence.

7) One (1) resident manager's apartment shall be required for onsite supervision.

8) The facility shall agree to include in each storage unit lease a prohibition on the storage of toxic, explosive, hazardous, or illegal materials.

n. The storage, parking and/or garaging of motor vehicles and associated trailers which are currently licensed by the State of New Jersey for use on public streets provided, however, that in no case shall this provision be interpreted to permit the operation of an automotive junk yard.

2. Accessory uses permitted.

a. Off-street parking lots and structures. (See §27 for standards.)

b. Structures to house delivery trucks and other commercial vehicles.

c. Signs. (See §30 for standards.)

d. Fences and walls. (See §54 for standards.)

C. Bulk standards.

1. Industrial parks containing multiple principal buildings on the same lot or tract.

a. Minimum tract size - Five (5) acres.

b. Minimum lot area per principal building - One (1) acre.

c. Minimum street frontage - One hundred fifty (150) feet.

d. Minimum lot width - One hundred fifty (150) feet.

e. Minimum lot depth - Three hundred (300) feet.

f. Minimum front yard - Thirty (30) feet.

g. Minimum side yard (each).

1) The minimum building setback from a non-residentially zoned lot - Twenty (20) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

h. Minimum rear yard.

1) The minimum building setback from a non-residentially zoned lot - Twenty (20) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

i. Maximum building height. Height regulations are a function of setbacks from any property or yard line. The height of any building shall not exceed twenty-five (25) feet at the building setback line from all public streets and lot lines; increasing to a maximum permitted height of fifty (50) feet at the rate of two (2) feet in height for each additional one (1) foot that the building is set back from the building setback line.

j. Building setback from another freestanding building within the same industrial development - Fifty (50) feet.

k. Maximum building coverage (includes all principal and accessory buildings located on a site) - Forty-five percent (45%).

l. Maximum impervious coverage - Seventy-five percent (75%).

m. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of fifteen percent (15%) of the area of the site.

2. Industrial uses on individual lots.

a. Minimum lot size - Five (5) acres.

b. Minimum frontage - Two hundred (200) feet.

c. Minimum lot width - Two hundred (200) feet.

d. Minimum lot depth - Three hundred (300) feet.

e. Minimum front yard - Seventy-five (75) feet.

f. Minimum side yard (each).

1) The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

g. Minimum rear yard.

1) The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

h. Maximum building height. Height regulations are a function of setbacks from any property or yard line. The height of any building shall not exceed twenty-five (25) feet at the building setback line from all public streets and lot lines; increasing to a maximum permitted height of fifty (50) feet at the rate of two (2) feet in height for each additional one (1) foot that the building is set back from the building setback line.

i. Maximum building coverage (includes all principal and accessory buildings located on a site) - Forty percent (40%).

j. Maximum impervious coverage - Seventy percent (70%).

k. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of ten percent (10%) of the area of the site.

D. Buffers and landscaping.

1. Landscaped buffers shall be provided as follows:

a. Adjacent to any street line - Twenty (20) feet.

b. Adjacent to a residential district - Twenty-five (25) feet.

c. Adjacent to a non-residential district - Twenty (20) feet.

2. Buffer plantings and interior parking lot landscaping should be provided as specified in §31.

E. General design requirements, as required in §37.

§ 23 LI-2 Light Industrial 2 District.

A. Intent.

The intent of the LI-2 Light Industrial 2 District is to promote the industrial development of appropriately located larger tracts of land which are well located with respect to major arterial roadways. The LI-2 Light Industrial 2 District is intended to encourage development of larger industrial parcels and industrial parks with non-polluting industrial and related uses.

B. Uses.

1. The following principal uses and no others shall be permitted provided that the use does not create any noise, vibration, smoke, dust, odor, heat, glare, or other objectionable effect in excess of the performance standards for industrial uses as required in §36.

   a. Scientific or industrial research, testing or experimental laboratory, or product development.

   b. General business or governmental offices.

   c. Repair and service of home, business, and/or industrial appliances, equipment, and instruments.

   d. Assembly and light manufacturing.

   e. Warehouse, storage, packing and crating, and distribution facilities.

   f. Data processing, printing, publishing, book binding, engraving, lithographing, reproducing, photo finishing, film processing, radio, television, or cinema studio, or similar establishment.

   g. Cold storage, frozen food, and food processing.

   h. Laundry, cleaning, and dying plant.

   i. General service or contractor's shop including carpenter and cabinet making shop, roofing shop, plumbing shop, furniture repair, light metal working, electrical shop, and similar establishments.

   j. Automobile repair, body work, and painting.

   k. Mail order merchandise business provided no retail sales to the general public occur on site.

   l. Commercial greenhouse, nursery, and wholesale florist.

   m. Self-service storage facilities, subject to the following additional standards:

1) Off-street parking shall be provided at the office at the rate of two (2) spaces per one hundred (100) storage units plus two (2) spaces for the manager's apartment.

2) One (1) ten (10) foot wide parking/loading lane shall be provide adjacent to each bay of storage buildings, exclusive of required aisle widths.

3) The minimum aisle width, exclusive of parking/travel lanes, shall be fifteen (15) feet for one-way traffic flow and twenty-four (24) feet for two-way traffic flow.

4) Self-service storage facilities shall not exceed one (1) story in height.

5) Self-service storage facilities shall be designed so that the exterior of the development is composed of solid masonry walls or a decorative fence, unbroken by garage doors. Chain link fences are specifically prohibited. No portion of the facility shall be unprotected by either a solid wall or fence.

6) Each facility will be heavily landscaped to lessen the impact of the severe exterior wall or fence.

7) One (1) resident manager's apartment shall be required for onsite supervision.

8) The facility shall agree to include in each storage unit lease a prohibition on the storage of toxic, explosive, hazardous, or illegal materials.

2. Accessory uses permitted.

a. Off-street parking lots and structures. (See §27 for standards.)

b. Structures to house delivery trucks and other commercial vehicles.

c. Signs. (See §30 for standards.)

d. Fences and walls. (See §54 for standards.)

3. Conditional use permitted. The following use shall be permitted when meeting the criteria established for the use [Ord O.01.25, 3/17/25]:

a. Cannabis manufacturing, conforming to the following criteria:

1) The provisions of §61.13.a (state enabling authority), §61.13.c (site plan approval, including the expiration of the period of vested

rights as stated therein for Medical Cannabis Dispensary and Cannabis Retail Store), §61.13.g.2, §61.13.g.3, and §61.13.g.4 (performance standards).

2) Any person or business entity shall obtain a resolution from the Township Council of the Township of Deptford authorizing the application of the proposed operator for a Class 2 Cannabis Manufacturing license from the New Jersey Cannabis Regulatory Commission and any such additional licensing as required by the municipality at the time of application.

3) The minimum lot area for such use shall be one and one-half acres (1.5 ac.).

4) The maximum height shall not exceed thirty-five (35) feet.

5) Other area, yard, and coverage requirements shall be as required for principal permitted uses in the LI-3 district. Deviations from such standards shall be considered pursuant to N.J.S.A. 40:55D-51 or -70c as the case may be.

C. Bulk standards.

1. Industrial parks containing multiple principal buildings on the same lot or tract.

a. Minimum tract size - Ten (10) acres.

b. Minimum lot area per principal building - Two (2) acres.

c. Minimum street frontage - Three hundred (300) feet.

d. Minimum lot width - Three hundred (300) feet.

e. Minimum lot depth - Three hundred (300) feet.

f. Minimum front yard - Seventy-five (75) feet.

g. Minimum side yard (each).

1) The minimum building setback from a non-residentially zoned lot - Twenty (20) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

h. Minimum rear yard.

1) The minimum building setback from a non-residentially zoned lot - Twenty (20) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

i. Maximum building height.

Height regulations are a function of setbacks from any property or yard line. The height of any building shall not exceed twenty-five (25) feet at the building setback line from all public streets and lot lines; increasing to a maximum permitted height of fifty (50) feet at the rate of two (2) feet in height for each additional one (1) foot that the building is set back from the building setback line.

j. Building setback from another freestanding building within the same industrial development - Fifty (50) feet.

k. Maximum building coverage (includes all principal and accessory buildings located on a site) - Forty-five percent (45%).

l. Maximum impervious coverage - Seventy-five percent (75%).

m. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of fifteen percent (15%) of the area of the site.

2. Industrial uses on individual lots.

a. Minimum lot size - Five (5) acres.

b. Minimum frontage - Two hundred (200) feet.

c. Minimum lot width - Two hundred (200) feet.

d. Minimum lot depth - Three hundred (300) feet.

e. Minimum front yard - Seventy-five (75) feet.

f. Minimum side yard (each).

1) The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

g. Minimum rear yard.

1) The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

2) The minimum building setback from a residentially zoned lot - Fifty (50) feet.

h. Maximum building height.

Height regulations are a function of setbacks from any property or yard line. The height of any building shall not exceed twenty-five (25) feet at the building setback line from all public streets and lot lines; increasing to a maximum permitted height of fifty (50) feet at the rate of two (2) feet in height for each additional one (1) foot that the building is set back from the building setback line.

i. Maximum building coverage (includes all principal and accessory buildings located on a site) - Forty percent (40%).

j. Maximum impervious coverage - Seventy percent (70%).

k. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of ten percent (10%) of the area of the site.

D. Buffers and landscaping.

1. Landscaped buffers shall be provided as follows:

a. Adjacent to any street line - Twenty (20) feet.

b. Adjacent to a residential district - Twenty-five (25) feet.

c. Adjacent to a non-residential district - Twenty (20) feet.

2. Buffer plantings and interior parking lot landscaping should be provided as specified in §31.

E. General design requirements, as required in §37.

§ 23.1 LI-3 Light Industrial 3 District.

[O.13.21, 8/2/21]

A. Intent.

The intent of the LI-3 Light Industrial District is to promote the development of appropriate areas within the Township which will provide opportunities for the use of buildings for office, light manufacturing, warehousing, and distribution facilities.

B. Permitted Principal Uses. In the LI-3 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Agricultural fertilizer, pesticide, seed and similar sales and service.
2. Agricultural equipment sales and service.
3. Auto body shops.
4. Automobile impound lot.
5. Banks and other offices of financial institutions.
6. Cold storage.
7. Commercial laundry, not to include on-site retail services.
8. Composting facility.
9. Contractor's shop including carpenter shop, roofing shop, plumbing shop, furniture repair, light metal working, electrical shop, and similar establishments.
10. Fabrication shops.
11. Food and beverage processing and manufacturing.
12. General business offices.
13. Manufacturing of products from previous prepared materials; assembly.
14. Metalworking.
15. Portable sanitary facilities sales and service.
16. Printing, publishing, lithographing, binding, or similar processes.
17. Recreation vehicles, motorcycles, boats, and off-road vehicles sales and services.
18. Scientific research and testing laboratory.
19. Self-service storage facilities.
20. Telecommunications facilities.
21. Truck and trailer sales and service facilities.
22. Wholesale fuel sales.
23. Woodworking; millwork.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use

1. Off-street parking lots and structures. (See §27 for standards).

2. Contracting yards, including those for heavy equipment, for outdoor storage of equipment and materials.

3. Garages to house delivery trucks and other commercial vehicles.

4. Guard house.

5. Warehousing and distribution, but not to include a truck terminal.

6. Weigh station/scales.

7. Signs. (See §30 for standards)

8. Fences and walls. (See §54 for standards)

9. Canopies over motor fueling pumps.

10. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. Any of the following conditional uses shall be permitted meeting the criteria established for the use:

1. Automotive repair and service facilities, automotive fuel sales, and charging stations conforming to the following criteria:

   a. A masonry brick or stone wall, located parallel to the main frontage and a minimum height of thirty (30) inches shall be constructed for a length equal to the long axis of the motor fuel canopy or eighty (80) feet, whichever is greater, for the purpose of obstructing the view of the dispensing area from the public right-of-way.

   b. All lifts, appliances, pits, storage areas, trash facilities, greasing equipment and such similar repair and maintenance equipment, other than motor fuel dispensers, air pumps, and public telephones, shall be located within an enclosed building.

   c. No junked motor vehicle or boat or part thereof or any unlicensed or unregistered motor vehicle shall be permitted on the premises. However, any motor vehicle awaiting repair may be located on the premises, provided that the vehicle shall be located in the rear or side yard and shall be screened from view with landscaping and a fence such that no stored

vehicle less than 6' in height shall be visible from a public right-of-way or building on an adjacent lot.

d. The exterior display and parking of motor vehicles, trailers, boats, snowmobiles or other similar equipment for sale or rental purposes shall not be permitted.

e. No parking of vehicles shall be permitted on an unpaved area.

2. Truck storage conforming to the following criteria:

a. The minimum lot size shall be five (5) acres.

b. The minimum lot width shall be one hundred fifty (150) lineal feet on an arterial street.

c. Minor truck repairs shall be permitted in an enclosed building but not to include engine overhaul, transmission repair, or hydraulic system repair.

d. No overnight use of sleeper cabs shall be permitted.

e. No parking of vehicles shall be permitted on an unpaved area.

f. No parking of stored vehicles shall be within fifty (50) feet of a right-of-way.

3. Cannabis manufacturing, conforming to the following criteria [Ord. O.1.25, 3/17/25]:

a. The provisions of §61.13.a (state enabling authority), §61.13.c (site plan approval, including the expiration of the period of vested rights as stated therein for Medical Cannabis Dispensary and Cannabis Retail Store), §61.13.g.2, §61.13.g.3, and §61.13.g.4 (performance standards).

b. Any person or business entity shall obtain a resolution from the Township Council of the Township of Deptford authorizing the application of the proposed operator for a Class 2 Cannabis Manufacturing license from the New Jersey Cannabis Regulatory Commission and any such additional licensing as required by the municipality at the time of application.

c. The minimum lot area for such use shall be one and one-half acres (1.5 ac.).

d. The maximum height shall not exceed thirty-five (35) feet.

e. Other area, yard, and coverage requirements shall be as required for principal permitted uses in the LI-3 district. Deviations from such standards shall be considered pursuant to N.J.S.A. 40:55D-51 or -70c as the case may be.

E. Bulk standards.

1. Minimum lot area – Two (2) acres, except that permitted conditional uses shall have a minimum lot area of one (1) acre.

2. Minimum lot width at building line - One hundred fifty (150) feet.

3. Minimum lot depth - Two hundred fifty (250) feet.

4. Minimum front yard - Seventy-five (75) feet.

5. Minimum side yards, each.

   a. The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

   b. The minimum building setback from a residentially zoned lot - Fifty (50) feet.

6. Minimum rear yard.

   a. The minimum building setback from a non-residentially zoned lot - Twenty-five (25) feet.

   b. The minimum building setback from a residentially zoned lot - Fifty (50) feet.

7. Maximum building height. The height of any building shall not exceed twenty-five (25) feet at the building setback line from all public streets and lot lines; increasing to a maximum permitted height of fifty (50) feet at the rate of two (2) feet in height for each additional one (1) foot that the building is set back from the property line.

8. Maximum building coverage (includes all principal and accessory buildings) - Thirty-five percent (35%).

9. Maximum impervious coverage, including outdoor storage areas - Seventy percent (70%).

10. Accessory structures shall be subject to all the same locational requirements as principal buildings provided, however, that canopies over motor fuel pumps may be within thirty (30) feet of a street line.

11. Buffers and landscaping. Landscaped buffer widths, plantings and parking lot landscaping shall be as required in §31.

F. Performance and Design Standards. In addition to the applicable design requirements in §37, development in the LI-3 district shall conform to the following standards:

1. Outdoor Storage. Materials used in the manufacture or assembly of products and equipment may be stored outside behind the front building line provided that such storage shall meet the following requirements:

   a. The location of the outdoor storage shall be approved by the board of jurisdiction and delineated on a site plan;

   b. Outdoor storage shall be located in a side or rear yard behind the front building line;

   c. Outdoor storage shall not occupy more than sixty percent (60%) of the total area of the lot, except for municipal uses;

   d. The height of outdoor materials storage shall not exceed twelve (12) feet;

   e. The outdoor storage shall be behind a fully opaque fence; and

   f. Landscape buffering of the outdoor storage shall be required in accordance with §31.C.

2. On-site circulation. Where customers are intended to visit a site, circulation on-site shall be separated into truck, trailer, and heavy equipment drives on the one hand and passenger vehicle drives on the other once past the front yard setback line.

§ 24 INS Institutional District.

[Ord. O.9.24, 5/20/24]

A. Intent. The intent of the INS - Institutional Zoning District is to provide regulations for public and quasi-public land uses that ensure compatibility or harmony to surrounding land uses by the application of appropriate dimensional and performance standards.

B. Permitted Principal Uses. In the INS district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Municipal, county, state or federal building or use.

2. Municipal and county public utility buildings and infrastructure.

3. Public and private accredited elementary and secondary schools.

4. Non-profit tertiary educational facilities.

5. Non-profit performing arts and/or theatrical facilities.

6. Museum.

7. Private recreational use of a primarily outdoor character, such as swim clubs, tennis

clubs, golf course, or similar facilities.

8. Houses of Worship. [Ord. O.6.25, 5/19/25]

C. Accessory Uses and Structures Permitted. The following accessory uses and structures shall be permitted in conjunction with a principal use on the same lot:

1. Book, clothing and retail sales related to the institution.

2. Clubhouse, locker rooms, dining facilities, cart storage, and other ancillary structures consistent with a full service golf course.

3. Fences and walls, in accordance with §54.

4. Gatehouses not exceeding four hundred (400) gross square feet in floor area.

5. Indoor and outdoor recreational facilities.

6. Maintenance facilities, including garages and storage yards.

7. Off-street parking lots and structures in accordance with §27.

8. Parsonage and rectory, convent, or similar residential dwelling for a religious institution.

9. Restaurants and cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees and visitors thereto of the principal use.

10. Special needs housing as defined by the NJ Department of Human Services at a tertiary educational facility, not to exceed one dwelling unit per two (2) acres.

11. Signs in accordance with §30.

12. Accessory uses on the same lot or tract under the same ownership and customarily incidental to the principal use.

D. Conditional Uses. The following uses may be permitted when authorized as a conditional use by the board of jurisdiction:

1. Cemetery and/or memorial park in accordance with the criteria under §61.

2. Club, lodge or similar fraternal organization in accordance with the criteria under §61.

E. Bulk Standards for Houses of Worship.

1. Minimum lot size: Two (2) acres.

2. Minimum street frontage: Two hundred (200) feet.

3. Minimum lot width: Two hundred (200) feet.

4. Minimum lot depth: Four hundred (400) feet.

5. Minimum front, side and rear yards: Fifty (50) feet.

6. Minimum side and rear yard for accessory buildings.

   a. With a floor area of 250 sf. or less: Ten (10) feet.

   b. With a floor area greater than 250 sf.: Twenty-five (25) feet.

   c. Accessory buildings shall meet the front yard requirement for principal buildings.

7. Maximum building height.

   a. Principal building: Two stories and Fifty (50) feet.

   b. Religious architectural element above the roof ridge not exceeding a horizontal cross-section of 400 sf.: Eighty feet (80) feet.

   c. Accessory building. One story and fifteen (15) feet within twenty-five (25) feet of a side or rear lot line; one-story and twenty-eight (28) feet for accessory buildings in excess of twenty-five (25) feet from a side or rear lot line, except that housing for religious orders and leaders shall meet the height limitations of the R-40 zoning district.

8. The gross floor area of all accessory buildings shall not exceed fifteen percent (15%) of the gross floor area of the principal building or buildings on the tract.

F. Bulk Standards for Other Uses.

1. Minimum lot size: Five (5) acres.

2. Minimum street frontage: Three hundred (300) feet.

3. Minimum lot width: Three hundred (300) feet.

4. Minimum lot depth: Four hundred (400) feet.

5. Minimum front yard: Seventy-five (75) feet.

6. Minimum side and rear yards: Fifty (50) feet.

7. Minimum yards for accessory buildings.

a. With a floor area of 250 sf. or less: Ten (10) feet.

b. With a floor area greater than 250 sf.: Twenty-five (25) feet.

c. Accessory buildings shall not be located in a front yard, except for gatehouses. Gatehouses shall be set back a minimum of twenty (20) feet from any property line.

8. Maximum building height.

a. Principal building within one hundred fifty (150) feet of the tract perimeter, or in the case of an individual use, a property line: Three stories and fifty (50) feet.

b. Principal building in excess of one hundred fifty (150) feet of the tract perimeter, or in the case of an individual use, a property line: Six stories and eighty-five (85) feet.

c. Accessory building. One story and fifteen (15) feet within twenty-five (25) feet of a side or rear lot line; one-story and twenty-eight (28) feet for accessory buildings in excess of twenty-five (25) feet from a side or rear lot line; and two stories and thirty-five (35) feet within fifty (50) feet of a property line.

9. Building separation from another freestanding principal building within the same development: Fifty (50) feet.

10. Maximum building coverage (includes all principal and accessory buildings located on a site): Thirty-five percent (35%).

11. Maximum impervious coverage: Seventy percent (70%).

12. Accessory structures shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area in excess of five percent (5%) of the area of the site.

13. For the purpose of determining conformance with the bulk standards in this subsection lot size shall include the area of any lot(s) in common ownership, whether contiguous or separated by land provided that:

a. The land is not a public street; and

b. The width of the land is not greater than 50 feet; and

c. The lots are connection by an access agreement..

G. Future Use of Institutional Land.

1. Because of the unique and varied character of uses permitted in the Institutional District, either by right or by conditional approval, it may not be appropriate to allow one institutional use to automatically replace another institutional use upon its abandonment or discontinuance. For the purposes of this section, the replacement of any use with another which is not of the exact character of the previous use shall be considered a change of use.

2. In the event of the non-use, abandonment, or change in the use of any institutionally zoned land, the Planning Board, on its own motion or upon an application for a zoning change, shall consider the site and make a recommendation to the Township Council as to an appropriate zoning map amendment for the site in question.

H. Landscaping and buffering shall be as required in §31.

I. General Design Requirements, as required in §37.

§ 24.1 Open Space (OS) Zoning District.

[Ord. O.9.24, 5/20/24]

A. Intent. The Open Space zoning district is established to designate land dedicated or otherwise restricted to active recreation, passive recreation, conservation, and agricultural uses owned by a public entity, land trust, conservation foundation or other organization for open space purposes.

B. Principal Permitted Uses. In the Open Space zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Public parks and recreation.

2. Conservation.

3. Agriculture.

4. Municipal use.

5. Community gardens.

C. Accessory Uses and Structures Permitted. The following accessory uses structures shall be permitted in conjunction with a principal use on the same lot:

1. Public recreation facility, including both indoor and outdoor facilities.

2. Docks, boat houses, fishing piers.

3. Viewing stands; press boxes.

4. Recreation equipment storage buildings.

5. Environmental centers.

6. Historical interpretation centers.
7. Maintenance facilities.
8. Restroom facilities.
9. Refreshment stands.
10. Video production rooms for game day broad or narrowcasting.
11. Security buildings; guardhouses.
12. Barns for an agricultural use only.
13. Off-street surface parking.
14. Telecommunications tower.
15. Accessory uses on the same lot and customarily incidental to the principal use.

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots.

1. Public parks and recreation, conservation land and community gardens.

a.	Minimum lot area:	Five thousand (5,000) sf.
b.	Minimum lot frontage:	Ten (10) feet
c.	Minimum front yard:	One hundred (100) feet
d.	Minimum side yard:	Fifty (50) feet
e.	Minimum rear yard:	Fifty (50) feet
f.	Maximum impervious surface ratio:	Two tenths (0.20)
g.	Minimum parking area setback from r.o.w.:	Twenty (20) feet
h.	Minimum parking area setback from residential zone:	Twenty-five (25) feet
i.	Minimum parking area setback from other zone:	Ten (10) feet

2. Agricultural use.

a.	Minimum lot area:	Five (5) acres
b.	Minimum front, side and rear yards:	One hundred (100) feet
c.	Maximum impervious surface ratio:	One tenth (0.10)
d.	No raising of farm animals shall be permitted.	

3. Municipal use.

a.	Minimum front yard:	Seventy-five (75) feet
b.	Minimum side yard:	Thirty-five (35) feet
c.	Minimum rear yard:	Fifty (50) feet
d.	Maximum impervious surface ratio:	Two and five tenths (0.25)

3. Maximum building height: Fifty (50) feet

4. Maximum structure height: One hundred fifty(150) feet

Article IV. Design and Improvement Standards

§ 25. Purpose.

A subdivision and/or site plan shall be designed and conform to standards that will result in a well-planned community, protect the health and safety of the residents, and provide a desirable living environment without unnecessarily adding to development costs. The following improvements shall be required: streets and circulation, off-street parking and loading, landscaping and common open space, affordable housing, water supply, sanitary sewers, and storm water management.

§ 26. Streets.

Where applicable the Residential Site Improvement Standards (N.J.A.C. 5:21-4) and the following shall apply.

A. General.

The arrangement of streets shall conform to the circulation plan of the Master Plan and/or Official Map of Deptford Township. For streets now shown on the Master Plan and/or Official Map, the arrangement shall provide for the appropriate extension of existing streets. New residential developments of twenty (20) lots or more shall be designed with a minimum of two means of fully improved access to the existing street network. New streets within a development shall be arranged so as to discourage through traffic and provide for maximum privacy, while creating an acceptable traffic pattern.

B. Street hierarchy and cartway width. Streets shall be classified in a street hierarchy system with design tailored to function.

1. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers (ITE) as indicated in Exhibit 1 or as updated by ITE and agreed to by the Township's professional staff. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

2. Each residential street shall be classified and designed for its entire length to meet the standards for one of the street types as defined in Exhibit 2. The Township Master Plan and/ or Official Map may also be referenced to determine a street's classification.

3. The applicant shall demonstrate to the approving agency's satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds indicated in Exhibit 2 for any proposed street type.

4. Cartway widths for each street classification are shown in Exhibit 3.

EXHIBIT 1
RSIS & ITE TRIP GENERATION RATES BY MAJOR LAND USE CATEGORIES

LAND USE TYPE *AVERAGE WEEKDAY TRIP GENERATION RATES*

Residential	***Trips per indicated measure: Dwelling Unit***
Single-family detached	10.2
Condominium/townhouse	5.9
Apartment	6.5
Low-rise apartment	7.2
Mid-rise apartment	5.5
High-rise apartment	4.3
Mobile home park	5.0
Retirement Community	2.8
Recreation home (owner)	3.2

	Trips per indicated measure:	
Office Building	***Employee***	***1,000 gross ft.^{2} of building area***
General office, under 100,000 gross ft.^{2}	3.7	17.7
General office, 100,000-199,999 gross ft.^{2}	3.8	14.3
General office, over 200,000 gross ft.^{2}	2.9	10.9
Medical office building	NA	54.6
Office park	3.3	20.7
Research Center	2.4	5.3

	Trips per indicated measure:	
Industrial	***Employee***	***1,000 gross ft.^{2} of building area***
Light industrial 3.2	5.5	
Heavy industrial	2.1	1.5
Industrial park 3.6	7.0	
Manufacturing 2.1	3.9	
Warehousing	3.9	4.9
Mini warehouse NA	2.8	

	Trips per indicated measure:	
Lodging	***Employee***	***Room***
Hotel	11.3	10.5
Motel	12.8	10.1

EXHIBIT 1, *(continued)*
RSIS & ITE TRIP GENERATION RATES BY MAJOR LAND USE CATEGORIES

LAND USE TYPE	*AVERAGE WEEKDAY TRIP GENERATION RATES*

	Trips per indicated measure:	
Retail	***Employee***	***1,000 gross ft.^{2} of leasable area***
Specialty retail	NA	40.7
Discount store NA	70.1	
Shopping center		
Under 50,000 ft.^{2} leasable area	NA	117.9
50,000-99,999 ft.^{2} leasable area	NA	82.0
100,000-199,999 ft.^{2} leasable area	NA	66.7
200,000-299,999 ft.^{2} leasable area	NA	50.6
300,000-399,999 ft.^{2} leasable area	NA	41.9
400,000-499,999 ft.^{2} leasable area	NA	49.7
500,000-999,999 ft.^{2} leasable area	NA	37.2
1,000,000-1,249,999 ft.^{2} leasable area	NA	37.1
Over 1,250,000 ft.^{2} leasable area	NA	34.1

	Trips per indicated measure:	
Institutional	***Employee***	***Student***
Elementary school	13.1	1.0
High school	16.3	1.4
Junior/community college	NA	1.6
University	NA	2.4
Library	51.0	41.8/ 1,000 sq. ft.

Notes:
NA = Information not available from ITE. Applicant should submit data on comparable uses.

Source: Institute of Transportation Engineers

EXHIBIT 2
RESIDENTIAL STREET HIERARCHY: DEFINITION

RESIDENTIAL STREET TYPE	*FUNCTION*	*MAXIMUM ADT AT INTERSECTION*
1) Low Density Residential Street	Lowest order of residential streets. Provides access to lots on culs-de-sac in the R-40 and R-20 Districts which serve no more than fifteen (15) dwellings and which do not exceed a maximum ADT of 150.	150
2) Local Residential Street	The next order of Township street. Provides frontage for250 access to lots and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed. Most housing units will front on this class of street. Includes loop and non-terminus streets as well as cul-de-sacs in Districts other than R-40 and R-20. It may include limited access to non-residential lots but, because of traffic volumes, such uses will typically be served by collector roads. Local residential streets should be designated so that at its intersection with other streets they will not carry an ADT greater than 250. Where a new development will cause traffic volumes in excess of 250 ADT, a minor collector street shall be provided. In older sections of the Township where existing development patterns will yield a higher ADT, but the street does not function as a minor collector or higher classification of street, the Planning Board may waive the maximum ADT standard.	
3) Minor Collector	The next order of roadway, minor collectors conduct and distribute traffic between lower-order residential streets and higher-order streets such as arterials and expressways. Minor collectors may also serve as distribution routes within residential developments. These streets carry larger volumes of traffic at higher speeds. Their function is to promote free traffic flow, therefore, parking is prohibited, and direct access to homes from this level of street is to be avoided. Some older collector streets were previously developed with uses fronting on them. In such neighborhoods, additional curbcuts onto collector streets will be permitted only when there is no feasible alternative and then every effort will be made to reduce the number of curbcuts by using common driveways or service roads.	5,000
4) Major Collector	Next order of roadway. It differs from a minor collector only in the volume of traffic it is designed to carry. Therefore, like the minor collector, parking is prohibited, and direct access to adjacent uses from this level of street should be avoided. In addition, somewhat larger road design standards are required.	8,000
5) Arterial	The highest order of Township street. It forms an integral portion of the inter-regional road system and conveys traffic between centers. It should be excluded from residential areas.	>8,000

Source: Model Subdivision and Site Plan Ordinance, Listokin and Baker, Center for Urban Policy Research, Rutgers University, 1987.

EXHIBIT 3
CARTWAY WIDTH

STREET CLASSIFICATION MEDIAN	*TRAVEL LANES*	*SUB-TOTAL*	*PARKING LANE*	*IMPROVED SHOULDER*	*SUB-TOTAL*	*TOTAL CARTWAY WIDTH*	*LAND-SCAPED*
Low Density Residential Street (Cul-de-sac: R-40 and R-20)	two 11'	22'	one 8'	None	8'	30'	None
Local Residential Street	two 10'	20'	two 7'	None	14'	34'	None
Minor Collector Street	two 10'	20'	Not Permitted	two 6'	12'	32'	None
Major Collector	four 12'	48'	Not Permitted	two 6'	12'	60'	None
Arterial	four 12'	48'	Not Permitted	two 8'	16'	64'	20'

Source: Model Subdivision and Site Plan Ordinance, Listokin and Baker, Center for Urban Policy Research, Rutgers University, 1987.

C. Street Grade, Intersections, and Pavement.

1. Street grade.

a. Minimum street grade permitted for all streets shall be 0.75%; but streets constructed at this grade shall be closely monitored and strict attention paid to construction techniques to avoid ponding. Where waivers are granted allowing grades less than 0.75%, combination curbs and gutters shall be required.

b. Maximum street grade shall vary by road hierarchy, with flatter grades required for roads with higher ADTs, in accordance with the requirements shown in Exhibit 4.

c. Vertical curves shall be in accordance with AASHTO standards, based on a design speed five (5) mph above the posted speed. For standard speed limits, the following shall apply:

Posted Speed	Design Speed	Length Per Percent Change in Slope	
		Crest Curves	Sag Curves
25 mph	30 mph	30 feet	40 feet
50 mph	55 mph	185 feet	115 feet

d. Undulating and broken back gradelines are to be avoided.

e. The provision of street grades which do not meet the minimum permitted or which exceed the maximum permitted may be allowed only as approved by the Planning Board.

2. Intersections.

a. Minimum intersection angle - Street intersections shall be as nearly at right angles as possible for a centerline distance of fifty (50) feet.

b. Minimum centerline offset of adjacent intersections - New intersections along one side of an existing street shall, if possible, coincide with any existing intersection on the opposite side of each street. However, where not feasible, use of "T" intersections with offsets at least two hundred (200) feet between centerlines shall be encouraged.

c. Minimum curb radius - Intersections shall be rounded at the curbline, with the street having the highest radius requirement as shown in Exhibit 4 determining the minimum standard for all curblines.

d. Grade - Intersections shall be designed with a flat grade wherever practical. Maximum grade within intersections shall be two percent (2%) for a distance of fifty (50) feet from the extended curb line.

e. Minimum centerline radius; minimum tangent length between reverse curves; and curb radii - Requirements shall be as shown in Exhibit 4.

f. A level of service analysis should be made at all proposed intersections which would allow traffic from a development to exit onto an existing street. When average peak hourly delays of more than twenty-five (25) seconds are expected, the intersection shall be designed with separate left and right exit lanes. When appropriate, through traffic may be incorporated into one of the turn lanes.

Exhibit 4. Street Grade and Intersection Standards

Intersection Standard	Low Density Residential Street	Local Residential Street	Minor Collector	Major Collector
Minimum Grade	0.75%	0.75%	0.75%	0.75%
Maximum Grade	8.0%	8.0%	8.0%	8.0%
Maximum Grade within 50 ft. of Intersection	2.0%	2.0%	2.0%	2.0%
Minimum Centerline Radius	100 ft.	100 ft.	150 ft.	300 ft.
Minimum Tangent Length between Reverse Curves	50 ft.	50 ft.	100 ft.	150 ft.

Curb Radii	25 ft.	25 ft.	30 ft.	35 ft.

Source: Model Subdivision and Site Plan Ordinance, Listokin and Baker, Center for Urban Policy Research, Rutgers University, 1987.

3. Pavement.

   a. The minimum total pavement thickness for residential and minor collector streets shall consist of two (2) inches of FABC Mix I-5 surface course over four (4) inches of bituminous stabilized base course Mix I-2 over six (6) inches of dense aggregate or soil aggregate I-5. Higher order streets shall be site specifically designed.

   b. The applicant will be permitted to reduce the stabilized base and dense aggregate thickness based on laboratory CBR tests. These tests and the pavement design may be submitted to the Township Engineer for review in the review phase or well in advance of construction. However, in no case shall the total bituminous pavement thickness be reduced less than four (4) inches in thickness.

   c. Subgrade shall be compacted to a density not less than ninety-five (95) percent of the maximum density.

D. Curbing.

1. Curbing shall be required for drainage purposes, safety, and delineation and protection of the pavement edge. Curb requirements are set forth in Exhibit 5.

2. Additionally, curbing may be required for: storm water management; road stabilization; to delineate parking areas; ten (10) feet on each side of drainage inlets; at intersections; at corners; and at tight curve radii of less than twenty-five (25) feet.

3. Curbs shall be constructed according to the specifications set forth below. Asphalt curbs are not permitted.

   a. The standard curb section used shall be twenty (20) feet in length. All concrete used for curbs shall be prepared in accordance with the New Jersey Department of Transportation, Standard Specifications for Road and Bridge Construction (latest edition), except that the dimension shall be six (6) inches by eight (8) inches by eighteen (18) inches, and white concrete will not be required.

   b. Curbs and/or combination curbs and gutters shall be constructed of Class B Concrete, air-entrained (3,700 p.s.i.). Curbs and/or curbs and gutters shall be constructed prior to the construction of the pavement.

   c. Where drainage inlets are constructed, but curbs are not required, curbing must be provided at least ten (10) feet on each side of the inlet.

EXHIBIT 5. RIGHT-OF-WAY REQUIREMENTS AND DIMENSIONS

Street Category	*Cartway Width*	*Curb*	*Sidewalk*	*Tree Easement*	*Total Right-of-Way Width*
Low Density Residential (Cul-de-sac: R-40 and R-20)	30'	Yes	2 sides	5' each side	50'
Local Residential	34'	Yes	2 sides	10' each side	50'
Minor Collector	32'	Yes	2 sides	5' each side	60'
Major Collector	60'	Yes	2 sides	10' each side	80'
Arterial	64'	Yes	2 sides	10' each side	100'

Note: Where traffic conditions warrant, shoulders and/or medians may be eliminated at intersections of major collector and arterial streets and the remaining cartway utilized to provide a fifth, left-turn lane.

Source: Model Subdivision and Site Plan Ordinance, Listokin and Baker, Center for Urban Policy Research, Rutgers University, 1987.

d. Curbing shall be designed to provide a curbcut and ramp for wheel chairs and/or bicycles at each intersection and elsewhere when required by the design of the development. Where one of the two streets at an intersection is a collector or arterial road, the ramp shall be oriented to the lower use roadway.

E. Sidewalks.

1. Sidewalks shall be required depending on road classification and intensity of development in accordance with the requirements set forth in Exhibit 5.

2. Sidewalks are generally required in all multi-family residential and commercial developments and in other areas where pedestrian circulation may be anticipated.

3. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the cartway as shown in Exhibit 6, unless an exception has been permitted to preserve topographical or natural features, to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation.

4. In planned developments, sidewalks may be located away from the road system to link dwelling units with other dwelling units, the street, and onsite activity centers such as parking areas and recreational areas. They may also be required parallel to the street for safety and other reasons.

5. A pedestrian way easement (ten [10] feet wide) may be required by the Planning Board through the center of blocks more than six hundred (600) feet long to provide circulation or access to schools, playgrounds, shopping, or other community facilities. A path within the easement may be constructed of concrete, asphalt, gravel, dirt or grass, to the discretion of the Planning Board.

6. Sidewalks shall be constructed according to the specifications set forth below:

   a. Sidewalks shall be a minimum of four (4) feet wide and four (4) inches thick except at points of vehicular crossing where they shall be at least six (6) inches thick. At vehicular crossings, sidewalks shall be reinforced with 6 x 6 #10 WWF reinforcement or an equivalent.

   b. Concrete sidewalks shall be Class B concrete, having a twenty-eight (28) day compressive strength of 3,700 p.s.i.

F. Bikeways.

1. Bicycle paths, separate from required development sidewalks, may be provided as part of a planned development or in other sections of the Township where they connect with similar facilities, at the discretion of the Planning Board.

2. Bicycle lanes, where provided, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used.

3. Bikeways shall be constructed according to the specifications set forth below:

   a. Bicycle paths - Dimensions and construction specifications of bicycle paths shall be determined by the number and type of users and the location and purpose of the bicycle path. A minimum six (6) feet paved width should be provided.

      1) Choice of surface materials including bituminous mixes, concrete, and soil cement shall depend on use and users of the path.

      2) Gradients of bike paths should generally not exceed a grade of five percent (5%), except for short distances.

   b. Bicycle lanes - Lanes shall be a minimum of six (6) feet wide.

   c. Bicycle-safe drainage grates shall be used in the construction of all streets.

G. Utility Areas.

1. Utilities shall generally be located in a utility easement adjacent to the edge of the right-of-way in the front yard area of adjoining lots. In general, this easement should contain electrical power and telecommunications cable but may contain other utilities. Other utilities such as public water, public sanitary and storm sewers and natural gas distribution shall generally be located underneath the cartway except in unusual circumstances. The minimum width of the easement shall be ten (10) feet but shall be wide enough to accommodate the utilities proposed in the development in accordance with utility company requirements. [Ord. 0.1.10, Feb, 22, 2010]

2. The area in which the utilities are placed shall be planted with grass, ground cover, and/or treated with other suitable cover material.

H. Shade Tree Easements.

1. Shade tree easements may be required where the planting strip between the sidewalk and curb is less than five (5) feet in width. For subdivisions with required building setbacks that establish a front yard, shade tree easements shall be required where the planting strip is less than five (5) feet in width. In locations where the installation of sidewalk in the right-of-way would result in a planting strip less than five(5) feet in width, the sidewalk may be wholly or partially located in a pedestrian access easement adjacent and parallel to the right-of-way. Any necessary utility easement in this circumstance shall be located adjacent and parallel to the pedestrian access easement on the side most distant from the right-of-way. Dual purpose easements for utility and pedestrian access easements shall be permitted. In commercial areas where wide sidewalks and tree wells may be used, no shade tree easement will be required if sufficient volume for a tree well is provided in accordance with §31.C. The shade tree easement is necessitated by such circumstances, the utility area for electricity and other cabling, as indicated in paragraph –G, above, shall be located between the curb and sidewalk or in a second easement between the shade tree easement and the building. The minimum width of the easement shall be ten (1) feet but shall be wide enough to accommodate the utilities proposed in the development in accordance with utility company requirements. [Ord. 0.1.10, 2/22/10]

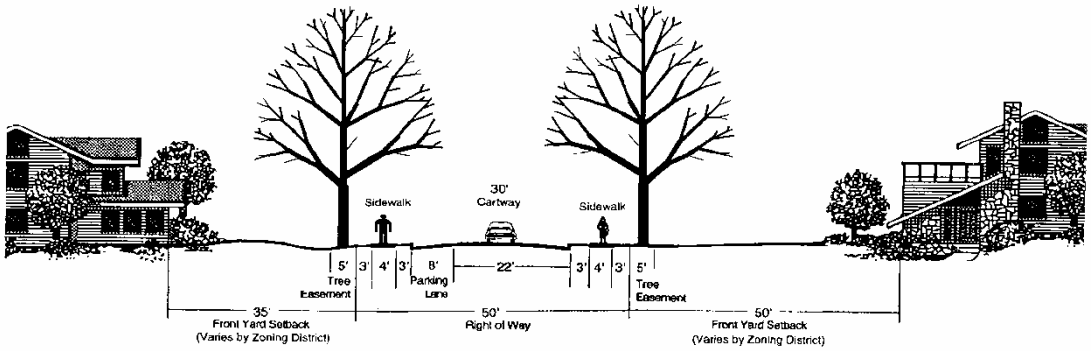
2. A shade tree easement, as required in Exhibit 5, shall be granted to the Township for the purpose of providing adequate room for the planting of shade trees along public streets where such an area does not exist within the dedicated right-of-way.

3. Maintenance of all trees and other plantings within a shade tree easement shall be the responsibility of the property owner.

4. No property owner shall be permitted to cut down or otherwise remove a shade tree within a shade tree easement without first securing the permission of the Township.

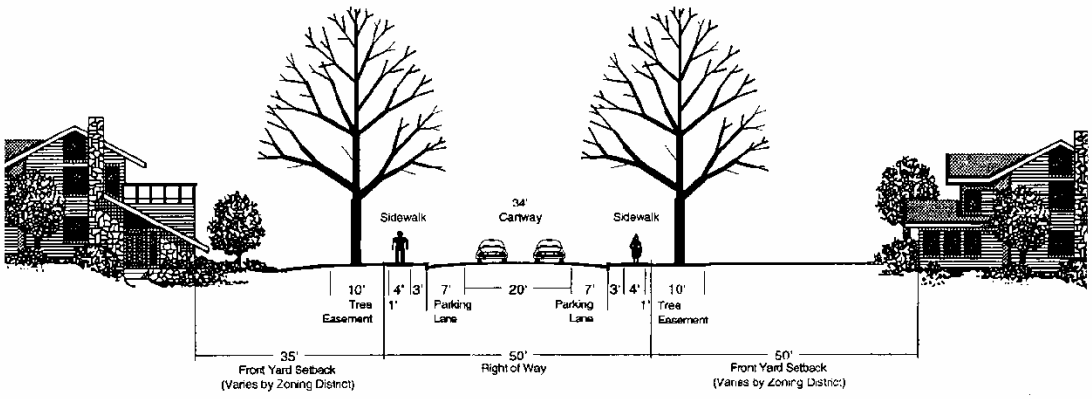
Exhibit 6
Street Profiles For Deptford Township

Low Density Residential Street
(Cul-de-sac: R-40 and R-20 Districts Only)



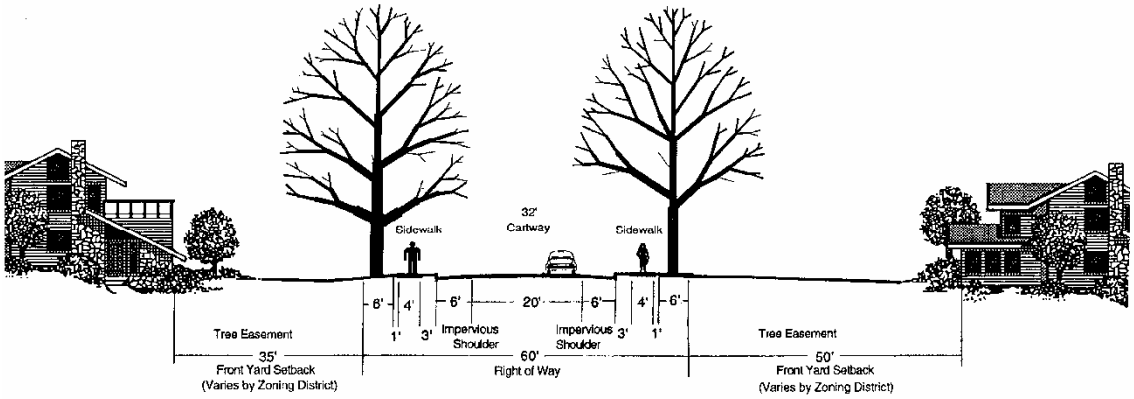
NOTES:
- Street trees are shown at 50' height.
- No street tree shall be planted within 5' of concrete curb or sidewalk.
- Sidewalks shall be set back1' from R.O.W. line to allow construction of concrete forms.

Local Residential Street



NOTES:
- Street trees are shown at 50' height.
- No street tree shall be planted within 5' of concrete curb or sidewalk.
- Sidewalks shall be set back1' from R.O.W. line to allow construction of concrete forms.

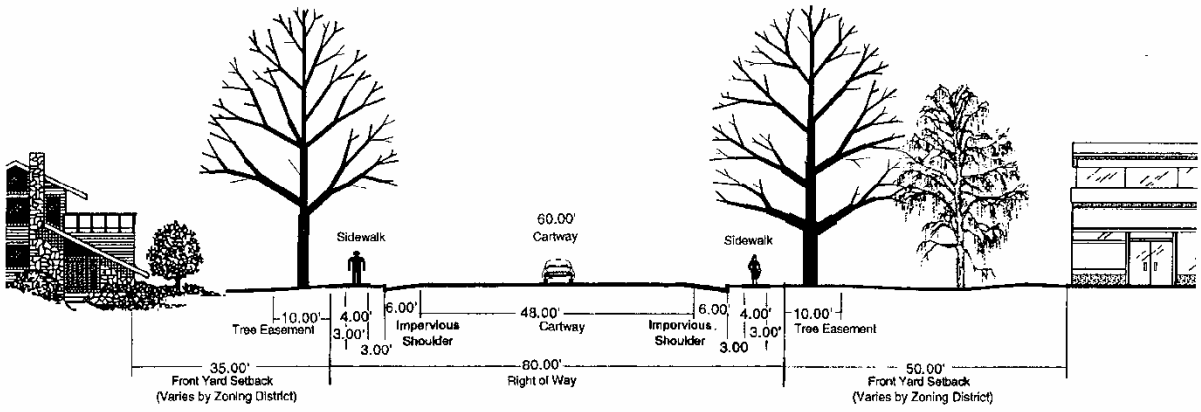
Minor Collector Street



NOTES:

- Street trees are shown at 50'height.
- No street tree shall be planted within 5' of concrete curb or sidewalk.
- Sidewalks shall be set back1' from R.O.W. line to allow construction of concrete forms.
- Where street trees are required along minor collector roads, they shall be planted within the 10' tree easement.

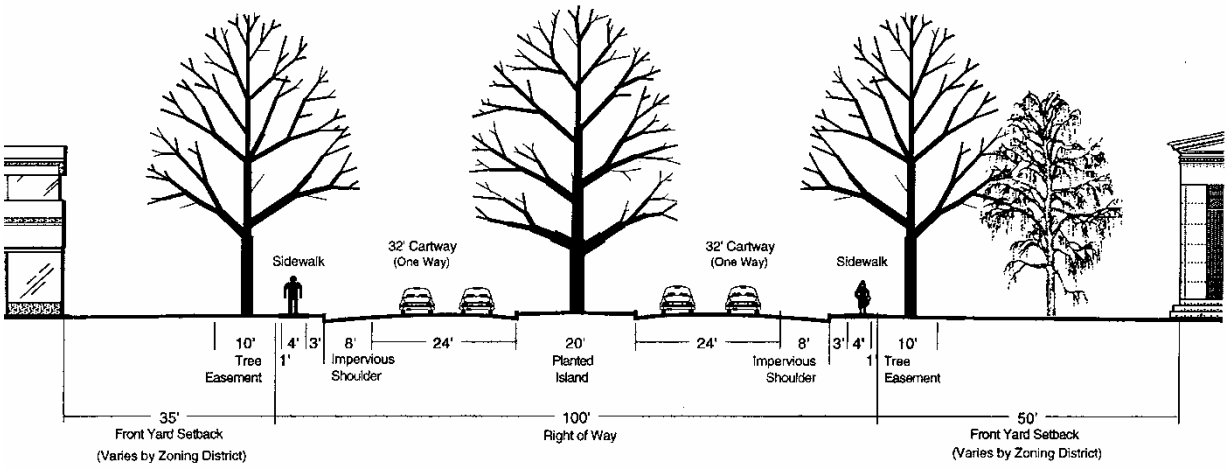
Major Collector Street



NOTES:

- Street trees are shown at 50'height.
- No street tree shall be planted within 5' of concrete curb or sidewalk.
- Sidewalks shall be set back1' from R.O.W. line to allow construction of concrete forms.
- Where street trees are required along major collector roads, they shall be planted within the 10' tree easement.

