THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE

Current through October 7, 2014

Ordinance No. 2199-14

Lawrence Township

Mercer County, New Jersey

LAND USE ORDINANCE

Adopted by the Lawrence Township Council

Pursuant to *N.J.S.A.* 40:55D-62

December 16, 1997

Effective Date: January 28, 1998

Recodified through October 7, 2014

Ordinance No. 1511-97

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 limiting the density of population; dividing the Township of Lawrence into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board, Zoning Board of Adjustment, Historic Preservation Advisory Commission, and Affordable Housing Board; and prescribing penalties for the violation of its provisions.

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LAND USE ORDINANCE
of the
TOWNSHIP OF LAWRENCE

ARTICLE I.
TITLE AND PURPOSE

§ 100 Title.

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 limiting the density of population; dividing the Township of Lawrence into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board, Zoning Board of Adjustment, Historic Preservation Advisory Commission, and Affordable Housing Board; and prescribing penalties for the violation of its provisions.

§ 101 Short Title.

The short form by which this Ordinance may be known shall be “THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE".

§ 102 Purpose and Intent.

It is the intent and purpose of this Ordinance to exercise the authority delegated to municipalities under the Municipal Land Use Law (P.L. 1975, c. 291; codified as *N.J.S.A.* 40:55D-1 et seq.) to regulate development.

The implementation of the Master Plan through the provisions of this Ordinance is intended:

A. To guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare;

B. To secure safety from fire, flood, panic and other natural and manmade disasters;

C. To provide adequate light, air and open space;

D. To ensure that the development of the Township of Lawrence does not conflict with the development and general welfare of neighboring municipalities, the county and State as a whole;

E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and

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preservation of the environment;

F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;

G. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight;

I. To provide a desirable visual environment through creative development techniques and good civic design and arrangements;

J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;

K. To encourage planned unit development which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;

L. To encourage senior citizen community housing construction;

M. To encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

N. To promote utilization of renewable energy sources;

O. To promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs;

P. To discourage the creation of additional highway commercial uses except in areas specifically designated on the zoning map and to encourage mixed use neighborhood centers;

Q. To discourage small scale office development outside of designated neighborhood commercial areas;

R. To encourage, within areas identified in the Master Plan, a mixture of land uses that facilitate non-vehicular and pedestrian access;

S. To place higher density housing only in areas:

1. With sufficient capacity in the transportation system;
2. With access to public transit;
3. Near shopping and other personal convenience services, and;
4. In locations with public sewer and water;

T. To maintain traditional architectural forms in higher density housing by utilizing the highest

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possible design standards.

U. To plan adequately for the timely provision of new community facilities, including but not limited to:

1. Firehouses;
2. Schools;
3. Community Centers;
4. Parks;
5. Bicycle lanes and pedestrian paths;
6. Municipal facilities; and
7. Public transit.

V. To encourage the redevelopment of existing underutilized or abandoned lands and buildings;

W. To promote the redevelopment of the commercial core of the village of Lawrenceville through coordinated parking, streetscape improvements, signage, and lighting in keeping with the historic character of this district;

X. To preserve and enhance historic buildings, places and landscapes, encourage the maintenance of traditional architectural forms in buildings, and retain rural road characteristics, including but not limited to the following areas:

1. Delaware and Raritan Canal and associated areas;
2. Port Mercer;
3. The Lawrenceville School;
4. Lawrenceville Village;
5. Sites designated on State and National Registers of Historic Places; and
6. Adjacent or nearby sites that by their proximity to listed places influence the nature of historical places.

Y. To establish design standards to encourage the construction of new buildings to complement the style and scale of existing buildings;

Z. To protect environmentally sensitive lands from development or other potentially damaging influences and to control the clearing of land that would adversely affect threatened or endangered plant and animal species;

AA. To promote the preservation of natural features during land development;

BB. To preserve remaining farmland and rural areas, through:

1. Transfer of development credits from farmland into appropriate receiving areas;
2. Residential clustering in areas adjacent to agriculture;
3. Use of traditional rural design in roadways and landscaping;
4. Limiting the extension of public sewers to areas suitable for more intensive

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development;

CC. To encourage open space dedications in the development review process to maximize the quantity and quality of such land in accordance with the criteria in the adopted Township Master Plan, and provide improved access to existing parks;

DD. To create a Greenway Network to preserve and enhance existing stream corridors, connecting parks and conservation areas and using the Network for pedestrian and bicycling in areas capable of supporting such activity;

EE. To promote the visual improvement of the Township's major arterials by the coordination of visual design and character of signage, planting additional street trees, and requiring on-site landscaping improvements during the redevelopment review process.

FF. To improve streetscapes in existing residential areas, non-residential and rural areas, through:

1. Installing a row of street trees, or a double row where possible, on all collector and arterial roads;
2. Using textured materials for sidewalks and crosswalks;
3. The use of decorative fencing as a landscape design element in multi-family housing developments;
4. The installation of hedges and hedgerows; and
5. Requiring underground utilities in development and redevelopment.

GG. To discourage the widening, except for safety purposes or bicycle lanes, of existing collector, subcollector and residential access roads in existing developments and where rural development patterns are present, restricting new residential roads to two lanes, preserving the level of service by reducing curb cuts and discouraging speeding by the use of traffic calming measures.

HH. To encourage the coordination of development through the connection of commercial properties by easement and physical improvement.

II. To help retain existing rural character by designing new rural roads with two lanes, narrow shoulders, drainage ditches and hedges or hedgerows;

JJ. To decrease the visibility and extent of parking lots and access driveways by:

1. Requiring the installation of landscaped traffic islands in parking lots;
2. Screening parking lots from the traveling public and adjacent residents by a combination of landscaping, berming, walls and fencing; and
3. Reducing the required number of parking spaces in pedestrian-oriented development and redevelopment.

KK. To provide for the conservation and, where appropriate, the improvement of the entire length of the Delaware and Raritan Canal State Park to the extent possible by municipal government and assure that the development of adjoining properties protects and enhances the resources and qualities of the Canal Park;

LL. To provide for the redevelopment of Alternate Route 1 (Brunswick Pike) south of Colonial

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Lake, by promoting a commercial boulevard through the reduction of cartway width, an increase in the median area and improvements to paving, landscaping, building facades, signage and lighting.

MM. To provide, to the greatest extent feasible, the natural control of storm water from land development while preserving the existing contours and natural features of the site; restrict development on steep slopes to reduce negative impacts on stream bank stability and to control erosion.

§ 103 Interpretation of Standards.

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the public health, safety, and welfare. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of the Code of the Township of Lawrence, county, state, or federal government, the provisions of this Ordinance shall control. Where such other laws, ordinances, rules, regulations, or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, ordinances, rules, regulations, or resolutions shall control.

§ 104 Prohibited Uses.

All uses not expressly permitted in this Ordinance are hereby prohibited.

§ 105 Time of Compliance.

All applicable requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use 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.

§ 106 Proposed Public Dedications.

Approval of final plans by the Planning Board or Zoning Board of Adjustment, as the case may be, shall constitute an acceptance of proposed dedications for streets, parks, and other public uses or purposes. Nonetheless, such approval shall not constitute an acceptance of physical improvements on such dedicated land and shall not impose on the Township any obligation of jurisdiction or maintenance of such improvements. The acceptance of such physical improvements shall be by action of the Township Council in accordance with *N.J.S.A.* 40:55D-53.

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§ 107 Public Notice for Variances.

Public notice shall be given for applications otherwise excepted from the requirements of public notice whenever variance relief is requested.

§ 108 Expiration of Variances.

In the event a variance is granted for an application exempt from the requirements of site plan or subdivision review, the applicant shall secure a building permit, or, in the case where no building permit is required, a certificate of occupancy, within one year from the date of approval; otherwise the granting of the variance shall be deemed null and void. In the event a variance is granted for a bifurcated application for development, the applicant shall apply for site plan or subdivision approval within one year of the date of approval of the variance; otherwise the granting of the variance shall be deemed null and void (see also §706.B). The Board of Jurisdiction may extend the grant of the variance for a period of up to one year if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, either directly or indirectly, from obtaining a building permit, or, in the case where no building permit is required, a certificate of occupancy within the one year time period from the date of approval.

§ 109 Date of Approval.

The time period for the effect of approval shall begin with the date of the adoption of the resolution memorializing such approval of the subject application by the Board of Jurisdiction.

§ 110 Conformance with Regulations; Exceptions.

A. Required Conformance. No building shall be erected and no existing building shall be moved, altered, enlarged, or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than as permitted within the zoning districts so described by this Ordinance, nor shall any open space or yard area be encroached upon or reduced in any manner except in strict conformity with the regulations contained herein.

B. Principal Building; Yard and Lot Regulations.

1. More than one principal building shall be permitted on a lot except for any lot containing atrium, duplex, patio home, semi-detached, single family detached and fee simple quadraplex and townhouse dwellings. Multiple buildings on a single lot may be used for different purposes in accordance with the use regulations established for the zoning district in which the buildings are located or by duly authorized variance. [Ord. 2159-13, 5/21/13]

2. Unless otherwise specified in this Ordinance, where a lot is formed from part of a lot already occupied by a building, any subdivision shall be executed in such a manner so as to not create or exacerbate any violation of the requirements of the ordinance with respect to the existing building and all yard, setback, buffers and open space in

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connection therewith. All resulting lots shall have dimensions consistent with the requirements of the zoning district in which they are located. [Ord. 1941-07, 9/4/07]

C. Unlawful Encroachment. In the event of any unlawful encroachment or reduction of open space or yard area, the building or structure, as the case may be, shall be deemed in violation of the provisions of this Ordinance and the certificate of occupancy for such building or structure shall be null and void.

D. Exception for Certain Utilities and Other Infrastructure. The provisions for review by a Board of competent jurisdiction shall not apply to utility distribution or collection lines for water, sewerage, storm water, natural gas, and electric, nor telephone, and cable television or other telecommunications lines supplied by a public or local utility, or cable television company which are located in a public street providing service to private property.

E. Frontage on Public Street. Every principal use shall be located on a lot with frontage upon a public street which has been improved in accordance with the applicable Township standards or for which such improvement has been insured by the posting of a performance guaranty in accordance with this Ordinance.

F. Dedication of Right-of-Way. No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this Ordinance shall be approved unless such additional right-of-way, either along one or both sides of said street(s), as applicable, shall be deeded to the municipality or other appropriate governmental agency.

G. Yards. No open space provided around any principal building for the purposes of complying with the front, side, or rear yard requirements of this Ordinance shall be considered as providing for the required yard areas of another principal building.

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ARTICLE II
DEFINITIONS

§ 200 Word Usage.

Any word or term not defined herein shall be as defined in the Municipal Land Use Law, *N.J.S.A.*, 40:55D-1 et seq., or shall be utilized in standard usage for the context in which the word is used. In interpreting this Article words in one tense shall include other tenses or derivative forms; words in the singular shall include the plural and in the plural, the singular; either gender shall include the other; the word "shall" is mandatory; the word "may" is permissive; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used"; the word "lot" includes the words "plot," and "premises".

§ 201 Definitions.

Definitions identified with the initials "MLUL" are taken from the Municipal Land Use Law (*N.J.S.A.* 40:55D-1 et seq.). "RSIS" means the definition was taken from the Residential Site Improvement Standards (*N.J.A.C.* 5:21 et seq.). Unlabeled definitions pertain only to this Ordinance. The following definitions shall have the meanings indicated:

AADT (Average annualized daily traffic): the total yearly traffic volume in both directions of travel divided by 365.

ACCESS: A single vehicular entrance and/or exit between a street and a lot.

ACCESSORY APARTMENT: A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing residence or by an addition to an existing residence. [Ord. 1585-99, adopted 9/7/1999]

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building or structure on the same zone lot and serving a purpose customarily incidental to the use of the principal building.

ADDITION: The construction of a new improvement which changes the exterior appearance of a building or structure which comprises an existing improvement.

ADMINISTRATIVE OFFICER: The Director of the Division of Planning and Redevelopment of the Township of Lawrence or designee responsible for administering the responsibilities and authorities specified for the Administrative Officer in *N.J.S.A.* 40:55D-3.

ADT: See AADT.

ADVERSE EFFECT: Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on the subject site, adjoining properties or the surrounding community; or a deviation from the standards of this Ordinance not approved by a Board of competent jurisdiction.

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ADVISORY DATA: 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, the temperature and date. [Ord. 2072-10, 12/21/10]

AESTHETIC IMPROVEMENT CUT: The removal to the extent possible of the minimum number, smallest and poorest specimens of trees so as to permit land development while retaining the maximum number of larger and better specimens of trees.

AFFECTING A LANDMARK OR HISTORIC DISTRICT: Any action which alters or changes a historic landmark or an improvement within a historic district.

AFFORDABLE DWELLING UNIT: A low or moderate income dwelling unit.

AFFORDABLE HOUSING BOARD (AHB): A board appointed by the governing body pursuant to §606 of this Ordinance.

AFFORDABLE HOUSING DEVELOPMENT: A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development. [Ord. 2012-09, 5/5/09]

AFFORDABLE RENTAL CHARGES: A monthly rent including utilities charged to an eligible 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).

AFFORDABLE SALES PRICE: The initial price for owner-occupied affordable housing such that the costs of ownership do not exceed 28% of gross monthly income pursuant to *N.J.A.C.* 5:93-7.4(e).

AGE-RESTRICTED DEVELOPMENT: A residential development including

accessory buildings and required or permitted social, cultural, medical and recreational facilities limited to certain age groups conforming to 24 CFR Part 100 Subpart E, Housing for Older Persons, of the federal Fair Housing Amendments Act of 1988, as it may be amended or superseded.

AGRICULTURAL USE: The use of land for common farmsite activities including but not limited to: production, harvesting, storage, grading, packaging, processing, marketing and sales of same; and, the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.

AIR SAFETY AND HAZARD ZONE: Any such district delineated pursuant to *N.J.S.A.* 16:62-6.

AISLE: The traveled way by which cars enter and depart parking spaces. [RSIS]

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

ALTERATIONS OR ADDITIONS, STRUCTURAL: Any change in or additions to the supporting members of a building such as walls, columns, beams, girders, posts or piers.

ANIMAL KENNEL: Any building, structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

ANIMAL SHELTER: Any place where animals or pets are given medical or surgical treatment. Use

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as a kennel shall be limited to short-term boarding and shall be incidental to such hospital use.

ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other signals. [Ord. 1585-99, adopted 9/7/1999]

APARTMENT: See DWELLING UNIT.

APPLICANT: A developer submitting an application for development. [MLUL]

APPLICATION FOR DEVELOPMENT: The application or appeal forms, together with the required fees and all accompanying documents required by this Ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to *N.J.S.A.* 40:55D-34 or *N.J.S.A.* 40:55D-36. [MLUL]

APPROVED IMPROVEMENTS: Capital improvements made to an affordable housing unit with the prior written consent of the Affordable Housing Board.

APPROVING AUTHORITY: The Planning Board or Zoning Board of Adjustment of the municipality unless a different agency is designated by Ordinance. [MLUL]

AQUIFER: A saturated geologic formation(s) or unit(s) which is sufficiently permeable to transmit water to a pumping well in usable and economic quantities. The upper level of an unconfined aquifer may vary over time; the term "aquifer" applies to the full saturated zone at any time.

AQUIFER RECHARGE AREA: A geologic formation through which water enters an aquifer.

ARTERIAL ROAD OR STREET: See STREET, ARTERIAL.

AS-BUILT PLAN: A survey by a New Jersey licensed land surveyor that indicates improvements on, above, and below the ground after construction pursuant to a final site plan or subdivision approval precedent to the issuance of a Certificate of Occupancy.

ASSISTED LIVING RESIDENCE: A facility which is licensed by the NJ Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, for four or more adult persons unrelated to the proprietor. In the context of this definition, "apartment" shall mean a dwelling unit offering at a minimum, one unfurnished room, private bathroom, kitchenette, and a lockable door on the unit entrance.

AUTO BODY SHOP: An establishment that repairs and repaints motor vehicles after collision, fire damage, water damage, or other natural disaster or for the purpose of restoration.

AUTOMOBILE SALES: The use of any building, land or other property for the display and sale of new and used automobiles, light trucks and vans, trailers or recreational vehicles and including vehicle preparation, repair and auto body work as accessory uses.

AUTOMOBILE WRECKING: An establishment that recycles parts and other materials from motor vehicles or otherwise disposes of same.

AUTOMOTIVE SERVICE CENTER: A service station which does not sell fuel. [Ord. 1941-07, 9/4/07]

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AWNING: A roof-like cover that is temporary or movable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and that may be periodically retracted against the face of the building.

BALCONY: An unroofed outdoor living area cantilevered from the face of a building on second or higher floors extending no more than 10 feet therefrom. Compare with DECK and PORCH.

BASEMENT: The portion of a building that is partly or completely below grade.

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 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, but not to include hospitals and other health care facilities, or residential medical detoxification centers; a Level I, Level II.1, Level II.5, Level III.1, Level III.5, or Level III.7 treatment facility as classified by the Division of Addiction Services, NJ Department of Human Services. [Ord. 2174-14, 3/18/2014]

BED AND BREAKFAST: A facility providing overnight accommodations with a morning meal to transients for compensation.

BEDROOM: A room planned or used primarily for sleeping.

BELGIAN BLOCK: A type of paving stone used as curbing generally cut in a truncated pyramidal shape, laid with the base of the pyramid down.

BERM: A mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or stormwater control. [RSIS]

BICYCLE-COMPATIBLE ROADWAY: A road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

BICYCLE LANE (BIKE LANE): A portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. [RSIS]

BICYCLE PATH (BIKE PATH): A bikeway physically separated from motorized vehicular traffic by an open space or barrier, and either within the highway right-of-way or within an independent right-of-way or easement. [RSIS]

BIKEWAY: Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes. [RSIS]

BILLBOARD: See SIGN, OFF-PREMISE.

BLOCK: The area bordered by one or more streets or a municipal boundary of sufficient size to accommodate a lot or lots of the minimum size required in this chapter.

BLOW OFF: A device to allow the escape of air, fluid, or sediments from a pipe within which fluid is flowing under pressure greater than atmospheric pressure. [RSIS]

BOARD or BOARD OF JURISDICTION: The Planning Board or the Zoning Board of Adjustment

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of the Township of Lawrence, as the case may be.

BOARD OF ADJUSTMENT: The Zoning Board of Adjustment established pursuant to *N.J.S.A.* 40:55D-69.

BOARDING HOUSE: Any building, together with any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents.

BUFFER: A yard area inclusive of yard setbacks; an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties; also termed a buffer yard. [Ord. 1585-99, adopted 9/7/1999]

BUILDABLE AREA: The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met and excluding 100-year flood plain, freshwater wetlands, and freshwater wetlands transition buffers.

BUILDING: A combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof. [MLUL]

BUILDING COVERAGE: The horizontal square footage or other area measurement by which all buildings occupy a lot as measured by a vertical plane established by the outside edge of the roof or roofs.

BUILDING HEIGHT: The vertical distance measured to the highest point from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a street. In all cases where this Ordinance provides for height limitations by reference to a specific height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within said footage.

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

BULK REGULATIONS: 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.

BUSINESS PARK: A non-residential land use developed as a single entity combining office, research and development, and laboratory uses which may contain ancillary personal services, overnight accommodation, and eating establishments primarily for use by employees and visitors to the complex.

CABANA: An accessory building used in conjunction with a private residential swimming pool for use as a changing room and pool equipment storage and which may contain showering facilities.

CABLE TELEVISION COMPANY: A cable television company as defined pursuant to *N.J.S.A.* 48:5A-3. [MLUL]

CAFETERIA: See RESTAURANT, FAST FOOD

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CALIPER: For measurement of nursery stock, the diameter of a tree trunk measured in inches at a point 12 inches above natural grade. For woodland management or tree surveying, the diameter of a tree trunk measured 4 ½feet above natural grade.

CAMPER: Any of the following:

A. A self-propelled, vehicular structure built as one unit on a chassis and designed for temporary living for travel, recreation, vacation or other short-term uses which may contain cooking, sleeping, and sanitary facilities.

B. An immobile structure containing cooking and sleeping facilities for travel, recreation, vacation or other short-term uses and designed to be attached to the body of another vehicle for transporting from one location to another.

C. A portable, vehicular structure built on a chassis, designed for camping, the body of which is basically rectangular with a flat top not more than 4 feet above the surface of the ground. The camper is designed to have a temporary tent erected above the 4 foot level for camping activities.

D. A portable structure built on a chassis designed for towing and as temporary dwelling for travel, recreation, vacation and other short-term uses and having an outside body width not exceeding 8 feet and a length not exceeding 30 feet, and which may contain cooking, sleeping and sanitary facilities.

CANOPY: A roof-like structure, open to the elements on four sides, which is used to protect outdoor equipment, such as motor fuel pumps or a pedestrian walkway.

CAPPED SYSTEM: A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs. [RSIS]

CARTWAY: The actual road surface area from curbline to curbline which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width. [RSIS]

CAR WASH: Any building or premises or potions thereof used for washing automobiles, light trucks and vans for compensation.

CELLAR: See BASEMENT.

CEMETERY: A use of land for the burial of the dead.

CENTERLINE OF STREET: The mean width of any public right-of-way.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS: The gap between the centerline of roads intersecting a common road, as measured along the centerline of the intersected road. [RSIS]

CERTIFICATION, AFFORDABLE HOUSING: The approval of an applicant as an eligible purchaser or renter of an affordable housing unit by the Affordable Housing Board or its designee.

CERTIFICATION, SOIL EROSION: Written endorsement by the Municipal Engineer of a plan for soil erosion and sediment control which indicates that the plan meets the standards established by the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Commission (*N.J.S.A.* 4:24-39 et seq.).

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CERTIFIED PLAN, SOIL EROSION: A plan for soil erosion and sediment control which meets the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Commission as determined and approved by the Municipal Engineer, or a soil erosion and sediment control plan which the municipality has not acted upon within the time specified in this Ordinance for review of such plan.

CHANNEL: Any natural or man-made waterway or course through which to convey the constant or intermittent flow of water. [RSIS]

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, transit stops, station, warehouses and other storage buildings or transshipment points. [MLUL]

CIRCULATION IMPACT STUDY: A written and, if appropriate, graphic analysis combining a planning report and traffic impact report projecting the effect of a proposed development on the Circulation Element of the Master Plan, Greenway Network, and adjacent or nearby roads and intersections (see Article VIII).

CIVIC BUILDING: A building owned, operated and utilized for municipal purposes.

CLEAR CUTTING: The removal of all standing trees on a lot or portion of a lot.

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

CLUB, SOCIAL OR FRATERNAL: A private organization for social purposes in which the principal use is in enclosed buildings and limited outdoor sports are involved.

CLUSTER DEVELOPMENT: See PLANNED DEVELOPMENT.

COAH: The New Jersey Council on Affordable Housing.

COLLECTOR ROAD OR STREET: See STREET, COLLECTOR.

COMMERCIAL EXPRESSION OR 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. [Ord. 2072-10, 12/21/10]

COMMERCIAL VEHICLES: Vehicles used in the conduct of business, retail, service or industrial purposes.

COMMON LATERAL: See LATERAL, COMMON.

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 or residents and owners of the development. [MLUL]

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

COMMUNITY IMPACT STATEMENT: A written and, if appropriate, graphic analysis projecting the impact of the proposed development on existing municipal facilities and services, and projecting future requirements for such facilities and services, together with their estimated cost (see Article VIII).

COMPLETE APPLICATION: An application for development complete for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board of Adjustment, as the case may be, when so certified by the Board or its authorized designee as indicated in Article VIII of this Ordinance.

CONCEPT PLAN: See PLAN, CONCEPT

CONDITIONAL USE: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as specified in this Ordinance.

CONFERENCE CENTER: A facility including one or more buildings totaling not more than 110,000 square feet with space for business and social activities, which may contain accommodations for eating and sleeping, not to exceed 100 guest rooms. [Ord. 1779-04, adopted 3/2/2004]

CONGREGATE CARE APARTMENT: A rental apartment often developed as part of a continuing care retirement community with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other similar support services for residents.

CONTINUING CARE RETIREMENT COMMUNITY: An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care and which enters into contracts to provide lifelong care in exchange for the payment of monthly fees plus an entrance fee in excess of one year of monthly fees conforming to *N.J.S.A.* 52:27D-330 et seq.

CONVENIENCE STORE: A retail store which sells a limited variety of prepackaged sundries, dry goods and food. [Ord. 2159-13, 5/21/13]

CONVENTIONAL DEVELOPMENT: Development other than planned development. [MLUL]

COURT: Any open space, unobstructed from the ground to the sky, that is bounded on three or more sides by the exterior walls of buildings.

COURTYARD: Any open, unoccupied area which is bounded by three or more attached building or walls.

CRITICAL AREAS: Water bodies (including streams, ponds and lakes), 100-year flood plains, freshwater wetlands, aquifer recharge areas, habitats of threatened or endangered species, high water table within one foot of the surface and slopes in excess of 25%; areas with sediment-producing, highly erodible or severely eroded soils.

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CUL-DE-SAC: See STREET, CUL-DE-SAC

CULVERT: A closed or open conduit designed for the purpose of conveying an open channel watercourse under a road, highway, pedestrian walk, railroad embankment, or other type of overhead structure. [RSIS]

CURB: A vertical or sloping edge of a roadway constructed of concrete, Belgian block, or stone.

DAMS AND EMBANKMENTS: Artificial dikes, levees, or other barriers, with appurtenances, for the purpose of impounding or retaining water. [RSIS]

DAY CARE CENTER: A facility duly licensed by the New Jersey State Department of Human Services for the daytime accommodation of children.

DAYS: Calendar days. [MLUL]

DECK: A raised unroofed platform either attached to a dwelling or freestanding in the approved yard area. Compare with BALCONY and PORCH. [Ord. 1810-04, adopted 9/21/2004]

DEDICATION: An appropriation of land to some public use made by the owner and accepted for such use by or on behalf of the public. [RSIS]

DEMOLITION: The partial or total razing or destruction of any building or of any improvement to land.

DENSITY: The permitted number of dwelling units per gross area of land to be developed [MLUL]; gross density.

DENSITY, NET: Density of a housing development after roads, common open space and storm water management areas are deducted, calculated by dividing area by total units.

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

DESIGN ENGINEER: A person professionally qualified and duly licensed 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. [RSIS]

DESIGN GUIDELINES: Instructions that provide a general framework for sound planning and improvements to real property.

DESIGN STANDARDS: Regulations that set forth specific improvement requirements. [RSIS]

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface or subsurface water in order to impede its flow and to release collected water gradually at a rate not greater than that existing prior to the development of the property, into natural or man-made outlets.

DEVELOPER: The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of any option or contract to purchase, or any other person having enforceable proprietary interest in such land. [MLUL]

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

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structure, or any mining, excavation of landfill, and any use or change in use of any building or other structure or land or extension of use of land, for which permission may be required. [MLUL]

DEVELOPMENT FEE: Money paid by a developer for the improvement of property as permitted in *N.J.A.C.* 5:97-8.3. [Ord. 2012-09, 5/5/09]

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

DIAMETER BREAST HEIGHT: See CALIPER.

DISTRICT: The zoning districts per this Ordinance.

DIVIDED STREET: See STREET, DIVIDED.

DRAINAGE: The removal of surface water or ground water from land by drains, grading, or other means, including the control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the biological function of stream channels, the means necessary to preserve an adequate water supply, and the prevention or alleviation of flooding. [MLUL]

DRAINAGE FACILITY: Any component of the drainage system. [RSIS]

DRAINAGE SYSTEM: Natural and man-made components that contain, convey, absorb, store, treat, or dispose of surface water runoff or groundwater. [RSIS]

DRAINAGE RIGHT-OF-WAY: Lands required along a stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage; or, required for the installation and maintenance of storm sewers and facilities, or drainage ditches and swales.

DRIVEWAY: A defined paved or unpaved surface providing vehicular access to a street. A driveway is not a road, street, boulevard, highway, or parkway. [RSIS]

DROP MANHOLE: An inspection chamber used at changes in horizontal and/or vertical directions for underground utility conduits where the incoming conduit is two feet or more above the elevation of the discharge conduit. [RSIS]

DROP PIPE: A vertical pipe used to convey sewage from a higher to a lower elevation. [RSIS]

DRY LINES: See CAPPED SYSTEM

DWELLING UNIT: A room or series of connected rooms designed for permanent human habitation containing living, cooking, sleeping and sanitary facilities for one housekeeping unit.

DWELLING, APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building comprising three or more such units.

DWELLING, ATRIUM: A single family unit with a courtyard upon which interior doors open.

DWELLING, DUPLEX: A building on a single lot containing two dwelling units each of which is

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totally separated from the other, one of which is wholly or partially above the other, with separate entrances at the ground level.

DWELLING, PATIO HOME: A single family unit with its long axis perpendicular to the street defined by its offset rectangular halves joined at the middle.

DWELLING, QUADRAPLEX: Four attached dwellings in one building in which each unit has two open space exposures and shares a common interior wall with one or two adjoining units, with separate ground floor access for each unit. Units are joined side to side, but are not located one above another.

DWELLING, SEMI-DETACHED: A single family unit attached to one other such unit on one side by a common unpierced vertical wall from ground to roof on its own separate lot.

DWELLING, SINGLE FAMILY DETACHED: A building physically separated from other buildings or portions of buildings which is occupied or intended to be occupied for residential purposes by one family. For the purposes of this Ordinance, the development of an accessory apartment as otherwise permitted shall be included in this definition.

DWELLING, TOWNHOUSE: A single family dwelling in a row of 3 or more such units separated from one another by an unpierced vertical wall from ground to roof.

EASEMENT: A right to use the real property of another or a restraint from doing something otherwise lawful on one's land, created by deed or other legal means for the benefit of private persons or the public, for one or more specific purposes such as access, drainage, provision of utility services, historic preservation, conservation or agricultural purposes.

EASEMENT, AGRICULTURAL: An easement which restricts land only for agricultural or farm purposes.

EASEMENT, CONSERVATION: An easement generally prohibiting the construction of buildings and intended for protection of environmentally sensitive areas including mature tree stands, flood plains, important views and critical areas as defined by this Ordinance.

EASEMENT, CROSS ACCESS: A portion of a property which is permanently reserved for the purpose of enabling vehicular and/or non-vehicular access between adjoining properties and may be either improved or unimproved. [Ord. 1585-99, adopted 9/7/1999]

EASEMENT, SIGHT: An easement that establishes a clear sight triangle.

EAVE: The projecting lower edges of a roof overhanging the wall of a building.

EDGE DEFINITION: As it pertains to streets, a way of identifying the traveled way from the non-traveled way, such as by the use of railings, bollards, wheel stops, or edge plantings. [RSIS]

EDUCATIONAL or RESEARCH INSTITUTION: A corporate or non-profit organization occupying a tract of the minimum size as otherwise specified in this Ordinance involving scientific investigation, engineering study, product development, or educational activities.

ECHO (Elder Cottage Housing Opportunities) HOUSING: A small, removable modular cottage placed on a concrete slab or treated wood foundation in a rear or side yard of a single family detached house lot specifically designed to meet the needs of older or disabled people, connected to the utilities

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of the primary dwelling, and designed to be removed when it is no longer necessary.

ELIGIBLE LOW OR MODERATE INCOME FAMILY: A family whose income does not exceed the limits established by Article X.

EMERGENCY SHELTER: A building or structure in which a public entity or a private, non-profit organization provides shelter, or food and shelter, for a limited period of time to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.

EMERGENCY SPILLWAY: A supplemental spillway whose function is to pass the design storm flows in the event the principal spillway fails to operate as designed or is blocked. [RSIS]

ENVIRONMENTAL CONSTRAINTS: Critical areas that limit the development potential of a tract.

ENVIRONMENTAL IMPACT STATEMENT: A written and graphic statement describing, analyzing and assessing the anticipated effects of a proposed development on environmental constraints and critical lands pursuant to this Ordinance (see Article VIII).

ENVIRONMENTALLY SENSITIVE AREAS: Critical areas plus their transition buffers.

EQUALIZED ASSESSED VALUE: The 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 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c). [Ord. 2012-09, 5/5/09]

ERECT: To build, construct, attach, place, suspend, or affix, including the painting of wall signs and the painting of signs or displays on the exterior surface of the building, structure or material surface.

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice, and gravity. [MLUL]

EROSION AND SEDIMENT CONTROL PLAN: A plan which fully indicates necessary land treatment measures including a schedule of the timing for their installation which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the minimum standards and specifications contained in the Standards for Soil Erosion and Sediment Control in New Jersey, as promulgated by the State Soil Conservation Committee.

ESCROW: A deed, bond, money, or a piece of property held by a third person to be delivered by him or her to the grantee only upon fulfillment of a condition or upon the grantor's failure to fulfill a condition.

EXTENDED STAY LODGING FACILITY: A lodging establishment designed and intended for the temporary lodging of business travelers which includes a cooking area and related appurtenances in every room, which has limited maid service, front desk and reception services but which does not include restaurants, conference facilities or retail/convenience stores. [Ord. 1567-99, adopted 3/2/1999]

EWING-LAWRENCE SEWERAGE AUTHORITY (ELSA): A public body created pursuant to the Sewerage Authorities Law, C:138, P.L. 1946, as may be amended, to acquire, construct, maintain, operate or improve works for the collection, treatment, purification or disposal of sewage and other wastes within the Township of Lawrence and other municipalities.

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EXCAVATION OR CUT: Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

FACADE AREA - The total area of the exterior face of a building including walls, windows, doors, and fixtures below the top of the parapet of a building with a flat roof, the cornice line of a building with a gambrel, gable, or hip roof, or the upper slope line of a building with a mansard roof, that faces a public street, pedestrian walkway, or mall.

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

FARM: An area of land which is actively devoted to agricultural, silviculture or horticultural use and which occupies no less than 5 acres, exclusive of the land upon which any farmhouse is located and such additional land as may be provided in accordance with *N.J.S.A.* 54:4-23.4, -23.5 and -23.11.

FARM MARKET: A permanent enclosed building typically operated year round where products primarily grown or produced on the farm where it is located are sold.

FARM STAND: A structure where products primarily grown or produced on the farm where it is located are sold and which is open only during the growing and harvesting seasons.

FARMSTEAD: A group of buildings on a farm which includes a residence for the farmer engaged in agricultural activities on the site, and storage buildings for equipment, livestock, crops, and other items used in farming; grange.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials. [RSIS]

FINAL APPROVAL: The official action of the Board taken on a preliminary approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees. [MLUL]

FIRST FLOOR AREA: The residential portion of a dwelling unit, excluding basements, garages, carports and breezeways, measured by using the outside dimensions of the residential portion of the building. For a split-level, bi-level, or tri-level dwelling, the area shall be considered to be the sum of the areas of two adjoining levels, excluding basements and garages, provided both levels are connected by permanent, built-in stairs in the interior of the building.

FLAG : A piece of cloth or flexible material, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as a means of conveying a message or information. [Ord. 2072-10, 12/21/10]

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry areas from:

A. Inland or tidal waters; and

B. The unusual and rapid accumulation or runoff of surface water from any source.

FLOOD, DESIGN: The relative size or magnitude of a flood, expressed as a design discharge in cubic feet per second; which is developed from hydrologic criteria, represents a major flood of

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reasonable expectancy, reflects both flood experience and flood potential, and is the basis of the delineation of the floodway and the flood hazard area and of the water surface elevation thereof.

FLOOD, DESIGN PROFILE: The elevations of the water surface of the floodway design flood and the flood hazard area design flood.

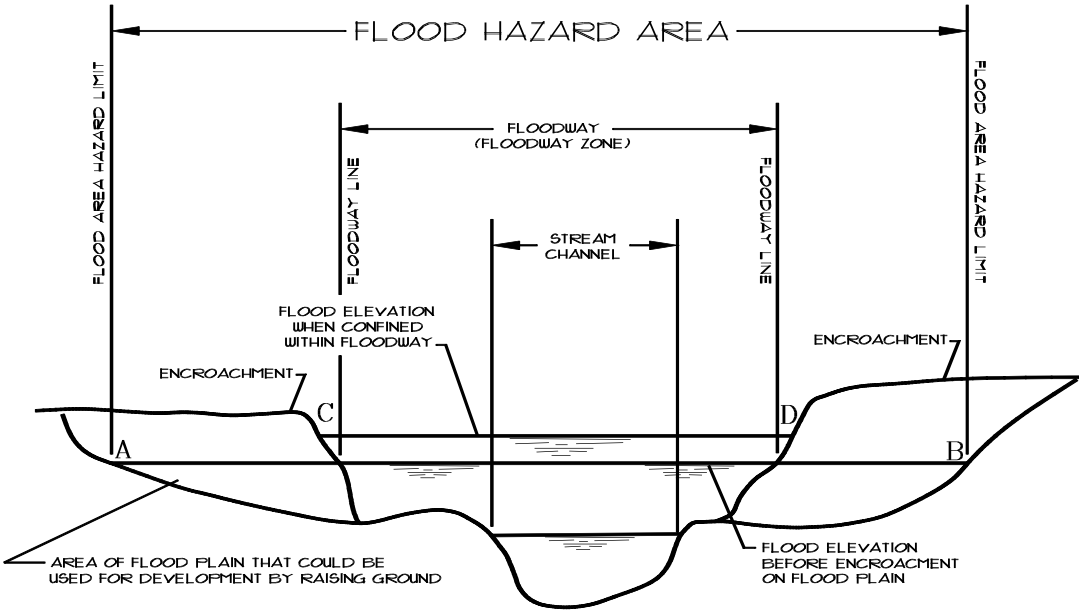
FLOOD ELEVATION DETERMINATION: A determination of the water surface elevations of the design flood, i.e., the flood level that has a 1% or greater chance of occurrence in any given year.

FLOOD FRINGE AREA: The portion of the flood hazard area outside the floodway. See exhibit.

FLOOD HAZARD AREA: Land in the floodplain subject to flooding during a flood having a flow of 125% of a 100-year flood.

FLOOD HAZARD BOUNDARY MAP: An official map of the Township on which the boundaries of the flood area having special hazards have been designated.

FLOOD INSURANCE MAP: An official map of the Township on which has been delineated the special flood hazard areas in the Township for flood insurance purposes.



LINE A-B IS THE FLOOD ELEVATION BEFORE ENCROACHMENT
LINE C-D IS THE FLOOD ELEVATION AFTER ENCROACHMENT

FLOOD PLAIN DIAGRAM

FLOOD OBSTRUCTION: An object that includes, but is not limited to, any structure, fill, excavation, channel modification, rock, gravel, refuse or matter in, along, across, or projecting into

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any channel, watercourse, or flood area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the collected debris downstream to pose a danger to life or property.

FLOOD PLAIN: The relatively flat area adjoining a water channel which has been or may be covered by flood water of the channel, including the floodway, flood fringe area, and the flood hazard area. See exhibit.

FLOOD PLAIN MANAGEMENT REGULATION: State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY: The river or other watercourse and the adjacent land area that must be reserved in order to discharge the design flood without cumulatively increasing the water surface elevation more than two-tenths (0.2) foot. See exhibit.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls of the building. Floor area shall not include areas devoted to mechanical equipment serving the building, areas devoted exclusively to off-street parking for motor vehicles, and truck loading and unloading spaces, open or roofed spaces designed for pedestrian movement from parking/loading areas, nor any space where the floor-to-ceiling height shall be less than 6½ feet. [Ord. 1941-07, 9/4/07]

FLOOR AREA, GROSS (G.F.A.): The plan projection of all roofed areas on a lot multiplied by the number of full stories under each roof section, provided that the area under any roof overhang of 2 feet or less shall not be included in the G.F.A. calculation. GFA shall not include: areas in a roofed structure devoted exclusively to off-street parking for motor vehicles and truck loading and unloading spaces; and open or roofed spaces designed for pedestrian movement from parking/loading areas. Basements which satisfy applicable construction code definitions of habitable space shall be included in the G.F.A. for residential uses. [Ord. 1941-07, 9/4/07]

FLOOR AREA, NET HABITABLE (N.H.F.A.): The finished and heated area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least 6½ feet including working, living, eating, cooking, sleeping, stair, hall, service and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories and unfinished attics and basements.

FLOOR AREA RATIO (F.A.R.): The sum of the area of all floors of buildings or structures compared to the total area of the site. [MLUL]

FORESTRY: See SILVICULTURE.

FRONTAGE: See LOT FRONTAGE.

GARAGE: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GARAGE, COMMERCIAL: An accessory structure used for the parking and storage of vehicles used in the operation of a non-residential use, or their customers or employees, that is not available to the general public.

GARAGE, PRIVATE: A structure that is accessory to a residential building and that is used for the

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parking and storage of vehicles owned and operated by the residents thereof that is not a commercial enterprise available to the general public for such use.

GARAGE, PUBLIC: A structure, building or portion thereof used for the parking and storage of vehicles, but not repair, available to the general public for commercial gain.

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

GARDEN CENTER: A retail or wholesale operation which sells nursery plants, seasonal plants, gardening supplies and equipment.

GAS STATION: See SERVICE STATION

GENERAL DEVELOPMENT PLAN: A comprehensive plan for the development of a planned development pursuant to *N.J.S.A.* 40:55D-45.2. [MLUL]

GOLF COURSE: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards that may include a clubhouse, dining and refreshment facilities, driving ranges and miniature golf courses as accessory uses.

GOVERNING BODY: The Township Council of the Township of Lawrence.

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

GRANITE BLOCK CURB: Also known as Belgian block curb, means a curb constructed of rectangular-shaped stone or granite blocks, usually placed vertically in a concrete foundation. [RSIS]

GREEN BUILDING STRATEGIES: Those strategies that minimize the impact of development on the environment, and 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 community services. [Ord. 2012-09, 5/5/09]

GREENHOUSE: An enclosed temperature controlled structure of glass or clear plastic used for the purpose of growing plants for subsequent sale or personal enjoyment.

GREENWAY: Any of the following:

A. A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; or

B. Any natural or landscaped course for pedestrian or bicycle passage; or

C. An open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas.

GROSS DENSITY: See DENSITY

GROSS LEASABLE AREA (GLA): The total of all leasable square footage including closets, mechanical rooms and hallways except that in a regional shopping mall the following shall be excluded from GLA: the floor area of any roofed structure used for parking, loading and unloading; open or roofed spaces designed for pedestrian movement from parking/loading areas; and interior

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common areas which provide for pedestrian access to the individual businesses/shops within the mall. [Ord. 1941-07, 9/4/07]

GROUND COVER: Low-growing plants or sod that in time form a dense mat covering the area in which they are planted.

GROUP HOME: A profit or nonprofit boarding home for the sheltered care of four or more adult persons, providing personal care or service in addition to food and shelter.

GUTTER: A shallow channel, usually set along a curb or the pavement edge of a road, for purposes of catching and carrying off runoff water. [RSIS]

HABITABLE FLOOR: Any floor with a minimum height of 6½ feet including the basement, usable for living purposes, which includes working, sleeping, eating, cooking or recreational functions, or a combination thereof. A floor usable only for storage shall not be considered a habitable floor.

HEALTH CARE FACILITY: A building or portion of a building such as a hospital, whether private or an institution, principally engaged in providing inpatient and outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical condition of patients; acute care facility; rehabilitation hospital; ambulatory surgical center. Care may be provided on a short term or long term basis. Outpatient services may also be provided as a secondary service. Such facilities may include laundries, cafeterias, gift shops, laboratories, and medical offices as accessory uses. [Ord. 2174-14, 3/18/2014]

HISTORIC DISTRICT: One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites [MLUL]; such sites exhibit the following characteristics:

A. Represent a significant period in the history of the Township; or

B. Have a distinctive character resulting from their architectural style, relationship to other buildings, spaces, scale or other design elements; or

C. Because of their distinctive character, can readily be viewed as an area or neighborhood distinct from surrounding portions of the Township; and

D. Should be preserved because of its importance to cultural, historical, or architectural purposes and motives.

HISTORIC LANDMARK (or LANDMARK): Any buildings, structures, sites, objects, or districts which possess integrity of location, design, setting, materials, workmanship, or association, and which have been determined, pursuant to the terms of this Ordinance, to be historically important.

HISTORIC PRESERVATION ADVISORY COMMITTEE: The body which, for the purposes of this Ordinance, acts as the historic preservation commission pursuant to *N.J.S.A.* 40:55D-107.

HISTORIC SITE: Any real property, man-made structure, natural object, or configuration or any portion or group of the foregoing historical, archaeological, cultural, scenic, or architectural significance. [MLUL]

HMFA - The New Jersey Housing and Mortgage Finance Agency.

HOME OCCUPATION: An activity carried out for gain by a resident, conducted entirely within a

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dwelling unit, which occupation is clearly incidental and secondary to the use of the lot for residential purposes, pursuant to the criteria in §428.

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

HOTEL: A building consisting of individual sleeping units designed for transient travelers and not for permanent residency, except that up to 3% of the total units may be provided for the sole use of resident employees, typically with a height of three or more stories, with a centralized lobby and elevator bank.

HOUSE OF WORSHIP: A building used for religious purposes.

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

HOUSEKEEPING UNIT: See HOUSEHOLD.

IES: Illuminating Engineering Society of North America. [RSIS]

ILLUMINANCE: The amount of light measured in foot-candles that falls onto an object or plane. [Ord. 2199-14, 10/7/14]

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. [RSIS] For the purposes of this Ordinance, detention and retention basins and dry wells shall not be considered impervious surfaces; however graveled areas shall be considered impervious surfaces.

IMPERVIOUS SURFACE RATIO: The total area of impervious surfaces divided by the total site area.

IMPOUNDMENT: A man-made body of water, such as a pond, confined by a dam, dike, floodgate or other barrier. [RSIS]

IMPROVED PUBLIC STREET: For subdivision purposes or site plan, any street which complies in width and construction with municipal standards. [RSIS]

IMPROVEMENT: Any constructed element which becomes part of, is placed upon, or is affixed to real estate. [RSIS]

INCLUSIONARY DEVELOPMENT: A residential housing development in which at least 5% of the housing units in the development are affordable housing.

INFILL DEVELOPMENT: The development of a new building on a lot which is located within a built-up area. For purposes of application of the Neighborhood Context standards for residential development in certain districts infill development shall consist of all new development and certain expansion/renovation of single family detached houses on lot(s) within the applicable districts after [effective date of Ordinance] including development on pre-existing lots as well as development on lots created by minor and major subdivision applications approved after March 6, 2007. [Ord. 1920-07]

INSTITUTION OF HIGHER EDUCATION: An educational institution of higher learning chartered by the State, or a private educational institution approved by and subject to regulations prescribed by

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the State and giving instructions or affording facilities for study and research in academic or technical subjects primarily at or above the college level.

INTERESTED PARTY: Any of the following:

A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and

B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this Ordinance, or whose rights to use, acquire, or enjoy property under this Ordinance, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this act. [MLUL]

INTERSTATE NATURAL GAS PIPELINE FACILITY: Any interstate natural gas pipeline facility regulated by the Federal Energy Regulatory Commission and the United States Department of Transportation. [Ord. 1585-99, adopted 9/7/1999]

ISLAND: In street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting. [RSIS]

ITEMS OF INFORMATION: A syllable, symbol, logo, initial, abbreviation, an unbroken group of numbers; each word in a registered trademark or service mark; or, a broken geometric plane.

ITE: Institute of Transportation Engineers. [RSIS]

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

KENNEL: See ANIMAL KENNEL.

LAKES AND PONDS: Natural or artificial bodies of water which retain water year-round.

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

LAND (for soil erosion control purposes): Any ground, soil or earth, including marshes, swamps, drainage ways and areas within the municipality not permanently covered by water.

LAND DISTURBANCES: Any activity involving an excavation or cut, stripping or other disturbance of land or soil as herein defined.

LANDLOCKED: A lot or parcel of land without direct access to a public street.

LATERAL, COMMON: A lateral serving more than one unit. [RSIS]

LATERAL (PLUMBING/SEWER): Pipes conducting sewage from individual buildings to larger pipes called trunk, or interceptor, sewers that usually are located in street rights-of-way. [RSIS]

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

LIGHTING, SAFETY: Lighting which ensures the proper level of illumination to provide safe

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passage and the identification of any outdoor hazards. [Ord. 1585-99, adopted 9/7/1999]

LIGHTING, SECURITY: Lighting installed solely to enhance the security of people and property. [Ord. 1585-99, adopted 9/7/1999]

LIVESTOCK: Animals grown, raised or bred for sale for human consumption or pleasure.

LOADING SPACE: An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading, according to criteria established in this Ordinance.

LOCAL UTILITY: Any, utility, authority, commission, special district, or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water, or sewer service to a municipality or the residents thereof; any sewerage authority created pursuant to *N.J.S.A.* 40:14A-1 et seq.; or any utilities authority created pursuant to *N.J.S.A.* 40:14B-1 et seq. [MLUL]

LONG-TERM CARE FACILITY: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. Long-term care facility shall include the terms skilled nursing facility and intermediate care facility.

LOT: A designated parcel, tract, or area of land established by plat or otherwise permitted by law and to be used, developed, or built upon as a unit. [MLUL]

LOT AREA: The area contained within the lot lines of a lot not including any portion of a street right-of-way.

LOT, CORNER: A lot on the junction of an abutting two or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135 °) degrees. Each corner lot shall have two front yards, one side yard, and one rear yard, as per §400.D.1.

LOT COVERAGE: The total area covered by impervious surfaces on a property, including but not limited to, buildings, surfaced or unsurfaced parking areas, driveways, sidewalks, patios, pools and decks.

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

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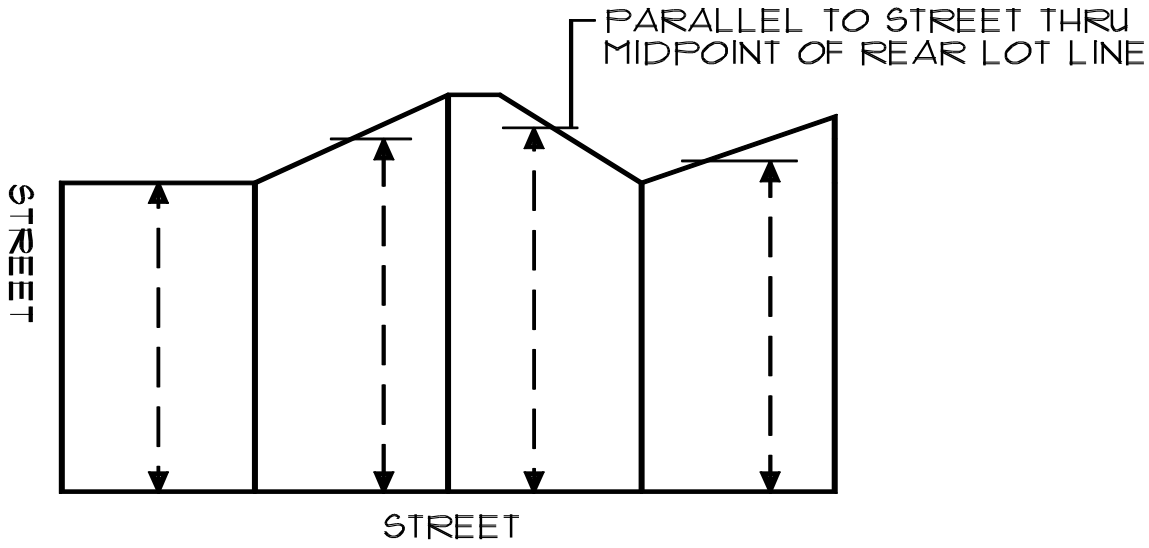
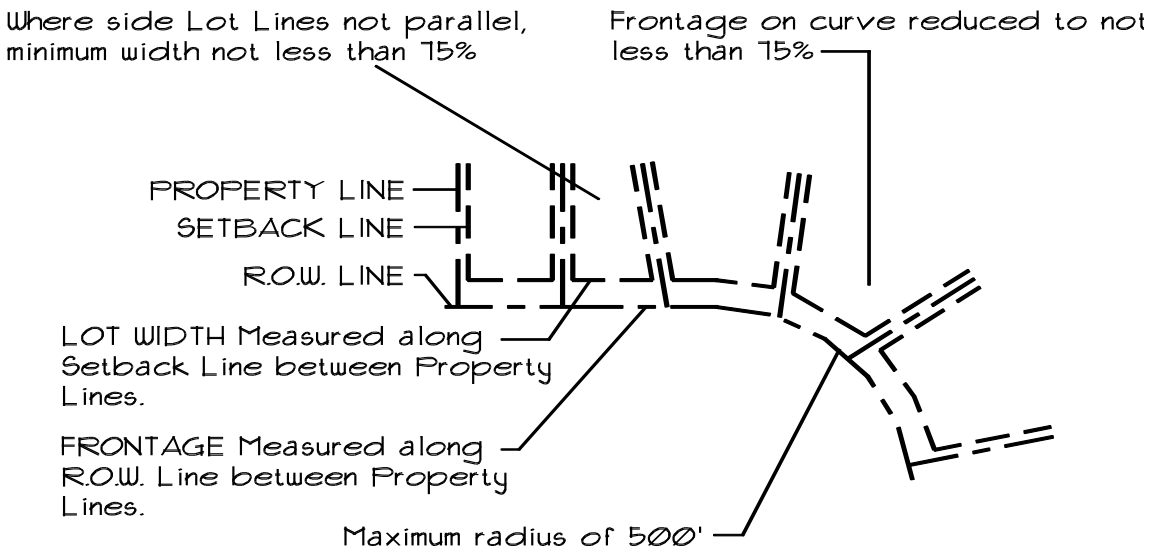


LOT DEPTH

LOT, FLAG: A lot located to the rear of another lot, connected to the public street frontage common to both lots by a narrow strip of land.

LOT FRONTAGE: The horizontal distance between side lot lines measured along the street line. See exhibit following.



LOT FRONTAGE AND LOT WIDTH

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: The lot line abutting a road right-of-way, the STREETLINE.

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LOT LINE, REAR: The lot line opposite and most distant from the front lot line or the point at which the two (2) side lot lines meet, as the case may be.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT WIDTH: The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum lot width shall be measured at the minimum required building setback line and shall equal lot frontage. See exhibit, above.

LOW INCOME HOUSING UNIT: A dwelling unit priced to be affordable to low income households as defined by *N.J.A.C.* 5:93-1.3, as it may be amended or superseded.

MAIN: In any system of continuous piping, the principal artery of the system to which branches may be connected. [RSIS]

MAINTENANCE GUARANTEE: Any security which may be accepted by Lawrence Township for the maintenance of improvements required by this Ordinance, including, but not limited to, surety bonds, letters of credit pursuant to *N.J.S.A.* 40:55D-53.5, and cash. [MLUL]

MANAGEMENT PLAN: The written information containing the proposed methods and procedures to be employed in conjunction with a tree removal project.

MANHOLE: An inspection chamber located at changes in horizontal and vertical directions for underground utility conduits whose dimensions allow entry, exit, and working room. [RSIS]

MANNING EQUATION: A method for calculating the hydraulic capacity of a conduit to convey water.

MANUFACTURED HOME: A unit of housing which:

A. Consists of one or more transportable sections which are substantially constructed off-site and, if more than one section, are joined together on site; or

B. Is built on a permanent chassis; or

C. Is designed to be used, when connected to utilities, as a dwelling on a permanent foundation; and

D. Is manufactured in accordance with the standards promulgated for a manufactured home pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," P.L. 93-383 (43 U.S.C. and 5401, *et seq*.) and the standards promulgated for a manufactured mobile home pursuant to the "State Uniform Construction Code Act," *N.J.S.A.* 52:27D-119, *et seq*.

MARGINAL ACCESS STREET: See, STREET, MARGINAL ACCESS.

MASTER PLAN: A composite of one or more written or graphic proposals for the development of the municipality as set forth and adopted by the Planning Board pursuant to *N.J.S.A.* 40:55D-28. [MLUL]

MEAN ELEVATION: The average of the ground level measurements computed at the four extreme corner points of any existing or proposed building.

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MEDIAN: That portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions. [RSIS]

MEDICAL CLINIC: A public health facility, blood donor center, kidney dialysis center, or walk-in medical office not requiring prior appointment.

MEMBER OF THE IMMEDIATE FAMILY: A spouse, parent, grandparent, child, grandchild, great grandchild, aunt, uncle, great aunt, great uncle, niece, nephew or spousal equivalent of same.

MIXED USE: Two or more different uses, one of which is residential. [RSIS]

MIXED-USE DEVELOPMENT: See PLANNED DEVELOPMENT

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

MOBILE HOME: See MANUFACTURED HOME. For the purposes of this Ordinance, travel trailers and campers shall not be considered mobile homes.

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

MODERATE INCOME HOUSING UNIT: A dwelling unit priced to be affordable to moderate income households as defined by *N.J.A.C.* 5:93-1.3, as it may be amended or superseded.

MOTEL: A building or buildings containing a series of rooms for rent to transients, with direct access to the exterior of each unit without the necessity for passage through the main lobby.

MOVING LANE: Any traffic lane where traffic movement is the primary if not sole function. (Compare with PARKING LANE.) [RSIS]

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

MUNICIPAL ENGINEER: A licensed professional engineer of the State of New Jersey appointed by the governing body of the Township responsible for the administration of engineering concerns within the municipality.

NEIGHBORHOOD CONTEXT: For the purpose of interpreting the residential infill development requirements in certain of the Township's residential zoning districts, the term "Neighborhood Context" shall refer to the structures and improved lots devoted exclusively to residential use within a specified distance (the "Neighborhood Context Distance") of the subject infill development lot. The Neighborhood Context Distance, as set forth in the bulk standards of the respective zoning districts, shall be measured in both directions from the infill development lot along the frontage street (or streets, in the case of a corner infill development lot) and shall include the structures and improved lots on both sides of said street(s). [Ord. 1920-07] See following exhibits:

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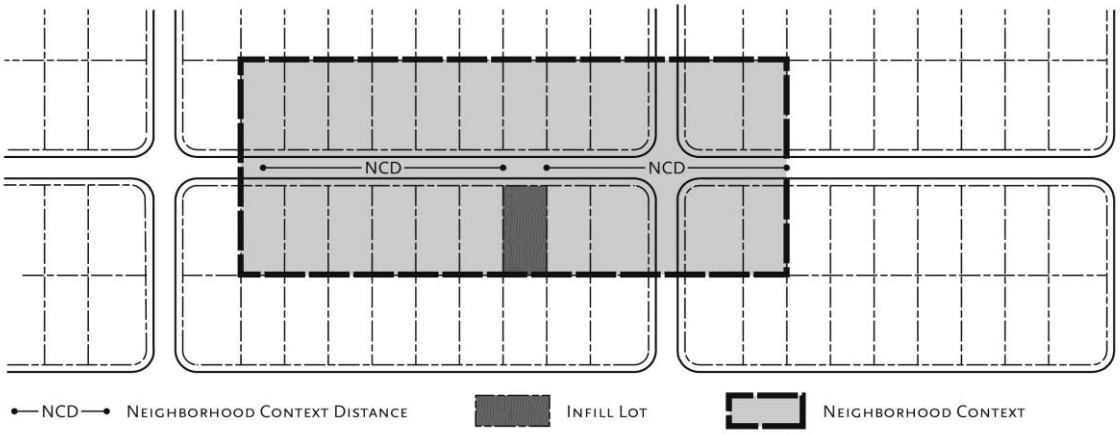
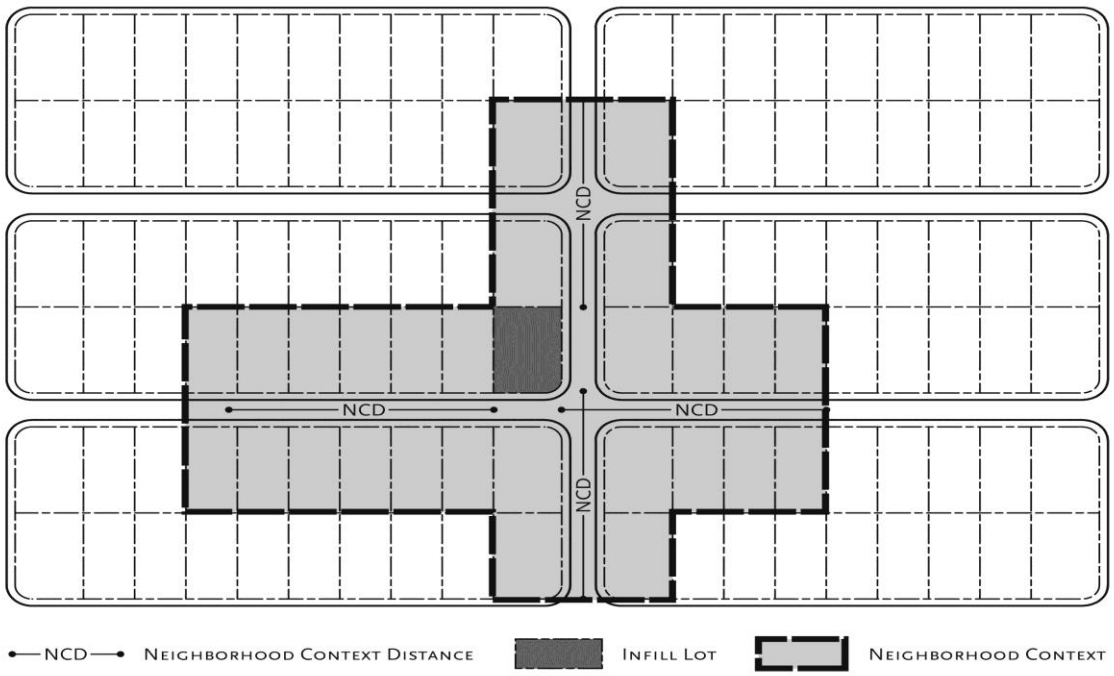
NEIGHBORHOOD CONTEXT
NON-CORNER ILLUSTRATION



NEIGHBORHOOD CONTEXT
CORNER ILLUSTRATION



NON-CONFORMING LOT: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. [MLUL]

NON-CONFORMING STRUCTURE: A structure the size, dimension or location of which was

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lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. [MLUL]

NON-CONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. [MLUL]

NURSING HOME: See LONG-TERM CARE FACILITY

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

OFF-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is directly accessible to an access aisle only and that is not located on a dedicated street right-of-way.

OFF-STREET LOADING SPACE: A temporary loading area for a truck or delivery van that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way

OFF-TRACT: Not located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way of drainage or utility easement. [MLUL]

OFF-TRACT IMPROVEMENTS: Improvements to land located outside of a development site or tract, including but not limited to roads, utilities, water, sewerage, storm water facilities, public transit, public facilities, and affordable housing together with any appurtenant land or easements necessary to construct such improvements.

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 solely on an outpatient basis, but not to include a behavioral health care center or residential medical detoxification facility. 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 and other various specialties. [Ord. 2174-14, 3/18/14]

OFFICE PARK: A non-residential land use developed as a single entity combining general, business, professional, and medical offices which may contain ancillary personal services primarily for employees.

OFFICE, RESEARCH AND DEVELOPMENT: A building or portion of a building principally engaged in developing new products or procedures, or to improvement of existing products or procedures. Research and development offices may include laboratory space, pilot manufacturing and production space and/or office space. [Ord. 2174-14, 3/18/14]

OLD GROWTH WOODLAND: Woodland having a long uninterrupted period of species development which is substantially free of human interferences or natural disturbances.

ON-SITE: Located on the lot in question. [MLUL]

ON-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

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ON-TRACT: Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way. [MLUL]

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

OPEN SPACE ORGANIZATION: An incorporated, non-profit organization operating in a planned development under recorded land agreement through which:

A. Each owner is automatically a member;

B. Each occupied dwelling unit is automatically subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the organization by the Township; and

C. Each owner and tenant has the right to use the common property.

OWNER: Any individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in the land.

PAD SITE: A pad site is a parcel of commercial real estate which may either be leased or subdivided from a larger parcel and is located in the front of a site for a larger shopping center or retail establishment where the ratio of pad site to the larger retail establishment site area is not less than 1:3. [Ord. 2159-13, 5/21/13]

PARKING AREA AISLES: Unobstructed access to parking stalls.

PARKING LANE: A lane usually set on the sides of streets, designed to provide on-street parking. [RSIS]

PARKING SPACE: A storage area provided for the parking of a motor vehicle. [RSIS]

PATIO: A level, landscaped and/or surfaced area at grade directly adjacent to a principal building or freestanding in the approved yard area; an unroofed porch. [Ord. 1810-04, 9/21/2004]

PAVEMENT: A surface created to facilitate passage of people and/or vehicles, usually constructed of brick, stone, concrete, or asphalt. [RSIS]

PEDESTRIAN GENERATOR: A development which will realize high facility usage by persons arriving on foot. [RSIS]

PENNANT: A non-rectangular or non-square flag. [Ord. 2072-10, 12/21/10]

PERFORMANCE GUARANTEE: Any security, which may be accepted by Lawrence Township, including but not limited to surety bonds, letters of credit pursuant to *N.J.S.A.* 40:55D-53.5 or cash. [MLUL]

PERMITTED USE: Any use of land or buildings as allowed by this Ordinance.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

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PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her goods or apparel, including but not limited to laundering, shoe repair, hair and body care, funeral services, tailoring, and domestic services.

PERVIOUS SURFACE: Any surface that permits a significant portion of surface water to be absorbed. [RSIS]

PLAN: The map of a subdivision or site plan; used interchangeably in this Ordinance with PLAT.

PLAN, CONCEPT: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification [RSIS]; an informal review.

PLAN, FINAL: The final map of all or a portion of the subdivision or site plan which is presented by the Board of Jurisdiction for final approval in accordance with these regulations.

PLAN, MINOR: The map of a minor subdivision or minor site plan of sufficient accuracy to be used for the purpose of discussion and meeting the requirements of this Ordinance.

PLAN, PRELIMINARY: The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Board of Jurisdiction for consideration for preliminary approval, meeting the requirements of this Ordinance.

PLANNED DEVELOPMENT: Any of the following:

A. Residential cluster: A contiguous or non-contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. [MLUL]

B. Planned village development: A contiguous or non-contiguous area to be developed as a single entity according to a plan containing one or more residential clusters which may include commercial, public, or quasi-public uses, all primarily for the benefit of the development, intermediate in scale and intensity between residential clusters and planned unit development.

C. Planned unit development: An area with a specified minimum contiguous or non-contiguous acreage to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of non-residential uses to residential uses as shall be specified herein. [MLUL]

D. Planned commercial development: An area of a minimum contiguous or non-contiguous size as specified by this Ordinance to be developed as 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 predominate use as may be permitted herein. [MLUL]

PLANNING BOARD: The municipal agency established pursuant to *N.J.S.A.* 40:55D-23. [MLUL]

PORCH: An outdoor living space with a roof supported by columns attached to a dwelling.

POTABLE WATER SUPPLY: Water suitable for drinking or cooking purposes. [RSIS]

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PRE-APPLICATION CONFERENCE: An initial meeting between a developer and a municipal representative(s) which affords a future applicant the opportunity to present their proposal informally.

PRELIMINARY APPROVAL: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Board of Jurisdiction 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. [MLUL]

PRINCIPAL BASIN: A detention or retention basin whose function is controlling or managing the runoff from a particular area or property that is to be developed. [RSIS]

PROPORTIONATE SHARE: The portion of the total capital improvement costs for off-tract water, sewer, drainage and street improvements that are reasonably attributable to new development pursuant to *N.J.S.A.* 40:55D-43, Pro-rata share.

PUBLIC OPEN SPACE: An open space conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses. [MLUL]

PUBLIC USE: The use of land or buildings for public administration, public works, and public open space; municipal use.

PUBLIC UTILITY: Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to *N.J.S.A.* 48:2-13. [MLUL]

PUBLIC WATER SUPPLY SYSTEM: A water supply providing piped water to the public for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals pursuant to *N.J.A.C.* 7:19-1 et seq.

QUALIFIED PURCHASER OR RENTER: 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 low or moderate income levels, as defined herein; and

C. Who obtains certification as a qualified purchaser or renter of an affordable unit from the Lawrence Township Office of Housing and Redevelopment as set forth in this section.

QUORUM: The majority of the full authorized membership of a municipal agency.

RATIONAL METHOD: A method of calculating stormwater runoff.

RECORDED LOT: A subdivided lot that is recorded with the Mercer County Recorder of Deeds pursuant to the Map Filing Law.

RECREATION, ACTIVE: Leisure time activities, usually of a formal nature with a set of sanctioned rules and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields; including, but not limited to, court games, swimming, track and field events, golf,

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playground activities, and field sports.

RECREATION, PASSIVE: Leisure time activities not involving formal rules of play or action with lesser physical activity than active recreation; including, but not limited to, bird watching, walking, picnicking, and sunbathing.

RECREATIONAL VEHICLE: A vehicle without permanent foundation that can be towed, hauled or driven, primarily designed as temporary living accommodation for recreation, camping, leisure activities, and travel use, including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. See CAMPER.

REFERRAL LIST, AFFORDABLE HOUSING: A register of eligible low and moderate income households for which suitable units are not yet available.

REGIONAL SHOPPING MALL: A group of commercial establishments which draw customers from a multi-county market area and which is planned, constructed and managed as a unified development containing a shopping mall structure with enclosed internal common areas along with predominantly retail businesses and which may include one or more free-standing retail buildings served by on-site parking and loading. [Ord. 1941-07, 9/4/07]

REHABILITATION: The process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

REPAIR: Any work done on any improvement which:

A. Is not an addition to the improvement; and

B. Does not change the appearance of the exterior surface.

REPLACEMENT: Repairs when a building permit is required for same.

RESIDENTIAL ACCESS STREET: See STREET, RESIDENTIAL ACCESS.

RESIDENTIAL CLUSTER: See PLANNED DEVELOPMENT.

RESIDENTIAL DENSITY: See DENSITY, RESIDENTIAL.

RESIDENTIAL HEALTH CARE FACILITY: Any facility so defined by *N.J.S.A.* 26:2H-1 et seq. and regulated by the New Jersey Department of Health and Senior Services.

RESIDENTIAL MAJOR COLLECTOR: See STREET, RESIDENTIAL MAJOR COLLECTOR

RESIDENTIAL MEDICAL DETOXIFICATION CENTER: Medically monitored intensive inpatient treatment for substance abuse that provides 24-hour per day physician-supervised evaluation and withdrawal management in a permanent facility with beds based on substance-specific clinical protocols and policies and that may include Suboxone induction, or similar medication, for opioid dependence; a Level III.7D facility as classified by the Division of Addiction Services, NJ Department of Human Services. [Ord. 2174-14, 3/18/14]

RESIDENTIAL MINOR COLLECTOR: See STREET, RESIDENTIAL MINOR COLLECTOR.

RESIDENTIAL NEIGHBORHOOD STREET: See STREET, RESIDENTIAL NEIGHBORHOOD.

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RESIDENTIAL ZONE: A zoning district where a prominent principal use is residential. For purposes of this Ordinance, EP-1, EP-2, R-1, R-2A, R-2B, R-3, R-4, R-5, AT, SCR, PVD-1 and PVD-2 shall be considered residential zones. [Ord. 1585-99, adopted 9/7/1999]

RESTAURANT: A public eating facility where patrons are seated at tables, booths or counters and food orders are taken and served to the patrons by waiters or waitresses at such tables, booths or counters; but not to include drive-in restaurants and fast-food restaurants as otherwise defined in this Ordinance.

RESTAURANT, DRIVE-IN: Any restaurant, refreshment stand, snack bar, dairy bar, hamburger stand or hot dog stand where food is served primarily for consumption at counters, stools or bars outside the building or primarily for consumption in automobiles parked on the premises, whether brought to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building.

RESTAURANT, FAST-FOOD: A public eating facility where patrons purchase food while within the physical premises of the restaurant or from a drive-thru window, which is obtained by self-service or from an employee of the establishment over a counter, for consumption either within the establishment or away from the premises. Cafeterias constitute "fast-food restaurants" under this Ordinance.

RESUBDIVISION: The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of streets or the establishment of any streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument. [MLUL]

RETAIL 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.

RETAIL SERVICES: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums and concert halls.

RETAINING WALL: A structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced. [RSIS]

RETENTION BASIN: A stormwater management basin designed to retain some water on a permanent basis. [RSIS]

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. [RSIS]

RIPARIAN: An area of land of water within or adjacent to a surface water body. [Ord. 2032-09, 10/6/09]

ROOMING HOUSE: Any building, together with any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or

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operator, and wherein personal or financial services are provided to the residents.

RSIS: Residential Site Improvement Standards, pursuant to *N.J.A.C.* 5:21 *et seq*. In this Article, those definitions so marked are derived from the Standards.

RURAL: See STREET, RURAL.

SATELLITE DISH ANTENNA: Any apparatus installed out-of-doors for the purpose of receiving television, radio or similar electromagnetic radiation from satellites, but not to include conventional television antennae.

SCREEN: See BUFFER.

SCREENING COMMITTEE: An advisory committee appointed by the chairman or chairwoman of the Planning Board for the purpose of reviewing, commenting and making recommendations with respect to subdivision and site plan applications to the full membership of the Board.

SCS: Soil Conservation Service. [RSIS]

SEARCHLIGHT: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move or that creates an illusion of such rotation or movement.

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

SEDIMENT BASIN: A barrier or dam built at suitable locations to retain rock, sand, gravel, silt or other material.

SELECTIVE CUTTING: The removal of larger trees on an individual basis while leaving trees of lesser size for future harvest.

SENIOR CITIZEN: A person who has attained the age of fifty-five (55) years, or the surviving unmarried spouse of a deceased senior citizen.

SEPTIC SYSTEM: An underground system with a septic tank used for the decomposition of domestic wastes. [RSIS]

SEPTIC TANK: A watertight receptacle which receives the discharge of sanitary sewage from a building sewer or part thereof, and is designed and constructed so as to permit settling of settleable solids from the liquid, partial digestion of the organic matter, and discharge of the liquid portion into a disposal field or seepage pit. [RSIS]

SERVICE STATION: Lands and buildings providing for the sale of fuel, lubricants and automotive accessories; maintenance and minor repairs for motor vehicles may be provided, but not to include auto body work, automobile painting, automobile wrecking, the sale or rental of passenger vehicles and trucks, the long-term storage of inoperable vehicles, parking for fee, or car wash facilities.

SETBACK LINE: The line parallel to the street line or lot line formed by the intersection of the plane of the lot with a plane established by the point of a building nearest to the street line or lot line.

SETBACK, REQUIRED: A line that is established in this Ordinance a minimum horizontal distance from the street line or the lot line and beyond which a building or part of a building is not permitted

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to extend toward the street line or lot line.

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

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

SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses. [RSIS]

SIDEWALK: A concrete way provided for pedestrian use and usually located at the side of a cartway within the right-of-way.

SIGHT TRIANGLE: 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. [RSIS]

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, 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. 2072-10, 12/21/10]

SIGN, ANIMATED OR MOVING - Any 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 the sign, exclusive of the supporting structure, which is used for calculating the square footage of the sign.

SIGN, ATTACHED: See SIGN, FACADE.

SIGN, AWNING: Any sign which is attached to or part of an awning.

SIGN, BALLOON: Any device or apparatus exceeding four (4) feet in height, width or diameter, inflated by air or other gas and dependent upon such air or other gas to retain its shape or structure, which by virtue of its shape, design, color, image or message content thereon, conveys a communicative message directed to the general public or any portion thereof. Registered and licensed lighter-than-air aircraft shall not be considered balloon signs in this Ordinance. [Ord. 2072-10, 12/21/10]

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.

SIGN, BILLBOARD: Any sign, whether on- or off-premises, greater than one hundred thirty (130) 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, the design and construction elements of which are such as to be

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classified as a structure under the Uniform Construction Code and requiring site plan approval. [Ord. 2072-10, 12/21/10]

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. [Ord. 2072-10, 12/21/10]

SIGN, CANOPY: A sign that is mounted or painted on, or attached to a canopy that is otherwise permitted by this Ordinance.

SIGN, CHANGEABLE COPY - A sign designed such that the message contained on the sign can be easily and periodically altered by attaching and removing individual letters or logos by hand and whose message does not change more than once a day. [Ord. 1838-05, 4/20/2005]

SIGN, COMMERCIAL: Any sign or symbol which directs attention for purposes of promoting any business, commodity, service or industry for transactional purposes. [Ord. 2072-10, 12/21/10]

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.

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

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

SIGN, DIRECTORY: A sign that provides a listing of tenants and/or their location within a multi-tenanted building or multi-building development. [Ord. 2072-10, 12/21/10]

SIGN, ELECTION: A temporary sign that relates to a particular election for public office, referendum, or other plebiscite at the federal, state, or local level.

SIGN, EXTERNALLY LIGHTED: Any sign whose sole source of artificial illumination is outside the display portion of the sign.

SIGN, FACADE: 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 12 inches from the supporting facade.

SIGN, FREESTANDING: Any sign not attached to a building, erected, constructed or maintained on a post or pole, or other bracing or supporting device, being used to support a sign.

SIGN, GRADE LEVEL OF: The lowest point of elevation of the finished surface of the ground where the sign support meets the ground.

SIGN HEIGHT: The highest spot at any one point on the sign measured from the grade level surrounding the sign.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located. [Ord. 2072-10, 12/21/10]

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

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SIGN, INTERNALLY LIGHTED: Any sign whose sole source of artificial illumination is contained within the display portion of the sign.

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

SIGN, MULTIPLE OCCUPANCY AND TENANCY: A single sign relating to a use or facility, such as a shopping center, industrial park, or office complex, where there is more than one occupancy and/or tenancy of uses, where said multiple occupancy and tenancy use a common parking facility and/or a common private drive or roadway and where the names and professions or business names of the various tenants and/or occupancy are displayed.

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.

SIGN, OFF-PREMISE NON-COMMERCIAL: An off-premises sign that does not contain a commercial message which directs attention to an institution, government, governmental entity or non-profit corporation and their policies, eleemosynary institution not primarily engaged in transactional commercial activity, or which is intended for viewpoint communication by either governmental or non-governmental speakers or contains a message directed to the general public for health, safety and welfare purposes at a location other than the property on which the sign is located. [Ord. 2072-10, 12/21/10]

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operation of the business.

SIGN, PROJECTING: A sign perpendicular to a wall or facade which is attached to and extends more than 12 inches from the surface of a building.

SIGN, REAL ESTATE: A sign of an owner of real property or of a licensed real estate broker designating a property "for sale" or "for lease".

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.

SIGN SIZE: The surface display area of a sign determined by a computation as otherwise provided for in this Ordinance.

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

SIGN, V-SHAPED: A single sign structure having two faces in the shape of the letter "V" when viewed from above, with the faces oriented in opposite directions. [Ord. 2199-14, 10/7/14]

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. 2199-14, 10/7/14]

SIGN, VEHICLE: A 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 24 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. Signage on a commercial vehicle used in the ordinary course of business and principally garaged or parked at that business location, or at the premises of owners or employees and decorative symbols, logos, decals, lettering or graphics placed upon a commercial or private passenger vehicle shall not be deemed vehicle signs under this definition. [Ord. 2072-10, 12/21/10]

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. 2072-10, 12/21/10]

SIGN, WARNING: A sign indicating no trespassing or no fishing and/or hunting or for existing danger where a warning is legally required.

SIGN, WINDOW: A sign that is applied or attached to the interior of a window or located in such a manner within a building that it is legible from the lot line which contains said sign. [Ord. 2100-11, 8/2/11]

SILVICULTURE: The growing, harvesting and care of woodland for sale pursuant to a management plan.

SITE (in the context of historical preservation efforts): The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural or archaeological significance.

SITE IMPROVEMENTS: Any construction work on, or improvement in connection with, residential development limited to streets, roads, parking facilities, sidewalks, drainage structures, and utilities. [RSIS]

SITE PLAN: A development plan of one or more lots on which is shown:

A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; and

B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and

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C. 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 Ordinance. [MLUL]

SITE PLAN, MINOR: A development plan for one or more lots which:

A. Proposes new development in accordance with the criteria established for minor site plans in §806.B.2 of this Ordinance; [Ord. 1585-99, adopted 9/7/1999]

B. Does not involve planned development, any new street, or extension of any off-street improvement which is to be prorated pursuant to *N.J.S.A.* 40:55D-42; and

C. Contains any other information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met. [MLUL]

SITE PLAN, MAJOR: Any site plan not classified as a minor site plan. [MLUL]

SITE PLAN REVIEW: The examination of the specific development plans for a lot. Wherever the term "site plan approval" is used in this Ordinance, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Board of Jurisdiction.

SKETCH PLAT: See PLAN, CONCEPT.

SOIL: The arable layers of unmodified sediments beneath the surface material and above bedrock. [RSIS]

SOIL CONSERVATION DISTRICT: A governmental subdivision of this State, which encompasses this municipality, organized in accordance with the provisions of *N.J.S.A.* 4:24.

SOIL EROSION: The gradual alteration of soil by crustal movement or by processes of weathering, transportation, and sedimentation. [RSIS]

SOIL STRIPPING - Any activity which significantly disturbs vegetated or an otherwise stabilized soil surface including clearing and grubbing operations.

SOIL TEST: A test pursuant to *N.J.S.A.* 7:9A-1 et seq. designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

SOLAR SETBACK ZONE: The area within which a building built to its height limit would interfere with the availability of direct sunlight to an adjacent building on its northerly side.

SPECIMEN TREE: A tree with a diameter of 30 inches or greater; a unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group in shape or form; a tree of historical importance; or a tree specifically designated as such by the municipality.

SQUARE FOOTAGE OF LIVING AREA (SFLA): The total square footage of living area for a dwelling unit as listed on the current tax assessment records of Lawrence Township; (SFLA) is generally comprised of the heated floor area within the outer walls of all structures on a residential lot but not including an unfinished basement or attic, garage or unheated accessory structure. [Ord. 1920-07]

STABILIZATION: As it pertains to streets, the ability of a surface to resist deformation from

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imposed loads. Stabilization can be accomplished by adequate thicknesses of asphalt base and surface course, dense graded aggregates, cement treated soil aggregates, or concrete or precast masonry units set on a base course. [RSIS]

STABILIZED BASE COURSE (BITUMINOUS): Stabilized base course or asphalt concrete base consists of soil aggregate and bituminous material uniformly mixed and placed on a previously prepared surface. [RSIS]

STABILIZED EARTH: Earth or soil, strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement. [RSIS]

STABILIZED TURF: Established, mowable vegetation. [RSIS]

STAGGERED SETBACKS: Front setbacks of residential units that are varied in horizontal location.

STEEP SLOPES: Slopes over 20%. [Ord. 2032-09, 10/6/09]

STORMWATER DETENTION: A provision for temporary storage of stormwater runoff, and the controlled release of such runoff during and after a flood or storm. [RSIS]

STORMWATER MANAGEMENT MEASURES: Broad term for structural and nonstructural control of stormwater runoff and nonpoint pollution. [RSIS]

STORMWATER RETENTION: A provision for the permanent storage of a fixed volume of water. [RSIS]

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and ceiling next above it. For the purpose of this Ordinance, the interior of the roof shall not be considered a ceiling. A half story is the area under a pitched roof at the top of a building, the floor of which is at least 4 feet, but no more than 6 feet below the plate. A basement shall be considered a story where the finished surface of the floor above the basement is:

A. More than 6 feet above the average grade elevation;

B. More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or

C. More than 12 feet above the finished ground level at any point.

STREAM: A waterway which has a minimum drainage area of 50 acres; or, as classified by the New Jersey Department of Environmental Protection as a stream for any reason.

STREET: Any street, avenue, boulevard, road, parkway, viaduct, drive or other way meeting any of the following:

A. Is an existing state, county or municipal roadway;

B. Is shown upon a plat heretofore approved pursuant to law;

C. Is approved by *N.J.S.A.* 40:55D-1 et seq.; or

D. Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and

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may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street line. [MLUL]

STREET, ARTERIAL: A higher-order, interregional road in the street hierarchy; conveys traffic between centers; should be excluded from residential areas. (See STREET HIERARCHY). [RSIS]

STREET, COLLECTOR: A street that distributes traffic between residential access and subcollector streets, and, arterial order streets in residential subdivision design and between non-residential uses and arterial roads. Such streets are intended to carry up to 3,000 vehicles per day (AADT).

STREET, CUL-DE-SAC: A street with a single means of ingress and egress and having a turnaround, the design of which may vary. (See STREET HIERARCHY). [RSIS]

STREET, DIVIDED: A street having an island or other barrier separating moving lanes of traffic. [RSIS]

STREET FURNITURE: Man-made, above ground items that are usually found in street rights-of-way, including benches, kiosks, bicycle racks, canopies, decorative traffic control fixtures, shelters and phone booths.

STREET HARDWARE: The mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters, and the like. [RSIS]

STREET HIERARCHY: The conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads to streets whose function is residential access. [RSIS]

STREET LINE: The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted master plan or official map, forming the dividing line between the street and a lot.

STREET, LOOP: A street that has its only ingress and egress at two (2) points on the same subcollector or collector street. [RSIS]

STREET, MAJOR ARTERIAL: A street designed to move traffic from municipality to municipality within a region and to provide connections between higher and lower orders of streets, with an AADT between 10,000 and 25,000 vehicles typically, though not exclusively, under county jurisdiction.

STREET, MARGINAL ACCESS: A service street that runs parallel to a higher-order street which provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or minor collector as anticipated daily traffic dictates. [RSIS]

STREET, MINOR ARTERIAL: A street which provides connections between major arterials and residential or non-residential collector streets, and also functions as an intra-municipal travel path, typically under county jurisdiction. Such streets are intended to handle 3,000 and 10,000 AADT.

STREET, PRINCIPAL ARTERIAL: A street intended to handle large volumes of regional and through traffic, typically under the jurisdiction of the state or federal government such as the Interstate highway system, with an AADT exceeding 25,000 vehicles.

STREET, RESIDENTIAL ACCESS: The lowest order, other than rural street type, of residential

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street (see STREET HIERARCHY). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. [RSIS]

STREET, RESIDENTIAL MAJOR COLLECTOR: The highest order of residential street (see STREET HIERARCHY). Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways). [RSIS]

STREET, RESIDENTIAL MINOR COLLECTOR: Middle order of residential streets (see STREET HIERARCHY). Provides frontage for access to lots, and carries traffic to and from adjoining residential access streets. [RSIS]

STREET, RESIDENTIAL NEIGHBORHOOD. A type of residential access street conforming to traditional subdivision street design, which provides access to building lots fronting on a street and provides parking on both sides of street (see STREET HIERARCHY). [RSIS]

STREET, RURAL: As it pertains to streets, when density is one dwelling unit per acre or lower, a road primarily serving as access to abutting building lots, which has no on-street parking, and lot-to-street access is designed so vehicles do not back out of lots onto the street (see STREET HIERARCHY). [RSIS]

STREETSCAPE - All of the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marques, signs, and lighting.

STREET, STUB: A street which is to be extended when the adjacent property is developed. [RSIS]

STREET TREE: A tree in a public place, street, special easement or right-of-way adjoining a street constituting a large tree in size when mature.

STRUCTURE: A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land. [MLUL]

STRUCTURE (for flood management purposes): A walled and roofed building, including a gas or liquid storage tank, that is principally above ground. For insurance purposes, "structure" means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site. For the latter purpose, the term includes a building while in the course of construction, alterations or repair but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such material or supplies are within an enclosed building on the premises.

STUB STREET: See STREET, STUB.

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to affect a subdivision of land hereunder for himself or for another with the written consent of the owner according to the provisions of this Ordinance.

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. Any of the following shall not be considered subdivisions within the meaning of this Ordinance if no new streets are created:

A. Divisions of land found by the Planning Board to be for agricultural purposes where all

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resulting parcels are 5 acres or larger in size;

B. Divisions of property by testamentary or intestate provisions;

C. Divisions of property upon court order including but not limited to, judgments of foreclosure;

D. Consolidation of existing lots by deed or other recorded instrument; and

E. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision". [MLUL]

SUBDIVISION, MINOR: Any division of land meeting all of the following criteria:

A. Contains an aggregate of not more than three (3) lots (2 new lots and the remaining parcel);

B. Does not involve a planned development.

C. Does not involve any new street.

D. Does not require the extension of any off-tract improvement, the cost of which is to be prorated pursuant to *N.J.S.A.* 40:55D-42.

E. Meets the criteria for filing an application for a minor subdivision as otherwise required in this Ordinance. [MLUL]

SUBDIVISION, MAJOR: Any subdivision not classified as a minor subdivision. [MLUL]

SUBDIVISION AND SITE PLAN COMMITTEE: See SCREENING COMMITTEE.

SUBGRADE: The prepared surface upon which pavements and shoulders are constructed. [RSIS]

SUBSTANTIAL IMPROVEMENTS (for the purpose of historic district or landmark regulation): Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

A. Before the improvement or repair is started;

B. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

C. Any project for improvement of a structure to comply with the existing State or local health, sanitary or safety code specifications solely necessary to assure safe living conditions; or

D. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURFACE COURSE: The placement of the asphalt concrete material on a previously prepared base course. [RSIS]

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SWALE: A low lying or depressed land area commonly wet or moist, which can function as an intermittent drainage way. [RSIS]

SWIMMING POOL, COMMERCIAL: Any pool not accessory to a detached single family or two-family dwelling, or fee simple townhouse.

SWIMMING POOL, PORTABLE: A swimming pool that is not permanently installed and meets all of the following criteria: does not require water filtration, circulation and purification; does not exceed twenty-four (24) inches in depth; does not exceed a water surface of two hundred fifty (250) square feet; and does not require braces or supports.

SWIMMING POOL, PRIVATE RESIDENTIAL: A swimming pool, other than a portable swimming pool, that is located on a lot principally used by one housekeeping unit accessory to a detached single family or two-family dwelling, or fee simple townhouse.

TEMPORARY CONSTRUCTION TRAILER: A trailer for office use or storage used during the period of construction on a site or tract as otherwise permitted in this Ordinance.

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

THREATENED OR ENDANGERED SPECIES: Flora or fauna identified pursuant to *N.J.S.A.* 23:2A-1 et seq. or 50 C.F.R. 17.11(h) and 17.12(h) as they may be modified or superseded.

TOPSOIL: Either of the following:

A. The natural, undisturbed surface layer of soil having a higher level of organic matter than subsequent layers, a pH of 5.0 to 7.5, and suitable for satisfactory growth and maintenance of permanent, locally-adapted vegetation.

B. Where the original surface layer has been removed, the reapplication of soil material used to cover an area so as to improve soil conditions for establishment and maintenance of adapted vegetation. The reapplied material must be friable, loamy soil reasonably free of debris, objectionable weeds, and stones; have a natural pH of 5.0 to 7.5; have an organic matter content greater than 2.0 percent; and contain no toxic substances which may be harmful to plant growth. [RSIS]

TOWNHOUSE: See DWELLING UNIT, TOWNHOUSE.

TOWNSHIP: Township of Lawrence, Mercer County, New Jersey

TRACT: A contiguous area of land composed of one or more lots to make one parcel of land meeting the requirements of this Ordinance for the use(s) intended.

TRANSCRIPT: A typed or printed verbatim record of the proceedings before a municipal agency, or reproduction thereof. [MLUL]

TRANSITION BUFFER (or AREA): An upland area adjacent to freshwater wetlands which minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem.

TRAVELED WAY: The portion of a cartway used for vehicular travel. [RSIS]

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TREE: Any woody perennial plant, having a trunk or main stem with a caliper of 8 inches or greater at maturity.

TREE PROTECTION ZONE: The entire area of a site exclusive of buildings, parking, driveways, streets, storm water management facilities and utilities plus a perimeter width around such uses as determined by this Ordinance in which woodland and individual specimen trees shall be retained or replaced.

TREE SAVE AREA: An area within the tree protection zone in which woodland shall be retained and active protection measures shall be taken during land development activities.

TRIBUTARY: A water course feeding a larger stream or water body.

TRIP: A single or one-way vehicle movement to or from a property or study area. [RSIS]

UNIT, BED: A dwelling unit, whether shared or not, within an assisted living, residential health care, or skilled nursing care facility consisting of a bed and ancillary bathroom and storage.

USCGS: United States Coast and Geodetic Survey (a.k.a. USGS - United States Geological Survey, USC&G, and USC&GS). [RSIS]

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

USEABLE YARD AREA: A portion of a front, side, or rear yard that is exclusive of any critical area.

URGENT CARE CENTER: A type of medical clinic in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended-hour access for acute illness and injury care that is beyond the scope or availability of the typical primary care practice or other medical clinic. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays. [Ord. 2174-14, 3/18/14]

UTILITIES: Those services customarily rendered by public utility corporations, municipalities or municipal authorities, in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles, and the like).

UTILITY AREA: A flexible space within the right-of-way designated for the installation of utility lines and facilities. [RSIS]

UTILITY AUTHORITY: Any "sewerage authority" as defined in *N.J.S.A.*40:14A-3 or any "municipal authority" as defined in *N.J.S.A.* 40:14B-3. [RSIS]

UTILITY RIGHT-OF-WAY: The lands required for the installation and maintenance of public utilities.

VARIANCE: Permission granted to depart from the literal requirements of a zoning ordinance pursuant to *N.J.S.A.* 40:55D-40b, -70c, and -70d. [MLUL]

VIEWPOINT EXPRESSION: An attitude of mind or mental condition communicated to others through the medium of a sign. [Ord. 2072-10, 12/21/10]

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WAIVER: A deviation from a required submission item, performance standard, or design standard.

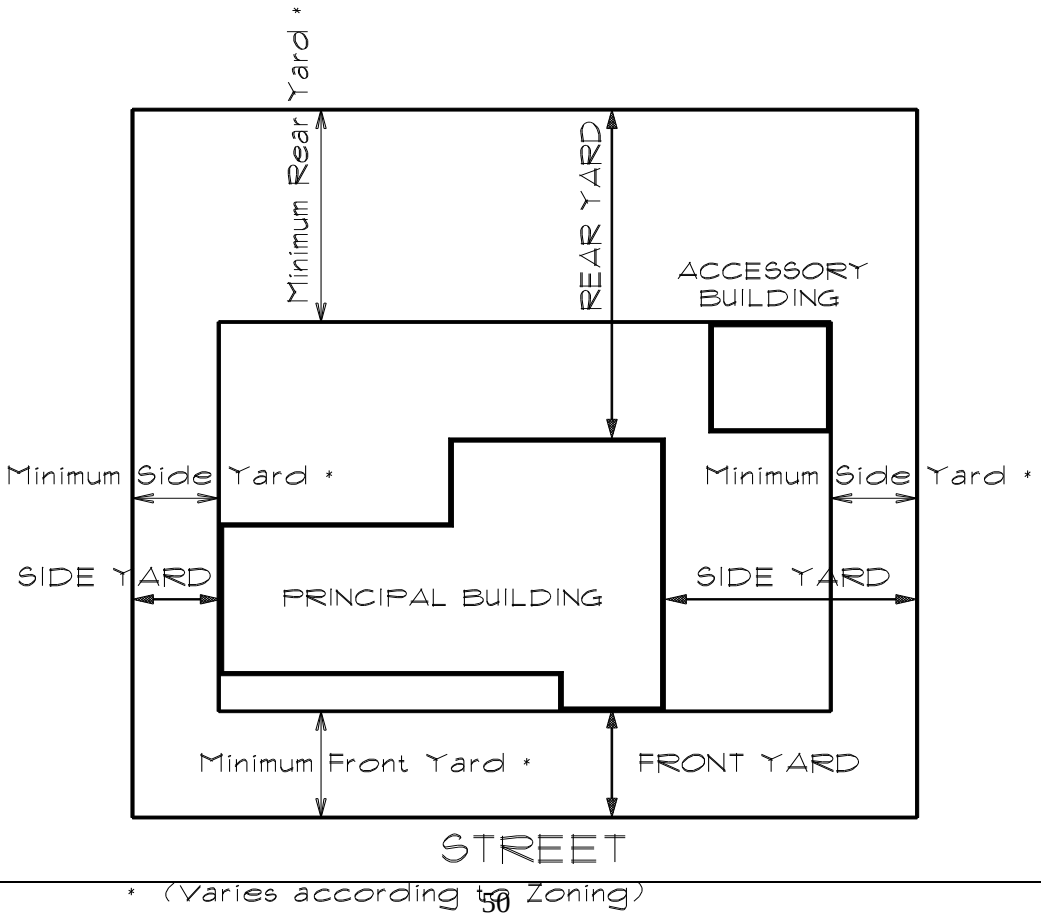
WET BASIN: See RETENTION BASIN.

WETLAND, FRESHWATER: Lands that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation pursuant to *N.J.A.C.* 7:7A-1.4.

WOODLAND: Areas, groves or stands of trees greater than 6 inches in caliper; or stands of trees greater than 12 inches in caliper consisting of more than 10 individual trees.

YARD, FRONT: An open space extending across the full width of the lot and lying between the street line and the closest point of the principal building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines. The minimum required front yard shall be the same as the required setback. See exhibit, following page.

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



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

ZONING OFFICER: The individual responsible for enforcement and interpretation of the zoning ordinance provisions of the Township of Lawrence as designated by the Township Council's Administrative Offices.

ZONING PERMIT: A document signed by the Administrative Officer: 1), which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and 2), which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency. [MLUL]

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ARTICLE III
ZONING DISTRICTS AND ZONING MAP

§ 300 Zoning Districts.

For the purposes of this Ordinance, the Township of Lawrence is hereby divided into the following districts: [Ord. 2174-14, 3/18/14]

Zoning District	Zoning Symbol
Environmental Protection 1	EP-1
Environmental Protection 2	EP-2
Residential 1	R-1
Residential 2A	R-2A
Residential 2B	R-2B
Residential 3	R-3
Residential 4	R-4
Residential 5	R-5
Apartment & Townhouse Residential	AT
Senior Citizen Residential	SCR
Planned Village Development 1	PVD-1
Planned Village Development 2	PVD-2
Neighborhood Center 1	NC-1
Neighborhood Center 2	NC-2
Mixed Use 1	MX-1
Mixed Use 2	MX-2
Professional Office	PO
Office	O
Research & Development 1	RD-1
Research & Development 2	RD-2
Highway Commercial	HC
Regional Commercial	RC
Limited Industrial	LI
Open Space	OS

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Zoning District	Zoning Symbol
Education, Government, & Institutions	EGI
Flood Plain Overlay	-none-

§ 301 Zoning Map.