Arterial



NOTES:

- Street trees are shown at 50' height.
- No street tree shall be planted within 5' of concrete curb or sidewalk.
- Sidewalks shall be set back1' from R.O.W. line to allow construction of concrete forms.
- Where street trees are required along arterial roads, they shall be planted within the 10' tree easement.
- There shall be no parking on the cartway.
- There shall be no access from adjacent lots to arterial streets.

I. Rights-of-Way.

1. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the cartway, curbs, shoulders, sidewalks, graded areas, and utilities. Right-of-way requirements are shown in Exhibit 5 and displayed graphically in the street profiles in Exhibit 6.

2. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than the existing street.

3. The right-of-way shall reflect future development as indicated by the Master Plan.

4. Where development is proposed on an existing street which has less than the minimum required right-of-way as shown in Exhibit 5 of this chapter or in the Master Plan and/or the Official Map, the applicant shall offer a dedication of the additional right-of-way on his half of the street (from centerline) which would be required to meet the required right-of-way standard.

5. Culs-de-sac shall have a right-of-way radius of sixty (60) feet and a cartway radius of fifty (50) feet.

J. Lighting.

1. Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings, and in parking areas.

2. Street lights in residential areas must be installed at either end of all curves with a radius less than three hundred fifty (350) feet or an internal angle greater than thirty (30) degrees or at any location where there is a change in horizontal alignment.

3. Street lights in residential areas must be installed with a minimum foot candle of 1.0 over the full area of the intersection.

4. The maximum footcandle level should not exceed 0.25 footcandles over the right-of-way line.

5. The maximum height of residential street lighting standards shall not exceed the maximum building height permitted, or thirty (30) feet, whichever is less.

6. Light poles, if required, should be installed on the same side of a straight roadway in order to reinforce the direction of circulation alignment. A staggered layout should be discouraged.

7. If cobra head type of luminaire is proposed, the recessed cobra luminaires should be used whenever possible.

8. Light shields shall be placed on all lighting standards so as to provide proper lighting without hazard to drivers or nuisance to residents. The design of lighting standards shall be of a type appropriate to the development and the municipality.

K. Underground Wiring.

1. All electric, telephone, television, and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, and installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

2. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

3. Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.

L. Signs Within Rights-of-Way.

1. Design and placement of traffic signs shall follow the requirements specified in Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U. S. Department of Transportation and adopted by the N. J. Department of Transportation.

2. At least two (2) street name signs shall be placed at each four-way street intersection and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent and of a uniform size and color appropriate to the community, and erected in accordance with Township standards.

3. Site information signs in planned developments shall follow a design theme related and complementary to other elements of the overall site design. See §30 for additional signage standards.

M. Sight Triangles and Sight Distance.

1. Sight triangles in conformance with the Township's current standards as noted in §41 should be specified.

2. Sight distance conforming to New Jersey Department of Transportation standards should be provided. Sight distance is measured ten feet behind the proposed or future curb line based on an eye level of 3.5 feet and an object height of 4.25 feet. For a 30 mph design speed, 350 foot of sight distance should be provided.

N. Underdrains.

1. A piped underdrain system is required under roadways unless the applicant can demonstrate a well drained and dry subgrade. Cleanouts with traffic bearing covers should be provided at 250 foot intervals.

O. Street Names.

1. Proposed names for any new streets or for the extensions of existing streets must be approved by the Township's Tax Assessor.

§ 27 Off-Street Parking and Circulation. [Ord. O.5.19, 3/18/19]

A. General regulations.

1. All sites within the Township shall be provided with adequate parking facilities for residents, visitors, employees and customers, including but not limited to parking spaces, access ways, driveways, drive aisles, internal parking lot

collectors, loading areas, parking bays, parking garages and pedestrian walkways sufficient to ensure the safe and efficient movement of people, vehicles, and goods; and adequate storage of vehicles and bicycles.

2. The provisions of this Section shall be complied with each time a use or structure is expanded or changed to a use that requires a greater number of parking spaces.

3. All required parking spaces and facilities shall be located on the same lot or parcel as the structure or use it shall serve except, in the case of commercial and institutional uses, parking facilities may be provided on other lots or parcels within a radius of five hundred (500) feet from the boundary of the lot containing the principal use necessitating the parking facilities, provided that the parking facilities are subject to a deed restriction or other enforceable covenant or agreement, binding each owner, its successors and assigns to maintain the required number of spaces available and required facilities throughout the life of such use. The location of the off-site parking shall be within the same zoning district as the principal use. Such off-site parking shall be in addition to the parking required for any principal use on the off-site parking lot parcel unless the Board of Jurisdiction approves a shared parking arrangement. Such parking shall be considered an allowed exception to sub-paragraph -4, hereinbelow.

4. No parking facility shall be permitted as the principal use of a lot unless the zoning district in which it is located specifically allows the facility as a principal or conditional use.

5. No site plan or subdivision shall be approved where parked vehicles block or obstruct sidewalks or walkways and no parking shall be permitted on other areas not intended, designed and/or approved for such parking.

6. Any deviation from the dimensional standards within this Section shall be considered as design exceptions under the meaning of *N.J.S.A.* 40:55D-51. Other deviations shall be considered variances requiring adequate public notice and proofs for approval.

B. Required Minimum Off-Street Parking by Use. For residential developments, off-street parking shall be provided as required in *N.J.A.C.* 5:21-1. For nonresidential developments, the parking standards established in Table 27.1 shall apply. Decimals resulting from the following calculations shall be rounded up to the next highest whole number. The term “GLA” shall refer to “gross leasable area” and “GFA” shall refer to “gross floor area”.

Table 27.1 - Required Minimum Off-Street Parking by Use.

Parking Generator	Off-Street Parking Spaces Required
Assisted Living Facility, Congregate Care Facilities and Comprehensive Personal Care Home	1.5 for every three beds
Automobile Sales: On a lot less than two acres On a lot of two acres or greater	 5 plus 1 per employee 10 plus 1 per employee
Automotive Service Station: Motor Fuel Sales only w/Repair Services Automotive Car Wash	 2 per pump island 4 per service bay and 1 per employee 1 per employee and 1 per vacuum
Auto Body Shop	8 per service bay and paint booth
Bar or tavern	1 per 2 seats
Bowling Alley	4 per bowling lane
Call Center	1 per workstation
Child (Day) Care Center Family Day Care Home	1 per 5 students, minimum 15 spaces 2
College or University	1 per 3 students
Conference Center (Largest Assembly Space) and Banquet Halls	10 per 1,000 sq. ft.
Convenience Store	8 per 1,000 sq. ft. GFA
Data Processing Center	1 per 1,000 sq. ft. GFA
Farm Stand	5
Financial Institutions	1 per 300 sq. ft. GFA
Fitness Clubs, Gyms, Wellness Centers	5 per 1,000 sq. ft. GLA
Fulfillment Center	1.75 per 1,000 sq. ft. GFA
Funeral Home	1 per 150 sq. ft. GFA, minimum 35 spaces
Furniture, Antiques, Paint, Wallcovering, Flooring or Carpet Store	1 per 600 sq. ft. GLA
Garden Centers	3 per 1,000 sq. ft. of display area
Home Occupations	1 per employee
Hospital, In Patient	7 per bed
Hospital, Out Patient; other Health Care Facility	5.5 per operating or treatment room
Hotel and Inn	1.1 per guest room
House of Worship	1 per 3 seats (each 21” of pew = 1 seat)

Parking Generator	Off-Street Parking Spaces Required
Manufacturing, Assembly and Food Processing	1 per 800 sq. ft. GFA
Nursing Home, Rehabilitation Center	1 per every 2 beds
Offices, General	3.5 per 1,000 sq. ft. GFA
Offices, Medical or Dental; Clinic; Veterinarian	4.5 per 1,000 sq. ft. GFA
Recreation, Outdoor	20 per sports field; 5 per playground
Regional Mall Development	3.5 per 1,000 sq. ft. GLA
Restaurant Fast Food w/drive-thru Fast Food w/o drive-thru	1 per two (2) seats 1 per 200 sq. ft. GFA 1 per 150 sq. ft. GFA
Roller or ice rink	5 per 1,000 sq. ft. of rink area
Retail (not otherwise listed)	1 per 300 sq. ft. GFA
Retail, Discount Store; Home Improvement Center; Warehouse Club	4.5 per 1,000 sf. GFA
Schools: Elementary and Intermediate Secondary	2 per classroom; but not less than 1 per teacher and staff 2.5 per classroom; but not less than 1 per teacher and staff
Self-Storage Facility	8 or 0.5 per building, whichever is greater
Shopping Center	4 per 1,000 sq. ft. GLA
Theater, movie Theater, performing arts	1 per 4 seats 1 per 3 seats
Warehousing and Distribution	1 per 5,000 sq. ft. GFA
Wholesale Business or Trade	2 per 1,000 sq. ft. of GFA

[Ord. O.8.22, 6/13/22]

1. For any other building or use not specified in Table 27.1, adequate parking shall be determined by the Board of Jurisdiction during the application process.

2. Where a permitted use of land includes more than one category of parking generation, the parking requirement shall be the sum of the individual uses calculated separately, unless a shared parking arrangement is approved by the Board of Jurisdiction.

3. Alternative off-street parking generator standards and on-street parking may be accepted by the Board if an applicant demonstrates that another standard better reflects local conditions or there is available parking on-street that may satisfy some or all of the minimum required parking.

4. Shared parking. Where an applicant persuasively demonstrates that two or more parking generators have complementary parking demand peaks, the approving authority may permit up to a fifty percent (50%) reduction in the total required number of parking spaces. Example: office and movie theatre uses have complementary peak parking needs.

C. Accessible Parking Spaces.

1. Every parking lot shall provide accessible spaces that are barrier free calculated according to the following table. Decimals resulting from the calculation shall be rounded up to the next highest whole number. The number of required accessible spaces shall count towards the total required minimum parking spaces.

Table 27.2 - Required Minimum Accessible Parking by Use.

Total Parking Spaces	Required Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	Two percent (2%) of total
1,001+	20 plus 1 for each 100 (or fraction thereof) over 1,000

2. For every eight accessible parking spaces, or fraction thereof, at least one shall be a van accessible parking space.

3. Accessible spaces shall be located in close proximity to principal uses (see Table 27.4) and shall provide barrier free access to the building or structure. Where multiple principal uses are to be served by a common parking lot, accessible spaces shall be distributed proportionately through the parking lot.

4. Each accessible parking space shall be marked with an R7-8 sign as prescribed by the Manual of Uniform Traffic Control Devices and shall display the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with an R7-8P sign, as required by N.J.S.A. 39:4-198 (as it may be amended or superseded), containing the wording, PENALTY, $250 FIRST OFFENSE, SUBSEQUENT OFFENSES $250 MINIMUM AND/OR UP TO 90 DAYS COMMUNITY SERVICE, TOW AWAY ZONE.

5. Additional Barrier Free specifications shall be as required in N.J.A.C. 5:23-7.

6. Where a conflict arises between the requirements of this sub-section and N.J.A.C. 5:23-7, the rules of the administrative code shall prevail.

D. Parking Space Dimensions.

1. Dimensions. Table 27.3, Minimum Parking Space Sizes, shall apply to all parking areas:

Table 27.3. Minimum Parking Space Sizes.

Use or Type	Parking Space Size in Feet
Residential	9’ x 18’
Commercial, excepting retail uses	9’ x 18’
Retail uses	
Uses with shopping carts	10’ x 18’
Other retail uses	9’ x 18’
Governmental and institutional	9’ x 18’
Accessible Barrier Free	
Van accessible	8’ x 18’ with 8’ loading aisle
Other accessible	8’ x 18’ with 5’ loading aisle
Parallel	8.5’ x 22’
Bus	10’ x 40’
Box van; Light truck and trailer combination	10’ x 35’
Tractor-trailer	12’ x 65’

2. Notwithstanding the parking space sizes in Table 27.3, each parking space shall be adequate in area and dimension to accommodate the exterior extremities of the vehicles designed to use the space.

E. Parking Lot Design Standards and Additional Specifications.

1. General requirements.

a. No off-street parking space shall be accessed directly from a public street, private street or right-of-way easement, excepting single family detached, single family semi-detached and townhouse uses on residential access or residential sub-collector streets. Every off-street parking space shall be provided with direct access to a street by means of an aisle way, driveway or similar paved, dustless, all weather surface.

b. Off-street parking areas shall be so designated to permit all vehicles to turn around on the site in order to prevent the necessity of any vehicles backing onto a public street from such site excepting single family detached, single family semi-detached and townhouse uses abutting a residential access street or residential sub-collector. Where a single family detached, single family semi-detached or townhouse dwelling abuts a higher order street, no exception shall apply. Under such circumstance, a half-circle driveway, T-shaped driveway, turnaround, or other design acceptable to the Township Engineer shall be required.

c. All entrance and exit driveways shall be located to maximize safety to both motorists and pedestrians, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic on adjacent and nearby streets.

d. Internal collector drives. Parking lots in excess of 250 spaces shall be designed with internal collector drives to collect and distribute vehicles from access driveways to parking aisles. Internal collector drives shall not provide direct access to parking spaces.

e. No required off-street parking space including parking aisles, stacking lanes or maneuvering space shall be located within an existing or proposed public or private right-of-way, or right-of-way easement.

f. Parking spaces shall not be stacked one behind another without direct vehicular access, with the exception of vehicle inventory for new and used automobiles sales, and storage of vehicles for repair or impoundment, or a residential driveway for single family detached, single family semi-detached and townhouse uses.

2. Pedestrian circulation.

a. All barrier free accessible parking spaces shall be connected to the use or structure which it is intended to serve by means of a path system or sidewalk meeting ADA standards. A system of sidewalks and/or walkways shall be provided within parking lots of thirty (30) or more spaces to provide effective internal pedestrian circulation between vehicular parking spaces and building entrance(s).

b. Any parking lot located in a front yard shall be connected to the street sidewalk by the means of a pedestrian path. A sidewalk connecting the street sidewalk or other path system that is parallel to the public or private road to the front entrance shall be provided.

c. Walking distance. Off-street parking spaces shall be oriented to and within a reasonable walking distance of the building(s) they are designed to serve as indicated in Table 27.4, Maximum Walking Distance:

Table 27.4 Maximum Walking Distance

Use/User/Type	Maximum Distance
Barrier Free	100 ft.
Age-restricted housing	150 ft.
Other housing	250 ft.
Guests and visitors	400 ft.
Shoppers	600 ft.
Employees	1,000 ft.

3. Access drive length. Access drives connecting parking lots to streets shall be designed to avoid direct access to parking spaces or to their intersection with any internal parking lot collector driveway. The minimum length of the access drive measured from the curbline or edge of paving of the abutting cartway shall be based on the total number of parking spaces to which the drive provides access, as indicated in Table 27.5, Minimum Access Drive Length:

Table 27.5 Minimum Access Drive Length

Total Number of Parking Spaces	Minimum Length of Drive
39 or less	25 ft.
40 to 99	50 ft.
100 to 249	75 ft.
250 or greater	100 ft.

4. Minimum parking aisle width. The width of a parking aisle shall be as indicated in Table 27.6. For designs where the angle of parking differs for the two parking bays sharing a parking aisle, the larger width shall prevail.

Table 27.6 Minimum Parking Aisle Width

Angle of Parking	One-Way Aisle	Two-Way Aisle
90°	22 feet	24 feet
60°	18 feet	24 feet
45°	15 feet	24 feet
Parallel	12 feet	24 feet

5. Clear sight distance. Clear sight distances for intersecting driveways and streets, and intersecting parking lot collectors, shall meet the standards of the American Association of State and Transportation Officials (AASHTO).

6. Slope. Driveways and parking lots shall be designed to meet the following minimum and maximum slopes:

    a. The slope across any parking space shall not exceed five percent (5.0%) through the long axis or two percent (2.0%) through the short axis.

    b. All parking areas shall have a minimum slope of one and one-half percent (1.5%) over land and seventy-five hundredths of a percent (0.75%) in a curbed gutter line.

    c. All driveways shall have a minimum slope of one and one-half percent (1.5%) pitched towards the roadway. A maximum slope of eight percent (8%) for non-residential and multi-family uses and ten percent (10%) for other residential uses shall be permitted provided that a leveling area with a maximum slope of four percent (4%) is located for the first twenty (20) feet at the roadway and at the garage or carport.

7. Driveway apron. A paved or concrete driveway apron of sufficient compressive and tensile strength for its intended function shall be required.

8. Other dimensional requirements.

    a. No parking space, aisle-way, or driveway (other than entrance and exit drives) may be located within twenty (20) feet of a public street or a perimeter property line. Individual zoning district regulations may prescribe greater or lesser setbacks from public streets or property lines and in such instances those standards shall prevail.

    b. The center line of any driveway shall be set back from the street line of an intersecting street at least seventy-five (75) feet or one-half (1/2) the lot frontage, whichever is greater, except that in no case shall the setback distance be required to exceed two hundred (200) feet.

    c. Where a site occupies a corner of two intersecting streets, no driveway entrance or exit shall be located within sixty (60) feet of the point of tangency of the existing or proposed curb radius of that site.

    d. Driveway angle.

        1) Two-way operation. Driveways used for two-way travel shall intersect a public or private road at an angle as near to 90º as site conditions shall permit and in no case shall such angle of intersection be less than 75º.

2) One-way operation. Driveways used by vehicles in one direction of travel (right turn only) shall not form an angle smaller than 60º with a road, unless acceleration and deceleration lanes are provided.

3) The intersection of parking aisles with internal collector drives should be at 90º and in no case shall be less than 75º.

e. Where a development fronts on a principal, major or minor arterial or a major collector, no more than one point of access and egress to the site shall be permitted per street frontage except where the lot or tract frontage exceeds five hundred (500) feet or more or is intended for an automobile service use. In such instances, the following separation distances shall apply:

1) On lots or tracts with frontage on a single street greater than five hundred (500) feet, two (2) driveway intersections shall be permitted to such right-of-way, provided that the centerlines of the two driveways are separated by a minimum of two hundred fifty (250) feet. When such single street frontage is greater than one thousand (1,000) feet, three (3) driveway intersections shall be permitted to the right-of-way. Driveway centerlines shall be separated a minimum of three hundred (300) feet in such circumstance.

2) For automobile service stations, two driveway entrances and exits shall be permitted on one street frontage, and a total of three per site, provided that the centerlines of the driveways shall be at least seventy-five (75) feet distant from each other.

f. The required maximum and minimum driveway dimensions are indicated in Table 27.7. Driveways serving large volumes of daily traffic or traffic with more than fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

Table 27.7 Driveway Widths

Use	One-Way Travel	Two-Way Travel
Less than 3 Dwellings	9 to 12 feet	N/A
3-10 Dwellings	10 to 22 feet	15 to 25 feet
More than 10 Dwellings	15 to 25 feet	20 to 35 feet
Non-Residential	15 to 30 feet	25 to 35 feet

g. No part of any driveway leading to a non-residential or mixed non-residential and residential use shall be located within a minimum of twenty (20) feet of a side or rear property line, excepting where driveways are shared between one or more adjacent properties. For residential uses, no driveway shall be located within five (5) feet of the side or rear property line unless part of a shared driveway with the adjacent property.

h. No parking shall be allowed within five (5) feet of any building, excepting residential driveways leading to private garages or carports. Greater parking setbacks may be required in individual zoning districts.

i. Continuous open driveways accessing single family detached, single family semi-detached and townhouse dwellings shall not exceed twenty (20) feet at the curbline or edge of cartway, as the case may be, and the width of the driveway on the lot shall not exceed sixteen (16) feet within twenty (20) feet of the right-of-way line.

9. Traffic control and delineation. All parking areas shall be painted to delineate parking stalls, barrier lines, lane lines, directional arrows, stop lines, fire lanes and other striping as may be required to insure safe and convenient traffic circulation. Such signs and markings shall be in conformance with the Manual on Uniform Traffic Control Devices unless waived by the Board or Township Engineers. All parking spaces shall be marked by painted lines, each at least four (4) inches in width and extending along the full length of the front and both sides of the space unless otherwise delineated by curbing. The painted line strip shall be centered between two adjacent spaces and half the width of the painted strip may be included within the required size of the parking space. Regular parking lot spaces shall be delineated with white paint, barrier free accessible spaces shall be delineated with blue paint and fire zone no parking areas with yellow paint. Thermoplastic paint is recommended but not required.

10. Shopping cart collection corrals. Commercial uses which utilize shopping carts, hand trucks, or other means of handling goods by customers shall provide areas for the collection of such carts. Collection points should be more heavily distributed in the one-third of parking closest to the building. One such collection point shall be required for each four rows of parking. Collection points shall have a minimum capacity for 20 carts. Collection points shall be signed with an incidental sign (see §30.I.5).

11. Vehicle overhang. Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two (2) feet in width of the sidewalk is provided to accommodate such overhang.

12. Car stops. In general, car stops shall not be permitted unless waived by the Township or Board Engineer.

13. Tree retention. Parking facilities shall be designed to minimize the removal of

any tree eight (8) inches in caliper or larger.

F. Storm Water Management and Drainage. The design of storm water drainage for parking facilities shall address water quality, flooding and groundwater recharge and shall incorporate the use of non-structural stormwater strategies to the maximum extent practical, in accordance with the rules of the NJ Department of Environmental Protection. Where disturbance in existing parking lots exceeds one thousand (1,000) sf. and the storm water system does not meet the current standards for water quality, an applicant shall provide a means of improving conditions acceptable to the Township or Board Engineer. Examples include, but are not limited to, rain gardens, structures to limit TSS concentrations, bio-swales, and infiltration basins. All parking and loading areas shall be designed to minimize impervious surfaces by use of permeable materials where appropriate.

G. Parking Lot Lighting.

1. All parking areas, appurtenant passageways and driveways serving commercial, institutional and industrial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation for motorists and pedestrians in accordance with Table 27.8.

Table 27.8 Minimum Illumination for Surface Parking

Activity Type	Vehicular Traffic Foot-candles	Pedestrian Safety Foot-candles	Pedestrian Security Foot-candles
Low activity	0.5	0.2	0.8
Medium activity	1.0	0.6	2.0
High activity and driveway/street intersections	2.0	0.9	4.0

Examples. Examples of low activity include apartment complexes and recreational use parking lots. Examples of medium activity include offices, manufacturing and assembly parking lots, and institutional uses such as schools and houses of worship. Examples of high activity include retail parking lots, truck loading areas (if used during nighttime hours), and uses with ATM machines.

2. Lighting shall be provided by fixtures with a mounting height not more than twenty-seven and a half (27.5) feet above parking lot grade (allowing a 25-foot tall pole with fixture and 2.5-foot tall footer) or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.

3. Any other outdoor lighting, including but not limited to, building and sidewalk illumination, driveways with no adjacent parking, signs and ornamental lighting, shall be depicted on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow to minimize undesirable off-premises effects. Lighting shall not be directed to shine into building windows, or onto streets and driveways so as to interfere with or distract the visual acuity of motorists.

4. Maximum lighting controls. The ratio of average illumination, measured in foot-candles, to minimum illumination as required in Table 27.8, shall not exceed 4:1. The maximum illumination provided on any site shall not exceed the minimum illumination by more than a ratio of 10:1.

5. Color temperature. Lighting element color temperature shall be between 2200° and 4000° Kelvin with a design preference within the range of 2800° to 3400°K.

H. Pedestrian Way Illumination. Minimum pedestrian way illumination shall be as required in Table 27.9.

Table 27.9 Pedestrian Way Illumination Requirements.

	MINIMUM AVERAGE LEVEL	**AVERAGE LEVELS FOR SPECIAL PEDESTRIAN SAFETY**	
Walkway and Bikeway Classifications	**Foot-candles**	**Mounting Heights (9 to 15 feet) Foot-candles**	**Mounting Heights (15 to 25 feet) Foot-candles**
Street Sidewalk			
Commercial areas	0.9	2.0	4.0
Intermediate areas	0.6	1.0	2.0
Residential areas	0.2	0.4	0.8
Internal Sidewalks and Pedestrian Pathways Distant from Roadways			
Park, walkways and bikeways	0.5	0.6	1.0
Pedestrian tunnels	4.0	5.0	-
Pedestrian overpasses	0.3	0.4	-
Pedestrian stairways	0.6	0.8	-

Example: A pedestrian crosswalk of an internal collector driveway in a shopping center constitutes an area of special pedestrian safety.

I. Parking Lot Construction Details. [Ord. O.16.21, 9/13/21]

1. Paving standards. Each parking space, parking aisle, drive aisle, driveway and loading zone shall be constructed of a porous or permeable pavement surface, or a bituminous or Portland cement concrete surface, laid over a compacted gravel or crushed stone base course. Porous or permeable pavement shall be the preferred option for office, retail, institutional and residential development, excepting single family detached and single family semi-detached dwellings. Where porous or permeable pavement is not technically feasible as determined by the Board or Township Engineer, the other paving options shall be permitted as listed below consistent with the intensity of vehicle weight and traffic proposed:

   a. Bituminous concrete, standard. Parking areas and driveways not experiencing heavy traffic or truck traffic shall be constructed of two (2) inches of Hot Mix Asphalt (HMA) 9.5M64 surface course on top of four (4) inches of HMA 12.5M64 base course on top of six (6) inches of soil aggregate base course, dense graded aggregate, over undisturbed sub-grade or sub-grade 95% compacted to ASTM D-1557. Between the surface and base courses, a bituminous tack coat at a rate of 0.04 gallons per square yard shall be applied.

   b. Bituminous concrete, heavy duty. Areas of ingress or egress, loading and unloading, major circulation aisles and other areas likely to experience similar heavy traffic or truck traffic are to be constructed as indicated in sub-paragraph –a above with the exception that the base course shall be increased to a depth of six (6) inches and paved with HMA 19M64.

   c. Portland cement concrete, standard. Parking areas and driveways not experiencing heavy traffic or truck traffic shall be constructed of six (6) inches of air entrained 4,000 psi Portland cement concrete (at a 28-day cure time period) with 6” x 6” W4.0 x W4.0 welded wire reinforcement mesh over six (6) inches of dense graded aggregate over undisturbed sub-grade or sub-grade 95% compacted to ASTM D-1557.

   d. Portland cement concrete, heavy duty. Areas of ingress or egress, loading and unloading, major circulation aisles and other areas likely to experience similar heavy traffic or truck traffic are to be constructed as indicated in sub-paragraph –c above with the exception that the concrete and the dense graded aggregate shall be increased to a depth of eight (8) inches, each.

   e. Porous or permeable pavement, standard. Parking areas shall consist of a minimum of a five (5) inch thick Hot Mixed Asphalt Open-Graded Friction Course (OGMC) nine and one-half (9.5) millimeter on a bed of one and one-half (1.5) inch thick, a one-quarter (^{1}/4) inch Cleaned

Washed AASHTO No. 57 Broken Stone Choker Course over a water storage bed consisting of AASHTO No. 2 Clean Washed Broken Stone wrapped in filter fabric. The storage bed thickness shall be based on the storage volume needed per the design engineer subject to Township Engineer or Board Engineer approval. In certain situations, an underdrain may be required where relatively impermeable subgrade soils are encountered (infiltration rate less than two (2) inches per hour) at a depth of four (4) feet or more below the bottom of the stone storage bed. If impermeable subgrade soils are found within four (4) feet or less of the bottom of the storage bed design elevation, same shall be removed and replaced with well-draining material.

2. Sub-grade conditions. Where the subgrade conditions of proposed parking and loading are wet, contain unacceptable levels of organic matter or of such a nature that surfacing would be inadvisable without first improving the subgrade, the areas shall be excavated to a suitable depth below the proposed finished grade and filled with a subgrade material designed to mitigate the adverse conditions, as determined by the Township Engineer. Where required by the Township Engineer, a system of underdrains, or an alternate solution approved by the Township Engineer, shall be constructed beneath the surface of the parking area and connected to a suitable drain. After the sub-base material has been properly placed and compacted, and proof rolled with a 10-ton, three-wheel steel roller, the parking area surfacing material, as described in paragraph -1, hereinabove, shall be applied.

3. Curbing. Curbing shall meet the specifications in §26.D and shall be installed along each driveway and around each traffic island unless the installation of such curbing would impede barrier free accessibility or the implementation of best management practices for storm water management. Where driveway curbing intersects a public street, the radius of the curb shall join a depressed section of curbing delineating the separation of the driveway and public cartway.

§ 28. Off-Street loading.

A. Off-street loading shall be provided as follows.

1. Off-street loading berths shall be provided in accordance with the following schedule:

Use	Gross Square Footage At Which First Off-Street Loading Berth is Required	Gross Square Footage At Which Each Additional Loading Berth is Required
Manufacturing and Warehouse	5,000	40,000
Storage	10,000	25,000
Commercial, Wholesale	10,000	40,000

Commercial, Retail	10,000	20,000
Service Establishment	10,000	40,000
Restaurant	10,000	25,000
Office or Bank	10,000	100,000
Hotel	10,000	100,000
School	10,000	100,000
Hospitals and Nursing Homes	10,000	100,000
Auditoriums and Arenas	10,000	100,000

2. Notwithstanding the schedule above, at least one (1) off-street loading space [ten (10) feet wide and twenty-five (25) feet long] should be designated for all non-residential uses or residential uses such as nursing homes which receive or deliver shipments of goods. The Planning Board may require additional loading spaces based upon the applicant's testimony at the time of site plan approval.

B. Design standards.

1. Off-street loading shall be either a bituminous or Portland cement concrete surface laid over a compacted gravel or crushed stone base course as per the standards of the Township Engineer.

2. The standard off-street loading berth shall be fourteen (14) feet wide, sixty (60) feet deep, and shall have an apron area of sixty (60) feet. This yields a dock approach area of one hundred twenty (120) feet. The berth shall have a vertical clearance of fifteen (15) feet.

3. The Planning Board may reduce the off-street loading requirement for offices, small retail stores, and similar uses to a space ten (10) feet wide and twenty-five (25) feet long upon testimony that deliveries will be principally by means of a van or similar small truck.

4. The standard off-street loading berth (14' x 60') shall be provided only in a side or rear yard and shall be screened from the view of public streets and adjacent residential uses or districts.

5. Off-street loading areas shall not be used for the collection of trash or refuse.

C. Commercial drive-through customer service stacking areas.

1. Every commercial facility providing drive-through customer service areas shall provide a stacking lane, ten (10) feet wide by one hundred twenty (120) feet long, for each window, door, canopy, or similar drive-through facility.

2. Each stacking lane shall be provided entirely on the lot of the subject facility and shall not occur within twenty (20) feet of a street or property line.

3. The stacking lane shall not block or cross normal vehicular or pedestrian circulation patterns.
4. A bypass route should be provided for vehicles exiting the stacking lane.

§ 29. Lighting.

A. Street lighting of a type supplied by the utility company and of a type and number approved by the Planning Board shall be provided for all street intersections and along all arterial, collector and local streets and anywhere else deemed necessary for safety reasons. Wherever electric utility installations are required to be underground, the applicant shall provide for underground service for street lighting. Specific street lighting standards for residential areas are provided in §26.

B. All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, multi-family residential or other uses having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare lights focused downward.

C. [Repealed, Ord. O.5.19, 3/18/19, See §27.G and –H]

D. All lighting fixtures shall be shielded so that all light is contained on the subject property and does not spill over to adjacent properties. Any outdoor lighting shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objectives of these specifications is to minimize undesirable off-premise effects. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval.

E. [Repealed, Ord. O.5.19, 3/18/19, See §27.G]

§ 30. Signs. [Ord. O.24.10, 12/6/10]

A. Purpose and Intent. The purpose of this section is to encourage the effective use of signs as a means of communication, to maintain an aesthetically pleasing environment and the Township's ability to attract economic development and growth, to protect and improve pedestrian and vehicular safety, to minimize the potential adverse effects of signs on nearby public and private property, to protect the expressive rights of all persons within the scope of applicable law and to enable the fair and consistent application of the regulations contained herein.

B. Relation to Unified Development Ordinance. Signs shall be permitted as accessory uses and structures in all zoning districts within the jurisdiction of this Ordinance. Signs may be used, erected, maintained, altered, relocated, removed, or demolished only in compliance with the provisions of this section and any and all other ordinances and regulations of the municipality relating to the use, erection, maintenance, alteration,

moving, or removal of signs or similar devices. Sign definitions are found in §2 of this Ordinance. In the event of conflicting regulations, the most restrictive shall apply.

C. Sign Permit. A sign permit shall be required for the installation or alteration of all signs, unless exempted from such requirements under §30.I of this section, in accordance with the following requirements:

1. Application requirements. All applications for sign permits shall be made to the Zoning Officer on forms provided by the municipality. All applications shall be signed by the owner of the sign and the property owner on whose premises the sign is to be erected, or duly authorized agent. All applications shall contain a sketch of the proposed sign, drawn to scale, the area of the sign, and the location where the sign will be attached to a building or a plot plan showing the location of the proposed sign with dimensions to the nearest building and lot lines, depending on the type of sign. A color photograph, no smaller than 2" x 3" or larger than 8" x 10" shall be submitted for each existing sign on the premises. All applications shall be accompanied by the appropriate fee. Such fee and sign application shall be in addition to any fee and application required pursuant to Chapter X, Building and Housing, of the Code of the Township of Deptford. For purposes of this section, the Zoning Officer shall approve, approve with conditions or deny the sign permit application in accordance with the time requirements of *N.J.S.A.* 40:55D-18. The issuance of a sign permit shall allow the applicant to apply for a building permit, should a building permit be required for the sign installation by the Uniform Construction Code (*N.J.A.C.* 5:23-1 *et seq* .).

2. Sign permit invalidation. Any of the following events or actions shall cause a sign permit to be invalidated:

   a. An invalidation of a Certificate of Occupancy for the use to which the sign relates.

   b. An alteration in the area of a sign, the shape of a sign or structure of the sign support.

   c. Vacation of the premises by the user to which the sign relates.

   d. Abandonment pursuant to §30.C.4 of this section.

3. Effect of invalidation.

   a. For a period of not more than six months, a sign may continue to be displayed once its permit has become invalid provided the property is being actively marketed for a new owner or tenant. In any other instance, the sign shall be removed within thirty (30) days of the permit invalidation. Internally illuminated box signs shall be considered to meet the requirement for removal if the message is turned to face the interior of

the box. At no time shall the lighting elements of the sign box be visible to passersby.

b. It shall constitute a violation of this Ordinance for each and every day that a sign with an expired permit is displayed. In addition to the remedies stated above, signs which continue to be displayed in violation of this Ordinance shall be subject to removal and the owner shall be liable for the full costs of such removal and disposal.

4. Abandonment. If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted for a period of time greater than six (6) months, that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be completely removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign. In this context, a seasonal business such as a farm stand shall be considered operational even though closed for a period not to exceed nine (9) months.

D. Sign Area Calculation. For the purposes of this section, "sign area" shall mean the area expressed in square feet, within a rectangle enclosing the extreme limits of writing, symbols, logos, letters, figures, emblems, or other representations plus all material or color forming an integral part of the sign or used to differentiate the sign from the background against which it is placed, provided that:

1. In the event a sign is designed with more than one face, the area shall be computed by including only the maximum surface display area of one face, provided that the message is the same on each face. For round, triangular or other non-standard signs, the size shall be computed by the area that may be viewed from one vantage point expressed as a single plane, provided that;

2. The supports, uprights, skirting or other structure on which any sign is attached or supported shall not be included in the calculation of sign area unless such structure is designed in such a manner as to form an integral part of the sign or conveys meaning;

3. The area of lamps, neon tubing, or other artificial illumination visible on a sign face shall be counted as part of the total allowable sign area. The area of lamps trained on a sign to provide external illumination, however, shall not be included in this calculation.

E. Illumination. Signs exempt from permits in accordance with §30.I shall not be illuminated, unless specifically permitted. Any other sign may be illuminated, unless otherwise prohibited. Illuminated signs shall conform to the following provisions:

1. Where illuminated signs are permitted and approved, illumination may be provided by fluorescent tubes or compact fluorescent bulbs, LED spotlights or internal illumination, metal halide, mercury-vapor, or quantum dot lamps, but not

incandescent bulbs. Neon, LED tube lights or similar lighting types shall not be permitted as a means of illumination. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motorists or cause a nuisance to residents on the premises of their home in the nearby vicinity of the sign lighting.

2. Signs capable of illumination shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. the following morning, unless the business or uses advertised are open to the public later than 10:00 p.m. or earlier than 7:00 a.m., in which event any such establishment may keep a sign illuminated during business hours, only.

F. Maintenance. All signs shall be maintained in good order with periodic painting, repairs and cleaning. In the event that the Zoning Officer of the municipality determines that any sign has fallen into a state of disrepair, has become dilapidated or constitutes a safety hazard, the sign owner and property owner shall be given written notice to correct the condition within thirty (30) days from the date of the mailing of the notice. Failure to correct the condition or file an appeal within the time provided shall constitute a violation of this Ordinance. The Township shall have the right to recover from said owner the full costs of the removal and disposal of such signs should the owner fail to heed the correction notice. Signs shall conform to the requirements of the Uniform Construction Code and any property maintenance code of the municipality.

G. General Provisions.

1. Reserved [Ord. O.8.21, 4/19/21]

2. Official sign imitation. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device, when placed in a location or setting ordinarily used to give official vehicular directional information and is likely to confuse motorists. Viewpoint signs characterized by parody content under §30.I.13 are exempted from this restriction.

3. Permitted uses. No sign shall be erected containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district or by duly authorized variance in which said sign is located under the provisions of this Ordinance.

4. Prohibited placement. No sign shall be placed on any tree, telegraph, electric light, or public utility pole, or upon rocks or other natural features, or within a public right-of-way, except as permitted in sub-paragraphs -5 and -6, below. Signs placed illegally in such locations shall be subject to removal by the municipality.

5. Public property and rights-of-way. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to removal. In addition to other remedies that

may be imposed under this Ordinance, the municipality shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign. No sign other than traffic control or similar official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as otherwise provided. Any sign located along the right-of-way of a State or Federal highway shall comply with any more restrictive requirements of the State and Federal government.

6. Street numbering. Street numbering shall be required for every dwelling unit and non-residential building. Residential uses shall be identified with numbers of lettering at least four (4) inches in height. Non-residential uses shall be identified with numbering or letters at least six (6) inches in height. Such signage shall not be included in the sign area nor sign number limitations. Street numbering shall be located within three (3) feet of the main entrance, on a mailbox or lamppost on the same lot as the building, or incorporated into an approved freestanding sign.

7. Corporate franchise signs. Signs identifying franchise operations or corporation logos shall conform to the criteria for all other signs in the Township of Deptford.

8. Planned development. Whenever planned development is proposed, the Board of Jurisdiction may approve a comprehensively designed signage plan with coordinated colors, styles, sizes, setbacks and allowed number of signs that deviate from the requirements of this section in accordance with *N.J.S.A.* 40:55D-45a and -65c.

9. Relief and sign face distance. Excepting viewpoint signs under §30.I.13, no sign shall contain characters or graphics exceeding three (3) inches in relief from the sign face. The maximum distance between the faces of a double-faced sign shall not exceed twenty-four (24) inches. No wall sign shall project more than twelve (12) inches from the plane of the attaching surface.

10. Sight distance and visual impediment. No sign shall be erected within the clear sight distance triangle as otherwise established in this Ordinance, unless the topmost portion of such sign is less than thirty (30) inches high. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians in the course of driving or walking in such a manner that it endangers their safety or the safety of others.

11. Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of a sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

    a. Within the right-of-way of any public street or road, unless the work is done pursuant to an approved site plan or subdivision plat.

    b. On property that is not under the ownership or control of the person undertaking or responsible for such work, unless the work is done

pursuant to the express authorization of the person owning the property where such trees or shrubs are located and is not otherwise in violation of this Section and Section 31 of the Ordinance.

c. In any area where such landscaping is required to remain under any Board approval or permit issued under this Ordinance or other Ordinance of the municipality.

12. Design standards. The guidelines for the design of signs are contained in this sub-section. Any relief required from this sub-section shall be pursuant to *N.J.S.A.* 40:55D-51.

a. Signs should strengthen the architectural diversity of the municipality's buildings. Signs which obscure or are of a different architectural style than the building's architecture should be avoided. Signs should be integrated with a building's architecture in terms of form, materials, color, and size.

b. Signs should be appropriate for the era in which the building was constructed.

c. Signs should not alter the way in which a building functions.

d. Designers should strive for creativity in the form and variety of signage within the size limitations set forth herein.

e. Designers are strongly encouraged to include symbols, images, and other graphic objects to convey the type of establishment using the sign.

f. The typeface used to represent words should convey the character of the establishment and the era of the building.

g. Contrast. The contrast of a sign's lettering and symbols with its background should be disparate to convey legibility.

h. The background of internally illuminated signs should not be lighted but only the individual letters, logos, or symbols that convey the sign's message.

i. The provisions of this section shall not apply to the municipal, county, state or federal government.

H. Prohibited Signs. All signs not permitted by this Ordinance are hereby prohibited, with the following signs specifically prohibited, unless they are viewpoint signs (see §30.I.13) and comply with –H.5, –H.6, –H.8, –H.10 and –H.16, below:

1. Flashing, blinking, occulting, twinkling, animated, moving, or projected signs of any type, with the exception of advisory information displays as otherwise

permitted, and commercial or institutional holiday displays erected and operating for a period not to exceed forty-five (45) days.

2. Banners, pennants, streamers, pinwheels and similar devices; balloon signs and other inflated signs and searchlights displayed for the purpose of attracting the attention of pedestrians and motorists.

3. Portable signs, including vehicle signs, unless otherwise excepted. Vehicle signs shall not include signage on commercially licensed vehicles with current vehicle registration used in the normal course of business and legally parked or garaged at the business, owner's or employees' premises.

4. Signs which emit smoke, visible vapors or particles, sound or odor.

5. Signs that emit electromagnetic radiation outside the wavelengths of visible light which is measurable beyond the property boundary.

6. Signs which cause interference with radio, two-way radio, television or mobile telephone reception, motor vehicle or computer wireless signal transmission, or with medical devices.

7. Any sign attached or affixed to the roof of a building, or a wall sign that projects above the lowest level of a roof or beyond the corner of a wall.

8. Any sign which:

   a. the average person, applying contemporary community standards would find that the sign, taken as a whole, appeals to the prurient interest; and

   b. that the sign depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and

   c. that the sign, taken as a whole, lacks serious literary, artistic, political, or scientific value.

9. Signs which attempt to imitate or otherwise cause confusion with existing signs erected by any governmental board, body or agency, excepting viewpoint signs whose content is based on parody.

10. Any sign so erected, constructed, or maintained as to obstruct any fire escape, window, door, or other opening used as a means of ingress and egress or which prevents adequate light and air to the interior of any building, or which obstructs the access of firefighters or other emergency personnel to a premises.

11. A series of two or more signs placed in a line parallel to a street each of which comprises a part of a single commercial message or clause thereof.

12. Signs attached, affixed or painted on trees, fences, utility poles, light poles, signs attached to other signs. This subsection shall not be construed to prohibit the placement of directional signs which identify the general location of parking areas in large parking lots or to communicate an emergency or hazard to persons upon the premises.

13. Off-premise signs with a commercial message, the predominating content of which directs attention to an off-premises business unrelated to the business premises upon which the sign is located, and the sign is erected in addition to other or existing commercial signage upon the same premises; or, if it is erected upon non-commercial premises, unless otherwise excepted.

14. Billboards and billboard-type commercial displays, whether of permanent, semi-permanent, or mobile construction, except where zoned as a permitted use or by approved variance application and subsequent approved site plan.

15. Signs where the message is changed by electronic or electro-mechanical means, excepting advisory information signs, NJDOT variable message signs, freestanding signs for institutional uses, and off-premise commercial signs, as otherwise permitted. [Ord. O.8.21, 4/19/21]

16. Any sign which is in disrepair so as to constitute blight, or any sign which is unstable, insecure or otherwise defective so as to present a hazard to pedestrian or vehicular traffic or to entrants upon the premises.

I. Signs Allowed Without Permit. The following signs shall be allowed without the issuance of a permit:

1. Emergency. Emergency warning signs erected by a governmental agency, public utility, pipeline company, telecommunications company, public carrier or duly authorized contractor. Such signs may be illuminated.

2. Flags. Any non-commercial viewpoint sign that is a flag or pennant may be displayed or flown, provided that such flag shall not exceed one hundred fifty (150) square feet in area and shall not be flown from a pole that exceeds forty (40) feet in height. No provision of this section shall be held applicable to flags, banners or pennants used or displayed as a means of non-commercial viewpoint communication by any person attending parades, rallies, demonstrations, or other activities of non-commercial viewpoint expression. For commercial and non-profit institutional uses no more than five (5) flags shall be flown or suspended from poles along any frontage of a property. Flags displayed inside windows or flags of two (2) square feet of sign area or less shall be exempted from these restrictions. Any other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the applicable zoning district in which such flag is located. Flags may be illuminated.

3. Governmental. Signs posted by governmental agencies.

4. Historic markers. Historic tablets, cornerstones, memorial plaques and emblems which are installed or installed under the direction of government agencies or civil or religious organizations, provided that the sign does not exceed eight (8) square feet in area.

5. Incidental signs. Non-illuminated or internally illuminated incidental signs. Any such sign shall not exceed two (2) square feet in area.

6. Name and Address. Name and address signs attached to the façade or door of a building, lamp post or on a mailbox, provided that the size of the sign does not exceed one and a half (1½) square foot. Address numbers and letters shall be a minimum height of four (4) inches for residential uses, except that buildings in apartment complexes shall meet the non-residential requirement. Non-residential uses shall have minimum number and letter heights of six (6) inches.

7. Public notice. Any sign providing public notice required by a valid and applicable federal, state, or local law, regulation, court order or ordinance.

8. Public transportation. Signs indicating public transportation stops when installed by the municipality or a public transportation operating entity.

9. Temporary signs pursuant to the requirements of §30.J, with the exception of banner signs over public rights-of-way.

10. Traffic control. Temporary and permanent traffic signs and signals installed by the municipality, county and state for the purpose of directing and regulating the flow of traffic.

11. Trespassing and warning. Trespassing signs; signs indicating the private nature of a road, driveway, or premises; and signs prohibiting or otherwise controlling the fishing or hunting upon particular premises, and signs warning of a hazard or risk to entrants upon a particular premises, provided that the sign area shall not exceed two (2) square feet.

12. Vending. Illuminated and non-illuminated signs which are an integral part of vending machines, including motor fuel pumps.

13. Viewpoint. A viewpoint sign shall conform to the following requirements:

    a. Viewpoint signs in residential zones shall not exceed sixteen (16) square feet, the dimension shall not exceed four (4) feet on any side and they shall not exceed six (6) feet in height. The total sign area of the total array or assemblage of signs or expressive décor upon a premise shall not exceed one hundred fifty (150) square feet.

    b. Viewpoint signs shall be permitted in all other zones provided that such signs do not exceed the dimensions or total sign area otherwise permitted for commercial signage upon the premises.

c. Such signs shall be exempt from the requirement limiting the number of items of information as otherwise required; the style and design standards, type size, changeable copy, setback and quantity requirements; all content regulations within the scope of protected speech; and any other requirements in conflict with federal and state common law protecting expressive activity and viewpoint communication.

d. Any viewpoint sign installed or placed on public property including public rights-of-way, excepting such public property which the Township may designate for such use, shall be forfeited to the public and subject to removal and no viewpoint sign shall be placed upon private property except with the consent of the owner or tenant.

e. Viewpoint signs shall not be constructed, held, installed or erected so as to present a hazard to the safe transit of pedestrian or vehicular traffic, or to impede the free and safe ingress or egress from any premises.

f. Any portable viewpoint sign or display, although unrestricted as to style, design, dimensions, or content, shall at all times be under the firm and secure control of the operator(s), or be otherwise secured so as to not present a hazard to persons or property.

g. Viewpoint signs may be illuminated subject to the conditions of subparagraph -e above.

J. Temporary Signs. Temporary signs as indicated below shall be allowed without the need to first obtain a sign permit, provided that the following regulations are met:

1. Contractor's signs. Temporary signs of contractors, mechanics, painters, and/or artisans, shall be permitted during the period of work on the lot on which the contracting work is being performed. Contracting signs shall conform to the size limitations for real estate signs. They shall be removed within seven (7) days of the completion of the work to which the sign relates. Pursuant to §30.G.5, no contracting sign shall be placed within a public-right-of-way. Signs placed illegally in such locations shall be subject to removal by the municipality.

2. Grand opening, under new management, business relocation, bankruptcy and final closing signs. Grand opening, "under new management", business relocation and bankruptcy, final closing/liquidation signs shall be permitted for a period of time not to exceed thirty (30) days from the initial opening of a new business or a change in the ownership or tenancy of the premises on which the sign is located. Bankruptcy and final closing/liquidation signs shall be permitted for the duration of the pendency of a bankruptcy proceeding with respect to a particular premise, or as directed by the Bankruptcy Court. Grand opening, bankruptcy and final closing signs may be wall signs, freestanding signs, or banners. Business relocation or "Under New Management" signs may be wall or window signs. All signs shall not exceed the total sign area permitted on the premises for permanent

wall signs. Relocation signs shall be permitted in addition to any permanent signage allowed. Relocation signs shall be restricted to the present location of the relocating business and the future location of the relocating business. No provision herein shall be construed to operate in conflict with any supervening federal or state statute, or administrative regulations pertaining to bankruptcy or business liquidations.

3. Project development. One sign announcing the name of the project developer, architects, engineers, contractors, and/or financing institution shall be permitted at a site under construction, alteration or repair, provided the sign shall not exceed thirty-two (32) square feet in area. The sign shall be removed before any certificate of occupancy is issued for non-residential uses and when seventy-five percent (75%) of the certificate of occupancies for residential uses has been issued. Such signs shall be exempt from the requirement limiting the number of items of information as otherwise required.

4. Public functions. Signs advertising public functions; providing public service or information; or any events for non-commercial purposes shall be permitted for a period of thirty (30) days prior to and during the event and shall be removed within five (5) days after the event. The sign may be erected either on the premises of the event or as a banner, provided that the location of the banner is approved by the governmental authority with jurisdiction if suspended over a public right-of-way. A sign erected on the premises shall not exceed thirty-two (32) square feet and eight (8) feet in height. Banners may project over a right-of-way provided that the lowest edge of the sign is a minimum of seventeen (17) feet six (6) inches above the highest part of the cartway. Banners over a right-of-way shall not exceed sixty (60) square feet in area.