The zoning map entitled "Zoning Map, Lawrence Township, Mercer County, New Jersey," dated December 16, 1997, last revised May 21, 2013, is hereby adopted and made a part of this Ordinance. [Ord. 1656-01, 6/25/2001; Ord. 2117-12, 3/6/12; Ord. 2158-13, 5/21/13]

§ 302 Interpretation of Boundaries.

A. Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this Ordinance unless otherwise indicated by dimensions on the zoning map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a zoning district line. The exact location of any disputed zoning district boundary line shall be determined by the Board of Adjustment pursuant to *N.J.S.A.* 40:55D-70b.

B. Where boundaries are not fixed by dimensions and where they approximately follow lot lines and where they do not scale more than 20 feet distant therefrom, the street centerlines, railroad rights-of-way, streams and lot lines shall be construed to be such boundaries.

C. Where a zoning district boundary divides a lot, the location of the boundary, unless indicated by dimensions on the zoning map, shall be determined by use of the stated scale on the map.

§ 303 Applicability within Each District.

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

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ARTICLE IV
ZONING DISTRICT REGULATIONS

§ 400 General Regulations and Permitted Modifications

A. Relationship to Other Articles. This Article establishes the use, bulk requirements and other regulations governing the zones created in Article III. Article II is the compendium of definitions for terms of art in this Article and throughout the Land Use Ordinance. Performance regulations and design standards are contained in Article V that provides the basis for the physical development and redevelopment of land within the zoning classifications. Article VII contains the standards of review upon which all applications for subdivision or site plan are measured.

B. Variances. Deviations from the performance and design standards for certain sections in Article V shall require application and granting of variances prior to the issuance of a building permit and certificate of occupancy, including:

1. The location of all fences which do not meet setback requirements.
2. The height of all fences which exceed the maximum permitted height.
3. The location of all signs which do not meet setback requirements.
4. The height, number or area of all signs which exceed the maximum limitations.
5. The number of required parking spaces.
6. A landscaping buffer width less than the required distance.
7. A storm water management basin which does not meet setback and other location regulations. [Ord. 2081-11, 2/15/11]
8. Procedures for waivers and variances for the Residential Site Improvement Standards shall be as indicated in §711.

C. Special Minimum Setback Requirements.

1. Residential lots. No detached dwelling, accessory building or structure, or driveway otherwise permitted in this Ordinance shall be located within 5 feet of a side or rear lot line in order to maintain positive lot drainage unless a lot grading plan is submitted and approved by the Municipal Engineer.
2. Transmission lines. No building shall be placed within 150 feet of the vertical plane established by the closest portion of a high voltage transmission line excluding its support, underground petroleum or natural gas pipeline.
3. Limited access highways. No residential building shall be placed within 150 feet of the right-of-way line of Interstate 95/295. [Ord.1585-99, 9/7/1999]
4. Delaware and Raritan Canal buffer. Any required yard or required setback shall be measured from the closest edge of any buffer required by the Delaware and Raritan Canal Commission.

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D. Requirements for Special Lots.

1. Corner lot. A corner lot shall be considered to have two front yards, one side yard, and one rear yard. The rear yard shall be considered the yard area opposite the front yard that is established by the location of the front door to the building. Houses angled on the lot where the front door faces the intersection of the rights-of-way shall have side and rear yards established at the time of construction of the principal structure and so recorded by the Administrative Officer. In the event that a residential corner lot abuts three rights-of-way, the front yards shall be considered those fronting on a residential access or residential subcollector street. The rear yard shall be considered that portion of the lot abutting an arterial or collector street.

2. Reverse frontage lots. Lots which have frontage on both a residential access or subcollector street and another street shall establish the front yard facing the interior lowest order street and the rear yard abutting the higher order street.

3. Frontage on cul-de-sacs or curved streets. The minimum lot frontage may be reduced on curved alignments with an outside radius of less than 500 feet to not less than 75% of the required minimum provided that the width of the lot at the building setback line is equal to or greater than the lot frontage requirement.

4. Frontage on corner lots. The minimum frontage requirement for any lot shall be met by the lowest order street. In the case of a corner lot with two streets of the same hierarchy, either residential street frontage may meet the minimum lot frontage required for that zone.

5. No public sewer. Where no public sewer is available, the minimum lot size shall be one acre. Area, yard and building coverage restrictions shall be as required for the R-1 zoning district.

E. Permitted Modifications for Infill Development. The size and intensity of development of principal dwellings on infill development lots within specified residential districts are limited by the size and intensity of pre-existing residential development within the Neighborhood Context of the 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. 1920-07]:

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. Non-conforming Lots. The following requirements shall apply to non-conforming lots:

1. Merging of substandard lots. Except for lots which have been legally created since

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December 3, 1969, whenever title to two or more contiguous lots is held by the same owner, regardless of whether or not each of the lots may have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law, and one or more individual lots should, by reason of exceptional shallowness, topographical conditions, substandard area or yard space or similar measurements, not conform with the minimum lot area and dimension requirements for the zone in which it is located, the contiguous lots shall be merged into a single lot.

2. Non-conformity from public dedication. Whenever the owner of a lot existing at the time of adoption of this Ordinance has dedicated or conveyed land to the municipality in order to meet the minimum street width requirement of the official map or master plan of the municipality, the construction official shall issue building and occupancy permits for the lot whose depth and/or areas are rendered substandard in area only because of such dedication and where the owner has no other adjacent lands to provide the minimum requirements.

3. Expansion of building on undersized lot. Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without any appeal for variance relief provided:

   a. The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this Ordinance for the lot in question; and

   b. The total permitted building coverage is not exceeded; and

   c. The accessory building and/or addition do not violate any other requirements of this Ordinance including, but not limited to, height, setback, and parking. Any such building and/or addition may violate a setback requirement so long as the accessory building or addition intrudes no more into the required setback than the principal building. [Ord. 1585-99, 9/7/1999]

4. Undersized vacant lots. Any vacant lot existing as a conforming residential lot on July 6, 1989, whose area or dimensions do not meet the requirements of the district in which the lot is located, may have a building permit issued for a single-family detached dwelling and its permitted accessory uses without an appeal for variance relief provided:

   a. Single-family detached dwellings are a permitted use in that district; and

   b. The building coverage limit is not exceeded; and

   c. Parking requirements are met. Applicants shall have the burden of proof in establishing that the undersized vacant lot has not been merged by operation of law by virtue of common ownership of an adjoining lot(s).

G. Non-Conforming Structures and Uses. The following requirements shall apply to non-conforming structures and uses:

1. Continuance. Any non-conforming use or structure existing at the time of the

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passage of this Ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof. Any such use or structure which is substantially destroyed shall not be reconstructed or used except in conformance with this Ordinance.

2. Repair. Repairs and maintenance work required to keep a structure in sound condition may be made to a non-conforming structure containing a non-conforming use. However, no non-conforming structure or structure containing a non-conforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal for variance relief.

3. Certificate of non-conforming use. The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a non-conforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existing before the adoption of the ordinance which rendered the use or structure non-conforming. The applicant shall have the burden of proof. Application pursuant hereto may be made to the Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure non-conforming or at any time to the Zoning Board of Adjustment. The Administrative Officer shall be entitled to demand and receive for such certificate issued by him a reasonable fee not in excess of those provided in R.S. 54:5-14 and R.S. 54:5-15. The fees collected by the official shall be paid by him to the municipality. Denial by the Administrative Officer shall be appealable to the Zoning Board of Adjustment.

H. Accessory Buildings. The following regulations shall apply to all accessory buildings:

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

2. Accessory buildings not to be constructed prior to principal building. No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the construction official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.

3. Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Article IV except that no poultry or livestock shelter shall be erected closer than 100 feet to any dwelling or lot line.

4. Location and setback of accessory buildings. An accessory building or structure may be erected in side and rear yard areas only and shall be set back from property lines as required in Article IV. In the event that no accessory building or structure setback is established in the particular district, the setback requirements for principal buildings shall apply.

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I. Height Limits. Except for one and two-family dwellings as permitted in this Ordinance, penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or similar structures may be erected above the height limits prescribed by this Ordinance but in no case shall such extension exceed 10% of the maximum height permitted in the district.

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§ 401 Environmental Protection 1 (EP-1) District.

A. Purpose. The Environmental Protection 1 district is designed for low intensity uses primarily in the northwest area of the municipality where poor water yields and strata for septic systems dictate large lot development in an area of little or no public infrastructure and severe environmental constraints, including but not limited to, a seasonal high water table, shallow depth to bedrock, and steep slopes along the Stony Brook. Further, the purpose of the EP-1 district is to protect the environmental resources and qualities of this area, maintain the rural character of roads and scenic views, and retain farmland. The EP-1 designation is contrasted with the EP-2 district by being underlain with the Lockatong-Argillite geologic formation as depicted in the adopted Master Plan. Both the EP-1 and EP-2 districts, though poorly suited for development, are exceptional areas for non-irrigated agriculture. Because of this last factor, clustering of residential units is preferred whether under the provisions of this section or §427.

B. Permitted Uses. In the Environmental Protection 1 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Agriculture.
2. Farmstead.
3. Single family detached dwelling.
4. Residential cluster option.
5. Public parks and recreation.
6. Conservation.
7. Municipal use.
8. Cemetery.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool and cabana.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street parking and private garage.
6. Fences and walls.
7. Deck/patio. [Ord. 1585-99, 9/7/1999]
8. Signs.
9. Home occupation.
10. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]
11. ECHO housing.

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12. Satellite dish and television antennae.

13. Farm stand and consumer crop picking operations when used in conjunction with an agricultural use.

14. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Public and private day school.

2. Public and private golf course.

3. Farm market.

4. Bed and breakfast accommodation.

5. Day care center. [Ord. 1585-99, 9/7/1999]

E. Lot Area, Density and Open Space Requirements. Except as otherwise modified, the following area and open space standards shall apply to all EP-1 districts:

1. Single family detached residential uses without public water or public sewer and farmsteads:

Average Lot Area Per Unit [(1)]	Minimum Open Space	Maximum Tract Density	Minimum Tract Area
4 acres	0%	N/A	N/A
3 acres	20%	1 unit per 4.2 acres	20 acres
2 acres	40%	1 unit per 3.8 acres	20 acres
1 acre	60%	1 unit per 3.5 acres	20 acres

(1) The minimum lot area shall be at least 90% of the average lot area per unit. The bulk standards of the average lot size pursuant to -F.1 shall apply to all building lots.

2. Single family detached residential uses with either public water or public sewer:

Average Lot Area Per Unit [(1)]	Minimum Open Space	Maximum Tract Density	Minimum Tract Area
3 acres	0%	N/A	N/A
2 acres	25%	1 unit per 3.2 acres	20 acres
1 acre	50%	1 unit per 2.6 acres	20 acres

(1) The minimum lot area shall be at least 90% of the average lot area per unit. The bulk standards of the average lot size pursuant to -F.1 shall apply to all building lots.

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3. Single family detached residential uses with both public water and public sewer:

Average Lot Area Per Unit [1]	Minimum Open Space	Maximum Tract Density	Minimum Tract Area
2 acres	0%	N/A	N/A
1.5 acres	20%	1 unit per 2.2 acres	20 acres
1 acre	40%	1 unit per 2 acres	20 acres

[1] The minimum lot area shall be at least 90% of the average lot area per unit. The bulk standards of the average lot size pursuant to -F.1 shall apply to all building lots.

4. Residential cluster option requirements, pursuant to §427.

Minimum and Maximum Lot Area per Unit	Minimum Open Space	Maximum Tract Density	Minimum Number of Lots	Minimum Tract Area
22,500 sf. to 1 acre	40%	1 unit per 2 acres	6	20 acres
15,000 sf. to 22,499 sf.	50%	1 unit per 1.9 acres	6	20 acres
9,000 sf. to 14,999 sf.	60%	1 unit per 1.8 acres	10	20 acres
8,999 sf. or less	70%	1 unit per 1.7 acres	10	20 acres

5. The minimum and maximum lot areas in the table immediately above specify ranges for building lots. Minimum open space is the percentage of the total tract area. Minimum number of lots is the number of building lots.

F. Yard and Building Coverage for Residential Uses. Except as otherwise modified, the following bulk requirements shall apply to all buildings:

1. Bulk regulations for subsections -E.1, -E.2, and -E.3, above.

AVERAGE LOT AREA	4 ACRES	3 ACRES	2 ACRES	1.5 ACRES	1 ACRE
Minimum lot frontage	200 feet	200 feet	200 feet	175 feet	175 feet
Minimum front yard	100 feet	100 feet	75 feet	75 feet	50 feet
Minimum side yard	50 feet	50 feet	50 feet	35 feet	35 feet
Minimum rear yard	50 feet	50 feet	50 feet	50 feet	50 feet

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AVERAGE LOT AREA	4 ACRES	3 ACRES	2 ACRES	1.5 ACRES	1 ACRE
Minimum acreage exclusive of critical areas	1 acre	1 acre	1 acre	.75 acre	.75 acre
Minimum useable yard area	20% of each yard	20% of each yard	20% of each yard	20% of each yard	20% of each yard
Maximum impervious surface ratio	.10	.12	.14	.20	.25

a. The minimum buildable area in the table immediately above shall not be required for lots with both public water and public sewer.

2. Bulk regulations for subsection -E.4 above, pursuant to §427.

MINIMUM LOT AREA	22,500 SF	15,000 SF	9,000 SF	< 9,000 SF
Minimum lot frontage	100 feet	100 feet	75 feet	30 feet
Minimum front yard	40 feet	40 feet	30 feet	30 feet
Minimum side yard	15 feet	15 feet	10 feet	0 feet
Minimum rear yard	35 feet	35 feet	35 feet	35 feet
Maximum impervious surface ratio	.40	.40	.50	.60

a. At least 50% of all building lots shall adjoin common open space.

3. Agricultural uses:

a. Minimum lot size: 5 acres

b. Minimum lot frontage: 200 feet

c. Minimum front yard: 75 feet

d. Minimum side yard: 30 feet

e. Minimum rear yard: 100 feet

f. Maximum impervious surface ratio: .05

4. Other Permitted Uses:

a. Minimum lot area: 3 acres

b. Minimum lot frontage: 200 feet

c. Minimum front yard: 100 feet

d. Minimum side yard: 50 feet

e. Minimum rear yard: 50 feet

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f. Minimum buildable area: 1 acre

g. Minimum useable yard area: 20% of each yard

h. Maximum impervious surface ratio: .08

5. Maximum Building Height: [Ord. 1585-99, 9/7/1999]

a. Principal use: 35 feet

b. Garage: 20 feet

c. ECHO housing: 20 feet

d. Barn or silo: 50 feet

e. Other accessory buildings: 15 feet

6. 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. Residential use accessory building property line setbacks:

(1) Lots 2 acres or larger: A distance > to the structure's height, but not less than 15 feet

(2) Lots of 15,000 square feet to < 2 acres: 15 feet

(3) Lots < 15,000 square feet: 5 feet

c. Other accessory uses shall conform to the yard requirements for the principal building, except as otherwise modified by this Ordinance.

G. Transfer of Development Credits. The right to develop a parcel of land in the EP-1 district may be transferred to any district that is designated as a receiving district in the Land Use Ordinance Each tract from which development rights have been purchased shall be permanently deed restricted under the following criteria:

1. The land shall be deed restricted to those uses permitted under the state agricultural farmland preservation program or for conservation.

2. The deed restriction shall run to the benefit of Lawrence Township, or land trust or other suitable entity as approved by the municipality.

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§ 402 Environmental Protection 2 (EP-2) District.

A. Purpose. The Environmental Protection 2 district is designed for low intensity uses primarily in the northwest area of the municipality where poor water yields and strata for septic systems dictate large lot development in an area of little or no public infrastructure and severe environmental constraints, including but not limited to, a seasonal high water table, shallow depth to bedrock, and steep slopes along the Stony Brook. Further, the purpose of the EP-2 district is to protect the environmental resources and qualities of this area, maintain the rural character of roads and scenic views, and retain farmland. The EP-2 designation is contrasted with the EP-1 district by being underlain with the Brunswick Shale or Stockton Sandstone geologic formations as depicted in the adopted Master Plan which yield slightly better water supplies. Both the EP-1 and EP-2 districts, though poorly suited for development, are exceptional areas for non-irrigated agriculture. Because of this last factor, clustering of residential units is preferred whether under the provisions of this section or §427.

B. Permitted Uses. In the Environmental Protection 2 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Agriculture.
2. Farmstead.
3. Single family detached dwelling.
4. Residential cluster option.
5. Public parks and recreation.
6. Conservation.
7. Municipal use.
8. Cemetery.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street parking and private garage.
6. Fences and walls.
7. Deck/patio. [Ord. 1585-99, 9/7/1999]
8. Signs.
9. Home occupation.
10. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]

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11. ECHO housing.

12. Satellite dish and television antennae.

13. Farm stand and consumer crop picking operations when used in conjunction with an agricultural use.

14. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Public and private day school.

2. Public and private golf course.

3. Farm market.

4. Bed and breakfast accommodation.

5. Day care center. [Ord. 1585-99, 9/7/1999]

E. Lot Area, Density and Open Space Requirements. Except as otherwise modified, the following area and open space standards shall apply to all EP-2 districts:

1. Single family detached residential uses without public water or public sewer and farmsteads:

Average Lot Area Per Unit [(1)]	**Minimum Open Space**	**Maximum Tract Density**	**Minimum Tract Area**
3 acres	0%	N/A	N/A
2 acres	25%	1 unit per 3.2 acres	20 acres
1 acre	50%	1 unit per 2.5 acres	20 acres

(1) The minimum lot area shall be at least 90% of the average lot area per unit. The bulk standards of the average lot size pursuant to -F.1 shall apply to all building lots.

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2. Single family detached residential uses with either public water or public sewer:

Average Lot Area Per Unit [1]	Minimum Open Space	Maximum Tract Density	Minimum Tract Area
2.5 acres	0%	N/A	N/A
1.5 acres	30%	1 unit per 2.7 acres	20 acres
1 acre	50%	1 unit per 2.5 acres	20 acres

(1) The minimum lot area shall be at least 90% of the average lot area per unit. The bulk standards of the average lot size pursuant to -F.1 shall apply to all building lots.

3. Single family detached residential uses with both public water and public sewer

Average Lot Area Per Unit [1]	Minimum Open Space	Maximum Tract Density	Minimum Tract Area
2 acres	0%	N/A	N/A
1.5 acres	20%	1 unit per 2.2 acres	20 acres
1 acre	40%	1 unit per 2 acres	20 acres

(1) The minimum lot area shall be at least 90% of the average lot area per unit. The bulk standards of the average lot size pursuant to -F.1 shall apply to all building lots.

4. Residential cluster option requirements, pursuant to §427.

Minimum and Maximum Lot Area per Unit	Minimum Open Space	Maximum Tract Density	Minimum Number of Lots	Minimum Tract Area
22,500 sf. to 1 acre	40%	1 unit per 2 acres	6	20 acres
15,000 sf. to 22,499 sf.	50%	1 unit per 1.9 acres	6	20 acres
9,000 sf. to 14,999 sf.	60%	1 unit per 1.8 acres	10	20 acres
8,999 sf. or less	70%	1 unit per 1.7 acres	10	20 acres

a. The minimum and maximum lot areas in the table immediately above specify ranges for building lots. Minimum open space is the percentage of the total tract area. Minimum number of lots is the number of building lots.

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F. Yard and Building Coverage for Residential Uses. Except as otherwise modified, the following bulk requirements shall apply to all buildings:

1. Bulk regulations for subsections -E.1, -E.2, and -E.3, above.

Average lot area	**3 acres**	**2.5 acres**	**2 acres**	**1.5 acres**	**1 acre**
Minimum lot frontage	200 feet	200 feet	200 feet	175 feet	175 feet
Minimum front yard	100 feet	100 feet	75 feet	75 feet	50 feet
Minimum side yard	50 feet	50 feet	50 feet	35 feet	35 feet
Minimum rear yard	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum acreage exclusive of critical areas	1 acre	1 acre	1 acre	.75 acre	.75 acre
Minimum useable yard area	20% of each yard	20% of each yard	20% of each yard	20% of each yard	20% of each yard
Maximum impervious surface ratio	.12	.13	.14	.20	.25

a. The minimum buildable area in the table immediately above shall not be required for lots with both public water and public sewer.

2. Bulk regulations for subsection -E.4 above, pursuant to §427.

Minimum lot area	**22,500 sf**	**15,000 sf**	**9,000 sf**	**< 9,000 sf**
Minimum lot frontage	100 feet	100 feet	75 feet	30 feet
Minimum front yard	40 feet	40 feet	30 feet	30 feet
Minimum side yard	15 feet	15 feet	10 feet	0 feet
Minimum rear yard	35 feet	35 feet	35 feet	35 feet
Maximum impervious surface ratio	.40	.40	.50	.60

a. At least 50% of all building lots shall adjoin common open space.

3. Agricultural uses:

a. Minimum lot size: 5 acres

b. Minimum lot frontage: 200 feet

c. Minimum front yard: 75 feet

d. Minimum side yard: 30 feet

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e. Minimum rear yard: 100 feet

f. Maximum impervious surface ratio: .05

4. Other Permitted Uses:

a. Minimum lot area: 3 acres

b. Minimum lot frontage: 200 feet

c. Minimum front yard: 100 feet

d. Minimum side yard: 50 feet

e. Minimum rear yard: 50 feet

f. Minimum buildable area: 1 acre

g. Minimum useable yard area: 20% of each yard

h. Maximum impervious surface ratio: .08

5. Maximum Building Height: [Ord. 1585-99, 9/7/1999]

a. Principal use: 35 feet

b. Garage: 20 feet

c. ECHO housing: 20 feet

d. Barn or silo: 50 feet

e. Other accessory buildings: 15 feet

6. 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. Residential use accessory building property line setbacks:

(1) Lots 2 acres or larger: A distance > to the structure's height, but not less than 15 feet

(2) Lots of 15,000 square feet to < 2 acres: 15 feet

(3) Lots < 15,000 square feet: 5 feet

c. Other accessory uses shall conform to the yard requirements for the principal building.

G. Transfer of Development Credits. The right to develop a parcel of land in the EP-2 district may be transferred to any district that is designated as a receiving district in the Land Use Ordinance. Each tract from which development rights have been purchased shall be permanently deed restricted under the following criteria:

1. The land shall be deed restricted to those uses permitted under the state agricultural farmland preservation program or for conservation.

2. The deed restriction shall run to the benefit of Lawrence Township, or land trust or other suitable entity as approved by the municipality.

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§ 403 Residential 1 (R-1) District

A. Purpose. The purpose of the Residential 1 district is to provide for low density single family detached housing on lots of one acre or larger, or in cluster developments on smaller lots.

B. Permitted Uses. In the Residential 1 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Agriculture.
2. Farmstead.
3. Single family detached dwelling.
4. Residential cluster option.
5. Public parks and recreation.
6. Conservation.
7. Municipal use.
8. Cemetery.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool and cabana.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street parking and private garage.
6. Fences and walls.
7. Deck/patio. [Ord. 1585-99, 9/7/1999]
8. Signs.
9. Home occupation.
10. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]
11. ECHO housing.
12. Satellite dish and television antennae.
13. Farm stand and consumer crop picking operations when used in conjunction with an agricultural use.
14. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

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1. Public and private day school.
2. Public and private golf course.
3. House of worship.
4. Farm market.
5. Day care center. [Ord. 1585-99, 9/7/1999]

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

1. Single family detached residential uses:

a.	Minimum lot area:	1 acre
b.	Minimum lot frontage:	175 feet
c.	Minimum front yard:	50 feet
d.	Minimum side yard:	35 feet
e.	Minimum rear yard:	50 feet
f.	Minimum useable yard area:	20% of each yard
g.	Maximum impervious surface ratio:	.25

2. Residential cluster option:

a. Non - Age-restricted:

(1)	Minimum tract area:	10 acres
(2)	Maximum gross density:	1.25 units per acre
(3)	Minimum open space:	60% of total tract area
(4)	Minimum number of building lots:	6 lots
(5)	Minimum lot area:	9,000 sf.
(6)	Minimum lot frontage:	75 feet
(7)	Minimum front yard:	35 feet
(8)	Minimum side yard:	0 feet for common wall, 10 feet otherwise
(9)	Minimum rear yard:	35 feet
(10)	Maximum impervious surface ratio per lot:	.50

(11) At least 60% of all building lots shall adjoin common open space.

(12) Criteria pursuant to §427..

b. Age-restricted.

(1)	Minimum tract area:	30 acres
(2)	Maximum gross density:	1.5 units per acre

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(3) Minimum open space: 60% of total tract area

(4) At least 60% of all building lots shall adjoin common open space.

(5) Criteria pursuant to §427. In addition to the dwelling types allowed pursuant to §427, quadraplexes shall also be permitted.

(6) Area, yard, building coverage and height requirements for single family detached, semi-detached, quadraplex and townhouse dwellings shall conform to the requirements of the SCR district, §410.G.1-6,11. [Ord. 1585-99, 9/7/1999]

3. Agricultural uses:

a.	Minimum lot size:	5 acres
b.	Minimum lot frontage:	200 feet
c.	Minimum front yard:	75 feet
d.	Minimum side yard:	30 feet
e.	Minimum rear yard:	100 feet
f.	Maximum impervious surface ratio:	.25

4. Other Permitted Uses:

a.	Minimum lot area:	3 acres
b.	Minimum lot frontage:	200 feet
c.	Minimum front yard:	75 feet
d.	Minimum side yard:	50 feet
e.	Minimum rear yard:	75 feet
f.	Minimum buildable area:	1 acre
g.	Minimum useable yard area:	20% of each yard
h.	Maximum impervious surface ratio:	.25

5. Maximum Building Height: [Ord. 1585-99, 9/7/1999]

a.	Principal use:	35 feet
b.	Garage:	20 feet
c.	ECHO housing:	20 feet
d.	Barn or silo:	50 feet
e.	Other accessory buildings:	15 feet

6. 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. Accessory building property line setbacks:

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(1)	Lots one acre or larger:	A distance > to the structure's height, but not less than 15 feet
(2)	Lots of 15,000 square feet to < one acre:	15 feet
(3)	Lots < 15,000 square feet:	5 feet

c. Other accessory uses shall conform to the yard requirements for the principal building, except as otherwise modified by this Ordinance.

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§ 404 Residential 2A (R-2A) District

A. Purpose. The Residential 2A district is intended primarily for single family detached residential uses on lots of 22,500 square feet or larger, or in cluster developments on smaller lots.

B. Permitted Uses. In the Residential 2A zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Agriculture.
2. Farmstead.
3. Single family detached dwelling.
4. Residential cluster option.
5. Public parks and recreation.
6. Conservation.
7. Municipal use.
8. Cemetery.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool and cabana.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street parking and private garage.
6. Fences and walls.
7. Deck/patio. [Ord. 1585-99, 9/7/1999]
8. Signs.
9. Home occupation.
10. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]
11. ECHO housing.
12. Satellite dish and television antennae.
13. Farm stand and consumer crop picking operations when used in conjunction with an agricultural use.
14. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

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1. Public and private day school.

2. House of worship.

3. Day care center. [Ord. 1585-99, 9/7/1999]

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

1. Single family detached residential uses:

a. Minimum lot area: 22,500 sf

b. Minimum lot frontage: 100 feet

c. Minimum front yard: 40 feet

d. Minimum side yard: 15 feet

e. Minimum rear yard: 40 feet

f. Maximum impervious surface ratio per lot: .35

g. Minimum useable yard area: 20% of each yard

2. Residential cluster option:

a. Minimum tract area: 10 acres

b. Maximum gross density: per acre 1.5 units

c. Minimum open space: 60% of total tract area

c. Minimum number of building lots: 6 lots

d. Minimum lot area: 9,000 sf.

e. Minimum lot frontage: 75 feet

f. Minimum front yard: 35 feet

g. Minimum side yard: 0 feet for common wall, 10 feet otherwise

h. Minimum rear yard: 35 feet

i. Maximum impervious surface ratio per lot: .50

j. At least 60% of all building lots shall adjoin common open space.

k. Criteria pursuant to §427.

3. Agricultural uses:

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a. Minimum lot size: 5 acres

b. Minimum lot frontage: 200 feet

c. Minimum front yard: 75 feet

d. Minimum side yard: 30 feet

e. Minimum rear yard: 100 feet

f. Maximum impervious surface ratio: .25

4. Other Permitted Uses:

a. Minimum lot area: 2 acres

b. Minimum lot frontage: 200 feet

c. Minimum front yard: 75 feet

d. Minimum side yard: 50 feet

e. Minimum rear yard: 100 feet

f. Minimum useable yard area: 20% of each yard

g. Maximum impervious surface ratio: .35

5. Maximum Building Height: [Ord. 1585-99, 9/7/1999]

a. Principal use, excepting religious use: 35 feet

b. House of Worship:

(1) Principal building: 45 feet

(2) Structure above principal roof: 80 feet

c. Garage: 20 feet

d. ECHO housing: 20 feet

e. Barn or silo: 50 feet

f. Other accessory buildings: 15 feet

4. 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. Accessory building property line setbacks:

(1) Lots one acre or larger: A distance > to the structure's height, but not less than 15 feet

(2) Lots of 15,000 square feet to < one acre: 15 feet

(3) Lots < 15,000 square feet: 5 feet

c. Other accessory uses shall conform to the yard requirements for the principal building, except as otherwise modified by this Ordinance.

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§ 405 Residential 2B (R-2B) District.

A. Purpose. The Residential 2B district is intended primarily for single family detached residential uses on lots of 15,000 square feet or larger, or in cluster developments on smaller lots.

B. Permitted Uses. In the Residential 2B zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwelling.
2. Residential cluster option.
3. Public parks and recreation.
4. Conservation.
5. Swimming club for Ben Franklin.
6. Municipal use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool and cabana.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street parking and private garage.
6. Fences and walls.
7. Deck/patio. [Ord. 1585-99, 9/7/1999]
8. Signs.
9. Home occupation.
10. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]
11. Satellite dish and television antennae.
12. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Public and private day school.
2. House of worship.
3. Bed and breakfast accommodation.
4. Day care center. [Ord. 1585-99, 9/7/1999]

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following

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bulk standards shall apply to all buildings:

1. Single family detached residential uses:

a.	Minimum lot area:	15,000 sf
b.	Minimum lot frontage:	100 feet
c.	Minimum front yard:	40 feet
d.	Minimum side yard:	15 feet
e.	Minimum rear yard:	40 feet
f.	Maximum impervious surface ratio:	.40
g.	Minimum useable yard area:	20% of each yard

2. Residential cluster option:

a.	Minimum tract area:	10 acres
b.	Maximum gross density:	2.5 units per acre
c.	Minimum open space:	30% of total tract area
d.	Minimum number of building lots:	6 lots
e.	Minimum lot area:	9,000 sf.
f.	Minimum lot frontage:	75 feet
g.	Minimum front yard:	35 feet
h.	Minimum side yard:	0 feet for common wall, 10 feet otherwise
i.	Minimum rear yard:	35 feet
j.	Maximum impervious surface ratio per lot:	.50
k.	At least 60% of all building lots shall adjoin common open space.	
l.	Criteria pursuant to §427.	

3. Other Permitted Uses:

a.	Minimum lot area:	60,000 sf
b.	Minimum lot frontage:	150 feet
c.	Minimum front yard:	50 feet
d.	Minimum side yard:	40 feet
e.	Minimum rear yard:	50 feet
f.	Minimum useable yard area:	20% of each yard
g.	Maximum impervious surface ratio:	.50

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4. Maximum Building Height:

   a. Principal use, excepting religious use: 35 feet

   b. House of Worship:

      (1) Principal building: 45 feet

      (2) Structure above principal roof: 80 feet

   c. Garage: [Ord. 1585-99, 9/7/1999] 20 feet

   d. Other accessory buildings: 15 feet

5. 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. Accessory building property line setbacks:

      (1) Lots one acre or larger: A distance > to the structure's height, but not less than 15 feet

      (2) Lots of 15,000 square feet to < one acre: 15 feet

      (3) Lots < 15,000 square feet: 5 feet

   c. Other accessory uses shall conform to the yard requirements for the principal building, except as otherwise modified by this Ordinance.

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§ 406 Residential 3 (R-3) District.

A. Purpose. The Residential 3 district is intended primarily for singe family detached dwellings on lots of 9,000 square feet or larger. [Ord. 1922-07]

B. Permitted Uses. In the Residential 3 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwelling.
2. Semi-detached dwelling in existence or approved as of March 20, 2007. [Ord. 1922-07]
3. Public parks and recreation.
4. Conservation.
5. Municipal use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool and cabana.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Outdoor recreational facilities, including tennis or other court sports.
5. Off-street parking and private garage.
6. Fences and walls.
7. Deck/patio. [Ord. 1585-99, 9/7/1999]
8. Signs.
9. Home occupation.
10. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]
11. Satellite dish and television antennae.
12. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Public and private day school.
2. House of worship.
3. Day care center. [Ord. 1585-99, 9/7/1999]

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings [Ord.1920-07, 2/26/2007]:

1. Single family detached residential uses:

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a.	Minimum lot area:	9,000 sf
b.	Minimum lot frontage:	75 feet
c.	Minimum front yard:	35 feet
d.	Minimum side yard:	10 feet
e.	Minimum rear yard:	35 feet
f.	Maximum impervious surface ratio:	.50
g.	Minimum useable yard area:	20% of each yard
h.	Neighborhood context distance:	500 feet
i.	Maximum square footage of living area (SFLA):	2.0 times the average SFLA of the Neighborhood Context
j.	Maximum ratio of SFLA to lot area:	2.0 times the average ratio of SFLA to lot area for the Neighborhood Context

k. The requirements of subparagraphs -(i) and -(j) above are not applicable to renovation or rehabilitation of existing residential buildings provided that the improvements do not create additional SFLA which exceeds the lesser of 40% of the pre-existing SFLA of the property or 750 SFLA.

2. Semi-detached residential uses:

a.	Minimum lot area:	15,000 sf total, 7,500 sf each unit
b.	Minimum lot frontage:	50 feet, each unit
c.	Minimum front yard:	35 feet
d.	Minimum side yard:	15 feet
e.	Minimum rear yard:	35 feet
f.	Maximum impervious surface ratio:	.50
g.	Minimum useable yard area:	20% of each yard

3. Other Permitted Uses:

a.	Minimum lot area:	60,000 sf
b.	Minimum lot frontage:	150 feet
c.	Minimum front yard:	50 feet
d.	Minimum side yard:	40 feet
e.	Minimum rear yard:	50 feet
f.	Minimum useable yard area:	20% of each yard

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g. Maximum impervious surface ratio: .50

4. Maximum Building Height: [Ord. 1585-99, 9/7/1999]

a. Principal use, excepting religious use: 35 feet

b. House of Worship:

(1) Principal building 45 feet

(2) Structure above principal roof 80 feet

c. Garage: 20 feet

d. Other accessory buildings: 15 feet

5. 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. Accessory building property line setbacks:

(1) Lots one acre or larger: A distance > to the structure's height, but not less than 15 feet

(2) Lots of 15,000 square feet to < one acre: 15 feet

(3) Lots < 15,000 square feet: 5 feet

c. Other accessory uses shall conform to the yard requirements for the principal building, except as otherwise modified by this Ordinance.

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§ 407 Residential 4 (R-4) District.

A. Purpose. The Residential 4 district is intended primarily for single family detached dwellings on lots of 7,500 square feet or larger. [Ord. 1922-07]

B. Permitted Uses. In the Residential 4 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following :

1. Single family detached dwelling.
2. Semi-detached dwelling in existence or approved as of March 20, 2007. [Ord. 1922-07,]
3. Public parks and recreation.
4. Conservation.
5. Municipal use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Private residential swimming pool.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Off-street parking and private garage.
5. Fences and walls.
6. Deck/patio. [Ord. 1585-99, 9/7/1999]
7. Signs.
8. Home occupation.
9. Accessory apartment pursuant to §428.A. [Ord. 1585-99, 9/7/1999]
10. Satellite dish and television antennae.
11. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Public and private day school.
2. House of worship.
3. Age-restricted townhouse, quadraplex or apartment dwellings provided the following conditions are met:

a.	Minimum tract size:	7 acres
b.	Maximum gross density:	10 units per acre
c.	Maximum number of units per building:	

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(1) Within 200 feet of existing apartment or townhouse use: 30 units

(2) 200 feet or greater distance from apartment or townhouse use: 4 units

d. Minimum distance between buildings: 40 feet

e. Minimum distance from tract perimeter: 50 feet

f. Maximum height:

(1) Within 200 feet of existing apartment or townhouse use: 32 feet or 2 stories

(2) 200 feet or greater distance from apartment or townhouse use: 28 feet or 1½ stories

g. Age-restricted apartments shall be permitted a common activity room and a common laundry within the confines of the building.

h. Quadraplexes and townhouses marketed on a fee simple basis shall conform to the lot requirements of §410.G.3 and -.4, respectively.

i. Any other standard not modified herein shall apply.

4. Day care center. [Ord. 1585-99, 9/7/1999]

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

1. Single family detached residential uses:

a. Minimum lot area: 7,500 sf

b. Minimum lot frontage: 60 feet

c. Minimum front yard: 30 feet

d. Minimum side yard: 10 feet

e. Minimum rear yard: 35 feet

f. Maximum impervious surface ratio: .60

g. Minimum useable yard area: 20% of each yard

h. Neighborhood context distance: [Ord. 1920-07] 400 ft.

i. Maximum square footage of living area (SFLA) [Ord. 1920-07] 2.0 times the average SFLA of the Neighborhood Context

j. Maximum ratio of SFLA to lot area: [Ord. 1920-07] 2.0 times the average ratio of SFLA to lot area for the Neighborhood Context

k. The requirements of subparagraphs (i) and (j) above are not applicable to renovation or rehabilitation of existing residential buildings provided that the improvements do not create additional SFLA which exceeds the lesser of 40% of the pre-existing SFLA of the property or 750 SFLA. [Ord. 1920-

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2. Semi-detached residential uses:

a.	Minimum lot area:	12,000 sf total, 6,000 sf each unit
b.	Minimum lot frontage:	40 feet, each unit
c.	Minimum front yard:	30 feet
d.	Minimum side yard:	10 feet, 0 feet for common wall
e.	Minimum rear yard:	35 feet
f.	Maximum impervious surface ratio:	.65
g.	Minimum useable yard area:	20% of each yard

3. Other Permitted Uses:

a.	Minimum lot area:	60,000 sf
b.	Minimum lot frontage:	150 feet
c.	Minimum front yard:	50 feet
d.	Minimum side yard:	40 feet
e.	Minimum rear yard:	50 feet
f.	Minimum useable yard area:	20% of each yard
g.	Maximum impervious surface ratio:	.50

4. Maximum Building Height: [Ord. 1585-99, 9/7/1999]

a.	Principal use, excepting religious use:		35 feet
b.	House of Worship:		
	(1)	Principal building	45 feet
	(2)	Structure above principal roof	80 feet
c.	Garage: [Ord. 1585-99, 9/7/1999]		20 feet
d.	Other accessory buildings:		15 feet

5. 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.	Accessory building property line setbacks:		
	(1)	Lots one acre or larger:	A distance > to the structure's height, but not less than 15 feet
	(2)	Lots of 15,000 square feet to < one acre:	15 feet
	(3)	Lots < 15,000 square feet:	5 feet

c. Other accessory uses shall conform to the yard requirements for the

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principal building, except as otherwise modified by this Ordinance.

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§ 408 Residential 5 (R-5) District.

A. Purpose. The Residential 5 district is intended primarily for single family detached dwellings on lots of 4,000 square feet or larger. [Ord. 1922-07]

B. Permitted Uses. In the Residential 5 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwelling.
2. Semi-detached dwelling in existence or approved as of March 20, 2007. [Ord. 1922-07]
3. Public parks and recreation.
4. Conservation.
5. Municipal use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Above ground private residential swimming pool.
2. Private residential tool shed.
3. Recreational vehicle storage.
4. Off-street parking and private garage.
5. Fences and walls.
6. Deck/patio. [Ord. 1585-99, 9/7/1999]
7. Signs.
8. Home occupation.
9. Satellite dish and television antennae.
10. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Public and private day school.
2. House of worship.
3. Day care center. [Ord. 1585-99, 9/7/1999]

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings: [Ord. 1920-07, 2/26/2007]

1. Single family detached residential uses:

a.	Minimum lot area:	4,000 sf
b.	Minimum lot frontage:	40 feet

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	c.	Minimum front yard:	20 feet
	d.	Minimum side yard:	5 feet, 0 feet for common wall
	e.	Minimum rear yard:	25 feet
	f.	Maximum impervious surface ratio:	.75
	g.	Neighborhood context distance:	300 feet
	h.	Maximum square footage of living area (SFLA)	2.0 times the average SFLA of the Neighborhood Context
	i.	Maximum ratio of SFLA to lot area:	2.0 times the average ratio of SFLA to lot area for the Neighborhood Context
	j.	The requirements of subparagraph -(h) and -(i) above are not applicable to renovation or rehabilitation of existing residential buildings provided that the improvements do not create additional SFLA which exceeds the lesser of 40% of the pre-existing SFLA of the property or 750 SFLA.	
2.	Semi-detached residential use:		
	a.	Minimum lot area:	6,000 sf total 3,000 sf each unit
	b.	Minimum lot frontage, two-family:	30 feet, each unit
	c.	Minimum front yard:	20 feet
	d.	Minimum side yard:	5 feet
	e.	Minimum rear yard:	25 feet
	f.	Maximum impervious surface ratio:	.80
3.	Townhouse residential use:		
	a.	Minimum lot area:	2,000 sf.
	b.	Minimum lot frontage	20 feet, each unit
	c.	Minimum front yard:	20 feet
	d.	Minimum rear yard:	25 feet
	e.	Maximum impervious surface ratio:	.80
4.	Other Permitted Uses:		
	a.	Minimum lot area:	60,000 sf
	b.	Minimum lot frontage:	150 feet
	c.	Minimum front yard:	50 feet
	d.	Minimum side yard:	40 feet
	e.	Minimum rear yard:	50 feet

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f. Minimum useable yard area: 20% of each yard

g. Maximum impervious surface ratio: .65

5. Maximum Building Height:

a. Principal use, excepting religious use: 35 feet

b. House of Worship:

(1) Principal building: 45 feet

(2) Structure above principal roof: 80 feet

c. Garage: 20 feet

d. Other accessory buildings: 15 feet

6. 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. Accessory building property line setbacks:

(1) Lots one acre or larger: A distance > to the structure's height, but not less than 15 feet

(2) Lots of 15,000 square feet to < one acre: 15 feet

(3) Lots < 15,000 square feet: 5 feet

c. Other accessory uses shall conform to the yard requirements for the principal building, except as otherwise modified by this Ordinance.

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§ 409 Apartment and Townhouse (AT) Residential District.

A. Purpose. The Apartment and Townhouse zone is intended to provide for dwellings in a garden apartment or townhouse configuration at moderate multi-family densities.

B. Permitted Uses. In the Apartment and Townhouse zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Apartments.
2. Townhouses.
3. Common open space.
4. Age-restricted development pursuant to the SCR district regulations.
5. Conservation.
6. Municipal use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Home occupation.
2. Community center for the common use of residents.
3. Community swimming pool for the common use of residents.
4. Private residential tool shed on fee simple lots, only, not exceeding 108 square feet.
5. Outdoor recreational facilities, including tennis or other court sports.
6. Off-street parking and private garages.
7. Decks and above ground private swimming pools for fee simple townhouses.
8. Fences, walls, gazebos, mail kiosks and other street furniture.
9. Signs.
10. Satellite dish and television antennae.
11. Maintenance building.
12. Accessory uses customarily incidental to a principal use.

D. Conditional Use Permitted. The following use may be permitted when located on Lawrenceville-Pennington Road and authorized as a conditional use by the Planning Board in accordance with §429 and §705:

1. Uses permitted in the NC-1 district and the following conditions:

a.	Minimum lot size:	30,000 sf.
b.	Minimum lot frontage:	150 feet
c.	Minimum front yard:	50 feet
d.	Minimum side yard:	25 feet

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e. Minimum rear yard: 50 feet

f. Maximum floor area ratio:

(1) Non-residential use: .10

(2) Residential use: .20

(3) Mixed use: .20 provided no more than .10 is a non-residential use

g. Maximum impervious surface ratio:

(1) Non-residential use: .65

(2) Residential use: .35

(3) Mixed use: .75

E. Required Use. A minimum of 20% of all units in an Apartment and Townhouse development, excepting conditional uses, shall be affordable to households of low and moderate income pursuant to Article X of this Ordinance.

F. General District Regulations. In the Apartment and Townhouse district, the following general regulations shall apply:

1. Minimum gross acreage of tract: 10 acres

2. Minimum buildable land area of tract: 7 acres

3. Maximum gross density: 10 units per acre

4. Minimum open space: 30% of total tract area

5. Minimum tract frontage: 300 feet

6. Building setback from tract perimeter: 60 feet from any tract boundary

7. Parking area or internal driveway or street setback (excluding entrances and exits) from tract perimeter: 25 feet

8. Maximum number of dwelling units in one building:

a. Building with all townhouses: 8 units

b. Building with all apartments: 16 units

c. Building with both dwelling types: 12 units

9. Minimum distance between buildings:

a. From the front or back of any building to any other building: 50 feet

b. From the side of any building to any other building: 30 feet

c. From any common parking area to a building: 15 feet

The Planning or Zoning Board, after due consideration of plans, testimony, or other evidence, may waive strict compliance with this subsection to further the architectural relationship of building groups.

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10. Maximum building height: 38 feet or 3 stories, whichever is less

11. Maximum building length through the long axis: 40 feet

12. Any development incorporating both apartments and townhouses shall be limited to a total of 65% of either type of unit.

13. Each townhouse or ground floor unit shall have a private rear yard of 200 square feet minimum for the occupants' exclusive use.

14. Public water and sewer. All such development shall be served by public water and public sanitary sewer.

G. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

1. Townhouses with fee simple lots:

a.	Minimum lot area:	2,000 sf
b.	Minimum lot frontage:	20 feet (per unit)
c.	Minimum lot width:	20 feet (per unit)
d.	Minimum front yard:	30 feet for units with garages, 25 feet for units without garages
e.	Minimum side yard:	0 feet if adjoining another unit, 15 feet if an outside wall
f.	Minimum rear yard:	20 feet

2. Additional townhouse requirements:

a.	Minimum unit width:	20 feet

b. A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit for storage of garbage, recyclables in the front of the unit, bicycles, garden equipment, or other common household items.

3. Apartments.

a. The minimum size for each apartment shall be 550 square feet.

b. Each unit above the ground floor shall have a balcony or terrace of at least 60 square feet in area.

c. A minimum of 150 square feet of storage shall be provided for each unit, including interior and exterior storage for garbage and recyclables in the front of the unit, and bicycles, garden equipment, and other common household items in an appropriate location.

4. Accessory Structures.

a. Accessory structures for individual units shall not be permitted in any front yard area. Such structures shall not be located closer than 5 feet to a property line.

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b. Community centers and recreational buildings shall conform to the general district requirements in this section.

c. Common garages or carports providing shelter for the motor vehicles of residents shall conform to the setback requirements for parking areas in this section.

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§ 410 Senior Citizen Residential (SCR) District.

A. Purpose. The Senior Citizen Residential (SCR) district is intended for age-restricted development designed to meet the diverse housing and health care needs of the aging population at densities of up to 14 units per acre. Certain small scale convenience retail and office uses designed to serve senior citizens are also allowed where such uses or zones are not adjacent to the district. This district requires a set aside to provide for housing for low and moderate income senior citizens.

B. Permitted Uses. In the Senior Citizen Residential zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwelling.
2. Semi-detached dwelling.
3. Townhouse dwelling.
4. Quadraplex dwelling.
5. Apartment dwellings.
6. Continuing care retirement community consisting at a minimum independent living units and long term care.
7. Assisted living residence.
8. Congregate care apartment.
9. Long-term care facility.
10. Combinations of §410.B.7-9 uses.
11. Clubhouse and social center in conjunction with an age qualified development. [Ord. 1728-02, 12/16/2002]

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

1. Home occupation.
2. Community room(s) integrated into a residential building or center in a separate building for the common use of residents.
3. Commercial swimming pool for the common use of residents.
4. Private residential tool shed on fee simple lots, only.
5. Outdoor recreational facilities, including tennis or other court sports for the common use of residents.
6. Off-street parking, including automobile sheds and grouped private garages.
7. Fences, walls, gazebos, mail kiosks and other street furniture.
8. Signs.
9. Satellite dish and television antennae.

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10. Maintenance facility.

11. Facility management office.

12. Social service facility for the benefit primarily of residents.

13. Congregate dining facility.

14. Personal and medical services integrated into a residential building occupying no more than 30% of the gross floor area.