5. Real estate. One real estate sign announcing the sale, rental or lease of the premises on which the sign is located shall be permitted per street frontage. The maximum size of the sign shall be in accordance with the following schedule:

Residential zones excluding multi-family zones:	6 sf.
Commercial zones and multi-family residential zones:	32 sf.
Industrial zones:	32 sf.

All real estate signs shall be removed within seven (7) days after closing or settlement on said property or the execution of the lease.

Off-tract directional real estate signs identifying an open house shall also be permitted. Signs may not exceed three (3) square feet per side. Signs shall only be installed with the consent of the property owner(s). Signs may be installed for a period of time up to twelve (12) hours preceding the open house and shall be removed the same day. Pursuant to §30.G.5, no real estate sign shall be placed

within a public-right-of-way. Signs placed illegally in such locations shall be subject to removal by the municipality.

6. Special events. Special event signs in conjunction with a temporary use permit issued by the Township Council. Such signs shall be permitted for the duration of the temporary use permit.

7. Window signs. Window signs and other signs located within the outer face of a building and visible to the outside shall be permitted, provided that all of the signs individually or collectively do not exceed twenty-five percent (25%) of all available window space or ten percent (10%) of the total façade area, whichever is less. Window signs may be displayed for a period of time not to exceed two (2) months. No window sign, excepting a business relocation sign or real estate sign shall be permitted whenever the subject premises ceases to be occupied by a tenant, owner, or other entity.

8. Yard and garage sale signs. Yard and garage sale signs shall not exceed four square feet in area and four (4) feet in height; shall not be erected more than seven (7) days prior to such sale; and shall be removed within forty-eight (48) hours after the event has ceased. No premise shall be permitted to erect such signs more than two (2) times in any calendar year. No more than eight (8) signs shall be permitted to be installed. No sign shall be attached to a utility pole or traffic sign or signal. Signs may be placed on private property with the permission of the land owner.

K. Sign Regulations by Type of Sign. The following regulations pertain to specific types of signs used for non-residential purposes. In addition to these regulations, where the signs are allowed and other standards specific to individual zoning districts are found in §30.L.

1. Advisory information sign requirements. Advisory information signs shall comply with the following requirements:

   a. Advisory information signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than twenty percent (20%) of the allowable sign area for the type of sign, upon which they are placed, not to exceed four (4) sf. in sign area.

   b. Advisory information signs shall be permitted in addition to any other allowable signage for the property.

   c. The advisory information display may alternate, provided that the period of time that one display is shown is not less than one second.

2. Awning sign requirements. Awning signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:

a. An awning sign shall only be permitted in lieu of an allowed wall sign, except as permitted in subparagraph -e, below.

b. Sign letters shall be aligned with the lower edge of the awning and shall not extend higher than the vertical flap or one-fifth of the arc of the curve, whichever may be the case, but in no event shall the lettering height exceed nine (9) inches.

c. Company logos or symbols may be placed on the sloped portion or upper curved area of the awning.

d. For the purposes of this subsection, the sign area shall be the total of the lettering and logo or symbol, computed separately, in accordance with §30.D.

e. An awning sign that is part of an entrance canopy, where the long axis of the canopy is perpendicular to the face of the building, may be used in conjunction with a wall sign. The sides of the canopy may be lettered as permitted in subparagraph -b, above, except that any lettering shall be no higher than six (6) inches. The end of a canopy that is parallel with the façade of the building shall be permitted a sign or symbol not exceeding twenty (20) square feet in area.

3. Changeable copy sign requirements. Changeable copy signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:

a. Changeable copy signs shall be allowed only as an integral part of a freestanding or wall sign. The area of a changeable copy sign shall be included in the sign area calculation for the freestanding or wall sign and shall not exceed fifty percent (50%) of the total sign area, excepting movie theater marquee signs.

b. Changeable copy signs shall not be permitted on temporary or portable signage.

c. Copy shall not be changed more than once every twenty-four (24) hours, excepting advisory information displays. Changeable copy signs that are changed more frequently shall be considered animated signs and consequently prohibited.

d. Changeable copy signs may not be located in any residential zoning district, excepting institutional uses in such districts.

e. The maximum number of lines of changeable copy shall be four (4) lines.

f. The minimum height of changeable copy letters shall be four (4) inches.

g. [REPEALED Ord. O.8.21, 4/19/21]

4. Directional sign requirements. Directional signs shall comply with the following requirements:

   a. Directional signs for indicating the path of pedestrian or vehicular traffic from a public street shall meet the following regulations:

      1) The size of each sign shall not exceed three (3) square feet and exceed two and one-half feet (2½) feet in height.

      2) The number of signs shall be limited to the number of driveway or pedestrian walkway intersections with a public street or public sidewalk, respectively.

   b. Directional signs for indicating the path of pedestrian or vehicular traffic internal to a site shall meet the following regulations: [Ord. O.8.21, 4/19/21]

      1) The sign shall not be located within fifty (50) feet of the tract perimeter.

      2) The sign shall be freestanding.

      3) Any such sign shall not exceed sixteen (16) square feet in area or six (6) feet in height.

      4) Such signs are intended for large retail, office park, research and development, and institutional complexes but may be appropriate in other circumstances as approved by the Board of Jurisdiction.

5. Directory sign requirements. Directory signs shall comply with the following requirements: [Ord. O.8.21, 4/19/21]

   a. The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory; or, shall be placed at the main entrance to a building.

   b. The sign shall contain a site map or floor plan diagram, as the case may be, indicating the location of the buildings or offices listed on the directory.

   c. Any such sign shall not exceed twelve (12) square feet in sign area for building mounted signs and sixteen (16) square feet in area for freestanding signs.

   d. A freestanding directory sign shall not exceed six (6) feet in height.

6. Freestanding sign requirements. Freestanding signs, where permitted, shall comply with the following provisions and any more specific regulations herein:

   a. The sign area limitations and requirements in Table 30.1 shall apply to all freestanding signs (minimum letter height shall apply to the primary message on the sign):

Table 30.1 Freestanding Sign Area.

No. of Travel Lanes	Posted Speed Limit (MPH)	Maximum Sign Area		Minimum Letter Height*
		No Residential Use Abutting Side Yard or Across the Street	Residential Use Abutting Side Yard	
2-3	0-25	50 sf.	30 sf.	5 in.
	26-45	75 sf.	40 sf.	8 in.
	46+	100 sf.	50 sf.	12 in.
4-5	0-45	60 sf.	40 sf.	10 in.
	46+	120 sf.	80 sf.	15 in.
6 or More	0-45	75 sf.	50 sf.	11 in.
	46+	150 sf.	100 sf.	16 in.

* - Of the primary message on the sign.

   b. Bonus for individual letter sign types. The sign area limitations in §30.K.6.a may be increased by ten percent (10%) when the message consists of individual back lighted letters or symbols.

   c. No freestanding sign; except directional signs, real estate signs and viewpoint signs; shall be permitted if the building line is less than thirty-five (35) feet from the street line.

   d. No freestanding sign or any part thereof shall be located closer than ten (10) feet to any lot line, excepting directional signs. Within specific zoning districts a greater setback may be required.

   e. Any new freestanding commercial sign shall be a minimum of one hundred (100) feet from any existing adjacent freestanding sign, excepting directional, directory and temporary signs.

   f. Freestanding signs; except directional signs, directory signs, real estate signs and viewpoint signs; shall be permitted only in a front yard.

   g. No freestanding sign shall block the view of any existing signs. All signs shall be placed in a location which will allow sufficient reaction time for

drivers on the adjacent road(s) to safely exit the street into the entrance driveway or roadway to the site.

h. No freestanding sign, except viewpoint signs and real estate signs, shall be directed towards a street from which the property does not have direct access.

i. Freestanding signs shall not exceed a height of twelve (12) feet and may be lower for specific freestanding sign types and in particular zoning districts.

j. Freestanding signs, excepting directional signs, shall be skirted to enclose the supporting pole or pylon of the sign. The skirting shall extend the full dimensions of the sign at its lower edge from ground to sign. The skirting shall not be included in the sign size calculation unless it displays a message.

k. The base of the freestanding sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers, or other plant material.

7. Menu sign requirements. The following menu signs shall be permitted.

a. Wall-mounted. Restaurants or other eating establishments, taverns and bars may erect one (1) menu sign at each main entrance up to a total of two (2) signs. Each shall sign shall not exceed six (6) square feet in area.

b. Drive-thru. Restaurants with a drive-thru facility shall be permitted two freestanding menu signs oriented to the motorist in the drive-thru lane. Any such sign shall not be legible from the public right-of-way. Each sign shall not exceed sixty-four (64) square feet in area and eight (8) feet in height.

8. Off-premise sign requirements. Off-premise signs, where permitted, shall comply with the size and location limitations for freestanding signs, unless otherwise modified.

9. Projecting sign requirements. Projecting signs shall comply with the following requirements.

a. The minimum height clearance of the lower edge of any such sign shall be nine (9) feet.

b. The minimum distance between any edge of the sign and a building façade shall be six (6) inches.

c. The maximum distance of any portion of the sign from the building façade shall be six (6) feet, six (6) inches.

d. The face of a projecting sign shall be mounted perpendicular to the building façade or if mounted at the corner of a building, one hundred thirty-five degrees (135º) of the horizontal plane of façade.

e. No projecting sign shall be suspended over a public or private right-of-way unless approved by the Board of Jurisdiction with appropriate public safety protections.

10. Wall sign requirements. Wall signs shall comply with the following provisions.

a. Size Limitation. Unless otherwise modified herein, no wall sign shall exceed five percent (5%) of the total façade area to which it is attached. Additional limitations may apply in a specific zoning district.

b. One wall sign per building, ground level store in a shopping center, or establishment in a business or industrial park shall be permitted. Where the building is located on a corner lot, a second wall sign shall be permitted provided:

1) The message is the same on both signs;

2) The sign does not face a limited access highway.

c. Location on buildings. The placement of wall signs shall be as follows:

1) Above the first floor windows; or

2) Below a parapet, mansard roof, or pent roof; or

3) Beside the main entrance.

4) No wall sign shall be permitted on the rear façade of a building except for name and address signs, and incidental signs, if no public access is provided.

d. Bonus for individual letter sign types. The sign area limitations in §30.K.10.a may be increased by ten percent (10%) when the message consists of individual letters or symbols and by twenty percent (20%) when the message consists of individual back lighted letters or symbols.

L. Sign Regulations by Zoning Districts. In addition to these regulations, other standards specific to the type of sign also apply (see §30.K).

1. Signs Permitted in the R-6, R-6A, R-10, R-10A, R-20, R-20A, R-40, AR-1, and AR-2 Districts. [Ord. O.8.21, 4/19/21]

a. Any sign allowed without permit, pursuant to §30.I.

b. Residential uses. One freestanding development sign for each collector or arterial roadway that provides access to the neighborhood or residential complex, provided that:

1) The sign is owned and maintained by a homeowner's or condominium association, or other duly constituted organization approved by the Board of Jurisdiction; or, the sign is owned by a private entity with responsibility for maintenance.

2) Each sign shall not exceed a height of five (5) feet and shall meet the size limitations for freestanding signs (see Table 30.1).

3) At an approved rental or sales office, one freestanding non-illuminated sign shall be permitted not to exceed sixteen (16) square feet in area and more than five (5) feet in height. Such sign shall be removed with the removal of the temporary office.

4) Real estate signs.

c. Commercial uses. One freestanding sign not to exceed ten (10) square feet in area or four (4) feet in height and one directory sign attached to the façade of the building.

d. Agricultural uses. Agricultural uses with farm stands may have two (2) freestanding signs, each not larger than twelve (12) square feet in area and not exceeding eight (8) feet in height in reasonable proximity to the stand. Such signs may have changeable copy. In addition, one wall sign no larger than sixteen (16) square feet in area may be erected on the farm stand where the products are sold.

e. Institutional and recreational uses. The following signs shall be permitted for institutional and recreational uses within the subject districts:

1) One freestanding sign not exceeding twenty-four (24) square feet in area and five (5) feet in height.

2) Freestanding signs shall be set back from all streetlines thirty (30) feet or half the distance between the building and the street, whichever is less.

3) One wall sign per building in accordance with §30.K.10 and not to exceed forty (40) square feet in area.

4) One changeable copy sign pursuant to §30.K.3 not to exceed eighteen (18) square feet in area.

5) Directional signs pursuant to §30.K.4.

6) Directory signs pursuant to §30.K.5.

2. Signs Permitted in the AR-3, AR-4, AR-5, RM-1, RM-2, RM-3, PUD, PVD-1 and PVD-2 Districts. [Ord. O.8.21, 4/19/21]

a. Any sign allowed without permit, pursuant to §30.I.

b. One freestanding development sign for each collector or arterial roadway that provides access to the neighborhood or residential complex, provided that:

1) The sign is owned and maintained by the landowner or a homeowner's or condominium association, or other duly constituted organization approved by the Board of Jurisdiction; or, the sign is owned by a private entity with responsibility for maintenance.

2) Each sign shall not exceed a height of five (5) feet and shall meet the size limitations for freestanding signs (see Table 30.1).

3) At an approved rental or sales office, one freestanding non-illuminated sign shall be permitted not to exceed sixteen (16) square feet in area and more than five (5) feet in height. Such sign shall be removed with the removal of the temporary office.

4) Real estate signs, the sole purpose of which is to direct the public to housing or land development shall be permitted four (4) temporary freestanding non-illuminated signs at key intersections. Each sign shall not exceed fifteen (15) square feet in area and eight (8) feet in height above ground.

c. One freestanding sign for each collector or arterial roadway that provides access to a health care facility, medical office, medical clinic or child care center pursuant to §30.K.6, except that two such freestanding signs shall be permitted should the linear foot of street frontage exceed one thousand (1,000) feet. Any such second sign shall be separated from the first sign by a minimum of four hundred (400) feet.

d. One wall sign per building in accordance with §30.K.10 and not exceeding six (6) square feet in area, except that in the case of a health care facility the sign shall not exceed one hundred fifty (150) square feet.

1) For health care facilities, medical offices or medical clinics containing more than one office, service or use, one additional sign for each office, service, or use shall be permitted, not to exceed thirty (30) square feet for each sign.

e. One changeable copy sign pursuant to §30.K.3 not to exceed eighteen (18) square feet and which sign shall be permitted in addition to other permitted freestanding signs.

f. Advisory information signs pursuant to §30.K.1 for health care facilities only.

g. Awning signs pursuant to §30.K.2 in the AR-3 and AR-4 districts, only.

h. Directional signs pursuant to §30.K.4.

i. Directory signs pursuant to §30.K.5.

j. Campus identification signs for a health care facility shall be permitted at a rate not to exceed two (2) per acre and shall not be displayed closer than 50 feet to a tract perimeter. The location of any such signs shall be fixed upon an approved site plan.

k. Other commercial uses, where permitted, shall conform to the requirements for the TC-1 district.

3. Signs Permitted in the TC-1, TC-2, C-1, C-2 and O Districts.

a. Any sign allowed without permit, pursuant to §30.I.

b. One freestanding sign per premises pursuant to §30.K.6 and not exceeding six (6) feet in height.

c. Wall signs in accordance with §30.K.10 and not exceeding twenty (20) square feet, whichever is less, for each building or ground level establishment.

d. Advisory information signs pursuant to §30.K.1.

e. Awning signs pursuant to §30.K.2.

f. Directional signs pursuant to §30.K.4.

g. Directory signs pursuant to §30.K.5.

h. One projecting sign per building or ground level retail establishment in lieu of a freestanding sign not to exceed eighteen (18) square feet in area.

4. Signs Permitted in the BC-1, BC-2, BC-3 and BC-4 Districts.

a. Any sign allowed without permit, pursuant to §30.I.

b. One freestanding sign for each collector or arterial roadway that provides access to the building or complex, pursuant to §30.K.6.

c. Freestanding signs shall be set back from all property lines a minimum distance of fifteen (15) feet.

d. Wall signs shall conform to §30.K.10 and shall not exceed sixty (60) square feet, whichever is less, excepting shopping centers.

e. Wall signs for shopping centers shall conform to §30.K.10 and the following requirements:

1) Where a principal use occupying at least seven hundred fifty (750) but less than ten thousand (10,000) gross square feet of segregated area has direct access from the outside, a wall sign not exceeding sixty (60) square feet in area, whichever is less, shall be permitted.

2) Where a principal use occupying at least ten thousand (10,000) but less than fifty thousand (50,000) gross square feet of segregated area has direct access from the outside, a wall sign not exceeding one hundred (100) square feet in area, whichever is less, shall be permitted.

3) Where an individual establishment in a shopping center is fifty thousand (50,000) gross square feet or more, the area of the wall sign may increase to not more than four hundred (400) square feet, whichever is less.

f. Movie theatre and performing arts theatres shall be permitted one freestanding marquee sign in accordance with §30.K.6 and one marquee sign attached to a building not to exceed two hundred (200) square feet. Marquee signs attached to a building shall be exempt from the relief and sign face distance requirements under §30.G.9.

g. Advisory information signs pursuant to §30.K.1.

h. Awning signs pursuant to §30.K.2.

i. Directional signs pursuant to §30.K.4.

j. Directory signs pursuant to §30.K.5.

k. Automobile service stations shall be permitted the following additional signs:

1) A changeable copy sign on each fuel dispensing pump not to exceed four (4) square feet in area;

2) A changeable copy sign on a freestanding sign containing the primary message of the use not to exceed eighteen (18) square feet in area.

3) Two (2) canopy signs not to exceed forty (40) square feet each in area.

5. Signs Permitted in the ROM, Flex, LI-1, LI-2 and LI-3 Districts. [Ord. O.8.21, 4/19/21]

a. Any sign allowed without permit, pursuant to §30.I.

b. One freestanding sign for each collector or arterial roadway that provides access to the building or site complex pursuant to §30.K.6 and not exceeding ten (10) in height.

c. Freestanding signs shall be set back from all street lines a minimum of thirty (30) feet in the ROM and Flex districts.

d. Wall signs shall conform to §30.K.10 and the following requirements:

1) Where a principal use occupying at least one thousand five hundred (1,500) square feet of segregated area has direct access from the outside, a wall sign not exceeding twenty (20) square feet in area, whichever is less, shall be permitted.

2) Where a principal use occupying at least ten thousand (10,000) but less than fifty thousand (50,000) gross square feet of segregated area has direct access from the outside, a wall sign not exceeding one hundred (100) square feet in area, whichever is less, shall be permitted.

3) Where an individual establishment in a business or industrial park is fifty thousand (50,000) gross square feet or more, the area of the wall sign may increase to not more than two hundred (200) square feet, whichever is less.

e. Directional signs pursuant to §30.K.4.

f. Directory signs pursuant to §30.K.5.

g. Billboard sign in the ROM and LI-2 Districts, only, and subject to the following requirements:

1) Any billboard sign shall be located within two hundred fifty (250) feet and not closer than seventy-five (75) feet to the right-of-way of NJ State Route 55.

2) Any billboard sign shall be located south of the interchange of NJ Routes 47 and 55.

3) Any billboard sign shall be separated from any such sign by a distance of not less than one thousand (1,000) feet in any direction. Any off-site commercial variable message sign, where permitted, shall be separated from any other commercial variable message sign by a distance of not less than three thousand (3,000) feet for any sign aligned to face the same direction of travel.

4) Only one billboard sign per lot or tract in single ownership shall be permitted.

5) The billboard sign shall not exceed the dimensions of fourteen (14) feet tall by forty-eight (48) feet wide (672 sf. of sign area).

6) The height of a billboard sign shall not exceed eighty (80) feet.

7) The contrast between the ambient light level of the cartway closest to a billboard sign and the illuminance of the sign shall not exceed a ratio of 1:20.

8) No billboard shall not be permitted to emit more than fifty percent (50%) of its illumination as the color white or light blue.

9) The level of light being emitted by such sign shall not exceed 0.3 foot-candles of luminance 50 feet from the vertical plane of the sign face at the edge of a travel lane, and 250 feet measured level and at 90º from its center.

6. Signs Permitted in the INS District.

a. Any sign allowed without permit, pursuant to §30.I.

b. One freestanding sign in accordance with §30.K.6, not exceeding six (6) feet in height.

c. Freestanding signs shall be set back from all street lines a minimum of fifteen (15) feet.

d. One wall sign per building in accordance with §30.K.10, not to exceed sixty (60) square feet.

e. Advisory information signs pursuant to §30.K.1.

f. Awning signs pursuant to §30.K.2.

g. One changeable copy sign pursuant to §30.K.3 not to exceed eighteen (18) square feet.

h. Directional signs pursuant to §30.K.4.

i. Directory signs pursuant to §30.K.5.

M. Non-Conforming Signs.

1. Subject to the remaining restrictions of this section, non-conforming signs that were otherwise lawful on the effective date of this Ordinance may be continued except as provided below.

2. No person may engage in any activity that causes an increase in the extent of nonconformity of a non-conforming sign. No non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition, nor may illumination be added to any non-conforming sign.

3. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.

4. If a non-conforming sign is destroyed by natural or man-made causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a non-conforming sign is 'destroyed' if damaged to an extent that the cost of repairing the sign to its original state immediately prior to the destruction or replacing it with an equivalent sign equals or exceeds fifty (50%) of the equalized assessed value of the sign so damaged.

5. If a building to which a non-conforming sign is attached or to which it relates is demolished or destroyed by natural or man-made causes, the non-conforming sign shall be brought into conformance with the provisions of this section.

6. The message of a non-conforming sign may be changed provided the following conditions are met:

a. The sign has a valid sign permit; and

b. No structural alteration of the sign occurs; and

c. No non-conforming aspect of the sign is increased or enlarged, and

d. No new non-conformity with the provisions of this section is introduced.

7. Subject to the other provisions of this section, non-conforming signs may be repaired and renovated as long as the cost of such work does not exceed within

any twelve (12) month period fifty (50%) of the equalized assessed value of such sign.

§ 31. Landscape, Buffer and Tree Protection Standards. [Ord. 0.1.10, 2/22/10]

A. General Requirements for Landscaping. The following general requirements shall apply to the installation and design of landscapes and shall be the minimum necessary to promote aesthetic and pleasing views and the general welfare:

1. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals singly or in combination and may include inanimate materials such as rocks, water, sculpture, art, walls, fences, and paving materials.

2. A landscape design shall be provided as part of site plan and subdivision submissions in accordance with the provisions of this ordinance. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section.

3. The Board of Jurisdiction may require additional landscaping beyond the requirements herein in order to create a desirable visual environment and an appropriate landscaping scheme for the site given the existing conditions and the proposed development.

4. Where an application for development is for a residential subdivision only, the minimum standards shall apply only to street trees and to common open space, storm water management facilities and areas proposed to be dedicated to the public; however, additional plantings or landscaping elements shall be required in the subdivision where necessary for climate control, reduce energy consumption, to create privacy, and to screen ground-mounted utilities.

5. All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation.

6. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. No plant may be installed that is listed as an invasive alien species in NJDEP's Overview of Nonindigenous Plant Species in New Jersey (February 2004), as it may be amended or superseded.

7. Landscape screening is required to visually buffer all trash enclosures, above ground propane tanks, utility boxes, ground-mounted HVAC equipment and other similar structures.

8. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities and storm water

management facilities and should generally be planted no closer than ten (10) feet measured horizontally from such underground utility.

B. Design Guidelines. The following guidelines shall be followed in the design of landscaping and streetscape plans.

1. In the design of a landscape plan, plantings shall be provided in the varieties, quantities and site locations necessary to:

   a. Reduce glare and reflection;

   b. Buffer noise and objectionable views;

   c. Complement or improve upon existing landscaping on adjoining properties;

   d. Provide moisture retention, soil stabilization, wind breaks and air purification;

   e. Moderate ground surface, building and stream water temperatures; and

   f. Provide seasonal color variety.

2. In the landscape design of sites, areas shall be designated for retaining existing trees and the replacement of trees cleared from the site in accordance with §31.L.

3. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.

4. Plant's susceptibility to disease, their colors, textures, shapes, blossoms, and foliage characteristics shall be considered in the overall design of a landscape plan.

5. Local soil conditions and water availability shall be considered in the choice of landscaping.

6. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.

C. Tree and Shrub Requirements.

1. Street Trees. When new streets are proposed, street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Street trees shall be provided along all street frontages lacking existing trees that meet

the standards herein whenever an application for development is submitted and approved. However, street trees shall not be required along the frontage of a limited access highway (see Tables 3.17 and 3.18 for buffering requirements adjacent to limited access highways). Trees shall be spaced evenly along the street between the curb and sidewalk. Where the distance between the curb and sidewalk is less than five (5) feet, sidewalks should be placed in a public access easement outside of the right-of-way to create a planting strip at least five (5) feet wide to facilitate street tree growth in accordance with §26.H. In commercial areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows:

Tree Size at Maturity (Height in feet)	Soil Volume (in cubic feet)
Large trees (45'+)	200
Medium-sized trees (30'-45')	150
Small trees (to 30')	100

Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

2. Spacing. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size.

Tree Size at Maturity (Height in feet)	Planting Interval (in feet)
Large trees (45'+)	40
Medium-sized trees (30'-45')	30
Small trees (to 30')	20

Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, street lights and street furniture.

3. Street tree type. Tree type may vary depending on overall effect desired but as a general rule, all trees shall be large deciduous trees except as needed to achieve special effects. Tree selection shall be approved by the Board of Jurisdiction in accordance with Tables 31.1, 31.2 and 31.3. Alternate selections may be approved at the discretion of the Board of Jurisdiction. Within any landscape design, oaks shall be limited to no more than fifteen percent (15%) of the total number of trees to limit the incidence of bacterial leaf scorch disease.

Table 31.1 Recommended Small Street Trees.

Botanical Name	Common Name	Minimum Planting Size
Acer campestre	Hedge Maple	2½" -3" cal.
Acer ginnala	Amur Maple	2½" -3" cal.
Amelanchier x hydrida 'Cumulus'	Cumulus Shadblow	2-2½" cal.
Acer buergeranum	Trident Maple	2½" -3" cal.
Crataegus phaenopyrum 'Princeton Sentry'	Princeton Sentry Hawthorne	2½" -3" cal.
Crataegus viridis 'Winter King'	Winter King Hawthorne	2½" -3" cal.
Magnolia x lobneri 'Merrill'	Merrill Magnolia	10'-12' ht.
Malus baccata 'Jackii'	Jackii Crabapple	2"-2½" cal.
Malus x zumi 'Calocarpa'	Zumi Crabapple	2"-2½" cal.
Syringa reticulata	Japanese Tree Lilac	10'-12' ht.

Table 31.2 Recommended Medium Street Trees.

Botanical Name	Common Name	Minimum Planting Size
Acer saccharum 'Legacy'	Legacy Sugar Maple	2½" -3" cal.
Celtis bungeana	Bunge Hackberry	2½" -3" cal.
Cladratis lutea	Yellowwood	2" -2½" cal.
Carpinus caroliniana	American Hornbeam	2½" -3" cal.
Malus baccata 'Robinson'	Robinson Crabapple	2½" -3" cal.
Phellodendron amurense	Amur Corktree	2½" -3" cal.
Tilia cordata x. 'Shamrock'	Shamrock Linden	2½" -3" cal.

Table 31.3 Recommended Large Street Trees.

Botanical Name	Common Name	Minimum Planting Size
Acer rubrum 'October Glory'	October Glory Red Maple	2½"-3" cal.
Acer rubrum 'Red Sunset'	Red Sunset Red Maple	2½" -3" cal.
Celtis occidentalis 'Magnifica'	Hackberry	2½" -3" cal.
Ginkgo biloba (male only)	Ginkgo	2½" -3" cal.
Platanus acerifolia 'Bloodgood'	Bloodgood London Plane	2½" -3" cal.

Botanical Name	Common Name	Minimum Planting Size
Platanus occidentalis	Sycamore	2½" -3" cal.
Quercus coccinea	Scarlet Oak	2½" -3" cal.
Quercus marcocarpa	Bur Oak	2½" -3" cal.
Quercus phellos	Willow Oak	2½" -3" cal.
Quercus rubra	Red Oak	2½" -3" cal.
Sophora japonica 'Regent'	Scholartree	2½" -3" cal.
Tilia tomentosa 'Green Mountain'	Silver linden	2½" -3" cal.
Ulmus parvifolia	Chinese elm	2½" -3" cal.
Zelkova serrata 'Village Green'	Village Green zelkova	2½" -3" cal.

4. Additional Recommended Trees. Any of the trees noted in Tables 31.1, 31.2 and 31.3 may be used in the design of landscapes as well as their use as street trees. The following trees are recommended for site development purposes:

Table 31.4 Additional Recommended Trees

Botanical Name	Common Name	Minimum Planting Size
Acer palmatum	Japanese Maple	6'-7'
Acer saccharum	Sugar Maple	2½"-3" cal.
Cedrus atlantica glauca	Blue Atlas Cedar	6'-8'
Cercidiphyllum japonicum	Katsura-tree	2½"-3" cal.
Cercis canadensis	Eastern Redbud	6'-7'
Chionanthus virginicus	Fringe Tree	6'-7'
Cornus kousa	Chinese Dogwood	2"-2½" cal.
Crataegus crusgalli inermis	Thornless Cockspur Hawthorn	2"-2½" cal.
Cryptomeria japonica	Cryptomeria	5'-6'
Fagus grandifolia	American Beech	2½"-3" cal.
Fagus atropinicea	Copper Beech	2½"-3" cal.
Gleditsia triacanthos inermis 'Halka' or 'Skyline'	Halka or Skyline Honeylocust	2½"-3" cal.
Ilex opaca	American Holly	6'-7'
Koelreuteria paniculata	Golden Rain Tree	2"-2½" cal.
Liquidambar styraciflua	Sweetgum	2½"-3" cal.
Liriodendron tulipifera	Tulip Poplar	2"-2½" cal.

Botanical Name	Common Name	Minimum Planting Size
Metasequoia glyptostroboides	Dawn Redwood	8'-10'
Oxydendrum arboreum	Sourwood	6'-7'
Picea abies (excelsa)	Norway Spruce	5'-6'
Picea omorika	Serbian Spruce	5'-6'
Pinus strobus	White Pine	5'-6'
Pinus thunbergiana	Japanese Black Pine	5'-6'
Pinus virginiana	Virginia Pine	5'-6'
Populus balsamifera	Balsam Popular	2½"-3" cal.
Prunus cerasifera	Flowering Plum	2"-2½" cal.
Prunus sargentii	Sargent Cherry	2"-2½" cal.
Prunus serrulata	White Cherry	2"-2½" cal.
Pseudolarix kaempferi	Golden Larch	8'-10'
Pseudotsuga menziesii	Douglas Fir	5'-6'
Quercus acutissima	Sawtooth Oak	2½"-3" cal.
Quercus palustris	Pin Oak	2½"-3" cal.
Tilia cordata 'Greenspire'	Greenspire Linden	2½"-3" cal.
Tilia tomentosa 'Green Mountain'	Silver Linden	2½"-3" cal.
Tsuga canadensis	Canadian Hemlock	5'-6'
Ulmus americana 'Delaware'	American Elm, 'Delaware'	2½"-3" cal.

5. Fall planting hazard. Certain trees have been identified as having a high degree of transplantation failure if planted during the fall season. These should be noted on the landscape plan for "Spring Planting Season Only". These include all trees in the genus Betula, Carpinus, Crataegus, Pyrus, Quercus, excluding Q. Palustris, Zelkova and the species Ilex opaca, Liquidambar styraciflua, Liriodendron tulipifera, Salix babylonica and Tilia tomentosa.

6. Recommended shrubs. The following shrubs are recommended for use in the Township:

Table 31.5 Recommended Shrubs.

Botanical Name	Common Name	Minimum Planting Size
Abelia grandiflora	Glossy Abelia	18”-24”
Aronia arbtutifolia brilliantissima	Red Chokeberry	2’-3’
Azalea delaware valley	Delaware Valley Azalea	18”-24”
Azalea exbury	Exbury Azalea	18”-24”
Azalea hino-crimson	Hino-Crimson Azalea	18”-24”
Azalea stewartsonia	Stewartson Azalea	18”-24”
Berberis julianae	Wintergreen Barberry	18”-24”
Clethra alnifloia	Summersweet	15”-18”
Cornus alba sibirica	Siberian Dogwood	3’-4’
Cornus stolonifera lutea	Yellowtwig	3’-4’
Cotoneaster apiculata	Cranberry Cotoneaster	15”-18”
Cotoneaster salicifolia repens	Park Carpet Cotoneaster	15”-18”
Deutzia gracilis	Slender Deutzia	18”-24”
Euonymous fortunei vegetus	Bigleaf Wintercreeper	18”-24”
Fothergilla gardenii	Dwarf Fothergilla	15”-18”
Fothergilla major	Large Fothergilla	15”-18”
Hamamelis virginiana	Witch hazel	4’-5’
Hibiscus syriacus	Rose of Sharon	18”-24”
Hydrangea paniculata grandiflora	PeeGee Hydrangea	18”-24”
Hydrangea quercifolia	Oak Leaf Hydrangea	3’-4’
Ilex crenata hellerei	Dwarf Japanese Holly	18”-24”
Ilex glabra	Inkberry	18”-24”
Ilex glabra compacta	Compact Inkberry	18”-24”
Juniperus chinensis glauca hetzi	Hetz Juniper	2’-3’
Juniperus chinensis pfitzeriana compacta	Compact Pfitzer Juniper	18”-24”
Juniperus chinensis torulosa	Torulosa Juniper	4’-5’
Juniperus horizontalis bar harbor	Bar Harbor Juniper	18”-24”
Juniperus horizontalis plumosa	Andorra Juniper	18”-24”
Juniperus horizontalis wiltoni	Blue Rug Juniper	18”-24”

Botanical Name	Common Name	Minimum Planting Size
Juniperus sargenti	Sargent Juniper	15”-18”
Kalmia latiflora	Mountain Laurel	15”-18”
Leucothoe axillaris	Coast Leucothoe	18”-24”
Ligustrum ibolium	Ibolium Privet	2’-3’
Lonicera fragantissima	Winter Honeysuckle	2’-3’
Magnolia soulangiana	Saucer Magnolia	8’-10’
Magnolia stellata	Star Magnolia	6’-8’
Magnolia virginiana	Sweetbay Magnolia	6’-8’
Myrica pensylvanica	Northern Bayberry	4’-5’
Philadelphus virginalis	Virginal Mockorange	2’-3’
Picea excelsa nidiformis	Birdnest spruce	#1 can
Pieris japonica	Japanese Andromeda	15”-18”
Pinus montana mughus	Mugho Pine	18”-24”
Potentilla fruticosa	Bush Cinquefoil	15”-18”
Pyracantha fiery cascade	Fiery Cascade Firethorn	18”-24”
Rhododendron catawbienese	Catawba Rhododendron	2’-3’
Rhododendron maximum roseum	Rosebay Rhododendron	2’-3’
Spirea vanhouttei	Vanhoutte Spirea	3’-4’
Spirea bumalda ‘anthony waterer’	Anthony Waterer Spirea	18”-24”
Spirea nipponica ‘Snowmound’	Snowmound Spirea	18”-24”
Syringa vulgaris	Common Purple Lilac	5’-6’
Taxus baccata repandens	English Yew	18"-24"
Taxus cuspidata densiformis	Dense Yew	3’-4’
Taxus media hicksi	Hicks Yew	18"-24"
Thuja occidentalis nigra	Dark American Arborvitae	5’-6’
Viburnum burkwoodi	Burkwood Viburnum	18"-24"
Viburnum carlesi	Fragrant Viburnum	3’-4’
Viburnum dentatum	Arrowwood	2’-3’
Viburnum pragense	Prague Viburnum	3’-4’
Viburnum rhytidophyllum	Leatherleaf Viburnum	5’-6’
Viburnum tomentosum	Doublefile Viburnum	5’-6’

7. Recommended Plants for Wet Conditions. The following plants are recommended for wetlands, flood plains, and stormwater management facilities:

Table 31.6 Trees and Shrubs Recommended for Wet Conditions.

Botanical Name	Common Name	Minimum Planting Size
Acer negundo	Boxelder	2”-2½” cal.
Acer rubrum	Red Maple	2½”-3” cal.
Acer saccharinum	Silver Maple	2½”-3” cal.
Alnus serrulata	Smooth Alder	2”-2½” cal.
Amelanchier alleghiensis	Allegheny Serviceberry	2”-2½” cal.
Amelanchier canadensis	Shadblow (Downy Serviceberry)	2”-2½” cal.
Aronia arbutifolia	Red Chokeberry	2’-3’
Aronia melanocarpa	Black Chokeberry	2’-3’
Betula nigra	River Birch	10’-12’
Betula populifolia	Gray Birch	10’-12’
Celphalanthus occidentalis	Buttonbush	2’-3’
Clethra alnifolia	Summersweet	18”-24”
Cornus amomum	Silky Dogwood	3’-4’
Cornus sericea	Red Osier Dogwood	3’-4’
Fraxinus pennsyanicum	Green Ash	2½”-3” cal.
Ilex glabra	Inkberry Holly	18”-24”
Ilex verticillata	Winterberry Holly	18”-24”
Itea virginica	Virginia Sweetspire	12”-15”
Lindera benzoin	Spicebush	18”-24”
Liquidambar styraciflora	Sweetgum	2½”-3” cal.
Magnolia virgineana	Sweetbay magnolia	6’-8’
Nyssa sylvatica	Black Gum (Tupelo)	2”-2½” cal.
Platanus occidentalis	Sycamore	3”-3½” cal.
Quercus bicolor	Swamp White Oak	2½”-3” cal.
Quercus palustris	Pin Oak	2½”-3” cal.
Rhododendron viscosum	Swamp Azalea	18”-24”
Rosa palustris	Swamp Rose	18”-24”
Salix discolor	Pussy Willow	3’-4’

Botanical Name	Common Name	Minimum Planting Size
Salix babylonica	Weeping Willow	2½"-3" cal.
Salix nigra	Black Willow	2"-2½" cal.
Sambucus canadensis	Elderberry	2'-3'
Vaccinium corymbosium	Highbush Blueberry	2'-3'
Viburnum dentatum	Arrowwood Viburnum	2'-3'

D. Buffers and Berms. Landscaping buffers are required to minimize and visually screen any adverse impacts or nuisances on a site or from any adjacent area. Berms may be used to achieve buffering effects in accordance with the regulations herein.

1. General requirements. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening function.

2. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required rear yard depth. Reverse frontage screening shall be required where the rear or side yards of residential dwellings or lots abut any arterial or major collector street. The minimum width of a landscape buffer for a reverse frontage residential lot shall be 15 feet. Fencing and walls shall not be permitted in a reverse frontage landscape buffer. See §40, Reverse Frontage Lots, for additional requirements.

3. Buffers shall be continuous except for access drives as approved by the Board of Jurisdiction. Storm water management facilities, parking, dumpster enclosures, accessory buildings or above ground structures, and similar encroachments shall not be permitted in the required buffer area.

4. The minimum width of a landscape buffer shall be determined by the proposed use of a property and the land uses and zoning district adjacent to it in accordance with Table 31.7, unless a specific standard is established within a particular zoning district.

Table 31.7 Required Minimum Buffer Widths.

Proposed Land Use	**Adjacent Land Uses**								
	Agriculture	Residential Type A (1)	Residential Type B (2)	Retail	Professional Office	Other Office	Institutional/ Quasi-public	Industrial	Limited Access Highway
Agriculture	None	75 ft.	100 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	None
Residential Type A (1)	75 ft.	None	25 ft.	40 ft.	25 ft.	50 ft.	50 ft.	100 ft.	50 ft.
Residential Type B (2)	75 ft.	50 ft.	None	25 ft.	25 ft.	50 ft.	50 ft.	100 ft.	50 ft.
TC-1/TC-2 Zone Uses	25 ft.	20 ft.	20 ft.	None	15 ft.	None	15 ft.	25 ft.	25 ft.
Retail	50 ft.	40 ft.	40 ft.	None	15 ft.	25 ft.	15 ft.	25 ft.	25 ft.
Professional Office	50 ft.	25 ft.	25 ft.	15 ft.	None	None	None	25 ft.	25 ft.
Other Office	50 ft.	50 ft.	50 ft.	25 ft.	None	None	None	25 ft.	25 ft.
Institutional/ Quasi-public	50 ft.	50 ft.	50 ft.	15 ft.	None	None	None	25 ft.	25 ft.
Industrial	25 ft.	100 ft.	100 ft.	25 ft.	25 ft.	25 ft.	25 ft.	None	15 ft.
Limited Access Highway	None	100 ft.	100 ft.	25 ft.	25 ft.	25 ft.	25 ft.	15 ft.	None

(1) - Residential Type A equals single family detached and semi-detached dwellings.
(2) - Residential Type B equals all other dwellings except those in institutional settings that include residential health care facilities, skilled nursing facilities and assisted living facilities. The Institutional category shall apply to these exceptions.

5. Plant densities and structure requirements. The density of plantings and the requirements for structures shall vary with the width of the buffer in accordance with the following and Table 31.8:

   a. Any buffer 15 feet or less in width shall incorporate a fence or wall into the landscape design. The fence or wall shall be located on the side of the buffer with the most intensive use.

   b. Fences and walls may be used to reduce the required width of and number of plants in the buffer in accordance with Table 31.9.

Table 31.8 Minimum Plant Density for Buffers

Required Buffer Width	Minimum Number of Required Plant Types per 100 Lineal Feet			
	Large or Medium Trees	Small or Ornamental Trees	Evergreens and Conifers	Shrubs
15 feet (1)	3	4	9	20
20 feet	4	6	10	24
25 feet	5	8	15	30
40 feet	6	9	18	36
50 feet	8	12	24	48
75 feet (2)	10	15	30	60

(1) - Buffers of this width or less shall incorporate an opaque fence or wall.
(2) - 20 thorny understory, 28 thorny shrubs, 28 hedgerow shrubs and 5 large or medium trees per 100 lineal feet may substitute for the plant types in this table for an agricultural buffer.

Table 31.9 Allowable Reductions in Buffer Widths and Plant Densities.

Required Buffer Width	Reduced Buffer Width with Fence or Wall(1)	Allowed Reduction in Number of Plants Required in Table 31.8 with Fence or Wall (2)
15 feet	None	None
20 feet	15 feet	20%
25 feet	20 feet	20%
40 feet	30 feet	25%
50 feet	40 feet	25%
75 feet	75 feet	None

(1) - Fence or wall shall be opaque and sufficient to visually obstruct the view of persons at ground level.
(2) - Allowed reduction shall be evenly distributed over all required plant types.

c. Existing vegetation may substitute for all or part of the required buffer plantings and may be accepted in lieu of new plantings at the discretion of the Board of Jurisdiction.

6. Berm Specifications.

a. Berms shall be required where the required landscape buffer width exceeds twenty-five (25) feet and there are parking lots that exceed fifty (50) parking spaces and/or loading areas of any size, except in locations that are superseded by the streetscape standards in §31.M. "Public view" shall mean viewable from a public or private street or a private driveway within a site that collects and distributes traffic between the public street and parking fields. Berms may be installed in other locations when designed as part of an overall landscape plan.

b. Berms shall be sufficiently high to hinder the view of the lower half of passenger vehicles parked in private parking lots provided for the convenience of customers or employees of a business establishment.

c. Berms shall not exceed a slope of one foot of rise for each three feet of run (1:3).

d. Any berm in excess of two (2) feet in height above the toe of the slope shall be adequately irrigated.

e. Continuous berms shall be avoided. Berms should be overlapped to provide buffering of any sight line perpendicular to the right-of-way. Berm overlapping should also be designed in locations to aid in site drainage.

f. Berms shall have a minimum top soil cover of six (6) inches in depth.

E. Street and Cul-de-Sac Medians. Where a homeowner's or condominium association is established or intended to be established for the maintenance of common open space or storm water management basins, vegetated islands in the center of cul-de-sacs should be proposed that exhibit the following criteria:

1. All plant material shall be designed for a mature height under 30 inches (2.5 feet) or above 7 feet in order to allow for proper visibility.

2. All plants shall be tolerant of drought, salt and reflected heat from pavement.

3. Ground cover plantings shall be consistent with the degree of maintenance expected for the cul-de-sacs and of sufficient density to entirely cover the ground surface.

F. Stormwater Facilities. Stormwater management areas including retention and detention basins, drainage ditches and swales, and wetland areas shall be landscaped in accordance with the standards in this subsection.

1. The screening of outfall structures and emergency spillways from public view is of particular importance in the landscape design. This may involve integration of these areas as aesthetic landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function.

2. Detention and retention facilities should be located in cleared areas where reasonably feasible.

3. Basins designed as naturalized wetland areas shall be planted with a fringe of wetlands plants such as sedges, rushes and forbs. The ground should be seeded with a wildflower or wet meadow grass mix but in certain circumstances may require sod or hydroseeding to stabilize the basin slopes. All plants shall be tolerant of typical flood plain and wetland conditions. See Table 31.6 for recommended wet conditions plants.

4. Planting other than wildflowers and grasses shall not be located within ten (10) feet of low flow channels to facilitate drainage.

5. Provisions for emergency access as well as general maintenance of the basins shall be reviewed by the Board of Jurisdiction. Plantings shall be designed to disguise yet not hinder vehicular access.

6. Trees shall not be permitted upon any berm or dam associated with a stormwater management basin unless approved by the Board Engineer.

7. All basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading and planting.

G. Open Space Landscaping. Common or public open space provided as a part of any cluster development shall be landscaped in one of the following ways, depending upon the intent of the use for the open space.

1. Conservation use. Conservation areas are appropriate in areas adjacent to and inclusive of natural features to be preserved, including wooded areas, water bodies, streams wetlands, and steep slopes. The following conservation use design guidelines shall apply:

a. Natural features shall be encompassed in open space areas rather than moved or eliminated in the development process.

b. Cleared areas shall be re-vegetated to a naturalistic appearance where appropriate.

c. Re-vegetated areas may be seeded with a wildflower and/or meadow grass mix.

2. Recreational Open Space. The following landscape standards shall apply for recreational uses:

a. Grading and plantings of the recreation area shall remain consistent with the overall landscape design. The landscape design shall consist of massed deciduous and evergreen trees and berms to create spaces and views and ornamental trees and shrub masses for visual variety, interest and detail.

b. In general, plants shall be provided at the following rates:

1) Shade trees - 15 per acre

2) Evergreen Trees - 5 per acre

3) Flowering Shrubs - 10 per acre

4) Shrubs - 20 per acre

These quantities are exclusive of plants that may be required for landscape buffers pursuant to §31.D.

c. Adjacent dwelling units shall be buffered from active play areas with a minimum buffer width of twenty-five (25) feet.

d. In the area where a recreation facility fronts onto a public or private street, fencing may be required to provide controlled access. The adjacent street tree planting shall be continued along this area, and any reverse frontage buffer planting shall be integrated with open space plantings.

H. Parking and Loading Area Landscaping. The objectives of the landscape architectural treatment of all parking areas shall be to provide for safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to limit paved areas, to provide for screening from public right-of-way and buildings, to reduce the overall visual impact of parking lots, and to provide shade and reduce heat island effects. All non-residential parking lots and residential parking lots in excess of five (5) spaces shall conform to the following requirements:

1. The minimum width of landscape islands shall be eight (8) feet on the side of parking spaces and ten (10) feet between parking bays. If sidewalks are incorporated through the long axis of the landscape islands, their width shall be added to these requirements. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis.

2. Landscape islands shall be planted with a combination of deciduous trees, evergreen and deciduous shrubs, and ground cover at the rate of six (6) large or medium trees, four (4) small or ornamental trees and sixty (60) shrubs per one hundred (100) lineal feet along the long axis of the island.

3. Parking and loading areas shall be screened by a combination of berms, hedges, fences or walls. The minimum screening height at planting shall be three (3) feet and shall have a height of at least four (4) feet within three (3) years of installation. Loading dock areas shall be screened with shrubs a minimum height of six (6) feet at planting and shall achieve a height of at least ten (10) feet five (5) years after installation. Landscape buffers as otherwise required by §31.D may be used to meet these requirements.

4. Parking lot lighting should be sited within landscape islands, however, without hindering necessary lighting coverage.

5. No more than twenty (20) parking spaces shall be placed in one row of parking without an intervening landscape island.

I. Site Protection and General Planting Requirements.

1. Topsoil preservation. Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

2. Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with New Jersey Department of Environmental Protection regulations. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may, subject to approval of the Township Engineer, be used as mulch in landscaped areas, provided they have been properly composted.

3. Protection of existing plantings. Maximum effort should be made to save specimen plants. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated to be retained on the preliminary and/or final plat.

4. Slope plantings. Landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 3:1 shall be planted with ground covers appropriate for the purpose and soil conditions, water availability, and environment.

J. Planting Specifications.

1. All shade and street trees shall have a minimum caliper as indicated in of two and one half (2.5) inches or as required by the accompanying tables herein, whichever is larger.

2. All ornamental and flowering trees shall have a minimum height of six (6) to eight (8) feet or as required by the accompanying tables herein, whichever is larger.

3. All evergreen trees shall have a minimum height of five (5) to six (6) feet unless otherwise determined by the Planning Board or Township Planner or as required by the accompanying tables herein, whichever is larger.

4. Shrubs shall have a minimum planting size as indicated in the relevant tables within this section of the ordinance, but in no instance shall the planting size be less than fifteen (15) inches in height. Ground cover shall have a minimum two (2) inch diameter pot.

5. Trees and shrubs shall be of nursery-grown stock and shall be insect and disease free. Plants should be well-formed and healthy nursery-grown stock. The root ball should be inspected to insure that it is undamaged and contains good quality soil and that it encompasses the entire root system.

6. The quality and size of plants, spread of roots, and size of balls shall be measured and determined in accordance with AANI Z60.1-1986 (or current addition) "American Standard for Nursery Stock" as published by the American Association of Nurserymen, Inc.

7. Trees and shrubs shall be planted according to the following recommended horticultural procedures:

    a. Planting operations shall be performed during periods within the planting season when weather and soil conditions are suitable and in accordance with accepted local practices.

    b. Deciduous and evergreen tree planting holes shall be a minimum of two (2) feet larger than the diameter of the root ball and dug to a depth that will place the trees in the same relation to finished grade as the tree bore to its pre-dug existing grade. The root ball shall sit on a convex mound of undisturbed sub-grade. Topsoil and subsoil shall be mixed thoroughly with sphagnum peat or humus before backfilling.

    c. Shrub planting holes shall be a minimum of twelve (12) to eighteen (18) inches larger than the ball.

    d. Plantings shall be set plumb and straight. The planting shall be set at such a level that, after settlement, a normal or natural relationship to the crown of the plant with the ground surface will be established. The plant shall be

located in the center of the pit. Roots shall be spread evenly throughout the hole and soil added carefully.

e. The backfill soil shall be tamped in place and the hole filled to the top of the root ball. The added soil should be tamped gently, but not compacted, and an eight (8) inch soil saucer rim for the evergreen and deciduous trees and a three (3) inch saucer rim for the shrubs shall be created. A saucer rim shall not be needed when a shrub is planted in a mulched planting bed.

f. Plants shall be thoroughly watered according to an approved watering schedule.

g. Contractor shall report to the Township Engineer any soil or drainage conditions considered detrimental to the growth of the plant material.

h. Insofar as it is practical, plant material shall be planted on the day of delivery. In the event this is not possible, the contractor shall protect stock not planted and water it appropriately. Plants shall not remain unplanted for longer than a three (3) day period after delivery.

i. Plants shall not be bound with wire or rope at any time so as to damage the bark or break branches. Plants shall be handled from the bottom of the ball only.

j. Tree trunks shall be wrapped with tree wrap which shall be removed after one (1) growing season.

k. In the case of balled and burlapped trees, the burlap and bindings shall be removed from the top of the root ball. If synthetic, non-biodegradable burlap and twine or wire mesh is used, complete removal of these materials shall be required after setting plant material in hole.

l. All trees and shrubs shall be delivered to the site unpruned. Each tree and shrub shall be pruned in accordance with standard horticultural practices to preserve the natural character of the plant. One-third (1/3) of the leaf area should be removed by thinning the branches and reducing their length. The central leader of the tree shall not be cut.

m. Trees shall be supported immediately after planting. All trees greater than six (6) inches shall be guyed to anchors. Smaller trees shall be staked with two (2) wood stakes. The stakes shall have a minimum two (2) inch nominal diameter. The support wires between the stakes and the tree shall be a double strand of galvanized wire, with a minimum of No. 15 gauge. To protect the tree from injury, the portion of the support wire in contact with the tree shall be encased in reinforced rubber hosing or equal. To increase the visibility for safety, surveyor's flags shall be tied to the support wires.

n. All planting beds and tree saucers shall be dressed to a minimum depth of three (3) inches with shredded hardwood mulch.

o. No plant, except ground covers, shall be planted less than two (2) feet from existing structures and sidewalks.

p. No deciduous or evergreen trees shall be planted closer than ten (10) feet to a sanitary or utility easement.

q. Underground irrigation systems shall be installed in all buffers greater than two (2) feet in height as measured from the toe of the slope to the top and other areas of mass planting.

r. All plant material shall be guaranteed by the contractor to be in a vigorous growing condition. Provisions shall be made for a growth guarantee of at least two (2) years for trees and a minimum of two (2) growing seasons for shrubs. Replacement of dead or diseased material shall be made at the beginning of each planting season. All replacements shall have a guarantee equal to that stated above.

K. Tree Management Plan and Tree Replacement. The purpose of this section is to establish protective regulations for trees within the Township of Deptford in order to control problems of flooding, soil erosion, air and noise pollution; to protect the public health, safety and welfare of the citizenry of the Township; and to promote quality development in the Township. The intent of this section is to encourage the protection of the greatest number of trees within the tree protection zone and of large specimen trees throughout the Township, regardless of location.

1. Disturbance zone defined. That portion of a lot covered by existing or proposed buildings, structures or improvements and within a certain distance around same as noted below:

a. House or building - Twelve (12) feet from foundation wall.

b. Garage - Eight (8) feet from foundation wall.

c. Pool/ Cabana - Twelve (12) feet from foundation wall.

d. Driveway/ sidewalk - Five (5) feet

e. Septic fields - Ten (10) feet

f. Underground utility - Five (5) feet

g. Paved parking/drive aisle - Five (5) feet

h. Shed - Five (5) feet

i. Improvement (other) - Five (5) feet

2. Applicability. With the exceptions as set forth in this Section, no person shall cut or remove, or cause to be cut or removed, any tree with a diameter of eight (8) inches or greater upon any lands in the Township unless the cutting or removal is accomplished in accordance with the provisions of this Section. At the time of a minor subdivision, preliminary major subdivision or site plan application submitted pursuant to this chapter, a Tree Protection Management Plan shall be submitted if there are ten (10) or more total non-specimen trees, or one (1) or more total specimen trees, cut or removed or proposed to be cut or removed during development. The provisions of this Section shall be applicable to all property owners in the Township, or their designees, with the following exceptions:

a. When the property in which the tree(s) are located is in excess of one (1) acre and the owner or his designee has submitted an application to the Deptford Township Planning Board or Zoning Board, as the case may be, for subdivision or site plan approval. For the purposes of calculating one (1) acre in a subdivision application, the total area of all lots shall be considered.

b. Any cultivated tree growing on property actually being used as a nursery, orchard or Christmas tree farm.

c. Any tree cut or removed for agricultural use of lands when operated in accordance with a farm conservation plan approved by the local Soil Conservation Service District or tree management plan prepared by a NJDEP approved forester (see sub-paragraph -3, herein), provided that a copy of such plan is filed with the Environmental Commission of Deptford.

d. Any tree, which in the opinion of the Township constitutes an immediate threat to the health or safety of the general public.

e. Any tree that is dead or diseased.

f. Pruning and removal of trees by utility companies to provide for line clearance of underground and overhead utilities.

g. The standards contained herein shall be considered the minimum standards to be met and maintained. Standards established by other Township ordinances, or by state and federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein.

3. Woodland management plan. Plans for the harvesting of timber shall be in accordance with the standards and recommendations of the New Jersey Forest

Service. A copy of such plan shall be filed with the Environmental Commission of Deptford at least fifteen (15) days prior to the harvesting of timber.

4. Requirements of a Tree Protection Management Plan. A Tree Protection Management Plan shall include the following information:

   a. Applicant's name, street address, telephone number;

   b. Lot owner's name, street address, telephone number;

   c. Lot owner's consent to the application;

   d. Block and Lot number;

   e. Location of all existing or proposed buildings, driveways, septic fields, easements, underground utility lines, and other improvements;

   f. Existing or proposed rights of way;

   g. Location of all proposed trees having a diameter of eight (8") inches or greater to be cut, removed, or damaged in such a way as to cause a need for their removal, noting each tree by its species, size and general health condition. If the area involved is greater than one (1) acre, a representative section of the woodland one hundred (100) feet by one hundred (100) feet shall be surveyed and the results extrapolated to the woodland area. This shall not preclude surveying the entire property for specimen trees.

   h. Reasons for tree removal, including a description of the type of tree removal: thinning, selective cutting, clear cutting, aesthetic improvement cut.

   i. Specifications for the removal of existing trees and for the protection of existing trees to be preserved;

   j. Specific proposals for planting replacement trees, if applicable.

   k. Existing topography within twenty (20) feet of the proposed disturbed area and proposed grading, if any;

   l. Location of existing water courses, wetlands, and floodplains.

5. Review of applications for a Tree Protection Management Plan.

   a. All applications for a Tree Protection Management Plan shall be immediately referred by the Administrative Officer to the Environmental Commission and Planning Board or Zoning Board of Adjustment, as the case may be.

b. The Environmental Commission may provide a recommendation of approval or denial of the Tree Protection Management Plan application to the Board of Jurisdiction. Failure on the part of the Environmental Commission to provide a recommendation within twenty (20) days, provided that the Environmental Commission receives the application at least ten (10) days in advance of its regularly scheduled meeting, shall be deemed a recommendation for approval. In the event that the Environmental Commission recommends denial of an application, they shall specify, in writing, the reason(s) for their action. The Board of Jurisdiction shall review and consider the recommendations of the Environmental Commission and the recommendations shall be made a part of the record before either Board. The Board of Jurisdiction shall have the authority to approve or to deny the Tree Protection Management Plan as part of the subdivision and/or site plan review process.

c. The Planning Board or Zoning Board shall review the application for a Tree Protection Management Plan and, if necessary, request professional review of the application and inspect the site.

d. In the review of the application, the following factors shall be considered in deciding whether to recommend approval, approval with conditions or denial, of the Tree Protection Management Plan:

1) Impact on the growth of remaining trees;

2) Impact on existing drainage patterns;

3) Impact on soil erosion or increased dust;

4) Impact on the vegetative screening between adjacent land uses; and

5) Impact on woodland corridors, stream corridors, greenways, and wildlife habitat.

e. There is hereby established a presumption that each and every tree of eight (8) inches of diameter or greater located within the tree protection zone or any specimen tree located anywhere on the lot shall be preserved at its location on the site. Each such tree located within the tree protection zone or each specimen tree may be removed only if the Board of Jurisdiction finds that the applicant has set forth:

1) That it is necessary to remove trees which pose a safety hazard to pedestrian or vehicular traffic, or threatens to cause disruption of public services.

2) That it necessary to remove trees which pose a safety hazard to a building.

3) That it is necessary to remove diseased trees, trees infested with destructive insects liable to infect healthy trees on the subject or adjacent property, or trees weakened by age, fire or other injury.

4) That it is necessary to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support when documented by a report prepared on behalf of the applicant by a professional forester or a certified landscape architect.

5) That it is necessary for the reasonable development of the site pursuant to other provisions of this ordinance.

6) Other conditions which, in the judgment of the Planning Board/Zoning Board, warrant the removal of a tree.

f. No building permit shall be issued until the applicant has obtained approval and fulfilled any conditions attached thereto of its Tree Protection Management Plan application. Such approval or approval with conditions may be included in the actions of the Board of Jurisdiction in approving a site plan or subdivision application.

6. Planting of new trees and replacement of trees.

a. Where the Planning Board or Zoning Board, whichever has jurisdiction, determines that it is impossible to retain trees in the tree protection zone, or any specimen tree as defined by this Section, due to cutting, filling, or other construction activity, the applicant shall replant one (1") inch of new tree diameter for every four (4") inches of existing tree diameter removed. Replacement trees should be shown on the Tree Protection Management Plan for review. New replacement trees should have a minimum diameter of two and one-half (2.5) inches measured six (6) inches above the ground. Replanting should be done according to the standards specified by the American Nurserymen's Association.

b. Criteria for the selection of new trees. When an applicant is required to replace trees as described above, the applicant should replace the trees with the same species that were removed or, with the approval of the Planning Board/ Zoning Board, choose other tree species, preferably native to Deptford Township. Wherever possible trees that serve as important food sources for wildlife such as oak, walnut, cherry, and holly should be selected except in those areas where specific problems caused by falling nuts and fruits would occur. In selecting replacement trees, the following positive criteria should be used. These guidelines should also be followed in choosing trees proposed to be retained or cleared.

1) Species longevity;

2) Native to the area;

3) Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree);

4) Resistance to insect and disease attack and to pollution;

5) Aesthetic values (autumn, coloration, type of flowers or fruit, form characteristics);

6) Low maintenance and care (pruning, etc.);

7) High wildlife values;

8) Climate protection of pedestrians, vehicles, and buildings;

9) Size at maturity;

10) Effect of soil retention and erosion control; and

11) Value as a noise buffer.

L. Protection of Existing Trees. Applicants shall exercise due care to protect trees to be retained from damage during construction. The following procedures shall be observed in order to protect retained trees.

1. Protection from mechanical injury.

2. Prior to any grubbing or clearing, all trees to be retained within twenty-five (25) feet of a building and all other improvements should be protected from equipment damage by enclosing the drip lines of the trees with sections of snow fence or boards, wired together. All exposed roots and low hanging branches should be equally protected. Groups of trees may be protected by fencing the drip lines of the entire tree mass to be retained.

3. Heavy equipment operators should not damage existing tree trunks and roots. Feeder roots should not be cut closer than the distance of the drip line from the tree trunks and should be cut with pruning shears or other tools which will make a clean cut.

4. Tree trunks and exposed roots accidentally damaged during construction should be protected from further damage. Damaged branches should be sawed off at the branch collar. No shellac or pruning paint should be used. When the portion of the tree to be removed is diseased, the pruning equipment should be dipped in alcohol or disinfectant prior to use on another tree to prevent the spread of the disease.

5. Deciduous trees should be given an application of liquid slow release, low nitrogen, all purpose fertilizer to aid in their recovery from possible damage caused by construction operations. Such application should be made at a distance of one foot from the trunk to the drip line and should be made as soon as construction is completed and again one (1) year after the first application has been made.

6. Trees should not be used for roping, cables, signs or fencing. Nails and spikes should not be driven into trees.

7. The area around the base of existing trees should be left open to provide access for water and nutrients. Therefore, no impervious cover, or storage of equipment, materials, debris, or fill should be allowed within the drip line of any existing tree to be retained.

8. Protection from grade change. If an increase of the grade is proposed, the applicant should install either:

    a. A system of gravel and drain tiles at the old soil level opening into a dry well built around the trunk and designed for each tree, individually fitting the contour of the land so that it drains water away from the tree trunk.

    b. A retaining wall between the existing grade and the higher grade. A detailed plan for each proposed retaining wall should be provided.

    c. If a decrease of the grade is proposed, the applicant should initiate one (1) of the following methods to protect the trees:

    d. Terracing the grade at the drip line and out from the tree.

    e. A retaining wall between the existing grade and the lower grade. A detailed plan for each proposed retaining wall should be provided.

9. Protection from excavation. When digging trenches for utility lines and other similar uses, the applicant should adhere to the following, listed in order of preference:

    a. If possible, trenches should bypass the root area.

    b. If it is impossible for the trenches to bypass the root area, trenches should be tunneled under the trees.

    c. If trenches must be dug along the side of a tree, the following precautions should be observed:

        1) Trenches should be no closer to the trunk than half the distance from the drip line.

2) As few roots as possible should be cut.

3) If roots are cut, they should be cut as cleanly as possible.

4) The trench should be backfilled as soon as possible, avoiding soil compaction.

10. Protection during construction clean-up.

a. All construction debris should be hauled away. No such debris should be burned or buried.

b. Fences and barriers around trees should be the last thing to be removed from the site, prior to the installation of final landscaping or building occupancy.

M. Streetscape Standards. Retail, office, multi-family and age-restricted residential and institutional uses located on arterial roads as depicted on the Circulation Element of the Master Plan shall be designed utilizing the Streetscape Design Standards of the Township of Deptford, herein incorporated by reference. In general, the design shall incorporate a dual purpose sidewalk suitable for pedestrians and bicyclists, masonry piers and solid masonry wall sections or picket fencing, street trees, low shrubs and berms, ornamental trees, ornamental street lighting, seating, bicycle racks, perpendicular sidewalks connecting the street sidewalk with the building entrance, and building signage.

§ 32. Common Open Space Standards.

A. The following standards for the provision of common open space pertain to any multi-family development in the Township, including but not limited to the RM-1 and RM-2 Districts and PUD's.

1. Not less than twenty-five percent (25%) of land area of every multi-family development shall be preserved as common open space or shall be dedicated to active recreational or community facilities.

2. At least twenty-five percent (25%) of the required open space area shall be free of environmental constraints such as flood plains, wetlands, bodies of water, storm water drainage ways and basins, or steep slopes. This land shall be utilized for common recreational or community facilities.

3. Common, active recreation shall be provided at a ratio of not less than one (1) acre for every one hundred (100) anticipated residents.

4. The recorded plan and deeds shall indicate that no additional development of principal structures can occur in the common open space area. The open space shall be restricted against any future building, development or use, except as is consistent with that of providing for open space for recreational, conservation, agriculture or aesthetic satisfaction of the residents of the development or of the

general public. Buildings or uses for non-commercial recreation, cultural, or agricultural purposes compatible with the open space objectives may be permitted only with the express approval of the Planning Board, following the approval of the building and site plans by the Planning Board.

5. Any land set aside as open space must be made subject to a deed restriction or agreement in a form acceptable to the Planning Board and duly recorded in the office of the Recorder of Deeds of Gloucester County. All documents pertaining to the conveyance and maintenance of the open space shall meet the approval of the Planning Board as to legal form and effect.

6. Methods of conveyance - All open space must be conveyed in accordance with one of the following methods:

   a. Dedication in fee-simple to the Township - The Township may, at the discretion of the Township Council, accept any portion or portions of the open space provided:

      1) It is determined by the Planning Board that such land is suitable in size, shape, location, and access and the Township Council may determine that such lands will benefit the general public of the municipality;

      2) The Township agrees to and has access to maintain such lands;

      3) The titles are conveyed to the Township without cost; and

      4) The Township Council shall adopt a resolution accepting the deed of dedication from the landowner together with an account of monies as determined by the Township Council which shall be deposited in a special municipal trust account that shall be used only for the purpose of maintaining the land. The maintenance funds shall be determined by the Township Engineer based on an estimate of annual costs for the maintenance of the site including constructed facilities. Sufficient funds shall be posted to cover all costs is perpetuity and shall be based on a present worth value using a three percent (3%) rate of return.

   b. Conveyance of title to a conservancy, corporation, homeowners association, funded community trust, condominium corporation, individual or other legal entity, provided that:

      1) The terms of such instrument of conveyance must include provisions suitable to the municipality assuming such organization can guarantee:

(a) The continued use of such land for the intended purpose in perpetuity;

(b) Continuity of proper maintenance;

(c) Availability funds required for such maintenance;

(d) Adequate insurance protection;

(e) Provision for payment of applicable taxes;

(f) The right of the Township to enter upon and maintain such property at the expense of the organization in the event the organization fails to maintain the property; and

(g) Such other covenants and/or easements necessary to fulfill the purposes and intent of this chapter.

2) The following are prerequisites for a condominium corporation, homeowners association, or similar entity:

(a) Disposition of the open space must be approved by the Planning Board, prior to final plan approval, and the final plats recorded before any dwelling units are sold, leased, or otherwise conveyed;

(b) Membership must be mandatory for each buyer and/or lessee. The organizational papers shall set forth the voting rights and the manner and time of transference of the organization and its assets from developer to homeowner;

(c) It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance of recreational and other facilities;

(d) Members or beneficiaries must pay their pro rata share of the costs, and the assessment levied can become a lien on the property, including any maintenance and associated administrative costs incurred by the municipality;

(e) Such corporation or association shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Township before any such sale or disposition of open space.

(f) The dedication of open space, streets, or other lands in common ownership of the corporation, association, individual, or other legal entity or the Township shall be absolute and not subject to reversion for possible future use for further development.

§ 33. Water Supply.

Where applicable the Residential Site Improvement Standards (N.J.A.C. 5:21-5) and the following shall apply:

A. Where public water is accessible, water mains shall be constructed in such a manner as to make adequate water service available to each lot or building within the development. The entire system shall be designed in accordance with the requirements and standards of the Deptford Township Municipal Utilities Authority and/or the state agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure to service the lots and permit necessary fire-fighting abilities, and in a looped system with no dead-end lines, whenever possible.

B. Where no public water is accessible, water shall be furnished on an individual lot basis. Well installation, sealing and testing shall be in accordance with the New Jersey Standards for Construction of Water Supply Systems in Realty Improvements (Chapter 199 of the Public Laws of 1954), as amended, and in accordance with the guidelines, resolutions and requirements adopted by the County Board of Health and the Deptford Township Municipal Utilities Authority. Prior to being placed in consumer use and prior to the issuance of a certificate of occupancy for any building served by the well, the developer shall certify to the County Board of Health and the Deptford Township Municipal Utilities Authority that he complied with all applicable state, county and local regulations.

C. If a public water supply system will be provided to the area within a six-year period as indicated in the municipal water master plan, official map, or other official document, the Deptford Township Municipal Utilities Authority may require installation of a capped system or "dry lines" (mains, only) within the road right-of-way; or alternatively, the Municipal Utilities Authority may require a payment in lieu of the improvement.

D. Fire hydrants.

1. Fire hydrants shall be provided as required by the Fire Marshall's Office of the Township of Deptford.

2. Hydrants shall be spaced to provide necessary fire flow, and the average area per hydrant typically should not exceed 120,000 square feet. In addition, hydrants shall be spaced so that each residence shall be within five hundred (500) feet of a hydrant and that all commercial buildings shall be within five hundred (500) feet of a hydrant.

3. A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.

§ 34. Sanitary Sewers and Septic Systems.

Where applicable the Residential Site Improvement Standards (N.J.A.C. 5:21-6) and the following shall apply.

A. Sanitary Sewers.

Where a public wastewater treatment plant and collection system is accessible, or where such facilities are to be constructed as a condition of approval of any application for development, the developer shall construct such wastewater treatment facilities and/or sanitary sewer lines and building connections in accordance with the design criteria and permit requirements of the Deptford Township Municipal Utilities Authority and those of the New Jersey Department of Environmental Protection and Energy. The planning, design, construction, installation, modification, and operation of any treatment works shall be in accordance with the applicable NJDEPE regulations implementing the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1, et seq.) and the New Jersey Water Quality Planning Act (N.J.S.A. 58:11-A-1, et seq.).and in such a manner as to make adequate sewage treatment available to each lot and building within the development.

B. If a public sanitary sewer system will be provided to the area within a six-year period as indicated in the municipal sewer master plan, official map, and other official document, the Deptford Township Municipal Utilities Authority may require installation of a capped system (mains, only) within the road right-of-way; or alternatively the Municipal Utilities Authority may require a payment in lieu of the improvement. Capped sanitary sewers shall be allowed only in areas indicated for sewer service in the State of New Jersey Statewide Water Quality Management (WQM) Plans and where permitted by the NJDEP through sewer connection approval.

C. Septic Systems.

1. On-site sewage systems, including septic tanks shall be permitted only when it is infeasible to connect to or extend an existing sanitary sewer, as provided for above.

2. On-site sewage systems shall conform to the regulations of the Gloucester County Department of Health, the New Jersey Department of Environmental Protection, and all other applicable local, county, state, and federal regulations. All systems should be referred to the Deptford Township Municipal Utilities Authority for review.

§ 35. Stormwater Control. [Ord. O.09.06 was repealed and replaced by Ord. O.06.21, 4/19/21. Ord. O.06.21 was repealed and replaced by Ord. O.9.24, 5/20/24]

§ 35.1 Scope and Purpose.

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including Green Infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and Low Impact Development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. The purpose of this section is to establish minimum stormwater management requirements and controls for "major development," and "minor development" as defined herein, and to implement the most recent requirements of the New Jersey Stormwater Management Rules at N.J.A.C. 7:8 for all areas of the Township. In the event of conflict with any provision of this section, the more restrictive provisions or higher standard shall govern.

C. Applicability.

1. This section shall be applicable to the following major and minor developments:

   a. Non-residential major and minor site plan and subdivision developments; and

   b. Aspects of residential major site plan and subdivision developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C.5:21.

2. This section shall also be applicable to all major developments undertaken by the Township of Deptford.

D. Compatibility with other permit and ordinance requirements.

1. Development approvals issued pursuant to this section are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2. This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher

standards shall control.

§ 35.2. Definitions. See §6, Definitions.

§ 35.3. Design and Performance Standards for Stormwater Management Measures.

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this section apply only to new major or minor development or redevelopment and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

C. In the event the proposed development is considered "Minor Development" as defined in this ordinance the applicant shall comply with the provisions applicable to such developments.

D. When a proposed development is not considered a 'major development' or a 'minor development', as defined herein, the applicant's engineer shall demonstrate that post-development runoff will not cause an adverse impact to adjacent properties of record.

§ 35.4. Stormwater Management Requirements for Major Development.

A. Calculation for determining major development. When determining whether a development meets the definition of "major development" for purposes of applying the regulations herein, such development is one where there is calculated:

1. The disturbance of ½ or more acres of land after the effective date of this ordinance or ¼ acre of land since February 2, 2004; or

2. The creation of 5,000 square feet or more of new "regulated impervious surface" after the effective date of this ordinance; or

3. The creation of 2,500 square feet or more of new "regulated motor vehicle surface area" after the effective date of this ordinance; or

4. The creation of one-quarter acre or more of "regulated impervious surface" since

February 2, 2004; or

5. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or

6. A combination of –4 and –5 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of sub-paragraphs -1 through -6 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., shall also be considered "major development."

B. Maintenance plan. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §35.5.

C. Threatened and endangered species. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through -15.150, particularly *Helonias bullata* (Swamp Pink) and/or *Clemmys muhlenbergi* (Bog Turtle).

D. Linear development projects. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §35.4.P, §35.4.Q and §35.4.R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material and the subsurface of the path is not compacted as part of the construction of the accessway.

E. Waiver for right-of-way or public access. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §35.4.P, §35.4,Q and §35.4.R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be

accomplished by any other means;

2. The applicant demonstrates through an alternative analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §35.4.P, §35.4.Q and §35.4.R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of §35.4.P, §35.4.Q and §35.4.R, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §35.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of 35.4.P, §35.4.Q and §35.4.R that were not achievable onsite.

F. Best management practices. Tables 35.1 through 35.3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8- 5.2(f); Tables 5-1, 5-2 and 5-3 and listed below in Tables 35.1, 35.2 and 35.3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on NJDEP's website at: https://njstormwater.org/bmp_manual2.htm.

G. Updated standards. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this section the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 35.1 - Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well[(a)]	0	No	Yes	2
Grass Swale	50 or less	No	No	2[(e)]

Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
				1[(f)]
Green Roof	0	Yes	No	--
Manufactured Treatment Device[(a) (g)]	50 or 80	No	No	Dependent upon the device
Pervious Paving System[(a)]	80	Yes	Yes[(b)]	2[(b)]
			No[(c)]	1[(c)]
Small-Scale Bioretention Basin[(a)]	80 or 90	Yes	Yes[(b)]	2[(b)]
			No[(c)]	1[(c)]
Small-Scale Infiltration Basin[(a)]	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

[(a)] Subject to the applicable contributory drainage area limitation specified in N.J.A.C. 7:8-5.3(b).

[(b)] Designed to infiltrate into the subsoil.

[(c)] Designed with underdrains.

[(d)] [Reserved]

[(e)] Designed with a slope of less than two percent.

[(f)] Designed with a slope of equal to or greater than two percent.

[(g)] Manufactured treatment devices that meet the definition of green infrastructure at §6.

[(h)] [Reserved]

Table 35. 2 - Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes[(b)]	2[(b)]
			No[(c)]	1[(c)]
Infiltration Basin	80	Yes	Yes	2
Sand Filter[(b)]	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond[(d)]	50-90	Yes	No	N/A

(a) [Reserved]
(b) Designed to infiltrate into the subsoil.
(c) Designed with underdrains.
(d) Designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation.
(e) [Reserved]
(f) [Reserved]
(g) [Reserved]
(h) [Reserved]

Table 35.3 - BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice (BMP)	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quality	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device(h)	50 or 80	No	No	Dependent upon the device
Sand Filter(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

(a) subject to the applicable contributory drainage area limitation specified in N.J.A.C. 7:8-5.3(b).
(b) designed to infiltrate into the subsoil.
(c) designed with underdrains.
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation.
(e) designed with a slope of less than two percent.
(f) designed with a slope of equal to or greater than two percent.
(g) manufactured treatment devices that meet the definition of green infrastructure at §6.
(h) [Reserved].

H. Alternative stormwater measures. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal

rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §35.4.B, Alternative stormwater management measures may be used to satisfy the requirements at §35.4.0 only if the measures meet the definition of green infrastructure in §6. Alternative stormwater management measures that function in a similar manner to a BMP listed at §35.4.0.2 are subject to the contributory drainage area limitation specified at §35.4.0.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §35.4.0.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §35.4.D is granted from §35.4.0.

I. Hydraulic impacts of the design. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

J. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including but not limited to, environmentally critical areas, wetlands, flood-prone areas, slopes, depth to seasonal high water table, soil type, permeability and texture, drainage area and drainage patterns, and the presence of solution-prone carbonate rocks (limestone).

2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §35.8.C.

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, -7.4, and

-7.5 shall be deemed to meet this requirement.

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §35.8; and

5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

6. The bottom of any infiltration-based GI BMP shall be a minimum of 2 feet in elevation above the established seasonal high water table. If the GI BMP is located within 100-feet of a dwelling, swimming pool, septic system, or sanitary sewer main, a Groundwater Mounding Analysis as outlined in the NJDEP BMP Manual, Chapter 13, shall be performed, in order to assess the hydraulic impact on the groundwater table and surrounding site features. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

7. Infiltration-based small-scale GI BMPs shall not be permitted to be constructed within fifty (50) feet of one another, as measured horizontally from the edge of the infiltrating layer of each BMP, unless the design engineer can demonstrate that no other locations are feasible due to existing soil or environmental conditions onsite (e.g., due to the presence of poorly draining soils, wetlands, or other environmentally sensitive soils/areas). In such a circumstance, the design engineer shall demonstrate via the use of a Groundwater Mounding Analysis that the basins can perform independently of each other and will not adversely affect each other's performance. The use of clay berms or other impermeable liners may be considered to achieve a hydraulic separation between basins.

8. The design of a stormwater management system for any stie shall begin with the assumption that it shall be addressed through the use of scattered GI BMPs. Consequently, small scale GI BMPs shall not be incorporated into the design of large scale BMPs unless the design engineer can demonstrate that no other layout is feasible due to existing soil or environmental conditions onsite (e.g., due to the presence of poorly draining soils, wetlands, or other environmentally sensitive soils/areas). A reduction in the amount of developable area shall not be considered sufficient justification in itself for waiving this requirement.

K. Manufactured treatment devices. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by NJDEP. Manufactured treatment devices that do not meet the definition of green infrastructure may be used only under the circumstances described in §35.4.O.4.

L. New agricultural development. Any application for new agricultural development that meets

the definition of major development shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §35.4.P, §35.4.Q and §35.4.R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

M. Multiple drainage areas. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §35.4.P, §35.4.Q and §35.4.R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

N. Deed notice required for green infrastructure protection. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Gloucester County Clerk. A form of deed notice shall be submitted to the Township of Deptford for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §35.4.P, §35.4.Q and §35.4.R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §35.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township of Deptford. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the Office of the Gloucester County Clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to Deptford Township is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within ninety (90) calendar days of the authorization granted by the Township.

O. Substitution or replacement of stormwater management measures. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the Township, if the Township determines that the proposed alteration or replacement meets the design and performance standards pursuant to §35.4 of this section and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the Township for approval and subsequently recorded with the Office of the Gloucester County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with §35.4.N above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township in accordance with §35.4.N

above.

P. Green infrastructure standards.

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at §35.4.P and §35.4.Q, the design engineer shall utilize green infrastructure BMPs identified in Table 35.1 at §35.4.F. and/or an alternate stormwater management measure approved in accordance with §35.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Table 35.4. Maximum Contributory Drainage Areas.

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at §35.4.R, the design engineer shall utilize BMPs from Table 35.1 or from Table 35.2 and/or an alternative stormwater management measure approved in accordance with §35.4.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §35.4.D is granted from the requirements of this subsection, then BMPs from Tables 35.1, 35.2 or 35.3, and/or an alternative stormwater management measure approved in accordance with §35.4.H may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §35.4.P, §35.4.Q and §35.4.R.

Q. Groundwater recharge standards.

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §35.5, either:

a. Demonstrate through hydrologic and hydraulic analysis that the site and its

stormwater management measures maintain one hundred percent (100%) of the average annual pre-construction groundwater recharge volume for the site; or

b. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area" or to projects subject to sub-paragraph -4 below.

4. The following types of stormwater shall not be recharged:

a. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 303.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

b. Industrial stormwater exposed to "source material." "Source material" shall mean any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

R. Stormwater runoff quality standards.

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

a. Eighty percent (80%) TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

b. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirements to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. Bio-retention type systems such as bio-swales, small-scale bioretention basins, or manufactured biofilters are the preferred option over non-vegetated infiltration systems for achieving water quality for office, retail, institutional, and residential development, including single family detached and single-family semi-detached dwellings. Bio-retention type systems should be considered for industrial applications where feasible.

5. The New Jersey water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in N.J.A.C. 7:8-5.5, Table 5-4, reproduced below as UDO Table 35.5.

Table 35.5 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2349	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.2683	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0386	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

6. If more than one BMP in series is necessary to achieve the required eighty percent (80%) TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

7. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the

developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §35.4.P, §35.4.Q and §35.4.R.

8. For certain receiving waters meeting the New Jersey definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

9. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without the requisite permit issued by the NJ Department of Environmental Protection under N.J.A.C. 7:13.

10. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by ninety-five percent (95%) of the anticipated load from the developed site, expressed as an annual average.

11. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

S. Stormwater runoff quantity standards. [Ord. O.2.25, 3/17/25]

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Paragraph -R above, complete one of the following:

   a. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected or future 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

   b. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected or future 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site.

This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and other land use regulations in the drainage area;

c. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected or future 2-, 10- and 100-year storm events are no greater than forty percent (40%), sixty percent (60%), and sixty-five percent (65%), respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

d. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with §35.4.R.2.a, -b and -c above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The precipitation depths of the currently applicable 2-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with sub-paragraphs -a and -b below:

a. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

b. The applicant shall utilize Table 5-5 and 5-6 from N.J.A.C. 7:8-5.7.c.2, reproduced in part below (Tables 35.6 and 35.7, respectively, herein), which sets forth the applicable multiplier for the drainage area(s) of the site for Gloucester County.

Table 35.6. Current Precipitation Adjustment Factors

	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
Camden	1.03	1.04	1.05
Gloucester	1.05	1.06	1.06

Table 35.7. Future Precipitation Adjustment Factors

	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
Camden	1.18	1.22	1.39
Gloucester	1.19	1.23	1.41

c. The applicant shall perform existing and proposed routing calculations for both the current 2-, 10-, and 100-year storm events and the future 2-, 10-, and 100-year storm events to determine that the site design will adequately address stormwater runoff reductions during both timeframes.

4. The stormwater runoff quantity standards shall be applied at each point of analysis (POA) at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system. If two separate drainage areas are known to combine immediately downstream of the site, the overall reduction in peak runoff can be applied at the combined location as long as the design engineer accounts for the additional travel time for the runoff (e.g. time of concentration) and can satisfactorily demonstrate that the receiving conveyance systems from each individual drainage area to the combined location can safely convey any anticipated increase in flow from the site.

T. Deviations from the standards. Deviations from strict compliance with the requirements of this section may be granted by the reviewing board for those projects where an applicant has demonstrated the inability or impracticability of strict compliance with the stormwater management requirements in this section as a design exception in accordance with N.J.S.A. 40:55D-51.b.

§ 35.5 Stormwater Management Requirements for Minor Development.

A. The stormwater runoff requirements applicable to minor developments are as follows:

1. For each square foot of new impervious surface, two (2) gallons of stormwater shall be managed using green infrastructure practices. A volume of 0.78 gallons (equivalent to the water quality design storm of 1.25 inches) shall be retained on site while the remainder may be discharged offsite from the stormwater management measure. Green infrastructure practices, including but not limited to grass swale, green roof, pervious paving systems, small scale bioretention basins, rain gardens, small scale infiltration basins, small scale sand filter, vegetative strip, cistern, and drywell shall be designed and implemented as required. The use of cisterns and drywells shall be permitted allowed only in the event other listed methods cannot meet the requirements of this subsection as determined by the Township or Board Engineer, as applicable.

2. All minor development shall be subject to review by the Township or Board Engineer, as applicable, to determine that all stormwater runoff created by the minor development is adequately controlled and does not cause an adverse impact on adjacent or nearby properties.

3. In such cases where it is determined that the out flow from the stormwater management system will adversely affect adjacent or nearby properties, the out flow shall be directed to a stormwater inlet, gutter, swale, or other suitable stormwater runoff conveyance measure as accepted by the Township or Board Engineer, as applicable.

4. If municipal review determines that the out flow from the stormwater management system will cause an adverse impact on adjacent or nearby properties and the out flow cannot be safely directed to a storm sewer, gutter, swale, or other suitable stormwater runoff conveyance measure, the stormwater runoff from the development shall be retained on-site at a rate of 2.53 gallons of storage (equivalent to the 5-year storm of 4.41 inches) for each square foot of new impervious surface using green infrastructure practices or such other measures as may be required by the reviewing entity.

5. If the applicant cannot comply with sub-paragraph -4 above, the stormwater management system(s) shall be redesigned, or the project reduced in scope so that the post-development runoff rates do not exceed predevelopment runoff rates to adjacent properties of record.

6. Whenever a minor development includes one or more GI BMPs that will infiltrate into the existing subsoil as part of the site's stormwater management system, a subsurface geotechnical analysis shall be performed to determine the in-situ permeability of the soils within the infiltration footprint and to determine the depth of the seasonal high water table, utilizing industry best practices.

7. The bottom of any infiltration-based GI BMP shall be a minimum of 2 feet in elevation above the established seasonal high water table. If the GI BMP is located within 50 feet of a dwelling, swimming pool, or septic system, a Groundwater Mounding Analysis as outlined in the NJDEP BMP Manual, Chapter 13 shall be performed, in order to assess the hydraulic impact on the groundwater table and surrounding site features. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

8. The stormwater management feature shall be protected from future development in accordance with the requirements of §35.4.N.

B. Deviations from the Standards. Deviations from strict compliance with the requirements of this section may be granted by the reviewing board for those projects where an applicant has demonstrated the inability or impracticability of strict compliance with the stormwater management requirements in this section as a design exception in accordance with N.J.S.A. 40:55D-51.b.

§ 35.6. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873.

B. For the purpose of calculating runoff curves and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at §35.6.A.1(a) and the Rational Method at §35.6.A.1(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that for the existing condition the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation). [Ord. O.2.25, 3/17/25]

1. The five-year cover requirement shall not apply when the construction of the existing cover condition was not included within any applicable local, County, or State agency approvals. In such circumstances, the design engineer shall reference historic aerials or public records as available to determine the most recent permitted cover type for the area in question. When such information does not exist or is not easily discernable, the design engineer shall assume the existing cover type to be woods with good cover.

2. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

3. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious

cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

4. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures. The tailwater elevation shall be based on the flood elevation as identified in any available FIRM maps, plus three (3) feet, as required under Method 3 of N.J.A.C. 7:13-3.4(e). If the FIRM does not identify a flood hazard base elevation, the design engineer shall use his or her best judgement to determine an appropriate tailwater depth to perform the routing calculations.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 35.7. Sources for Technical Guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 35.1, 35.2, and 35.3.

2. Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality
New Jersey Department of Environmental Protection
Mail Code 401-02B
PO Box 420
Trenton, New Jersey 08625-0420

§ 35.8. Solids and Floatable Materials Control Standards.

A. Site design features identified under §35.4.F above, or alternative designs in accordance with §35.4.H above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §35.8.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

   a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

   b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

      1) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

   c. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in §35.8.A.1 above does not apply:

   a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

   b. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

1) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

2) A bar screen having a bar spacing of 0.5 inches.

Note: that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and -7.4(b)1).

d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 35.9. Safety Standards for Stormwater Management Basins.

A. Public safety standards. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. Deptford Township adopts the State standards for public safety measures applicable to stormwater management facilities but reserves the right to adopt more stringent requirements should the need arise as is permitted by State rule. This rule permits municipal and county ordinances and stormwater management plans to require existing stormwater management BMPs to be retrofitted to meet one or more present in §35.9.C.1, §35.9.C.2, and §35.9.C.3 for trash racks, overflow grates, and escape provisions at outlet structures and to adopt future safety standards pursuant to their authority.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from

the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

c. The average velocity of flow through a clean trash rack shall not exceed two and one half (2.5) feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

d. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no less than two (2) inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

a. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;

b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second

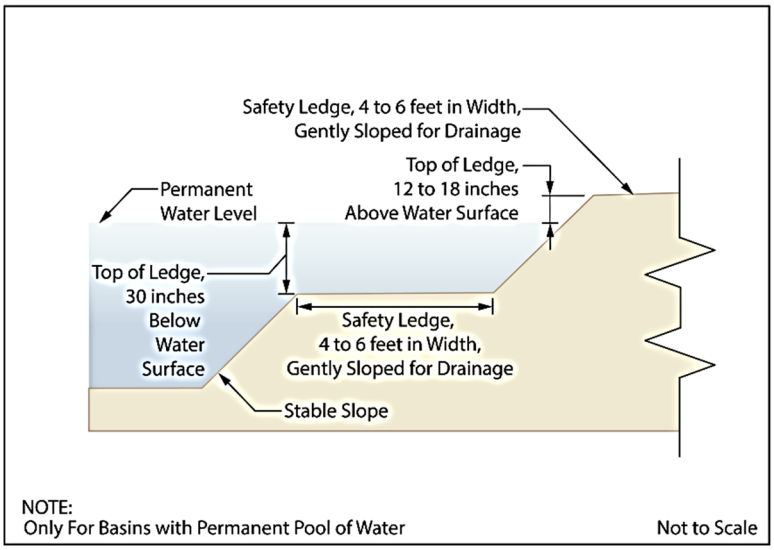
step shall be located one to one and one-half feet above the permanent water surface. See §35.9.E for an illustration of safety ledges in a stormwater management BMP; and

c. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or exemption from safety standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety ledge illustration. Figure 35.1, Basin Safety Ledge Configuration in cross-section view shall be followed in the design of stormwater basins with permanent pools of water.

Figure 35.1. Basin Safety Ledge Configuration



§ 35.9. Requirements for a Site Development Stormwater Plan.

A. Submission of site development stormwater plan.

1. Whenever an applicant seeks municipal approval of a development subject to this section, the applicant shall submit all of the required components of the site development stormwater plan, hereafter "stormwater plan" at §35.10.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this section.

3. The applicant shall submit the number of copies as specified by Article X of this Chapter, or as directed by the Planning Board or Zoning Board of Adjustment Secretary.

B. Stormwater plan approval. The applicant's site development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

C. Submission of stormwater plan. The information to be provided as part of the stormwater plan submittal shall be as indicated in §94.G.

§ 35.11. Maintenance and Repair.

A. Applicability. Projects subject to review in §35.1.C of this section shall comply with the requirements of §35.11.B and §35.11.C.

B. General maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a builder, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under §35.11.B.3 above is not a public agency, the maintenance plan and any future revisions based on §35.11.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under §35.11.B.3 above shall perform all of the following requirements:

   a. Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

   b. Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

   c. Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §35.11.B.6 and §35.11.B.7 above.

8. The requirements of §35.11.B.3 and §35.11.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the Township or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 35.12. Stormwater Standards for Non-Residential and Mixed Use Development.

A. All streets shall be provided with the means and methods of adequately draining the cartway and adjoining right-of-way of rainfall through the use of manholes, catch basins, pipes, or other conveyance systems, including green infrastructure, necessary for proper drainage. Deptford Township preference is for the design engineer to incorporate distributed, open, vegetated swales wherever practicable for stormwater control and conveyance, providing for both runoff volume and rate control along with water quality benefits.

B. The street drainage system shall include the natural drainage basin area or areas and shall be adequate to carry off the stormwater and natural drainage water which originates not only within the tract boundaries but also that which originates in the contributary drainage area at the time of application. The system shall be extended along the full length of any road improvement. No stormwater runoff or natural drainage water shall be so diverted as to cause an existing drainage system to surcharge or create on or offsite flooding situation, or the need for additional stormwater control on other private properties or public lands without adequate provisions being made for addressing post-development conditions and with the landowners consent, including ownership and maintenance of such facilities.

C. Drainage inlets shall be located at all intersections, with inlets on both sides of a street at intervals of not more than 300 feet or such shorter distances as required to prevent the flow of surface water from exceeding six cubic feet per second at the drainage inlet. Access manholes shall be placed at maximum 400-foot intervals throughout the system and at pipe junctions where there are no drainage inlets.

D. All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with current specifications of NJDOT for Road and Bridge Construction, as prepared by the New Jersey Department of Transportation and any supplements, addenda and modifications thereto unless otherwise specified by Deptford Township. Modifications or changes of these specifications may be requested by the applicant/developer but may be implemented only with the knowledge and written consent of the Township following input received by the Township's professionals.

E. Pipe sizes shall be determined by acceptable drainage design procedures, provided that the pipe size in a surface water drainage system shall in no instance be less than fifteen (15) inches in diameter.

F. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create ponding in paved areas. Gutters or paved swales shall be used whenever, in the judgment of the Township Engineer, they are necessary to avoid erosion.

G. When required by the Township or Board Engineer and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Township wherever a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel, or stream. Said easement and right-of-way shall include provisions assuring the following: preservation of the channel of the watercourse; prohibition

of alteration of the contour, topography or composition of the land within the easement and right-of-way; prohibition of construction within the boundaries of the easement and right-of-way which will obstruct or interfere with the natural flow of the watercourse; and reservation to the (Public Works Department) Township of a right of entry (but not the obligation) for the purpose of maintaining the natural flow or drainage of the watercourse, of maintaining any and all structures related to the exercise of the easement and right-of-way and of installing and maintaining a storm or sanitary sewer system or other public utility. The drainage right-of-way easement shall conform substantially with the thread of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map or Master Plan but not less than 25 feet in width. Such easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Unified Development Ordinance of Deptford Township."

H. Surface drainage of each lot will be reviewed to assure that stormwater flows will not cascade from one lot to another in a manner that would be detrimental to the use of an adjoining lot. This may require surface water controls such as swales, surface drainage inlets and appropriate easements, using best management practices and green infrastructure.

§ 35.13. Penalties for the Violation of Stormwater Control Only.

A. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this section shall be subject to the following penalties:

1. For each violation of any provision of the within ordinance, a fine of up to $1,200.00 for each day the violation continues, where each day shall constitute a separate violation.

2. A term of imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days.

3. For any violation of any provision of the within chapter, the Code Enforcement Official of the Township may issue a stop work order.

4. Failure to comply with any such stop work order shall be an additional violation of this chapter and shall subject any violator to an additional fine of up to $1,200.00 for each day the violation continues, where each day shall constitute a separate violation.

5. These fines and penalties are in addition to any fines and/or penalties assessed by any other State, County or Federal agency or authority.

§ 36. Performance Standards for Industrial Developments.

A. Fire and explosive hazards. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-suppression equipment shall be installed and

maintained in an operable condition in accordance with the regulations of the fire marshal's office, construction official and the regulations of applicable local, county, state, and federal agencies.

B. Electrical disturbance. No activity shall be permitted which results in an electrical disturbance adversely affecting the operation of any equipment beyond the building in which the disturbance is created.

C. Smoke, ash, dust, fume, vapor, gases and other forms of air pollution. There shall be no emission at any point from any chimney or otherwise which can cause damage to human health, to animals or vegetation, or to other forms of property; or which will cause any excessive soiling at any point.

D. Liquid and solid wastes. There shall be no discharge at any point, into any private or public sewerage system, or into any stream, or into the ground of any materials in such a way, or of such temperature, as to contaminate or otherwise cause the emission of hazardous materials except as regulated by applicable local, state, or federal agencies.

E. Noise. No activity or use shall produce a sound pressure level on adjacent property in excess of the level permitted in the following table:

Octave Band Frequency (cycles per second)		Residential District (decibels)	Non-Residential District (decibels)
>	≤		
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	-	32	39

The maximum permitted sound levels for residential districts shall apply between the hours of 7:00 a.m. and 6:00 p.m. and shall be reduced by six (6) decibels in each octave band for any other time of day. For the purposes of this section, decibels shall mean "A" weighted decibels.

F. Vibration. No activity or operation shall produce at any point along the lot line continuous earthborne vibrations greater than the maximum displacement as permitted in the following table:

Frequency (cycles per second)		Residential District Displacement (in inches)	Non-Residential District Displacement (in inches)
>	≤		
0	10	.0004	.0020

10	20	.0002	.0010
20	30	.0001	.0006
30	40	.0001	.0004
40	50	.0001	.0003
50	-	.0001	.0002

Discrete pulses that do not exceed 100 impulses per minute may not produce more than twice the displacement specified in the table.

G. Glare. No activity or use shall produce a strong, dazzling light or reflection of same beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light, or reflection will not be a nuisance to adjoining properties, dwellings, streets, districts, or from adjacent buildings within an industrial park. In no event shall a lighting intensity greater than one twenty-five hundredths (.125) footcandle, measured at grade, be permitted beyond the subject lot lines.

H. Odor. No operation shall release materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, that cause or will cause odorous matter or vapor to be generated so as to be readily discernible without instruments from any point along the boundaries of each lot.

I. Operation. All fabricating, manufacturing, or assembling activities shall be conducted entirely within enclosed buildings.

§ 37. General Design Requirements. [Ord. O.16.21, 9/13/21]

A. General site design requirements. In addition to applicable requirements in §§27, -29 and -31, the following criteria shall be used to preserve existing trees and other natural site features, create spaces which encourage pedestrian activity and social interaction with appropriate lighting, landscaping and access.

1. The established grades on the site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

2. A system of sidewalks, walkways and multi-modal pathways shall be developed to provide connection between buildings, common facilities, open space, parking areas and public streets.

3. All forms of pedestrian walkways shall continue uninterrupted across all driveway openings with the apron design accommodating a continuous walkway.

4. Planned residential development should incorporate a coordinated plan of open space including the operation and maintenance of such areas, for common use by the residents and visitors to the development.

5. Steps and ramps shall be used to accommodate grade changes and should be accented with different materials and surface textures where necessary to distinguish public from private spaces.

6. Fences, walls, hedges, landscape edge, or some other design element shall be provided adjacent to the sidewalk, where feasible, to delineate the public sidewalk from front yards of residential units.

7. Sculpture or other public art should be encouraged to supplement site amenities.

B. All building types and uses.

1. All buildings in a development shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

2. Mass and proportion. Buildings shall have architectural features and patterns that provide visual interest from the perspective of pedestrians and motorists. Doorways, windows and other openings in the façade of buildings should be proportioned to reflect pedestrian scale.

a. Buildings should include substantial variation in mass through the use of the three main elements of base, field or middle, and top in the façade as well as variations in their width.

b. The first story of the building should constitute the base of the design for any building three stories or higher.

c. The field, or middle, should be differentiated from the base at floor, lintel or sill levels with a belt course, cornice, articulation or other form of horizontal transition line. Cornices may project horizontally from the building wall plane and may be ornamented.

d. The top should create an attractive building silhouette and roofline with an architectural cornice, step back, change in scale, materials or textures. Architectural features such as dormers, cupolas, clock towers, cornices, decorative parapets and other similar features are encouraged.

e. The building top should take into account the location of plumbing vents, ducts, and other utility structures and be designed to minimize their visual impacts from the view of persons on a public or private street.

f. Primary building facades facing a public street should be enhanced by the use of vertical and horizontal elements, such as plinths, pilasters, arches, and cornices.

g. Vertical structural elements shall be aligned with vertical elements on the upper floors. The rhythm of vertical support members should be visually evident, consistent and repeated.

h. Continuous facades of long buildings should be subdivided into smaller vertically oriented sections. Offsets in walls and building masses should be used to create visual interest even in simple buildings.