15. Accessory uses customarily incidental to a principal use.

D. Conditional Uses. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Personal sales, personal services, and convenience retail sales in a separate building, provided the following conditions are met:

   a. The SCR district does not abut any NC-1, NC-2, or HC district.

   b. Floor area ratio of all non-residential conditional uses shall not exceed .04 of total lot area or 25,000 square feet, whichever is less.

   c. The retail uses shall be designed primarily for senior citizen use.

2. Medical offices in a separate building, provided the following conditions are met:

   a. The SCR district does not abut any PO, NC-1, NC-2, or HC district.

   b. Floor area ratio of all non-residential conditional uses shall not exceed .04 of total lot area or 25,000 square feet, whichever is less.

   c. The medical uses shall be designed primarily for senior citizen use.

E. Required Use. A minimum percentage of all dwelling units as established by Article X shall be affordable to households of low and moderate income.

F. General District Regulations. In the Senior Citizen Residential district, the following general regulations shall apply:

1. All residential development within the SCR district shall be age-restricted.

2. Minimum gross acreage of tract.

   a. Continuing care retirement community:

      (1) With single family detached: 35 acres

      (2) Without single family detached: 20 acres

   b. Long-term care facility
      Congregate care apartments or
      Assisted living facility: 4 acres

   c. Combinations of §410.F.2b uses: 7 acres

   d. Apartment buildings: 7 acres

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3.	Maximum gross density:		14 units per acre or 28 beds per acre
4.	Minimum open space:		30% of total tract area, excepting one and two family dwelling developments
5.	Minimum tract frontage:		200 feet

G. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings:

1.	Single Family Detached Residential:			
	a.	Minimum lot area:		5,000 sf
	b.	Minimum lot frontage:		40 feet
	c.	Minimum lot width:		40 feet
	d.	Minimum lot depth:		100 feet
	e.	Minimum front yard:		30 feet
	f.	Minimum side yard:		5 feet, 15 feet for both sides
	g.	Minimum rear yard:		25 feet
2.	Semi-detached dwelling.			
	a.	Minimum lot area:		3,000 sf
	b.	Minimum lot frontage:		30 feet
	c.	Minimum lot width:		30 feet
	d.	Minimum lot depth:		100 feet
	e.	Minimum front yard:		30 feet
	f.	Minimum side yard:		0 feet, one side 5 feet, other side
	g.	Minimum rear yard:		25 feet
	h.	Maximum lot coverage:		50%
3.	Quadraplex dwelling. [Ord. 1585-99, 9/7/1999]			
	a.	Minimum lot area:		1,000 sf
	b.	Minimum lot frontage:		30 feet per unit
	c.	Minimum lot width:		30 feet per unit
	d.	Minimum front yard or rear yard:		20 feet
	e.	Minimum side yard:		0 feet per common wall, 18 feet otherwise
	f.	Maximum lot coverage:		50%
	g.	Maximum number of dwelling units per building:		4
4.	Townhouses. [Ord. 1585-99, 9/7/1999]			

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a. Minimum lot area: 2,000 sf

b. Minimum lot frontage: 20 feet per unit

c. Minimum lot width: 20 feet per unit

d. Minimum front yard: 30 feet for units with garages, 15 feet for units without garages

e. Minimum side yard: 0 feet for a common wall, 15 feet otherwise

f. Minimum rear yard: 20 feet

g. Maximum number of units per building: 8

5. Additional requirements. The following additional requirements shall apply to quadraplex and townhouse developments:

a. Townhouse units attached on a single linear plane shall not exceed a length of 192 feet.

b. Each quadraplex unit and townhouse shall have a private rear yard of 200 square feet minimum.

c. A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage in the front of the unit, bicycles, garden equipment, barbecue equipment and so forth.

6. Accessory building for the preceding uses.

a. Minimum side yard: 5 feet

b. Minimum distance to rear line: 5 feet

c. Minimum distance to other building: 10 feet

d. Maximum building height: [Ord. 1728-02, 12/16/2002]

(1) Clubhouse and/or social center: 28 feet or 1 ½ stories

(2) Garage: 20 feet

(3) Other accessory building: 15 feet

7. Long Term Care Facility, Congregate Care, and Assisted Living Facility.

a. Maximum number of units in one building: 120

b. Maximum number of beds in one building: 150

c. Principal building setback: [Ord. 1585-99, 9/7/1999]

(1) From tract perimeter:

(a) Building setback shall be 50 feet for any portion of the building with a height of 35 feet or less.

Building setback shall be increased to 100 feet when

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directly abutting a residential district.

(b) Building setback shall be 100 feet for any portion of the building with a height in excess of 35 feet.

Building setback shall be increased to 200 feet when directly abutting a residential district.

(2) From internal common driveway or street: 25 feet

d. Minimum distance between buildings: 50 feet

e. Accessory building setback from tract perimeter: 25 feet

f. Parking area or internal driveway or street setback (excluding entrances and exits):

(1) From existing streetline: 50 feet

(2) From tract perimeter: 25 feet

g. See §521.E for design standards.

8. Apartment Building.

a. Maximum number of units in one building: 60

b. Principal building setback: [Ord. 1585-99, 9/7/1999]

(1) From tract perimeter:

(a) Building setback shall be 50 feet for any portion of the building with a height of 35 feet or less.

Building setback shall be increased to 100 feet when directly abutting a residential district.

(b) Building setback shall be 100 feet for any portion of the building with a height in excess of 35 feet.

Building setback shall be increased to 200 feet when directly abutting a residential district.

(2) From internal common driveway or street: 25 feet

c. Minimum distance between buildings: 50 feet

d. Accessory building setback from tract perimeter: 25 feet

e. Parking area or internal driveway or street setback (excluding entrances and exits):

(1) From existing streetline: 50 feet

(2) From tract perimeter: 25 feet

f. See §531.A for design standards.

9. Retail uses. The bulk standards of the NC-1 district shall apply to any such

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development.

10. Medical uses. The bulk standards of the PO district shall apply to any such development.

11. Maximum building height:

a.	Single family detached, Semi-detached, Townhouse Quadraplex:	35 feet or 2 ½ stories or
b.	Apartment building, Long term care facility, Congregate care apartment, or Assisted living facility:	45 feet or 3 stories
c.	Accessory building, clubhouse and/or social center: [Ord. 1728-02, 12/16/2002]	28 feet or 1 ½ stories

H. Additional District Regulations.

1. Recreational amenities. At least 20% of the site or 250 square feet per unit, whichever is greater, shall be designated on the site plan for active and passive recreational use of the residents of the project; except that where a project is located within 500 feet of any existing municipal park, the Board may waive this requirement at the time of site plan review.

2. Walking distance. SCR development shall provide convenient linkages between existing mass transportation transfer points and pick-up points that are within 1,000 feet of the subject development or provisions shall be made for the transportation of residents to such locations.

3. Roof. Any SCR district building shall have a gable or hip roof, unless waived by the Board of Jurisdiction.

4. Individual dwelling units shall meet or exceed minimum design requirements specified by the New Jersey Housing Mortgage Finance Agency or the New Jersey Department of Health and Senior Services, as applicable.

5. Dwelling units within the SCR District shall be 100 percent age restricted. [Ord. 1782-04,3/16/2004]

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§ 411 Planned Village Development 1 (PVD-1) Zone.

A. Purpose. The purpose of the Planned Village Development 1 district is to further the integrated development of:

1. A variety of housing types and designs;
2. Commercial, recreational, and other community services conveniently located to serve the residents of the planned development;
3. The planning and building of new communities, incorporating the best features of modern design;
4. The conservation and more efficient use of open space;
5. A plan integrating a street and highway system to minimize the burden of traffic;
6. A more flexible development of land that shall conserve and enhance natural resources such as streams, lakes, flood plains, groundwater, wooded areas, steeply sloped areas, and areas of unusual importance to the natural ecosystem.
7. Attractive and safe residential neighborhoods.
8. The preservation of the residential integrity of adjacent areas without commercial encroachment.

B. Permitted Uses. In the PVD-1 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwelling.
2. Semi-detached dwelling.
3. Duplex dwelling.
4. Quadraplex dwelling.
5. Townhouse.
6. Apartment.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Common playgrounds.
2. Conservation areas.
3. Parks and public purpose uses.
4. Common tennis courts and other usual recreational facilities.
5. Commercial swimming pools for the use of residents.
6. Off street parking, including automobile sheds and grouped private parking.
7. Fences, walls, gazebos, mail kiosks and other street furniture.
8. Maintenance building.

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9. Signs.

10. Home occupation.

11. Accessory uses customarily incidental to a principal use.

D. General District Standards. The following general standards shall apply to all PVD-1 districts:

1. General development plan required. All development in the PVD-1 district shall be in accordance with *N.J.S.A.* 40:55D-45.1.

2. Minimum tract size: 100 contiguous acres

3. Minimum frontage on any County or State road shall be 300 feet.

4. Maximum gross density: 6 dwelling units per acre

5. Minimum recreation and civic plaza area: 25% of total tract area.

6. Maximum building (including parking structures) coverage: 30% of total tract area.

7. Maximum impervious surface coverage: 65% of total tract area.

8. Minimum tract perimeter setbacks for buildings and above-ground structures:

   a. Tract boundary line: 50 feet

   b. Existing street, excepting arterial and higher order streets: 75 feet

   c. Arterial and higher order streets: 100 feet, unless a greater distance is required pursuant to §400.C.3.

9. Minimum parking area setback from tract perimeter: 25 feet

10. Any PVD-1 development shall be served by public sewer and water.

11. An attached group of buildings may be considered as one building in applying any standards contained in this section.

12. Any PVD-1 development shall be located on land environmentally suitable for development, or suitably prepared for development, and shall meet the requirements of the Master Plan.

13. PVD-1 development shall provide convenient linkages between existing mass transportation transfer points and pick-up points that are within a five minute walking distance from all residential units, or 1,500 feet. Bus stops and bus lanes, as appropriate, shall be incorporated into PVD-1 developments to connect residential units directly to local and regional job and shopping locations.

E. Area, Yard, and Building Coverage Requirements. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Single Family Detached Residential:

   a. Minimum lot area: 9,000 sf

   b. Minimum lot frontage: 75 feet

   c. Minimum lot width: 75 feet

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	d.	Minimum lot depth:	90 feet
	e.	Minimum front yard:	30 feet
	f.	Minimum side yard:	10 feet
	g.	Minimum rear yard:	35 feet
	h.	Minimum useable yard area:	20% of each yard
	i.	Maximum building height:	35 feet, or 2½ stories
2.	Semi-Detached Dwelling.		
	a.	Minimum lot area:	3,000 sf
	b.	Minimum lot frontage:	30 feet
	c.	Minimum lot width:	30 feet
	d.	Minimum front yard:	20 feet
	e.	Minimum side yard:	0 feet, one side 12 feet, other side
	f.	Minimum rear yard:	30 feet
	g.	Maximum lot coverage:	50%
	h.	Maximum building height:	35 feet, or 2½ stories
3.	Duplex Dwelling.		
	a.	Minimum lot area:	4,000 sf
	b.	Minimum lot frontage:	30 feet
	c.	Minimum lot width:	30 feet
	d.	Minimum front yard:	20 feet
	e.	Minimum side yard:	5 feet, one side, 12 feet other side
	f.	Minimum rear yard:	30 feet
	g.	Maximum lot coverage:	60%
	h.	Maximum building height:	35 feet, or 2½ stories
4.	Quadraplex Dwelling. [Ord. 1585-99, 9/7/1999]		
	a.	Minimum lot area:	1,000 sf
	b.	Minimum lot frontage:	30 feet per unit
	c.	Minimum lot width:	30 feet per unit
	d.	Minimum front yard or rear yard:	20 feet
	e.	Minimum side yard:	18 feet, 0 feet common wall

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f.	Maximum lot coverage:	50%
g.	Maximum building height:	35 feet or 2½ stories
h.	Maximum number of dwelling units per building:	4

5. Townhouses.

a.	Minimum lot area:	2,000 sf
b.	Minimum lot frontage:	20 feet per unit
c.	Minimum lot width:	20 feet per unit
d.	Minimum front yard:	30 feet for units with garages, 15 feet for units without garages
e.	Minimum side yard:	0 feet for a common wall, 5 feet otherwise
f.	Minimum rear yard:	20 feet
g.	Maximum building height:	38 feet or 3 stories
h.	Maximum number of units per building:	8

i. The following additional requirements shall apply to quadraplex and townhouse developments:

(1) Townhouse units attached on a single linear plane shall not exceed a length of 192 feet.

(2) Each quadraplex unit and townhouse shall have a private rear yard of 200 square feet minimum.

(3) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage in the front of the unit, bicycles, garden equipment, barbecue equipment and so forth.

6. See §531.A for apartment design standards.

7. Accessory Building to Residential Use.

a.	Minimum side yard:	5 feet
b.	Minimum distance to rear line:	8 feet
c.	Minimum distance to other building:	10 feet
d.	Maximum height:	12 feet

8. Other Accessory Building or Structure.

a.	Minimum distance to other building:	50 feet
b.	Maximum height:	25 feet

F. Refuse and Recyclables. Refuse collection stations, including provisions for the collection of recyclable materials, shall be provided. Such stations shall be located for the residents'

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convenience. All such structures shall be compatibly designed with the architecture of the adjacent buildings. A landscaping bed of at least 4 feet wide shall surround three sides of this structure planted at a height of at least 6 feet, with a maximum growth of at least 8 feet in height.

G. Facilities for Pedestrians, Bicyclists and Vehicles.

1. Pedestrian sidewalks shall be provided throughout the district, interconnecting all units with community facilities and active open space and in such locations, including entrances and exits, where normal pedestrian traffic will occur. Where appropriate, bikeways may be provided instead of sidewalks. Provision of bikeways along streets shall be made upon determination and requirement by the Planning Board and the Master Plan.

2. Access to off-street parking areas shall not be through entrances directly abutting streets, but shall be connected to streets by means of access driveways situated between the parking areas and adjacent streets, not less than 20 feet long.

3. Bike racks shall be provided where there are 24 or more units in a cluster or group.

H. Circulation.

1. All delineated roads on the PVD-1 master plan shall be paved and curbed to meet engineering specifications as required by Article V.

2. A continuous sidewalk system, constructed in accordance with Article V, shall be designed to link all residential units to commercial, cultural, transportation, recreation, open space and school uses.

I. Energy Use Considerations. The types of energy to be used to heat, cool, supply power, and generally service the development shall be considered. The applicant shall identify measures to reduce energy demand by considering alternatives, such as active and passive solar systems, construction and building orientation.

J. Phasing. The Board shall provide for phasing of development in this zone. The phasing schedule shall ensure that development in this zone shall be consistent with the development of infrastructure and supporting services.

K. Planned Development. Prior to any approval, the Board shall make findings and conclusions in accordance with §703.C.

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§ 412 Planned Village Development 2 (PVD-2) District.

A. Purpose. The purpose of the Planned Village Development 2 district is to further the integrated development of:

1. A variety of housing types and designs;
2. Commercial, recreational, and other community services conveniently located to serve the residents of the planned development;
3. The planning and building of new communities, incorporating the best features of modern design;
4. The conservation and more efficient use of open space;
5. A plan integrating a street and highway system to minimize the burden of traffic;
6. A more flexible development of land that shall conserve and enhance natural resources such as streams, lakes, flood plains, groundwater, wooded areas, steeply sloped areas, and areas of unusual importance to the natural ecosystem.
7. Attractive and safe residential neighborhoods.
8. The preservation of the residential integrity of adjacent areas without commercial encroachment.

B. Permitted Uses. In the PVD-2 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Single family detached dwelling.
2. Semi-detached dwelling.
3. Duplexes.
4. Quadraplexes.
5. Townhouses.
6. Apartments.
7. Retail sales of goods and services.
8. Banks, including drive-in facilities.
9. Offices and office buildings.
10. Restaurants.
11. Taverns and bars.
12. Indoor recreational facilities.
13. Professional offices.
14. Post offices.
15. Convenience stores.

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16. Beauty parlors/barber shops.

17. Day care center.

18. Funeral home.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Playgrounds.

2. Conservation areas.

3. Parks and public purpose uses.

4. Tennis courts and other usual recreational facilities.

5. Commercial swimming pools for the use of residents.

6. Off street parking, including automobile sheds and grouped private parking.

7. Fences, walls, gazebos, mail kiosks and other street furniture.

8. Maintenance building.

9. Signs.

10. Home occupation.

11. Yorkshire Village [Ord. 1585-99, 9/7/1999]

a. Private residential swimming pool.

b. Private residential tool shed.

c. Fences and walls.

d. Deck/patio.

12. Accessory uses customarily incidental to a principal use.

D. General Tract Requirements.

1. General development plan required. All development in the PVD-2 district shall be in accordance with *N.J.S.A.* 40:55D-45.1.

2. Minimum tract size: 75 contiguous acres

3. Minimum frontage on any County or State street shall be 300 feet.

4. Maximum gross density: 8 dwelling units per acre

5. Minimum recreation and civic plaza area: 25% of total tract area

6. Maximum building (including parking structures) coverage: 30% of total tract area.

7. Maximum impervious surface coverage: 65% of total tract area.

8. Minimum tract perimeter setbacks for buildings and above-ground structures:

a. Tract boundary line: 50 feet

b. Existing street, excepting arterial and higher order streets: 75 feet

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c. Arterial and higher order streets: 100 feet, unless a greater distance is required pursuant to §400.C.3

9. Minimum parking area setback from tract perimeter: 25 feet

10. Any PVD-2 development shall be served by public sewer and water.

11. An attached group of buildings may be considered as one building in applying any standards contained in this section.

12. Any PVD-2 development shall be located on land environmentally suitable for development, or suitably prepared for development, and shall meet the requirements of the Master Plan.

13. PVD-2 development must provide convenient linkages between existing mass transportation transfer points and pick-up points that are within a five minute walking distance from all residential units, or 1,500 feet. Bus stops and bus lanes, as appropriate, shall be incorporated into PVD-2 developments to connect residential units directly to local and regional job and shopping locations.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Single Family Detached Residential:

a.	Minimum lot area:	9,000 sf
b.	Minimum lot frontage:	75 feet
c.	Minimum lot width:	75 feet
d.	Minimum lot depth:	90 feet
e.	Minimum front yard:	30 feet
f.	Minimum side yard:	10 feet
g.	Minimum rear yard:	35 feet
h.	Minimum useable yard area:	20% of each yard
i.	Maximum building height:	35 feet, or 2½ stories

2. Semi-Detached Dwelling.

a.	Minimum lot area:	3,000 sf
b.	Minimum lot frontage:	30 feet
c.	Minimum lot width:	30 feet
d.	Minimum front yard:	20 feet
e.	Minimum side yard:	0 feet, one side 12 feet, other side
f.	Minimum rear yard:	30 feet
g.	Maximum lot coverage:	50%
h.	Maximum building height:	35 feet, or 2½ stories

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3. Duplex Dwelling.

a.	Minimum lot area:	4,000 sf
b.	Minimum lot frontage:	30 feet
c.	Minimum lot width:	30 feet
d.	Minimum front yard:	20 feet
e.	Minimum side yard:	5 feet, one side, 12 feet other side
f.	Minimum rear yard:	30 feet
g.	Maximum lot coverage:	60%
h.	Maximum building height:	35 feet, or 2½ stories

4. Quadraplex Dwelling. [Ord. 1585-99, 9/7/1999]

a.	Minimum lot area:	1,000 sf
b.	Minimum lot frontage:	30 feet per unit
c.	Minimum lot width:	30 feet per unit
d.	Minimum front yard or rear yard:	20 feet
e.	Minimum side yard:	18 feet, 0 feet common wall
f.	Maximum lot coverage:	50%
g.	Maximum building height:	35 feet or 2½ stories
h.	Maximum number of dwelling units per building:	4

5. Townhouses.

a.	Minimum lot area:	2,000 sf
b.	Minimum lot frontage:	20 feet per unit
c.	Minimum lot width:	20 feet per unit
d.	Minimum front yard:	30 feet for units with garages, 15 feet for units without garages
e.	Minimum side yard:	0 feet for a common wall, 15 feet otherwise
f.	Minimum rear yard:	20 feet
g.	Maximum building height:	38 feet or 3 stories
h.	Maximum number of units per building:	8

i. The following additional requirements shall apply to quadraplex and townhouse developments:

(1) Townhouse units attached on a single linear plane shall not exceed a length of 192 feet.

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(2) Each quadraplex unit and townhouse shall have a private rear yard of 200 square feet minimum.

(3) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage in the front of the unit, bicycles, garden equipment, barbecue equipment and so forth.

6. Apartments.

a. The minimum size for each apartment shall be 550 square feet.

b. Each unit above the ground floor shall have a balcony or terrace of at least 60 square feet in area.

c. A minimum of 150 square feet of storage shall be provided for each unit, including interior and exterior storage for garbage and recyclables in the front of the unit, and bicycles, garden equipment, and other common household items in an appropriate location.

7. Accessory Building to Residential Use.

a.	Minimum side yard:	5 feet
b.	Minimum distance to rear line:	8 feet
c.	Minimum distance to other building:	10 feet
d.	Maximum height:	12 feet

8. Other Accessory Building or Structure.

a.	Minimum distance to other building:	50 feet
b.	Maximum height:	25 feet

9. Yorkshire Village Accessory Uses. [Ord. 1585-99, 9/7/1999]

a.	Private residential tool shed	10' from house. 10' from property line.
b.	Fences	no fences in front yards.
c.	No structures are permitted in any easements.	

F. Non-Residential Uses. Non-residential uses permitted within the PVD-2 district shall comply with the bulk regulations of the NC-2 district.

G. Refuse and Recyclables. Refuse collection stations, including provisions for the collection of recyclable materials, shall be provided. Such stations shall be located for the residents' convenience. All such structures shall be compatibly designed with the architecture of the adjacent buildings. A landscaping bed at least 4 feet wide shall surround three sides of this structure planted at a height of at least 6 feet, with a maximum growth of at least 8 feet in height.

H. Facilities for Pedestrians, Bicyclists and Vehicles.

1. Pedestrian sidewalks shall be provided throughout the district, interconnecting all

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units with community facilities and active open space and in such locations, including entrances and exits, where normal pedestrian traffic will occur. Where appropriate, bikeways may be provided instead of sidewalks. Provision of bikeways along streets shall be made upon determination and requirement by the planning board and the master plan.

2. Access to off-street parking areas shall not be through entrances directly abutting streets, but shall be connected to streets by means of access driveways situated between the parking areas and adjacent streets, not less than 20 feet long.

3. Bike racks shall be provided where there are 24 or more units in a cluster or group.

I. Circulation.

1. All delineated roads on the PVD-2 master plan shall be paved and curbed to meet engineering specifications as required by Article V.

2. A continuous sidewalk system, constructed in accordance with Article V, shall be designed to link all residential units to commercial, cultural, transportation, recreation, open space and school uses.

J. Energy Use Considerations. The types of energy to be used to heat, cool, supply power, and generally service the development shall be considered. The applicant shall identify measures to reduce energy demand by considering alternatives, such as active and passive solar systems, construction and building orientation.

K. Phasing. The Board shall provide for phasing of development in this zone. The phasing schedule shall ensure that development in this zone shall be consistent with the development of infrastructure and supporting services.

L. Planned Development. Prior to any approval, the Board shall make findings and conclusions in accordance with §703.C.

Editor's Note: The Planned Village Development 3 (PVD-3) District instituted through Ordinance 1857-05 on July 19, 2005 was repealed by Ordinance 2158-13 on May 21, 2013.

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§ 413 Neighborhood Center 1 (NC-1) District.

A. Purpose. The NC-1 district is established to foster redevelopment of older neighborhood commercial areas into mixed uses combining small scale commercial and residential buildings that create a more urban character. Buildings are intended to be closely oriented to the street with storefronts designed for pedestrian viewing and to be of two or two-and-a-half story construction. Parking is intended to be placed to the rear of the buildings but well screened from more purely residential areas. The NC-1 district is intended for more limited personal service uses than the NC-2 and allows development on smaller lots. Residential uses are encouraged, particularly as apartments on higher floors.

B. Permitted Uses. In the NC-1 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Retail sales of goods and services.
2. Banks, including drive-in facilities.
3. Offices and office buildings.
4. Restaurants, excluding fast food restaurants.
5. Indoor recreational facilities.
6. Professional offices.
7. Post offices.
8. Convenience stores.
9. Beauty parlors and barber shops.
10. Single family detached dwelling.
11. Semi-detached and duplex dwellings.
12. Apartments on second or higher floors.
13. Day care center.
14. House of worship on lots of at least one acre.
15. Funeral home.
16. Combinations of the above, excepting single family detached, semi-detached, and duplex dwellings.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Off-street parking and private garages.
2. Fences and walls.
3. Signs.
4. Home occupation.
5. Storage buildings.

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6. Satellite dish and television antennae.

7. Outdoor Seating [Ord. 1763-03, 10/6/2003]

   a. Seating must comply with the handicapped accessibility requirements of *N.J.A.C.* 5:23-7.

   b. Except in an Historic District, no seating shall be permitted within the right of way.

   c. No seating shall be located within five feet (5') of any public or private parking and shall be adequately protected from vehicular traffic.

   d. No glare from lighting for outdoor seating shall be created.

   e. A plan conforming to the aforesaid conditions shall be submitted to the Zoning Officer for approval.

8. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Taverns and bars subject to the following conditions:

   a. No such use shall be located within 500 feet of another such use, a house of worship, or public or private school.

   b. No outdoor seating shall be permitted.

   c. No sale of alcohol for consumption off-premises shall be permitted.

2. Bed and breakfast accommodation, subject to the criteria of §429.A, except that such facilities may have up to 10 guest rooms or suites.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots: [Ord. 1875-06, 2/7/2006; Ord.1888-06, 4/4/2006]

1. Principal Building.

a.	Minimum lot area:	5,000 sf.
b.	Minimum lot frontage:	50 feet
c.	Minimum lot width:	50 feet
d.	Minimum lot depth:	90 feet
e.	Minimum front yard:	0 feet
f.	Minimum side yard excepting religious use:	0 feet for common wall; 10 feet otherwise
g.	Minimum side yard, House of worship:	5 feet
h.	Minimum rear yard:	25 feet

2. Accessory Building. No accessory building shall be located closer than 5 feet to a property line or in a front yard.

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3. Maximum impervious surface ratio: .80

4. Maximum floor area ratio (excluding single family detached and semi-detached dwellings)

   a. One-story building: .20

   b. Two-story or higher building: .30

   c. In a Redevelopment Zone, exclusively non-residential use with on-site surface parking only: .20

      Note: Additional non-residential floor area up to a maximum of 0.60 may be authorized by the Board for applications involving on-site structural parking or supplemental off-site parking.

   d. In a Redevelopment Zone, residential uses above non-residential uses are permitted and are not subject to a floor area ratio limitation per se; rather, the extent of residential floor areas shall be limited by the bulk and yard standards for the District in combination with the parking requirements for both residential and non-residential uses. The extent to which parking provided for a mixed-use building may be shared among the uses will be determined by the Board based upon consideration of the nature of the uses, the site plan design, the availability of off-site parking and other relevant factors.

5. Maximum height.

   a. Principal use, excepting religious use: 35 feet

   b. Principal use in Redevelopment Zone 42 feet

   c. House of Worship:

      (1) Principal building: 35 feet

      (2) Structure above principal roof: 60 feet

   d. Accessory buildings shall not exceed 15 feet in height.

6. Maximum building size.

   a. Maximum building size: 10,000 sf

   b. Maximum building size in Redevelopment Zone: 85,000 sf

7. Maximum gross floor area.

   a. Maximum gross floor area per use: 5,000 sf

   b. Maximum gross floor area in Redevelopment Zone: N/A

8. Minimum gross floor area per use: [Ord. 1585-99, 9/7/1999]

   750 sf for new construction,
   400 sf for rehabilitation

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F. Additional Requirements.

1. In order to encourage an end product which provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side line(s) and shall be designed to permit the attachment of common walls or continued facades. Where buildings are built to both side lot lines, the application for site plan approval shall be accompanied by appropriate legal documentation and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not designed to be attached or if the property abuts a residential zone or existing residential use, the side yard(s) shall be at least 10 feet in width.

2. Any principal building may contain more than one use provided that the total building coverage of the combined activities does not exceed the maximum floor area ratio specified for the district.

3. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside.

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§ 414 Neighborhood Center 2 (NC-2) District.

A. Purpose. The NC-2 district, like the NC-1 district, is intended to create through redevelopment a more urban character that combines residential and commercial uses in an integrated fashion even though the development occurs over an extended time. The NC-2 district differs from the NC-1 district by requiring a larger lot size that would provide sufficient area to allow adequate parking and buffers to residential areas. Because of the larger lot size, limited commercial uses oriented to automobiles are permitted. The NC-2 district is particularly established for the west side Alternate Route 1, south of Whitehead Road where the goal is to eventually create a commercial boulevard with a unified architecture and landscaped median strip.

B. Permitted Uses. In the NC-2 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Retail sales of goods and services.
2. Banks, including drive-in facilities.
3. Offices and office buildings.
4. Restaurants.
5. Taverns and bars.
6. Professional offices.
7. Indoor recreational facilities.
8. Post offices.
9. Convenience stores.
10. Beauty parlors and barber shops.
11. Single family detached dwelling.
12. Semi-detached and duplex dwellings.
13. Apartments on second or higher floors.
14. Day care center.
15. House of worship on lots of at least 1.5 acres
16. Funeral home.
17. Combinations of the above, excepting single family detached, semi-detached, and duplex dwellings.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Off-street parking and private garages.
2. Fences and walls.
3. Signs.

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4. Home occupation.

5. Storage buildings.

6. Satellite dish and television antennae.

7. Outdoor seating. [Ord. 1764-03, 10/6/2003]

8. Seating must comply with the handicapped accessibility requirements of *N.J.A.C.* 5:23-7.

9. Except in an Historic District, no seating shall be permitted within the right of way.

10. No seating shall be located within five feet (5') of any public or private parking and shall be adequately protected from vehicular traffic.

11. No glare from lighting for outdoor seating shall be created.

12. A plan conforming to the aforesaid conditions shall be submitted to the Zoning Officer for approval.

13. Accessory uses customarily incidental to a principal use.

D. Conditional Use Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Repair garage, provided the following conditions are met:

a. Maximum lot size: 22,500 sf

b. No auto body or vehicle painting shall be permitted.

c. No more than 8 parking spaces for outside storage of vehicles shall be permitted.

d. All lubrication, repair, or similar activities shall be performed in a fully enclosed building. No exterior display or storage of parts shall be permitted.

e. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than 8 vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven days, except that up to 3 inoperable vehicles in an enclosed building may be permitted. It shall be deemed prima facie evidence of violation of this Ordinance if more than 3 motor vehicles incapable of operation are located at any one time upon the premises not within an enclosed building.

f. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance, a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard parking.

g. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.

h. All other parts of this Ordinance not modified herein shall apply.

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E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Principal Building.

a.	Minimum lot area:	10,000 sf.
b.	Minimum lot frontage:	80 feet
c.	Minimum lot width:	80 feet
d.	Minimum lot depth:	100 feet
e.	Minimum front yard:	
(1)	On roads with speed limit less than 40 mph:	0 feet
(2)	On roads with speed limit 40 mph or greater:	25 feet
f.	Minimum side yard excepting religious use:	0 feet for common wall; 10 feet otherwise
g.	Minimum side yard, House of worship:	25 feet
h.	Minimum rear yard:	25 feet

2. Accessory Building. No accessory building shall be located closer than 5 feet to a property line.

3. Maximum impervious surface ratio: .80

4. Maximum floor area ratio (excluding single Family detached and Semi-detached dwellings) [Ord. 1875-06, 2/7/2006]

a.	One-story building:	.20
b.	Two-story or higher building:	.30

5. Maximum height:

a.	Principal use, excepting religious use:	35 feet
b.	House of Worship:	
(1)	Principal building:	35 feet
(2)	Structure above principal roof:	60 feet

c. Accessory buildings shall not exceed 15 feet in height.

6. Minimum gross floor area per use: 750 sf

F. Additional Requirements.

1. In order to encourage an end product which provides parking, access and architectural continuity even where development occurs piecemeal and with diverse ownership, buildings may be attached and may be built to the interior side line(s) and shall be designed to permit the attachment of common walls or continued facades. Where buildings are built to both side lot lines, the application for site plan

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approval shall be accompanied by appropriate legal documentation and plans showing properly located loading spaces and trash receptacles with permitted access across adjacent properties. If structures are not designed to be attached or if the property abuts a residential zone or existing residential use, the side yard(s) shall be at least 10 feet in width.

2. Any principal building may contain more than one use provided that the total building coverage of the combined activities does not exceed the maximum floor area ratio specified for the district.

3. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside.

4. All buildings 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

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§ 415 Mixed Use 1 (MX-1) District.

A. Purpose. The Mixed Use 1 (MX-1) district is intended to encourage development that combines commercial and residential uses to a greater degree than any other zone. Development in the MX-1 district is intended to be in the context of a planned unit development that sets forth the combinations in use and density in an overall design of the area. The MX-1 district is intended to complement the Regional Commercial zone, the most intensive non-residential district in the municipality. The MX-1 district is intended to be more urban in character by permitting buildings to be located close to internal streets and to encourage pedestrian movements with a high degree of common amenities. [Ord. 2174-14, 3/18/14]

B. Permitted Uses. In the MX-1 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following: [Ord. 2174-14, 3/18/14]

1. Single family detached dwelling.
2. Atrium and patio home dwelling.
3. Semi-detached and duplex dwelling.
4. Triplex dwelling.
5. Quadraplex dwelling.
6. Townhouse.
7. Apartment.
8. Retail goods and services.
9. Restaurant.
10. Bar and tavern.
11. Banks, including drive-in facilities.
12. Offices.
13. Theatres.
14. Indoor recreational facilities.
15. Hotels.
16. Professional offices.
17. Convenience stores.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Playgrounds.
2. Conservation areas.
3. Parks and public purpose uses.
4. Tennis courts and other usual recreational facilities.

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5. Off-street parking, including automobile sheds, grouped private parking and garages.

6. Parking structures, provided no such structure is located in a front yard.

7. Fences, walls, gazebos, mail kiosks and other street furniture.

8. Commercial swimming pools for the use of residents.

9. Garages to house delivery trucks or other commercial vehicles in conjunction with non-residential uses.

10. Signs.

11. Home occupation.

12. Maintenance building.

13. Liberty Green. [Ord. 1599-00, 3/27/2000]

    a. Private residential swimming pool.

    b. Private residential tool shed.

    c. Fences and walls (not permitted in front yards).

    d. Deck/patio.

14. Accessory uses customarily incidental to a principal use.

D. Conditional Use Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Age-restricted residential uses pursuant to the standards of §410. [Ord. 1585-99, 9/7/1999]

E. Required Use. A minimum of 20% of all units shall be affordable to households of low and moderate income pursuant to Article X.

F. General Tract Requirements. In the MX-1 district, the following general regulations shall apply: [Ord. 2174-14, 3/18/14]

1. General development plan required. All development in the MX-1 district shall be in accordance with *N.J.S.A.* 40:55D-45.1.

2. Minimum gross acreage of tract: 75 acres

3. Minimum buildable area: 40 acres

4. Maximum gross residential density: 6 units per acre

5. Maximum non-residential floor area ratio: .25

6. Minimum required open space: 40% of total tract area

7. Use mix requirements:

    a. Minimum residential land use: 40% of total tract area

    b. Maximum non-residential land use: 40% of total tract area

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8. Minimum active recreation and civic plaza area: 15% of total tract area

9. Maximum building coverage: 30% of total tract area

10. Maximum impervious surface coverage: 60% of total tract area

11. Minimum tract perimeter setbacks for buildings and structured parking:

    a. Tract boundary line: 50 feet

    b. Existing street, excepting arterial and higher order streets: 75 feet

    c. Arterial and higher order streets: 100 feet, unless a greater distance is required pursuant to §400.C.3.

12. Minimum distance between buildings:

    a. Residential buildings, excepting apartment buildings: 50% of average building height

    b. Non-residential and Apartment buildings: 100% of average building height

13. Minimum building and structured parking setback from internal street:

    a. Residential buildings, excepting apartment buildings: 25 feet

    b. Non-residential and apartment buildings: 10 feet

14. Minimum surface parking area setbacks:

    a. From tract perimeter: 50 feet

    b. From internal street: 25 feet

    c. From building: 10 feet, excepting individual residential driveways

15. Parking structures shall be included in the calculation of building coverage, but excluded from the calculation of non-residential floor area.

16. Public water and sewer. All development in the MX-1 district shall be served by public water and sanitary sewer.

G. Height Limitations. The following maximum height limits shall apply to the following buildings and structures:

1. Residential buildings, excepting apartment buildings: 35 feet or 2½ stories

2. Non-residential and Apartment buildings: 48 feet or 4 stories

3. Structured parking: 30 feet or 3 levels of parking, including the rooftop level

H. Standards for Development. [Ord. 2174-14, 3/18/14]

1. An attached group of buildings may be considered as one building in applying any standards contained in this section.

2. Any MX-1 development shall be located on land environmentally suitable for

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development, or suitably prepared for development, and shall meet the requirements of the Master Plan.

3. MX-1 district development shall provide convenient linkages between existing mass transportation transfer points and pick-up points that are within a five minute walking distance from all residential units, or 1,500 feet. Bus stops and bus lanes, as appropriate, shall be incorporated into MX-1 developments to connect residential units directly to local and regional job locations

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§ 416 Professional Office (PO) District.

A. Purpose. The purpose of the Professional Office (PO) district is to provide for office and accessory uses on small lots on arterial roads to provide a transitional zone between residential uses and the impacts of high volumes of traffic. The PO district may be designated either as a base zoning district or as an overlay district in selected areas on the Zoning Map. When used as an overlay district, it is intended that professional office development mimic the size and scale of residential buildings and in its design use architectural elements common to adjacent and nearby residences.

B. Permitted Uses. In the PO district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Offices of a recognized profession, including, but not limited to, medicine, social services, finance, accounting, real estate, insurance, law, engineering, architecture and planning.
2. Funeral home.
3. Child care center.
4. Governmental use.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use.

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Garages, storage buildings and tool sheds.
5. Satellite dish and television antennae.
6. Accessory uses customarily incidental to a principal use.

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1.	Minimum lot size: [Ord. 1585-99, 9/7/1999]	40,000 sf. 20,000 sf in R-2B w/ PO overlay
2.	Minimum lot frontage:	100 feet
3.	Minimum lot width:	100 feet
4.	Maximum floor area ratio:	.25
5.	Maximum impervious surface ratio:	.70
6.	Maximum height:	35 feet or 2½ stories
7.	Minimum front yard:	40 feet
8.	Minimum side yard:	25 feet

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9.	Minimum rear yard:		40 feet
10.	Parking area setback:		
	a.	From any streetline:	30 feet
	b.	From any other property line:	15 feet
	c.	From any building:	10 feet
	d.	From a residential use:	25 feet
11.	Maximum building size when exercised as an option in the R-2B district:		2,500 sf or the size of the existing building, whichever is larger
12.	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:	15 feet
	c.	Minimum distance to other building:	20 feet
	d.	Maximum height:	1½ stories or 20 feet

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§ 417 Office (O) District

A. Purpose. The Office (O) zone is intended primarily for a variety of office uses in locations with good access to the regional highway network with an emphasis on the development of integrated office parks.

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. Office.
2. Medical clinic.
3. Professional office.
4. Bank, including a drive-in facility.
5. Office parks on tracts at least 15 acres in area.
6. Public parks and recreation.
7. Conservation.
8. Governmental use.
9. Nursing homes [Ord. 1780, 3/2/2004]

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Off-street and structured parking.
2. Fences and walls.
3. Signs.
4. Maintenance office and garage.
5. Satellite dish and television antennae.
6. Accessory uses on the same lot and customarily incidental to the principal use.

D. Conditional Use Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Service station or repair garage conforming to the following conditions:
   a. Notwithstanding any other provision, the minimum lot size for service stations shall be 20,000 square feet and the minimum lot frontage shall be 150 feet.
   b. Notwithstanding any other provision to the contrary, service stations shall be permitted two entrances and exits on one street frontage and three per lot.
   c. No service station shall be located within 500 feet of any fire house, school, playground, church, hospital, public building or institution.
   d. All appliances, pits, storage areas and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.

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e. Gasoline filling pumps and air pumps shall be permitted within the required front yard area of service stations but shall be no closer than 20 feet to any future street line.

f. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of an enclosed building.

g. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than 8 vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven days, except that up to 3 inoperable vehicles in an enclosed building may be permitted. It shall be deemed prima facie evidence of violation of this Ordinance if more than 3 motor vehicles incapable of operation are located at any one time upon the premises not within an enclosed building.

h. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance, a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard parking.

i. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.

j. All other parts of this Ordinance not modified herein shall apply.

E. General District Regulations. In the Office district, the following general regulations shall apply:

1. Number of establishments. Any principal building may contain not more than ten establishments, provided that the total building coverage of the combined activities does not exceed the maximum building coverage specified for the district, and, further, that each activity occupies a minimum gross floor area of 750 square feet.

2. Perimeter setback. No building shall be located closer than 50 feet to the perimeter of the tract. No parking area shall be located closer than 35 feet to the perimeter of the tract.

3. Exterior storage. No merchandise, products, waste, equipment or similar material or objects shall be displayed, sold or stored outside.

4. Commercial garage. Commercial garages parking provided under buildings or in structured (deck) parking is encouraged. For every 20 spaces provided, the floor area ratio may be increased by .01, not to exceed a total of .25 for individual uses and .30 for office or business parks.

F. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Individual Principal Use.

a. Minimum lot area: 3 acres

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b.	Minimum lot frontage:		300 feet
c.	Minimum lot width		200 feet
d.	Minimum lot depth:		350 feet
e.	Minimum front yard:		100 feet
f.	Minimum side yard:		50 feet adjacent to residential district, 25 feet otherwise
g.	Minimum rear yard:		75 feet adjacent to residential district, 50 feet otherwise
h.	Maximum building height:		38 feet or 3 stories, whichever is less
i.	Maximum impervious surface ratio:		.75
j.	Maximum floor area ratio:		.20 unless modified by E.4, above

2. Office Park Use.

a.	Minimum tract size:		20 acres
b.	Minimum tract frontage on arterial or collector road:		500 feet
c.	Minimum tract perimeter building setbacks.		
	(1)	Adjacent residential district:	75 feet
	(2)	Adjacent non-residential district:	50 feet
	(3)	Streetline:	100 feet
d.	Maximum building height:		50 feet or 4 stories, whichever is less
e.	Maximum impervious surface ratio:		.75
f.	Maximum floor area ratio:		.25 unless modified by E.4 above
g.	Individual lots within an office park.		
	(1)	Minimum lot area:	2 acres
	(2)	Minimum lot frontage on internal street:	150 feet
	(3)	Minimum lot width:	200 feet
	(4)	Minimum front yard:	50 feet
	(5)	Minimum side yard:	50 feet
	(6)	Minimum rear yard:	50 feet

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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:	35 feet
c.	Minimum rear yard:	35 feet
d.	Minimum distance to other building:	50 feet
e.	Maximum height:	Half the height of the principal use to which it relates

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§ 418 Research and Development 1 (RD-1) District.

A. Purpose. The purpose of the Research and Development 1 district is to provide for very low density office and research centers owned by single entities on large tracts of land in areas characterized by environmentally sensitive lands. Such low densities are intended to allow the placement of buildings within the tract on land exhibiting the least environmental sensitivity and to permit substantial setbacks from public streets to minimize their visual effect on the essentially rural character of the area. The capacity of the road network and distance from services are additional limiting factors in the allowable intensity of development.

B. Permitted Uses. In the RD-1 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Educational or research institution.

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a principal use:

1. Security office.
2. Maintenance office and garage.
3. Power supply for sole use by the facility and in an enclosed building.
4. 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 thereto of the principal use.
5. Off-street parking.
6. Fences and walls.
7. Signs.
8. Garages, storage buildings and tool sheds.
9. Satellite dish and television antennae.
10. 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 Planning Board in accordance with §705:

1. Conference center meeting the following conditions: [Ord. 1779-04, 3/2/2004]
   a. The center is located on tracts in excess of 300 acres.
   b. Eating and sleeping accommodations, where provided, are included as a part of the center.
   c. The operator issues an annual report, in a form approved by the Zoning Officer, within thirty days after December 31, summarizing the activities of the center for the preceding 12 months.

E. General District Regulations. The following general district regulations shall apply in all RD-1 zones:

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1. Minimum tract size: 200 contiguous acres
2. Minimum tract frontage on a major or minor arterial road pursuant to the Circulation Element: 1,000 continuous feet
3. Maximum floor area ratio:
   a. On tracts 200 to 300 acres in size: .12
   b. On tracts in excess of 300 acres: .10
4. Maximum building coverage: 8%
5. Maximum impervious surface ratio: .30
6. Principal building required setback.
   a. From tract perimeter: 300 feet
   b. From internal roadway: 35 feet
   c. Distance from another principal building: 50 feet
7. Accessory building required setback.
   a. Conference center or power supply building: Same as principal building
   b. Entrance lodges, guardhouses, walls, and gates: 75 feet from tract perimeter
   c. No accessory building in excess of 20 feet in height shall be located closer than 300 feet from the tract perimeter.
   d. Distance from principal building: 50 feet
8. Maximum height.
   a. Principal building: 50 feet or 3 stories, whichever is less
   b. Accessory building.
      (1) Conference center: 50 feet or 3 stories, whichever is less
      (2) Building within 300 feet of tract perimeter: 20 feet
      (3) Power supply: 50 feet, except that chimneys or ventilation may extend to 65 feet

F. Additional Requirements.

1. Location of entrances. Internal or entrance roadways, streets or driveways shall not be located closer than 100 feet to any side or rear property line.
2. Parking maximum. The total number of parking spaces for the entire tract shall not exceed 10 spaces per acre.

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G. Site Elements and Buffering. In addition to the requirements of Article V, each property shall be appropriately landscaped, particularly along its perimeter. Existing woodlands, windbreaks and stream corridors shall be retained and used as landscape elements in the planning of the site. Where natural features do not comprise an effective screen along side or rear property lines that are adjacent to existing residences, a buffer area shall be provided in accordance with the requirements specified in §525.

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§ 419 Research and Development 2 (RD-2) District.

A. Purpose. The RD-2 areas are proposed for the location of research uses as well as office activity. The designated areas provide excellent road access with convenient proximity to the Princeton Pike/I-295 interchange. However, the areas are also adjacent to existing and proposed low and medium density residential development. It is intended that any RD-2 development be compatible with the residential surroundings.

B. Permitted Uses. In the RD-2 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Office.
2. Office parks.
3. Research and engineering offices and laboratories.
4. Business parks.
5. Public parks and recreation.
6. Conservation.
7. Governmental use.

C. Accessory Uses Permitted. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

1. Security office.
2. Maintenance office and garage.
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 of the principal use.
4. Indoor and outdoor recreational facilities, provided that all such accessory uses shall be planned as an integral part of the principal use.
5. Off-street and structured parking; commercial garages.
6. Fences and walls.
7. Signs.
8. Maintenance buildings.
9. Satellite dish and television antennae.
10. 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 Planning Board in accordance with §705:

1. Bank or other financial institution conforming to the following conditions:
   a. The use is not freestanding on the property but integrated into an office building.

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b. Drive-in facilities shall be permitted but limited to two transaction lanes.

2. Hotel, including a conference center, conforming to the following conditions:

a. Trip generation shall not exceed the peak hour rates of other permitted uses of the zone.

b. Maximum floor area ratio: .25

c. The floor area ratio may be increased to .30 if structured parking is used to accommodate at least 50% of the parking demand for the center.

d. Restaurants and nightclubs shall be permitted as an accessory use within the hotel.

e. Barber shops and hair salons, gift shops, newspaper stands, smoking shops and similar personal service uses shall be permitted as accessory uses.

3. Training/conference center meeting the following conditions:

a. The center is located in an office park on a minimum lot area of 100 acres.

b. The use of the center is accessory to the principal use of the office park.

c. The center is only for personnel or purposes related to the principal use.

d. Eating and sleeping accommodations are for persons attending the training/conference center only.

e. The operator issues an annual report to the satisfaction of the Zoning Officer within 30 days after December 31 detailing the activities of the training/conference for the preceding 12 months.