3. Materials. All materials, colors, finishes and/or details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with other buildings that are within sight of the typical observer at the front of the building.

a. A building designed in a recognized architectural style (i.e., Georgian, Colonial Revival, Modern) that normally includes certain features, materials, colors, finishes and/or details shall include such elements into the building design.

b. Exterior building materials shall be consistent with the recognized building style, if applicable. Areas where vehicles, carts, persons and other objects most frequently congregate shall be those constructed of the most durable materials, such as masonry units.

c. The number of different materials used in the body or field of exterior facades should be limited to three types.

d. All elevations of a building's exterior should be coordinated with regard to color, materials, architectural form and detailing.

e. Solid, blank, windowless walls or service areas within public view should be avoided even if dummy windows are necessary to create wall breaks.

4. Entrances. Entrances should be prominent within the building façade and should be defined by the use of elements such as lintels, pediments, pilasters, columns, overhangs, porte-chocéres, railings, balustrades and other such features to clearly identify important access points and provide an introductory architectural statement.

a. Multiple front entrances or architectural features should be incorporated into the building design of structures in excess of 100,000 sf. of floor area to produce human scale elements in the mass of large structures.

b. All entrances intended for public access shall be architecturally prominent and clearly visible.

c. Loading areas shall be oriented to the side or rear of the front entrances.

d. All buildings shall have a fully functional pathway that connects the street sidewalk to the building's primary entrance that is landscaped in a manner that is complementary to the architectural elements of the entranceway.

5. Windows. All fenestration of buildings should be architecturally compatible with the style, materials, colors and details of the building.

   a. The majority of windows on any given façade shall be operable, excepting retail and institutional operations.

   b. Operable windows shall be single, double, triple-hung, or casement types.

   c. The majority of the windows shall be rectangular with a height-to width ratio between 1:1.6 and 1:3.

   d. Windows shall not be flush mounted to the exterior wall.

   e. Shutters may be louvered or paneled, but must be sized and shaped to match their associated openings. Shutters should not be paired with oversized windows. Shutters shall not be attached to paired or tripled windows.

6. Lighting. Exterior building lighting should be architecturally integrated with the building's style, materials and color. Lighting should be focused downward to accentuate architectural elements of the building façade and emphasize pedestrian paths and common areas. See §27.G and –H for site and pedestrian way illumination requirements.

7. Solid waste storage. Trash enclosures shall be enclosed behind an opaque fence or wall at least five (5) feet in height but not less than the height of the dumpster or compactor unless more than eight (8) feet in height, with an opaque self-closing gate. The exterior finish material of the trash enclosure and gate shall be similar to that of the exterior of the principal structure. Trash enclosures shall not be sited within ten (10) feet of any other above ground structures. Trash enclosures shall be sized to encompass the containers/dumpsters/compactors to store the anticipated solid waste and recycling demands of the user(s). Once a trash enclosure has been established and constructed, no dumpster or compactor shall be located outside of such enclosure.

8. All utility meters or boxes, air compressors, heat pumps, HVAC and other mechanical equipment shall be located at the side or rear of buildings and shall be screened by architectural elements or solid fencing or walls supplemented with plantings. No such equipment shall be permitted in a front yard.

9. Mechanical equipment placed on the roof shall be screened from view by an enclosure to match the building façade.

10. Emergency generators shall be located at grade, in the associated building or placed on the roof. Where located at grade, such shall not be in the front yard area and shall be screened from view by a combination of solid fencing and plantings. When placed on the roof it shall be screened from view by an enclosure to match the building façade.

C. General design requirements for non-residential buildings include the following:

1. Outdoor storage. No merchandise, products, materials for sale, manufacturing or assembly, or other objects shall be displayed or stored outside unless specifically permitted by the zoning district where such use is allowed. However, for automotive sales facilities, vehicles capable of moving under their own power may be displayed and stored outside, provided such display is a minimum of fifteen (15) from the right-of-way of any public street and the area of display is delineated and approved by a Board with jurisdiction on a site plan.

2. Outdoor display of retail sales and services supplemental to a retail store. Display of merchandise, products, or offers for the provision of services to customers for sale or rent may occur outdoors under the following requirements:

a. The location of shall outdoor display and the proposed hours of display shall be shown on a previously approved site plan or survey, which shall be reviewed by the Township Fire Marshall for life safety purposes, and approved or disapproved as a zoning permit application.

b. A maximum of fifty percent (50%) of the length of the facade and fifty percent (50%) of the width designated for pedestrians or (4) four feet, whichever is less, may be utilized for outdoor display in front of the store. No display shall impede the free flow of pedestrian traffic in any sidewalk.

c. No entries or exits may be blocked or any display placed within (5) five feet of any such entry or exit.

d. Any signage must be printed and similar in design and copy to interior signage and not exceed six (6) sf. in area.

e. All outdoor displays must be portable or movable and removed at the end of each business day.

f. No outdoor displays or placement of merchandise may be located in any area designated or constructed as a pedestrian or vehicular area except as specified above in –b.2, above.

g. The storage and display of products under canopies which are not sprinklered shall be prohibited.

D. Multi-family buildings. Multi-family building should be designed and sited to create human-scaled space in and around buildings and that integrates with its interior living and common space.

1. Multi-family buildings shall not exceed two hundred forty (240) lineal feet through the long axis of the building. Longer buildings shall introduce at least a 135° angle at the intersection of the axes between different segments of the building.

2. The exterior of the building shall be designed to visually break up any facade in excess of fifty (50) lineal feet.

3. A minimum of a 2-foot deep offset shall be provided in each one hundred (100) lineal feet of facade length.

4. A minimum of one hundred twenty (120) square feet of enclosed storage area shall be provided for each residential unit, including interior and exterior storage for garbage and recyclables, bicycles, garden equipment, and other common household items in an appropriate location.

5. All stairs shall be enclosed within the building.

6. Secure bicycle parking shall be provided in the form of exterior racks, covered exterior racks, exterior lockers or interior bike rooms and may count towards the enclosed storage area in –D.4.

7. Outdoor living space.

    a. Each residential unit shall have an exterior deck, balcony or terrace of at least sixty (60) square feet in floor area.

    b. Adequate visual screening from all other neighboring dwelling units, outdoor living spaces, parking areas and roadways shall be provided. Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of five (5) feet in height.

    c. Architectural elements used for screening, such as masonry walls and fences, shall be compatible in both style and materials with the building design.

E. Townhouses and stacked townhouses.

1. Townhouse and stacked townhouse developments shall be designed so that each building is oriented with a front façade and yard area that faces a public street. Alleys are encouraged to address motor vehicle storage from rear loaded garages, car sheds, or grouped parking. A yard area between the dwelling(s) and the rear yard parking area shall be at least fifteen (15) feet in depth.

2. Façades shall be distinguished from each other through the use of subtle shifts in front setbacks, variation of front entry types and window details, using a complimentary design vocabulary, and variation in front yard landscape design patterns which may include hedges, fencing and low walls.

3. Dwelling entries such as stoops and porches should be the predominant façade feature and should have a floor dimension that encourages outdoor seating. A single front door entrance may be used on stacked townhouse designs where the entrance leads to an alcove containing the front doors of the two units.

4. The front facades of at least forty percent (40%) of the number of units in a structure shall be set back not less than two (2) feet behind the facades of the remaining units in such structure.

5. A walkway shall be provided between the front or primary door of each unit to the street facing the building.

6. The roof lines of at least thirty percent (30%) of the number of units which are attached in a structure, shall be staggered in height by not less than five present (5%) of the height of the roof lines of the remaining units in such structure. The roof line may be discontinuous through the combination of two- and three-story units where townhouses and stack townhouses are combined in one overall structure.

7. Chimneys, skylights, dormers, and other roof structures are encouraged to vary the elevation and provide additional light into upper story units.

8. Outdoor living space. Each residential unit shall have an exterior deck, balcony or terrace of at least sixty (60) square feet in floor area.

F. Performance and Design Standards. In addition to the applicable design requirements in §37, development in the LI-3 district shall conform to the following standards: [Ord. O.13.21, 9/13/21]

1. Outdoor Storage. Materials used in the manufacture or assembly of products and equipment may be stored outside behind the front building line provided that such storage shall meet the following requirements:

   a. The location of the outdoor storage shall be approved by the board of jurisdiction and delineated on a site plan;

   b. Outdoor storage shall be located in a side or rear yard behind the front building line;

   c. Outdoor storage shall not occupy more than sixty percent (60%) of the total area of the lot, except for municipal uses;

   d. The height of outdoor materials storage shall not exceed twelve (12) feet;

e. The outdoor storage shall be behind a fully opaque fence; and

f. Landscape buffering of the outdoor storage shall be required in accordance with §31.C.

2. On-site circulation. Where customers are intended to visit a site, circulation on-site shall be separated into truck, trailer, and heavy equipment drives on the one hand and passenger vehicle drives on the other once past the front yard setback line.

G. Design requirements for office buildings. [Ord. O.18.13, 12/9/13; renumbered, Ord. O.16.21, 9/13/21]

1. Office buildings shall be designed with a base, middle or field, and a top comprising the three main elements of the exterior elevation. In general, the base should comprise that portion of the first or single floor below the window sills. The middle or field should comprise the main body of the building in area which may be accented by accent lines or trim. The top should generally comprise no more than fifteen percent (15%) of the vertical dimension of the façade and should always be located above the top level of any window.

2. Visual interest shall be created through the use of horizontal displacement along any façade facing a public street. This may be achieved through the creation of prominent entranceways or building offsets that are at least 2 feet measured horizontally.

3. Mirrored glass shall not be used.

4. Office buildings five thousand (5,000) sf. or less in gross floor area shall employ gable, hip or gambrel roofs in their designs.

5. Office parks shall utilize the same roof type throughout the entire development.

6. Exterior Insulation and Finishing System (EIFS), Direct-Applied Finish System (DAFS) and synthetic stucco shall be limited to the middle and top elements of the façade and shall not be used on piers or columns.

Article V. General Regulations

§ 38. Chicken Keeping Pilot Program. [Sunsetted October 19, 2022]
[Ord. O.14.20, 10/19/20]

[Editor's Notes]

[§38, Affordable Housing Controls and Affirmative Marketing Requirements, Ord. O.3.10, 2/22/10, was repealed by Ord. O.13.20, 10/19/20 – See Article XII]
[§38.1, Development Impact Fees, Ord. O.3.10, 2/22/10, was repealed by Ord. O.13.20, 10/19/20 – See §113]
[§38.2, Growth Share Affordable Housing Obligation was repealed by Ord. O.3.10, 2/22/10]

§ 39. Provision of Park and Recreation Land.

A. Reservation of land.

1. Any residential major subdivision, other than planned unit developments, or inclusionary developments in the R-6A District, shall reserve land for use as park and recreation facilities as determined herein, provided however, that the applicant may petition the Planning Board to accept a payment of monies in lieu of reservation, as described below.

2. The amount of land to be reserved for park and recreation facilities shall not be less than an amount equal to one (1) acre for each one hundred (100) expected residents. For the purposes of determining the anticipated number of persons expected to reside in the development, the applicant may either present demographic data acceptable to the Township Planning Board or calculate the number of anticipated residents based on the following table, taken from the New Practitioners Guide to Fiscal Impact Analysis (Burchell, et al; Center for Urban Policy Research; Rutgers University Press; 1985):

Unit Type	1BR	2BR	3BR	4BR	5BR	Blended
Single family		2.223	3.258	4.031	4.853	3.384
Garden apartment	1.443	2.175	3.439			1.904
Townhouse	1.695	2.019	2.808			2.441
Two family	1.556	2.320	3.429			2.619

3. Such land shall have a minimum easement of thirty (30) feet to a public street and shall not have an average slope exceeding seven percent (7%) and shall be generally located so as to be accessible to the residents of the development.

4. The recorded plan and deeds shall indicate that no additional development of principal structures can occur in the recreation area. The open space shall be restricted against any future building, development or use, except as is consistent with that of providing for recreational, conservation, agriculture or aesthetic satisfaction of the residents of the development or of the general public. Buildings or uses for non-commercial recreation, cultural, or agricultural purposes

compatible with the open space objectives may be permitted only with the express approval of the Planning Board, following the approval of the building and site plans by the Planning Board.

5. Any land set aside as a recreation area must be made subject to a deed restriction or agreement in a form acceptable to the Planning Board and duly recorded in the office of the Recorder of Deeds of Gloucester County. All documents pertaining to the conveyance and maintenance of the recreation area shall meet the approval of the Planning Board as to legal form and effect.

6. Methods of conveyance - All recreation areas must be conveyed in accordance with one of the following methods:

   a. Dedication in fee-simple to the Township - The Township may, at the discretion of the Township Council, accept any portion or portions of the recreation area provided:

      1) It is determined by the Planning Board that such land is suitable in size, shape, location, and access and the Township Council may determine that such lands will benefit the general public of the Township;

      2) The Township agrees to and has access to maintain such lands; and

      3) The titles are conveyed to the Township without cost.

   b. Conveyance of title to a conservancy, corporation, homeowners association, funded community trust, condominium corporation, individual or other legal entity, provided that:

      1) The terms of such instrument of conveyance must include provisions suitable to the Township assuming such organization can guarantee:

         (a) The continued use of such land for the intended purpose in perpetuity;

         (b) Continuity of proper maintenance;

         (c) Availability funds required for such maintenance;

         (d) Adequate insurance protection;

         (e) Provision for payment of applicable taxes;

         (f) The right of the Township to enter upon and maintain such property at the expense of the organization in the event the organization fails to maintain the property; and

(g) Such other covenants and/or easements necessary to fulfill the purposes and intent of this chapter.

2) The following are prerequisites for a condominium corporation, homeowners association, or similar entity:

(a) Disposition of the open space must be approved by the Planning Board, prior to final plan approval, and the final plats recorded before any dwelling units are sold, leased, or otherwise conveyed;

(b) Membership must be mandatory for each buyer and/or lessee. The organizational papers shall set forth the voting rights and the manner and time of transference of the organization and its assets from developer to homeowner;

(c) It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance of recreational and other facilities;

(d) Members or beneficiaries must pay their pro rata share of the costs, and the assessment levied can become a lien on the property, including any maintenance and associated administrative costs incurred by the Township;

(e) Such corporation or association shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the recreation area to the Township before any such sale or disposition of the land.

(f) The dedication of recreation areas, open space, streets, or other lands in common ownership of the corporation, association, individual, or other legal entity or the Township shall be absolute and not subject to reversion for possible future use for further development.

B. Fees in lieu of land.

Any applicant may, at the time of preliminary or final major subdivision approval, petition the Planning Board to accept a voluntary contribution of monies in lieu of land dedication or reservation.

1. Such contribution shall be deposited in a Neighborhood Park and Recreation Improvement Fund to be established by the Township Council. Such contribution shall be used by the Township for acquisition of recreation land or for the improvement of the existing recreational facilities that will actually be available to and benefit the persons in said subdivision or land development and located in the general neighborhood of said subdivision or land development. In the event that there are no recreational facilities in the immediate vicinity of the subdivision or land development, such contribution may be used for the acquisition and/or improvement of other Township-wide recreational facilities.

2. The contribution shall be a cash sum in an amount equal to the fair market value of the area of land that would otherwise been required to have been set aside for park and recreational facilities provided that said sum shall not exceed five hundred dollars ($500.00) per dwelling unit.

3. Payment of fees in lieu of land dedication or reservation are payable prior to the issuance of a building permit for the dwelling unit that it relates to.

4. The Planning Board shall, at its sole discretion, have the authority to accept the offer of payment of fees in lieu of land dedication or reservation of park and recreational facilities or it may decline the offer and require the land dedication or reservation.

§ 40. Reverse Frontage Lots. [Ord. 0.1.10, 2/22/10]

Residential lots with reverse frontage on a collector or arterial road shall be required to contain a landscaped buffer between the rear or side yard and the road that shall be in addition to the minimum required yard depth. The landscaped buffer shall be a minimum of fifteen (15) feet in depth from the right-of-way or as indicated in Table 31.7, whichever is larger. Driveway access shall only be permitted from the lowest order street that provides access to the property. Along the street frontage without direct driveway access, no fencing shall be placed within fifteen (15) feet of the right-of-way. Any fencing that is installed must have a man gate opening to the high order street without direct driveway access to insure that pedestrian access is provided for maintenance of the required buffer. Corner lots with just two (2) street frontages are not required to place a gate in the fencing facing the street without direct driveway access. Landscaping within the required street buffer should consist of existing vegetation when it can be properly preserved during construction. In the case where existing vegetation can not be preserved or if there is to be an insufficient existing vegetative screen preserved within this buffer, the Board of Jurisdiction may require additional landscaping to be provided, including evergreen and deciduous trees and shrubs.

§ 41. Visibility at Street and Driveway Intersections.

Sight triangle easements shall be required at all street intersections, in addition to the specified right-of-way widths, in which no grading, planting or structure shall be erected

or maintained in such a manner as to obscure the vision above the height of three (3.0) feet and below ten (10) feet, except for street signs, fire hydrants and light standards.

The sight triangle easement for all street intersections is defined as that area outside of the street right-of-way which is bounded by the intersecting street lines and the straight line connecting sight points, one (1) each located on the two (2) intersecting street center lines: arterial streets at one hundred fifty (150) feet; collector streets at one hundred (100) feet; and local streets at thirty (30) feet. Such easement dedication shall be expressed on the plat or plan as follows: "Sight triangle easement deeded for purposes provided for and expressed in the Unified Development Ordinance of Deptford Township."

The sight triangle easement for any driveway entry onto a public road is defined as that area outside of the street right-of-way which is bounded by the intersecting street line and a straight line connecting two sight points, one (1) each located fifty (50) feet along each side of the street and a point ten (10) feet back from the street line along the driveway centerline.

§ 42. Residential Driveways.

A. For residential uses, not including multi-family developments:

1. Continuous open driveways in excess of twenty (20) feet at the street line shall be prohibited.

2. The edge of a paved driveway shall not be closer than three (3) feet to a side or rear property line.

3. No driveway shall have a slope of more than ten-percent.

§ 43. Recreation Uses in Residential Districts.

A. General.

1. The regulations of this Section shall apply to all open private recreational uses, including swimming pools, which require the installation of permanent surfaces, either at ground level or elevated.

2. Such uses are considered "structures" for the purpose of permits and certain other regulations; however, they are not counted as floor area in computing building coverage.

3. No such use shall be located in a front yard, except that a basketball hoop on a pole must be located at least ten (10) feet from the front property line. Additionally, no such use shall be located less than ten (10) feet from any property line as measured from the edges of any permanent surface, except that such a use may be located five (5) feet from a side or rear property line if a six (6)

foot fence is erected for at least twenty (20) feet along that side or rear property line.

4. A basketball hoop or any other recreational use shall not be located within a designated right-of-way. All such uses shall be located completely upon private property.

5. No such use shall be constructed in the Township except in accordance with a permit therefore previously secured from the Zoning Officer. The application for said permit shall be accompanied by a plan showing the size and location of any recreational facility and its enclosure and such other information as may be necessary for the Zoning Officer to determine whether said facility complies with the requirements of this Section.

6. Every tennis or paddle tennis court area shall be completely enclosed by a metal chain-link or mesh fence at least nine (9) feet in height but not in excess of twelve (12) feet in height. Appropriate fences for any other type of recreational use may be required at the discretion of the Zoning Officer. The type, quality and method of construction of any required fence shall be approved by the Construction Officer with the intent that said fence shall act as a protection to adjacent properties against interference from stray balls.

B. Special Regulations Applicable to Swimming Pools and Man-Made Ponds.

1. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residential building. Pools shall be located in rear yard areas only and shall occupy no more than seventy-five percent (75%) of the yard area in which it is located. All swimming pools used for bathing or swimming purposes in which water may collect in excess of a depth of two (2) feet shall be completely enclosed by a fence. Swimming pools shall be located no less than ten (10) feet from any property line as measured from the water line.

2. The type, quality and method of construction of any required fence shall be approved by the Construction Officer with the intent that it shall act as a safeguard and protection to children. Such fence shall be at least four (4) feet in height, but not in excess of six (6) feet, and non-removable. Fences shall have self-locking and self-closing gates and shall be such as to prevent unauthorized children and stray animals from entering the pool area in accordance with the requirements of the construction code. These requirements shall also apply to soft-sided pools.

3. No swimming pool shall be constructed in the Township except in accordance with a permit therefore previously secured from the Zoning Officer, upon written application accompanied by a plan showing the size, shape, and location of the swimming pool and its enclosure and such other information as may be necessary for the Zoning Officer to determine whether the pool complies with the requirements of this chapter.

a. No commercial swimming pool shall be constructed or installed unless approved as part of a site plan approval. Commercial swimming pools shall be classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute or the Swimming Pool Code of New Jersey, whichever is more stringent.

b. A man-made pond with a water level of two-feet or greater shall be located in a side or rear yard area only. Any man-made pond with a depth of two (2) feet or greater shall comply with the fencing requirements as provided for in subsection 2, above.

§ 44. Grading Requirements. [Ord. O.16.10, 11/8/10]

A. Performance. No construction shall be permitted which creates or aggravates water stagnation, ponding or a drainage problem on adjacent properties.

B. Lot Filling. All lots being filled shall comply with Article VII, Soil Erosion and Sediment Control and shall be filled with clean fill and/or topsoil to allow complete surface draining of the lot into local storm sewer systems or natural drainage rights-of-way.

C. Lot Grading. The requirements set forth below shall apply to the development of all lots within the Township of Deptford.

1. Grading plan requirements. The developer of a tract of land in the Township shall provide grading plans for each lot proposed to be developed prior to the issuance of a building permit. Each lot grading plan shall contain all the information required in the grading plan checklist found in §94, Document Submission Requirements. The developer shall submit a completed grading plan checklist together with the fee and any required application forms.

2. Grading standards. The grading plan shall conform to the following standards:

a. No grading shall be undertaken that creates adverse impacts to adjacent properties. Grading shall not increase the volume of water that drains onto adjoining lots. For a lot or lots contributing to adverse impacts on adjacent properties prior to grading taking place, the grading plan shall reduce the impact on adjoining lands to the greatest extent possible by directing stormwater runoff or other surface water (e.g., a spring) to appropriate receiving waters, conveyances and other devices accepted by the Township Engineer. All lots shall be graded to direct surface water runoff away from structures and towards the frontage road or other defined drainage paths.

b. Minimum and maximum slope. The following minimum and maximum slopes shall be maintained unless a greater or lesser standard is accepted by the Township Engineer for special circumstances.

1) A minimum slope of two percent (2%) shall be maintained in all lawn areas.

2) A minimum slope of one percent (1%) shall be maintained for all swales.

3) A minimum slope of one-half percent (0.5%) shall be maintained for all paved surfaces.

4) All graded slopes shall be no greater than 3:1.

5) Residential driveway slope shall not exceed ten percent (10%). Non-residential driveway slope shall not exceed eight percent (8%).

c. No grading shall occur within five (5) feet of a property line unless necessary to direct drainage off the site and into acceptable drainage facilities in accordance with these standards. When a developer proposes to grade over an adjoining property line, written permission or an executed agreement from the adjoining property owner shall be obtained acceptable to the Township Engineer.

d. The top of excavation or toe of slope shall be no closer than five (5) feet to an adjoining property line.

e. If a retaining wall is proposed, construction details shall be provided. If the retaining wall exceeds five (5) feet in height, the construction details shall be signed and sealed by a licensed structural engineer certifying the stability of the structure.

f. For swimming pool construction, the finished deck or apron elevation shall be set above the natural grade occurring on the lot to prevent surface runoff from flowing into the pool.

g. Tree protection. The grading plans shall show compliance with §31.K, Tree Management Plan and Tree Replacement.

D. Application Procedures. The following procedures will apply to the review and approval, approval with conditions, or denial of the grading plan application.

1. The Township Engineer shall review the grading plan, indicating in a written report any plan deficiencies and any required revisions.

2. The Township Engineer shall oversee the grading operation during normal site inspections. Notification of the start of grading operations shall be given to the Township Engineer at least forty-eight (48) hours beforehand.

3. Following the completion of all grading and drainage work, the developer shall submit an as-built survey, prepared by a New Jersey licensed land surveyor, in accordance with §96.G. With submission of the as-built survey, the developer may request a final inspection. If any discrepancy exists between the grading plan and actual construction, the developer shall be required to perform any necessary site work to correct the deficiency. All as-built site work shall be in conformity with the approved grading plans. Any minor deviation from the grading plan may be approved by the Township Engineer. Any deviation deemed substantial by the Township Engineer shall require submission of an amended final site plan or subdivision, as the case may be, to the Board of Jurisdiction.

4. Following the completion of all work, the Township Engineer shall conduct the final inspection and notify the Construction Official, in writing, whether the final construction is in compliance with the approved grading plan and that a certificate of occupancy may be issued. The Construction Official shall issue the certificate of occupancy only if all conditions for the approved grading plan have been satisfied.

5. All grading work shall be completed within 180 days from the issuance of the grading permit. Extension of the time limit may be granted by the Township Engineer for good cause shown, but in no circumstance shall the extension be greater than an additional 180 days.

E. Permit and review fees for grading plan applications shall be as set forth in §95, Fees, in this Ordinance.

§ 45. Stripping of Topsoil; Excavation of Clay, Sand, Gravel or Rock.

A. Topsoil, sod, clay, sand, gravel or rock may be removed only under the following conditions:

1. As a part of the construction or alteration of a building, or the grading incidental to such building;

2. In connection with normal land preparation and maintenance;

3. In connection with the construction or alteration of a street or utility improvement; and

4. As part of a legal, non-conforming commercial resource extraction operation.

B. A soil erosion and sedimentation control permit shall be required in all instances.

§ 46. Special Height Limitations.

A. The height limitations of the respective districts shall not apply to the following, provided that they do not extend more than fifteen (15) feet above the roof line and do not occupy more than twenty percent (20%) of the area of the roof.

1. Church spires or domes.

2. Non-commercial radio and television towers.

3. Chimneys, smokestacks, flag poles and aerials.

4. Elevators, tanks, HVAC and other mechanical equipment, and other projections neither intended nor used for human occupancy, provided they are screened from view of surrounding properties and streets.

B. Height Limitations.

The height limitations of the respective districts shall not apply to the following, provided that they do not extend more than four (4) feet above the roof line:

1. Cornices.

2. Parapets.

§ 47. Prohibited Uses.

A. All uses not expressly permitted in this chapter are prohibited. The following uses are specifically prohibited in every district:

1. Junk yards, including automobile or motor vehicle junk yards or wrecking establishments.

2. No single recreational vehicle or boat may be used for living or housekeeping purposes within the Township, except as provided for by the Deptford Township Trailer Ordinance, Chapter 72 of the Code of Deptford Township.

3. Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operation of a use conducted on the premises subject to design and performance standards for the prevailing district and provided further that the following requirements are conformed with:

a. All outdoor storage facilities shall be enclosed by an opaque fence adequate to conceal the facilities from any adjacent properties.

b. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.

c. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

d. Flammable or explosive liquids, solids, or gases shall be permitted to be stored in above ground storage tanks only if the proposed use and structure meet the requirements of the Uniform Construction Code (N.J.A.C. 5:23, et seq.) and the Fire Code (N.J.A.C. 5:18, et seq.), as used by Deptford Township officials. In addition, above ground storage tanks are not permitted in any front yard and shall be sufficiently buffered from any adjoining use.

4. Private sanitary landfills.

5. Commercial resource extraction operations.

6. Any use of a heavy industrial nature which is not similar in character to those permitted in the LI-1 or LI-2 Light Industrial Districts. Examples of such uses are power generation plants and the manufacturing of automobiles, steel, and similar products.

7. The overnight parking of any vehicle with a gross vehicle weight in excess of eight thousand (8,000) lbs. or with more than two (2) axles shall be prohibited in all residential districts.

8. Temporary structures shall be prohibited in all residential districts.

9. Data centers (including AI data centers), but not to include the following permitted use categories: [Ord. O.11.26, 5/4/26]

   a. Warehouse or distribution facility;

   b. Industrial, light industrial, or manufacturing use;

   c. Data processing center or similar office or business use;

   d. Public utility or telecommunications facility;

   e. Institutional or governmental use; and

   f. Accessory use.

10. Detention facilities.

11. Data center and detention facility conversion prohibited. No building, structure, or land shall be constructed, used, altered, or converted for use as a data center or detention facility. [Ord. O.11.26, 5/4/26]

12. Short-term rentals are prohibited in all zoning districts where single-family or multi-family residential dwellings are permitted uses. [Ord. O.10.26, 5/18/26]

13. The rental of residential dwellings for short-term or transient occupancy shall be deemed a commercial use and shall not be permitted in residential zoning districts under any circumstances. [Ord. O.10.26, 5/18/26]

§ 48. Manufactured Housing and Prefabricated Buildings.

A. Manufactured housing and prefabricated buildings, including those created by the joining of several sections constructed at another location, shall be permitted in every residential zoning district, subject to the following regulations:

1. The unit must comply with all regulations, including area and bulk standards, of the underlying zoning district.

2. The unit must comply with all state and federal standards for manufactured housing or prefabricated buildings.

3. The unit must be permanently mounted on a masonry foundation, either partially or entirely below grade. In addition, the following conditions shall be complied with:

a. Any wheels shall be removed prior to installation.

b. The undercarriage shall not be visible from any side following installation.

c. The foundation shall be capable of transferring all design loads imposed by or upon the structure into soil or bedrock without failure.

d. The foundation shall be placed at an adequate depth below grade to prevent frost damage.

B. All temporary prefabricated buildings shall be considered trailers and shall be subject to regulation by the applicable provisions of either §58 of this chapter or Chapter 72 of the Deptford Township Code.

§ 49. Accessory Buildings and Structures in Residential Districts.

A. The following supplemental and general regulations regarding accessory buildings and structures shall be observed in all residential districts where applicable:

1. No accessory building shall exceed one (1) story or seventeen (17) feet in height, whichever is less, except in the case of a building accessory to a permitted church, school or other non-residential use authorized as a conditional use by the Planning Board.

2. No private garage, carport, or other permanent accessory building or structure may be erected within a front yard and no such building may be erected in a side or rear yard unless:

   a. It is entirely separated from the principal building.

   b. It is located at least five (5) feet farther back from the front street line than the rearmost portion of the principal building.

   c. It is located at least ten (10) feet from the side or rear line of said lot, provided however, that accessory structures which are one hundred twenty (120) square feet or less in gross floor area may be located within five (5) feet of a side or rear property line.

   d. A carport shall not be located closer than three (3) feet to a side or rear property line.

3. Notwithstanding the provisions of this Subsection, no accessory building may be located in any yard which abuts a street and nothing in this Subsection shall be construed to prohibit the erection of a common or joint garage which is not an integral part of a main building on adjacent lots.

§ 50. Projections into Required Yards.

A. No part of a building shall be erected within, or shall project into any required yard area except as follows:

   1. Cornices, projecting eaves, gutters or chimneys may project a distance of up to thirty (30) inches into a required yard area.

   2. Steps and awnings may project up to six (6) feet into a required yard area.

   3. Handicapped ramps may project thirteen (13) feet into a required yard, however, they may not be any closer than three (3) feet to a property line.

   4. Decks may project into required rear yards up to half the minimum required distance, i.e. if a required rear yard is 30 feet a deck may be as close as 15 feet to the rear property line.

§ 51. Reduction or Modification of Existing Lots.

A. No existing lot area shall be so reduced that the area of the lot, or the dimensions of the open spaces, shall be smaller than herein prescribed in a district, except as provided for in cluster or planned unit developments.

B. No lot shall be formed from part of an existing lot already occupied by a building unless the existing building and any proposed building shall each be able to meet the area and yard requirements prescribed for the district in which they are located.

C. No yard or open space required in connection with any building shall be considered as providing required open space for any other building.

D. Any existing lot area or yard depth may be reduced for the purpose of providing a right-of-way for a public street as required by an agency of the government entity having jurisdiction over said street.

E. Permitted Modifications for Infill Development. The yard areas of principal dwellings on infill development lots may encroach within the yard areas as otherwise required in this Ordinance under the following conditions: [Ord. O.3.13, 2/25/13]

1. Front Yard. The front yard depth may be reduced to the average of the setbacks from the streetline of existing dwellings on both sides of the proposed residence. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.

2. Side Yard. The side yard may be reduced to the depth of the side yard of the adjacent lot but in no instance shall the distance between dwellings be reduced to less than 10 feet.

3. Rear Yard. A portion of the principal dwelling may encroach into the rear yard up to 20% of the required depth provided that the average of the building's distance from the rear property line meets or exceeds the required setback.

F. Expansion of Residential Building on Undersized Lot. Any existing lot on which a residential building is located and which lot does not meet the minimum lot size may have additions to the principal building and/or construction of an accessory building without any appeal for variance relief provided: [Ord. O.3.13, 2/25/13]

1. The existing use(s) on the lot is conforming to the permitted use(s) allowed in the zoning district in which the lot is located; and

2. The total permitted building and impervious lot coverages are not exceeded; and

3. The addition or the construction of an accessory building does not violate any other requirements of this Ordinance including, but not limited to, height, setback, and parking; except that an addition to the principal building may encroach into a required yard area so long as the addition intrudes no more into the required yard area than the principal building.

§ 52. Lot Configuration.

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

B. Each lot must front upon an approved public street with a right-of-way at least fifty (50) feet in width.

C. Where extra width has been dedicated for widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.

§ 53. Conformity of Building Setback lines.

Notwithstanding other requirements of this chapter, there shall be conformity of building setback lines with the median setback lines of existing structures on the same side of the street and within three hundred (300) feet of the proposed new construction.

§ 54. Fences and Walls. [Ord. O.14.10, 8/2/10]

A. General Requirements.

1. No fence or wall shall be installed without first obtaining a zoning permit, excepting the municipality.

2. No fence shall be erected in any zoning district within the right-of-way of a street.

3. Fences and walls may be placed with the outer face located on the property line.

4. All fences shall be constructed so that the finished side is exposed to the outside of the property.

5. All fences shall be maintained in an adequate manner so that broken elements are promptly replaced and elements requiring an exterior coating are painted as necessary.

6. No fence shall be constructed of, or topped with, barbed wire, concertina wire, broken glass, electrified wires, or any other materials which are considered hazardous to humans with the following limited exceptions:

   a. Electrified wires may be used on farmland assessed property for the purpose of containing livestock and shall be so marked once for every fifty lineal feet with an appropriate warning sign not to exceed one square foot in area.

   b. Three-strand barbed wire may be used on top of a minimum six-foot high fence around all public utility facilities excepting administrative offices, roadway maintenance facilities and telecommunications ground facilities.

7. Fences and walls shall be so erected to avoid damming or diverting the natural flow of water or shall be integrated into a grading plan that provides for the adequate movement of storm water. For fences located in drainage swales, the lower edge of the fence shall be a minimum of six inches (6”) above the ground level to facilitate lot drainage.

8. Notwithstanding any other regulation to the contrary, no fence or wall shall be erected in violation of the requirements of §41, Visibility at Street and Driveway

Intersections, or that otherwise impedes clear sight distance as established through the promulgated standards of the American Association of State and Highway Transportation Officials.

9. Fencing and walls for all uses requiring site plan approval shall be considered within the overall context of a landscape plan that considers the function and aesthetic quality of the fencing or wall.

10. Corrugated metal shall not be used for fencing purposes.

11. These regulations shall not be construed as to affect the ability of a governmental entity with jurisdiction within the municipality to erect any fence or wall.

12. Prior to the installation of a fence or wall, the landowner, contractor, or other responsible party shall call the One-Call System [(800) 272-1000] or login to http://www.nj1-call.org for site mark out of underground utilities.

B. Fences and Walls in Easements. No fence or wall may be constructed in any sanitary sewer, storm water management (drainage) and public water easements under Deptford Township and Deptford Township Municipal Utilities Authority jurisdiction, except in the following limited circumstance:

1. For easements that run perpendicular to the streetline, a fence and gate parallel to the streetline shall be permitted provided the following conditions are met:

   a. No fence with a footer or concrete casing may be installed within eight (8) feet of the underground utility in the easement.

   b. An access opening a minimum of sixteen (16) feet in width shall be provided via a double gate made of equal halves. Appropriate center support of the non-hinged side of the gate to prevent sagging shall be required.

   c. Such gate shall remain unlocked.

   d. The posts for any fence shall not be installed directly above any underground pipe, cable or conduit.

2. The municipality and its agencies or delegated party (such as a contractor) may remove the fence and gate to address any repair, construction or reconstruction they deem necessary. Any cost in the removal and reinstallation of a fence in an easement shall be borne by the landowner. The zoning permit issued for the installation of fencing in an easement shall clearly state and the landowner shall sign acknowledgement of the rights of the easement holder and the responsibility of the landowner to repair and reinstall such fencing and gate after the construction, reconstruction or repair is completed.

3. Fences may be constructed in easements under other agency jurisdiction if written authorization from the easement owner is provided at the time of zoning permit application. The zoning permit application shall make reference to any required conditions of the written authorization.

4. No fence shall be permitted in a landscaping easement except as herein provided or by the Board of Jurisdiction for an approved development.

C. Regulations for single family detached, single family semi-detached and fee simple townhouse dwellings. On any lot in any district, no wall or fence shall be erected or altered to be greater than three (3) feet in height in front yards and six (6) feet in height in side and rear yards, except as modified herein. Illustrative examples are contained in Exhibit 54.1, Residential Fence Locations.

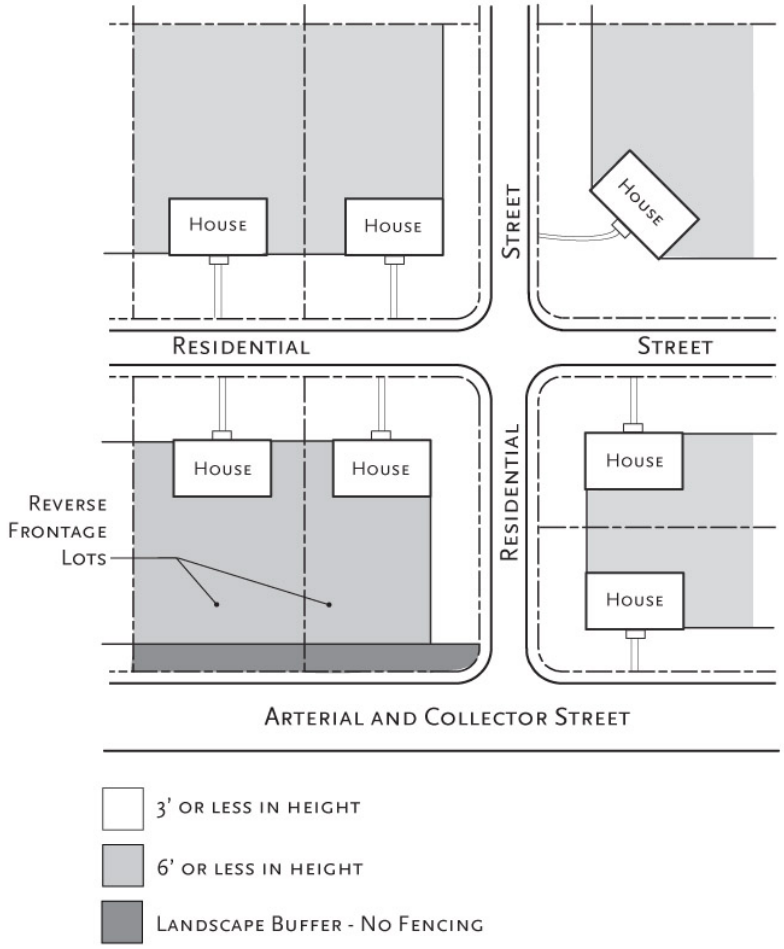
1. A private residential tennis court, basketball court or batting cage when located in a rear yard only may be surrounded by a fence a maximum of twelve (12) feet in height provided that the fence is a minimum of seventy-five percent (75%) open and is set back from any property line a minimum of fifteen (15) feet.A dog run when located in a rear yard only may be surrounded by a fence a maximum of seven (7) feet in height provided that the fence is set back from any property line a minimum of fifteen (15) feet.

2. Six-foot (6') high fences and walls may be permitted in the rear yard of a reverse frontage lot provided that the fence is set back a minimum of fifteen (15) feet from the right-of-way line of the higher order street and is planted in accordance with the landscaping requirements in §31 for 15-foot wide buffers.

3. No fence or wall shall be permitted in the front yard of a townhouse dwelling.

4. A private residential swimming pool area shall be surrounded by a fence in accordance with §43.B.

Exhibit 54.1. Residential Fence Locations



5. A deer protection fence consisting of wooden poles with horizontal stretched wire or wire mesh fencing with openings no less than four inches (4") by four inches (4") surrounding agricultural fields on farmland assessed property shall be permitted up to a maximum height of eight (8) feet.

6. Entrance gateways may extend to six (6) feet in height in a front yard provided the fence or wall is within fifteen (15) feet of a driveway or sidewalk connecting the front door of the dwelling to the street. The highest to lowest elements of the fence or wall shall transition in height over a minimum distance of eight (8) feet.

7. Wall piers may extend up to eight inches (8") above the height limitations for any wall.

D. Regulations for all Uses Except §54.C Uses. On any lot in any district, no wall or fence shall be erected or altered to be greater than three (3) feet in height in front yards and six (6) feet in height in side and rear yards, except as modified herein.

1. Fences in front yard areas may be increased to four (4) feet in height provided that the fence is a minimum of seventy-five percent (75%) open.

2. Fences used as trash enclosures shall be fully opaque and a minimum of six (6) but no taller than eight (8) feet high.

3. In the event that these regulations conflict with a site plan approval granted by the Board of Jurisdiction, the site plan approval shall control. Once a certificate of occupancy has been issued and any performance or maintenance guarantee released, the landowner may replace such fencing or wall without site plan approval provided that the material used is an exact replacement. Zoning permit issuance, however, shall be required.

4. In the event that these regulations conflict with any streetscape improvements in accordance with §31, the streetscape improvement standards shall control.

5. Fencing for recreational purposes may extend to fifteen (15) feet in height provided that the closest portion of any fencing above six (6) feet shall be set back from any front property line by fifty (50) feet and fifteen (15) feet from any other property line, except that the height of fencing for golf driving ranges, batting cages, and similar outdoor recreation shall be determined at the time of site plan approval.

6. Outdoor storage uses, where permitted, shall be enclosed with a minimum eight-foot tall opaque fence. Where such a use abuts an industrial use, the fence may be located in a side and rear yard, otherwise the fence shall be setback from any property line a minimum of fifteen (15) feet and the area between the fence and property line landscaped in accordance with §31. The setback may be larger depending on the landscape buffer requirements.

7. Trash compactors shall be enclosed with a masonry wall on three sides with a fully gated access on the fourth side. The wall shall be a minimum height of eight (8) feet, but in no circumstance shall it be higher than three-quarters of the height of the associated building. No portion of the wall shall be within twenty-five (25) feet of a property line.

8. In multi-family developments, up to six-foot high fences around outdoor patios shall be permitted when designed to be a similar color and texture with the exterior materials of the building.

§ 55. Environmental Regulations.

A. Use of lands in flood plains, wetlands and wetland buffers. Lands which are located within the one hundred (100) year flood plain of a stream or lands which are classified by the New Jersey Department of Environmental Protection (NJDEP) as wetlands or wetland transition buffers may be used only as permitted by the NJDEP.

B. Site Environmental Assessment.

1. A Site Environmental Assessment shall be prepared by qualified firms or individuals and shall be submitted to the Township with an application for development. The minimum required scope of work for the Site Environmental Assessment shall include:

    a. Records review;

    b. Site inspection;

    c. Interviews; and

    d. Preparation of report.

2. Records review - Regulatory agency file data and existing environmental reports should be reviewed to determine if any existing documents show that the site was used for waste disposal or burial, and to determine if the site has previously been identified as a suspected source of contamination. The minimum documents that should be reviewed include, but are not limited to:

    a. Federal Environmental Protection Agency (EPA) and New Jersey databases should be reviewed to determine if National Priority List (Superfund NPL) or State Superfund sites, or other alleged contamination sites are located within one thousand (1,000) feet of the proposed development site.

    b. Historical aerial photographs from the 1950's (or earlier, if available) to current periods should be reviewed. The photographs should be inspected for signs of dumps, excavations, vegetation stress, or other feature indicative of contamination, both on and adjacent to the site. The preferred scale of the photographs is one inch (1") equals four hundred (400) feet.

    c. Recorded land title records and/or chain of title and/or property tax file indicating property ownership from 1940 to the present.

3. Site inspection - The applicant's environmental consultant should physically inspect the site and collect information on these subjects, as appropriate, to identify past or current practices which could cause soil or groundwater contamination, or which could cause contamination in any structures at the site, but not limited to:

    a. Past and current materials use;

    b. Storage, handling, and disposal of wastes at the subject property, as applicable;

    c. The number and location of chemical storage containers, such as drums and storage tanks, and the materials stored in these;

d. Transformers and capacitors at or directly adjacent to the property for signs of leaks, spills, and fires; and

e. The properties and structures around the site to document evidence of obvious and severe impacts from the adjacent properties on the subject site. Examine exteriors of adjacent buildings and grounds of adjacent properties for evidence of staining and spills.

4. Interviews - The applicant's environmental consultant should conduct interviews with local government officials, occupants and adjoining property owners relative to obtaining information indicating recognized environmental conditions in connection with the property. The interviews shall generally confirm:

a. The prior uses of the site;

b. Conditions or events related to environmental conditions;

c. Questions about helpful documents;

d. Prior assessment; and

e. Proceedings involving the site.

5. Report preparation - The applicant's environmental consultant should prepare a report that includes, but is not limited to:

a. Description of the physical site, description of the site history and surrounding land use.

b. A USGS topographic map indicating the location of the site.

c. List of the environmental reports, permits and background documents reviewed. List of interviewees.

d. Discussion of causes of environmental concern as applicable, such as underground storage tanks, PCBs, asbestos and other applicable environmental hazards.

e. Statements regarding the presence of wells on the site, and a statement regarding the presence or past presence of septic systems or other subsurface disposal systems.

f. The results of contacts with regulatory agencies concerning potential contaminated sites in the site vicinity.

g. Prints of all aerial photographs.

h. A table that indicates the dates of property ownership from 1940 to the present, and the corresponding property use(s) for those years, if known.

i. Discussion of potential contamination in the soil and groundwater of the site.

j. The resume or curriculum vitae of the individual(s) who performed the environmental assessment. The resume or curriculum vitae should indicate that the assessor has knowledge of current environmental investigative techniques and standards.

6. Certification - The Site Environmental Assessment report shall include a statement as follows: "[Name of the Environmental Company] has performed this Site Environmental Assessment with diligence; it is complete and accurate within its scope. To the best of our knowledge, no contamination-related condition associated with the property has been misrepresented or omitted from this report."

7. Indemnification - The Site Environmental Assessment report shall also include the following statement: "The Applicant hereby indemnifies the Township, its affiliates and Engineer against any liability, loss, expense, lien, claim demand, and cause of action of every kind for damage to property of the Applicant and third parties, including fines or penalties, attorney's fees, and other costs that result from activities associated with or the findings of this Site Environmental Assessment.

8. Waiver - All requests for waiver of requirements of the Site Environmental Assessment may be forwarded to the Environmental Commission for their recommendations. The request for waiver shall include justifications for relieving the requirements. If the request was forwarded to the Environmental Commission, the Commission shall respond with recommendations within thirty (30) days.

9. Further requirements - Upon review of the Site Environmental Assessment report by the Planning Board or Zoning Board of Adjustment Engineer, as the case may be, and upon the recommendation of said Engineer, the Planning Board or the Zoning Board of Adjustment may require other studies, tests, or environmental treatments and remedies as may be determined to be reasonably necessary for the environmental safety and security of the site.

§ 56. Use of Reflective Building Materials.

No building shall be constructed so that fifty percent (50%) or more of any facade consists of reflective building materials, capable of producing a glare.

§ 57. Non-Conforming Uses, Lots and Structures.

A. Continuation.

1. Any use, located either within a building or other structure, or on the land, which was lawful immediately prior to the effective date of this chapter but which became non- conforming by virtue of this chapter may be continued so long as the use is continued without abandonment, including subsequent sales of the property.

2. Any building which was lawful immediately prior to the effective date of this chapter but which became non-conforming by virtue of this chapter may be continued so long as not more than seventy-five percent (75%) of the building is destroyed by fire, explosion, or other cause.

3. Any lot which was lawful at the time of its creation but which is non-conforming by virtue of this chapter, may be continued to be used for the use existing at the time the lot became non-conforming. Any subsequent use of the lot which requires variances from the provisions of this chapter shall be governed by the Planning Board or Zoning Board of Adjustment, as applicable.

B. Expansion of non-conforming uses, buildings or structures.

1. The expansion of non-conforming uses, buildings, or structures shall be governed by the following rules:

a. A non-conforming, non-residential use shall not be expanded, enlarged, or increased in any way without the grant of a variance by the Zoning Board of Adjustment. A non-conforming, non-residential building or structure shall not be expanded, enlarged, or increased in any way unless the addition is in full compliance with the provisions of this chapter.

b. A non-conforming, residential use, building, or structure may be expanded without a hearing before the Zoning Board of Adjustment if the expansion conforms with the yard setback and height requirements of the zoning district in which it is located, or if it conforms with the standards prevailing in the R-10 Residential District, whichever is less. The expansion of non-conforming, residential uses, buildings, or structures which do not meet these criteria shall require the grant of a variance by the Zoning Board of Adjustment.

2. No structural alterations may be made to any non-residential building or structure which is itself non-conforming or which contains a non-conforming use unless:

a. The alteration is ordered by a public official to eliminate a hazardous condition, or

b. The alteration reduces the extent of non-conformity of the building or structure.