4. A tower or spire conforming to the following conditions: [Ord. 1597-00, 2/15/2000]

a. The tower or spire is located in an office park on a minimum lot area of 100 acres.

b. Only one tower or spire per office park is permitted.

c. The tower or spire is limited to lot coverage of 900 square feet and height of 120 feet.

d. The tower or spire has a minimum set back of 500 feet from all property lines.

e. The design including exterior materials must be compatible with the architectural design of the office park.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Individual Principal Use.

a. Minimum lot area: 10 acres

b. Minimum lot frontage: 600 feet

c. Minimum lot width 600 feet

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	d.	Minimum lot depth:	400 feet
	e.	Minimum front yard:	150 feet
	f.	Minimum side yard:	100 feet
	g.	Minimum rear yard:	100 feet
	h.	Maximum building height:	50 feet or 4 stories, whichever is less
	i.	Maximum impervious surface ratio:	.65
	j.	Maximum floor area ratio:	.20 unless otherwise modified

2. Office or Business Park Use.

	a.	Minimum lot area:	5 acres
	b.	Minimum lot frontage:	400 feet
	c.	Minimum lot width	400 feet
	d.	Minimum lot depth:	400 feet
	e.	Minimum front yard:	125 feet
	f.	Minimum side yard:	75 feet
	g.	Minimum rear yard:	75 feet
	h.	Maximum building height:	50 feet or 4 stories, whichever is less except for office parks with a minimum lot area of 100 acres, maximum building height shall be 4 stories or 60 feet, plus an allowance of up to an additional 20 feet for roof structures for the housing of heating, ventilating, air conditioning equipment, elevator and stairway penthouses and other customary rooftop appurtenances, provided that any building which exceeds 50 feet in height exclusive of roof structure or 55 feet in height including roof structure shall be set back a minimum of 250 feet from all property lines.
	i.	Maximum impervious surface ratio:	.75
	j.	Maximum floor area ratio:	.25 unless otherwise modified

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:	35 feet
	c.	Minimum rear yard:	35 feet
	d.	Minimum distance to other building:	50 feet
	e.	Maximum height:	Half the height of the principal use to which it relates

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4. Parking area setback.

   a. From street line: 100 feet

   b. From any other lot line: 50 feet

5. Parking provided under buildings or in structured (deck) parking is encouraged. For every 20 such parking spaces provided, the floor area ratio may be increased by .01, not to exceed a total of .25 for individual uses and .30 for office or business parks.

F. Additional Regulations. The following additional regulations shall apply to all uses in an RD-2 district:

1. No merchandise, products, waste, equipment or similar material or objects shall be displayed, sold or stored outside.

2. Product development and similar activities not involving the manufacturing, sale, processing, warehousing, distribution or fabrication of material, products or goods except as incidental to the principal permitted uses are permitted as a part of research and engineering offices and labs.

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§ 420 Highway Commercial (HC) District.

[Ord. 2159-13, 5/21/13]

A. Purpose. The Highway Commercial (HC) district is intended to serve both the residents of the municipality and the general public with uses typically oriented towards motorized travel. The HC district is the primary retail zone for localized sales and services that are not regionally based. It differs from the NC-1 and NC-2 districts by including automobile business uses and excluding residential uses, with the exception of certain senior citizen housing. The Highway Commercial district is also intended to support the retail uses in the Regional Commercial district.

B. Permitted Uses. In the HC district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Automobile sales through franchised new car dealers.
2. Automobile accessories and car washes.
3. Banks, including drive-in facilities.
4. Bars and taverns.
5. Convenience stores.
6. Department and discount stores.
7. Governmental uses.
8. Indoor recreational facilities.
9. Membership club bulk retail outlets.
10. Offices.
11. Retail sales of goods and services.
12. Restaurants, including fast food restaurants.
13. Shopping centers.
14. Theaters and entertainment.

C. Accessory Uses Permitted. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

1. Canopy for motor fuel equipment protection or passenger drop off.
2. Fences and walls.
3. Garages, storage buildings and tool sheds.
4. Off-street and structured parking.
5. Outdoor display of new and used motor vehicles only in association with a franchised new car dealer.
6. Outdoor seating associated with a restaurant, complying with the following standards:

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a. Seating shall comply with the handicapped accessibility requirements of *N.J.A.C.* 5:23-7.

b. No seating shall be located within 5 feet of any public or private parking and shall be adequately protected from vehicular traffic.

c. No glare from lighting for outdoor seating shall be created.

d. No impediment to the free flow of pedestrian or vehicular traffic shall be created by the outdoor seating.

e. Off-street parking for outdoor seating shall be provided in accordance with §530.C.2 and Table 5.16.

f. The Zoning Officer may approve a plan conforming to these conditions without the necessity of site plan review pursuant to §801.

7. Satellite dish and television antennae.

8. Service station attendant booth, not to exceed 40 sf. in floor area when placed on a motor fuel pump island or 150 sf. when placed elsewhere on the site. Such booths may incorporate rest rooms.

9. Signs.

10. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Service station or repair garage conforming to the following conditions:

a. The minimum lot size for service stations or repair garages shall be 20,000 square feet and the minimum lot frontage shall be 150 feet.

b. Such use may be combined with a convenience store or membership club bulk retail outlet on the same lot, provided that the minimum lot size, or minimum lease area in the event the service station is not within an individual lot, shall be a minimum of 1.5 acres. Notwithstanding any other provision to the contrary, service stations on their own lot shall be permitted two entrances and exits on one street frontage and three per lot.

c. All appliances, pits, storage areas and trash facilities other than motor fuel filling pumps or air pumps shall be within a building or roofed structure.

d. Motor fuel filling pumps, service station attendant booths, canopies and air pumps shall be permitted within the required front yard area of service stations but shall be no closer than 20 feet to any street line.

e. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of an enclosed building.

f. No junked motor vehicle or part thereof, or such vehicles incapable of

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normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than 8 vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven days, except that up to 3 inoperable vehicles in an enclosed building may be permitted. It shall be deemed prima facie evidence of violation of this Ordinance if more than 3 motor vehicles incapable of operation are located at any one time upon the premises not within an enclosed building.

g. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance; a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard parking.

h. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.

2. Motels conforming to the following conditions:

a. Any motel shall contain a minimum of at least 20 units of accommodation, exclusive of, but in addition to, a permanent, on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.

b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.

c. No more than 20% of the units may include cooking facilities.

d. There shall be a maximum residency limitation on all guests of 30 days. The residency limitation shall not apply to an employee living on the premises or to occupants of the allowed units with cooking facilities.

e. Minimum lot frontage shall be 300 feet.

3. Hotels conforming to the following conditions:

a. Trip generation shall not exceed the peak hour rates of permitted uses of the zone.

b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.

c. No more than 20% of the units may include cooking facilities.

d. There shall be a residency limitation on all guests of a maximum of 30 days. The residency limitation shall not apply to an employee living on the premises or to occupants of the allowed units with cooking facilities.

e. Minimum lot frontage shall be 300 feet.

f. Restaurants and nightclubs shall be permitted as an accessory use within the hotel.

g. Barber shops and hair salons, gift shops, newspaper stands, smoking shops and similar uses shall be permitted as accessory uses provided there is no

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direct access to the outside for customers and no exterior signage.

4. Continuing Care Retirement Center pursuant to the regulations of §410 conforming to the following condition:

   a. Any such use shall be located east of U.S. Route 1 and south of its intersection with I-95/295.

5. Used automobile sales excluding auctions conforming to the following conditions: [Ord. 2166-13, 12/3/13]

   a. Minimum lot size: 5 acres

   b. Minimum frontage on U.S. Route 1: 500 feet

   c. The use shall require a building with a minimum gross floor area of 15,000 sf.

   d. The building shall contain a showroom with a minimum display area for four passenger vehicles.

   e. No service bay door shall face a zoning district that is predominantly used and occupied for residential purposes unless sound attenuation measures are installed to ensure that no sound greater than 50 decibels (dBA measurement) occurs at a point 150 feet distant or the property line, whichever is closer.

6. Extended Stay Lodging Facilities conforming to the following conditions: [Ord. 1567-99, 3/2/1999]

   a. Accessory uses shall be permitted as follows:

      (1) Exercise facilities.

      (2) Business services, such as access to fax, copier, personalized voice mail, meeting rooms and computers and Internet access, etc.

      (3) Limited recreation facilities, such as a swimming pool, jogging trails and child play areas.

   b. Trip generation shall not exceed the peak hour rates of permitted uses of the zone.

   c. Each unit of accommodation shall contain a minimum floor area of 325 square feet. Ceilings shall be a minimum of 8 feet in height.

   d. All access to individual units shall be from interior hallways.

   e. Bulk requirements:

      (1) Minimum lot size: 2 acres

      (2) Minimum lot width/frontage: 200 feet

      (3) Maximum FAR: .30

      (4) Maximum building height: 3 stories and 45 feet

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(5) Maximum impervious coverage: .60

f. Off street parking shall be provided based on a minimum of 1 parking space for each guest unit, inclusive of units occupied by resident employees.

7. All of other requirements not modified herein shall apply to all conditional uses.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Principal building.

a.	Minimum lot area:	40,000 sf
b.	Minimum lot frontage:	200 feet
c.	Minimum lot width:	200 feet
d.	Minimum lot depth:	175 feet
e.	Minimum front yard:	25 feet
f.	Minimum side yard:	25 feet
g.	Minimum rear yard:	60 feet
h.	Maximum floor area ratio.	
i.	For lots less than 5 acres:	.25
ii.	For lots 5 acres or larger:	.30
i.	Maximum impervious surface ratio:	
i.	For lots less than 5 acres:	.70
ii.	For lots 5 acres or larger:	.75
j.	Maximum building height:	35 feet

2. Accessory building. [Ord. 1585-99, 9/7/99]

a.	No accessory building shall be permitted in the front yard.	
b.	Minimum distance to side line:	20 feet
c.	Minimum distance to rear line:	20 feet
d.	Minimum distance to other building, separation area not used for parking or vehicular circulation: [Ord. 1585-99, 9/7/1999]	25 feet
e.	Minimum distance to other building, separation area used for parking or vehicular circulation:	50 feet
f.	Maximum height:	20 feet

F. Additional Regulations. The following additional regulations shall apply to the HC district:

1. No pad site shall be built and occupied in advance of the construction and occupancy of the larger retail building to which it is related.

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2. All buildings shall be separated by a minimum of 25 feet provided such separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of 50 feet when any part of such separation is to be used for parking or vehicular circulation. However, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings.

3. Any principal building may contain no more than five establishments unless it is a shopping center, provided that the total building coverage of the combined activities does not exceed the maximum floor area ratio specified for the district and, further, that each activity occupies a minimum gross floor area of 750 square feet.

4. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. The area of any outdoor sales or storage except for motor vehicle display shall be enclosed entirely by fences, walls, landscaping material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any street, residential zoning district or parking area.

5. All buildings 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. See also §521.

6. Where appropriate, agreements providing for cross access for pedestrians and vehicles between adjacent lots or tracts shall be provided to reduce the amount of traffic on adjacent roads.

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§ 421 Regional Commercial (RC) District.

A. Purpose. The Regional Commercial (RC) zone is intended for concentrated large scale retail uses that attract a regional population, is a shopping destination rather than a way stop to another destination, planned and executed as unified development, in a location with excellent transportation facilities suitable for more intensive uses. [Ord. 1941-07, 9/4/07]

B. Permitted Uses. In the RC district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following [Ord. 1941-07, 9/4/07] :

1. Regional shopping mall
2. Retail sales of goods and services.
3. Restaurants, with the exception of restaurants with drive-through facilities.
4. Bars and taverns.
5. Department stores.
6. Banks, including drive-in facilities, financial institutions.
7. Offices, including professional and general business uses.
8. Theaters and entertainment.
9. Indoor recreational facilities, health clubs, spas.
10. Automobile accessories, automobile service center
11. Governmental use.

C. Accessory Uses Permitted. Any of the following accessory uses may be permitted when used in conjunction with any principal use [Ord. 1941-07, 9/4/07]:

1. Off-street and structured parking.
2. Fences and walls.
3. Signs.
4. Maintenance office and garage.
5. Satellite dish and television antennae, other communication devices.
6. Security offices and structures.
7. Accessory uses customarily incidental to a principal use.

D. Conditional Use Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705 [Ord. 1941-07, 9/4/07]:

1. Hotels conforming to the following conditions:
   a. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
   b. There shall be a residency limitation on all guests of 30 days maximum. The residency limitation shall not apply to an employee living on the

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premises.

c. Restaurants and nightclubs shall be permitted as an accessory use within the hotel.

d. Barber shops and hair salons, gift shops, newspaper stands, smoking shops, spa, health club and similar uses shall be permitted as accessory uses.

2. Extended Stay Lodging Facilities conforming to the following conditions: [Ord. 1567-99, 3/2/1999] [Ord. 1941-07, 9/4/07]

a. Accessory uses shall be permitted as follows:

(1) Exercise facilities, spa, and health club.

(2) Business services, such as access to fax, copier, personalized voice mail, meeting rooms and computers and Internet access, etc.

(3) Limited recreation facilities, such as a swimming pool, jogging trails and child play areas.

b. Each unit of accommodation shall contain a minimum floor area of 325 square feet. Ceilings shall be a minimum of 8 feet in height.

c. All access to individual units shall be from interior hallways.

d. Off street parking shall be provided based on a minimum of 1 parking space for each guest unit, inclusive of units occupied by resident employees.

E. General District Regulations. The following general district requirements shall apply [Ord. 1941-07, 9/4/07]:

1.	Minimum tract requirements:	40 acres
2.	Minimum tract frontage:	600 feet on U.S. Route 1
3.	Minimum tract width:	1,000 feet
4.	Minimum tract depth	1,000 feet
5.	Minimum building setback from tract perimeter:	75 feet for regional shopping mall structure, including any multi-level parking structure; 25 feet for single story, free-standing buildings.
6.	Maximum floor area ratio:	.50
7.	Maximum impervious surface ratio:	.85

F. Area, Yard, and Height. Except as otherwise modified, the following bulk standards shall apply to all lots [Ord. 1941-07, 9/4/07]:

1. Principal building.

a.	Minimum lot area:	10 acres
b.	Minimum lot width:	400 feet

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c. Minimum lot depth: 400 feet

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d.	Maximum building height:	60 feet or 4 stories, whichever is less

2. Accessory building.

a.	Minimum distance to other building:	25 feet except for structured parking facilities where no setback is required.
b.	Maximum height:	30 feet, except for structured parking facilities where no setback is required.
c.	Minimum Setback from a streetline:	50 feet from a public street; 15 feet from a private street

3. Surface parking area setback.

a.	From a street line:	50 feet from a public street (also subject to-G7 below); 10 feet from a private street where no sidewalk is specified; 15 feet from a private street where a sidewalk is specified
b.	From a building:	25 feet from a regional shopping mall; 15 feet from a free-standing building

G. Additional Regulations. The following additional regulations shall apply to the RC district: [Ord. 1941-07, 9/4/07]

1. All buildings shall be separated by a minimum of 25 feet when such separation is to be used solely for pedestrian circulation. All principal buildings shall be separated by a minimum of 50 feet when any part of such separation is to be used for parking or vehicular circulation. However, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings.

2. No merchandise, products, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board. The area of any outdoor sales or storage shall be enclosed entirely by fences, walls, plant material or a combination thereof in order to provide a visual barrier between the storage areas and any street, residential use or parking area.

3. All buildings 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.

4. Where appropriate, agreements providing cross access for pedestrians and vehicles between adjacent lots or tracts shall be provided to reduce the amount of traffic on adjacent roads.

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5. More than one principal structure or use on a lot shall be permitted in a regional shopping mall development subject to an approved site plan. Parking structures and storm water management facilities need not be located on the same lot as a principal structure or use.

6. Lots within a regional shopping mall development may be further subdivided without limitation arising from lot size, maximum floor area ratio or maximum impervious coverage, building front, side and rear yard setback, building separation distances or other similar requirements, provided that:

   a. Reciprocal cross lot agreements and necessary easements are provided to assure adequate parking, access, drainage and utility services and the like;

   b. The site plan containing the building configuration subject to a subdivision has been approved by the Planning Board as part of an overall site plan for the tract.

7. Access ways services parking areas or parking structures may be located in required building or parking setback areas abutting public streets provided that a minimum planting strip of 25 feet in width is maintained except for necessary crossings.

8. In a regional shopping mall development, walls of elevators and stair enclosures may be designed as an architectural extension of a structure's façade. Such penetrations of the building's parapet line for stair and elevator penthouses, skylights and atriums including rooftop structures for mechanical equipment may exceed the maximum building height set forth in this Section by not more than 15 feet for both principal and accessory structures.

9. For lots of less than 10 acres in size and not part of a regional shopping mall the Highway Commercial (HC) zoning district bulk standards shall apply. Lots in the HC zone which are used exclusively to provide access to a regional shopping mall shall have their permitted FAR and MIS under the HC standards added to those of the regional shopping mall and its property.

10. In the event of a proposed redevelopment and/or expansion of a Regional Shopping Mall by 100,000 sf or more of GLA the applicant shall cooperate with the NJ Department of Transportation and NJ Transit in accommodating the State's plan for a Bus Rapid Transit (hereinafter "BRT") system to serve the U.S. Route One corridor in Mercer and Middlesex Counties. If required in order to conform to the BRT plans, in conjunction with any site plan application for such redevelopment or expansion the developer shall make reasonable adjustments in its site plan to provide for BRT travel lane(s) (either exclusively or shared with mall traffic), to provide for a bus shelter along the BRT route and a covered pedestrian walkway from the shelter location to the mall entrance, to provide for a BRT connection from the regional shopping mall property in Lawrence Township to the vacant property across Quakerbridge Road to the north in West Windsor Township and to provide for other reasonable related plan adjustments and/or improvements in order to facilitate the eventual operation of the BRT. The authority to allocate the cost of constructing the improvements related to the BRT is not within Lawrence Township's jurisdiction; however, in conjunction with any site plan application of the magnitude contemplated under this section the Township shall require that the

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site plan for the regional mall be reasonably consistent with the BRT plans as envisioned by the State agencies cited above.

11. In the event of a proposed redevelopment and/or expansion of a Regional Shopping Mall by 100,000 square feet or more of GLA the Applicant shall, as a condition of Preliminary and Final Site Plan approval, be obligated to construct the portion of the greenway as depicted on the Conservation Plan Element Map of the Master Plan which is located on site. In this context "on-site" refers to all of the property under affiliated ownership with that of the Regional Shopping Mall and which is utilized for the benefit of the Mall, including lots in the HC zoning district and specifically providing for a grade-separated east-west connection across Route One at the mall overpass or other approved location. Design and construction of the greenway shall be consistent with §529.F.

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§ 422 Mixed Use 2 (MX-2) District.

[Ord. 2174-14, 3/18/14]

A. Purpose. The Mixed Use 2 (MX-2) district is intended for low intensity uses in areas characterized by environmentally sensitive lands. The district is intended to provide locations for offices, limited residential, limited specialty medical office uses, light industrial, recreational, open space, landscape nursery and contracting uses.

B. Permitted Uses. In the MX-2 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Offices and medical offices.
2. Research and development offices.
3. Laboratories.
4. Light manufacturing.
5. Wholesale distribution and warehouses.
6. Agriculture.
7. Garden centers.
8. Animal hospital and veterinarian clinic.
9. Animal kennel, provided that any such use is located a minimum of 200 feet from a residential use.
10. Outdoor commercial recreation, including, but not limited to, golf driving range, canoe and bicycle rental, batting cages, and miniature golf, but not to include amusement and go-cart rides, water parks, and arcade games or similar theme park uses.
11. Detached single-family dwellings.
12. House of worship.
13. Long term care facility; hospice.
14. Governmental use.
15. General and landscape contractors; design-build establishments.

C. Accessory Uses Permitted. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Garages, storage buildings and tool sheds.
5. Restaurant or employee cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the

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employees of the principal use designated on the site plan as approved by the Board.

6. Rectory, parish house, priest house or similar house for a religious leader(s) in conjunction with a house of worship.

7. Satellite dish and television antennae.

8. Accessory uses for residential uses shall be as permitted by §401.C. only.

9. Accessory uses customarily incidental to a principal use.

D. Conditional Uses Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Public self-storage facility limited to a maximum FAR of .20 conforming to the following conditions:

a. No storage of hazardous or combustible materials shall be permitted.

b. No sale of material shall be permitted from the premises, except for the purpose of satisfying unpaid rent pursuant to law.

c. No animals or livestock shall be permitted on the premises.

d. No outside storage shall be permitted except that boats and recreational vehicles may be stored in the rear yard provided that they are properly screened from the traveling public in accordance with §525.H.

e. Buildings shall be separated by a minimum of 30 feet except where the buildings' long axes parallel each other, in which case the minimum separation shall be 25 feet.

f. Every self-storage facility shall be fully enclosed with fencing or walls, or a combination thereof a minimum of six feet in height. Fencing and walls facing a public right-of-way shall be decorative, including but not limited to, wrought and cast iron, painted aluminum picket, split face and polished concrete masonry units, and brick acceptable to the Board of Jurisdiction. Any other enclosing material may be used in other locations, except that any chain link or similar wire fencing shall be coated with vinyl or other suitable material in a subdued color.

g. The facility shall be landscaped in accordance with §525.

h. A single residential unit for the use of a caretaker and immediate family shall be permitted.

i. Each gate controlling entry to the self-storage facility shall have a minimum of two vehicle stacking spaces in front of the gate without blocking access to drive aisles, parking aisles or parking spaces.

j. Any other provisions not herein modified shall apply.

2. Behavioral health care facility and residential medical detoxification center, conforming to the following conditions:

a. Such use shall be located east of Rt. 1 and south or west of I-295.

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b. The minimum lot area shall be 3 acres.

c. The maximum number of patients served at the location of the facility shall not exceed 50 persons.

d. The use shall not be combined with a single family detached, manufacturing or industrial use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Behavioral health care facility and residential medical detoxification center.

a.	Lot size shall be as indicated in –D.2.b hereinabove.	
b.	Minimum lot frontage:	200 feet
c.	Minimum lot width:	200 feet
d.	Minimum lot depth:	300 feet
e.	Minimum front yard:	50 feet
f.	Minimum side yard:	50 feet
g.	Minimum rear yard:	50 feet
h.	Maximum floor area ratio:	
(1)	Individual principal use in single building	.10
(2)	Combined principal uses in single or separate buildings	.15
i.	Maximum impervious surface ratio:	.30
j.	Maximum height:	35 feet

2. Non-residential uses.

a.	Minimum lot area:	5 acres
b.	Minimum lot frontage:	300 feet
c.	Minimum lot width:	300 feet
d.	Minimum lot depth:	300 feet
e.	Minimum front yard:	125 feet
f.	Minimum side yard:	75 feet
g.	Minimum rear yard:	75 feet
h.	Maximum floor area ratio:	
(1)	Light manufacturing:	.20
(2)	Wholesale distribution and warehouses:	.20
(3)	All other non-residential uses:	.10
i.	Maximum impervious surface ratio:	.30

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j.	Maximum height:		35 feet
k.	Accessory uses.		
	(1)	No accessory building or use shall be located in a front yard.	
	(2)	Minimum side yard:	50 feet
	(3)	Minimum rear yard:	50 feet
	(4)	Minimum distance to other building:	50 feet

3. Residential uses.

a.	Minimum lot area:	3 acres
b.	Minimum lot frontage:	200 feet
c.	Minimum front yard:	50 feet
d.	Minimum side yard:	50 feet
e.	Minimum rear yard:	50 feet
f.	Minimum buildable area:	1 acre
g.	Minimum useable yard area:	20% of each yard
h.	Maximum impervious surface ratio:	.12
i.	Maximum height:	35 feet
j.	Accessory uses.	
	(1) No accessory building or use shall be located in a front yard.	
	(2) Maximum height:	35 feet
	(3) Distance from property line:	A distance > than the structure's height

4. Parking area setback.

a.	From street line:	50 feet
b.	From any other lot line:	25 feet

F. Additional Regulations for Non-residential Uses. The following additional regulations shall apply to a non-residential use in the MX-2 district:

1. No merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside unless specifically approved as part of a site plan submission.

2. All buildings 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.

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§ 423 Limited Industrial (LI) District.

A. Purpose. The Limited Industrial (LI) district is intended for light industrial and related uses including warehouses and wholesale distribution centers. Incentives for the development of industrial parks are provided.

B. Permitted Uses. In the LI district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Office.
2. Light industrial uses.
3. Wholesale distribution center and warehouses.
4. Industrial parks on tracts of land at least twenty-five (25) acres in area.
5. Research and engineering offices and labs.
6. Governmental use.

C. Accessory Uses Permitted. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

1. Incidental sale of goods manufactured or assembled on the premises provided such selling area shall not exceed 5% of the total floor area of the building.
2. Off-street parking.
3. Fences and walls.
4. Signs.
5. Garages, storage buildings and tool sheds.
6. Restaurant or employee cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees of the principal use designated on the site plan as approved by the Board.
7. Satellite dish and television antennae.
8. Walk-up automatic banking tellers.
9. Accessory uses customarily incidental to a principal use.

D. General District Regulations. In the LI district, the following general regulations shall apply:

1. Perimeter setback. No building shall be located closer than 50 feet to the perimeter of the tract. No parking area shall be located closer than 35 feet to any lot line.
2. Exterior storage. No merchandise, products, waste, equipment or similar material or objects shall be displayed, sold or stored outside.
3. Structured parking. Parking provided under buildings or in structured (deck) parking is encouraged. For every 20 spaces provided of such parking, the floor area ratio may be increased by .01, not to exceed a total of .30.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following

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bulk standards shall apply to all lots:

1. Individual Principal Use.

a.	Minimum lot area:	5 acres
b.	Minimum lot frontage:	400 feet
c.	Minimum lot width	400 feet
d.	Minimum lot depth:	400 feet
e.	Minimum front yard:	125 feet
f.	Minimum side yard:	75 feet
g.	Minimum rear yard:	75 feet
h.	Maximum building height:	38 feet or 3 stories, whichever is less
i.	Maximum impervious surface ratio:	.75
j.	Maximum floor area ratio:	.20 unless otherwise modified

2. Industrial Park Use.

a.	Minimum lot area:	3 acres
b.	Minimum lot frontage:	300 feet
c.	Minimum lot width	300 feet
d.	Minimum lot depth:	300 feet
e.	Minimum front yard:	100 feet
f.	Minimum side yard:	50 feet
g.	Minimum rear yard:	50 feet
h.	Maximum building height:	50 feet or 4 stories, whichever is less
i.	Maximum impervious surface ratio:	.75
j.	Maximum floor area ratio:	.25 unless otherwise modified

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:	35 feet
c.	Minimum rear yard:	35 feet
d.	Minimum distance to other building:	50 feet
e.	Maximum height:	Half the height of the principal use to which it relates

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§ 424 Open Space (OS) District.

A. Purpose. The Open Space zone is established to delineate 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. 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.

C. Accessory Uses Permitted. The following accessory uses shall be permitted in conjunction with a principal use:

1. Public recreation facility.
2. Environmental center.
3. Historical interpretation center.
4. Farmstead.
5. 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. Farmstead.

a.	Minimum lot area:	4 acres
b.	Minimum lot frontage:	200 feet
c.	Minimum front yard:	100 feet
d.	Minimum side yard:	50 feet
e.	Minimum rear yard:	50 feet
f.	Minimum buildable area:	1 acre
g.	Minimum useable yard area:	20% of each yard
h.	Maximum impervious surface ratio:	.10

2. Agricultural uses:

a.	Minimum lot size:	5 acres
b.	Maximum impervious surface ratio:	.05

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3. Other uses.

a.	Minimum front yard:	75 feet
b.	Minimum side yard:	35feet
c.	Minimum rear yard:	50 feet
d.	Maximum impervious surface ratio:	.15
e.	Maximum height:	50 feet

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§ 425 Education, Government & Institutions (EGI) District.

A. Purpose. The Education, Government and Institutions (EGI) district is intended for governmental, educational, charitable, health care and religious uses presently existing within the municipality. Buildings within the EGI district are often in a complex or campus form integrating residential, office, recreational, health care, houses of worship, and other ancillary uses with its primary function.

B. Permitted Uses. In the Education, Government and Institutions zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Public or private day or boarding school.
2. Institution of higher learning.
3. House of worship. [Ord.1934-07]
4. Municipal use.
5. Health care uses, including, but not limited to, rehabilitation hospital, outpatient facilities, ancillary hospital functions, residential health care facilities, long term care, and assisted living facilities on tracts of at least 25 acres, but not to include a regional hospital facility.
6. Convent, monastery, or abbey.
7. Seminary.
8. Charitable institution.
9. Administrative offices for the use of the institution or governmental agency.
10. Theater for performing arts.
11. Museum.
12. Library.

C. Accessory Uses Permitted. The following accessory uses shall be permitted in conjunction with a principal use:

1. Book, clothing and retail sales related to the institution.
2. Maintenance facilities, including garages and storage yards.
3. Gymnasiums, natatoriums and field houses; athletic fields.
4. Power supply for sole use by the facility and in an enclosed building.
5. Off-street parking.
6. Fences and walls.
7. Signs.
8. Restaurant or 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 as designated on the site plan and as approved by

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the Board.

9. Satellite dish and television antennae.

10. Single-family detached, semi-detached dwelling and townhouses for faculty and administrative housing only, conforming to the requirements of the PVD-1 district, §412.E.

11. Congregate housing for religious orders.

12. Accessory uses customarily incidental to a principal use

D. Conditional Use Permitted. The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:

1. Medical offices pursuant to the bulk regulations of the Professional Office district and the following conditions:

   a. The offices are located on the tract of the primary health care use.

   b. The offices are used primarily by medical practitioners associated with the primary health care facility.

   c. The total gross floor area ratio of the office use(s) shall not exceed .03 but shall be in addition to any other floor area permitted.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1.	Minimum lot size:	5 acres
2.	Minimum lot frontage:	300 feet
3.	Minimum lot width:	300 feet
4.	Minimum lot depth:	600 feet
5.	Minimum front, side and rear yards:	100 feet
6.	Minimum setback for accessory uses:	75 feet
7.	Maximum impervious surface ratio:	.60
8.	Maximum floor area ratio:	.20 except as may modified by §425.D
9.	Maximum height.	
	a. Buildings within 500 feet of tract perimeter:	50 feet
	b. Buildings in excess of 500 feet from tract perimeter:	80 feet
	c. Accessory Use	30 feet

10. Administrative and faculty housing shall not exceed .25 dwelling unit per gross acre for the overall tract. Congregate housing for religious orders shall not exceed .50 dwelling units per gross acre for the overall site.

11. 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,

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whether contiguous or separated by land provided that: [Ord. 1781-04, 3/2/2004]

a. The land is not a public street

b. The width of the land is not greater than 50 feet, and

c. The lots are connected by an access (either by easement or prescription).

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§ 426 Flood Plain (FP) Overlay District.

A. Statutory Authorization. This section is intended to ensure compliance with *N.J.S.A.* 58:16A-50 et seq., the Flood Hazard Area Control Act. [Ord. 1888-06, 2/7/2006]

B. Purpose. It is the purpose of the Flood Plain (FP) district to promote the public health, safety and general welfare, and in particular to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the reuse and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To insure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
9. To ensure design in these areas address water quality, flooding and groundwater recharge and shall incorporate the use of non-structural stormwater management strategies to the maximum extent practical. [Ord. 1888-06, 2/7/2006]

C. Lands to Which this Applies. The FP district shall be an overlay district over all zones within the municipality as delineated in subsection -D and shall consist of all areas of the municipality within the Flood Hazard Area (see exhibit, §201).

D. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Township of Lawrence", dated September 4, 1987, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps and any revision thereto is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Department of Engineering, Lawrence Township Municipal Building, 2207 Lawrence Road, Lawrenceville, NJ 08648.

E. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violations of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 dollars or imprisoned for not more than 90 days, or

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both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Lawrence from taking such other lawful action as is necessary to prevent or remedy any violation.

F. Interpretation. In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements.

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under State statutes.

G. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Township of Lawrence, any officer or employee thereof of the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

H. Administration.

1. Requirement to obtain zoning permit. A zoning permit shall be obtained before construction development begins within any area of special flood hazard established in §426.C. Application for a zoning permit shall be made on forms furnished by the Zoning Officer and may include, but not to be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structure, fill, storage of materials, drainage facilities; and the location of the foregoing.

   Specifically, the following information is required:

   a. Elevation in relation to mean sea level, of the lowest flood (including basement) of all structures.

   b. Elevation in relation to mean sea level to which any structure has been flood proofed;

   c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria of the Uniform Construction Code; and

   d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Designation of the Municipal Engineer as local administrator. The Municipal Engineer shall coordinate the local review process with state agencies having jurisdiction over encroachment in a special flood hazard area and shall so determine local compliance with the provisions of this section.

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§ 427 Residential Cluster Optional Development.

Residential cluster optional development, when permitted by the applicable zoning district, shall conform to the following provisions:

A. Permitted Uses. Single family detached, semi-detached, or townhouse dwellings shall be permitted.

B. Open Space. Open space, recreation, land or land for conservation purposes (not including land for stormwater management) shall be a minimum of one acre in area and shall front on a publicly dedicated street or publicly accessible private street. Land intended for agricultural use shall be a minimum of 5 acres.

C. Minimum Required Open Space. No residential cluster development shall include less than 40% of the total tract area for common open space. Common open space shall be set aside for conservation, passive recreation and active recreation. Such land shall be optimally related to the overall plan and design of the development and improved to best suit the purpose(s) for which it is intended. For the purposes of this section, land utilized for street rights-of-way shall not be considered common open space.

D. Use of Open Space Land. Land to be devoted to public purposes may be offered to and may be accepted by the Township, a non-profit land trust, or may be owned and maintained by an open space organization. Any lands intended to be offered to the Township or non-profit land trust for public purposes shall be so declared prior to preliminary approval. All lands not offered to and/or not accepted by the municipality or non-profit land trust shall be owned and maintained by an open space organization pursuant to *N.J.S.A.* 40:55D-43.

E. Lands for Public Dedication. Any lands offered to the Township for public dedication shall meet the following requirements:

1. Lands offered for recreational purposes shall be improved in accordance with a plan proposed by the developer and accepted by the approving authority after consultation with the Planning Board, Township Council and Department of Recreation. Such improvements shall include, but not be limited to, recreational equipment, walkways and landscaping.

2. Any land offered to the municipality shall be subject to review by both the Planning Board and the governing body. The Planning Board shall review and evaluate the suitability of such land considering the recommendations of the municipal master plan, the ability to assemble and relate such lands to an overall plan and the accessibility and potential utility of such land. The Planning Board shall forward its recommendations to the governing body specifying whether, in its opinion, the land offered to the municipality shall be accepted by the municipality or, instead, be governed by an open space organization as specified herein below. The governing body shall review the recommendations of the Planning Board and shall render a decision within 30 days of receipt.

3. Every parcel of land offered to and accepted by the municipality shall be conveyed to the municipality by deed prior to the release of any performance guarantee for the municipality. The deed shall contain such restrictions as may reasonably be required by the approving authority to effectuate the provisions of this section.

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4. In addition to the requirements of *N.J.S.A.* 40:55D-43, all open space organizations shall conform to the provisions of §529H.

F. Public or Community Utility Systems Required. Residential cluster developments shall be required to be connected to public sewer and water or community well and septic. Individual lot septic system and well shall not be permitted.

G. Planned Development. Any approval of an application for a residential cluster development shall include findings of fact pursuant to §703.C.

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§ 428 Additional Requirements for Residential Uses.

A. Accessory Apartments. Accessory apartments shall be subject to the following regulations:

1. There shall be no more than one accessory apartment per lot and per primary residence.
2. Accessory apartments shall be permitted only on those lots and in those primary dwellings which have no rental space.
3. Each accessory apartment shall be used only for residential purposes for one household.
4. The owner of the lot must reside in the primary residence.
5. An accessory apartment shall not contain an external entrance which faces the same street which the external entrance to the primary residence faces, except that this restriction shall not apply to residences with two or more such external entrances in existence on December 1, 1982; and,
6. Each accessory apartment shall be provided with one on-site parking space for sole use by its occupants(s).
7. Creation of an accessory apartment unit is authorized by this section only if:
   a. The owner of the residential structure within which it is created is, or is to be, an occupant of that residential structure or of the accessory housing unit; and
   b. Each occupant of the accessory housing unit or of the residential structure if the owner is to occupy the accessory housing unit is a member of the family of the owner of the residential structure.
   c. An accessory apartment shall contain no more than a bathroom, kitchen and two habitable rooms.

B. Community Shelters [Ord. 1724-02, 12/16/2002] Community Residences and Other Entities Set Forth in *N.J.S.A.* 40:55D-66.1 and *N.J.S.A.* 40:55D-66.2:

1. 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 disable adults as set forth in *N.J.S.A.* 40:55D-66.1 and *N.J.S.A.* 40:55D-66.2, are permitted uses in all residential districts of the town. The requirements for said uses shall be the same as for single-family dwelling units located within such districts provided that:
2. The facility is duly licensed.
3. No more than 15 persons, excluding resident staff, shall occupy the premises.
4. All other applicable regulations of this Ordinance shall apply.

C. Decks/Patios. Decks shall not be attached to any floor higher than the first floor of a dwelling. No deck or patio is permitted in the front yard. For single family dwellings, any

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deck or patio shall be at least 15' from any property line or the allowable principal setback, whichever is the lesser. Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks or patios closer than 5 feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and 6 feet tall measured from the deck or patio surface.

D. ECHO Housing. ECHO housing shall comply with the following regulations:

1. The ECHO housing unit must be in conjunction with a primary single family residence existing on the lot.

2. The occupants shall be restricted to one or two persons who are family members of the owner/occupant of the primary dwelling on the lot and at least one shall be either a senior citizen or a disabled person.

3. The ECHO housing unit shall be positioned in such a way as to minimize its visibility from adjacent lots or public rights-of-way. To minimize this visibility, the Administrative Officer may require landscape buffering.

4. The ECHO housing unit shall comply with the required setbacks for an accessory structure.

5. Each ECHO housing unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (*N.J.A.C.* 5.14-1 et seq.) as follows:

   a. Efficiency - 500 sq. ft.

   b. 1 bedroom - 600 sq. ft.

   c. 2 bedroom - 750 sq. ft.

6. No ECHO housing unit shall exceed 900 square feet in area.

7. The exterior of ECHO housing units shall be covered with a material and color that compliments the facade of the primary residence on the property.

8. The unit shall be removed from the premises at the end of the term of occupancy of the approved applicant and the lot restored to its status prior to the installation of the unit.

E. Family Day Care. [Ord. 1585-99, 9/7/1999] Family day care shall be allowed as a home occupation, as regulated in §428.H, in any residential district, provided that no operator shall provide child care for more than 5 children at any one time exclusive of children legally related to the care provider and children being cared for under a cooperative agreement with their parents for which no payment is received. Age-restricted developments may be prohibited against such use through deed restriction. The provision of child care for a number of children in excess of that permitted in this Section shall be considered a Day Care Center, as defined in this Ordinance and regulated accordingly. All other applicable regulations of this Ordinance shall apply.

F. Farm Stands and Consumer Crop Picking Operations. The following requirements shall apply to any farm stand and consumer crop picking (U-Pick) operation:

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1. The farm stand shall be limited to 250 square feet or less in area and 15 feet in height.

2. The farm stand shall be located no closer than 35 feet to the streetline and 100 feet from any other lot line.

3. Safe ingress and egress to the farm stand shall be maintained and adequate sight distance established.

4. Parking shall be limited to a maximum of 5 customer spaces for farm stands and 10 spaces for U-pick operations. Parking areas may be stoned but not paved with any other impermeable surface.

5. The Administrative Officer may require a landscape buffer or fence for adequate visual separation from adjacent dwellings.

6. No more than one farm stand and U-pick operation per farm shall be permitted.

G. Fences and Walls. The following regulations shall apply to fences and walls in residential districts: [Ord. 1585-99, 9/7/1999]

1. Fences and walls may be placed with the outer face located on the property line.

2. All permitted fences shall be situated on a lot in such a manner that the finished side shall face adjacent properties.

3. No fence shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms.

4. On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over four (4) feet in height in front yard areas and six (6) feet in height in side and rear yard areas except:

   a. A dog run or privacy area may have fencing a maximum of 7 feet in height provided such area is located in rear yard areas only and is set back from any lot line at least 15 feet.

   b. A deer protection fence consisting of wooden poles with horizontal stretched wire a maximum height of 8 feet in EP-1 and EP-2 districts shall be permitted.

   c. A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of 15 feet in height; said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in this Article.

   d. Six foot high fences are permitted in the rear yard of a reverse frontage lot and the side yard of a corner lot.

5. A private residential swimming pool area shall be surrounded by a fence at least 4 feet, but no more than 6 feet, in height (see §428.N for additional standards).

6. Buffer areas shall meet the requirements specified in §525.H.

Deviations from this subsection shall be considered as variances from the ordinance

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standards.

H. Home Occupations. Home occupations shall be subject to the following regulations:

1. No home occupation shall employ more than one non-resident.
2. No more than 450 square feet of floor area shall be used in the residence for the home occupation.
3. No display of products shall be visible from the street.
4. The residential character of the lot and building shall not be changed.
5. No sounds emanating from the home occupation use shall be audible outside the residence.
6. No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings.
7. The home occupation shall not reduce the parking or yard requirements of the detached dwelling.
8. Not more than 5 parking spaces per property, including required residential parking, shall be allowed. All parking associated with the home occupation shall be screened from view of any public street behind a combination of hedging, landscaping or fencing.
9. No more than two clients, customers, patients, or patrons shall be permitted at any given time on the premises for business or commercial purposes.

I. Off-Street Parking and Private Garages. Off-street parking and private garages for residential districts shall conform to the following requirements:

1. Garages shall conform to the setback requirements as otherwise established in this Ordinance.
2. No driveway shall be located closer than 5 feet to a side or rear property line.
3. That portion of a driveway from the street to a parking apron located directly in front of the dwelling shall not exceed 20 feet in width.
4. No curb cut to a single family or two-family dwelling shall exceed 22 feet in width. Deviations from subsections -I.2-4 shall be considered as waivers from the ordinance standards.

J. Outdoor Recreational Facilities. Outdoor recreational facilities, excepting private residential swimming pools, shall comply with the following regulations:

1. Such facilities shall be located no closer to a property line than the required setback for accessory uses or structures, unless a larger setback is otherwise required.
2. The lighting of any outdoor recreational use shall be so directed as to avoid the casting of glare across property lines. No lighting of such facilities shall be permitted between the hours of 11:00 pm and 6:00 am.

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K. Parking of Trucks and Buses in Residential Zones. No trucks or buses shall be regularly parked in any residential zone or on a residential property, except that one truck or bus of a rated capacity not exceeding 5 tons (10,000 lb.) gross vehicle weight (manufacturer's rating), owned or used by a person resident on the premises, shall be permitted to be regularly parked or garaged on a residential lot which also contains the primary residence of the owner, or on a residential lot which is contiguous to and also owned by the owner of the primary residence. If not garaged, such truck or bus must be parked on a surface which has been improved for parking. This provision shall not be deemed to limit the number of vehicles used in the operation of a farm, or construction equipment in active use during the time of construction on a lot approved for development. [Ord. 1832-05, 3/22/2005]

L. Recreational Vehicle Storage. The following requirements apply to recreational vehicle storage:

1. Trailers, boats or boat trailers which are twenty-one (21) feet or more in length as measured from outside dimensions, shall be parked or stored inside the confines of a building only.

2. All trailers, boats or boat trailers shall be stored in side or rear yard areas only; no trailer, boat, or boat trailer shall be parked or stored in the front yard area of a lot.

3. Each occupied single-family residential property may have outside parking or storage upon it for two recreational vehicles or trailers, in safe and effective operating condition. All recreational vehicles and trailers shall display thereon a current State license and/or registration. No self-propelled recreational vehicle stored on the property shall exceed 40 feet in length unless within the confines of a building.

4. Any trailer, boat or boat trailer parked in the side or rear yard area of any lot shall meet the applicable zoning district regulations governing setbacks of accessory buildings from property lines and buildings.

5. To obscure from public view to the maximum extent possible, any trailer, boat or boat trailer parked or stored in a side or rear yard area and not in an enclosed building shall be screened by evergreen plantings at least 6 feet in height, spaced 3 feet apart, or as necessary to form a 100% visually impervious buffer after two years.

6. At no time shall any recreational vehicle parked or stored on any lot be used for living, sleeping or housekeeping purposes.

M. Reserved. [Ord. 2072-10, 12/21/10].

N. Residential Swimming Pools and Cabanas. The following requirements apply to private residential swimming pools and pool cabanas: [Ord. 1585-99, 9/7/1999]

1. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residential building. Pools shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces). Pools shall be located in rear or side yard areas only. No swimming pool shall be closer than 15 feet to any lot line measured from the edge of the pool's surface and no pool apron or deck shall be located closer

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than 10 feet to any lot line, except in the R-4 district, R-5 district and AT district (when permitted), in-ground and above-ground swimming pools may be located to within 10 feet of a rear or side property line measured from the edge of the pool's surface. No deck shall be located closer than 10 feet to any lot line. No pool apron shall be located closer than 6 feet to any lot line.

2. A private residential swimming pool area must be surrounded by a suitable fence with a self-latching gate at least 4 feet, but no more than 6 feet, in height. No opening in the fence shall exceed 3 inches in any direction, with the exception of fences with vertical elements only, such as picket fences; and gates. Vertical element fences shall not contain horizontal openings in excess of 2 inches, excepting gates, and the horizontal structural members shall face the pool. All gates shall be constructed of the same material as the fencing.

3. Above ground swimming pools shall be considered to meet the requirements for the enclosure of swimming pools if the following conditions are met:

   a. The sidewall of the pool is no less than 3 feet high along any point of its perimeter.

   b. A fence with no horizontal opening in excess of 5 inches is attached to the sidewall and/or attached deck around the pool such that the combined height of sidewall and fencing is no less than 6 feet.

   c. The steps and ladder to the pool is fenced in accordance with the regulations as otherwise described in this subsection.

4. Cabanas shall not exceed 150 square feet in area and 15 feet in height. Any cabana shall be located no closer than 10 feet to any lot line unless a greater setback for an accessory structure is otherwise required.

5. Pool effluent which is the result of draining, cleaning, filter, flushing or other pool maintenance operation shall not be permitted to flow overland across adjacent property lines and must be discharged to a street or storm sewer inlet.

O. Residential Tool Shed. Private residential tool sheds shall comply with the following regulations:

1. Sheds are permitted in the EP-1, EP-2, R-1, R-2A, R-2B, R-3, R-4, R-5 zones and fee simple lots in the AT, SCR, PVD-1, PVD-2 and MX-1 zones. Permitted shed building coverage:

Lot Size	Shed Building Coverage
22,500 SF or greater	200 SF
9,000 SF to 22,499 SF	120 SF
7,500 SF to 8,999 SF	96 SF
7,499 SF or less	80 SF

2. No shed shall exceed 12 feet in height.

3. No shed shall be located in a front yard.

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4. Sheds may be placed no closer than 5 feet from a side or rear property line. Greater distance may be required in specific zoning districts.

5. No more than one tool shed per lot shall be permitted.

P. Satellite Dish and Television Antennae. Satellite dish and television antennae in single and two-family districts shall conform to the following requirements:

1. To the greatest extent feasible, consistent with the unimpeded reception of broadcasts, antennae are to be located in a rear yard or the rear slope of a roof.

2. An antenna that is in excess of one meter (39.37 inches) but no larger than two meters (78.74 inches) in diameter shall conform to the setback requirements for accessory uses and structures in the zoning district in which it is located.

3. An antenna that is in excess of two meters (78.74 inches) shall conform to the rear yard setback requirements for accessory uses and structures in the zoning district in which it is located.

4. The Administrative Officer shall have the power to waive the enforcement of this subsection upon certification from a qualified installer that conformance with these requirements will materially limit the reception of broadcasts from communications satellites.

Q. Yard and Garage Sales. [Ord. 1585-99, 9/7/1999] Yard and garage sales shall be permitted in any residential district for a period not to exceed three days. Such sales shall not exceed two in any one calendar year. See §428.M.3 for regulations governing signs for yard and garage sales.

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§ 429 Conditional Use Criteria.

This section applies to conditional uses that occur in various zoning districts where the specific criteria are not listed in the individual district. Any requirement in the applicable zoning district that is not modified by the criteria herein shall remain in full force and effect. The following criteria, in conjunction with meeting the general standards in §705, shall be met for the specific conditional uses listed below:

A. Bed and Breakfast Accommodation. Bed and breakfast accommodation shall be permitted only in the EP-1, EP-2, R-2B and NC-1 districts that conform to the conditions herein. The following conditions shall be met for any bed and breakfast accommodation:

1. The use shall be located in the Lawrenceville Historic District.
2. No more than five guest rooms or suites shall be permitted, except the NC-1 district.
3. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty that establishes a right to the use of the off-tract parking is secured.
4. No parking shall be permitted in the front yard.
5. Only guests of the facility and their invitees shall be served food and drink on the premises.
6. No cooking facilities shall be permitted in guest rooms or suites.
7. There shall be a maximum residency limitation on all guests of 30 days.

B. Farm Market. The following conditions shall be met for any farm market:

1. No farm market shall exceed 3,000 square feet in gross floor area.
2. Access to a farm market shall be from a collector or arterial road.
3. No farm market shall exceed one story in height.
4. A farm market shall be set back from the right-of-way line a minimum of 100 feet and 150 feet from a side or rear property line.
5. At least 50% of the number of products sold on an annual basis shall be fresh food or perishables.
6. A farm market shall be designed to be visually integrated with the farmstead and in close proximity thereto.
7. Farm markets shall be permitted to have U-pick operations in accordance with §428.F.
8. Parking lots shall be properly screened and shall be a minimum of 100 feet from abutting properties and public roads.

C. Golf Course. The following conditions shall be met by any golf course:

1. Minimum tract area.

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a. 9-hole golf course: 60 acres

-with driving range: 65 acres

b. 18-hole golf course: 110 acres

-with social and dining amenities: 125 acres

2. The total floor area ratio of buildings on the golf course shall not exceed .02.

3. The golf course shall be designed with due consideration for safety of the public on adjacent lots, adjacent roadways and other golfers.

4. Sufficient horizontal separation shall be maintained between the golf course and accessory structures, buildings and uses and adjacent off-site uses as follows:

a. Minimum separation from any property line, road right-of-way or accessory structures, buildings and uses associated with the golf course (except shelters), unless duly waived by the Board, is as follows:

(1) From golf tee: 75 feet, excepting tees in -4.a(2) below

(2) Golf tees where the centerline of the hole is parallel or less than a 60º angle to a road or tract boundary: 150 feet

(3) From centerline of fairway or green and edge of driving range: 150 feet

b. All accessory structures and buildings associated with the golf course including fencing for a driving range (but not including cart paths, parking, shelters or the course itself), shall be a minimum of 200 feet from any adjacent property line or road right-of-way. Parking lots shall be properly screened and shall be a minimum of 200 feet from surrounding properties and public roads.

D. Houses of Worship. The following conditions shall be met by any house of worship:

1. Any house of worship with a parochial school on the same premises shall meet the conditional use standards for public and private day schools as stated herein.

2. Parking lots shall be properly screened and shall meet the following requirements:

a. No parking lot shall be permitted in a front yard; however this shall not exclude drop off and pick up lanes.

b. Parking lots shall be setback from any side property line 50 feet and any rear property line 35 feet.

3. The principal building shall be set back from any residential property line a minimum of 1½ times the height of the main roof line, or the zoning district requirement, whichever is greater.

4. Accessory residential buildings shall comply with the yard requirements for such uses in the respective zone.

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E. Public and Private Day Schools. The following conditions shall be met by any public or private day school:

1. The minimum lot size shall be 4 acres.
2. The minimum lot frontage shall be 200 feet.
3. No building shall be located within 50 feet of a lot line.
4. No school shall be located on a residential access street.
5. Parking lots shall be properly screened and shall be a minimum of 50 feet from surrounding properties and public roads.

F. Day Care Centers. The following conditions shall be met by any Day Care Center, as defined in this Ordinance: [Ord. 1585-99, 9/7/1999]

1. The minimum lot size shall be 2 acres.
2. The minimum lot frontage shall be 200 feet.
3. No building shall be located within 50 feet of a lot line.
4. No day care center shall have access from a residential access street.
5. Parking lots shall be properly screened and shall be a minimum of 50 feet from surrounding properties and public roads.

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§ 430 Provisions Applying to All Districts.

A. Child Care Centers. Child care centers shall be permitted in any non-residential district. In those districts combining residential and non-residential areas under a unified plan for development, the child care center shall be permitted only in the non-residential area. Any child care center shall be duly licensed pursuant to *N.J.S.A.* 30:5B-1 et seq. A child care center functionally integrated within a non-residential development owned or operated for the benefit of their employees, their tenant's employees, or employees within an office or business park or research and development complex shall not be required to provide additional off-street parking for the use. In the calculation of any floor area ratio applicable to an office or business park or research and development complex, the area occupied by a child care center shall not be included.

B. Christmas Tree Sales. The annual sale of Christmas trees is permitted in any non-residential zone between the Friday after Thanksgiving and December 25, inclusive.

C. Communications Towers. Communication towers, including, but not limited to, broadcast facilities, fleet dispatch, emergency service, aircraft communication, and cellular communications shall be permitted as a conditional use in any non-residential district. For the purposes of this section, the PVD-1, PVD-2, MX-1, NC-1 and NC-2 zones shall not be considered non-residential districts.

1. The following conditions shall be met for any communications tower pursuant to *N.J.S.A.* 40:55D-70,d,3: [Ord. 1585-99, 9/7/1999]

   a. The applicant shall first demonstrate that no other existing tower or structure may be used for the subject application. Such demonstration may include but not be limited to expert reports and responses to bona fide inquiries to existing tower owners concerning the availability of space.

   b. The height of the tower shall be the lowest feasible for the intended purpose.

   c. The tower shall be set back from any property line a minimum of 110% of the tower's height.

   d. Towers shall be of monopole construction if less than 250 feet in height.

   e. Any communications tower shall comply with the promulgated radiation emissions standards of the Federal Communications Commission.

   f. A landscape buffer visually impervious after five years of maturity shall be installed to screen the base of the tower, equipment building and parking.

   g. At least two and no more than five parking spaces for maintenance use shall be provided.

   h. Notwithstanding any other provision to the contrary, no communications tower shall be located in an historic district or on an historic site not in a district.

2. Accessory buildings for equipment not exceeding 2,000 square feet in area shall be permitted.

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3. Any approval shall be so conditioned as to allow additional communications operators to lease space on the subject tower.

4. To the extent feasible, communications towers shall be painted or disguised to minimize contrast with the natural environment.

5. All other applicable regulations of this Ordinance shall apply.

D. Delaware and Raritan Canal State Park. The "Regulations for the Review Zone of the Delaware and Raritan Canal State Park" adopted by the Delaware and Raritan Canal Commission on February 1994, as they may be amended and superseded, are hereby adopted by reference by the Township of Lawrence and the appropriate municipal agency, as the case may be, is hereby empowered to enforce the provisions of said regulations as provided by law.

E. Emergency Housing. Trailers for emergency housing for households displaced by fire, storm, flooding, or other natural disaster may be located on individual lots in zoning districts where single family detached and two-family residential uses are permitted for the period of reconstruction. The installation of such trailers shall conform to the following requirements:

1. The trailer shall be placed on the lot where the residence made uninhabitable by such disaster is located.

2. No more than one unit of emergency housing shall be permitted per lot.

3. All such trailers shall be removed from the reconstruction site upon the issuance of a temporary or permanent certificate of occupancy permitting the occupancy of the permanent residence.

4. No such trailer shall be placed in the front yard setback required for the respective zoning district.

5. Such temporary housing shall not exceed 900 square feet in floor area.

F. Groundwater Remediation. Temporary structures and equipment required for the remediation of groundwater contamination pursuant to *N.J.S.A.* 58-10A-1 et seq. shall be permitted in any district provided that:

1. Existing on-site buildings shall be used to the extent feasible to house equipment and offices;

2. Structures and equipment shall be set back from any property line a minimum of 25 feet.

3. Equipment shall be enclosed by opaque fencing.

4. All temporary structures and equipment shall be removed within 90 days following the expiration of the discharge permit or completion of the remedial action, whichever shall be sooner.

5. Disturbed areas shall be graded and seeded with an appropriate ground cover in accordance with the soil erosion control regulations of the municipality.

6. Groundwater remediation action shall be exempt from site plan review as otherwise required in this Ordinance.

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G. Public Election Voting Places. The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

H. Public and Local Utilities and Cable Television and Interstate Natural Gas Pipeline Facilities. [Ord. 1585-99, 9/7/1999] Distribution facilities for public and local utilities and cable television companies and interstate natural gas pipeline companies shall be permitted in any district, but shall not include utility yards for the storage of vehicles, equipment and supplies, nor for maintaining and extending distribution networks, power generation, or facilities requiring a New Jersey Pollution Discharge Elimination System permit (NJPDES), or regulated by the Federal Energy Regulatory Commission (FERC) and the United States Department of Transportation, provided that:

1. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.

2. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.

3. Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners, the United States Department of Transportation, if any and the National Electrical Code in effect at the time of construction.

4. Landscaping, including shrubs, trees and lawns, shall be provided and maintained as required by §525.

5. Off-street parking shall be provided as determined by the Board of Jurisdiction during site plan review.

6. All of the other area, yard, height and building coverage requirements of the respective zone and any other applicable requirements of this Ordinance shall be met.

I. Sales Offices. Temporary sales offices for the marketing of residential development shall be permitted only upon the lot or tract to which such sales relate. Temporary sales offices shall conform to the following requirements:

1. No such office shall be installed prior to the issuance of stamped final subdivision plats or site plans, as the case may be.

2. Sales offices shall provide for no less than 5 and no more than 10 temporary off-street parking spaces located in a safe and convenient manner.

3. No sales office shall be located within 25 feet of a lot line or streetline. Such offices shall be temporarily landscaped along the foundation of the structure.

4. Sales offices shall be removed from the site under any of the following circumstances:

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a. The issuance of a certificate of occupancy for a model dwelling unit.

b. The sale or lease of 75% of the total number of housing units in the development.

J. Stream Buffers. There shall be no disturbance, including but not limited to, grading and the placement of buildings, within 100 feet of the 100-year flood plain of a stream along all stream corridors or from the upper bank for which a flood plain line has not been established, with the following exceptions:

1. For necessary storm water outfall structures and piping or the installation of plant material.

2. Up to 500 sf. of encroachment per residential lot or tract under single and separate ownership shall be permitted.

3. Riparian zones adjacent to all waters as described below shall be protected from avoidable disturbances: [Ord. 2032-09, 10/6/09]

a. The riparian zone is 300 feet wide along both sides of any Category One water, and all upstream tributaries situated within the same HUC 14 watershed;

b. The riparian zone is 150 feet wide along both sides of the following waters not identified in –a above:

(1) Any trout production water and all upstream waters (including tributaries);

(2) Any trout maintenance water and upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

(3) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and

(4) Any segment of a water flowing through an area that contains acid producing soils.

c. A riparian zone 50 feet wide shall be maintained along both sides of all waters not subject to –a or –b above.

d. The following exceptions apply to riparian zones:

(1) Redevelopment within the limits of existing impervious surfaces; and

(2) New disturbances in the riparian zone necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not

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permit a minimum economically viable use of the property based upon reasonable investment.

(3) Adjustments to the riparian zones established by this subsection are allowed to the extent they comply with the Stormwater Management rules, *N.J.A.C.* 7:13; the Highlands Water Protection and Planning Act Rules, *N.J.A.C.* 7:38; and the Coastal Zone Management rules, *N.J.A.C.* 7:7E.

4. Steep slopes shall be protected from avoidable disturbance. The following exceptions apply to steep slope areas: [Ord. 2032-09, 10/6/09]

a. Redevelopment within the limits of existing impervious surfaces; and

b. New disturbances necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

K. Temporary Construction Trailers. Temporary construction trailers at work sites shall be permitted in all zoning districts for office use and the storage of equipment and supplies during active construction activities. The installation of such trailers shall conform to the following requirements:

1. No trailer shall be installed at a work site prior to the issuance of a construction permit.

2. All such trailers shall be removed from the work site upon the issuance of a temporary or permanent certificate of occupancy to which the use of the trailer relates.

3. No trailer shall remain at a work site where active construction activity has ceased for a period of more than 30 days.

4. No trailer shall be located within 25 feet of a lot line or streetline. Such trailers shall be temporarily screened from public view by a combination of opaque fencing and/or landscaping.

5. No more than 6 temporary construction trailers shall be permitted per work site.

L. Temporary Uses. Application may be made to the Township Council for a permit for a temporary use inconsistent with the provisions of this Article for special events lasting for a period not to exceed two weeks in any one year. Such events may include, but not be limited to, circuses, bazaars, fairs, golf tournaments, and athletic contests. In the granting or denial of such temporary use permit the Township Council may consider the following:

1. The adequacy of provisions for public safety, including, but not limited to, fire prevention, crowd control, and emergency medical services.

2. The adequacy of provisions for vehicular and pedestrian traffic control, including ingress and egress, parking, attendants and temporary traffic signage.

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3. The adequacy of provisions for food handling, solid waste, and sanitary sewerage.

4. The sufficiency of insurance for the event.

5. Any other measures necessary to protect the public health, safety, and welfare.

The Township Council may impose reasonable conditions on the issuance of any temporary use permit including, but not limited to, the posting of adequate surety and the reimbursement of expenses incurred by the municipality.

M. Antennas. Antennas and structures accessory to the antennas are considered to be a permitted use on existing electric or water towers in any zone and on the roof of structures in a non-residential zone. The accessory structure shall conform to the following requirements: [Ord. 1585-99, 9/7/1999]

1. Maximum size of the accessory structure shall be 300 square feet, and the height shall not exceed ten (10) feet.

2. Where the antenna is installed on an existing tower, the accessory structure may not extend more than 15 feet from the tower.

3. Where the antenna is installed on the roof of an existing building, the accessory structure shall meet the setbacks of the zone.

4. Adequate parking shall be available.

5. An eight-foot fence shall surround the accessory structure.

6. A visual screening may be required to buffer the fencing.

7. Adequate site lighting is required.

8. Notwithstanding any other provision to the contrary, no antennas or their accessory structures shall be located in an historic district or on a historic site not in the district.

9. The antennas and accessory structures are considered as a principal use. The parcel may have this use as a second principal use.

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ARTICLE V
PERFORMANCE AND DESIGN STANDARDS
PART I: RESIDENTIAL SITE IMPROVEMENT STANDARDS
(*N.J.A.C.* 5:21-1 et seq.)

§ 500 Relationship of Article V to the Residential Site Improvement Standards.

A. Part I of this Article provides references to the applicable section of the Residential Site Improvement Standards (*N.J.A.C.* 5:21-1 et seq.) for the convenience of the user. Certain parts of the Residential Site Improvement Standards (RSIS) have been reproduced in this Article where their inclusion assists the user in determining the applicability of the RSIS to the remainder of the Lawrence Township Performance and Design Standards.

B. Part II of this Article establishes performance and design standards for residential development that have not been preempted by the RSIS and for non-residential development. The extent of the preemption is noted in §501.A.

C. Construction of all residential improvements not regulated by the Residential Site Improvement Standards shall conform to the technical requirements of the Township of Lawrence Engineering Department Standards, dated January 31, 1996, as it may be amended or superseded, and this Article.

D. In this Article, the word "shall" is understood to be mandatory unless granted an exception by the Board of Jurisdiction pursuant to *N.J.S.A.* 40:55D-51 and the word "should" mean the standard is encouraged but not mandatory.

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§ 501 RSIS General Provisions

A. Scope and Applicability (*N.J.A.C.* 5:21-1.5).

1. The Residential Site Improvement Standards shall govern any site improvements carried out or intended to be carried out or required to be carried out in connection with any application for residential subdivision, site plan approval, or variance before any Planning Board or Zoning Board of Adjustment created pursuant to the Municipal Land Use Law (*N.J.S.A.* 40:55D-1 et seq.); or in connection with any other residential development approval required or issued by any municipality or agency or instrumentality thereof.

2. Except as is otherwise specifically provided, these rules shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, maintenance, and use of any site improvements constructed by a developer in connection with residential development. The rules are to be interpreted as the minimum required to ensure the public health and safety, and the maximum that may be required in connection with residential development.

3. These rules shall apply to all site improvement work and appurtenant construction including streets, roads, parking facilities, sidewalks, drainage structures, grading, and utilities which are undertaken by a developer in connection with residential development or use.

   a. Where both residential and commercial development are planned in a mixed-use development, these rules shall apply to the residential part or parts of such development where such residential part or parts are discrete and separate from planned commercial parts as evidenced by, for example, separate building(s), separate parking, and separate access features.

   b. These rules shall apply to all utilities created by or deriving their authority from municipal ordinance to operate within a given jurisdiction.

   c. Choice among options contained in these rules shall be the applicant's unless otherwise specified in these rules.

4. Nothing contained in these rules shall be construed to limit the powers of any municipality to establish and enforce any requirement concerning:

   a. Layout, arrangement, and location of improvements, shade trees, landscaping, or reservation of areas for public use, pursuant to *N.J.S.A.* 40:55D-38;

   b. Preservation of existing natural resources; arrangement of physical elements for safe and efficient vehicular and pedestrian circulation, by, for example, traffic calming measures as described in "Residential Street Design and Traffic Control", by W. S. Homburger et al. (Institute of Transportation Engineers, 1989), parking, and loading; screening, landscaping, and location of structures; or conservation of energy and use of renewable resources; pursuant to *N.J.S.A.* 40:55D-41; or

   c. Use, bulk, height, number of stories, orientation, and size of buildings and

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other structures; the percentage of lot or development area that may be occupied by structures, lot sizes and dimensions, floor area ratios, or other measures to control development intensity; or the provision of adequate light and air pursuant to *N.J.S.A.*40:55-65.

5. The provisions of these rules shall not preempt or in any way affect the exercise of any authority by the State or any county government with respect to site improvements conferred by any State law or any regulation promulgated there under. Nor shall these rules be in any way interpreted to modify or otherwise affect rules promulgated pursuant to the Pinelands Commission Act, *N.J.S.A.* 13:18A-1 et seq. (*N.J.A.C.* 7:50). It is the intent of these rules to be consistent with all other applicable laws, rules and regulations. Where these rules and any other State or county laws, rules or regulations establish differing requirements, then the requirements of these rules shall govern, except where any such differing requirement is more restrictive.

6. These rules shall not apply to driveways on private property held in fee-simple as individual residential lots outside of the public right-of-way, including common driveways established by easements shared by more than one dwelling unit on private property.

7. These rules are intended to ensure the public health, safety, and welfare insofar as they are affected by site improvement work, and shall be so construed.

B. Definitions and Abbreviations. See *N.J.A.C.* 5:21-1.4.

C. Administration and Enforcement. See *N.J.A.C.* 5:21-1.7.

D. RSIS Approval. See *N.J.A.C.* 5:21-1.8

E. RSIS Violations. See *N.J.A.C.* 5:21-1.9

F. Operative Date (*N.J.A.C.* 5:21-1.10). The RSIS shall be operative on June 3, 1997. The requirements of any municipal ordinances or rules adopted by any instrumentality deriving authority therefrom in effect on that date which establish rules or requirements for any matter within the scope of the RSIS shall be deemed to have been repealed and of no further force or effect.

1. Any project for which preliminary subdivision or site plan approval has been given prior to June 3, 1997 shall continue to be subject to the municipal development ordinance under which it was approved.

2. Any project for which application is made after June 3, 1997 shall be governed by the RSIS.

3. The RSIS shall not be construed as requiring the revision or amendment of any application for site plan or subdivision approval which is pending on June 3, 1997. Such pending applications may, however, be amended provided that any such amendments shall meet the requirements of the RSIS.

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§ 502 RSIS Application and Review Procedures

A. RSIS Application and Review Procedures. See *N.J.A.C.* 5:21-2.1.

B. RSIS Application Form and Checklist. See *N.J.A.C.* 5:21-2.2.

§ 503 RSIS Exceptions, Waivers, and Special Area Standards

The exception, waiver, and special area standards pursuant to *N.J.A.C.* 5:21-3 are reproduced in §711.

§ 504 RSIS Streets and Parking.

A. Street Hierarchy. See *N.J.A.C.* 5:21-4.1.

B. Cartway Width. Cartway widths for residential streets shall be as required in *N.J.A.C.* 5:21-4.2 and Table 5.1 on the following page.

C. Curbs or Curbs and Gutters. See *N.J.A.C.* 5:21-4.3.

D. Shoulders. See *N.J.A.C.* 5:21-4.4.

E. Sidewalks and Graded Areas. See *N.J.A.C.* 5:21-4.5.

F. Bikeways. See *N.J.A.C.* 5:21-4.6.

G. Utility Areas. See *N.J.A.C.* 5:21-4.7.

H. Right-of-way and Cartway. See *N.J.A.C.* 5:21-4.8.

I. Street Grade and Intersections. See *N.J.A.C.* 5:21-4.9.

J. Pavement. See *N.J.A.C.* 5:21-4.10.

K. Street and Site Lighting. See *N.J.A.C.* 5:21-4.11.

L. Underground Wiring. See *N.J.A.C.* 5:21-4.12.

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Table 5.1 Residential Street Cartway and Right-of-Way Widths.

Street Type [1]	Total Average Daily Traffic	Traveled Way	No. of Parking Lanes[2]	Parking Lane Width	Cartway Width	Curb [3] or Shoulder	Sidewalk or Graded Area [4]	Right-of-Way Width[5]
RESIDENTIAL ACCESS								
Low Intensity	1,500 (loop -750 each half)	20’	1	8’	28’	none	1SW 1GA	50’
Medium Intensity	1,500 (loop -750 each half)	20'	1	8'	28'	curb	2 SW	50’
High Intensity (on-street parking)	1,500 (loop -750 each half)	20'	1	8'	28'	curb	2 SW	50'
High Intensity (off-street parking)	1,500 (loop -750 each half)	20'	0	0'	20'	none	2 SW	50'
NEIGHBORHOOD (all intensities)	1,500	14'	2	16'	30' [6]	curb	2 SW	50'
MINOR COLLECTOR								
Low Intensity [7] (with no parking)	3,500	20'	0	0'	20'	none	1 SW 1 GA	50'
Low Intensity (w/one parking lane)	3,500	20'	1	8'	28'	curb	1 SW 1 GA	50'

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Street Type [1]	Total Average Daily Traffic	Traveled Way	No. of Parking Lanes[2]	Parking Lane Width	Cartway Width	Curb [3] or Shoulder	Sidewalk or Graded Area [4]	Right-of-Way Width[5]
Medium Intensity	3,500	20'	1	8'	28'	curb	2 SW	50'
High Intensity (w/one parking lane)	3,500	20'	1	8'	28'	curb	2 SW	50'
High Intensity (w/ two parking lanes)	3,500	20'	2	16'	36'	curb	2 SW	60'
High Intensity (w/off-street parking)	3,500	22'	0	0'	24'	curb or shoulder	2 SW	50'
MAJOR COLLECTOR								
Low Intensity	7,500	24'	0	0'	24'	none	2 SW	50'
Medium and High Intensity	7,500	24'	0	0'	24'	curb or shoulder	2 SW	50' if curb, 54' if shoulder
SPECIAL PURPOSE STREETS								
Rural Street [8]	500	20'	0	0'	20'	none	2 GA	40'
Rural Lane [8]	200	18'	0	0'	18'	none	2 GA	40'
Alley (one way)	-	-	-	-	9'	-	-	11'
Alley (two way)	-	18'	0	0'	18'	none	2 GA	22'
Cul-de-Sac (stem) [9]	250	-	-	-	-	-	-	-
Marginal Access Street[10]	-	-	-	-	-	-	-	-

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Street Type [1]	Total Average Daily Traffic	Traveled Way	No. of Parking Lanes[2]	Parking Lane Width	Cartway Width	Curb [3] or Shoulder	Sidewalk or Graded Area [4]	Right-of-Way Width[5]
Divided Street[11]	-	-	-	-	-	-	-	-
Parking Loop (one-side parking)	-	24'	1	18'	-	curb	-	42'
Parking Loop (two-side parking)		24'	2	36'	-	curb	-	50'

Notes:

[1] See RSIS Table 4.2 for definitions of street hierarchy and *N.J.A.C.* 5:21-4.2 for definitions of low, medium, and high intensity of development.

[2] Parking lane refers to parallel parking; except in the case of parking loop, which is perpendicular parking.

[3] See *N.J.A.C.* 5:21-4.3(c) for additional requirements.

[4] See *N.J.A.C.* 5:21 - 4.5(b) for additional requirements.

[5] Right-of-way width applies only to streets proposed for dedication.

[6] The 30' cartway would accommodate two 8' parking lanes and one 14' moving lane.

[7] 20' minor collector cartways are permitted only when there is no direct building lot access to or from the street in question.

[8] Rural streets and rural lanes are permitted only within developments which do not exceed an average daily traffic count of 500 and 200 respectively.

[9] Cartway and right-of-way widths of cul-de-sac stems and right-of-way requirements should conform to standards of residential access or residential neighborhood streets. Cul-de-sac turnarounds shall have a minimum cartway radius of 40' and a minimum right-of-way radius of 48'.

[10] Cartway and right-of-way widths of marginal access streets and right-of-way requirements should conform to standards of either residential access or minor collector streets, as dictated by average daily traffic. If the classification is a minor collector requiring a 36' cartway, cartway width may be reduced to 28' since frontage is restricted to one side of the street.

[11] Cartway widths of divided streets should conform to standards of street classification, as dictated by anticipated average daily traffic, and be applied to aggregate dimensions of two street segments.

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M. Street and Traffic Signs. See *N.J.A.C.* 5:21-4.13.

N. Residential Parking: Number of Spaces (*N.J.A.C.* 5:21-4.14). An adequate number of on-street and off-street parking spaces shall be required in all developments to accommodate residents and visitors. For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (*N.J.A.C.* 5:23-7) to be accessible, accessible parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

1. For residential developments, parking shall be provided, as set forth in Table 5.2 below. If applicant does not specify the number of bedrooms per unit, note □3□ for each category in Table 5.2 shall apply for the parking requirement.

2. Alternative parking standards to those shown in Table 5.2 shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

3. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.

Table 5.2 Parking Requirements for Residential Land Uses (1)

Housing Unit Type/size(2)	Parking Requirement
SINGLE-FAMILY DETACHED	
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5 (3)
5 Bedroom	3.0
GARDEN APARTMENT	
1 Bedroom	1.8
2 Bedroom	2.0 (3)
3 Bedroom	2.1
TOWNHOUSE	
1 Bedroom	1.8
2 Bedroom	2.3 (3)
3 Bedroom	2.4

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Housing Unit Type/size[2]	**Parking Requirement**
HIGH RISE 1 Bedroom 2 Bedroom 3 Bedroom	 0.8 1.3 [3] 1.9
MOBILE HOME 1 Bedroom 2 Bedroom	 1.8 2.0 [3]
RETIREMENT COMMUNITY	Values shall be commensurate with the most appropriate housing unit type and size noted above that the retirement community resembles.
RECREATIONAL HOMES (owner occupied)	Values shall be commensurate with the most appropriate housing unit type and size noted above that the recreational homes (owner occupied) resembles.
MID-RISE APARTMENT	"GARDEN APARTMENT" values shall apply.

Notes:

(1) When determination of the required number of parking spaces results in a fractional space for the entire development, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(2) Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking.

(3) If applicant does not specify the number of bedrooms per unit, this off-street parking requirement shall apply.

SOURCE: Modified and adapted from U.S. Department of Commerce, Bureau of the Census, Public Use File--New Jersey (cross-tabulation of vehicles by housing unit for units constructed 1975 to 1980).

4. When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted.

5. When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

O. Residential Parking Space Size (*N.J.A.C.* 5:21-4.15). Each off-street parking space shall measure nine (9) feet in width by eighteen (18) feet in length. Parking spaces for people

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with disabilities shall be in accordance with the New Jersey Uniform Construction Code (*N.J.A.C.* 5:23-7) or the Americans with Disabilities Act, as applicable.

P. Parking Areas. See *N.J.A.C.* 5:21-4.16.

Q. Curb Construction Standards. See *N.J.A.C.* 5:21-4.17.

R. Sidewalks and Bikeways Construction Standards. See *N.J.A.C.* 5:21-4.18.

S. Street Grade, Intersections, Pavement, and Lighting Construction Standards. See *N.J.A.C.* 5:21-4.19.

T. Curves. See *N.J.A.C.* 5:21-4.20.

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§ 505 RSIS Water Supply.

A. Water Supply System. See *N.J.A.C.* 5:21-5.1.

B. Capacity. See *N.J.A.C.* 5:21-5.2.

C. System Design and Placement. See *N.J.A.C.* 5:21-5.3.

D. Fire Hydrants. See *N.J.A.C.* 5:21-5.4.

§ 506 RSIS Sanitary Sewers.

A. Sanitary Sewer Systems. See *N.J.A.C.* 5:21-6.1.

B. System Planning, Design and Placement. See *N.J.A.C.* 5:21-6.2.

§ 507 RSIS Stormwater Management.

A. Stormwater Management: General System Strategy. See *N.J.A.C.* 5:21-7.1.

B. Runoff Estimation Techniques. See *N.J.A.C.* 5:21-7.2.

C. Runoff Collection System Design. See *N.J.A.C.* 5:21-7.3.

D. Stormwater Management: System Design. See *N.J.A.C.* 5:21-7.4.

E. Stormwater Management: System Design -- Detention Facilities. See *N.J.A.C.* 5:21-7.5.

F. Stormwater Management: Water Quality. See *N.J.A.C.* 5:21-7.6).

G. Corrugated Metal Pipe Specifications. See *N.J.A.C.* 5:21-7 Appendix.

§ 508 Referenced Standards. See *N.J.A.C.* 5:21-8.1 et seq.

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ARTICLE V
PERFORMANCE AND DESIGN STANDARDS
PART II - LAWRENCE TOWNSHIP STANDARDS

§ 520 Performance Standards for All Uses.

An application for a permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a construction permit may be issued with the condition that no certificate of occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant. A new application and a new certificate of occupancy shall be required in the event of a change of any user of any structure.

A. Electrical and/or Electronic Devices. All electrical or electronic devices shall be subject to the provisions of Public Law 90-602, 90th Congress, HR 10790, dated October, 1968, entitled "An Act for the Protection of Electronic Product Radiation." Radiation products, as defined in DHEW Publication No. (FDA) 76-8003, shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property boundaries. The applicant, upon request, shall certified data wherein measurements made in accordance with the procedure and standards set forth in the DHEW Publication No. (FDA) 75-8003 adequately demonstrate compliance with the minimum standards established by the Act. All other forms of electromagnetic radiation lying between one hundred (100) KHz and ten (10) GHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations. Additionally, electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multi-family dwellings) as the result of the operation of such equipment.

B. Glare. No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining dwelling units, adjoining properties, adjoining dwelling units, adjoining districts or streets.

C. Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which would cause the temperature to rise or fall in any body of water.

D. Noise. Noise levels shall be designed and operated in accordance with local regulations and those rules established by the New Jersey State Department of Environmental Protection as they are adopted and amended.

E. Odor. Odors shall not be discernible at the lot line or beyond.

F. Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance be deposited which can contaminate an underground aquifer or otherwise render such underground aquifer undesirable as a source of water supply or recreation, or which will destroy aquatic life. All materials or wastes which might cause fumes or dust or

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which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors and enclosed in appropriate containers adequate to eliminate such hazards.

G. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines 10 feet or equipped with baffles to deflect the discharged air away from the adjacent use.

H. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate lot.

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§ 521 Commercial and Industrial Buildings Design Standards.

A. Design Goals for All Building Types.

1. Buildings shall be designed and sited so that they provide visual interest and create enjoyable human-scaled spaces.

2. Building design should blend with the natural terrain to minimize grading and create an organic approach to the existing landscape.

3. Designs should be compatible in form and proportion with surrounding and neighborhood buildings in the general vicinity.

4. Building designers should strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.

B. Design Guidelines for All Building Types.

1. Proportion. A development's buildings should be designed so as to relate to the proportions of architectural forms, planes, and details within the existing physical context of the site. Proportions are the ratios established by the length, width, and height and may exist as planar or volumetric measurements. Doors, windows, stairs, porches, pediments, architraves, roof shapes, and entire facades are frequently used as the elements that create proportion.

2. Horizontal building elements. Buildings shall be designed with a base, middle, and top facade.

3. Scale. Designs should incorporate architectural elements that give scale, or a sense of scale to buildings. Scale is the relationship of a person to a building.

4. Entrances. Entrances should clearly identify important access points, provide an introductory architectural statement to the building and be landscaped in a fashion complementary to the architectural elements of the entranceway.

5. Building elevation. All elevations of a building's exterior should be coordinated with regard to color, materials, architectural form and detailing.

6. Facade treatment. The number of different materials on exterior facades should be limited to three types.

7. Color and texture. The color and texture of a building aids in the expression of scale, location of entrances, and provides architectural unity to the building. Offsets in walls and building masses should be used to create visual interest in simple buildings.

C. Roof Design Guidelines.

1. Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.

2. Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.

3. All rooftop mechanical and electrical equipment, including elevator penthouses,

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shall be screened from the view of persons at ground level by a parapet wall, within the roof structure itself, or removal to a screened ground level structure.

4. Buildings under 6,000 gross square feet in footprint should be designed with a pitched roof such as a gable, hip, or gambrel not less than 4 inches in rise for every 12 inches in run unless necessary to meet guidelines established for the Historic District.

D. Building Lighting.

1. Exterior lighting should be architecturally integrated with the building's style, material and color.

2. Lighting focused downward should be used to reinforce pedestrian and vehicular circulation (see also §526). Upward focused lighting should be used to highlight architectural elements of the building facade.

E. Long Term Care Facility, Congregate Care, and Assisted Living Facility. The following additional design standards for long term care, congregate care, and assisted living facility shall apply:

1. Double loaded, rectangular, slab-configured structures are expressly prohibited.

2. The exterior of the building shall be designed to visually break up any facade in excess of 50 lineal feet. A minimum of a 25 foot wide offset or building wing shall be provided in each 200 lineal feet of facade length. The design should distinguish between the base, middle, and top of the building.

3. Where an outdoor living space is required, 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 4 feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.

4. 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.

F. Neighborhood Center Design Standards. The following additional design standards for uses permitted in the NC-1 and NC-2 districts shall apply:

1. Buildings should be two to two-and-a-half stories in height and located within 10 feet of the streetline.

2. Apartment uses above the first floor are encouraged.

3. Sidewalks along public streets should be a minimum of 10 feet wide with at least 6.5 feet free of street furniture, trees, and other pedestrian obstacles. These sidewalks may be a combination of concrete, patterned concrete, brick and concrete pavers. If a pattern is used, the long axis of the pattern should be oriented parallel to main pedestrian travel.

4. Pedestrian pathways shall be established from any rear parking lot to the street

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sidewalk system in the front and side(s) of a building (if applicable) and shall be a minimum of 6 feet wide.

5. First and second or higher floors should be separated by means of belt or string courses, pent roofs, awnings, porte-chocéres or similar architectural elements; however, mansard roofs shall not be permitted.

6. Retail stores oriented towards a street or a pedestrian walkway connecting to other adjacent lots shall have a minimum of 50% of the first floor building facade consist of glass display windows. No more than 6 lineal feet out of each 25 feet shall be permitted to be blank wall.

7. Exterior building materials should primarily be brick, wood siding, wood shingle, or stucco.

8. The primary entrance to a building should be accessed directly from a public street with secondary access oriented towards parking lots.

9. Entrances to apartments on upper floors should be oriented towards associated parking.

10. Locations for the parking of bicycles shall be provided.

G. Professional Office District Design Standards. The following additional design standards for professional offices shall apply:

1. Parking lots shall be oriented to the side and rear of the building line established by the front wall of the building.

2. Dormers should be used to visually break up large roof masses.

3. Windows should be double hung sash types with the glass area divided by horizontal and vertical muntins.

4. Exterior materials should be brick, stone, horizontal siding or wood shingle, or a combination of such materials.

H. Retail Design Standards. The following additional design standards for retail uses shall apply:

1. Retail stores oriented towards a street shall have a minimum of 50% of the first floor building facade consist of glass display windows.

2. Building entrances should be oriented towards the street.

3. Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.

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I. Industrial and Warehousing Use Design Standards. The following additional design standards for industrial uses shall apply:

1. Variation in the apparent height of the building shall be used to articulate its mass either through actual changes in roof height or through the use of varying parapet walls.

2. Vertical offsets at least two feet in depth shall be introduced for each 100 feet of building length.

3. The exterior facade should be designed with one dominant material. This material should be varied through the use of vertical and horizontal elements that create texture changes along building facades.

4. The front and two side elevations shall be constructed of brick, architectural concrete masonry units (i.e., split face block) or architectural precast concrete a minimum of 50% of the facade. Metal siding or panels shall be limited to no more than 50% of the facade. Where glass is used or required, the percentage of masonry or metal shall be correspondingly reduced. Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.

5. At least 20% of the front elevation of the building shall consist of glass window.

J. New and Used Automobile Sales Buildings. The following additional design standards for new and used automobile sales buildings shall apply: [Ord. 2166-13, 12/3/13]

1. The showroom should be the most prominent architectural feature of the building and should have a two story volume.

2. The total front façade of the building facing the highest order street, excepting a limited access highway, shall consist of at least 30% clear glass, and any portion distinguishable from other portions of the building as the facility's showroom shall be at least 50% clear glass.

3. The remaining façade materials should be stone, brick, metal panel or tinted glass, except those areas not visible from a public street may be architectural concrete masonry units.

4. Service bays should be oriented to the sides or rear of a building.

5. Exterior display of vehicles, when permitted, shall be located at ground level and demarcated with textured paving materials to distinguish the area from customer parking.

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§ 522 Drainage and Storm Water Management.

[Ord. 1873-06, 2/7/2006]

A. Purpose. It is hereby determined that the lands and waterways within the municipality are at times subjected to flooding; that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the municipality, the county and the State; that development tends to accentuate such flooding by increasing storm water runoff due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition; that such increased flooding produced by the development of real property contributes increased quantities of waterborne pollutants and tends to increase channel erosion; that such increased flooding, increased erosion, and increased pollution constitutes deterioration of the water resources of the municipality, the county and the State; and that such increased flooding, increased erosion and increased pollution can be controlled by the regulation of storm water runoff from such development. It is therefore determined that it is in the public interest to regulate the development of real property and to establish standards to regulate the discharge of storm water runoff from such developments as provided in this Ordinance.

B. Storm Water Management Goals. Storm water management plans submitted pursuant to Article VIII shall demonstrate careful consideration of the general and specific concerns, values and standards of the municipal master plan and applicable county and State storm drainage control programs, and any county mosquito commission control standards, and shall be based on environmentally sound site planning, engineering and landscape architectural techniques. The design of all stormwater management facilities shall address water quality, flooding and groundwater recharge and shall incorporate the use of non-structural stormwater management strategies to the maximum extent practical. Land subject to periodic or occasional flooding (flood plain hazard areas) shall not be developed in such a way to endanger life or property or aggravate the potential for flooding. Such land shall be reserved for open space or other similar uses. (See also §426.)

C. Best Available Technology (BAT) Required. Development shall use the best available technology to minimize off-site storm water runoff, increase on-site infiltration, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water and encourage natural filtration functions. Best available technology may include measures such as extended detention basins, infiltration basins, contour terraces and swales.

D. Lot Grading. Lots shall be graded to secure proper drainage away from buildings and into streets. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow, and water shall not flow across adjacent property lines unless specifically approved by the Municipal Engineer. The Municipal Engineer may direct the installation of a piped under drain system and soil stabilization fabric within roadways, drives and parking lots if deemed necessary. [Ord. 1810-04, 9/21/2004]

1. Grading in lawn areas shall meet the following minimum standards:

   a. Provide a minimum of 6 inch drop in the first 20 feet from a building.

   b. Overland grades throughout the site shall be a minimum of 2%.

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c. Grades for swales shall be a minimum of 1%

d. Maximum slopes on residential lots shall be 5:1 (horizontal: vertical) except where approved by the Municipal Engineer.

2. All work shall be in accordance with the established design standards of the municipality and as required by the Municipal Engineer.

E. Storm Water System Strategy and Design.

1. Intent. The system shall be adequate to carry off or store the storm water and natural drainage water which originates not only within the lot or tract boundaries, but also that which originates upstream of the lot or tract boundaries and normally flows through the tract. Storm water run-off, natural drainage water or water discharged from any source shall not be so diverted as to overload the existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for managing these conditions.

2. Prohibited Design. Over the sidewalk, under the sidewalk and/or through the curb drains for the purpose of routing the discharge from sump pumps is prohibited. These facilities must outlet into an adequate water course or drainage system as approved by the Municipal Engineer. Roof leaders must be connected to an approved drainage system as approved by the Municipal Engineer. In the absence of a practical outlet for either sump pump or roof leaders, other systems, such as drywells, as approved by the Municipal Engineer may be used. Drywells shall be setback from all property lines a minimum of 10 feet.

3. Stormwater runoff calculations. Techniques and designs for computing storm water runoff shall be in accordance with *N.J.A.C.* 7:8-5 and N.JA.C. 5:21.

4. Soil testing is required for all proposed infiltration basins and drywells. Testing shall be witnessed by the Municipal Engineer, unless such requirement is waived.

5. Whenever possible, all lots shall be designed to provide positive drainage to the roadway facility fronting same without flowing onto or across adjacent property. Where this is impractical, the disposal of storm drainage through adjacent properties shall be through easement areas by underground piping and inlets, swales, et cetera. The depth of standing water at the pavement gutter line shall not exceed 9 inches for a 100 year storm event.

F. Storm Water Management Basins. [Ord. 2081-11, 2/15/11] Storm water management basins shall be required for all tracts except as subsequently noted below and shall be designed to provide adequate storage of storm water runoff for a 100-year storm event. Additional requirements include:

1. Basin required. A detention basin shall be required if site improvements will increase storm water runoff by one (1) cubic foot per second (CFS) in the 100-year storm event.

2. Permitted basin location. All storm water management basins shall conform to the following siting requirements.

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a. Any storm water management basin in a residential zoning district shall be located within the setbacks for a principal building on the lot. For the purposes of this sub-paragraph, a residential district shall also include the PVD-1, PVD-2 and MX-1 zones. For purposes of determining compliance, the setback shall be measured from the toe of an exterior slope of the bermed edge of a basin or, when the edge is not bermed, the water's edge reached in a 100-year storm event, whichever provides the greater setback.

b. In accordance with §525.H.1.c, no storm water management facility, including basins, shall be located within a required landscape buffer.

3. Use of retaining walls. No storm water management facility shall make use of retaining walls unless approved as part of a formal landscaping plan under sub-paragraph -5 below or if located in the interior of a basin and not visible from a public right-of-way or adjacent property (whether developed or undeveloped) from ground level.

4. Naturalistic design required for detention. The detention area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. Linear or geometric shapes are to be avoided unless approved as part of a formal landscaping plan under sub-paragraph -5 below.

5. Formal design permitted for retention. The design for stormwater retention facilities may use a variety of landscape forms, including formal reflecting pools, fountain features, and naturalistic lakes and ponds. Retaining walls may be utilized when essential to formal landscape designs which incorporate water features and/or stormwater management functions.

6. Conveyance. Detention basins shall be designed to convey all runoff from the 100-year storm event from the basin without creating adverse impacts on property. Backwater impacts from the filling of the basin shall also be considered in the design of the facility.

7. Detention basins shall discharge into a stable outfall structure, whether natural or manmade. Stability calculations based on the 100-year storm outflow shall be required showing adherence to Soil Conservation Service standards.

8. Any storm water facility approved as a part of site plan or subdivision application shall be constructed and functioning prior to the issuance of a building permit for construction of a building. In the event that an approved site plan includes the renovation or adaptive reuse of an existing building, the Municipal Engineer shall have the discretion to waive strict compliance with this sub-paragraph.

9. An agreement for the ownership and maintenance of detention facilities serving two or more lots, with cross easements, shall be furnished to the satisfaction of the Board of Jurisdiction.

10. Detention basins shall be constructed on individual lots (not part of a residential building lot) in all residential subdivisions and may be constructed within an easement in all residential minor subdivisions.

11. For development with less than one-quarter (¼) acre of new impervious surface

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coverage, a deed restriction shall be established which limits the total new impervious surface coverage to less than one-quarter (¼) acre. This impervious surface coverage limitation shall be applied to the subject lot or equally distributed between all lots within a subdivision, as deemed appropriate by the Board of Jurisdiction.

G. Landscaping. Stormwater management areas including retention and detention basins, drainage ditches and swales, and wetland areas shall be landscaped in accordance with the standards in §525 and shall contain indigenous species to the maximum extent practical. 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. Detention and retention basins should be located in cleared areas where reasonably feasible.

H. Detention Facility Maintenance. (See also §529.I)

1. Maintenance of the detention facility shall be the responsibility of the owner of the property upon which the detention facility is located. The owner may be a homeowner's organization or an open space organization established for the purpose of owning and maintaining common lands and facilities including conservation, open space, floodplain, drainage, recreation and park areas and shall be in accordance with *N.J.S.A.* 40:55D-43 and the following provisions except that, under certain conditions, the municipality will maintain the detention facility, subject to the conditions as defined herein. See also §529 for provisions concerning the establishment of homeowners' associations for open space.

2. Membership in any homeowners or created open space organization by all property owners shall be mandatory. Such required membership in any such organization and the responsibilities upon the members shall be in writing between the organization and the individual in the form of a covenant with each member accepting liability for a pro rata share of the organization's costs and providing that the municipality shall be a party beneficiary to such covenant entitled to enforce its provisions. The terms and conditions of said covenant shall be reviewed by the planning board attorney prior to final approval.

3. Executed deeds shall be tendered to the municipality simultaneously with the granting of final approval stating that the prescribed use(s) of the lands in the common ownership shall be absolute and not subject to revision for possible future development.

4. The homeowners or open space organization shall be responsible for liability insurance, municipal taxes, maintenance of land and facilities and inspection and certification of facilities that may be erected on any land deeded to such organization and shall hold the municipality harmless from any liability.

5. Any assessment levied by the homeowners or open space organization may become a lien on the private properties in the development. The duly created organization shall be allowed to adjust the assessment to meet changing needs and any deeded lands may only be sold, donated or in some other way conveyed to the municipality for public purposes only.

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6. The homeowners or open space organization initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the planned development, along with the covenant and model deeds and the articles of incorporation of the association prior to the granting of final approval by the municipality.

7. Part of the development proposals submitted to and approved by the municipality shall be provisions to insure that control of the homeowners or open space organization will be transferred to the individual lot owners in the development based on a percentage of the dwelling units sold and/or occupied, together with assurances in the bylaws that the organization shall have the maintenance responsibilities for all lands to which they hold title.

8. Should the proposed development consist of stages, the Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.

9. In the event that the detention facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify in writing the responsible person. From that notice, the responsible person shall have 14 days to affect such maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.

10. In certain situations, the municipality's governing body may accept the ownership and maintenance responsibilities of detention facilities subject to conditions including but not limited to the following:

    a. Where the only facility requiring homeowners' organization maintenance is the detention basin, the governing body may consider assuming ownership and maintenance responsibilities upon agreement with the developer to pay the pro-rata share of the cost to maintain the detention facility at the time of the granting of a certificate of occupancy. The pro-rata share of cost shall be the total estimated cost of such maintenance including insurance, inspections, and certifications as required by State and local rules and regulations in accordance with a formula on file with and calculated by the Municipal Engineer.

I. Easement Requirements. See also §527, Land Use Restrictions.

1. Where required by the municipality, if a lot or tract is traversed by a watercourse, surface or underground drainage way or drainage system, channel, stream or drainage swale, there shall be provided and dedicated a drainage right-of-way easement to the municipality or other owners of private underground drainage system conforming substantially with the lines of such watercourse or drainage system and of such width or construction or both as will be adequate to accommodate expected storm water runoff in the future, based upon reasonable growth potential in the municipality and in any event, meeting any minimum widths and locations shown on any adopted Official Map or Master Plan. Such easement

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dedication shall be expressed on the plat as follows: "Drainage easement granted to for the purposes provided for and expressed in the Land Use Ordinance of the Township."

2. No structures, trees, shrubs or obstacles of any kind shall be installed within the limits of the drainage easements and such prohibition shall be recorded as such in the easement deeds. Fences may be constructed in drainage easements under Lawrence Township jurisdiction if the following conditions are met:

   a. Fence must cross easement at 90º angle.

   b. Access opening 16' in width must be provided via either removable sections or gates.

   c. Lower edge of fence must be minimum 6" above the ground for width of the easement.

   d. No other structures, grade alterations or landscaping may be installed in the easement.

   e. Access for Township personnel will be provided upon reasonable notice. Owner is responsible for removing fence sections, unlocking gates, etc.

   f. Fence may not be constructed directly above a drainage pipe along a property line.

   g. An agreement summarizing the above conditions must be recorded in the Mercer County Clerk's office. Proof of recording is required prior to issuance of a building permit.

   h. Fences may be constructed in easements under other agency jurisdiction if written authorization from easement owner is provided. [Ord. 1585-99, 9/7/1999]

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§ 523 Energy Conservation.

A. Promotion of Conservation. The design of residential and non-residential buildings shall promote the conservation of energy through the use of site planning, architectural elements and construction techniques to reduce energy consumption and to provide for the maximum utilization of renewable energy sources. Applicants for residential development consisting of 50 or more housing units/lots and applicants for nonresidential development of 50,000 square feet or more of gross floor area shall prepare and submit a "Sustainable Design Assessment." This Sustainable Design Assessment shall set forth ways in which the proposed development will utilize sustainable building design, materials and systems, environmentally-conscious site design and development techniques, and facility management practices which promote natural resource preservation and the reduction of energy consumption (particularly non-renewable energy consumption). The Sustainable Design Assessment shall include life–cycle costs analysis as appropriate which compare the proposed development to best available practice and shall address at a minimum the following [Ord. 1941-07, 9/4/07]:

1. Sustainable site development.
    a. Reduce site disturbance and soil erosion during construction.
    b. Use of natural drainage systems (e.g. NJDEP Low Impact Development requirements, swales).
    c. Preserve or restore natural site features.
    d. Landscape and orient building to capitalize on passive heating and cooling.
2. Water efficiency
    a. Use captured rainwater for landscaping, toilet flushing, etc.
    b. Treat and re-use gray water.
    c. Use low-flow fixtures and fittings.
    d. Use closed-loop systems and other water reduction technologies for processes.
3. Energy efficiency
    a. Use passive solar heating/cooling and natural ventilation.
    b. Enhance penetration of daylight to interior spaces to reduce need for artificial lighting.
    c. Use thermally efficient envelope including exterior roofing and sheathing materials to reduce perimeter heating and size of HVAC.
    d. Use energy management systems, monitoring, and controls to continuously calibrate, adjust, and maintain energy-related systems.
    e. Develop O&M manuals and train staff.
4. Indoor environmental quality

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a. Control pollutant sources

b. Use low-emission materials

c. Ventilate before occupancy

d. Enhance penetration of daylight and reduce glare

e. Provide for collection of recyclables in public areas

f. Provide outdoor views

g. Provide individual occupant controls when possible

h. Provide superior indoor air quality, quality lighting and thermal quality

5. Reduce consumption of building materials

a. Select products for durability

b. Eliminate unnecessary finishes and other products

c. Reuse building shell from existing buildings and fixtures and demolished buildings

d. Use salvaged/refurbished materials

e. Design for adaptability

B. Lot, Principal Structures, Subdivision Plans, and Site Plan Solar Standards

1. Lot orientation. The buildable area of lots shall be oriented so that an imaginary line running perpendicular from the long axis of the buildable area will point within 30º of true south. To accommodate the orientation of buildable areas of lots in accordance with this section, the majority of streets should, within the limits of practicability and feasibility, be oriented along an east west axis, with maximum deviations of 30º from true east.