C. Abandonment.

1. A non-conforming use of land or of a building shall be presumed to have been abandoned if the active use of the land or building for that purpose changes or is discontinued for a period of one (1) continuous year or more.

2. If abandonment occurs involuntarily, the owner may request that the Planning Board stay the effect of abandonment for an additional period of up to one (1) year.

3. Any non-conforming building or structure which is destroyed by fire, explosion, or other cause shall be deemed to be completely destroyed and to have lost its non-conforming status if seventy-five percent (75%) or more of its bulk is destroyed. In the event that seventy-five percent (75%) of the bulk of all buildings, structures, and other improvements on the lot are destroyed, all buildings, structures, and improvements shall be deemed to have been completely destroyed and to have lost their non-conforming status. In either event, all buildings, structures and improvements which have lost their non-conforming status shall be removed within six (6) months of the date of destruction.

D. Change in use.

1. A non-conforming use shall not be changed to any use other than a conforming use.

2. Any non-conforming use which has been changed to a conforming use shall not be changed back again into a non-conforming use.

E. Certificate of non-conformity.

1. The owner of any non-conforming building, use, structure, or lot may at any time apply to the Zoning Officer for a certificate of non-conformity.

2. The Zoning Officer shall issue a certificate of non-conformity only upon the presentation of satisfactory evidence that the non-conforming building, use, structure, or lot was lawful prior to enactment of this chapter. The burden of proof shall be entirely upon the developer.

3. A reasonable fee may be charged for the certificate of non-conformity.

§ 58. Temporary Construction and/or Sales Trailers.

Temporary construction and/or sales trailers are permitted in all districts. A construction trailer may be at the site for the period of construction beginning with the issuance of a construction permit and concluding before a certificate of occupancy is granted, or one (1) year, whichever is less. A sales trailer may be at the site for the period beginning with the posting of bonds for the project and concluding before a certificate of occupancy is granted (or the last certificate of occupancy in the case of a residential project), or one (1) year, whichever is less. Construction and sales trailers shall be set back from all street and lot lines

at least thirty (30) feet. Any temporary construction or sales signage must comply with the standards as noted in §30

§ 59. Collection of Storage of Recyclable Materials in Multifamily Housing.

A. There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to section 3 of P.L. 1987, c.102 (*N.J.S.A.* 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to section 26 of P.L. 1987, c.102.

B. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

C. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

D. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

F. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

§ 59.1 Seasonal Sales.

A. Any use of property for the sale of merchandise on a seasonal non-permanent basis must adhere to the following requirements:

1. Off-street parking shall be provided as specified in §27 of this Ordinance, except that the quantity of parking spaces shall be provided at one (1) for every two-hundred (200) square feet of sales or display area, or portion thereof.

2. Lighting shall be provided as specified in §29 of this Ordinance.

3. Portable sanitary facilities shall be provided at the rate of one (1) per fifty (50) parking spaces, or portion thereof.

§ 59.2 Temporary Outdoor Display/Sale.

A. Intent.

The intent of this Section is to provide standards for the regulation of seasonal/intermittent outdoor sales on developed sites in areas not regulated or approved in §37.A.1.a.

B. Regulations.

1. Occupants of existing developed commercial sites may have outdoor displays and sale areas for no more than 60 days within a calendar year.

2. Plans must be submitted showing location of said areas, number of parking spaces/aisles used and provisions for redirecting vehicular and pedestrian traffic.

3. The Department of Community Development may approve the temporary use when public safety is not compromised based upon the plan details.

Article VI. Conditional Uses

§ 60. Conditional Uses.

A. Standards for approval. Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this chapter, application shall be made to the Planning Board. The review by the Planning Board of a conditional use shall include any required site plan review pursuant to this chapter. Public notice and a hearing shall be required as stipulated by this chapter.

B. In deciding applications for conditional use, the Planning Board shall consider the following standards in addition to those which may be enumerated in the applicable section of the chapter.

1. The surrounding neighborhood should not be adversely affected by unreasonable impacts generated by the proposed conditional use. In particular, the Board should consider the following impacts:

a. Traffic generated by the proposed use should:

1) Not cause a local residential street to reach a level of service of C or worse, if it is not already at level of service C or worse, as defined by the generally accepted method of the Transportation Research Board.

2) Not cause any other street to reach a level of service of D or worse, if it is not already at level of service D or worse, as defined by the generally accepted method of the Transportation Research Board.

3) Not create a hazardous traffic condition as determined by a professional transportation engineer or planner.

b. Environmental impact.

1) All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-suppression equipment shall be installed and maintained in an operable condition in accordance with the regulations of the fire marshal’s office, construction official and the regulations of applicable local, county, state, and federal agencies.

2) No activity shall be permitted which results in an electrical disturbance adversely affecting the operation of any equipment beyond the building in which the disturbance is created.

3) There shall be no emission at any point from any chimney or otherwise which can cause damage to human health, to animals or

vegetation, or to other forms of property; or which will cause any excessive soiling at any point.

4) There shall be no discharge at any point, into any private or public sewerage system, or into any stream, or into the ground of any materials in such a way, or of such temperature, as to contaminate or otherwise cause the emission of hazardous materials except as regulated by applicable local, state, or federal agencies.

5) No activity or use shall produce a sound pressure level on adjacent property in excess of the level permitted in the following table:

Octave Band Frequency (cycles per second)		Residential District (decibels)	Non-Residential District (decibels)
>	≤		
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	-	32	39

The maximum permitted sound levels for residential districts shall apply between the hours of 7:00 a.m. and 6:00 p.m. and shall be reduced by six (6) decibels in each octave band for any other time of day. For the purposes of this section, decibels shall mean "A" weighted decibels.

6) No activity or operation shall produce at any point along the lot line continuous earthborne vibrations greater than the maximum displacement as permitted in the following table:

Frequency (cycles per second)		Residential District Displacement (in inches)	Non-Residential District Displacement (in inches)
>	≤		
0	10	.0004	.0020
10	20	.0002	.0010
20	30	.0001	.0006
30	40	.0001	.0004
40	50	.0001	.0003
50	-	.0001	.0002

Discrete pulses that do not exceed 100 impulses per minute may not produce more than twice the displacement specified in the table.

7) No activity or use shall produce a strong, dazzling light or reflection of same beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light, or reflection will not be a nuisance to adjoining properties, dwellings, streets, districts, or from adjacent buildings within an industrial park. In no event shall a lighting intensity greater than one twenty-five hundredths (.125) footcandle, measured at grade, be permitted beyond the subject lot lines.

8) No operation shall release materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, that cause or will cause odorous matter or vapor to be generated so as to be readily discernible without instruments from any point along the boundaries of each lot.

9) All fabricating, manufacturing, or assembling activities shall be conducted entirely within enclosed buildings.

2. The Board may consider the effect that the grant of the conditional use would have on the logical extension of public utilities and streets.

§ 61. Conditional Use Regulations for Specific Principal and Accessory Uses.

A. The following regulations are for specific principal and accessory conditional uses as noted below.

1. A church, synagogue, or similar place of religious worship, provided that:

a. The use occurs on a lot of two (2) acres or more in area.

b. Each lot used for this purpose shall have a minimum street frontage and lot width of two hundred (200) feet.

c. No structure shall be provided within seventy-five (75) feet of a public street or property line.

d. The maximum permitted building coverage shall not exceed twenty percent (20%).

e. The maximum permitted impervious coverage shall not exceed fifty percent (50%).

f. The twenty-five (25) feet closest to the property line or the public street shall be bermed and landscaped so as to screen the use from view.

g. The maximum height of any structure shall not exceed thirty-five (35) feet except that a steeple may extend to a height of sixty (60) feet.

h. Off-street parking shall be provided in a side or rear yard, as required by §27.

2. A club, lodge, or similar fraternal organization, provided that:

a. The use occurs on a lot of two (2) acres or more in area.

b. Each lot used for this purpose shall have a minimum street frontage and lot width of two hundred (200) feet.

c. No structure shall be provided within seventy-five (75) feet of a public street or property line.

d. The twenty-five (25) feet closest to the property line or the public street shall be bermed and landscaped so as to screen the use from view.

e. The maximum permitted building coverage shall not exceed twenty percent (20%).

f. The maximum permitted impervious coverage shall not exceed fifty percent (50%).

g. The maximum height of any structure shall not exceed thirty-five (35) feet.

h. Off-street parking shall be provided in a side or rear yard, as required by §27.

3. A cemetery or memorial park, provided that:

a. The use occurs on a lot of ten (10) acres or more in area, except as modified below.

b. Each lot used for this purpose shall have a minimum street frontage and lot width of two hundred (200) feet.

c. No structure shall be provided within seventy-five (75) feet of a public street or property line, provided however that graves and headstones not exceeding five (5) feet in height may be placed not less than fifty (50) feet from a public street or property line.

d. The twenty-five (25) feet closest to the property line or the public street shall be bermed and landscaped so as to screen the use from view.

e. The maximum permitted building coverage shall not exceed twenty percent (20%).

f. The maximum permitted impervious coverage shall not exceed fifty percent (50%).

g. The maximum height of any structure shall not exceed twenty-five (25) feet.

h. Off-street parking shall be provided as required by §27.

i. Crematories shall only be permitted on tracts of twenty-five (25) acres or more and shall be designed so that chimneys are not located within five hundred (500) feet of any street or property line.

4. A continuing care facility, provided that:

a. The continuing care facility must be provided on a tract of land at least fifty (50) acres in area.

b. Each lot used for this purpose shall have a minimum street frontage and lot width of three hundred (300) feet.

c. The continuing care facility must contain at least fifty percent (50%) single family detached or zero-lot line dwellings. The remaining dwellings may be of any other type otherwise permitted in this chapter.

d. The overall density of the continuing care facility may not exceed four (4) dwelling units per acre.

e. The bulk standards of the underlying zoning district shall not apply to this use. Instead, the following standards shall be adhered to:

1) No structure shall be provided within seventy-five (75) feet of a property line or a public street.

2) The twenty-five (25) feet closest to the property line or the public street shall be bermed and landscaped so as to screen the use from view.

3) No principal structure shall be located within thirty-five (35) feet of another principal structure except that zero-lot line homes may be located within twenty-five (25) feet of each other.

4) The maximum permitted building coverage shall not exceed twenty percent (20%).

5) The maximum permitted impervious coverage shall not exceed thirty-five percent (35%).

6) The maximum height of any structure shall be forty-five (45) feet.

f. Nursing beds shall be provided onsite and must be licensed by the State of New Jersey. They must be available within three (3) months of the initial occupancy of the continuing care facility and must be reserved for the exclusive use of the residents of the facility no later than five (5) years after the initial occupancy of the development. No more than one (1) nursing bed shall be provided for every five (5) residents, calculated at the rate of one and one-quarter (1.25) residents per dwelling unit.

g. Every conditional use granted for a continuing care facility shall contain a restriction that the land be deed restricted for that use. In the event that the continuing care use shall cease to exist at some point in the future, the land must be used for another use permitted in the underlying zoning district. The reuse of a continuing care facility for non age-restricted multi-family housing is specifically prohibited.

5. Community residences for the developmentally disabled and community shelters for victims of domestic violence serving more than six (6) persons and not more than fifteen (15) persons, pursuant to *N.J.S.A.* 40:55D-66.2., provided that:

a. There are no other similar community residences or shelters within one thousand five hundred (1,500) feet of the proposed community residence or shelter.

b. It can be shown that the total number of persons other than staff who are or will be living in community residences or shelters within Deptford Township (including the community residence or shelter under consideration), will not exceed one-half of one percent (0.5%) of the Township's total population.

c. There is sufficient off-street parking as required by §27.

d. It can be shown that the site location, existing development pattern of the area, traffic circulation and pedestrian mobility and safety are suitable for the establishment of a community residence or shelter.

e. Details are submitted concerning all life safety and emergency facilities and equipment to be provided within the building.

f. A community residence or shelter shall have twenty-four (24) hour onsite supervision and security.

6. Day care center, provided that:

   a. The use shall occur on a tract with a minimum area of one (1) acre.

   b. Each lot used for this purpose shall have a minimum street frontage and lot width of one hundred fifty (150) feet.

   c. No structure shall be provided within fifty (50) feet of a public street or property line.

   d. The maximum permitted building coverage shall not exceed twenty percent (20%).

   e. The maximum permitted impervious coverage shall not exceed fifty percent (50%).

   f. The twenty-five (25) feet closest to the property line or the public street shall be bermed and landscaped so as to screen the use from view.

   g. The maximum height of any structure shall not exceed thirty-five (35) feet.

   h. A minimum interior area of forty (40) square feet per person must be provided for the day care use on the first floor, exclusive of hallways, closets, bathrooms, kitchens, and related areas.

   i. A minimum outdoor play or recreation area of one hundred (100) square feet per person must be provided within a fenced area located within the rear or side yard area.

   j. The use must be licensed by appropriate state and local officials.

   k. Care may not be provided for more than eighteen (18) hours within any one (1) day.

   l. Off-street parking shall be provided as required by §27.

7. Commercial Recreational Uses in the Residential Districts, provided that:

   a. The use occurs on a minimum lot area of five (5) acres or less.

   b. No noise generating outdoor uses, other than that associated accessory uses such as off-street parking, shall be located within three hundred (300) feet of any adjacent street or property line. A noise-generating use shall be defined as one which produces measurable noise in residential districts which exceeds the standards contained in Section 60.A.1.b. and which may be produced either by the principal activity or by spectators.

c. The use shall be one which provides a recreational service to the general public or to its membership. The retail sales if goods shall not be permitted as a principal activity, but may be permitted when purely incidental and accessory to the permitted principal use.

d. The following commercial recreational uses are specifically excluded from this definition and are prohibited in residential zoning districts:

1) Amusement parks, zoos and wildlife parks.

2) Race tracks, go-cart tracks, and similar uses.

3) Theaters and night clubs not accessory to a permitted principle use.

4) Any use which is statutorily prohibited for individuals under the age of eighteen (18), provided, however that the sale or consumption of alcohol and tobacco products may be permitted when purely incidental and accessory to any permitted principal use.

e. There shall be no outdoor storage or display of materials, products or equipment.

f. One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

8. Family day care home, provided that:

a. The use must be licensed by appropriate state and local officials and registered with the Township.

b. Not more than five (5) children may be cared for at one time.

c. The use shall comply with all other requirements for home occupations.

9. Satellite dish or microwave antennas, provided that:

a. The dish or antenna must be placed in a rear yard area. Rooftop installation is specifically prohibited.

b. The dish or antenna must be screened by landscaping to a height of no less than four (4) feet along all sides except that a clear passage may be maintained for the minimum width necessary to achieve line-of-sight contact with the satellites to be served.

c. No more than one (1) such dish or antenna shall be permitted per lot.

10. Heliports, provided that:

    a. The heliport is not a principal use.

    b. The heliport is designed and operated in full compliance with all rules and regulations of applicable state and federal agencies.

    c. The heliport shall not be located within one thousand (1,000) feet of the boundary line of any residential zoning district or residential dwelling.

11. Self-service storage facilities, provided that the following conditions are met:

    a. Off-street parking shall be provided at the office at the rate of two (2) spaces per one hundred (100) storage units plus two (2) spaces for the manager's apartment.

    b. One (1) ten (10) foot wide parking/loading lane shall be provided adjacent to each bay of storage buildings, exclusive of required aisle widths.

    c. The minimum aisle width, exclusive of parking/travel lanes, shall be fifteen (15) feet for one-way traffic flow and twenty-four (24) feet for two-way traffic flow.

    d. Self-service storage facilities shall not exceed one (1) story in height.

    e. Self-service storage facilities shall be designed so that the exterior of the development is composed of solid masonry walls, unbroken by garage doors, or by a decorative fence. Chain link fences are specifically prohibited. No portion of the facility shall be unprotected by either a solid wall or fence.

    f. Each facility will be heavily landscaped to lessen the impact of the severe exterior wall or fence.

    g. One (1) resident manager's apartment shall be required for onsite supervision.

    h. The facility shall agree to include in each storage unit lease a prohibition on the storage of toxic, explosive, hazardous, or illegal materials.

12. Whenever the reviewing board is petitioned to approve siting of any antennas, antenna support structures, or alternative antenna support structures, or to consider any variance from the requirements of this Ordinance, the following shall be considered:

    a. Siting of any antenna, antenna array, equipment enclosure, or the use of any alternative antenna support structure shall be prohibited in all residential districts.

b. Siting of any antenna, antenna array, equipment enclosure, or the use of any alternative antenna support structure shall be a conditional use in any nonresidential district. The following criteria shall be considered during review:

1) The existence of other antenna support structures and alternative antenna support structures that can accommodate the needs of a wireless communications service provider.

2) The height of any proposed antenna support structure.

3) The proximity of any proposed antenna support structure to residential structures and residential use district boundaries.

4) The nature of uses on adjacent property.

5) The surrounding topography.

6) The existing or proposed tree coverage and foliage.

7) The design of the proposed antenna support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

8) Proposed ingress and egress.

9) The availability of suitable existing antenna support structures for use as co-locations.

c. In granting any approval, the Board may require the applicant to comply with any reasonable conditions that it deems necessary or desirable, in its sole judgment, to minimize the impact or effect of any antenna, antenna array, equipment enclosure, or the use of any alternative antenna support structure, on the area in which it is sought to be installed, constructed or erected, or used, by requiring fencing, painting, coloring, blending, disguising, camouflaging, relocating facilities on a site, or other measures that the Board deems appropriate, including special construction and design.

d. An administrative approval may be granted for the addition of new antennas and associated equipment upon an existing telecommunication tower or site.

13. Medical Cannabis Dispensary and Cannabis Retail Store, provided that: [Ord. O.18.20, 12/7/20 and Ord. O.4.22, 3/14/22]

a. The requirements of this Ordinance are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes

and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Ordinance is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern.

b. Prior to the operation of any Medical Cannabis Dispensary and Cannabis Retail Store in Deptford, a license for such use must be obtained from the State of New Jersey and from the Township of Deptford.

c. Site plan approval must be obtained from the Township of Deptford Planning Board, or Board of Adjustment as the case may be, and a Certificate of Zoning Compliance must be issued by the Zoning Officer. To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval for a Medical Cannabis Dispensary and Cannabis Retail Store shall expire after the period of vested rights as set forth in the Municipal Land Use Law (*N.J.S.A.* 40:55D, *et seq*.) unless extended by approval of the board of jurisdiction. The Certificate of Zoning Compliance issued by the Zoning Officer shall expire 6 months after the date of issuance if an application for licensure has not been submitted to the Township's licensing authority.

d. A Medical Cannabis Dispensary and Cannabis Retail Store established pursuant to this Section shall, at all times, operate in complete compliance with the terms and conditions of its license(s) issued by the State of New Jersey and the Township of Deptford.

e. No Medical Cannabis Dispensary and Cannabis Retail Store shall be allowed as a Home Occupation as defined in Article II, §6 and §8.B.2.a.11.

f. No Medical Cannabis Dispensary and Cannabis Retail Store shall be housed in a vehicle or any movable or mobile structure.

g. Performance Standards. Deviations from these standards shall be considered exceptions under *N.J.S.A.* 40:55D-51.

1) General. Standards and guidelines set forth in this section shall supersede other requirements of the zone district in which the dispensary or retail store is to be located to the extent they are inconsistent with the requirements for Medical Cannabis Dispensaries and Cannabis Retail Stores set forth herein. Where bulk regulations, parking requirements, or other provisions of the Unified Development Ordinance are not specifically stated, the underlying Zoning standards and guidelines shall prevail.

2) Odor. A Medical Cannabis Dispensary and Cannabis Retail Store shall have equipment to mitigate cannabis-related odor. The

building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor. The ventilation system must be approved by the Deptford Township Construction Department and may be subject to periodic inspection.

3) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

4) Security. All facilities associated with dispensing cannabis shall be secured and shall have fulltime security protocols. Security protocols shall be submitted to the Township Manager for compliance review with all safety and security standards established by the State of New Jersey for Medical Cannabis Dispensaries and Cannabis Retail Stores. The Deptford Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

h. Suspension of use. If a duly licensed Medical Cannabis Dispensary and Cannabis Retail Store has been inactive or unoccupied by the licensee for 6 months or more, the use approval for said premises shall be suspended. The Zoning Officer shall issue a notice of suspension to the licensee and to the owner of the property. Any subsequent application for use or occupancy of the premises as a Medical Cannabis Dispensary and Cannabis Retail Store, including re-occupation by the previous licensee, shall be referred to the original board of jurisdiction for modification or extension of the board's approval.

i. Permitted Zone District. Medical Cannabis Dispensaries are only permitted in the BC-2 Zoning District. Medical Cannabis Dispensaries and Cannabis Retail Stores are not permitted in residential zoning districts.

j. Location.

1) One Medical Cannabis Dispensary and Cannabis Retail Store shall be allowed per zone district where the use is permitted, except two Cannabis Retail Stores shall be permitted in the TC-1 Transitional Commerical District under the requirements of §15.C.1. [Ord. O.11.24, May 18, 2026]

2) For safety and security reasons, a Medical Cannabis Dispensary and Cannabis Retail Store shall only be located on the ground floor (i.e. street-level) of any building in which it has been approved to be

located. Any such Medical Cannabis Dispensary and Cannabis Retail Store shall be accessible directly from the right-of-way through a separate entrance, independent from any other retail or residential ingress to the building. Only a secured, one-way emergency exit from the establishment may be integrated with common egress.

3) The Medical Cannabis Dispensary and Cannabis Retail Store shall comply with all setback or distance requirements established by law and in effect in the zone in which it is to be located as of the time of the licensee's application.

k. Hours of operation. It shall be unlawful for any person to dispense cannabis or cannabis products at a licensed Medical Cannabis Dispensary and Cannabis Retail Store within the Township of Deptford at any time other than between the hours of 8:00 a.m. and 10:00 p.m. daily.

§ 62. [Reserved – Ord. No. O.4.06, 4/3/06]

Article VII. Soil Erosion and Sediment Control

§ 63. Soil Erosion and Sediment Control Plan Required; Exceptions.

A. No site plan shall be approved, no street shall be constructed, no changes shall be made in the contour of the land and no grading, excavating or removal or destruction of topsoil, trees or other vegetative cover of the land shall be commenced by any developer until such time that a plan for soil erosion and sediment control has been processed and approved by the Township Planning Board or there has been a determination by the Planning Board that such plans are not necessary. Soil erosion and sediment control plans are not required in the following instances:

1. Disturbances of five thousand (5,000) square feet or less of the surface area of the land,

2. Construction of structures for which a building permit would not be required under the Standard Building Code of the State of New Jersey,

3. Single-family dwellings which are not part of a subdivision, and

4. Agricultural use of land when operated in accordance with a conservation plan approved by the local Soil Conservation District, or when it is determined by the local Soil Conservation District that such agricultural pursuits will not cause excessive erosion and sedimentation.

B. No subdivision, site plan or land development plan shall be approved unless:

1. There has been a plan approved by the Planning Board that provides for soil erosion and sediment control consistent with this section and an improvement bond (or other acceptable security) has been deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements in accordance with Township specifications, or

2. There has been a determination by the Township Planning Board that a soil erosion and sediment control plan is not necessary.

§ 64. Minimum Standards and Specifications.

Soil erosion and sedimentation control measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications for soil erosion and sediment control as adopted for use by the Gloucester County Soil Conservation District. The Township Engineer shall ensure compliance with the appropriate specifications, copies of which are on file at the Municipal Building of Deptford Township and are available from the Soil Conservation District.

§ 65. Procedures.

A. Procedures for applications for soil erosion and sedimentation control permits.

1. As part of the site plan and/or subdivision review process, or for any land development plan, or for any other activity requiring a soil erosion and sedimentation control permit, a plan shall be submitted which clearly shows on a suitable map the location of the proposed action, the total area of the development, the total amount of earthwork in cubic yards, existing topography, the location of flood plains, wetlands, and any other information required by the Planning Board. The plan shall be prepared by a licensed professional engineer, land surveyor, architect, professional planner, or landscape architect and shall conform to the submission requirements noted below.

B. Plan review and action.

1. Where a soil erosion and sediment control plan is required, the applicant shall submit such plan to the Administrative Officer in accordance with the provisions of this chapter. If the plan is submitted concurrent with and as part of a site plan or subdivision approval, the Planning Board shall either approve or disapprove of said plan within the same time period as permitted the concurrent development application by the Municipal Land Use Law. Any extension of this time period agreed to in writing by the applicant for the development application shall include the same time period extension of the soil erosion and sediment control plan. If the plan is not submitted concurrent with and as part of a site plan or subdivision approval, the Planning Board shall either approve or disapprove of said plan within sixty (60) days of receipt by the Administrative Officer of said plan unless, by written mutual agreement between the Planning Board and the applicant, the said sixty-day period is extended for an additional period up to thirty (30) days. Approval by the Planning Board shall constitute authorization for issuance of a soil erosion and sediment control permit. The failure of the Planning Board to either approve or disapprove said plan within the time as provided for above shall constitute approval of said plan by the Planning Board. For purposes of this section, a major revision of the plan by the applicant shall constitute a new submission.

2. The Administrative Officer shall provide the applicant with written notice of such approval or disapproval, a copy of which decision, stating the name of the applicant, the location of the site [designated both by street address and by lot and block number(s)] and the proposed use of the land, shall be sent to the Gloucester County Soil Conservation District along with other information as requested by the said District.

C. Performance guarantee required. Prior to the issuance of a building permit, the developer shall have filed with the Township a performance guarantee computed by the Township Engineer at one hundred twenty percent (120%) of the construction cost to insure the installation of such uncompleted soil erosion and sediment control measures on or before

an agreed date. Construction costs should be based on prices obtained for government contracts. Such performance guarantee may be in the form of a performance bond which shall be issued by a bonding or surety company approved by the Township Solicitor; a certified check, returnable to the developer after full compliance; or any other type of surety approved by the Township Solicitor. The performance guarantee shall be approved by the Township Solicitor as to form, sufficiency and execution. Such performance guaranty shall run for a period to be fixed by the Planning Board.

D. Inspection and approval of soil erosion and sediment control measures.

1. Prior to and during construction, all soil erosion and sediment control measures shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least forty-eight (48) hours prior to the start of construction.

2. When all of the necessary and appropriate soil erosion and sediment control measures have been completed, the developer shall notify the Planning Board in writing, by certified or registered mail, of the completion of the aforesaid soil erosion and sediment control measures and shall send a copy thereof to the Township Engineer. The Planning Board shall then direct and authorize the Township Engineer to inspect all of the aforesaid soil erosion and sediment control measures. The Engineer shall, thereupon, file a written report to the Planning Board. Said report shall be detailed and shall indicate either approval, partial approval or rejection. If said soil erosion and sediment control measures, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection. Where said report indicates partial approval of said soil erosion and sediment control measures, it shall indicate the cost of the soil erosion and sediment control measures for which approval is rejected or withheld. Where partial approval is granted, the developer may be released from all liability pursuant to its performance guarantee bond, except for that portion adequately sufficient to secure the soil erosion and sediment control measures not yet approved.

3. No approval for occupancy of any building shall be granted unless all needed soil erosion control measures have been completed or substantially provided for in accordance with this chapter. The developer shall bear the final responsibility for the installation and construction of all required soil erosion and sediment control measures according to the provisions of this chapter.

4. The developer shall immediately prior to the release of the performance guarantee, unless relief is granted by the Planning Board, post with the Township a maintenance guarantee for a period not to exceed two (2) years in an amount not to exceed fifteen percent (15%) of the cost of the improvement or of the permanent installation.

5. Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense. All such work shall be done immediately.

6. Maintenance of all drainage facilities and watercourses within the development is the responsibility of the developer until the final facilities are accepted by the Township or such other entity as approved by the Township Council.

7. It is the responsibility of the developer doing any action on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way during the pendency of the activity, to return it to its original or equivalent condition after such activity is completed.

8. Maintenance of drainage facilities or watercourses, including public drainageways originating and completely on private property, is the responsibility of the landowner to their point of open discharge at the property line or at a communal watercourse within the property.

§ 66. Soil Erosion and Sediment Control Plan Contents and Requirements.

A. General plan contents.

At a minimum, the soil erosion and sediment control plan shall contain:

1. Plans and specifications of soil erosion and sediment control measures in accordance with the New Jersey Soil Erosion and Sediment Control Act.

2. A time schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures. A sequence of construction is to be included on the plan showing major items of construction and the installation of various sediment control devices.

3. The County Soil Conservation District requires the Township to obtain from the applicant the following for transmittal to the County District:

   a. A database summary sheet for any basins to be installed.

   b. For sites over 5 acres and for mining operations, a Request for General Permit Authorization for Stormwater Discharge shall be completed and submitted by the applicant with a $200.00 check made out to the "Treasurer, State of New Jersey" prior to the release of final plans by the Township.

   c. Copies of any HEC II studies (diskettes) should be submitted, if applicable.

B. General design principles.

1. The following principles are effective in minimizing soil erosion and sedimentation and shall be included, where applicable, in the soil erosion and sediment control plan:

2. Stripping of vegetation, regarding or other development shall be done in such a way that it will minimize soil erosion.

3. Whenever feasible, natural vegetation shall be retained, protected and supplemented.

4. The disturbed area and the duration of exposure shall be kept to a practical minimum.

5. Temporary seeding and/or mulching shall be used to protect exposed critical areas during development.

6. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.

7. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other methods acceptable to the Township Engineer.

8. Diversions and sediment basins shall be constructed prior to any on-site grading or disturbance of existing surface material.

9. Banks and beds of temporary and permanent watercourses shall be stabilized.

C. Grading and drainage practices.

In order to provide more suitable sites for building and other physical features, improve surface drainage and control erosion, the following requirements shall be met:

1. The yards of every structure shall be graded to secure proper drainage away from buildings and disposed of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Planning Board. Minimum five percent (5%) slopes for ten (10) feet away from structures shall be required.

2. All drainage provisions shall be of such design as to collect on-site runoff and carry surface waters to the nearest practical street, storm drain or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, the swales shall be sodded and shall be of such slope, shape and size as conform with specifications of the Township.

3. Concentration of diffused natural water flow shall only be permitted in swales or watercourses.

4. Excavations and fills.

   a. No excavation shall be made with a cut face steeper in slope than one and one-half (1.5) horizontal to one (1.0) vertical [sixty-six percent (66%)], except as approved by the Township Engineer when handled under special conditions.

   b. No fill shall be placed which creates any exposed surface steeper in slope than two (2.0) horizontal to one (1.0) vertical [fifty percent (50%)], except as approved by the Township Engineer when handled under special conditions.

   c. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

   d. Retaining walls or cribbing shall be required where needed to prevent the surface of excavations or fills from exceeding at any point the maximum allowable slope.

   e. Excavations shall not be made so close to property lines as to endanger adjoining property without supporting and protecting the face of the excavation.

   f. No fill shall be made so as to cause settlement, sliding or erosion of the soil.

   g. No fill shall be made or placed adjacent to the bank of a channel so as to create bank failure or sliding.

   h. Slopes steeper than three (3.0) feet horizontal to one (1.0) foot vertical will need to be stabilized by means other than topsoil and seeding. Other requirements will govern basins and stormwater channels.

D. Design standards.

Standards and specifications for measures used in the soil erosion and sediment control plan shall be in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, adopted by the Gloucester County Soil Conservation District or by future standards and specifications adopted by the Soil Conservation District. Copies shall be on file at the office of the Gloucester County Soil Conservation District and the Municipal Building of Deptford Township.

Article VIII. Planning Board and Zoning Board of Adjustment

§ 67. Establishment and Composition of the Planning Board

A. Establishment.

A Planning Board is hereby created for the purposes set forth in this chapter and for such other duties as may from time to time be assigned to it by the Township Council. The Planning Board shall consist of nine (9) members and two (2) alternates, who shall be designated "Alternate No. 1" and "Alternate No. 2." All members of the Planning Board, except for the Class II members set forth below, shall be municipal residents.

B. Membership.

1. Members shall be appointed according to the following classes:

   a. Class I - The Mayor or the Mayor's designee in the absence of the Mayor.

   b. Class II - One (1) of the officials of the Township other than a member of the Township Council, to be appointed by the Mayor. However, if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by *N.J.S.A.* 40:56A-1 shall be deemed to be the Class II Planning Board member for purposes of this chapter in the event that there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.

   c. Class III - A member of the Township Council to be appointed by it.

   d. Class IV - Other citizens of the Township, to be appointed by the Mayor. Members of Class IV shall hold no other municipal office, position or employment except that one (1) member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission, if established pursuant to *N.J.S.A.* 40:55D-1 and one (1) member may be a member of the Board of Education. If there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by *N.J.S.A.* 40:56A-1 shall be a Class IV member unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and Environmental Commission shall be deemed a Class II member of the Planning Board. For the purposes of this section, membership on a Township board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of a Township office.

2. Terms of members.

Members and alternates of the Planning Board existent under the prior zoning ordinance shall retain their membership and their terms shall continue until their term would have expired under the prior ordinance. New appointments to the Planning Board shall be for a term as specified by *N.J.S.A.* 40:55D- 23 and 23.1, except in the case of a vacancy created by the resignation or removal of a member or alternate, in which case the appointment shall be for the duration of the unexpired term.

3. Members and alternates shall not participate in any hearing in which they have, either directly or indirectly, any personal or financial interest.

4. Any member or alternate other than the Mayor, after a public hearing if he or she requests it, may be removed by the Township Council for cause.

5. Alternate members.

   a. The governing body may, by ordinance, provide for the appointment to the Planning Board of not more than two alternate members, who shall be municipal residents. Alternate members shall be appointed by the appointing authority for Class IV members, and shall meet the qualifications of Class IV members of nine member planning boards. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

   b. No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

   c. Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the Planning Board established by ordinance of the governing body pursuant to Section 14 of P.L.1975, c.291 (C.40:55D-23). A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

6. Substitute members.

If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited from acting on a matter due to the member's personal or financial interests therein, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board. Members of the Zoning Board of Adjustment shall be chosen in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter. If a choice has to be made between regular members of equal seniority, the Chairperson of the Board of Adjustment shall make the choice.

§ 68. Powers of the Planning Board.

A. The Planning Board shall have to power to:

1. Prepare, maintain, adopt and administer the master plan.

2. Prepare, maintain, and administer the subdivision, site plan, and zoning ordinances within this chapter and hear and decide applications made pursuant thereto.

3. Prepare, maintain, and administer the official map.

4. Prepare a capital improvements program.

5. Review proposed amendments to the subdivision, site plan, and zoning ordinances within this chapter and the official map, and make recommendations regarding the same to the Township Council.

6. Hear and decide applications for conditional uses.

7. Hear and decide applications for variances and certain building permits when in conjunction with applications for subdivision, site plan and conditional use approval pursuant to Article 8 of *N.J.S.A.* 40:55D-1 *et seq* .

B. The Planning Board may:

1. Participate in the exercise and review of programs or plans required by State or Federal law or regulation.

2. Assemble data on a continuing basis as part of a continuous planning process.

3. Perform such other advisory duties as may be requested of it by the Township Council.

§ 69. Organization and Advisory Bodies of the Planning Board.

A. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV, select a Secretary who may or may not be a member or alternate member of the

Planning Board or a municipal employee, and create and fill such other offices as established by ordinance. An alternate member shall not serve as Chairman or Vice Chairman of the Planning Board. It may employ, or contract for, and fix the compensation of legal counsel, other than the municipal attorney, and experts, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The governing body shall make provision in its budget and appropriate funds for the expenses of the Planning Board.

B. Advisory bodies.

1. A citizens' advisory committee may be appointed by the Mayor, and shall serve at the pleasure of the Mayor, to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board.

2. The Planning Board shall make available to the Environmental Commission an informational copy of every application submitted for development, although failure on the part of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or procedure.

§ 70. Establishment and Composition of the Zoning Board of Adjustment.

A. Establishment.

A Zoning Board of Adjustment is hereby established for the purpose of interpreting the zoning provisions of this chapter, hearing applications for appeals and variances from them, and such other duties as may from time to time be assigned to it by the Township Council.

B. Membership.

1. The Township Council shall appoint seven (7) members of the Zoning Board of Adjustment and may appoint two (2) alternates, who shall be designated "Alternate No. 1" and "Alternate No. 2." All regular members and any alternative members shall be municipal residents.

a. Members and alternates of the Zoning Board of Adjustment existent under the prior zoning ordinance shall retain their membership and their terms shall continue until their term would have expired under the prior ordinance.

b. New appointments to the Zoning Board of Adjustment shall be for a term of four (4) years for members and two (2) years for alternates; except in the case of a vacancy created by the resignation or removal of a member

or alternate, the appointment shall be for the duration of the unexpired term.

c. No member of the Zoning Board of Adjustment may hold any elective office or position within the Township.

2. Members and alternates shall not participate in any hearing in which they have, either directly or indirectly, any personal or financial interest.

3. Any member or alternate may, after public hearing if he or she requests it, be removed by the Township Council for cause.

4. The Zoning Board of Adjustment shall elect a chairman and vice-chairman from its regular members.

5. The Zoning Board of Adjustment shall select a secretary who may or may not be a member or a municipal employee.

6. Alternate members.

a. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member.

b. A vote shall not be delayed to permit the voting of an absent regular member.

c. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

7. Substitute members.

If the Zoning Board of Adjustment lacks a quorum because any of its regular or alternate members is prohibited from acting on a matter due to the member's personal or financial interests therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board of Adjustment. The Class IV members of the Planning Board shall be chosen in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter. If a choice has to be made between Class IV members of equal seniority, the Chairperson of the Planning Board shall make the choice.

§ 71. Powers of the Zoning Board of Adjustment.

A. The Zoning Board of Adjustment shall have the power to:

1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning provisions of this chapter.

2. Hear and decide requests for interpretation of the zoning map, zoning provisions of this chapter, official map, or for decisions upon other special questions upon which the Board is authorized to pass.

3. Hear and decide variance requests pertaining to:

   a. "c" variances.

      1) Where (a). by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b). by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c). by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or structures lawfully existing thereon, the strict application of any regulation of the zoning provisions of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

      2) Where in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning provisions of this chapter and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from the zoning provisions of this chapter; provided; however, that no variance from those departures enumerated in subsection 3.b. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has power to review a request for a variance.

   b. "d" variances.

      In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this chapter to permit:

      1) A use or principal structure in a district restricted against such use or principal structure.

      2) An expansion of a non-conforming use.

3) Deviation from a specification or standard pertaining solely to a conditional use.

4) An increase in the permitted floor area ratio.

5) An increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision.

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

Variances granted under this subsection shall be granted only by affirmative vote of at least five (5) members. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning provisions of this chapter.

If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection d. of this Section, the decision on the requested variance or variances shall be rendered under subsection 71.A.3.a.

No variance or other relief may be granted under the terms of this Section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. In respect to any airport safety zones delineated under the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 *et seq* .), no variance or other relief may be granted under the terms of this Section, permitting the creation or establishment of a nonconforming use which would be prohibited under standards promulgated pursuant to that act, except upon issuance of a permit by the Commissioner of Transportation. An application under this Section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

4. Exercise such other powers which are authorized by *N.J.S.A.* 40:55D-76.

B. If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection 3.b. of this Section, the decision on the requested variance or variances shall be rendered under subsection 3.a. of this Section.

C. No variance or other relief may be granted under the terms of this Section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. In respect to any airport safety zones delineated under the "Air Safety and Zoning Act of 1983," P.L.1983, c.60 (C.6:1 80 *et seq* .), no variance or other relief may be granted under the terms of this Section, permitting the creation or establishment of a nonconforming use which would be prohibited under standards promulgated pursuant to that act, except upon issuance of a permit by the standards promulgated pursuant to that act, except upon issuance of a permit by the Commissioner of Transportation. An application under this Section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

§ 72. Annual Report, Expenses and Costs of the Zoning Board of Adjustment.

A. Annual report.

1. The Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on the zoning provisions of this chapter which were the subject of variance requests.

2. The report shall contain recommendations of the Zoning Board of Adjustment relative to amendments or revisions to the zoning provisions of this chapter, if any.

3. The report shall be sent to both the Township Council and the Planning Board.

B. Expenses and costs.

1. The Township Council shall make provision in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.

2. The Zoning Board of Adjustment may employ, or contract for, and fix the compensation of legal counsel, other than the Township Solicitor, and experts and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Township Council for its use.

3. The Township Council may establish in the Salary Ordinance a manner of compensation and reimbursement of expenses for members of the Zoning Board of Adjustment.

§ 73. Appeals and Applications to the Zoning Board of Adjustment.

A. Appeals and applications.

1. Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of the Administrative Officer of the Township based on or made in the enforcement of the zoning provisions of this chapter or the official map.

2. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the Administrative Officer, specifying the grounds of such appeal.

3. The Administrative Officer shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

4. A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.

B. Time for decision.

1. The Zoning Board of Adjustment shall render a decision not later than one hundred twenty (120) days after the date:

   a. An appeal is taken from the decision of the Administrative Officer, or

   b. The submission of a complete application for development to the Zoning Board of Adjustment.

2. Failure of the Zoning Board of Adjustment to render a decision within the prescribed time period or within such further time as may be consented to by the developer, shall constitute a decision favorable to the developer. If an applicant elects to submit separate consecutive applications for "d" variance approval and site plan, subdivision or conditional use approval, the one hundred twenty (120) day time period for action shall apply to the application for approval of the "d" variance, and the time period for granting or denying any subsequent approval shall be as otherwise provided in this chapter.

3. If, in the case of an appeal made pursuant to Subsection a. of Section 57 of P.L.1975, c.291 (C.40:55D 70), the Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the Administrative Officer pursuant to a report submitted by the Historic Preservation Commission or Planning Board in accordance with Section 25 of P.L. 1985, c.216 (C.40:55D 111), the Board of Adjustment shall include the reasons for its determination in the findings of its decision thereon.

C. Modification of appeal.

The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the Administrative Officer from whom the appeal is taken.

D. Stay of proceedings by appeal; exception.

1. An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the Administrative Officer certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

2. In such case, proceedings shall not be stayed other than by order of the Superior Court upon notice to the Administrative Officer and on due cause shown.

§ 74. Meetings of Both Boards.

A. Regular meetings of both the Planning Board and the Zoning Board of Adjustment shall be fixed for the entire calendar year and set for a certain time and place. Regular meetings shall be scheduled no less than once a month and shall be held as scheduled unless cancelled for lack of applications for development to process.

B. Special meetings may be held at the call of the Chairman or on the request of any two (2) Board members, and which shall be held on notice to its members and the public in accordance with all legal requirements.

C. No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the Board.

D. All actions shall be taken by a majority vote of the members of the Board at the meeting except as otherwise required by *N.J.S.A.* 40:55D-1 *et seq* . A member of the Board who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on a matter upon which the hearing was conducted provided, however, that such Board member certifies in writing to the Board that he or she has read a transcript or listened to a recording of all of the hearing from which he or she was absent.

E. All regular and special meetings shall be open to the public and notice of all such meetings shall be given in accordance with State requirements.

F. Minutes of every regular and special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Administrative Officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings

concerning the subject matter of such minutes. Such interested party shall be charged a reasonable fee for the reproduction of the minutes, as indicated in §95. of this chapter.

§ 75. Public Hearings of Both Boards.

A. The Planning Board or the Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each Board shall make rules governing such hearings.

B. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Administrative Officer. The developer may produce other documents, records, or testimony at the hearing to substantiate, clarify, or supplement the previously filed maps and documents.

C. The officer presiding at the hearing or such person as he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipality Investigations Law (C. 2A:67A-1 *et seq* .) shall apply.

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

E. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made either by stenographic, mechanical or electrical means. The Township shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense, provided that the charge for a transcript shall not exceed the maximum amount permitted in *N.J.S.A.* 2A:11-15 and as indicated in §95. of this chapter. Each transcript shall be certified in writing by the transcriber to be accurate.

F. If an applicant desires a certified court reporter, the costs of taking testimony and transcribing it and providing a copy of the transcript to the Township or court shall be at the expense of the applicant, who shall also arrange for the attendance by the reporter. All costs for transcription of the record before the applicable Board shall be the entire and sole obligation of the applicant or appellant, whichever requests the transcript. The obligation to obtain and pay for such transcript shall be solely that of the applicant or appellant who requests the transcript.

§ 76. Public Notice of a Hearing of Either Board.

A. Public notice of a hearing shall be given by the developer for the following applications for development:

1. Any request for a variance.

2. Any request for conditional use approval.

3. Any request for issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street.

4. Any request for minor or major site plan and/or subdivision approval involving one (1) or more of the aforesaid elements.

5. Any request for preliminary approval of a major subdivision.

6. Any request for approval of a general development plan

7. Any extension of approvals for five or more years under Subsection d. of Section 37 of P.L.1975, c.291 (C.40:55D-49) and Subsection b. of Section 40 of P.L.1975, c. 291 (C.40:55D-52); for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice, and for any other applications for development, with the following exceptions: (1) conventional site plan review pursuant to Section 34 of P.L.1975, c.291 (C.40:55D-46), (2) minor subdivisions pursuant to Section 35 of P.L.1975, c.291 (C.40:55D-47) or (3) final approval pursuant to Section 38 of P.L.1975, c.291 (C.40:55D-50); notwithstanding the foregoing, the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance, for appeals of determinations of administrative officers pursuant to Subsection a. of Section 57 of P.L.1975, c.291 (C.40:55D-70), and for requests for interpretation pursuant to Subsection b. of Section 57 of P.L.1975, c.291(C. 40:55D-70). Public notice shall also be given in the event that relief is requested pursuant to Section 47 or 63 of P.L.1975, c.291 (C.40:55D-60 or C.40:55D-76) as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

B. The Administrative Officer shall notify the developer at least two (2) weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the developer at least ten (10) days prior to the date of the hearing in the following manner:

1. By publication in the official newspaper of the Township, if there is one, or in a newspaper of general circulation in the Township.

2. By notice to all owners of real property located in the State and within two hundred (200) feet in all directions of the property which is the subject of the hearing, as such owners are shown in the current tax duplicate, provided that this requirement shall be deemed satisfied by notice to the (a.) condominium

association, in the case of any unit owner whose unit has a unit above or below it, or (b.) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy on the property owner, as shown on the current tax duplicate, or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. It is not required that a return receipt is obtained as notice is deemed complete upon mailing.

3. Notice to a partnership owner may be made by service to any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowner's association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the public hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

4. To the clerk of any adjoining municipality or municipalities when the application for development involves property located within two hundred (200) feet of said municipality or municipalities. Notice shall be given by personal service or certified mail.

5. To the Gloucester County Planning Board when the application for development involves property adjacent to an existing County road or proposed road shown on the County Official Map or on the County Master Plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary. Notice shall be given by personal service or certified mail.

6. To the Commissioner of Transportation of the State of New Jersey when the property abuts a State highway. Notice shall be given by personal service or certified mail.

7. To the State Planning Commission when the application for development involves property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be filed with the Township.

8. Notice of hearings on applications for approval of a major subdivision or a site plan, not defined as a minor site plan by this chapter, requiring public notice pursuant to subsection A. of this Section shall be given to public utilities, cable television companies or local utilities which possess a right-of-way or easement within the Township and which has registered with the Township in accordance with *N.J.S.A.* 40:55D-1 *et seq* . Notice shall be given by personal service or certified mail to the person whose name and address appears on the registration form.

C. Upon the written request of a developer, the Administrative Officer shall, within seven (7) days, make and certify a list from the current tax duplicates of names and addresses of owners within the Township to whom the developer is required to give notice. In addition, the Administrative Officer shall include on the list the names, addresses and positions of those persons who, not less than seven (7) days prior to the date on which the developer requested the list, have registered to receive notice pursuant to subsection B.8. of this Section. The developer shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any public utility, cable television company, or local utility not on the list shall not invalidate any hearing or proceeding. A sum not to exceed $0.25 per name, or $10.00, whichever, is greater, may be charged for such list.

D. The developer shall file an affidavit of proof of service with the Planning Board or the Zoning Board of Adjustment, as the case may be.

E. The notice shall state the date, time and place of the hearing, the nature of the matters to be considered, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office, and the location and times at which any maps and documents for which approval is sought are available for inspection.

§ 77. Decisions of Either Board.

A. The Board shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing.

B. The Board may provide such written decision and findings and conclusions either on the date of the meeting at which the Board grants or denies approval or, if the meeting at which such action is taken occurs within the final forty-five (45) days of the applicable time period for rendering a decision on the application for development, within forty-five (45) days of such meeting by the adoption of a resolution of memorialization setting forth the decision and findings and conclusions of the Board.

C. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application. An action resulting from the failure of a motion to approve the application shall be memorialized by resolution as provided above.

D. The adoption of a resolution of memorialization pursuant to this subsection shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of the majority of the Board members who voted for the action previously taken, and no other member shall vote thereon. The vote of such a resolution shall be deemed to be a memorialization of an action taken by the Board and not to be an action of the Board, except that failure to adopt such a resolution within the forty-five (45) day period shall result in the approval of the application for development, notwithstanding any prior action taken thereof.

E. Whenever a memorialization is adopted, the date of such adoption shall constitute the date of the decision for purposes of the mailings, filings, and publications specified in §79 of this chapter.

§ 78. Appeal of Decision by Either Board.

A. All appeals of decisions made by the Planning Board or the Zoning Board of Adjustment, except as noted below, shall be taken directly to the Superior Court of New Jersey and not to the Deptford Township Council.

B. Any interested party may appeal to the Deptford Township Council any final decision of the Zoning Board of Adjustment involving the granting or denial of a variance as specified in N.J.S.A. 40:55D-70d. Such appeals shall be decided upon the record established by the Board of Adjustment. The filing and hearing of such appeals shall be in accordance with the provisions of N.J.S.A. 40:55D-17.

§ 79. Notice of Decision for Either Board.

A. Any decision of the Planning Board or the Zoning Board of Adjustment when acting upon an application for development and any decisions of the Township Council when acting upon an appeal shall be given notice in the following manner:

1. A copy of the decision shall be mailed by the municipal agency within ten (10) days of the date of the decision to the developer or appellant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed within ten (10) days to any interested party who has requested it and who has paid the fee prescribed in §95 of this chapter.