2. Lot arrangement. The lot arrangement shall be such that the buildable area for each lot will be situated so that homes built to the height permitted by Article IV will not interfere with the availability of direct sunlight to the south sides of buildable areas on adjacent lots in the subdivision between 9:00 a.m. and 3:00 p.m. Eastern Standard Time on December 21.

3. Waiver provisions. Upon request of the applicant, the Planning Board may grant relief from any of the requirements of this section to the minimum extent necessary if the Board finds that compliance with any of these sections is not practicable or feasible. Practicability and feasibility may be affected by, but not limited to, any of the following factors:

a. Natural constraints, such as steep slopes, wetlands, flood plains, unsuitable soils, rock formations, and wooded areas;

b. Manmade constraints such as existing streets and utility infrastructures;

c. Reduction in density below the density permitted in the zoning ordinance; and

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d. Conflict with other land development standards.

e. Redevelopment constraints related to the location of existing and new buildings, parking facilities, utilities and access ways that are required for the customary operation of buildings on a site.

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§ 524 Fences and Walls.

The following provisions shall apply to fences and walls in non-residential districts (see §428.G for residential standards):

A. Height. Fences shall be limited to 8 feet in height. Walls shall be limited to 6 feet in height.

B. Landscape Plan. 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.

C. Finished Side. All permitted fences shall be situated on a lot in such a manner that the finished or non-structural side shall face abutting properties.

D. Prohibited Types. No fence or wall shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals, except that the provisions applicable to animals shall not apply to farms.

E. Stormwater Flow. Fences and walls shall be 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.

F. Limitations on Chain Link. Chain link fences shall only be permitted in conjunction with manufacturing or warehousing operations, recreational facilities, and institutional uses. Landscaping may be required in conjunction with such fencing.

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§ 525 Landscaping.

A. General Provisions. The following general provisions shall apply to the installation and design of landscapes:

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 common as well as other 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 Article VIII. 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 to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.

4. Where subdivisions only are applied for, the minimum standards shall apply only to street trees and to common open space and areas proposed to be dedicated to the public.

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. 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 no closer than 10 feet measured horizontally.

7. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native invasive plant species shall not be permitted.

8. Visual screening is required to buffer all trash enclosures, above ground propane tanks and other similar structures as identified by the Zoning Officer. [Ord.1585-99, 9/7/1999]

B. Landscape Design Guidelines.

1. Landscaping shall be conceived holistically and be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building proposed.

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 §541.

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

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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. Street Trees.

1. Location. Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Trees shall be spaced evenly along the street between the curb and sidewalk. Where the distance between the curb and sidewalk is less than 5 feet, sidewalks should be placed in a public access easement outside of the right-of-way to create a planting strip at least 5 feet wide to facilitate street tree growth. 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 fee)	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, and street lights.

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 in accordance with Tables 5.4, 5.5 and 5.6. Alternate selections may be approved at the discretion of

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the Board.

Table 5.4 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'	Shadblow 'Cumulus'	2-2½" cal.
Acer buergeranum	Trident Maple	2½ -3" cal.
Crataegus phaenopyrum x. fastigiata	Washington Hawthorne	2½ -3" cal.
Crataegus viridis	Green Hawthorne	2½ -3" cal.
Magnolia x lobneri 'Merrill'	Merrill Magnolia	10'-12'
Malus baccata	Siberian Crabapple	3"-3½" cal.
Malus x zumi 'Calocarpa'	Zumi Crabapple	3"-3½" cal.
Syringa reticulata	Japanese Tree Lilac	10'-12'

Table 5.5 Recommended Medium Street Trees.

Botanical Name	Common Name	Minimum Planting Size
Acer rubrum 'Northwood'	Northwood Red Maple	2½ -3" cal.
Acer rubrum 'Scanlon'	Scanlon Red Maple	3"-3½" cal.
Acer saccharum 'Goldspire'	Goldspire Sugar Maple	3"-3½" cal.
Celtis bungeana	Bunge Hackberry	2½ -3" cal.
Cladratis lutea	Yellowwood	2-2½" cal.
Carpinus caroliniana	American Hornbeam	2½ -3" cal.
Malus baccata 'Manchurian'	Manchurian Crabapple	3"-3½" cal.
Phellodendron amurense	Amur Corktree	2½ -3 ½" cal.
Tilia cordata x. 'Whitehouse'	Whitehouse Linden	3"-3½" cal.

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Table 5.6 Recommended Large Street Trees.

Botanical Name	Common Name	Minimum Planting Size
Acer rubrum 'October Glory'	October Glory red maple	3"-3½" cal.
Acer rubrum 'Red Sunset'	Red Sunset red maple	3"-3½" cal.
Celtis occidentalis 'Magnifica'	Hackberry	3"-3½" cal.
Fraxinus americana 'Autumn Purple'	Autumn purple ash	3"-3½" cal.
Ginkgo biloba (male only)	Ginkgo	3"-3½" cal.
Platanus acerifolia	London Planetree	3"-3½" cal.
Platanus occidentalis	Sycamore	3"-3½" cal.
Quercus coccinea	Scarlet Oak	3"-3½" cal.
Quercus marcocarpa	Bur Oak	3"-3½" cal.
Quercus phellos	Willow Oak	3"-3½" cal.
Quercus rubra	Red Oak	3"-3½" cal.
Sophora japonica 'Regent'	Scholartree	3"-3½" cal.
Tilia x euchlora	Crimean linden	3"-3½" cal.
Tilia tomentosa 'Green Mountain'	Silver linden	3"-3½" cal.
Ulmus parvifolia	Chinese elm	3"-3½" cal.
Zelkova serrata 'Village Green'	Japanese zelkova	3"-3½" cal.

4. Planting Specifications. All trees shall have a minimum caliper as noted in the appropriate table in this section unless otherwise exempted. Street trees shall be substantially uniform in size and shape, and have straight trunks. Trees shall be properly planted and staked in accordance with the Lawrence Township Engineering Standards. Provision shall be made by the developer for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the developer during the next suitable planting season.

D. Additional Recommended Trees. Any of the trees noted in Tables 5.4, 5.5 and 5.6 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:

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Table 5.7 Additional Recommended Trees.

Botanical Name	Common Name	Minimum Planting Size
Acer palmatum	Japanese Maple	6'-7'
Acer saccharum	Sugar Maple	3"-3 ½" cal.
Betula pendula	Weeping Birch	12'-14'
Cedrus atlantica glauca	Blue Atlas Cedar	6'-8'
Cercidiphyllum japonicum	Katsura-tree	3"-3 ½" cal.
Cercis canadensis	Eastern Redbud	6'-8'
Cornus kousa	Chinese Dogwood	2"-2 ½" cal.
Crataegus crusgalli inermis	Thornless Cockspur Hawthorn	2"-2 ½" cal.
Cryptomeria japonica	Cryptomeria	5'-6'
Fagus grandifolia	American Beech	3"-3 ½" cal.
Fagus atropinicea	Copper Beech	3"-3 ½" cal.
Gleditsia triacanthos inermis	Thornless Honeylocust	3"-3 ½" cal.
Ilex opaca	American Holly	6'-7'
Koelreuteria paniculata	Golden Rain Tree	2"-2 ½" cal.
Liquidambar styraciflua	Sweetgum	3"-3 ½" cal.
Liriodendron tulipifera	Tulip Poplar	2"-2 ½" cal.
Metasequoia glyptostroboides	Dawn Redwood	8'-10'
Oxydendrum arboreum	Sourwood	6'-8'
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	2 ½"-3" cal.
Prunus cerasifera	Flowering Plum	2 ½" -3" cal.
Prunus serrulata	White Cherry	2 ½" -3" cal.
Pseudolarix kaempferi	Golden Larch	8'-10'
Pseudotsuga menziesii	Douglas Fir	5'-6'

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Botanical Name	Common Name	Minimum Planting Size
Quercus acutissima	Sawtooth Oak	3" -3 ½" cal.
Quercus palustris	Pin Oak	3" -3 ½" cal.
Tilia cordata 'Greenspire'	Greenspire Linden	3" -3 ½" cal..
Tilia tomentosa 'Green Mountain'	Silver Linden	3" -3 ½" cal.
Tsuga canadensis	Canadian Hemlock	5'-6'
Ulmus americana 'Delaware'	American Elm, 'Delaware'	3" -3 ½" cal.

E. 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 landscape plans as Spring planting season only. The Fall planting hazard trees include the following genus and in some cases particular species:

Betula
Carpinus
Crataegus Salix
Ilex opaca
Liquidambar styraciflua
Liriodendron tulipifera
Pyrus
Quercus, excluding Q. palustris
Salix babylonica
Tilia tomentosa
Zelkova

F. Recommended Shrubs. The following shrubs are recommended for use in the Township:

Table 5.8 Recommended Shrubs.

Botanical Name	Common Name	Minimum Planting Size
Abelia grandiflora	Glossy Abelia	18"-24"
Aronia arbtutifolia brilliantissim	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"

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Botanical Name	Common Name	Minimum Planting Size
Berberis thunbergii	Japanese 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	12"-18"
Cotoneaster salicifolia repens	Park Carpet Cotoneaster	12"-18"
Deutzia gracilis	Slender Deutzia	18"-24"
Euonymous alata	Dwarf Winged Euonymous	4'-5'
Euonymous alatus compactus	Winged Euonymous	3'-4'
Euonymous fortunei vegetus	Bigleaf Wintercreeper	18"-24"
Fothergilla gardenii	Dwarf Fothergilla	12"-18"
Fothergilla major	Large Fothergilla	12"-18"
Hamamelis virginiana	Witchhazel	4'-5'
Hibiscus syriacus	Rose of Sharon	18"-24"
Hydrangea paniculata grandiflora	PeeGee Hydrangea	18"-24"
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 ½'-3'
Juniperus chinensis pfitzeriana compacta	Compact Pfitzer Juniper	18"-24"
Juniperus chinensis torulosa	Torulosa Juniper	4'-5'

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Botanical Name	Common Name	Minimum Planting Size
Juniperus horizontalis bar harbor	Bar Harbor Juniper	18"-24"
Juniperus horizontalis plumosa	Andorra Juniper	18"-24"
Juniperus horizontalis wiltoni	Blue Rug Juniper	18"-24"
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	12"-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'

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Botanical Name	Common Name	Minimum Planting Size
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 ½'-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'-3 ½'
Viburnum dentatum	Arrowwood	2'-3'
Viburnum rhytidophyllum	Leatherleaf Viburnum	5'-6'
Viburnum tomentosum	Doublefile Viburnum	5'-6'

G. Recommended Plants for Wet Conditions. the following plants are recommended for wetlands, flood plains, and stormwater management facilities:

Table 5.9 Trees and Shrubs Recommended for Wet Conditions.

Botanical Name	Common Name	Minimum Planting Size
Acer negundo	Boxelder	2"-2 ½" cal.
Acer rubrum	Red Maple	3"-3 ½" cal.
Acer saccharinum	Silver Maple	3"-3 ½" cal.
Alnus serrulata	Smooth Alder	2"-2 ½" cal.
Amelanchier alleghiensis	Allegheny Serviceberry	2 ½" -3" cal.
Amelanchier canadensis	Shadblow (Downy Serviceberry)	2 ½" -3" cal.

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Botanical Name	**Common Name**	**Minimum Planting Size**
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	3”-3 ½” 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	3-3 ½” cal.
Magnolia virgineana	Sweetbay magnolia	6'-8'
Nyssa sylvatica	Black Gum	2”-2 ½” cal.
Platanus occidentalis	Sycamore	3”-3 ½” cal.
Quercus bicolor	Swamp White Oak	2 ½”-3” cal.
Quercus palustris	Pin Oak	3”-3 ½” cal.
Rhododendron viscosum	Swamp Azalea	18”-24”
Rosa palustris	Swamp Rose	18”-24”
Salix discolor	Pussy Willow	3'-4'
Salix babylonica	Weeping Willow	3”-3 ½” cal.
Salix nigra	Black Willow	2”-2 ½” cal.
Sambucus canadensis	Elderberry	2'-3'

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Botanical Name	**Common Name**	**Minimum Planting Size**
Vaccinium corymbosium	Highbush Blueberry	2'-3'
Viburnum dentatum	Arrowwood Viburnum	2'-3'

H. Buffers. Landscaping buffers are areas required to minimize and visually screen any adverse impacts or nuisances on a site or from any adjacent area.

1. General requirements.

   a. 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.

   b. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required yard area.

   c. Buffers shall be continuous except for access drives as approved by the Board. Storm water management facilities, parking, dumpster enclosures, accessory building or above ground structures, and similar encroachments shall not be permitted in the required buffer area.

   d. The minimum width of a landscape buffer shall be dependent on the proposed use of a property and the land uses adjacent to it in accordance with Table 5.10.

2. 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 5.11:

   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 5.12.

3. 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.

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Table 5.10 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
Agriculture	None	100 ft.	100 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Residential Type A (1)	100 ft.	None	25 ft.	40 ft.	25 ft.	50 ft.	50 ft.	100 ft.
Residential Type B (2)	100 ft.	50 ft.	None	25 ft.	25 ft.	50 ft.	50 ft.	100 ft.
Retail: NC-1, NC-2	N/A	20 ft.	20 ft.	None	15 ft.	None	None	25 ft.
Other Retail	50 ft.	40 ft.	40 ft.	None	15 ft.	25 ft.	None	25 ft.
Professional Office	50 ft.	25 ft.	25 ft.	15 ft.	None	None	None	25 ft.
Other Office	50 ft.	50 ft.	50 ft.	25 ft.	None	None	None	25 ft.
Institutional/ Quasi-public	50 ft.	50 ft.	50 ft.	None	None	None	None	25 ft.
Industrial	50 ft.	100 ft.	100 ft.	25 ft.	25 ft.	25 ft.	25 ft.	None

(1) - Residential Type A equals single family detached, duplex and semi-detached dwellings.

(2) - Residential Type B equals all other dwellings except those in institutional settings, i.e., residential health care facilities, skilled nursing facilities and assisted living facilities. The Institutional category shall apply to these exceptions

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Table 5.11 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
100 feet (2)	10	15	30	60

(1) - Buffers of this width or less shall incorporate an opaque fence or wall.

(2) - 20 thorny understory, 38 thorny shrubs, 34 hedgerow shrubs and 6 large trees per 100 lineal feet may substitute for an agricultural buffer.

Table 5.12 Allowable Reductions in Buffer Widths and Plant Densities

Required Buffer Width	Reduced Buffer Width with Fence (1) or Wall	Allowed Reduction in Number of Plants Required in Table 5.10 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%
100 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.

4. Reverse Frontage Buffer for Residential Uses. Reverse frontage screening shall be required where residential units or lots back onto any arterial or major collector street. The following landscape treatments shall be provided in order to screen private residential spaces from the roadway.

   a. A landscape buffer of 25 feet in width shall be provided in accordance with Table 5.10.

   b. The preservation of existing trees in excess of 8 inches is encouraged. Where existing understory screening does not block at least 60% of the

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view from the street, supplemental shade tolerant plantings of shrubs, evergreen and ornamental trees shall be installed to complete screening of residences. Sidewalks shall be designed to avoid mature plantings even if a public access easement is necessary.

I. Cul-de-Sacs. 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.

J. 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. 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. Detention and retention basins should be located in cleared areas where reasonably feasible.

1. Stormwater detention facility landscaping.

a. Interior tree planting. [Ord. 1585-99, 9/7/1999]

(1) Basins designed as naturalized wetland areas shall be planted with a quantity of trees equal to the number necessary to cover the entire area of the interior of the basin to the emergency spillway elevation at a rate of one tree per 400 square feet. Notwithstanding the minimum planting size as otherwise required in this section, of this number 10% shall be 2" –2.5" caliper, 20% shall be 1.5" to 2" caliper, and 70% shall be 6-8' height whips. The trees shall be planted in groves and spaced 5 feet to 15 feet on-center.

(2) Basins designed to function as dry basins shall be planted with trees in areas of the interior of the basin where there will not be interference with the maintenance of the basin and low flow channel, as determined by the Municipal Engineer.

b. 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.

c. All plants shall be tolerant of typical flood plain and wetland conditions. See Table 5.8 for recommended wet conditions plants.

d. Planting other than wildflowers and grasses shall not be located within 10 feet of low flow channels to facilitate drainage.

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e. The perimeter area (slopes above the high water line) shall include shade trees at a rate of 60/1000 lineal feet, evergreen trees at a rate of 30/1000 lineal feet and sufficient ornamental trees and shrubs to screen drainage structures and create visual interest. Trees should be grouped in concert with the grouping of trees in the interior of the basin

f. Where basins are required to be located in existing wooded areas because of existing topological constraints, islands of existing vegetation should be retained. If the existing vegetation is retained, the new plantings requirement shall be correspondingly reduced.

g. 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.

h. Plantings shall not be permitted upon any berm associated with a detention basin unless approved by the Municipal Engineer.

2. Stormwater retention facility landscaping.

a. The planting of the perimeter of the water's edge shall accentuate views of the water and to the extent feasible integrate pedestrian paths, sitting areas, and other passive recreational uses. Plantings shall include formal or informally-massed deciduous and evergreen trees and shrubs to screen and frame views with ornamental trees, shrubs and grasses used for visual interest or special effects. A continuous landscape area shall be provided.

b. The water's edge shall be easily maintained and shall be stabilized. Methods of providing water edge stabilization may include rip-rap, stone walls, natural plantings, decking and bulkheads.

c. If retention facilities are used as a recreational amenity, pedestrian access to the water shall be controlled.

3. All basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading and planting.

K. Open Space Landscaping. (See also §529). 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 revegetated to a naturalistic appearance where appropriate.

c. Revegetated areas may be seeded with a wildflower and/or meadow grass mix.

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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 - 3 per acre

      (4) Shrubs - 20 per acre

      These quantities are exclusive of plants that may be required for landscape buffers pursuant to §525.H.

   c. Adjacent dwelling units shall be buffered from active play areas in accordance with §525.H.

   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.

L. 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 5 spaces shall conform to the following requirements:

1. The minimum width of landscape islands shall be 8 feet on the side of parking spaces and 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 6 large or medium trees, 4 small or ornamental trees and 60 shrubs per 100 lineal feet along the long axis of the island. Trees required to be replaced from site clearing pursuant to §541 may be placed in such landscape islands.

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 3 feet and shall have a height of at least 4 feet within three years of installation. Loading dock areas shall be screened with a minimum height of 8 feet at planting and shall achieve a height of at least 12 feet five years after installation. Land use mitigation buffers

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pursuant to §525.H may be used to meet these requirements.

4. Parking lot lighting should be sited within landscape islands, however, without hindering necessary lighting coverage. See also §527 for lighting requirements.

5. No more than 20 parking spaces shall be placed in one row of parking without an intervening landscape island except that within a regional shopping mall rows of more than 20 parking spaces may meet the intent of this requirement by increasing the size of landscaped islands at the end of parking bays and/or by other landscape features which provide a comparable benefit to that of the landscaped islands which would otherwise be required. [Ord. 1941-07, 9/4/07]

M. Historic District Landscaping. The objectives of landscape architectural treatment of sites inclusive of historic resources and natural amenities shall be to preserve and enhance such amenities for present and future Lawrence residents. Historic resources and natural amenities may be areas of unique landscape character. This may include, but is not limited to, bodies of water, streams, wetlands, wind breaks, groves of trees, hedge rows, orchards, unique vistas, historic structures and landmarks. Redevelopment in the Lawrenceville Historic District shall be designed to preserve and utilize cultural resources of the historic landscape.

N. Site Protection and General Planting Requirements.

1. Topsoil preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least 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 Municipal 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 4 feet of shrubs or 10 feet of trees designated to be retained on the preliminary and/or final plat. See Lawrence Township Engineering Standards for details on tree wells and tree protection.

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.

5. Additional landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy, or for aesthetic reasons in accordance with a typical planting plan approved by the Board.

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Also see §541 for provisions pertaining to the minimum tree density requirements.

O. Planting Details. Planting details shall be as required in the Lawrence Township Engineering Standards.

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§ 526 Land Use Restrictions and Easements.

Land use restrictions shall be required as applicable when a proposed development includes one or more of the restrictions contained herein. Land use restrictions shall be recorded with the County Recording Officer as deeds of easements or shall be placed on final plats for such recording, as appropriate.

A. Drainage Easements. Within required drainage easements, no regrading or the installation of structures, fences, trees and shrubs shall be permitted unless otherwise modified by §522.I.2. [Ord. 1585-99, 9/7/1999]

B. Conservation Easements. Conservation easements for wetlands, wetlands transition buffer, flood plain or flood plain buffer shall remain in their natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings.

C. Clear Sight Easements. Areas designated as clear sight triangles shall remain free of visual obstructions between 2½ and 10 feet in height with the exception of street and traffic control signs, traffic control boxes, fire hydrants, lighting poles and field sited street trees as approved by the Municipal Engineer.

D. Utility Easements. Easements for public and local utilities shall conform to any requirements of the appropriate company or authority.

E. Cross-Access Easements. Cross-access easements shall permit pedestrians and motorists to travel from adjacent lots to the lot in question without the necessity for traveling on the public right-of-way provided that vehicular cross access is intended for convenience in traveling between lots and not as a substitute for utilizing public streets during routine travel. [Ord. 1941-07, 9/4/07]

F. Other Land Use Restrictions. Restrictions or easements of other governmental agencies with jurisdiction of the application for development shall conform to any requirements of the appropriate agency or authority.

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§ 527 Lighting.

A. General Requirements. [Ord. 1585-99, 9/7/1999]

1. Sufficient lighting shall be provided on each site or along roadways to ensure the security of property and to protect the safety of persons between the hours of sunset and sunrise when the establishment or facility is in use.

2. Lighting shall be so designed to avoid the creation of hazards to motorists and pedestrians or nuisance to adjoining property owners or residents. Lighting directed towards the sky shall be designed to prevent interference with commercial aviation routes.

   a. Security lighting design for commercial developments shall employ timers on all or a portion of the site lighting that reduces the average illumination to the minimum requirements of this Ordinance within one hour after close of business or before midnight, whichever occurs earlier.

   b. Safety lighting design shall employ motion sensors so that illumination occurs only when someone is in the immediate area.

   c. Display, advertising and specialty lighting, excluding interior illuminated or backlit identification signage, shall be turned off at or before midnight.

3. Lighting levels, lamp color, and fixture type shall be consistent throughout the parcel in question and shall complement building architecture and landscaping. Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the U.S. Energy Policy Act of 1992 as it may be amended or superseded.

4. Exterior lighting not building mounted shall be supplied by electricity from underground cabling.

B. Street Lighting. All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.

1. Design criteria. The design of street lighting shall take into consideration:

   a. The brightness of the abutting uses in comparison to pavement brightness as seen by both motorists and pedestrians;

   b. The ability to discern objects on the street or its edge in comparison to abutting uses; its brightness contrast;

   c. The time available to the motorist and pedestrian to view such objects;

   d. The amount of direct glare from the luminaire or lamp and reflected glare from the pavement.

2. Lighting standard placement. Excepting rural roads and lanes, lighting standards shall be located at the following places:

   a. At every street intersection.

   b. At the end of each cul-de-sac.

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c. At curves with an inside radius of less than 300 feet, unless the standard is within 300 feet of another.

d. A maximum of every 600 feet on straight road segments.

3. Light standards shall be staggered on both sides of the roadway.

4. Fixture type. In general, any street lamp type installed by the electric service provider shall be permitted provided that the lamp is high pressure sodium and the illumination provided is greater than or equal to the following:

a. A 100 watt lamp at each intersection and cul-de-sac; or, as directed by the Municipal Engineer for special circumstances; and

b. A 50 watt lamp at all other locations.

5. Rural streets shall not be illuminated except as may be required by the Planning Board for public safety purposes and is primarily expected at intersections with arterial and collector roads.

C. Illumination for Surface Parking. Parking lots shall be adequately lighted for both motorists and pedestrians in accordance with Table 5.13.

Table 5.13 Minimum Illumination for Surface Parking

Activity Type	Vehicular Traffic Footcandles	Pedestrian Safety Footcandles	Pedestrian Security Footcandles
Low activity	0.5	0.2	0.8
Medium activity	1.0	0.6	2.0
High activity and intersections	2.0	0.9	4.0

1. Lighting shall be provided by fixtures with a mounting height not more than 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.

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

3. Maximum Lighting Controls. The ratio of average illumination, measured in

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footcandles, to minimum illumination, as required in Table 5.13 shall not exceed 4 to 1. The maximum illumination provided on any site shall not exceed the minimum illumination by more than a ratio of 10 to 1. [Ord. 1585-99, 9/7/1999]

Example: minimum illumination required = 0.5 fc
average to minimum ratio = (4 x 0.5) or 2.0 fc
maximum to minimum ratio = (10 x 0.5) or 5.0 fc

D. Pedestrian Way Illumination. Minimum pedestrian way illumination shall be as required in Table 5.14.

Table 5.14 Pedestrian Way Illumination Requirements.

	MINIMUM AVERAGE LEVEL	AVERAGE LEVELS FOR SPECIAL PEDESTRIAN SAFETY	
Walkway and Bikeway Classifications	**Footcandles**	**Mounting Heights (9 to 15 feet) Footcandles**	**Mounting Heights (15 to 25 feet) Footcandles**
Sidewalks (roadside) and Type A bikeways			
Commercial areas	0.9	2.0	4.0
Intermediate areas	0.6	1.0	2.0
Residential areas	0.2	0.4	0.8
Sidewalks distant from roadways and Type B bikeways			
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	-

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§ 528 Monumentation.

A. Major Subdivision. As part of a major subdivision, concrete monuments shall be installed at all tract boundary corners and at all points of the right-of-way which establish a publicly dedicated street. A metal alloy pin of permanent character shall be installed at all remaining lot corners of all approved lots.

B. Minor Subdivision. As part of a minor subdivision, metal alloy pins of a permanent character shall be installed at all lot corners of all approved lots.

C. Performance Bonding of Monuments. All monuments and/or pins that are not installed at the time of subdivision approval shall be bonded in accordance with Article IX of this Ordinance.

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§ 529 Open Space Standards.

A. Design Guidelines for Parks and Recreation Areas.

1. Consultation with the Township's Recreation Department early in the site plan and subdivision design process is encouraged where active recreation is proposed or required.
2. Proposed recreation areas should complement nearby existing facilities rather than duplicating them.
3. Land proposed for field sports should have positive drainage and have a natural grade of no more than 5%. The soil should not have a high clay content or be excessively stony.
4. Extensions of existing parks and recreation areas into new development are highly encouraged.

B. Design Objectives for Parks and Recreation Areas. The design of parks and recreation areas shall achieve the following objectives:

1. Satisfy the needs of the users;
2. Achieve a balance and compatibility between active and passive recreational uses;
3. Provide visual appeal;
4. Observe appropriate relationships between the various elements of the park design;
5. Adapt the land to the features of the terrain rather than altering the land to suit the use;
6. Provide for ease of supervision;
7. Design with regard for solar orientation and prevailing winds;
8. Incorporate the goals and objectives of the Master Plan with particular regard for the Greenway Network;
9. Ensure protection of environmentally sensitive areas; and
10. Provide safety for users.

C. Area Requirements for Open Space. The minimum land area for inclusion in an open space calculation shall be no less than 10,000 contiguous square feet. If the land is proposed for public dedication, the land area shall be no less than one acre.

D. Frontage Requirements for Open Space. Unless a greater street frontage is required in the applicable zoning district, no open space parcel shall have less than 100 feet of frontage upon an approved public street.

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E. Minimum Width Requirements for Open Space. No open space lot shall be less than 50 feet wide.

F. Design Guidelines for Greenways.

1. Development located near or encompassing a greenway as depicted on the Conservation Map of the Master Plan shall provide an efficient pedestrian connection to the greenway.

2. Consultation with the Lawrence Township Greenways Committee early in the site plan and subdivision design process is encouraged.

3. Where there exists vacant developable land adjacent to proposed development, pedestrian connections shall be made to permit future development to be connected to the greenway.

4. The developer of a property containing a greenway shall incorporate the construction of the path system in accordance with the overall greenway network. Pedestrian walkways and bridges shall be provided as necessary to connect to open space on adjacent tracts of land.

5. Greenways shall be used to connect other elements of the open space system of the Township.

6. The design of greenway paths shall include a buffer zone separating the path from residential, commercial, industrial and institutional buildings.

G. Greenway Clearing and Grubbing Limits. Land clearing for greenway paths shall conform to Table 5.15 and the Lawrence Township Engineering Standards.

Table 5.15 Clearing Limits for Greenway Trails.

Trail Type	Clearing and Grubbing Width	Selective Thinning Width	Clearing Height
6' hiking	10 feet	20 feet	7 feet
8' pedestrian	14 feet	24 feet	8 feet
8' bicycle	16 feet	26 feet	10 feet
10' bicycle/pedestrian	18 feet	28 feet	10 feet
6' horse	12 feet	22 feet	12 feet
10' horse/pedestrian	16 feet	26 feet	12 feet

H. Greenway Specifications. Greenway paths shall be constructed in accordance with the Engineering Department's Standards dependent on their intended function. Natural surface and shredded wood fiber shall be considered soft paths and all other surfaces shall be hard paths. See Conservation Map of the Master Plan for locations of hard and soft greenway trails. Trails for hiking and pedestrians may be developed with any of the permitted greenway path types. Paths for bicyclists and those intended to be wheelchair accessible

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should be limited to granular stone, asphalt, concrete, and wood decking. Horse trails should be limited to natural and shredded wood fiber types.

I. Open Space Organization Requirements. An open space organization established for the purpose of owning and maintaining common lands and facilities for open space shall be in accordance with *N.J.S.A.* 40:55D-43 and the following provisions:

1. Membership in any homeowner's or open space organization by all property owners shall be mandatory and based upon a written covenant detailing the responsibility of all members. Each member shall accept a pro rata share of the organization's costs and the municipality shall be made a third party beneficiary to the covenant, with authority to enforce its provisions. The terms and conditions shall be reviewed by the municipal attorney prior to final approval.

2. Executed deeds shall be tendered to the municipality simultaneously with the granting of final approval stating that the prescribed use(s) of the lands in the common ownership shall be absolute and not subject to reversion for possible future development.

3. The open space organization shall be responsible for liability insurance, municipal taxes, maintenance of land and any facilities that may be erected on any land deeded to the open space organization and shall hold the township harmless from any liability.

4. Any assessment levied by the open space organization may become a lien on the private properties in the development. The duly created open space organization shall be allowed to adjust the assessment to meet changing needs and any deeded lands may be sold, donated, or in any other way conveyed to the Township for public purposes.

5. The open space organization initially created by the developer shall clearly describe in its by-laws the rights and obligation of any homeowner and tenant in the planned development, along with the covenant and model deeds and the article of incorporation of the association prior to the granting of final approval by the Township.

6. An applicant shall provide sufficient documentation to the Board of Jurisdiction that the ownership of the open space shall pass to the homeowner's association when no more than 75% of the units in the development have been sold. Such documentation shall also ensure that the association shall own and control the common open space.

7. Should the proposed development consist of stages, the Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with the granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.

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§ 530 Parking, Loading Areas and Driveways.

A. Requirements. All sites within the Township shall be provided with adequate parking facilities for residents, visitors, employees and customers, including but not limited to 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.

B. Parking Location. All required off-street parking and loading facilities shall be located on the same lot or premises as the use served, excepting the Lawrenceville Historic District. No parking facility shall be permitted as the principal use of a lot.

C. Off-Street Parking: Number of Spaces.

1. For residential developments, off-street parking shall be provided as required in *N.J.A.C.* 5:21-1. (See also Table 5.2).

2. For nonresidential developments, the parking standards established in Table 5.16 shall apply.

Table 5.16 Parking Requirements for Non-Residential Uses.

[Ord. 1585-99, 9/7/1999; Ord. 1941-07, 9/4/07]

Parking Generator	**Off-Street Parking Spaces Required**
Assembly Operations	1 per 800 sq. ft.
Assisted Living & Congregate Care Facilities	1 space for every three beds
Automobile Sales	10 spaces and 1 per employee
Bar	1 per 2 seats
Bowling Alley	4 per alley
Child (Day) Care Center	1 per 10 students, minimum 5 spaces
College or Prep School	1 per 3 students
Conference Center and Banquet Halls	10 per 1,000 sq. ft.
Convenience Store	6 per 1,000 sq. ft. GFA
Golf Courses	4 per hole
Golf Driving Ranges	1 per tee
House of Worship	1 per 3 seats (each 21" of bench = 1 seat)
Financial Institutions	1 per 300 sq. ft. GFA
Fitness Clubs	5 per 1,000 sq. ft. GLA

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Parking Generator	**Off-Street Parking Spaces Required**
Funeral Home	1 per 150 sq. ft., minimum 35 spaces
Furniture or Carpet Store	1 per 600 sq. ft. GLA
Garden Centers	6 per 1,000 sq. ft. GLA
Home Occupations	1 per employee
Home Professions	1 per employee and 3 for visitors
Hospital	2 per bed
Hotel/Motel	1.1 per guest room
Industrial	1 per 800 sq. ft. GFA
Library	1 per 400 sq. ft. GFA
Medical Center, Outpatient	1 per 800 sq. ft. GFA
Medical or Dental Offices	5 per 1,000 sq. ft.
Nightclub/Tavern	1 per 3 seats
Nursing Home	1 per every 2 beds
Offices: Under 49,999 sq. ft. GFA 50,000-99,000 sq. ft. GFA 100,000+ sq. ft. GFA	 4.5 per 1,000 sq. ft. GFA 4 per 1,000 sq. ft. GFA 3.5 per 1,000 sq. ft. GFA
Regional Shopping Mall	4.3/4.5 parking spaces per 1,000 sq. ft. GLA[4]
Research and Scientific Complexes	1 per 1,000 sq. ft. GFA
Restaurant Fast Food Establishments	1 per 3 seats 1 per 30 sq. ft. GFA
Roller or ice rink	5 per 1,000 sq. ft. GFA
Retail Store, in group of 3 or less	1 per 200 sq. ft. GFA
Schools: Elementary Intermediate Secondary	 2 per classroom; but not less than 1 per teacher and staff 1.5 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 (Ord. 1728-02, 12/16/2002)	8 spaces or 1 per building, whichever is greater, plus 1 space for any caretaker apartment
Service Station	4 per bay and work area

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Parking Generator	**Off-Street Parking Spaces Required**
Shopping Center: Under 400,000 sq. ft. GLA 400,000 – 599,999 sq. ft. GLA 600,000+ sq. ft. GLA	 4 per 1,000 sq. ft. GLA 4.5 per 1,000 sq. ft. GLA 5 per 1,000 sq. ft. GLA
Theater In Shopping Center	1 per 3 seats 1 per 4 seats
Warehousing and Shipping/Receiving	1 per 5,000 sq. ft. GFA

(1) GFA shall mean Gross Floor Area.

(2) GLA shall mean Gross Leasable Area.

(3) Additionally, uses that utilize drive-thru facilities shall provide room for at least 12 automobiles per drive-in window for queuing purposes.

(4) See §530.Q for details on parking standards for a Regional Shopping Mall

3. 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.

4. Alternative off-street parking generator standards may be accepted by the Board if an applicant demonstrates that other standards better reflect local conditions.

5. 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 50% reduction in the required total number of parking spaces.

D. Parking Space Size. The following parking space sizes shall apply to all parking areas:

1. Residential uses: 9' x 18'

2. Office and industrial uses: 9' x 18'

3. Government and institutional uses: 9' x 18'

4. Retail uses.

   a. Uses utilizing shopping carts: 9.5' x 18'

   b. Other retail uses: 9' x 18'

5. Handicapped.

   a. Van accessible spaces: 9' x 18'

   b. Other spaces: 13' x 18'

   c. Van accessible spaces shall be striped with an 8' wide loading area. Other handicapped spaces with a 5' wide loading area. Paired handicapped spaces may share a loading area.

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6. Parallel spaces: 9' x 23'
7. Bus spaces: 10' x 40'
8. Tractor-trailer: 12' x 60'
9. Parking lots for office, governmental and institutional uses with over 300 cars shall be permitted compact spaces measuring 8 feet by 16 feet provided the number does not exceed 30% of the total number of required spaces.

E. Driveway Setback. Residential driveways shall be set back 5 feet from the side or rear property line. This requirement, however, shall not prevent access from an alley.

F. Parking Lot Setback. Parking lots shall be set back from all lot lines a minimum of 25 feet unless a larger setback is required, excepting the NC-1, NC-2 and RC districts. Parking shall not be permitted in the front yard in the NC-1, NC-2, and PO districts. Parking shall not be permitted to be located in any required landscaping buffer. In the RC district internal lot lines of lots comprising a regional shopping mall development tract shall not be constructed to require application of parking setbacks. Setbacks shall be required from any public streets and from private internal collector access roads that serve a parking lot. Setback measurements shall be from the right-of-way of a public street and from the curbline of a private street to the nearest parking space. Where parking areas of the regional shopping mall abut parking areas on contiguous property the required setback from the common lot line shall be 10 feet. [Ord. 1941-07, 9/4/07]

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

H. Reserve Parking. Where the total number of off-street parking spaces required may not be immediately required for a particular use, a staged development plan may be permitted which requires that only a portion of the parking area, but not less than 65% of the required spaces be completed initially, subject to the following regulations:

1. The site plan shall clearly indicate both the portion of the parking area to be initially paved and the total parking area to be eventually paved and the total parking needed to provide the number of spaces required.
2. The portion of the parking area not to be paved initially shall be landscaped in accordance with §525.
3. Prior to construction of any future banked parking area, a bond shall be posted and a soil disturbance permit obtained. [Ord. 1585-99, 9/7/1999]
4. Construction shall be in accordance with the terms of the Board approval. [Ord. 1585-99, 9/7/1999]

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5. Any change of use on a site for which the Board of Jurisdiction may have approved a partial paving of off-street parking areas to a use which requires more parking spaces than are provided on the site shall require submission of a new site plan.

6. The drainage system for the site shall be designed to accommodate the surface water run-off from all parking and drainage areas, considering all such areas to be paved, whether proposed to be paved as part of the application approval or deferred to a possible future date.

7. The applicant shall agree in writing on the submitted plan to pave any or all of the non-paved parking areas should the paved parking areas prove to be inadequate to accommodate the onsite parking needs of the premises.

I. Parking Area Design.

1. Walking distance. Off-street parking areas shall be oriented to and within a reasonable walking distance of the building(s) they are designated to serve as follows:

User	Maximum Distance
Handicapped	100 ft.
Elderly Residents	150 ft.
Other Residents	250 ft.
Guests and Visitors	400 ft.
Shoppers	600 ft.
Employees	1,000 ft.

2. Access drive length. Access drives connecting parking lots to streets shall be designed to avoid direct access to parking or intersection with internal parking lot collectors. The minimum length of the access drive shall be based on the total number of parking spaces to which the drive provides access, as follows:

Total Number of Parking Spaces	Minimum Length of Drive
39 or less	25 feet
40 to 99	50 feet
100 to 249	75 feet
250 or greater	100 feet

3. Parking space access. Direct access to an off-street parking space from a public or private street, or an internal collector drive is prohibited.

4. Internal collector drives. Parking lots in excess of 250 spaces shall be designed with internal collector drives to collect and distribute vehicles from access drives to parking aisles. The intersection of parking aisles with internal collector drives should be at 90º and in no case shall be less than 75º.

5. Shopping cart collection. Commercial uses which utilize shopping carts, hand

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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 §535).

6. Vehicle overhang. Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional 2 feet in width is provided in order to accommodate such overhang.

7. Tree retention. Parking facilities shall be designed to minimize the removal of any tree 8 inches in caliper or larger.

8. Markings and signage. All off-street parking lots shall have adequate pavement markings and signage (see §535 Signs) to indicate traffic flow and parking spaces.

J. Landscaping. Landscaping shall be required pursuant to §525.L.

K. Off-Street Loading.

1. Off-street loading shall be required for every retail, industrial, institutional and governmental use for the loading and unloading of material or merchandise. Office uses in excess of 20,000 gross square feet in either a single building or in a combination of buildings as part of an office park shall also be required to provide off-street loading. Off-street loading shall be as required:

   a. Retail uses of 5,000 sf. or less shall provide one loading space 12' x 35'. Retail uses singularly or in combination shall provide one loading space 15' x 60' for each 25,000 sf. up to 100,000 sf., plus one space for each additional 100,000 sf. up to 500,000 sf., plus one additional space for each 250,000 sf. thereafter.

   b. Industrial uses shall provide one loading space 15' x 60' for each 20,000 sf. or part thereof.

   c. Institutional uses shall provide one loading space 15' x 60' for each 50,000 sf. or part thereof.

   d. Governmental uses shall provide one loading space 12' x 35' for each 100,000 sf. or part thereof.

   e. Office uses greater than 20,000 sf. shall provide one loading space 12' x 35' for each 50,000 square feet or part thereof.

2. Additional loading spaces may be necessary and required dependent upon the specific activity.

L. Solid Waste Disposal Standards . See §538, Solid Waste.

M. Lighting. Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and public streets and shall be in accordance with §527.

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N. Paving and Curbing. [Ord. 1873-06, 2/7/2006]

1. All parking and loading areas and access drives shall be paved with a durable dustless surface as provided below except that the Board, at the request of the applicant and in consideration of the specific parking needs of the applicant, may permit a reduction in the paved area devoted to parking provided:

   a. The submitted plan shall include all the parking spaces required by this Ordinance and shall include those spaces to be paved and those requested not to be paved; and

   b. All parking areas not to be paved shall be suitably landscaped and such landscaping shall be indicated on the submitted plan and shall be in addition to landscaping otherwise required.

   c. The design of all 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. All parking and loading areas shall be designed to minimize impervious surfaces by use of permeable materials where appropriate.

2. All paved parking and loading areas and access drives shall be curbed as required in §539.H unless otherwise consented to by the Municipal Engineer and approved by the Board as part of the development application approval. All parking areas, regardless of size and location, shall be suitably drained and maintained (see §522).

   a. Areas of ingress or egress, loading and unloading areas, major interior driveways or access aisles and other areas likely to experience heavy traffic shall be prepared with 4 inches of soil aggregate I-5 and paved with not less than 4 inches of compacted base course of plant mixed bituminous stabilized base course, Mix I-2, constructed in layers of not more than 2 inches compacted thickness and prepared and constructed in accordance with Sections 208, 209, and 304 of New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto. A minimum of 2 inch thick compacted wearing surface of bituminous concrete (FABC Mix I-5) shall be constructed thereon in accordance with Section 404, of the aforesaid Standard Specifications for Road and Bridge Construction.

   b. Parking stall areas and other areas likely to experience similar light traffic shall be prepared with 4 inches of soil aggregate I-5 and shall be paved with not less than 3 inches of compacted base course of plant mixed bituminous stabilized base course, Mix I-2, prepared and constructed in accordance with Section 304, Standard Specifications for Road and Bridge Construction. A minimum of a 2 inch thick compacted wearing surface of bituminous concrete (FABC Mix I-5) shall be constructed thereon in accordance with Section 404.

   c. 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 treating the subgrade, the

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treatment of the subgrade shall be made in the following manner: The areas shall be excavated to a suitable depth below the proposed finished grade and filled with suitable subgrade material as determined by the Municipal Engineer.

Where required by the Municipal Engineer, a system of underdrains, or an alternate solution approved by the Municipal 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 heretofore, shall be spread thereon. All work shall be in accordance with Sections 208 and 209 of the Standard Specifications for Road and Bridge Construction.

d. All parking areas shall have a minimum slope of 1.5% over land and 0.75% in a curbed gutter line.

e. All driveways shall have a minimum slope of 1.5% pitched towards the roadway. A maximum slope of 10% is permitted provided that a leveling area with a maximum slope of 4% is located for the first 20 feet at the roadway and at the garage.

f. A paved or concrete driveway apron of sufficient strength for its intended function shall be required.

O. Access Drive Intersections with Streets. Access points from any one lot crossing the street line shall be limited to a maximum of two along the frontage of any single street. The centerlines of any separate access points shall be spaced at least 65 feet apart, shall handle no more than 2 directions of traffic; shall be at least 20 feet from any side or rear property lines; and shall be set back from the street line of any intersecting street at least 50 feet or one-half the lot frontage, whichever is greater, except that in no case need the setback distance exceed 200 feet. Continuous open residential driveways in excess of 22 feet at the street line shall be prohibited. Two-way access drives for non-residential and multi-family uses shall not exceed 12 feet per lane. Access driveways in excess of 36 feet shall be separated by a median island at its intersection with a public street. Such a median shall be a minimum of 8 feet wide and 25 feet long. Median islands shall be landscaped in accordance with §525 and may be used for the location of freestanding signs pursuant to §535. One-way access drives shall be a minimum of 15 feet wide and shall not exceed 18 feet in width. In all instances, due consideration to the proposed width, curbing, direction of traffic flow, radii of curves and method of dividing traffic lanes shall be given. Curbing shall be depressed at the driveway and the curbing shall be rounded at the corners.

P. Location of Parking and Loading.

1. Parking spaces may be on, above or below the surface of the ground. When parking spaces are provided within a garage or other structure, said structure shall adhere to the proper accessory or principal building setback, in accordance with Article IV.

2. The provision of parking spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking

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space provided for it without requiring the moving of any other motor vehicles, however, this provision shall not prevent the use of stacked parking spaces for new and used car inventory. Aisles providing access to parking areas shall have the following minimum dimensions in Table 5.17.

Table 5.17 Minimum Parking Aisle Widths.

Angle of Parking Space [(1)]	One-Way Aisle (in feet)	Two-Way Aisle (in feet)
90°	22	24
70°	20	22
45°	15	20
30°	12	18
Parallel	12	18

[(1)] - Where the angle of the parking spaces differs sharing a common aisle, the larger aisle width shall prevail.

3. Each occupied single-family residential property may have outside parking or storage upon it for two recreational vehicles or trailers, in safe and effective operating condition. All recreational equipment shall display thereon a current State license and/or registration.

4. Any trailer, boat or boat trailer shall be parked in the side or rear yard area of any lot and shall meet the applicable zoning district regulations governing setbacks of accessory buildings.

5. To obscure from view to the maximum extent possible, any trailer, boat or boat trailer parked or stored in a side or rear yard area and not in an enclosed building shall be screened by evergreen plantings at least 6 feet in height, spaced 3 feet apart, or as necessary to form a 100% visually impervious buffer.

6. At no time shall any recreational equipment parked or stored on any lot be used for living, sleeping or housekeeping purposes.

7. No commercial vehicles in excess of 10,000 lb. gross vehicle weight may be stored in a residential zone. See §428.K for additional requirements.

Q. Parking Management Plan – Regional Commercial District. In the event of a proposed redevelopment and/or expansion of a Regional Shopping Mall by 100,000 square feet or more of Gross Leasable Area (GLA), one of the following two alternative parking standards shall apply: [Ord.1941-07]

1. Alternative 1: 4.5 parking spaces per 1,000 square feet of GLA;

2. Alternative 2: 4.3 parking spaces per 1,000 square feet of GLA along with the preparation and implementation of a Parking Management Plan.

3. The selection of Alternative 1 or 2 shall be at the applicant's discretion. Under Alternative 1 no Parking Management Plan is required. Under Alternative 2 the Applicant is required to submit – as part of an application for Preliminary Site Plan approval for a project under this section – a Parking Management Plan which will

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set forth the Applicant's plan to monitor parking utilization during the peak utilization period between Thanksgiving and Christmas after substantial completion of construction and determine whether the supply of parking is adequate for the 20th highest peak demand hour during the year. Parking demand shall be monitored and evaluated utilizing the following protocol (or a substitute protocol approved by the Planning Board):

a. Conduct a base parking count at the Mall to determine the total number of vehicles parked at specific times (10:00 AM on Friday and Saturday; 12 noon on Sunday);

b. Conduct manual traffic counts at 15-minute intervals from 10:00 AM to 6:00 PM on the Friday after Thanksgiving and the two Saturdays before Christmas and from 12 noon to 6:00 PM on any Sunday between Thanksgiving and Christmas at each Mall Driveway to capture the total amount of entering and exiting vehicles.

c. Based upon the difference in entering and exiting volumes in each 15-minute interval, onsite parking accumulation will be determined (see example table below).