2. A brief notice of the decision shall be published in the official newspaper of the Township. Such publications shall be arranged by the Secretary of the planning Board, the Secretary of the Zoning Board of Adjustment or the Township Clerk, as the case may be, without separate charge to the developer. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of the decision.

3. A copy of the decision shall also be filed in the office of the Administrative Officer, who shall make a copy of such filed decision available to any interested party upon payment of a reasonable fee and available for public inspection at the office during business hours.

Article IX. Review and Approval Procedures

§ 80. Purpose.

The purpose of this article is to provide procedures for the review and approval of applications for subdivisions, site plans, conditional uses, and general development plans in Deptford Township.

§ 81. Applicability of Requirements.

A. Subdivision review - All subdivisions, as defined under Article II of this chapter, are subject to the review procedures specified herein.

B. Site plan review - All site plans, as defined under Article II. of this chapter, are subject to the review procedures specified herein. No construction permit shall be issued for any new structure or for an addition to an existing structure and no certificate of occupancy shall be issued for any change of use of an existing structure until a site plan has been reviewed and approved by the appropriate Township agency, except that:

1. A construction permit for a single-family detached dwelling unit or a two-family dwelling unit and/or their accessory building(s) on a lot shall not require site plan approval.

2. Any construction permit for the customary buildings incidental to farms shall not require site plan approval.

3. Any change of use from one permitted nonresidential use to another permitted nonresidential use shall not require site plan approval if both the Construction Official and the Zoning Officer stipulate to the Board that the existing site development meets the requirements of this chapter for the new use, including onsite parking requirements.

C. Conditional use review - Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this chapter, application shall be made to the Planning Board. The review by the Planning Board of a conditional use shall include any required site plan review pursuant to this chapter. Public notice and a hearing shall be required as stipulated by this chapter.

§ 82. Informal Reviews.

A. Applicability.

Nothing in this section shall be considered mandatory but the procedures provided for herein are recommended for the purpose of expediting the review process and reducing development costs.

B. Pre-Application Conference.

1. Any developer may meet with the Administrative Officer or his/her designee without the payment of any fees and without obligation.

2. A pre-application conference may be used to provide the developer with an overview of the substantive and procedural aspects of the development review process, to provide insight as to the acceptability of the proposed plan, and to offer suggestions for the improvement of said plan.

3. The developer may be required to secure an appointment with the Administrative Officer in advance of the pre-application conference and to submit a sketch plan of the proposed application. The conference shall be held within fourteen (14) days of requesting an appointment unless the Administrative Officer is unavailable because of illness, vacation, or similar reason.

4. For the purpose of the pre-application conference only, the sketch plan need not be drawn to scale nor be prepared by a licensed engineer, surveyor, architect, landscape architect, or planner but shall contain sufficient information from a tax map or other source to enable the Administrative Officer to determine the suitability of the proposal in relation to the standards of this chapter.

5. The pre-application conference is a good-faith meeting between the developer and the Administrative Officer. Nothing discussed at the conference shall be binding upon either party or upon the Planning Board.

C. Concept Plan Review.

1. An applicant for site plan, subdivision or general development plan approval or an applicant having a particular question which cannot be resolved at a pre-application conference may request an informal concept plan review before the Planning Board. In addition, the applicant may request to have the concept plan reviewed by one (1) or more members of the Development Review Committee, as listed in §84. below.

2. Standards for the concept plan.

   a. The concept plan shall contain sufficient detail to enable the reviewing officials to determine compliance with this chapter, including the area of all proposed lots and buildings and any dimensions necessary to determine zoning compliance.

   b. Roadway and street widths shall be noted but fully engineered plans for streets, drainage, and other utility or infrastructure systems shall not be required.

   c. The required number of concept plans to be submitted by the applicant shall be determined by the Administrative Officer, but in no case shall be less than twelve (12) plans.

3. The applicant shall be required to submit application fees for an informal concept review before the Planning Board, however, the applicant shall only be required to post escrow fees for the review services of the Township's professional consultants if such review is so requested by the applicant. At the conclusion of the concept review process, any unexpended escrow fees will be returned.

4. An applicant desiring to have a concept plan informally reviewed by the Planning Board shall so notify the Secretary of the Planning Board at least fourteen (14) days prior to the next regularly scheduled meeting of the Planning Board. The Secretary of the Planning Board shall thereafter notify the applicant of the time and place which has been scheduled by the Planning Board for the informal review. The informal presentation before the Planning Board will be scheduled at the conclusion of the meeting and will be allotted fifteen (15) minutes, if time permits.

5. An applicant desiring to have a concept plan informally reviewed by any member(s) of the Development Review Committee shall so notify the Administrative Officer. The Administrative Officer will either schedule the applicant for a regularly scheduled Development Review Committee meeting (if the concept plan is submitted at least three (3) weeks prior to the regularly scheduled Development Review Committee meeting) or a specially called meeting may be set by the Administrative Officer within three (3) weeks of the concept plan submission if a mutually agreeable time may be established by all parties.

6. Nothing in the concept review process shall be binding upon either the applicant, Committee members, or the Planning Board.

§ 83 Submission, Classification, and Completeness of Formal Applications.

A. All formal applications for approval, including minor subdivisions and site plans, preliminary or final major subdivisions and site plans, general development plans, and conceptual use plans, shall be submitted with forms provided by the Administrative Officer. The Administrative Officer shall also provide the applicant with a copy of the checklist for completeness which is contained in Article X. of this chapter. The completed application forms shall be accompanied by all required plans, supporting documentation, application fees and escrow fees for professional review.

B. Submission Standards.

1. Plans and supporting documentation must contain all information herein required for the type of approval requested. Where there is a question as to classification of the plan, the applicant may seek advice from the Administrative Officer. Failure to provide all required information will result in the plan being declared incomplete.

2. All applications for preliminary or final site plan approval which require public sanitary sewer or water service shall submit a receipted copy of their application for Form A approval to the Deptford Municipal Utility Authority.

3. Twelve (12) copies of all plans and supporting documentation and twenty-six (26) copies of the completed application forms shall be submitted by the applicant to the Administrative Officer, where the Administrative Officer or his or her representative shall date stamp the plans upon receipt. This date shall be considered the official submission date.

C. Upon receipt of an application, the Administrative Officer shall preliminarily screen the material and determine completeness relative to the details required by the appropriate development checklist in this chapter. The Administrative Officer shall either determine the application to be incomplete or determine that the application is substantially complete.

1. Should the Administrative Officer determine that the application is incomplete, the reasons for such determination shall be specified in writing to the applicant, and an appropriately revised plan may thereafter be submitted to the Administrative Officer as in the first instance.

2. If the Administrative Officer determines the application to be substantially complete, the Administrative Officer shall schedule the application for the next regularly scheduled Development Review Committee meeting.

D. The following certifications are required before an application is heard by the Development Review Committee or Planning Board.

1. All taxes due to the Township on the property for which application is made shall be paid.

2. Sufficient monies are in the escrow account to cover the cost of professional reviews.

3. Where applicable, the applicant shall submit a certification at the time of the Development Review Committee meeting that the plan has been submitted for review by appropriate outside agencies such as the New Jersey Department of Environmental Protection and Energy in the case of potential wetlands or stream encroachment, the Gloucester County Board of Health where septic systems are proposed, the Gloucester County Planning Board when the proposal has frontage on a county road, the New Jersey Department of Transportation when the proposal has frontage on a state highway, and any other agency as may be directed by the Administrative Officer. A final determination by these agencies shall not be required for action by the Development Review Committee or the Planning Board, but any action taken shall be conditioned upon the approval of these agencies.

§ 84. Development Review Committee.

A. Prior to being heard by the Planning Board and, in some cases, the Zoning Board of Adjustment, all applications whether for preliminary, final, general development plan or conditional use approval shall be presented to the Development Review Committee for review. The Administrative Officer will determine which members of the Development Review Committee will review the application. Those members so delegated may submit oral and/or written comments regarding an application, wherein written comments shall be made available to the applicant prior to, or at, the meeting.

B. The Development Review Committee may consist of the Administrative Officer, the Township Engineer, the Planning Board Engineer, the Township Planner, the Planning Board Planner, the Township Solicitor, the Planning Board Solicitor, the Construction Official, a representative of the Environmental Commission, a representative of the Deptford Municipal Utility Authority, a representative of the Township Police Department, the Township Fire Marshall, and any three (3) members of the Planning Board so designated by the Planning Board Chairperson.

C. Conduct of the Development Review Committee meeting.

1. The Development Review Committee meeting is a working session between the Committee and the applicant. The meeting is used to provide the applicant with a comprehensive review of his or her application, to provide insight as to the deficiencies of the plan and to offer suggestions and recommendations for the improvement of said plan, to analyze the application to help in determining completeness, and to comment on the acceptability of the proposed plan. It is not a public hearing and need not be advertised. The meeting shall be chaired by the Administrative Officer.

2. Attendance by the applicant and/or his representatives is not mandatory but is strongly encouraged.

3. The members of the Development Review Committee will review an application and will offer comments to the applicant. The Administrative Officer and/or his/her representative will prepare a report of all the outstanding review issues that remain to be addressed by the applicant. The members of the Development Review Committee present for each application will informally vote on whether the application is deemed complete or incomplete and how the application will be further scheduled. Such informal vote of the Committee will be a recommendation for action by the Administrative Officer.

4. An electronic sound recording or a written copy of the minutes of the meeting may be kept but, in the case of written minutes, need not be a verbatim account of the proceedings.

D. Determination and certification of completeness.

1. The Administrative Officer will refer to the recommendation of the Development Review Committee and will make a determination of completeness within forty-five (45) days of the application's official submission date.

    a. If incomplete, the Administrative Officer shall list such missing items in writing and an appropriately revised plan may thereafter be submitted by the applicant to the Administrative Officer as in the first instance of plan submission.

    b. If complete, the Administrative Officer will certify in writing as such to the applicant and will schedule the application as noted below in subsection E.

2. If, within forty-five (45) days of the application's official submission date, the Administrative Officer neither certifies to the applicant that the application is complete nor notifies the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.

E. Scheduling of a Complete Application.

1. The Administrative Officer will refer to the recommendations of the Development Review Committee and will schedule a complete application as follows:

    a. If complete with major revisions needed, the Administrative Officer shall notify the applicant in writing of the date revised plans must be resubmitted for the application to be scheduled for the next regularly scheduled meeting of the Development Review Committee.

    b. If complete with minor revisions needed, the Administrative Officer shall state the date revised plans (eighteen (18) copies) must be resubmitted by the applicant for the application to be scheduled for the next regularly scheduled Planning Board meeting for which space is available on the agenda. In no case shall action be delayed for longer than the period prescribed by the Municipal Land Use Law unless the applicant has waived the time limits in writing or orally when the waiver is recorded by means of an electronic recording device.

    c. If complete with no revisions needed, the Administrative Officer shall schedule the application for the next regularly scheduled Planning Board meeting for which space is available on the agenda. In no case shall action be delayed for longer than the period prescribed by the Municipal Land Use Law unless the applicant has waived the time limits in writing or orally when the waiver is recorded by means of an electronic recording device.

§ 85. Approval Procedures for Minor Subdivisions and Minor Site Plans.

A. The developer must comply with §76. of this chapter regarding requirements for notice of a public hearing.

B. The Board shall take action on minor subdivisions and minor site plan applications within forty-five (45) days after the application has been certified complete or within such further time as may be consented to by the developer. Failure of the Board to act within the prescribed time period shall constitute approval of the application.

C. Minor subdivisions and minor site plans do not require preliminary approval and may be voted upon for final action by the Board. The Board may condition approval upon compliance with any reasonable condition not in violation with the terms of this chapter or other applicable local, state, or federal law.

D. When a minor subdivision or minor site plan is approved by the Board, at least twelve (12) prints of the plat, plan or deed descriptions shall be submitted to the Board by the developer to be signed by the Chairman and Secretary of the Board. If the minor subdivision or minor site plan application is denied by the Board, the Secretary of the Board shall notify the developer of such denial and forward the developer a copy of the resolution adopted in accordance with this chapter, setting forth the reasons for the denial.

E. Effect of Minor Subdivision Approval.

1. The approval of a minor subdivision shall expire one hundred ninety (190) days from the date of approval unless within such period a plat conforming to all conditions of approval is filed in conformity with the provisions of the Map Filing Law, NJ.S.A. 46:23-9.9 *et seq* ., or a deed clearly describing the approved minor subdivision is filed by the developer with the County recording officer, the Township engineer, and the Township tax assessor as required by *N.J.S.A.* 40:55D-1 *et seq* .

2. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval, provided the approved minor subdivision shall have been duly recorded as provided in this subsection.

3. If the developer proves to the reasonable satisfaction of the Board that he or she was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other government entities and that he or she applied promptly for and diligently pursued the approvals, the Board either:

a. Shall grant an extension of the approval period not to exceed one (1) year. The developer shall apply for this extension before: 1), what would

otherwise be the expiration date, or 2), the 91st day after the developer receives the last legally required approval from the other governmental entities, whichever occurs later; or

b. May extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to subsection C. of this Section. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

F. Effect of Minor Site Plan Approval.

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two (2) years after the date of minor site plan approval. If the developer proves to the reasonable satisfaction of the Board that he or she was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other government entities and that he or she applied promptly for and diligently pursued the approvals, the Board shall grant an extension of the approval period not to exceed one (1) year. A developer shall apply for this extension before: 1), what would otherwise be the expiration date, or 2), the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

G. Exceptions in Applications of Requirements.

1. The rules, regulations and standards set forth in this Section shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. However, if the applicant can clearly demonstrate that, because peculiar conditions pertaining to his land, the literal enforcement of this Section is impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable within the general purpose and intent of the rules, regulations and standards established by this Section.

2. Exceptions after Approvals:

a. A building permit or certificate of occupancy may be issued if all improvements have been installed or completed except the finish course of the road and the Township Engineer warrants that completion of the road is in the Township's interest after the subdivider has completed construction of dwellings and structures. The maintenance guarantee required shall not begin until the finish course has been installed.

b. The Planning Board may also authorize the issuance of a temporary certificate of occupancy if the following improvements have been bonded but not yet installed: landscaping, sidewalks, other similar improvements.

c. The Planning Board when acting upon an application which includes provisions for low and moderate income housing, shall waive those portions of the design standards which create barriers to the construction of low or moderate income housing and which are not necessary to protect public health and safety.

3. Site Plan Exemptions:

a. The one time construction of a parking area for less than three vehicles.

b. A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of plan review as determined by the Township Department of Community Development.

c. Customary agricultural buildings such as barns, silos, storage sheds and related structures and roadside stands not larger than 200-square feet of sales area, for the sale of products grown on-site when adequate parking and access is provided as determined by the Township Department of Community Development.

d. Normal maintenance or replacement such as a new roof, painting, new siding or similar activity.

§ 86. Approval Procedures for Preliminary Major Subdivisions and Site Plans.

A. The developer must comply with §76 of this chapter regarding requirements for notice of a public hearing.

B. The Planning Board shall take action on a preliminary major site plan application involving ten (10) acres of land or less and ten (10) dwelling units or less and/or a preliminary major subdivision application involving ten (10) lots or less within forty-five (45) days after the application has been certified complete or within such further time as may be consented to by the developer. Provided, however, that the Planning Board shall take action on a preliminary major site plan or subdivision application which includes a request for relief pursuant to *N.J.S.A.* 40:55D-60 within one hundred twenty (120) days after the application has been certified complete or within such further time as may be consented to by the developer. Failure of the Planning Board to act within the prescribed time period shall constitute approval of the application.

C. The Planning Board shall take action on a preliminary major site plan application involving more than ten (10) acres of land or more than ten (10) dwelling units and/or a preliminary major subdivision application involving more than ten (10) lots within

ninety-five (95) days after the application has been certified complete or within such further time as may be consented to by the developer. Provided, however, that the Planning Board shall take action on a preliminary major site plan or subdivision application which includes a request for relief pursuant to *N.J.S.A.* 40:55D-60 within one hundred twenty (120) days after the application has been certified complete or within such further time as may be consented to by the developer. Failure of the Planning Board to act within the prescribed time period shall constitute approval of the application.

D. The Zoning Board of Adjustment shall take action on a preliminary major site plan or subdivision application which includes a request for relief pursuant to *N.J.S.A.* 40:55D-70d. within one hundred twenty (120) days after the application has been certified complete or within such further time as may be consented to by the developer. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in *N.J.S.A.* 40:55D-1 *et seq* . Failure of the Zoning Board of Adjustment to act within the prescribed time period shall constitute approval of the application.

E. The Board may condition preliminary major subdivision or site plan approval upon compliance with any reasonable condition not in violation with the terms of this chapter or other applicable local, state, or federal law, provided, however, that no preliminary plan approval shall be granted prior to the granting of Form A approval for sanitary sewer and water service (if appropriate) by the Deptford Township Municipal Utilities Authority.

F. When a preliminary major subdivision or site plan is approved by the Board, at least twelve (12) prints of the plat or plan shall be submitted to the Board by the developer to be signed by the Chairman and Secretary of the Board and the Township Engineer. If the preliminary major subdivision or site plan application is denied by the Board, the Secretary of the Board shall notify the developer of such denial and forward the developer a copy of the resolution adopted in accordance with this chapter, setting forth the reasons for the denial.

G. Effect of Preliminary Major Subdivision or Site Plan Approval.

1. The preliminary approval of a subdivision or site plan shall, except as provided in subsection d. of this section, confer the following rights for a three (3) year period from the date on which the resolution of preliminary approval is adopted:

a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions, and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval pursuant to *N.J.S.A.* 40:55D-41, except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms

and conditions of preliminary approval as relate to public health and safety;

b. That the developer may submit an application for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be; and

c. That the developer may apply for, and the Planning Board may grant, an extension of the preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision of, or site plan for, an area of fifty (50) acres or more, the Planning Board may grant the rights referred to in subsections a, b and c. of this section for a reasonable period of greater than three (3) years, but not more than seven (7) years. The developer may apply for thereafter, and the Planning Board may thereafter grant an extension of the preliminary approval for not more than three (3) additional one (1) year periods, provided that if the design standards have been revised by ordinance, such revised standards may govern. The granting of this extended approval period shall be based upon the Planning Board's consideration of such factors as:

1) The total number of dwelling units and/or square footage of non-residential floor area proposed;

2) Economic conditions; and

3) The comprehensiveness of the development.

e. Whenever the Planning Board grants an extension of preliminary approval pursuant to subsection c. or d. of this section and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

f. The Planning Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that he or she was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. An developer shall apply for the

extension before 1), what would otherwise be the expiration date of preliminary approval or 2), the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

H. Concurrent Preliminary and Final Subdivision and Site Plan Approval.

1. The Planning Board may, as its discretion, approve a request from an developer to concurrently consider preliminary and final subdivision and/or site plan approval provided that:

a. The application does not involve the construction of a new street.

b. The application involves the creation of ten (10) or fewer lots.

c. The total square footage of non-residential construction involves less than twenty-five thousand (25,000) square feet of floor area and less than thirty thousand (30,000) square feet of impervious surface.

2. The approval procedures for final approval shall be followed by the Planning Board as noted in §87 below.

§ 87. Approval Procedures for Final Major Subdivisions and Site Plans.

A. The Planning Board shall take action on a final major site plan or subdivision application within forty-five (45) days after the application has been certified complete or within such further time as may be consented to by the developer. Failure of the Planning Board to act within the prescribed time period shall constitute approval of the application.

B. The Planning Board may condition approval upon compliance with any reasonable condition not in violation with the terms of this ordinance or other applicable local, state, or federal law provided, however, no such final approval shall be granted until the project has received Form B and water service approval from the Deptford Township Municipal Utilities Authority. (Final MUA approval is required prior to applying for building permits.)

C. All final plans shall be revised to incorporate any conditions of approval and, when all such conditions have been met, twelve (12) copies of the revised final plat shall be submitted to the Administrative Officer to be signed by the Chairman and Secretary of the Planning Board.

D. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plats unless within such period the plat shall have been filed by the developer with the County recording officer, in conformity with the provisions of the Map Filing Law, *N.J.S.A.* 46:23-9.9 *et seq* . The Planning Board may, for good cause, extend the time period for filing for an additional one hundred ninety (190) days from the date of signing of the plats. The Planning Board may extend the ninety-five (95) day or one hundred ninety (190) day period if the developer proves to the reasonable satisfaction

of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Planning Board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

E. Effect of Final Approval.

1. The zoning requirements applicable to the preliminary approval first granted and all other rights granted to the developer pursuant to the preliminary approval, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that the developer has duly recorded the major subdivision plat as provided for in *N.J.S.A.* 40:55D-54.

2. If the developer has duly recorded the major subdivision plat as provided for in *N.J.S.A.* 40:55D-54, the Planning Board may grant an extension of the final approval for not more than three (3) additional one (1) year periods.

3. Notwithstanding any other provisions of *N.J.S.A.* 40:55D-1 *et seq* ., the granting of final approval terminates the time period of preliminary approval for the section(s) granted final approval.

4. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, a conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for development of nonresidential floor area of two hundred thousand (200,000) square feet or more, the Planning Board may grant the rights referred to in subsections -1 and -2 of this section for a reasonable period of greater than two (2) years, but not more than seven (7) years. The developer may apply for thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration:

   a. The total number of dwelling units and/or square footage of non-residential floor area which is proposed;

   b. Economic conditions; and

   c. The comprehensiveness of the development.

5. Whenever the Planning Board grants an extension of final approval pursuant to subsection -1- 2 or -4. of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

6. The Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that he or she was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that he or she applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before a) what would otherwise be the expiration date of preliminary approval or b) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

7. All final approvals are conditioned upon submission of required bonds or other surety of a form satisfactory to the Township, as prescribed in §96. If required street, utility, and similar improvements are not constructed, the Township may call said bond or surety and use its proceeds to construct said improvements at the applicant's expense.

§ 88. Approval Procedures for Conditional Uses.

A. The Planning Board may condition conditional use approval upon compliance with any reasonable condition not in violation with the terms of this chapter or other applicable local, state, or federal laws.

B. The Planning Board shall take action on an application for a conditional use within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the developer.

1. This time period shall be concurrent with the review of a site plan application.

2. An approval shall be conditioned upon receipt of a favorable recommendation from the County Planning Board or other appropriate agency.

3. Failure to render a timely decision shall be deemed an approval, as required by *N.J.S.A.* 40:55D-67.

C. The Zoning Board of Adjustment shall take action on a conditional use approval application which includes a request for relief pursuant to *N.J.S.A.* 40:55D-70d. within one hundred twenty (120) days after the application has been certified complete or within such further time as may be consented to by the developer. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in *N.J.S.A.* 40:55D-1 *et seq* . Failure of the Zoning Board of Adjustment to act within the prescribed time period shall constitute approval of the application.

§ 89. Findings for Planned Developments.

A. No planned development (including planned unit developments, residential clusters, planned commercial developments, or planned industrial developments) shall be authorized unless the Planning Board first makes all of the following determinations:

1. That the plan fully complies with the requirements of this chapter and the departures by the proposed planned development from the zoning regulations otherwise applicable to the subject property conform to those standards in this chapter applicable to the permitted planned development;

2. That the proposals for maintenance and conservation of common open space are reliable, and that the amount, location, and purpose of the common open space are adequate;

3. That the provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;

4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established; and

5. That in the case of a proposed planned development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

§ 90. Required Documentation for General Development Plans.

A. The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density and the nonresidential floor area ratio for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development.

B. Every developer for approval of a PUD general development plan shall submit the following documentation for review by the Township.

1. Each report shall be prepared by appropriate professional experts, licensed by the State of New Jersey when applicable. Reports shall be of sufficient detail to allow for reasonable review by the Township's own experts, at the applicant's expense.

a. A report analyzing the impact of traffic generated by the proposed PUD on nearby roadways.

b. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site.

c. An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features, and the probable impact of the development on the environmental attributes of the site.

d. A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.

e. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P. L. 1985, c. 222 (C. 52:27D-301 et al.) will be fulfilled by the development.

f. A local service plan indicating those public services which the developer proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.

g. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by Township or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, Township and school district according to the projected development schedule as required below, and following the completion of the planned development in its entirety.

2. The PUD general development plan shall include the following information:

a. A schematic land use plan containing sufficient information to allow a determination that the plan is capable of satisfying the requirements of this chapter. The plan shall include:

1) A hierarchical circulation system, but may be exclusive of local streets. Guidelines for bicycle and pedestrian circulation should also be provided.

2) Generalized land use by section. This plan need not contain detailed development design but shall include the area of each section, its intended use, and the maximum number of residential dwelling units or non-residential square feet which are anticipated.

3) A system of open space, recreational amenities, and necessary community facilities shall be noted.

b. A description or schematic plan of utility service by which it can be determined that adequate capacity exists for distribution, collection, and/or treatment of water, sanitary waste, solid waste, electric, gas, and telephone service. No PUD general development plan shall be approved without all principal buildings being served by public sewer and water service.

c. An estimate of the cost of completing required public and common services including recreational amenities, circulation system improvements, utility lines, community facilities, and such other improvements as may be deemed necessary. This estimate shall include the cost of all on-site improvements and a fair share of all required off-site improvements.

d. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.

e. A municipal development agreement, which shall mean a written agreement between the Township and a developer relating to the planned development.

f. A detailed plan explaining how common areas are to be owned, managed, maintained, and administered. The submission shall include the proposed bylaws of any homeowners, community, or condominium association to be established.

§ 91. Approval Procedures for General Development Plans.

A. The Planning Board shall first make the appropriate findings as noted in §89.

B. General development plan approval of a PUD must be granted by the Planning Board prior to the Planning Board taking action on preliminary approval on any section. Each PUD shall be developed in accordance with a general development plan approved by the Planning Board, notwithstanding any provision of *N.J.S.A.* 40:55D-1 *et seq* ., or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.

C. The planning board shall take action on the general development plan application within ninety-five (95) days after the submission of a complete application or within such further time as may be consented to by the developer. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.

D. The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth below, except that the term of the effect

of the approval shall not exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the planned development:

1. In making its determination regarding the duration of the effect of approval of the development plan, the Planning Board shall consider: the number of dwelling units or amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capability of completing the proposed development, and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

2. The approval may be extended by the Planning Board for good cause for additional two (2) year periods but the Planning Board shall have the right to include with each extension a requirement that the PUD comply with such additional conditions as the Planning Board may deem appropriate and in the public interest. In no case shall the term of the effect of the approval and any extensions exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the planned development.

E. The developer shall, to the satisfaction of the Township, construct required improvements or post sufficient bond, notes, or letters of credit, to insure that, in the event that the PUD is not fully developed prior to the expiration of the general development plan, that adequate recreational, circulation, utility, and community facilities shall be provided to the residents and occupants of those portions of the development which are completed.

F. Approval of the PUD general development plan does not relieve the developer of the necessity to apply for preliminary and final site plan or subdivision approval for each and every section of the development and to fully comply with the requirements of this chapter.

G. Any guarantees or rights granted pursuant to approval of a subdivision or site plan for a specific section shall run independently of the term of the general development plan approval.

1. In the event that a general development plan approval expires prior to the expiration of rights granted pursuant to a subdivision or site plan for a specific section, the rights granted to that section shall remain in effect for the period guaranteed by *N.J.S.A.* 40:55D-1 *et seq* .

2. Upon the expiration of general development plan approval, the conditional approval of the PUD shall be deemed to have expired and the land shall be regulated by the zoning regulations of the underlying district.

H. The Planning Board may condition approval upon compliance with any reasonable condition not in violation of the terms of this chapter or other applicable local, state, or federal laws.

I. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.

J. Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.

1. Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval imposed by the Department of Environmental Protection and Energy pursuant to P. L. 1973, c. 185 (C. 13:19-1 *et seq* .) shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the Department of Environmental Protection and Energy.

K. Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.

1. A developer, without violating the terms of the approval pursuant to N.J.S.A. 40:55D-1, et seq., may, in undertaking any section of the planned development, reduce the number of residential units or amount of nonresidential floor space by no more than fifteen percent (15%) or reduce the residential density or nonresidential floor area ratio by no more than fifteen percent (15%); provided, however, that a developer may not reduce the number of residential units to be provided pursuant to P. L. 1985, c. 222 (C. 52:27D-301, et seq.) without prior Township approval.

L. Upon the completion of each section of the development as set forth in the approved general development plan, the developer shall notify the Administrative Officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to section 15 of P. L. 1975, c. 217 (C. 52-27D-133). If the Township does not receive such notification at the completion of any section of the development, the Township, shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are in compliance with the approval.

1. If a developer does not complete any section of the development within eight (8) months of the date provided for in the approved plan, or if at any time the Township has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the Township shall notify the developer, by certified mail, and the developer shall have ten (10) days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.

2. In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development approval within five (5) years of the date upon which the general development plan has been approved by the Planning Board, the Township shall have cause to terminate the approval.

M. In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

§ 92. Compliance and Time Limitations for Certain Approvals.

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

B. Time Limit on Variances.

1. Applicable time limit. Any variance granted by the Zoning Board of Adjustment or the Planning Board pursuant to N.J.S.A. 40:55D-70, subsection -c or -d, shall expire and become null and void one (1) year from the date such variance is granted unless within said period the applicant obtains a building permit or otherwise avails himself of the said approval; provided, however, that in the event that such variance is approved in conjunction with a major subdivision or site plan approval, then such variance shall not expire and become null and void until three (3) years after the preliminary approval for such site plan and/or subdivision is granted and any approved extensions thereof, or if final approval is granted for such development, two (2) years from the date of the final approval and any approved extensions thereof.

2. Varying time periods - Nothing contained herein shall be construed as preventing the applicable municipal agency from specifying a shorter or longer period of time than noted in subsection B.1. above pursuant to approvals granted to variance applications under *N.J.S.A.* 40:55D-70, subsection c. or d, that are not in conjunction with a major subdivision or site plan approval.

C. Commencement of time periods - For the purpose of calculating the times provided for in this section, such time periods shall commence on the date the municipal agency memorializes its approval by written resolution.

Article X. Specifications of Documents to be Submitted

§ 93. Purpose.

The documents to be submitted are intended to provide the approving authority with sufficient information and data to assure compliance with all Township codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this chapter. The specification of documents to be submitted is based on the type of development and particular stage of development application.

§ 94. Document Submission Requirements. [Ord. O.16.10, 11/8/10]

A. Submission Requirements Checklists. The documents to be submitted for an application for development, interpretation or appeal are as indicated on tables entitled "Submission Requirements Checklist • Subdivisions, Site Plans, GDP's, and Conditional Uses" and "Submission Requirements Checklist • *N.J.S.A.* 40:55D-70 a., b., c., and d."; which accompanies and are made a part of this chapter, and which are adopted herein and included by reference. Requested waivers from submitting the required items in the checklists shall be decided by the Development Review Committee pursuant to the procedures in §84.

B. Site Environmental Assessment.

1. When required. The impact on the environment generated by land development projects necessitates a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. It is further recognized that the level of detail required for various types of applications will vary depending on the size of the project, the nature of the site and the location of the project. Therefore, having determined that flexibility is needed in preparing the environment impact statement, the requirements for such a document pertaining to different types of development applications are listed below:

    a. All agricultural operations conducted in accordance with a plan approved by the soil conservation district and all tree cultivation operations conducted in accordance with a plan prepared by a professional forester are exempted from the submission of a site environmental assessment.

    b. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require a site environmental assessment unless specifically requested by the Zoning Board. The Zoning Board may request a site environmental assessment where review indicates that there are significant critical areas or suspected environmental hazard on the site in question. The Zoning Board or its designee shall inform the applicant regarding the scope of the information that may be required.

    c. Any minor subdivision and/or minor site plan applications to the Board of Jurisdiction shall not require a site environmental assessment unless

specifically requested by the applicable Board. The Board of Jurisdiction may request a site environmental assessment where review indicates that there are significant critical areas or suspected environmental hazard on the site in question. The Board of Jurisdiction or its designee shall inform the applicant regarding any information that may be required.

d. All preliminary major subdivision applications shall be accompanied by a site environmental assessment.

e. All preliminary major site plan applications that propose fifty (50) or more dwellings or two hundred thousand (200,000) or more gross square feet of non-residential development shall be accompanied by a site environmental assessment.

f. Notwithstanding the categories of development that are excluded from the requirement to submit a site environmental assessment, the Board of Jurisdiction may require the submission of information that may be included in the document that is reasonably necessary to make an informed decision on the application before it.

2. When a site environmental assessment is required, it shall be prepared in accordance with §55.B.

C. Community Impact Statements.

1. When required. All applications for preliminary major subdivision approval where more than fifty (50) lots are proposed and all applications for preliminary major site plan approval in excess of two hundred thousand (200,000) gross square feet of floor area shall be accompanied by a community impact statement analyzing the proposed development and its expected impacts upon existing municipal facilities and services. A general development plan application shall be submitted with an abbreviated community impact statement consisting of items -2.a and -2.e, below. The community impact statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest as well as providing data and opinions concerning the impacts in subsection -B.

2. Submission format. When a community impact statement is required, the applicant shall retain one or more competent professionals to perform the necessary work. All applicable material on file in the Department of Community Development pertinent to local conditions may be consulted. Any additional material pertinent to the evaluation of regional impacts shall also be considered. All community impact statements shall consist of written and graphic materials which clearly present the required information addressing the following areas:

a. Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development, including those attracted to the Township for the number of

projected jobs in non-residential development, according to the following age cohorts:

1) 0-4 years

2) 5-17 years

3) 17-24 years

4) 25-44 years

5) 45-64 years

6) 65 years and older

b. School impact. An analysis of the anticipated number of public school students projected to be added and the ability of the existing public school facilities to absorb the additional population projected ten (10) years into the future. The overall anticipated cost of facilities necessitated and the development's share of the cost on a pro rata basis by the increase in student population shall be provided.

c. Community facilities impact. An analysis of the existing community facilities and infrastructure available to serve the proposed development and its impact on the adequacy of existing public water facilities, public sewerage facilities; recreational facilities; library facilities, and senior services. Should such facilities be determined inadequate to serve the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated costs for such additional facilities.

d. Services impact. An analysis of the existing services provided by the municipality to serve the proposed development and the impact of the development upon police protection, fire protection, solid waste disposal, and street maintenance services.

e. Fiscal impact. An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality and the municipal school system.

D. Circulation Impact Study.

1. When required. A circulation impact study shall be submitted for all general development plans, preliminary major subdivisions and preliminary major site plans.

2. Submission format. Circulation impact studies shall consist of two components, a planning report and a traffic impact report.

   a. Planning report. The planning report component of the circulation impact study shall include the following:

      1) An introduction indicating the applicant, the location of the site in question, and a description of the site from a land use and transportation perspective.

      2) The extent to which any proposed street system meets requirements for street hierarchy, street connectivity, right-of-way and cartway width, and sidewalks.

      3) The extent to which the proposed circulation system conforms to the Circulation Element of the Master Plan.

      4) The extent to which internal circulation for vehicles, people and the movement of goods is adequate.

      5) The extent to which the safety of pedestrians, bicyclists and the traveling public is protected.

      6) The provisions made to provide connectivity to the street system, pedestrian generators, and the local and regional greenway network.

   b. Traffic impact report. The traffic impact report component of the circulation impact study shall include the following:

      1) A description of the project phasing, access points, and connection to other existing or proposed developments.

      2) An analysis of existing conditions, including:

         (a) A description of the study area and the rationale behind choosing this area;

         (b) A description of the study area's roadway facilities, including number of lanes, functional classification, condition, location and type of traffic signals, and location of other traffic control devices or signs;

         (c) The location of transit routes and stops and any transit facilities, including on-street, off-street, and private facilities, and service frequency;

         (d) The location of school bus routes and stops;

(e) The location of pedestrian crosswalks, sidewalks, and bicycle pathways;

(f) Traffic volume data including turning movement counts at key intersections during the peak periods of the day, truck movements, pedestrian counts, and transit use;

(g) Volume/capacity analysis and an assessment of existing conditions.

3) Traffic characteristics of the site.

(a) Traffic generation of the proposed uses in the development;

(b) Traffic distribution.

4) Future demands on the transportation system.

(a) Projection of non-site related traffic to the build-out year or years of the site (base conditions);

(b) Projection of all traffic, including site traffic, to the build-out year or years of the site.

5) Impact analysis and recommendations.

(a) Levels of service shall be computed for each analysis year both with and without the inclusion of site traffic;

(b) Comparison of levels of service conditions with site traffic, and, with site traffic after recommended improvements are constructed;

(c) Recommendations for passenger vehicle reduction techniques;

(d) Schematic plan of any recommended improvements.

6) Site plan analysis, if applicable.

(a) Location of access points;

(b) Demand for parking and loading;

(c) Sight distance analysis.

E. Lot grading plan submission requirements. The following information shall be submitted for each lot grading plan, unless waived by the Township Engineer.

Lot Grading Plan Checklist

[ ] 1. Title block indicating the address of the site, lot and block numbers, name and address of the applicant and the title "Lot Grading Plan."

[ ] 2. The plan shall be signed and sealed (embossed) by a professional land surveyor, professional engineer and architect licensed in the State of New Jersey, as the situation warrants. The plan shall also include the address of the person preparing the plan.

[ ] 3. The plan shall be legibly drawn at a scale of one inch equals thirty (30) feet, indicate a North arrow and refer to the vertical datum on which the plan is based.

[ ] 4. The plan shall indicate all property lines, easements and required setback lines. All property lines shall indicate bearings and dimensions, and the width of all easements shall be shown on the plan.

[ ] 5. The distance between all existing and proposed structures and adjoining property lines shall be indicated on the plan.

[ ] 6. The plan shall indicate the right-of-way and cartway widths of all adjoining streets as well as the location of all existing and proposed curbs, sidewalks and driveway aprons along the entire frontage of the subject property.

[ ] 7. The plan shall indicate existing and proposed contours at one-foot intervals a minimum of twenty-five (25) feet over the entire lot area to be disturbed and fifty (50) feet beyond the limit at grading. Spot elevations should also be provided at all inlets, catch basins, outfalls, culvers and other hydraulic structures.

[ ] 8. The plan shall indicate existing and proposed spot elevations at all property corners.

[ ] 9. The plan shall also indicate existing topography 50 feet beyond all property lines and spot elevations for all adjacent building corners.

[ ] 10. The plan shall also indicate the location and dimensions of all structures and site improvements including building, sheds, decks, swimming pools, fences and any drainage facilities.

[ ] 11. The plan shall indicate all stream encroachment, wetlands and wetland buffer lines and floodplains.

[ ] 12. The plan shall indicate all trees over six inches in diameter, including type and condition and limits of clearing.

Additional Requirements for Grading Plans for New Structures and Additions.

[ ] 13. The plan shall indicate the first-floor and basement elevations for all proposed structures. Spot elevations for all building corners shall be indicated. If a basement is planned, certified soil boring(s) will be necessary showing soil types and the depth to seasonal high water table.

[ ] 14. The plan shall indicate the location of all existing and proposed utility services, including vents and cleanouts.

Additional Requirements for Grading Plans for Swimming Pools

[ ] 15. The plan shall indicate swimming pool finished elevations, deck elevations, first-floor elevations for all dwellings and the type, height and location of fencing.

[ ] 16. The plan shall indicate limits of land disturbances as well as cut/fill areas.

F. Tree Protection Management Plan Requirements. When an application for a minor subdivision, preliminary major subdivision or site plan application is submitted pursuant to this chapter, a Tree Protection Management Plan shall be submitted if there are ten (10) or more total non-specimen trees, or one (1) or more total specimen trees, cut or removed or proposed to be cut or removed during development, unless it is an exempt project in accordance with §31.K.2. The Tree Protection Management Plan shall include the information required in §31.K.4.

G. Stormwater Plan Components. The following information shall be submitted as part of a stormwater plan (also known as a site development stormwater plan). When a stormwater plan is being submitted for an application for development as part of a set of drawings for the development of a site, the information required may be placed on other sheets of the plan set. [Ord. O/9/24, 5/20/24]

1. Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This

description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Geotechnical analysis of the site as it relates to the stormwater system design shall be provided when required by the Submission Checklist. The analysis shall include test pit and boring logs as appropriate, and shall identify the anticipated depth to the seasonal high groundwater table, all identifiable soil strata, and the in-situ tested permeability of the most restrictive soil strata as outlined in Chapter 12 of the NJDEP Stormwater BMP Manual, which details the soil testing criteria including the permitted means and methods.

4. Project description and site plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

5. Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §35.3 through §35.6 of this Chapter are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

6. Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

    a. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

    b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

    c. Calculations.

1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §35.4 of this Chapter.

2) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §35.6 of this Chapter.

8. Waiver from submission requirements. The municipal official or board reviewing an application under this section may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §35.10.C.1(a) through §35.10.C.1(g) of this Chapter when it can be demonstrated that the information requested is not obtainable or creates a material hardship on the applicant/developer to obtain and its absence will not materially affect the review process.

Article XI. Fees, Guarantees and Off-Tract Improvements

§ 95. Fees.

A. Nonrefundable Application Fees. Each applicant who files an application before the Deptford Township Planning Board or Zoning Board of Adjustment shall pay the applicable application fee listed below for such application. The application fee provided for herein shall be nonrefundable and is required for purposes of offsetting the administrative and clerical costs of operating the Planning Board and Zoning Board of Adjustment and for costs which may be incurred by the Planning Board and Zoning Board of Adjustment in the normal processing of such applications (exclusive of the legal, planning, engineering and other professional services deemed necessary by the Planning Board or Zoning Board of Adjustment).

B. Creation of Escrow Accounts.

1. In addition to the nonrefundable application fees referred to above, each applicant before the Planning Board and/or Zoning Board of Adjustment shall establish and make the required payments to an escrow account to be maintained by the Township for the purpose of providing sufficient moneys to pay the costs of review by professionals engaged by the Planning Board and Zoning Board of Adjustment. The requirement that an escrow account be established shall apply regardless of whether the application is to be heard before the Planning Board or the Zoning Board of Adjustment.

2. Upon submitting an application for development to either the Planning Board or Zoning Board of Adjustment, the applicant shall be required to deposit with the Director of Finance the sums hereinafter provided and execute an escrow agreement requiring the applicant to pay all necessary and reasonable costs incurred by the Township for technical and professional review by the approving authority. The escrow agreement shall be in a form approved by the Township Council. The amounts specified below to be placed in escrow are estimates of professional fees only and should not be considered as a minimum or maximum fee which may be required of the applicant to compensate the Township for legal, engineering, traffic engineering, planning or other professional services. Said fees must be paid prior to either Board certifying the application as complete; provided, however, that payment of the fee in and of itself shall not be deemed as making the application complete.

   In the event that the amounts required to be posted by this section are not sufficient to cover the professional charges incurred by the Township of Deptford for such application, then the applicant shall pay the amount required which is over and above the funds previously collected and shall not receive any approvals or other permits from the Township before such fees are paid in full.

   In the event the amounts posted as fees shall be in excess of the amount required for all professional review, the excess funds shall be returned to the applicant

within thirty (30) days of the issuance of a certificate of occupancy for the project which the application fee covers.

The Board Secretary shall periodically advise the Board Chairperson of the balance of all escrow accounts and whether additional funds are required as provided for hereinafter. In the event additional funds are required, the Board Chairperson or Secretary shall notify the applicant of the amounts required as additional fees. In the event the applicant refuses or fails to make the payments required within ten (10) days of demand, the Board Secretary shall notify the approving authority. If the additional fees are not paid, the Planning Board or Zoning Board of Adjustment (as applicable) may deny the application before it, and no other permits or certificates shall be issued by the Township to the applicant for the applicable project until payment is made in full. In the event additional fees are required, the applicant shall pay such fees to the Township in accordance with the same agreement already entered into or under any additional terms which may be agreed to by the applicant and the approving authority.

3. Before issuing a construction permit or certificate of occupancy for any element of a project, the applicable code official for the Township of Deptford shall first determine from the applicable Board Secretary whether there are sufficient escrow funds to pay all pending or reasonably anticipated bills attributable for professional review to the particular project. The applicable code officer shall not issue the requested construction permit or certificate of occupancy until the amounts which are due or necessary to provide sufficient funds in escrow to pay such pending or reasonably anticipated bills are paid in full by the applicant.

C. Fees and Escrows. The following is a schedule of fees to be paid by the applicant upon filing an application:

1. Conceptual - Major subdivision or site plan.

Application fee -	$ 100
Engineering (if required) -	250
Planning (if required) -	350
Traffic Engineering (if required) -	300
Legal -	200
Legal - Township Solicitor (if required) -	100

2. Minor subdivision.

a. Application fee - $ 100

b. In-house staff:

		Engineering -	325	
		Planning -	200	
	c.	Outside consultants:		
		Engineering (if required) -	500	plus $25/lot
		Planning (if required) -		
		- Residential -	400	plus $25/lot
		- Non-residential -	800	plus $25/lot
		Legal -	350	plus $20/lot
		Publication	25	
3.	Major subdivision, preliminary.			
	Application fee -		$750	
	Engineering -		1,600	plus $100/lot
	Planning -			
	- Residential -		750	plus $25/lot
	- Non-residential -		750	plus $50/lot
	Traffic Engineering (if required) -		500	
	Legal -		600	plus $10/lot
	Legal - Township Solicitor (if required) -		200	
	Publication -		25	
4.	Major subdivision, final.			
	Application fee -		$500	
	Engineering -		800	plus $50/lot
	Planning -			
	- Residential -		500	plus $20/lot
	- Non-residential -		300	plus $50/lot

Traffic Engineering (if required) -		500	
Legal -		300	plus $25/lot
Legal - Township Solicitor (if required) -		350	
Publication -		100	

5. General Development Plan - Planned Unit Development.

Application fee -	$ 2,000	
Engineering -	2,500	plus $20/unit
Planning -	2,000	plus $20/unit
Traffic Engineering (if required) -	1,500	plus $20/unit
Legal -	1,000	plus $10/unit
Legal - Township Solicitor (if required) -	350	
Publication -	100	

6. Minor site plan.

a.	Application fee -	$ 300	
b.	In-house staff -		
	Engineering	325	
	Planning	200	
c.	Outside consultants -		
	Engineering (if required)	500	
	Planning (if required)	500	
	Traffic Engineering (if required)	350	
	Legal	300	
	Publication	25	

7. Major site plan, preliminary.

Application fee -	$ 500	

	Engineering -	1,500	plus $200/acre over one
	Planning -		
	-Residential -	750	plus $20/unit
	-Non-residential -	750	plus $20/1,000 sq. ft.
	Traffic Engineering -	500	plus $20/unit
	Legal -	500	plus $10/1,000 sq. ft.
	Publication -	25	
8.	Major site plan, final.		
	Application fee -	$ 500	
	Engineering -	750	plus $50/acre over one
	Planning -		
	- Residential -	500	plus $10/unit
	- Non-Residential -	500	plus $10/1,000 sq. ft.
	Traffic Engineering -	400	plus $20/unit
	Legal -	350	plus $10/1,000 sq. ft.
	Legal - Township Solicitor (if required) -	350	
	Publication -	25	
9.	Regional shopping center.		
	Application fee -	$ 2,000	
	Engineering -	10,000	
	Planning -	1,000	plus $20/1,000 sq. ft.
	Traffic Engineering (if required) -	2,500	
	Legal -	2,500	
	Legal - Township Solicitor (if required) -	350	
	Publication -	100	

10. Use variance - (Applications made under *N.J.S.A.* 40:55D-70.d.)

		Residential	Commercial	Industrial
a.	Application fee -	$ 100	$ 300	$ 350
b.	In-house staff			
	Engineering -	50	75	100
	Planning -	100	150	150
c.	Outside consultants			
	Engineering -	75	100	125
	Planning -	350	350	500
	Legal -	300	500	500
	Legal -Twp. Sol. (if req'd)	50	75	100
	Publication -	25	25	25

11. Bulk variance - (Applications made under *N.J.S.A.* 40:55D-70.c.)

		Residential	Commercial	Industrial
a.	Application fee -	$ 50	$ 200	$ 250
b.	In-house staff			
	Engineering -	100	150	150
	Planning -	150	150	150
c.	Outside consultants			
	Engineering (if required)	100	100	100
	Planning	200	300	300
	Legal	200	200	200
	Publication	25	25	25

12. Appeals - (Applications made under *N.J.S.A.* 40:55D-70.a.)

	Residential	Commercial	Industrial
Application fee -	$ 50	$ 100	$ 150
Engineering (if required) -	100	100	100
Planning (if required) -	100	100	100
Legal -	200	200	200
Publication -	25	25	25

13. Interpretations (Applications made under *N.J.S.A.* 40:55D-70.b.)

	Residential	Commercial	Industrial
Application fee -	$ 50	$ 100	$ 150
Engineering (if required)	100	100	100
Planning (if required)	100	100	100
Legal	150	250	250
Publication Fees	25	25	25

14. Conditional Use review.

Application fee -	$ 100
Engineering -	100
Planning -	150
Legal -	200
Publication -	25

15. Miscellaneous.

Application fee -	$ 200
Engineering (if required) -	150
Planning (if required) -	150
Legal -	200

16. Zoning change request.

Application fee -	$ 100
Engineering -	1500
Planning -	1500
Traffic Engineering -	1000
Legal -	350
Legal - Township Solicitor -	500
Publication -	25

17. Soil erosion & sediment control.

a.	Application fee -	$250
b.	In-house staff engineering -	$85/acre up to 5 ac.
		$70/acre up to 25 ac.
		$60/acre up to 100 ac.
		$50/acre in excess of 100 ac.
c.	Outside consultants engineering -	$400 plus $60/acre over one acre

18. Lot grading plan review [Ord. O.16.10, 11/8/10]:

Application fee -	$35
Engineering escrow – initial submission	$350
Engineering escrow – revised submission	$50
Inspection fee -	$130 All fees are per lot

D. Professional fees - The engineering, traffic engineering, legal and planning escrows as set forth in the aforesaid provisions are minimum amounts representing an estimate of the anticipated costs for such services based on the hourly rates of the respective professional. The hourly rates to be charged each applicant for the services of such professionals shall be the same as those set forth in the contracts between the Township and said professionals.

§ 96. Improvement and Maintenance Guarantees.

A. Before recording final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to *N.J.S.A.* 40:55D-65d, the approving Board, for the purpose of assuring the installation and maintenance of on- and off-tract (pursuant to *N.J.S.A.* 40:55D-42) improvements, shall require and accept in accordance with the standards adopted by this chapter, the following:

1. The furnishing of a performance guarantee in favor of the Township of Deptford in an amount not to exceed one hundred twenty percent (120%) of the cost of installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in §97 for improvements which the Board may deem necessary or appropriate, including but not limited to: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments as shown on the final subdivision plat and required by the Map Filing Law (*N.J.S.A.* 46:23-9.9 *et seq* .), culverts, storm sewers, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

   The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obliger.

2. Provision for a maintenance guarantee to be posted with the Township Council for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed fifteen percent (15%) of the cost of the improvement, which cost shall be determined by the Township Engineer according to the method of calculation set forth in §97. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

B. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed one hundred twenty percent (120%) of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in §97 as of the time of the passage of the resolution.

C. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obliger and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such

improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law (*N.J.S.A.* 40A:11-1 *et seq* .).

D. Estimate of cost for installation of improvements. A performance guarantee estimate shall be prepared by the Township Engineer, setting forth all requirements for improvements as fixed by the Board and their estimated cost. The estimated cost of the installation of improvements determined by the Township Engineer shall be based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Township Engineer's estimate to the Township Council. The Township Council shall decide the appeal within forty-five (45) days of receipt of the appeal in writing by the Township Clerk. After the developer posts a guarantee with the Township based on the cost of the installation of improvements as determined by the Township Council, he may institute legal action within one (1) year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.

1. The cost of the installation of improvements for the purposes of Section 41 of P. L. 1975, c.291 (C.40:55D-53) shall be estimated by the Municipal Engineer based on documented construction costs for public improvements prevailing in the general area of the municipality. The developer may appeal the Municipal Engineer's estimate to the County Construction Board of Appeals established under Section 9 of P.L. 1975, c.217 (C.52:27D-127).

E. Approval by Township Solicitor.

The applicant shall present two (2) copies of the performance guarantee in an amount equal to the amount of the approved performance guarantee estimate for approval as to form and execution by the Township Solicitor.

F. Bonding and cash requirements.

1. The performance guarantee posted by the applicant shall be in the form acceptable to the Township Solicitor. Performance and maintenance bonds shall be provided by an acceptable surety company licensed to do business within the State of New Jersey with a rating of no less than a B+ by AM Best. The performance guarantee in favor of the Township shall be in an amount not to exceed one hundred twenty percent (120%) of the cost of the installation and improvements. The Director of Finance shall issue its receipt for such cash deposits and shall cause the same to be deposited in a bank named by the Township for this purpose to be retained as security for completion of all requirements and to be returned to the developer on completion of all required work and expiration of the period of maintenance guarantee or, in the event of default on the part of the applicant, to be used by the Township of Deptford to pay the cost and expense of obtaining completion of all requirements.

2. The Township shall accept a performance guarantee or maintenance guarantee for the purposes herein which is an irrevocable letter of credit if it:

   a. Constitutes an unconditional payment obligation of the issuer running solely to the Township for an express initial period of time in the amount determined pursuant to *N.J.S.A.* 40:55D-53;

   b. Is issued by a banking or savings institution authorized to and doing business in the State of New Jersey;

   c. Is for a period of time of at least one (1) year; and

   d. Permits the Township to draw upon the letter of credit if the obliger fails to furnish another letter of credit which complies with the provisions of this subsection thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

G. Inspections, tests and as-built requirements [Ord. O.16.10, 11/8/10].

1. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the Township Engineer to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the applicant, and he or she shall deposit with the Township Director of Finance for placement in an escrow account an amount not to exceed, except for extraordinary circumstances, the greater of five hundred dollars ($500.00) or five percent (5%) of the amount of the performance guarantee estimate of the cost of improvements pursuant to §97, Off-Tract Improvements. The obligor shall reimburse the Township for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements. For those developments for which the reasonably anticipated fees are ten thousand dollars ($10,000) or greater, the fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be twenty-five percent (25%) of the anticipated fees. When the balance on deposit drops to ten percent (10%) of the anticipated fees because of payments to the Township Engineer for inspection, the developer shall make additional deposits of twenty-five percent (25%) of the anticipated fees. The Township Engineer shall not perform any inspection if sufficient funds to pay for such inspection are not on deposit.

2. Site maintenance. It shall be the responsibility of the developer to maintain the entire construction site in a safe and orderly condition during construction. Necessary steps shall be taken by the developer to protect occupants of the construction site and the general public from hazardous and unsightly conditions during the entire construction period. Sub-paragraphs –a through –f list the necessary site operations and activities that shall be maintained on construction sites.

a. Every effort shall be made by the developer's contractor to close excavations by the end of the work day. Unavoidable excavations left open during non-construction hours shall be enclosed by fencing or barricades or covered by appropriate steel traffic plates during non-construction hours. Movable barricades shall be equipped with yellow flashing hazard markers or other lighting accepted by the Township Engineer during the hours of darkness. All locations and activities on the construction site that are hazardous shall be marked with signs indicating such hazard.

b. The excavation of previously installed sidewalk and pavement areas which provide access to an occupied building on a site shall be clearly marked with signs and barricades. Alternate safe access shall be provided for pedestrians to the occupied buildings and motor vehicles to the site. Safe vehicular and pedestrian access to occupied buildings in the site or subdivision shall be provided at all times.

c. Materials stored on the site shall be screened from the view of next door occupants of residential property and the traveling public on public roads.

d. Construction equipment and trucks shall not be stored within one hundred (100) feet of occupied residential buildings during non-construction hours.

e. Construction debris, including but not limited to scrap materials, cartons, boxes and wrappings shall be removed daily from the construction at the end of each working day or placed in appropriate dumpsters.

f. Whenever construction activities take place within or adjacent to any traveled way or interfere with existing traffic patterns in any manner, suitable warning signs, conforming to the requirements of the Manual on Uniform Traffic Control Devices, shall be erected and maintained by the developer.

g. Should the developer fail in his obligation to maintain the site or subdivision in a safe and orderly condition, the Township may, on five days' written notice, or immediately in the case of hazard to life, health or property, undertake whatever work may be necessary to return the site or subdivision to a safe and orderly condition and deduct the cost thereof from the ten-percent-cash-or-certified-check portion of the performance guaranty. Upon notice of such deduction, the developer shall, within 10 days, restore the full ten-percent-cash balance, or his performance guaranty will be held to be void, and the Township may take action as if final plat approval had not been obtained.

h. The Construction Official shall, upon receiving notice from the Township Engineer that a developer is in violation of this sub-section, suspend further issuance of certificates of occupancy and building permits and may

order cessation of work on any outstanding permits until such time as the condition is rectified.

3. In no case shall any paving work or other construction activities requiring inspection by the Township Engineer be started without his or her permission. At least forty-eight (48) hours notice shall be given to the Township Engineer or qualified representative assigned to Deptford Township prior to any such construction so that the required inspection of improvements may be scheduled and inspected.

4. Any improvement installed without notice for inspection pursuant to subsection - G.3 above shall constitute just cause for:

   a. Removal of the uninspected improvement;

   b. The payment by the developer of any costs for material testing.

   c. The restoration by the developer of any improvements disturbed during any material testing; and/or

   d. The issuance of a stop work order by the Township Engineer pending the resolution of any dispute.

5. Final inspection and as-built drawings. A final inspection of all improvements and utilities shall be undertaken by the Township Engineer to determine whether the work is satisfactory and in agreement with the approved final plan drawings and Township specifications or as a field change approved in writing by the Township Engineer. Any minor deviation from the final approved plan may be approved by the Township Engineer. Any deviation deemed substantial by the Township Engineer shall require submission of an amended final site plan or subdivision, as the case may be, to the Board of Jurisdiction. If the improvements have been constructed under a performance guarantee after approval of a subdivision or site plan, the developer shall submit an as-built plan showing as-built grades, profiles and sections and locations of all subsurface utilities, including but not limited to, stormwater management piping, endwalls, headwalls, control systems and basins; lawn and roof drainage; sanitary sewage conveyance and disposal systems; public and individual waterlines and control valves; natural and propane gas lines; telephone, cable television, telecommunications conduits; monuments and other property markers; and any other utilities or improvements installed. The as-built plan shall be certified by a licensed New Jersey professional land surveyor. If any improvements are constructed prior to final plat approval, the final plat shall reflect all changes and as-built conditions and be so certified. As-built plan(s) shall be submitted on reproducible media, CAD file or other media as directed by the Township Engineer.

6. Inspection of any work by the Township Engineer or authorized representative shall not be considered to be final approval or rejection of the work but shall only

be considered to be a determination of whether or not the specific work involved was being done to Township specifications or other required standards at the time of inspection. Any damage to such work or other unforeseen circumstances, including but not limited to, the weather, other construction, changed physical or topographical conditions, and settlement of soils between the time of installation and the time of a request for full or partial performance guarantee release shall be the entire responsibility of the developer, and no work shall be considered accepted until release of the performance guarantee. Upon a final inspection report, action will be taken to release or declare in default the performance guarantee covering such improvements and utilities.

7. Inspection by the Township of the installation of improvements and utilities by the applicant shall not subject the Township to liability for claims, suits or any other liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it is recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the applicant and his contractors, if any. No declaration, written or otherwise, shall be made by the Township Council, the Township Engineer or any of their agents, employees or other representatives as a precedent to the release of payments to contractors by the developer.

H. Reduction of Guarantees.

1. Upon substantial completion of all required on- and off-site improvements (except for the top course of road paving) and appurtenant utility improvements, and the connection of same to the public system, the obliger may request of the Township Council in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to §97, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obliger shall send a copy of the request to the Township Engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obliger. Thereupon the Township Engineer shall inspect all improvements covered by the obliger's request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the obliger not later than forty-five (45) days after receipt of the obliger's request.

2. The list prepared by the Township Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the

performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee.

3. The Township Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee. This resolution shall be adopted not later than forty-five (45) days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the Township Council, the obliger shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that thirty percent (30%) of the amount of the performance guarantee posted for each line item may be retained to ensure completion and acceptability of all improvements.

   For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to Subsection a. of this Section, including any contingency factor applied to the cost of installation. If the sum of said improvements would exceed 70% of the total amount of the performance guarantee, the municipality may retain 30% of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

4. If the Township Engineer fails to send or provide the list and report as requested by the obliger within forty-five (45) days from receipt of the request, the obliger may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

   If the Township Council fails to approve or reject the improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within forty-five (45) days from the receipt of the Township Engineer's list and report, the obliger may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee, and the

cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

5. In the event that the obliger has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

6. If any portion of the required improvements is rejected, the approving authority may require the obliger to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

7. Nothing herein, however, shall be construed to limit the right of the obliger to contest by legal proceedings any determination of the Township Council or the Township Engineer.

8. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of improvements, which cost shall be determined pursuant to Section 15 of P.L.1991, c.256 (C.40:55D-53.4). For those developments for which the inspection fees are less than $10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees are $10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

9. In the event that final approval is by stages or sections of development pursuant to *N.J.S.A.* 40:55D-38, the provisions of this section shall be applied by stage or section.

10. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this Section, to accept dedication for public use and any other

improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Municipal Engineer.

I. Conditions for acceptance of improvements; maintenance guarantee.

The approval of any plat under this chapter by the approving Board or Township Council, or both, shall in no way be construed as acceptance of any street or drainage system or any other improvement required by this chapter, nor shall such plat approval obligate the Township in any way to maintain or exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the Township Council unless and until all of the following conditions have been met.

1. The Township Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this chapter.

2. The final plat shall have been approved by the Board.

3. Maintenance guarantee.

   a. After final acceptance of all improvements, the developer shall have filed with the Township Council a maintenance guarantee in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of installing the improvements and shall run for a period not exceeding two (2) years. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in this chapter. The requirements for a maintenance guarantee may be waived by the Township Council only if the Township Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Township Engineer certified completion of such improvements and that during this period the developer has maintained the improvements in a satisfactory manner.

   b. As-built plans and profiles (one (1) reproducible and two (2) paper copies) of all utilities and roads are submitted to the Administrative Officer, with certification signed and sealed by a New Jersey licensed professional engineer as to the actual construction as approved by the Township Engineer, shall be provided.

   c. In the event that any other Township or governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a maintenance guarantee to another municipal or governmental agency, no maintenance guarantee shall be required by the Township for such utilities or improvements.

J. Guarantee Status Reports. The Director of Finance shall issue a semi-annual status report on all non-cash performance and maintenance guarantees held by the Township. The report shall give an accounting of each guarantee, specifically noting its expiration date. The report shall be submitted to the Township Engineer, Construction Official, Zoning Officer, and the Secretary's of both the Planning Board and Zoning Board of Adjustment.

K. Certificate of Occupancy. Occupancy permits will be issued only when the installation of any curbs, all utilities, all functioning water supply and sewage treatment facilities, all necessary storm drainage to ensure proper drainage of the lot and surrounding land, rough grading of lots, base course for the driveway and base course for the streets are installed to serve the lot and structure for which the permit is requested. Streets, if installed prior to final approval, shall not be paved until all heavy construction is complete; shade trees shall not be planted until all grading and earthmoving is completed; and seeding of grass areas shall be the last operation. The issuance of a certificate of occupancy will follow the procedures outlined in this chapter and the chapter of the Township Code administering the Uniform Construction Code. A separate certificate of occupancy shall also be required when any change occurs in the use or occupancy of an existing structure.

§ 97. Off-Tract Improvements.

This section is intended to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development.

As a condition of final subdivision or site plan approval, the Planning Board may require a developer to pay his/her pro rata share of the cost of providing reasonable and necessary improvements for off-tract costs directly related to the development. These costs may include that of land and/or easements for, and construction of, improvements to circulation, water, sewerage, drainage facilities which are located off-tract of the property limits of the subdivision or development but for which substantially all the cost of said improvements is necessitated or required directly by the development. In addition, a development may be liable for its share of the cost of the impact of the development to Township and/or regional capital improvements provided that the cost shall not duplicate off-tract improvements for which the developer is primarily responsible. The Planning Board shall provide in its resolution of approval the basis of the required improvements.

Where a developer pays the amount determined as his pro-rata share under protest they shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

A. Calculation of Proportionate Costs.

1. Full allocation. In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit thereby, the developer may be required at his sole expense and as a condition of approval, to provide and install such improvements. In such case where the Planning Board determines that the full improvement is required to

service this development, the developer shall fully install the entire improvement at his expense with no reimbursement.

2. Proportionate allocation.

   a. Where it is determined that some properties outside the development will also be benefitted by the off-tract improvement, the following criteria shall be utilized in determining the proportionate share of the cost of such improvements to the developer.

   b. Allocation formula.

      1) Roadways - The applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements shall be as follows:

         (a) The municipal engineer, traffic engineer or planner shall provide the applicant with the existing and reasonably anticipated future peak hour traffic for the off-tract improvement;

         (b) The applicant shall furnish a plan for the proposed off-tract improvement which shall include the estimated peak-hour traffic generated by the proposed development and the proportion thereof which is to be accommodated by the proposed off-tract improvement. The ratio of the peak hour traffic generated by the proposed development which is to be accommodated by the off-tract improvement to the future additional peak-hour traffic anticipated to impact the proposed off-tract improvement shall form the basis of the proportionate share. The proportionate share shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement (peak-hour traffic)}}{\text{Development peak-hour traffic to be accommodated by the enlargement or improvement}}$$

2) Drainage improvements - The applicant's proportionate share of storm water and drainage improvements including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip-rap, improved drainage ditches and appurtenances thereto, and relocation or replacement of other storm drainage facilities or appurtenances associated therewith, shall be determined as follows:

(a) The capacity and the design of the drainage system to accommodate storm water runoff shall be based on the standards specified in §35. of this chapter and related appendices, computed by the developer's engineer and approved by the municipal engineer.

(b) The capacity of the enlarged, extended, or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer subject to approval of the municipal engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the municipal engineer. The prorated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's Cost}} = \frac{\text{Capacity of enlargement or improvement (total capacity expressed in cubic feet per second)}}{\text{Development-generated peak rate of runoff expressed in cubic feet per second to be accommodated by the enlargement of improvement}}$$

B. Future funds.Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited in a separate interest-bearing account to the credit of the Township of Deptford until such time as the improvement is constructed. If the off-tract improvement is not begun within ten (10) years of deposit, all monies and interest shall be returned to the applicant.

§ 98. Administrative Guidelines.

A. The Chief Financial Officer of a municipality shall make all of the payments to professionals for services rendered to the municipality or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of PL. 1975, c.291 (C.40:55D-1 *et*

seq.). Such fees or charges shall be based upon a schedule established by resolution. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipality. The only costs that shall be added to any such charges shall be actual out of pocket expenses of any such professionals or consultants including normal and typical expenses incurred in processing applications and inspecting improvements. The municipality or approving authority shall not bill the applicant, or charge any escrow account or deposit authorized under subsection b. of this Section, for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or any other municipal costs and expenses except as provided for in this Section, nor shall a municipal professional add any such charges to his bill. If the salary, staff support and overhead for a municipal professional are provided by the municipality, the charge shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary, which shall be established annually by ordinance, of each of the professionals by (2) the number of hours spent by the respective professional upon review of the application for development or inspection of the developer's improvements, as the case may be. For other professionals the charge shall be at the same rate as all other work of the same nature by the professional for the municipality when fees are not reimbursed or otherwise imposed on applicants or developers.

B. If the municipality requires of the developer a deposit toward anticipated municipal expenses for these professional services, the deposit shall be placed in an escrow account pursuant to Section I of P.L.1985, c.315 (C.40:55D-53.1). The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. The amount of the initial deposit required shall be established by ordinance. For review of applications for development proposing a subdivision, the amount of the deposit shall be calculated based on the number of proposed lots. For review of applications for development proposing a site plan, the amount of the deposit shall be based on one or more of the following: the area of the site to be developed, the square footage of buildings to be constructed, or an additional factor for circulation intensive sites, such as those containing drive through facilities. Deposits for inspection fees shall be established in accordance with Subsection h. of Section 41 of P.L. 1975 c.291 (C.40:55D-53).

C. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and for each date the services performed, the hours spent to one quarter (¼) hour increments, the hourly rate and the expenses incurred. All professional shall submit vouchers to the Chief Financial Officer of the municipality on a monthly basis in accordance with schedules and procedures established by the Chief Financial Officer of the municipality. If the services are provided by a municipal employee, the municipal employee shall prepare and submit to the Chief Financial Officer of the municipality a statement containing the same information as required on a voucher, on a monthly basis. The professional shall send an informational copy of all vouchers or statements submitted to

the Chief Financial Officer of the municipality simultaneously to the applicant. The Chief Financial Officer of the municipality shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are $1,000 or less, or on a monthly basis if monthly charges exceed $1,000. lf an escrow account or deposit contains insufficient funds to enable the municipality or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer of the municipality shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period, post a deposit to the account in an amount to be agreed upon by the municipality or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

D. The following closeout procedure shall apply to all deposits and escrow accounts established under the provisions of P.L. 1975, c.291 (C.40:55D-1 *et seq* .) and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review escrows and deposits, or after the improvements have been approved as provided in Section 41 of P. L. 1975, c.291 (C.40:55D-53). in the case of improvement inspection escrows and deposits. The applicant shall send written notice by certified mail to the Chief Financial Officer of the municipality and the approving authority, and to the relevant municipal professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer of the municipality within 30 days, and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the municipality shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with Section I of P. L. 1985, c.315 (C.40:55D-53.1) shall be refunded to the developer along with the final accounting.

E. All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction. Review fees shall be charged only in connection with an application for development presently pending before the approving authority or upon review of compliance with conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any State environmental agency and not under municipal jurisdiction except to the extent consultation with a State agency is necessary due to the effect of State approvals in the subdivision or site plan. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.

F. If the municipality retains a different professional or consultant in the place of the professional originally responsible for development, Application review, or inspection of improvements, the municipality or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving authority shall not bill the applicant or charge the deposit or the escrow account for any such services.

§ 99. Appeals.

A. An applicant shall notify in writing the governing body with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to the provisions of P.L.1975, c.291 (C.40:55D-1 *et seq*.). The governing body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals established under Section 9 of P.L. 1975, c.217 (C.52:27D-127) any charges to an escrow account or a deposit by any municipal professional or consultant, or the cost of the installation of improvements estimated by the Municipal Engineer pursuant to Section 15 of P. L. 199 1. c.256 (C.40:55D-53.4). An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the municipality, approving authority, and any professional whose charges is the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by Subsection c. of Section 13 of PL. 1991, c.256 (C.40:55D-53.2), except that if the professional has not supplied the applicant with an informational copy of the voucher, then the applicant shall file his appeal within 60 days from receipt of the municipal statement of activity against the deposit or escrow account required by Subsection c. of Section 13 of P.L.1991, c.256 (C.40:55D-53.2). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.

B. The County Construction Board of Appeals shall hear the appeal, render a decision thereon, and file its decision with a statement of the reasons therefore with the municipality or approving authority not later than ten business days following the submission of the appeal, unless such period of time has been extended with the consent of the applicant. The decision may approve, disapprove, or modify the professional charges appealed from. A copy of the decision shall be forwarded by certified or registered mail to the party making the appeal, the municipality, the approving authority and the professional involved in the appeal. Failure by the Board to hear an appeal and render and file a decision thereon within the time limits prescribed in this Subsection shall be deemed a denial of the appeal for purpose of a complaint, application, or appeal to a court of competent jurisdiction.

C. The County Construction Board of Appeals shall provide rules for its procedure in accordance with this Section. The Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence and the provisions of the "County and Municipal Investigations Law," P.L.1953, c.38 (C.2A:6AA-1 *et seq* .) shall apply.

D. During the pendence of any appeal, the municipality or approving authority shall continue to process, hear, and decide the application for development, and to inspect the development in the normal course, and shall not withhold, delay, or deny reviews, inspections, signing of subdivision plans or site plans, the reduction or release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy, or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

Article XII. Affordable Housing

[Ord. O.03.26, 3/2/26]

§ 100. Purpose.

A. This chapter is designed to implement the Township's adopted housing element and fair share plan for low- and moderate-income housing adopted pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (the "Act"); the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) ("UHAC"); statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and -5:97, and judicial decisions, as they may be amended or superseded. This Chapter is designed to ensure that affordable housing created under the Fair Housing Act is occupied by low- and moderate-income households for the appropriate period of time with controls on affordability over time and that very low- low- and moderate-income households shall occupy these units pursuant to statutory requirements.. All words, phrases, and terms not otherwise defined herein shall have the same meanings and usages as in the Act and UHAC. This chapter provides rules for the establishment and administration of affordability controls on each income restricted dwelling unit for which the Township receives credit.

B. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as it may be amended and supplemented.

C. Master Plan Consistency. The Planning Board has adopted a Housing Element and Fair Share Plan ("HEFSP") pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-28. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Plan Element.

§ 101. General Provisions

A. The provisions of this Article shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Deptford pursuant to the Township’s most recently adopted Housing Element and Fair Share Plan. All developers with sites identified for affordable housing pursuant to the most recent Housing Element and Fair Share Plan adopted by the Planning Board and Township Council of Deptford, according to their respective duties, shall provide affordable housing units in accordance with the plan. All development that falls within the time period of the present round of affordable housing obligation shall construct units or pay a development fee in accordance with this Article.

B. The provisions of this Article shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units. All restricted units, including those funded with federal Low Income Housing Tax Credits or

other subsidy programs, shall include the required bedroom distribution and income distribution, shall be subject to affordability controls, and shall be affirmatively marketed in accordance with UHAC, with the exception that instead of 10% of all rental affordable units being affordable to households earning 35% of less of the regional median household income by household size, 13% of all rental affordable units shall be affordable to households earning 30% or less of the regional median household income by household size, and all other applicable law.

C. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

D. All new construction units shall be adaptable in conformance with N.J.S.A. 52:27D-311a and -311b and all other applicable law.

§ 102. Municipal Housing Liaison.

A. The Municipal Housing Liaison shall be annually appointed by the Township Council and shall be a municipal employee.

B. The Municipal Housing Liaison shall be approved by the DCA Division of Local Planning Services, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.

C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Deptford and shall undertake the following duties and responsibilities. Such duties and responsibilities shall not be contracted out to the Township Administrative Agent.

1. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
2. The oversight of the Affirmative Marketing Plan and affordability controls.
3. When applicable, overseeing and monitoring any contracting Administrative Agent.
4. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
5. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
6. Coordinating meetings with affordable housing providers and administrative agents, as needed.

7. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.

8. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.

9. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in -C.8 above has been duly recorded.

10. Listing on the municipal website contact information for the MHL and Administrative Agents.

§ 103. Township Administrative Agent and Other Administrative Agents

A. The Township Council shall yearly appoint a Township Administrative Agent to monitor sales and resales of affordable housing units pursuant to N.J.A.C. 5:80-26.14. The Administrative Agent of the municipality may also be the Municipal Housing Liaison, but is not required to be. The Township Administrative Agent may be a third party under a contractual agreement with the municipality, provided such agent has the requisite experience in the duties enumerated herein.

B. The Township Administrative Agent shall monitor the designated Administrative Agent of the developer in the initial sales and rental transactions for low- and moderate-income dwellings in accordance with N.J.A.C. 5:80-26.15 and N.J.A.C. 5:99-7, as it may be amended or superseded. The developer's administrative agent shall have all of responsibilities as put forth in this rule. After the initial sales and rental transactions, the Township Administrative Agent shall monitor the activities of the developer's or owner's Administrative Agent for any re-sales or re-rentals. If the person is the Township's Administrative Agent, then he or she shall assume all of the duties and responsibilities set forth in N.J.A.C. 5:80-26.15 and N.J.A.C. 5:99-7 following the initial renting, sales and occupancy of low- and moderate-income dwellings. The affordability controls set forth in this chapter shall be administered and enforced by the Administrative Agent regardless of association. The primary responsibility of the Administrative Agent shall be to ensure that the restricted units are sold or rented, as applicable, only to low- and moderate-income households in accordance with the Fair Housing Act.

C. The fees for administrative agents shall be paid as follows:

1. Administrative agent fees related to rental units shall be paid by the developer/owner.

2. Administrative agent fees related to initial sale of units shall be paid by the developer.

3. Administrative agent fees related to resales shall be paid by the seller of the affordable home.

4. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.

D. The Administrative Agent, whether the Township's representative, developer's agent, or a delegated agent, shall have the duties and responsibilities as are set forth in paragraph -B and below and which shall described in full detail in any necessary Operating Manual, including those set forth in UHAC, including:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;

2. Affirmative marketing:

   a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.

   b. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.

3. Household certification.

   a. Soliciting, scheduling, conducting and following up on interviews with interested households.

   b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

   c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.

   d. Requiring that all certified applicants for restricted units execute a certificate substantially in the firm, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.

   e. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.

   f. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.

4. Affordability controls.

   a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.

   b. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register

of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

c. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.

d. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

5. Records retention.

a. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.

b. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

6. Resales and re-rentals.

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.

b. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

7. Processing requests from unit owners.

a. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.

c. Notifying the municipality of an owner's intent to sell a restricted unit.

d. Making determinations on requests by owners of restricted units for hardship waivers.

8. Enforcement.

a. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and

notifying all such owners that they must either move back to their unit or sell it;

b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

c. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;

d. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and

e. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

f. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

E. The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s) and shall coordinate his or her activities with the Township Administrative Agent to ensure the accurate tracking of the progress of the occupancy of affordable housing in the municipality, answer inquiries regarding affordable housing from the public or direct same to the appropriate official or agency, and comply with the affordable housing monitoring and reporting requirements of the state.

F. In order to ensure an orderly transfer of control responsibility from a municipality to an Administrative Agent, from one Administrative Agent to another Administrative Agent, or other transfer, the requirements as set forth in N.J.A.C 5:80-26.18 and N.J.A.C. 5:99-7.4 shall apply as are necessary before or during the transition. The Administrative Agent's enforcement responsibility for implementing such practices and procedures shall not be delegated or otherwise transferred to any other party, except to a successor administrative agent.

G. The Township Administrative Agent shall keep records of the affirmative marketing activities undertaken in accordance with the affirmative marketing plan established by any developer's Administrative Agent. The records shall include, but not be limited to, the following:

1. Electronic reporting of affordable housing activity; any required paper forms;

2. Copies of any press releases, brochures, flyers, print advertisements and application forms used in the affirmative marketing program.

3. The income and demographic characteristics of each household applying for and occupying income-restricted housing.

4. An evaluation of any necessary adjustments required to the affirmative marketing program as communicated by the Administrative Agent.

H. An operating manual for each affordable housing program shall be provided by the Township Administrative Agent or developer's Administrative Agent and approved by the Municipal Housing Liaison prior to being placed into use. Such operating manual shall be a public record.

§ 104. Affirmative Marketing.

A. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 5 and is required to be followed throughout the period of deed restriction.

C. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

1. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-,low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.

2. There shall be a regional preference for all households that live and/or work in Housing Region 5 comprising Burlington, Camden and Gloucester Counties.

3. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

4. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.

F. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

G. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.

H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

I. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

J. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

§ 105. Monitoring and Reporting Requirements.

A. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan.

B. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be

available to the public on the Department's website at https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml

C. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

D. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

§ 106. Regional Income Limits, Maximum Initial Rents And Sales Prices.

A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.

B. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.

C. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or forty-five (45) days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

D. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.

E. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than fifty-two percent (52%) of regional median income.

F. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than sixty percent (60%) of regional median income.

G. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least thirteen percent (13%) of all low- and moderate-income rental units shall be affordable to households earning no more than thirty percent (30%) of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.

H. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than seventy percent (70%) of median income, and each affordable housing development must achieve an affordability average that does not exceed fifty-five percent (55%) for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate- income units permits.

I. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

J. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:

1. A studio or efficiency unit shall be affordable to a one-person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household;
3. A two-bedroom unit shall be affordable to a three-person household;
4. A three-bedroom unit shall be affordable to a four and one-half person household; and
5. A four-bedroom unit shall be affordable to a six-person household.

K. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:

1. A studio or efficiency unit shall be affordable to a one-person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household; and
3. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

L. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible

monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

M. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

N. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

§ 107. Low/Moderate Split and Bedroom Distribution and Selection of Occupants

A. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.

B. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.

C. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.

D. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:

1. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

2. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;

3. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units. The municipality has chosen not to allow rounding.

4. At least 30% of all low- and moderate-income units, rounded up (or down) shall be two-bedroom units. The municipality has chosen to allow rounding.

5. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The municipality has chosen not to allow rounding.

6. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

E. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least five percent (5%) of those restricted units.

F. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

G. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

H. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

2. Provide a bedroom for every two adult occupants;

3. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and

4. Avoid placing a one-person household into a unit with more than one bedroom.

§ 108. Control Periods for Restricted Ownership Units & Enforcement Mechanisms.

A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-

26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).

C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.

D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.

E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:

1. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
2. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.

F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

J. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:

1. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.

2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C. 5:80-26.7.

    a. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.

    b. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3.

3. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:

    a. Those that render the unit suitable for a larger household or the addition of a bathroom.

    b. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);

4. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

K. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the

purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

L. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to fifty percent (50%) of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than eighty percent (80%) of median income.

M. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

N. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

O. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments.

P. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five percent (95%) of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

§ 109. Rent Restrictions for Rental Units; Leases and Fees.

A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.

B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.

C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of

administering the controls applicable to the unit as set forth in this Ordinance.

E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

F. Pet fees may not exceed $30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.

G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.

H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

I. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:

   a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.

   b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.

   c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.

2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

   a. The household currently pays more than 35% (40% for households eligible for age- restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

   b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

c. The household is currently in substandard or overcrowded living conditions;

d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in -B(1) through -B(5) above with the Administrative Agent, who shall counsel the household on budgeting.

§ 110. Responsibilities of Affordable Housing Development Owner.

A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

1. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.

2. The total number of units in the project and the number of affordable units.

3. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses/unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.

4. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

5. A projected construction schedule.

6. The location of any common areas and elevators.

7. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

B. In addition to -A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

1. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing

in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

2. Provide to the administrative agent a description of any applicable fees.
3. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
4. Agree and ensure that the utility configuration established at the start of the rent-up process remain unaltered throughout the restricted period.
5. Provide to the administrative agent a proposed form of lease for any rental units.
6. Ensure that the tenant selection criteria for the applicants for affordable units remain no more restrictive than the tenant selection criteria for applicants for non-restricted units.
7. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

C. In addition to -A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:

1. Proposed pricing for all units, including any purchaser options and add-on items.
2. Condominium or homeowner association fees and any other applicable fees.
3. Estimated real property taxes.
4. Sewer, water, trash disposal, and any other utility assessments.
5. Flood insurance requirement, if applicable.
6. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§ 111. New Construction

A. Applicability. This section governs the creation of new affordable housing units regardless of the means by which the units are created, whether from ground up construction, alteration of existing residential buildings, conversion of non-residential buildings, or other means.

B. Submission of Affordable Housing Plan.

1. The developer of low- and moderate-income housing units shall submit to the Township Administrative Agent an Affordable Housing Plan that describes the developer’s plan for affordable housing to be used to insure that the required low and moderate income units are sold or rented only to low and moderate income households for a period of not less than 30 years, that such units meet bedroom distribution and phasing requirements, and comports with the requirements of this

Article pertaining to the provisions, leasing, selling and transferring units among eligible low and moderate income households.

2. The Affordable Housing Plan shall indicate how the developer will comply with the procedures of this Article for selecting occupants of low- and moderate-income housing and the required affirmative marketing requirements. The requirements for affirmative marketing are found in §104, above. Whenever a developer proposes a third-party operator or manager of affordable housing units, the Municipal Housing Liaison shall specifically approve such operator and manager.

3. The following information shall promptly be provided to the Township Administrative Agent by the developer or sponsor of any project containing any affordable units subject to the requirements of this Article, upon the later of either final municipal land use approval or issuance of a grant contract by a governmental authority:

    a. The total number of units in the project, and number of restricted units, broken down by bedroom size, identifying which are low and which are moderate income dwellings, and including street addresses of restricted dwellings;

    b. Floor plans of all affordable dwellings, including complete and accurate identification of uses and dimensions of all rooms;

    c. A project map identifying the locations of low and moderate income and market dwellings;

    d. A list of project principals or partners, together with a list of all other affordable projects in which they have been involved over the previous five years;

    e. Projected construction schedule;

    f. Proposed pricing for all units, including any purchaser options and add-on items;

    g. A list of all public funding sources and copies of grant or loan agreements for those sources;

    h. Condominium fees or homeowner association and any other maintenance or other fees;

    i. Estimated real property taxes for sale units;

    j. Sewer, trash disposal and any other utility assessments;

    k. Flood insurance requirement, if applicable;

    l. A description of all HVAC systems;

    m. Location of any common areas and elevators;

    n. Proposed form of lease for any rental units;

o. The name of the person who will be responsible for official contact with the Township Administrator for the duration of the project;

p. The name and qualifications of the developer's administrative agent, if applicable; and

q. The State-approved Planned Real Estate Development public offering statement and/or master deed where available or applicable.

4. The developer shall submit the Affordable Housing Plan to the Township Administrative Agent at least 45 days prior to the advertising of the availability of the units. The agent will approve or modify the plan within 30 working days of receipt of the plan or within such time as additionally granted by the developer.

C. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

D. Completion Schedule/Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development, as depicted in the following table:

Percentage of Affordable Housing Units Completed	Percentage of Market Housing Units Completed
0%	25%
10%	25% + 1
50%	50%
75%	75%
100%	90%

E. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

1. Design of one hundred percent (100%) affordable developments:

a. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

b. Each bedroom in each restricted unit must have at least one window.

c. Restricted units must include adequate air conditioning and heating.

2. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.

a. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

b. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.

c. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

d. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

e. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.

f. Each bedroom in each restricted unit must have at least one window.

g. Restricted units must be of the same unit type as market-rate units within the same

h. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

3. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:

a. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

b. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.

c. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

d. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

e. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively affected by such reservation(s).

f. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

g. Each bedroom in each restricted unit must have at least one window; and

h. Restricted units must include adequate air conditioning and heating.

F. Utilities.

1. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.

2. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).

G. Accessibility Requirements.

1. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

2. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multi-floor

dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:

a. An adaptable toilet and bathing facility on the first floor;

b. An adaptable kitchen on the first floor;

c. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

d. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;

e. If not all of the foregoing requirements in –(2)(a) through –(2)(d) can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and

f. An accessible entranceway as set forth in N.J.S.A. 52:27D-311a et seq. and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:

1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

2) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.

3) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

4) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.

5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

3. The minimum size of affordable housing units, which is necessary to ensure the public health, safety, and welfare of its occupants, shall be as indicated in the following table:

Type of Unit	Minimum Size (gross square feet)
Efficiency	500
One-bedroom	600
Two-bedroom	750
Three-bedroom	900

§ 112. Rehabilitation Program Requirements.

A. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq. or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.

B. Both ownership and rental units shall be eligible for rehabilitation funds as set forth in the adopted rehabilitation manuals.

C. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of ten (10) years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.

D. The municipality shall dedicate a minimum average hard cost of ten thousand dollars ($10,000) for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write- ups.

E. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with this Chapter. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the Township Council. Both rehabilitation manuals shall be available for public review in the Moorestown Department of Community Development and on the municipal affordable housing web page.

F. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:

1. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.

2. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.

3. Rents in rehabilitated units may increase annually based on the standards in UHAC.

4. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

§ 112.1 Extension of Controls Program Requirements.

A. Authority. The extensions of controls program operates under the authority of N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.6(h) through -(k) and -(m) for ownership units, and N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through -(k) for rental units.

B. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:

1. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.

2. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;

3. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.

4. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.

5. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.

6. The deed restriction for the extended control period shall be filed with the County Clerk of Gloucester County.

§ 112.2 Supportive Housing and Group Homes Program Requirements

A. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

B. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

C. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.

D. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.

1. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

2. Occupancy shall not be restricted to youth under 18 years of age.

3. In affordable developments with twenty (20) or more restricted units that are supportive housing, two-bedroom units must compose at least five percent (5%) of those restricted units.

4. The bedrooms and/or units shall comply with UHAC with the following exceptions:

a. Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

E. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

F. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

G. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

1. An Affirmative Marketing Plan in accordance with §104, above; and

2. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the

requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

H. The sponsor/owner shall complete annual monitoring as directed by the MHL.

§ 112.3 Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

   a. A fine of not more than two thousand dollars ($2,000.00) or imprisonment for a period not to exceed nnety (90) days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

   b. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;

   c. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

C. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be five thousand dollars ($5,000), the fine for the second offense of noncompliance shall be ten thousand dollars ($10,000), and the fine for each subsequent offense of noncompliance shall be fifteen thousand dollars ($15,000).

D. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

1. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality , including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

3. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under

the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

5. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

H. Appeals. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's

decision is a final administrative action.

§ 112.4 Appeals.

Appeals from all decisions of an Administrative Agent designated pursuant to this Article shall be filed in writing with the Township.

§ 113. Development Fees.

A. Purpose. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan. The municipality previously adopted a development fee ordinance, which established the Deptford Township Affordable Housing Trust Fund.

B. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

C. Residential Development Fees Required.

1. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

2. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of six percent (6.0%) of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

7. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent (1.5%) of the equalized assessed value on the first two units; and the specified higher percentage of six percent (6.0%) of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

3. Eligible exactions, ineligible exactions and exemptions for residential

development.

a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

b. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

d. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

D. Non-Residential Development Fees Required.

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

4. Eligible exactions, ineligible exactions and exemptions for non-residential

development.

a. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a two and one half percent (2.5%) development fee, unless otherwise exempted below.

b. The two and one half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

5. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

6. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

E. Collection Procedures.

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

3. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.

4. Within ninety (90) days of receipt of that notice, the tax assessor shall provide an

estimate, based on the plans filed, of the equalized assessed value of the development.

5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.

6. Within ten (10) business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

7. Should the municipality fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in N.J.S.A. 40:55D-8.6.

8. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

F. Appeal of development fees.

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.

1. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

2. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

3. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;

4. Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

5. Rental income from municipally operated units;

6. Repayments from affordable housing program loans;

7. Recapture funds;

8. Proceeds from the sale of affordable units; and

9. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

10. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

11. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:

    a. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;

    b. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;

    c. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;

    d. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;

    e. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;

    f. Revocation of compliance certification or a judgment of compliance and repose;

    g. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;

    h. Other good cause demonstrating that municipal affordable housing funds

are not being used for an approved purpose.

12. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds.

1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

4. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

I. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less of median income.

J. No more than twenty percent (20%) of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the

Program including the costs to the municipality of resolving a challenge.

K. Ongoing Collection of Fees.

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.

2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to N.J.S.A. 52:27D-320.

L. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

Article XIII. Enforcement.

§ 114. Enforcement.

A. It shall be the duty of the Construction Official and Zoning Officer of the Township to administer and enforce the provisions of this chapter. No new structure shall be erected unless a building permit is obtained from the Construction Official, and no structure or lot shall be used in violation of this chapter.

1. It shall be the duty of the Construction Official to keep a record of all applications and all construction permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the Township public records. A monthly report of construction permits shall be filed with the Tax Assessor and the Township Council.

2. It shall be the duty of the Zoning Officer to inspect the structures and land in the Township and order the owner, in writing, to remedy any condition found to exist in violation of the provision(s) of this chapter or any condition in violation of any application for development as duly approved by the Township under the terms of this chapter. For purposes of this inspection, the Zoning Officer shall have the right to enter any building or premises during reasonable hours, subject to due process of law. The owner shall have fifteen (15) days within which time to respond to the purported violations and indicate the remedies to be taken. Such response, or lack of response, shall be immediately communicated in writing by the Zoning Officer to the Township Attorney for appropriate referral and action.

3. Upon notice being served of any land use existing in violation of any provision(s) of this chapter, the certificate of occupancy for such use shall thereupon, without

further notice, be null and void, and a new certificate of occupancy shall be required for any further use of the structure or land.

B. Administrative Officer.

1. The Township Council shall appoint an Administrative Officer for the purposes of administering this chapter and related land use ordinances.

2. Duties of the Administrative Officer shall be:

a. To interpret this chapter in accordance with its literal intent. The Administrative Officer shall not have the power to permit any construction, subdivision, or change of use of land or building which is not in strict accordance with the terms of this chapter.

b. To be responsible for the enforcement of this chapter, including investigation of complaints arising from this chapter and the prosecution of violations of it.

c. Upon the request of the Planning Board or the Zoning Board of Adjustment, to present such facts, records, or similar information so as to assist those agencies in making a decision in a matter brought before it.

d. To be responsible for issuing permits as described below.

1) Zoning permits - A document signed by the Administrative Officer (1) which is required by this chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building or for any other improvement that is not exempt by this Chapter and (2) which acknowledges that such use, structure or building complies with the provisions of this chapter or a variance therefrom duly authorized by the Planning Board or Zoning Board of Adjustment pursuant to *N.J.S.A.* 40:55D-1 *et seq* .

2) Subdivision approval certificates - A document certifying whether or not a subdivision has been duly approved by the Planning Board and issued to a prospective purchaser, prospective mortgagee or any other person interested in any land in the Township. A request for a subdivision approval certificate must be in writing and must contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

C. Issuance of Construction Permits.

1. Every application for a construction permit shall be accompanied by three (3) sets of plans drawn in ink or a blueprint showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and

proposed structures and substructures, a grading plan showing existing and proposed conditions and sufficient offsite grades to evaluate drainage, all existing easements, the existing or intended use of each structure, the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. All dimensions on these plans relating to the location and size of the lot to be built upon shall be based on a survey of the lot prepared by a licensed surveyor in the State of New Jersey.

2. A fee shall be charged for each construction permit in accordance with the applicable ordinances of the Township.

3. A construction permit shall be granted or denied in writing within ten (10) days from the date a complete application has been submitted, unless additional time is agreed to in writing by the applicant. One (1) copy of such plan shall be returned to the owner when such plans shall have been approved or denied by the Construction Official, together with such permit as may be granted.

4. The lot and the location of the structure(s) thereon shall be staked out on the grounds before construction is started, and a copy of the construction permit shall be posted conspicuously on the premises affected whenever construction work is being performed thereon.

5. No construction permit shall be issued for any structure until prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this chapter and until all review and inspection fees on the property have been paid.

D. Issuance of Certificates of Occupancy.

1. It shall be unlawful to use or permit the use of any structure or part thereof, either occupied by a new use or occupant or hereafter erected, altered, converted or enlarged, wholly or in part, until a certificate of occupancy shall have been issued by the Construction Official. Upon the completion of any building or alteration in compliance with this chapter and any other ordinance, rule or regulation, the owner or his agent may apply to the Construction Official, in writing, for the issuance of a certificate of occupancy pursuant to the provisions of this section, but only when:

   a. The structure or part(s) thereof and the proposed use conform to this chapter and all other applicable codes and ordinances of the Township.

   b. Prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this chapter.

c. All local taxes and assessments on the property have been paid.

d. A letter from each utility company has been received by the Township stating that the utility has been inspected in accordance with the approved plan and is ready for use.

2. A fee shall be charged for each certificate of occupancy in accordance with the applicable ordinances of the Township.

3. A certificate of occupancy shall be granted or denied in writing within ten (10) days from the date that a written notification if filed with the Construction Official that the erection of the structure is completed, unless additional time is agreed upon by the applicant in writing.

4. With respect to any subdivision and/or site plan, or subsection thereof, granted final approval, a certificate of occupancy shall be issued only upon the completion of the following improvements as such improvements may be required as part of subdivision and/or site plan approval:

a. Curbs.

b. All utilities.

c. Water supply and sewage treatment facilities, which shall be functioning and serving the property in question.

d. Storm water drainage facilities.

e. Rough grading of the property.

f. Base course of the street or streets serving the property.

g. Base course of driveways and parking areas.

5. With respect to any individual residential lot within a subdivision, a certificate of occupancy shall be issued only upon the completion of the following improvements, in addition to those listed in subsection -D.4. above, to the extent the same are required as part of the subdivision approval:

a. Sidewalks.

b. Driveway aprons.

c. Street names and regulatory signs.

6. A copy of any issued certificate of occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.

7. Should the Construction Official decline to issue a certificate of occupancy, his reasons for doing so shall be stated on two (2) copies of the application and one (1) copy shall be returned to the applicant.

8. A temporary certificate of occupancy may be issued for a new structure or use for which site approval has been granted although not all conditions of said approval have been complied with. Such temporary certificate of occupancy shall be issued only in extenuating circumstances and only with the approval of the Construction Official, who shall establish specific terms and conditions, including, but not limited to, a time limit for the installation of the uncompleted improvements and the receipt of an appropriate performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan.

9. A monthly report on the certificates of occupancy issued shall be filed with the Tax Assessor. A record of all certificates of occupancy shall be kept in the office of the Construction Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be established by resolution of the Township Council, except that there shall be no charge to a municipal agency.

10. The following shall be unlawful until a certificate of occupancy is issued by the Construction Official:

    a. Occupancy and use of a building erected, constructed, restored, altered or moved or any changes in use of an existing building.

    b. Occupancy, use or change in use of vacant land.

    c. Any change in the use of a nonconforming use.

    d. Occupancy and use of any enlargement to an existing structure.

E. Payment of Taxes.

No approval, permit or certificate for any of the following shall be given to an application or to an applicant if any taxes or assessments for local improvements are due or delinquent on the property for which the application is made: preliminary and final site plan; preliminary and final subdivision; minor subdivision; minor site plan; bulk variance; use variance; conditional use; zoning permit or subdivision approval certificate. An application for approval or issuance of any of the above items shall not be deemed complete and shall not be considered by the applicable municipal agency unless the applicant submits with the application a certification signed by an authorized representative of the Deptford Township Tax Collector's office stating that no taxes or assessments as described above are due or delinquent on the subject property.

§ 115. Violations and Penalties.

A. Each and every violation of this chapter shall be subject to punishment by a court of appropriate jurisdiction. Said violation may include a fine of not more than one thousand dollars ($1,000.00) and/or imprisonment for a term not to exceed ninety (90) days and/or community service of ninety (90) days, or a combination of any of the above.

B. The violation shall be deemed enforceable against the owner, contractor and/or any other person interested as lessee, tenant, or otherwise.

C. Each day that a violation continues to exist shall be deemed to be a separate violation.

D. Nothing contained in this chapter shall be deemed to limit the right of any interested person to initiate the prosecution of any person or persons believed to be in violation of this chapter.

Article XIV. Amendments.

§ 116. Amendments.

This chapter may be amended from time to time by the Township Council, after the appropriate referrals, notices, hearings and other requirements of law.

§ 117. Procedure for Amendments.

A. Prior to the hearing on adoption of a zoning ordinance or any amendments thereto, Township Council shall refer any such proposed ordinance or amendment thereto to the Planning Board pursuant to the following requirements:

1. The Planning Board shall issue a report within thirty-five (35) days of referral by the Township Council which identifies any portion of the proposed development regulation, revision or amendment which is inconsistent with the master plan and any recommendations concerning these inconsistencies.

2. The Planning Board may include in its report any other matter which it deems appropriate.

3. Failure of the Planning Board to render a report within the prescribed time period shall relieve the Township Council of its responsibility to wait for that report before acting on the proposed development regulation, revision or amendment.

B. After receipt of the Planning Board report, or after the expiration of the time allocated for delivery of that report, the Township Council shall conduct a public hearing on the merits of the proposed development regulation, revision or amendment.

C. The Township Council shall evaluate the proposed amendment for its consistency with the master plan.

D. The Township Council may enact an amendment which is in whole or part inconsistent with the master plan and which is not designed to effectuate the land use plan or housing plan elements but only by an affirmative vote of a majority of its full authorized membership. In that instance, the reasons for the action of the Township Council shall be set forth in a resolution and recorded in the minutes of the Township Council.

E. A protest against any proposed amendment or revision of a zoning ordinance may be filed with the Township Clerk, signed by the owners of twenty percent (20%) or more of the area either (a). of the lots or land included in such proposed change, or (b). of the lots or land within two hundred (200) feet in all directions therefrom inclusive of street space, whether within or without the Township. In the event such a protest is filed, the amendment or revision shall require the affirmative vote of two-thirds of all members of Township Council.

F. No zoning amendment shall be submitted to or adopted by initiative or referendum.

§ 118. Severability and Repealer.

A. Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity as a whole or of any other part thereof.

B. Chapters 79, 68 and 48 and the Tree Protection Ordinance (Ordinance No. 0.16.89) of the Code of the Township of Deptford are hereby repealed and are to be replaced with this chapter in full.