Parking Accumulation Survey

Time Period	Enter	Exit	Difference	Parking Demand
Base Parking Count (10:00 AM)	-	-	-	400 spaces
10:00 AM – 10:15 AM	150	100	+50	450 spaces
10:15 AM – 10:30 AM	175	110	+65	515 spaces
10:30 AM – 10:45 AM	225	115	+110	625 spaces

4. Utilizing the observed peak parking demand, determine a peak parking demand index based upon the occupied GLA square footage of the Regional Shopping Mall at the time of the survey.

5. Adjust the observed peak parking demand index to reflect the design condition (20th highest demand hour).

6. Prepare a report for submission to Lawrence Township summarizing the findings of the parking study. If the findings of the study indicate the 4.30 parking ratio is not sufficient, then the Parking Management Plan shall identify how the parking shortfall will be addressed. The Parking Management Plan shall include at least the following three levels of response to a finding of insufficiency of parking:

   a. Prepare and implement a plan in which employees of the Regional Shopping Mall park in designated areas which are furthest from the Mall entrances, thus maximizing the number of conveniently located parking spaces which are available to customers;

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b. Prepare and implement a plan in which employees of the Mall businesses park at an off-site location(s), particularly during the busiest shopping periods (on Saturdays and Sundays between Thanksgiving and Christmas); and

c. Prepare and implement a plan for expanding the parking supply on-site by building additional parking (either surface lots or structured parking) sufficient to bring the parking ratio to 4.5 parking spaces per 1,000 square feet of GLA. The location and organization of the supplemental structured parking shall be designated on the Preliminary and Final Site Plans for the Mall redevelopment/expansion project.

The Parking Management Plan shall set forth the timeframe for testing the results of the responses to a finding of insufficiency and identify the point at which the supplemental parking will be constructed,

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§ 531 Residential Building Design Standards.

A. Apartments. The following standards shall be used in the design of apartment buildings:

1. Apartment buildings should include at least three different bedroom types in at least two sizes each unless solely for senior citizen use.
2. Apartment buildings shall not exceed 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.
3. The minimum size for each apartment shall be 500 square feet.
4. Each unit above the ground floor shall have a balcony or terrace of at least 60 square feet in area.
5. A minimum of 150 square feet of storage shall be provided for each unit, including interior and exterior storage for garbage and recyclables in the front of the unit, and bicycles, garden equipment, and other common household items in an appropriate location.
6. Access to units shall be designed as to provide a sense of safety and security for the residents, particularly in internal stairwells.
7. Double loaded, rectangular, slab-configured structures are expressly prohibited.
8. Access to any unit should not require a vertical assent of over two stories.
9. All stairs shall be enclosed in the building.
10. The exterior of the building shall be designed to visually break up any facade in excess of 50 lineal feet. A minimum of a 4 foot deep offset shall be provided in each 100 lineal feet of facade length. The design should distinguish between the base, middle, and top of the building.
11. Where an outdoor living space is required, 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 4 feet in height. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.
12. 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.

B. Single Family Detached Residential Building Appearance.

1. Within any single-family detached residential district, no building with a permitted home occupation shall be constructed or altered so as to be inharmonious with the residential character of the adjacent residential areas.
2. The design of infill residential development shall be compatible with the appearance of houses within the neighborhood context with regard to such design elements as orientation, scale, size, massing, style, fenestration, garage and roof design, and

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exterior materials and color. Houses which are substantially incompatible in design with neighboring houses shall be prohibited unless physically separated and adequately screened from such pre-existing houses. [Ord. 1920-07]

3. Uniformity in the exterior design and appearance of dwellings erected in the same residential neighborhood may adversely affect the desirability of the immediate and neighboring areas for residential purposes and impair existing residential property in such areas, and may tend to impair the value of both improved and unimproved real property in such areas. It is the purpose of this subsection to prevent these and other harmful effects of uniformity in design and appearance of dwellings erected in any housing development in the same residential neighborhood and thus promote and protect the general welfare of the community.

4. Not more than one construction permit shall be issued for any particular single-family detached dwelling unit design in any housing development consisting of 2 or more detached dwellings when the houses are substantially alike in exterior design and appearance unless such similar houses either are separated by a distance of at least 300 feet or are situated on individual lots which are themselves separated at all points by a distance of at least 150 feet, whichever distance will provide the least separation between houses. For the purposes of this section, a "housing development" shall consist of the construction of 2 or more detached dwelling units either by a single developer/builder or by 2 or more developers/builders. [Ord. 1920-07]

5. Houses within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any one of the following characteristics:

   a. The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations.

   b. The height and design of the roofs are without substantial change in design and appearance.

   c. The size and type of windows and doors in the front elevation are without substantial differentiation.

6. In addition, there shall be not less than 2 separate basic house designs in every housing development consisting of 8 or less houses; not less than 3 basic house designs in every housing development consisting of 15 or less houses; not less than 5 basic house designs in every housing development consisting of 50 or less houses; not less than 6 basic house designs in every housing development consisting of from 50 to 77 houses; and not less than 8 basic house designs in every housing development consisting of 78 or more houses.

7. To insure conformity with the provisions of this Ordinance, no construction permit shall hereafter be issued for more than one dwelling in any housing development until the builder shall post or cause to be posted on 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. Townhouses. The following standards shall be used in the design of townhouse buildings:

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1. The front facades of at least 40% of the number of units in a structure shall be set back not less than 4 feet behind the facades of the remaining units in such structure.

2. The roof lines of at least 30% of the number of units, which are attached in a structure shall be staggered in height by not less than 5% of the height of the roof lines of the remaining units in such structure. The roof line should be discontinuous through the combination of two- and three-story townhouses and two-story flats. Chimneys, skylights, dormers, and other roof structures are encouraged to vary the elevation and provide additional light into upper story units.

3. Where an outdoor living space is included for a unit, it shall be provided with adequate visual screening from all other neighboring dwelling units, 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.

D. Planned Developments. The following performance and design standards shall be used in the creation of planned developments (excepting residential clusters):

1. The planned development shall be developed by a single entity and shall include all contiguous or non-contiguous lands of the developer. The planned development shall integrate all lands, buildings and related community facilities, infrastructure, roads, transportation and open space in an architecturally complete package.

2. A comprehensive urban design concept plan shall be prepared for the entire planned development before any plan is prepared for any section. This urban design plan shall include the location of streets, utilities, services, building sites, described in site plans, floor plans, building elevations, site sections, and other graphic representations, including perspectives, models, etc., deemed necessary to show the relationship of buildings, open spaces, streetscapes and parks, as intended to be located, constructed, used and related to each other.

3. A comprehensive urban design plan for the planned development shall be developed to include proposed materials, colors, streetscape elements, textures, facade modulation, roof lines, landscaping, and lighting.

4. Generally, grid and modified grid street patterns that create civic plazas or parks as the focal points of streets shall be favored over curvilinear patterns.

5. The development for a portion of the planned development must relate functionally and aesthetically to the urban design plan for the entire development and contain sufficient information to show the relationship of buildings, open spaces, streetscapes and parks, as intended to be located, constructed, and used compared to the approved urban design plan.

6. A program shall be provided for open space, parks, and community facilities including operation and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of or visitors to the district but will not be provided, operated or maintained at general public expense, except as may be deemed appropriate by the approving agency and accepted by the governing body.

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7. Planned developments shall be approved only where an applicant agrees to provide its pro rata share of the cost of either private facilities, utilities, and/or services required by the increase in population and/or related community service requirements by any appropriate public agencies having jurisdiction, or any such facilities, utilities and/or services that are not available from the Township, that otherwise would service the particular development, pursuant to §911.

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§ 532 Sanitary Sewers for Non-Residential Uses.

A. General Requirements.

1. All installations shall be properly connected with an approved and functioning sanitary sewer system prior to the issuance of a certificate of occupancy.

2. Dry line system. A dry line system for the collection of sanitary sewage shall be provided in all major subdivisions which are in the adopted wastewater management area of the Utilities Plan of the Master Plan and are permitted only where there may be a temporary sewer moratorium. The subdivider shall convey to the Ewing-Lawrence Sewerage Authority (ELSA) either such title to or easements across the lands shown on the final plat as dedicated to ELSA for these purposes which are deemed by the approving authority to be necessary for the operation and maintenance of either the dry line system or the complete collection, treatment and disposal line system or the complete collection, treatment and disposal system. The written instruments effectuating such conveyance or conveyances shall be delivered to the executive director of ELSA at the time of final approval and will be accepted by ELSA at such time as the improvements to be constructed thereon are accepted.

3. If a public system is not in place or cannot be extended, the developer may provide individual subsurface or community disposal systems subject to applicable Board of Health and New Jersey Department of Environmental Protection regulations.

B. System Design and Placement.

1. The design, construction, installation, modification, and operation of any treatment works shall be in accordance with the applicable NJDEP 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.* 58:11A-1 et seq.), as implemented by ELSA.

2. System design and placement shall comply with the specifications required by the Ewing-Lawrence Sewerage Authority (ELSA). Trench restoration shall conform to the Lawrence Township Engineering Standards.

3. In keeping with the terms of the contract creating ELSA, no extension of the sewerage facilities originating only within the territory of the municipality may be constructed by ELSA unless the governing body has given its written consent to such extension.

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§ 533 Sidewalks and Bikeways for Non-Residential Uses.

A. Sidewalks. The following section provides standards for sidewalk placement and minimum sidewalk widths. The Board of Jurisdiction may require wider sidewalk widths where anticipated pedestrian traffic volumes would necessitate additional capacity. Calculations of required sidewalk widths that differ from the standards as set forth herein shall be made using the Highway Capacity Manual, latest edition, published by the Transportation Research Board.

1. Sidewalks shall be required on both sides of the street for all collector, secondary arterial and arterial roads in non-residential development.

2. In general, sidewalks shall be placed in the right-of-way, parallel to the street unless an exception has been permitted to preserve topographical or natural features, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides equally safe and convenient circulation. Sidewalks may be placed in a public access easement adjoining the right-of-way in order to provide sufficient room for various functions within the right-of-way, as follows:

   a. In commercial areas, the sidewalk area may abut the curb incorporating additional width for street furniture such as bus stops and shelters, planters, signage, benches, street tree planting holes and grates, newspaper vending machines, traffic control devices, light poles and similar obstacles; however, a continuous clear pedestrian passageway of 7.5 feet in width a minimum distance of 5 feet from the curbline shall be maintained.

   b. In addition to required sidewalks along streets, commercial developments shall provide internal sidewalks creating convenient linkages between the commercial development and all surrounding streets, including residential streets. Internal sidewalks shall be provided linking such commercial development to adjoining non-residential developments. Cross-access easements pursuant to §526 shall be provided for such pedestrian linkages.

3. In planned commercial or industrial developments, sidewalks may be located away from the road system to link the street, buildings within a complex, and on-site activities such as parking and recreational areas.

4. The following sidewalk widths for office, governmental, educational and health care uses shall be required:

a.	Along non-residential streets separated from the curb by at least 5 feet:	4 feet
b.	Along non-residential streets adjacent to the curb:	6 feet
c.	Between a main entrance and its closest parking:	8 feet
d.	Where vehicles overhang the sidewalk:	6 feet
e.	Within parking areas:	4 feet
f.	Between buildings:	6 feet

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5. The following sidewalk widths for retail development shall be required:

a.	Along non-residential streets separated from the curb by at least 5 feet:	8 feet
b.	Along non-residential streets adjacent to the curb:	12 feet
c.	Between a main entrance and its closest parking:	12 feet
d.	Where vehicles overhang the sidewalk:	6 feet
e.	Within parking areas:	4 feet
f.	Between buildings:	6 feet

6. Handicapped passage. Sidewalks and walkways less than 6 feet in width shall provide widened areas at least every 200 lineal feet sufficient to permit the passage of two wheelchairs in opposite directions. The widened area shall be at least 6 feet wide. In general, this requirement may be met through the intersection of driveway's paved surfaces with sidewalks.

7. Sidewalks and graded areas shall be constructed according to the Engineering Department Standard Details established by the municipality and shall comply with the design criteria of the American with Disabilities Act and New Jersey Department of Transportation. Permeable paving materials shall be used where appropriate and stormwater management and related drainage controls shall comply with §522. [Ord. 1873-06, 2/7/2006]

8. All sidewalk and drive apron construction shall be in accordance with New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.

9. The concrete to be used for sidewalks and drive aprons shall be Class "B" 4,000 p.s.i. air entrained. The sidewalks and drive aprons may require a crushed stone foundation for unusual loads or soil conditions if directed by the Municipal Engineer. The following minimum thickness shall apply:

   a. Sidewalks shall be a minimum thickness of 4 inches.

   b. Drive aprons and sidewalks at drive aprons shall have a minimum thickness of 6 inches and they shall have welded wire fabric reinforcement mat not less than #6 x #6 on a 6 inch by 6 inch grid pattern.

10. Premolded bituminous expansion joint material shall be installed every 20 feet and half depth contraction joints installed every 4 feet.

11. Monolithic curb and drive apron construction shall be prohibited.

B. Bikeways.

1. Separate bicycle paths shall be required where specified as part of the municipality's adopted master plan.

2. Bicycle lanes, where required, 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

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shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used. Bicycle lanes shall be considered Type A bikeways and all other bikeways Type B.

3. Bikeways shall be constructed in accordance with the bicycle facility design guidelines published by the New Jersey Department of Transportation and the design of all drainage or 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. All parking and loading areas shall be designed to minimize impervious surfaces by use of permeable materials where appropriate. [Ord. 1873-06, 2/7/2006]

C. Bicycle Parking. Bicycle parking areas shall be installed wherever significant attractors are established, including, but not limited to food stores, educational uses, and shopping centers. The number of spaces for bicycles shall equal at least 10% of the total required number of parking spaces (see §530) for the first 100 spaces and 2% thereafter. Bicycle parking areas shall have a minimum capacity of 6 bicycles and shall be designed to provide secure anchoring for locking devices. If located in motorized vehicle parking lots, bicycle parking shall be primarily located in the one-third of the parking area closest to the building. If located on sidewalks, the parking should be adjacent to entrances. Bicycle parking shall be located outside of travel ways for motorized vehicles and pedestrians.

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§ 534 Sight Triangles.

[Ord. 1585-99, 9/7/1999]

Sight triangle easements shall be provided at all intersections measured from the edge of right of way in accordance with the Lawrence Township Engineering Standards.

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§ 535 Signs

[Ord. 2072-10, 12/21/10]

A. Purpose and Intent. The purpose of this section is to encourage the effective use of signs as a means of communication, to maintain the aesthetic 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. Within this Chapter, paragraphs -M through –T, inclusive, apply to signs containing commercial speech, only, and not to non-commercial speech.

B. Performance. Signs shall be permitted as accessory uses 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. 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 §535.G of this section, in accordance with the following requirements:

1. Application requirements. All applications for sign permits shall be made to the Administrative 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. All applications shall contain a sketch of the proposed sign, drawn to scale, the wording or message and, where the sign will be attached to a building, a plot plan showing the location of the proposed sign with dimensions to the nearest building and lot lines. A color photograph, no smaller than 3" x 5" or larger than 8" x 10" shall be submitted for each existing sign on the premises. Applications for freestanding signs over 15 feet in height or 50 square feet in area shall be accompanied by structural plans prepared by an individual duly licensed by the State of New Jersey. All applications shall be accompanied by the appropriate fee. Any fee for an electrical inspection shall be in addition to the fee provided for in the sign permit. As soon as the sign has been erected, the applicant shall notify the construction code official for a final inspection.

2. Change of copy. After a sign permit has been obtained, the copy, wording or pictures may be changed without the necessity of obtaining a new permit or paying any additional fees, as long as the new copy, wording or picture comply with the provisions of this section. Any change in the size or shape of a sign or structural alteration shall require a new sign permit.

3. Sign permit invalidation. Any of the following shall cause a sign permit to be invalidated: [Ord. 2199-14, 10/7/14]

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a. An invalidation of a Certificate of Occupancy for the use to which the sign relates.

b. An invalidation of any permit issued for a sign by another agency or level of government or the loss of any license held precedent to receiving such permit.

c. An alteration in the area of a sign, the shape of a sign or structure of the sign support.

d. Vacation of the premises by the user to which the sign relates.

e. Abandonment pursuant to §535.C.5 of this section.

4. Effect of invalidation. 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 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. 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.

5. 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 months, that sign shall be considered abandoned and shall, within 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 months.

D. Maintenance. All signs and displays 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 20 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 such correction notice. Signs shall conform to the requirements of the Uniform Construction Code and any other property maintenance code of the municipality.

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E. General Provisions.

1. Corporate franchise signs. Signs identifying franchise operations or corporation logos shall conform to the criteria for all other signs.

2. Items of information. Permanent freestanding signs and façade signs closer than 75 feet to the right-of-way of a principal arterial, secondary arterial or collector road as indicated on the Circulation Map of the Master Plan shall not contain more than 9 items of information.

3. 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 §535.K.3 are exempted from this restriction.

4. 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.

5. 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-paragraph -6, below. Signs placed illegally in such locations shall be subject to removal by the municipality.

6. 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 hereinafter 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.

7. Relief and sign face distance. Excepting viewpoint signs under §535.K.3, no sign shall contain characters or graphics exceeding 3 inches in relief from the sign face. No façade sign shall project more than 12 inches from the plane of the attaching surface. The maximum distance between the faces of a double-faced sign shall not exceed 18 inches; otherwise it shall be considered two signs and any "V"-shaped sign, regardless of the separation dimension of the faces, shall be considered two signs. [Ord. 2199-14, 10/7/14]

8. Setback and separation distance. Except where a greater setback is required, no freestanding sign or any part thereof shall be located closer than 10 feet to any lot

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line, excepting viewpoint signs under §535.K.3 if the lot dimensions would otherwise preclude an owner or tenant's ability to erect such a sign. Any new commercial sign shall be not less than a distance of 100 feet from any existing adjacent freestanding sign, excepting commercial properties within 200 feet or less of frontage from which direct vehicular access is obtained, directional and directory signs. Any off-site commercial sign, where permitted, shall be separated from any other off-site commercial sign by a distance of not less than 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 3,000 feet for any sign aligned to face the same direction of travel. [Ord. 2199-14, 10/7/14]

9. Sight triangles. No sign shall be erected within the clear sight triangle area as otherwise established in this Ordinance, unless the topmost portion of such sign is less than 2 ½ feet (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.

10. 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 doing 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.

    c. In any area where such landscaping is required to remain under any Board approval or permit issued under this Ordinance.

F. Design Standards. Design guidelines for all signage are as follows:

1. Signs should strengthen the architectural diversity of the municipality's buildings. Signs which obscure or ignore a building's architecture should be avoided. Signs should be integrated with a building's architecture in terms of form, materials, color, and size.

2. Signs should be appropriate for the era in which the building was constructed.

3. Signs should not alter the way in which a building functions.

4. Designers should strive for creativity in the form and variety of signage within the size limitations set forth herein.

5. Designers are strongly encouraged to include symbols, images, and other graphic

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objects to convey the type of establishment using the sign.

6. The typeface used to represent words should convey the character of the establishment and the era of the building.

7. Contrast. The contrast of a sign's lettering and symbols with its background should be disparate to convey legibility.

8. Outside of the historic district, back lighted individual letter channel signs to convey text, mounted on masonry, is preferred. See §535.T.2 for design standards specific to the historic district.

9. The background of internally illuminated signs should not be lighted but only the individual letters, logos, or symbols that convey the sign's message.

G. 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, or contractor doing such work authorized or permitted by such agency, utility, or company. Such signs may be illuminated.

2. Flags. Any non-commercial viewpoint expression flag or pennant may be displayed or flown, provided that such flag shall not exceed 130 square feet in area and shall not be flown from a pole that exceeds 40 feet in height. No provision of this section shall be held applicable to flags, banners or pennants used or displayed by any person as a means of non-commercial viewpoint communication, including but not limited to parades, rallies, demonstrations, or other activities of non-commercial viewpoint expression. For commercial and non-profit institutional uses no more than 5 flags shall be flown or suspended from poles along any frontage of a property. Flags displayed inside windows or flags of two sf. of sign area or less shall be exempted. 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 area does not exceed 6 square feet.

5. Incidental signs. Non-illuminated or internally illuminated incidental signs, such as those identifying the availability of rest rooms, telephone, or similar public conveniences, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods or services, except those of public utilities. Incidental signs provided for the guidance and convenience of the public within commercial properties may also be erected. Any such sign shall not exceed two square feet in area.

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6. Name and Address. Name and address signs attached to the façade of a building, lamp post or on a mailbox, provided that the size of the sign does not exceed one and a half square foot. Address lettering shall be a minimum height as required under §535.J in order to be legible to emergency personnel.

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 §535.K.

10. Advisory data. Advisory data signs shall comply with the following requirements:

    a. Advisory data signs shall be permitted in any district in which commercial uses are permitted except in a historic district, provided that they do not encompass more than 20% of the allowable sign area for the type of sign, upon which they are placed, not to exceed 4 sf. in sign area.

    b. Advisory data signs shall be permitted in addition to any other allowable signage for the property.

    c. The advisory data display may alternate, provided that the period of time that one display is shown is not less than one second.

11. Traffic control signs. 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.

12. 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 square feet.

13. Vending. Illuminated and non-illuminated signs which are an integral part of vending machines, including gasoline pumps and juice machines, provided that they do not exceed six square feet in area.

H. 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

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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 one 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 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.

I. Illumination. Signs exempt from permits in accordance with §535.G shall not be illuminated, unless otherwise excepted. Any other sign may be illuminated, unless otherwise prohibited. Illuminated signs shall conform to the following provisions: [Ord. 2199-14, 10/7/14]

1. Where illuminated signs are permitted and approved, illumination may be provided by floodlights, spotlights, incandescent bulbs, fluorescent tubes or compact fluorescent bulbs, LED spotlights or internal illumination, metal halide, mercury-vapor, or quantum dot lamps. Neon, LED or similar tubing shall not be permitted as a means of illumination unless used for illumination internal to the sign. 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 motor vehicle traffic and so as not to cause a nuisance to residents on the premises of their home in the area. Upon a finding by the Zoning Officer that a sign creates glare or blinding conditions, the property owner or owner of the sign, as the case may be, shall correct the situation within 14 days of the notification of such effects by the Zoning Officer. The Zoning Officer may be assisted in such determination by such lighting or visual acuity experts as necessary. Failure to correct the condition or file an appeal within the time specified shall constitute a violation of this Ordinance by the property owner or sign owner, as appropriate.

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. Variable message signs, where permitted, shall be turned off between the hours of 1:00 am and 6:00 am.

3. The contrast between the ambient light level of the cartway closest adjacent to a sign and the illuminance of the sign shall not exceed a ratio of 1:20.

4. Signs shall not be permitted to emit more than fifty percent (50%) of its illumination as the color white or light blue.

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5. 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, or 250 feet measured level and at 90º from its center.

J. Required Street Numbering. Street numbering shall be required for every dwelling unit and non-residential building in accordance with Ord. No. 1137-88, as it may be amended or superseded. Residential uses shall be identified with numbers of lettering at least 4 inches in height. Non-residential uses shall be identified with numbering or letters at least 6 inches in height. Such signage shall not be included in the sign area nor sign number limitations. Street numbering shall be located within 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.

K. 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. Contracting signs. Temporary lawn signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the contracting work is being performed shall be permitted during the period of work. Contracting signs shall conform to the size limitations for real estate signs. They shall be removed within 7 days of the completion of the work to which the sign relates. Pursuant to §535.E.6, 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, 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 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 façade signs, freestanding signs, or banners. Business relocation or "Under New Management" signs may be façade or window signs. All signs shall not exceed the total sign area permitted on the premises for permanent façade 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. Viewpoint signs. A viewpoint sign shall conform to the following requirements:

   a. Viewpoint signs in residential zones shall not exceed 16 square feet, the dimension shall not exceed 4 feet on any side and they shall not exceed 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 130 sf.

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b. Viewpoint signs in all other zones shall not exceed the dimensions or total sign area otherwise permitted for commercial signage upon the premises, but any sign, symbol or display not exceeding 15 feet in height or having an area greater than 130 square feet shall be permitted in any commercial or institutional zone in conformance with the standards herein.

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.

4. 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 32 square feet in area. The sign shall be removed before any certificate of occupancy is issued for non-residential uses and when 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.

5. 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 30 days prior to and during the event and shall be removed within 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 appropriate governmental authority if suspended over a public right-of-way. A sign erected on the premises shall not exceed 32 square feet and 8 feet in height. Banners may project over a right-of-way provided that the lowest edge of the sign is a minimum

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of 17 feet 6 inches above the highest part of the cartway. Banners over a right-of-way shall not exceed 60 square feet in area.

6. Real estate. Real estate lawn signs announcing the sale, rental or lease of the premises on which the sign is located. The sign may be double-faced. Only one sign per street frontage shall be permitted. The maximum size of the sign shall be in accordance with the following schedule:

   a. Residential zones: 6 sf.

   b. Commercial zones: 32 sf.

   c. Industrial zones: 32 sf.

   d. All real estate signs shall be removed within 7 days after closing or settlement on said property or the execution of the lease.

7. Off-tract directional real estate signs identifying an open house shall also be permitted. Signs may be two-sided and may not exceed 3 sf. per side. Signs may be installed only with the consent of the property owner(s). Signs may be installed for a period of time up to 12 hours preceding the open house and must be removed the same day. Pursuant to §535.E.6, 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. Pursuant to §535.L.1 and -2, no moving devices, including but not limited to, streamers, tinsel, or similar components, shall be affixed to a real estate sign except as permitted by paragraph –K.10, herein. Special events. Special event lawn and other signs in conjunction with a temporary use permit issued in accordance with §430.L.

8. Window signs. Window signs and internal 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 25% of all available window space or 10% of the total facade area, whichever is less. 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.

9. Yard and garage sale signs. Such signs shall not exceed four square feet; shall not be erected more than seven days prior to such sale; and shall be removed within 48 hours after the sale. No premise shall be permitted to erect such signs more than two times in any calendar year. No more than 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.

10. Lawn signs. Lawn signs shall be permitted in any zoning district and may have a maximum of one balloon attached thereto with a tether of not more than 12 inches in length. Lawn signs shall be limited to 3 sf. per side, unless a larger size is otherwise specifically permitted.

L. Prohibited Commercial Signs. All commercial signs not permitted by this Ordinance are hereby prohibited, with the following commercial signs specifically prohibited:

1. Flashing, blinking, occulting, twinkling, animated, moving, or projected signs of any

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type, with the exception of advisory data displays as otherwise permitted, and commercial or institutional holiday displays erected and operating for a period not to exceed 35 days.

2. Banners, pennants, streamers, pinwheels or similar devices (except as a display of merchandise for sale upon the premises); vehicle signs (except for ordinary commercial signage on registered business vehicles used in the normal course of business and legally parked or garaged at the business or owner/employees premises, or grand opening, business relocation, "Under New Management", or bankruptcy/final closing signs); portable signs (unless otherwise exempted); balloon signs or other inflated signs (excepting grand opening or final closing signs or signs otherwise exempted); and searchlights (excepting grand opening or closing lights which shall not interfere with motorists' or pedestrians' vision and shall not create a hazard to motor vehicle traffic), displayed for the purpose of attracting the attention of pedestrians and motorists; unless otherwise exempted.

3. Signs which emit smoke, visible vapors or particles, sound or odor. Any sign that emits electromagnetic radiation outside the wavelengths of visible light which is measurable beyond the property boundary and signs causing interference with radio, two-way radio, television or cellular telephone reception, motor vehicle or computer wireless signal transmission, or with medical devices.

4. Any sign attached or affixed to the roof of a building, or a façade sign that projects above the lowest level of a roof or beyond the corner of a wall.

5. 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;

   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.

6. 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.

7. 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.

8. A series of two or more signs placed in a line parallel to a street each of which, comprising a single commercial message sentence or clause thereof.

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9. Signs attached to or part of canopies over motor fuel dispensers.

10. Signs attached, affixed or painted on trees, fences, utility poles, light poles, signs attached to other signs, signs temporarily placed upon motor vehicles or signs displayed upon the exterior of any motor vehicle which are continuously or repeatedly parked in a conspicuous location to serve as a sign. 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 advise of any emergency or hazard to persons upon the premises.

11. 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. Such signage shall be permitted only upon showing by the applicant that the sign is necessary to enhance traffic flow and safety, or that he or she would be unduly burdened by its absence.

12. Portable commercial signs, unless otherwise excepted. Hand-carried or sandwich board type signs shall be permitted to announce grand opening, business relocation, final closing or bankruptcy/liquidation sales. Such signs shall not exceed 8 square feet in area, and no person shall carry or hold more than two signs. No commercial sign carrier shall impede or interfere with pedestrian or vehicular traffic or create a hazard thereto; obstruct any public right-of-way or means of ingress or egress to any premises; or loiter in any residentially zoned area. No garment shall be deemed a commercial sign, irrespective of content displayed thereupon.

13. Signs where the message is changed by electronic or electro-mechanical means, excepting advisory data signs.

14. Billboards and billboard-type commercial displays, whether of permanent, semi-permanent, or mobile construction, except as a zoning-permitted use and authorized as part of any approved site plan or variance application, or as otherwise permitted.

15. 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.

M. Awning Sign Requirements. Awning signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:

1. An awning shall only be permitted in lieu of an allowed façade sign, except as permitted in subparagraph 5, below.

2. 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 9 inches.

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3. Company logos or symbols may be placed on the sloped portion or upper curved area of the awning.

4. 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 §535.H.

5. 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 façade sign. The sides of the canopy may be lettered as permitted in subparagraph -2, above, except that any lettering shall be no higher than 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 20 sf. in area.

N. Changeable Copy Sign Requirements. Changeable copy signs, where permitted, shall comply with the following provisions and any more specific regulations in this section: [Ord. 2199-14, 10/7/14]

1. Changeable copy signs shall be allowed only as an integral part of a freestanding or façade sign, except as may be allowed in sub-paragraph –N.8 hereinbelow. The area of a changeable copy sign shall be included in the sign area calculation for the freestanding or façade sign and shall not exceed 50% of the total sign area, excepting movie theater marquee and variable message signs.

2. Changeable copy signs shall not be permitted on temporary or portable signage.

3. Copy shall not be changed more than once every 24 hours, excepting advisable data displays. Changeable copy signs that are changed more frequently shall be considered animated signs and are prohibited.

4. Changeable copy signs may not be located in any residential zoning district, excepting institutional uses.

5. The maximum number of lines of changeable copy shall be 4 lines, except for variable message signs.

6. The minimum height of changeable copy letters shall be 4 inches.

7. No changeable copy sign, excepting advisory data signs and variable message signs, shall be changed by electronic or electro-mechanical means.

8. Changeable copy signs that are variable message signs shall adhere to the following standards and any other standards specific to the zoning district in which they are permitted:

   a. The variable message sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions in accordance with the illumination standards of §535.I;

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b. When first installed, the sign shall be calibrated and certified by the sign installer that the level of illuminance does not exceed the limitation set forth in §535.I.5.

c. The displayed message shall not change more frequently than once per 8 seconds. The sign shall only display static messages and shall be changed instantaneously from one message to the next;

d. The sign shall be equipped with a default mode of operation that turns the sign message entirely to black should a malfunction in static image display, dimmer control and/or photocell occur;

e. Prior to the issuance of a sign permit approving such sign under the provisions of this Ordinance, the owner of the sign shall prepare a report indicating the anticipated life span of the sign and the means whereby the sign's electronic components shall be recycled at such time. No new permit for a variable message sign replacing a previously installed variable message sign shall be issued until the owner shall certify to the satisfaction of the Zoning Officer that a credible means of recycling of the prior sign has been established. Once certified, the sign owner shall be permitted to replace modules within the variable message sign as needed.

f. Prior to the issuance of a building permit, or in the absence of a building permit being required, the sign permit, a structural engineer licensed by the State of New Jersey shall certify that the existing sign structure is capable of supporting the variable message sign intended to replace an existing static message sign. In the event that the sign structure is inadequate to support the static and live loads of the variable message sign, the structural engineer shall supply a credible design whereby the structure shall be reinforced to accept such variable message sign and shall certify upon completion that the sign has been reinforced in conformance with the design.

O. Directional Sign Requirements. Directional signs shall comply with the following requirements:

1. Directional signs for indicating the path of pedestrian or vehicular traffic from a public street shall meet the following regulations:

a. Such signs may contain more than one commercial message and may be illuminated.

b. The size of each sign shall not exceed 4 square feet and exceed 2½ feet in height.

c. The number of signs shall be limited to the number of driveway or pedestrian walkway intersections with a public street or public sidewalk, respectively.

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2. Directional signs for indicating the path of pedestrian or vehicular traffic internal to a site shall meet the following regulations:

   a. The sign shall not be located within 50 feet of the tract perimeter.

   b. The sign shall be freestanding, unless otherwise excepted.

   c. Such signs may contain more than one commercial message and may be illuminated.

   d. Any such sign shall not exceed 16 square feet in area or 6 feet in height.

   e. 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.

P. Directory Sign Requirements. Directory signs shall comply with the following requirements:

1. 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.

2. 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.

3. Any such sign shall not exceed 12 square feet in sign area for building mounted signs and 16 square feet in area for freestanding signs, unless otherwise excepted.

4. A freestanding directory sign shall not exceed 6 feet in height.

5. Directory signs may contain more than one commercial message.

Q. Façade Sign Requirements. Façade signs, where permitted, shall comply with the following provisions and the more specific regulations in this section:

1. Size Limitation. Unless otherwise modified herein, no façade sign shall exceed 5% of the total façade area to which it is attached. Additional limitations may apply in specific zoning district.

2. One façade sign per building, or ground level store in a shopping center, shall be permitted. Where the building is located on a corner lot, a second façade sign shall be permitted provided:

   a. The message is the same on both signs;

   b. The façade of the building to which the sign would be attached does not face a residential use across the intervening street;

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c. The sign does not face a principal arterial (limited access highway) as defined by the Master Plan.

3. Location on buildings. Façade signs shall be located in the following places:

d. Above the first floor windows;

e. Below a parapet, mansard roof, or pent roof;

f. Beside the main entrance.

4. Bonus for individual letter sign types. The sign area limitations in §535.Q.1 may be increased by 10% when the message consists of individual letters or symbols and by 20% when the message consists of individual back lighted letters or symbols.

5. Construction of signs flat against buildings. Any sign attached flat against the surface of a building shall be constructed of durable material and attached securely to the building with rust-proof metal hardware. When a sign is to be installed on a masonry building, holes shall be drilled in the masonry, and proper rust-proof expansion bolts shall be used. The use of wood or fiber plugs is prohibited.

6. Menu sign. Restaurants or other eating establishments may erect one additional façade sign for the placement of a menu or other bill of fare at the main entrance, provided the sign does not exceed 6 sf. in area.

R. Freestanding Sign Requirements. Freestanding signs, where permitted, shall comply with the following provisions and any more specific regulations herein:

1. Unless otherwise modified, the following sign area limitations and requirements shall apply to all freestanding signs (minimum letter height shall apply to the primary message on the sign):

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Table 5.18 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 or Across the Street	
2	0-25	15 sf.	10 sf.	5 in.
	26-45	35 sf.	20 sf.	8 in.
	46+	75 sf.	50 sf.	12 in.
4	0-25	20 sf.	15 sf.	6 in.
	26-45	50 sf.	35 sf.	10 in.
	46+	120 sf.	80 sf.	15 in.
6	26-45	65 sf.	40 sf.	11 in.
	46+	130 sf.	90 sf.	16 in.

2. Bonus for individual letter sign types. The sign area limitations in §535.R.1 may be increased by 10% when the message consists of individual letters or symbols and by 20% when the message consists of individual back lighted letters or symbols.

3. No freestanding sign shall be permitted if the building line is less than 35 feet from the street line, excepting signs in a historic district.

4. 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 to the site of the business or commercial use.

5. Freestanding signs shall be permitted only in the front yard.

6. No freestanding sign, excepting viewpoint expression and real estate signs, shall be directed towards a street from which the property does not have direct access.

7. Freestanding signs shall not exceed a height of 15 feet.

8. Freestanding signs shall be skirted to enclose the supporting pole or pylon of the sign, except for historic district signs. 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.

9. The base of the freestanding sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers, or other plant material.

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S. Off-Premise Sign Requirements. Off-premise signs, where permitted, shall comply with the size and locational limitations for freestanding signs, unless otherwise modified.

T. Historic District Signs. Signs in a historic district and throughout any NC-1 district adjacent to a historic district shall comply with the requirements of this subsection, notwithstanding the zoning district in which the property is located.

1. The following signage shall be permitted:

a. Façade signs. Either one non-illuminated façade sign per street frontage not to exceed 20 square feet or one illuminated façade sign per street frontage not to exceed 10 square feet, in accordance with §535.Q. Establishments with entrances accessible from a rear yard public parking area may have an additional façade sign not to exceed 6 square feet.

b. Freestanding signs. One freestanding sign per lot not to exceed 12 square feet or 6 feet in height in accordance with §535.R.

c. Awning signs. One awning sign per premises.

d. Projecting signs. One projecting sign per lot in lieu of a freestanding sign shall be permitted not to exceed 8 square feet in area. The minimum height clearance of the lower edge of any such sign shall be 9 feet.

e. Directory sign. Where commercial establishments are located on a floor other than the first floor, one directory sign per building, located on the building, shall be permitted.

f. A-frame sign. An A-frame sign for retail establishments conforming to the following:

(1) The sign may be displayed only during business hours.

(2) Each side of the sign may not exceed 6 square feet.

(3) The sign shall consist of a framed chalkboard or tack board.

(4) The location of the sign shall not interfere with pedestrian or vehicular traffic.

(5) Pursuant to §535.E.6, no A-frame sign shall be placed within a public-right-of-way. Signs placed illegally in such locations shall be subject to removal by the municipality.

g. Off-premise sign with commercial message. One off-premise sign with a commercial message may be located at each intersection of Main with Gordon Avenue, Philips Avenue, and Craven Lane. Such sign may contain more than one commercial message. Each sign shall not exceed 9 square

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feet and 12 feet in height.

h. Any sign allowed without permit, pursuant to §535.G.

2. The following standards are to be followed in the placement and design of signs unless specifically waived by the approving authority:

a. Façade sign locations. The following façade sign locations are required in any historic district.

(1) Single story commercial buildings. The parapet wall above the glass storefront.

(2) Two or more story commercial buildings. The wall above the glass storefront but below the window sills of the second floor. If there are projecting cornices or beltlines separating the first and second stories, the façade sign should be placed below them.

(3) Combined commercial and residential buildings. Next to the first floor doorway or window, below any porch or added mansard or pent roof between the first and second floors.

b. Freestanding sign location. Freestanding signs shall be set back from the sidewalk five feet, or ten feet from the curbline if there is no sidewalk.

c. Projecting sign locations. Projecting signs for first floor establishments should be just below the second floor windows. Projecting signs for second floor or higher establishments should be located above the second story windows.

d. Sign complexity. Façade and freestanding signs oriented towards motorists shall convey no more than 9 items of information. More complex signage should be limited to projecting signs oriented towards pedestrians.

e. Sign materials. Sign materials should relate to the architectural style of the building. Where modern buildings are designed to evoke an earlier era, signage should reflect that age. Sign materials permitted within the historic district include painted or carved, smooth surfaced wood; carved stone; cast bronze or brass; tinned and forged metal; gold-leafed lettering; individual wood or metal letters on the building façade .

f. Consideration will be given to other sign materials or to more modern signage materials for older buildings provided that the purposes of the design guidelines are maintained.

3. Illumination. In general, unless the building belongs to the present era, internally illuminated signs are discouraged. Illumination should be accomplished through external floodlights trained on the sign face.

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U. Signs Permitted in the EP-1, EP-2, R-1, R-2A, R2-B, R-3, R-4 and R-5 Districts.

1. Any sign allowed without permit, pursuant to §535.G.

2. Residential uses. One freestanding development sign for each collector or arterial roadway that provides access to the neighborhood or residential complex, provided that:

   a. 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.

   b. Each sign shall not exceed a height of 5 feet and shall meet the size limitations for freestanding signs.

   c. At an approved rental or sales office installed pursuant to §430.I, one freestanding non-illuminated sign identifying the office for customers shall be permitted but not to exceed 16 square feet in area and more than 5 feet in height. Such sign shall be removed with the removal of the temporary office.

   d. Real estate signs, the sole purpose of which is to direct the public to housing for sale or land development shall be permitted 4 temporary freestanding non-illuminated signs at key intersections within the housing development. Each sign shall not exceed 15 square feet in area and 8 feet in height above ground.

   e. One nameplate sign identifying a home occupation, not exceeding one square foot in area, either attached or freestanding and set back at least 15 feet from any street right-of-way.

3. Commercial uses. One freestanding sign not to exceed 10 square feet in area or 4 feet in height and one directory sign attached to the façade of the building.

4. Agricultural uses.

   a. Farm stands may have 2 freestanding signs, each not larger than 12 square feet in area and not exceeding 8 feet in height. Such signs may have changeable copy. In addition, one sign no larger than 16 square feet in area may be erected flat against the face of the farm stand or farm building where the products are sold.

   b. Farm markets shall be permitted one façade sign and one freestanding sign in accordance with §535.Q and -R.

5. Institutional uses. The following signs shall be permitted for institutional uses within the subject districts:

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a. One freestanding sign not exceeding 20 square feet in area or 5 feet in height.

b. Freestanding signs shall be set back from all streetlines 30 feet or half the distance between the building and the street, whichever is less.

c. One façade sign per building in accordance with §535.Q, not to exceed 40 square feet.

d. One changeable copy sign pursuant to §535.N not to exceed 18 square feet.

e. Directional signs pursuant to §535.O.

f. Directory signs pursuant to §535.P.

V. Signs Permitted in the AT, SCR, PVD-1, PVD-2 and MX-1 Districts. [Ord. 2174-14, 3/18/14; Ord. 2199-14, 10/7/14]

1. Any sign allowed without permit, pursuant to §535.G.

2. One freestanding development sign for each collector or arterial roadway that provides access to the residential complex identifying the name of the development only, provided that:

a. 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.

b. Each sign shall not exceed a height of 5 feet and shall meet the size limitations for freestanding signs.

c. At an approved rental or sales office installed pursuant to §430.I, one freestanding non-illuminated sign advertising the office, not to exceed 16 square feet in area and not more than 5 feet in height. Such sign shall be removed with the removal of the temporary office.

d. Real estate signs, the sole purpose of which is to direct the public to a housing or land development shall be permitted 4 temporary freestanding non-illuminated signs at key intersections. Each sign shall not exceed 15 square feet in area and 8 feet in height above ground.

3. One façade sign per building in accordance with §535.Q and not exceeding 6 square feet in area.

4. Directional signs pursuant to §535.O.

5. Directory signs pursuant to §535.P.

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6. Commercial uses, where permitted, shall conform to the requirements for the NC-1 district.

W. Signs Permitted in the NC-1, NC-2 and PO Districts.

1. Any sign allowed without permit, pursuant to §535.G.

2. One freestanding sign per premises pursuant to §535.R and not exceeding 6 feet in height.

3. Façade signs in accordance with §535.Q and not exceeding 20 square feet, whichever is less.

4. A-frame sign. An A-frame sign for retail establishments conforming to the following:

   a. The sign may be displayed only during business hours.

   b. Each side of the sign may not exceed 6 square feet.

   c. The sign shall consist of a framed chalkboard or tack board.

   d. The location of the sign shall not interfere with pedestrian or vehicular traffic.

   e. Pursuant to §535.E.6, no A-frame sign shall be placed within a public-right-of-way. Signs placed illegally in such locations shall be subject to removal by the municipality.

5. Awning signs pursuant to §535.M.

6. One changeable copy sign pursuant to §535.N.

7. Directional signs pursuant to §535.O.

8. Directory signs pursuant to §535.P.

9. One projecting sign per building in lieu of a freestanding sign not to exceed 12 square feet in area. The minimum height clearance of the lower edge of any such sign shall be 9 feet.

10. One off-premise sign with a non-commercial message in lieu of a freestanding sign.

11. The standards set forth in §535.T "Historic District Signage" shall apply throughout any NC-1 district which includes property which is also within a historic district.

X. Signs Permitted in the O, RD-1, RD-1, MX-2 and LI Districts. [Ord. 2174, 3/18/14; Ord. 2199-14, 10/7/14]

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1. Any sign allowed without permit, pursuant to §535.G.

2. One freestanding sign for each collector or arterial roadway that provides access to the building or complex pursuant to §535.R and not exceeding 10 feet in height.

3. Freestanding signs shall be set back from all street lines a minimum of 30 feet.

4. Façade signs in accordance with §535.Q and not exceeding 100 square feet, whichever is less, excepting RD-2 districts.

5. Façade signs, in accordance with §535.Q located in the RD-2 district shall conform to the following:

   a. Façade signs for principal uses may be increased to no more than 200 square feet in area, whichever is less.

   b. One façade sign for each accessory use shall be permitted not to exceed 40 square feet in area.

   c. Awning signs in lieu of a façade sign shall be permitted for accessory uses.

6. Directional signs pursuant to §535.O.

7. Directory signs pursuant to §535.P.

8. One off-premise sign with a non-commercial message in lieu of a freestanding sign.

9. In the Mixed Use 2 district, only, a changeable copy sign that meets the definition of a variable message sign, provided it meets the following criteria:

   a. The sign is oriented to a highway designated as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways by the Federal Highway Administration;

   b. The sign meets the separation distances of §535.E.8; and

   c. The sign shall not exceed 14 feet tall by 48 feet wide in sign area.

Y. Signs Permitted in the HC District.

1. Any sign allowed without permit, pursuant to §535.G.

2. One freestanding sign for each collector or arterial roadway that provides access to the building or complex, pursuant to §535.R.

3. Freestanding signs shall be set back from all property lines a minimum distance of 15 feet.

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4. Façade signs shall conform to §535.Q and shall not exceed 100 square feet, whichever is less, excepting shopping centers.

5. Façade signs for shopping centers shall conform to §535.Q and the following requirements:

   a. Where a principal use occupying at least 750 square feet of segregated area has direct access from the outside, a façade sign conforming to §535.Q and not exceeding 80 square feet in area shall be permitted.

   b. Where a principal use in a shopping center exceeds 20% of the total floor area or 50,000 gross square feet, the area of the façade sign may increase to not more than 300 square feet and shall conform to §535.Q.

6. One changeable copy sign pursuant to §535.N.

7. Directional signs pursuant to §535.O.

8. Directory signs pursuant to §535.P.

9. One off-premise sign with a non-commercial message in lieu of a freestanding sign.

10. Senior citizen residential uses shall be permitted signage in accordance with §535.V.

11. New car and truck nationally franchised dealerships with at least 400 feet of contiguous street frontage shall be permitted one additional freestanding sign, pursuant to the size limitations of Table 5.18. The additional sign may be attached to the primary freestanding sign or located on a second support structure.

12. Service stations shall also be permitted a changeable copy sign on each fuel dispensing pump not to exceed 3 square feet in area and on each freestanding sign not to exceed 18 square feet.

13. Fast food restaurants with a drive-thru facility shall be permitted two menu signs. Any such sign shall not be legible from the public right-of-way. The sign shall not exceed 48 square feet in area and 6 feet in height.

Z. Signs Permitted in the RC District.

1. Any sign allowed without permit, pursuant to §535.G.

2. Awning sign, pursuant to §535.M.

3. One freestanding sign for each collector or arterial roadway that provides access to the building or complex, pursuant to §535.R.

4. Freestanding signs shall be set back from all property lines a minimum distance of 20 feet.

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5. Façade signs shall conform to §535.Q and shall not exceed 100 square feet, whichever is less, excepting regional shopping malls.

6. Façade signs for regional shopping malls shall conform to §535.Q and the following requirements:

   a. Where a principal use occupying at least 750 square feet of segregated area has direct access from the outside, a façade sign not exceeding three percent (3%) of the total façade area or 80 square feet in area, whichever is less, shall be permitted.

   b. Where a principal use in a regional shopping mall exceeds 50,000 square feet of gross leasable area, the area of the façade sign shall not exceed 5% of the total façade area or 400 square feet, whichever is less. Such signs shall be permitted on up to three elevations which face the parking lots of the regional shopping mall.

7. Changeable copy signage pursuant to §535.N shall be permitted to be integrated into a freestanding sign otherwise permitted under subparagraph -3 above for a theatre or live entertainment use in a regional shopping mall. Notwithstanding any other provision to the contrary, movie theatres shall be permitted the following:

   a. Changeable copy signage pursuant to §535.N may be integrated into a freestanding sign in a regional shopping mall otherwise permitted under subparagraph -3 above. Such signs may also display messages directed to the general public for health, safety and welfare purposes.

   b. The number of lines of copy may equal the number of screens.

   c. The freestanding sign may include the theatre's name and the changeable copy portion may occupy up to 80% of the sign area.

   d. A movie theatre freestanding sign shall comply with the size limitations of §535.R.

8. Directional signs pursuant to §535.O, except that freestanding directory signs internal to a regional shopping mall site may be up to 50 square feet in area and may be 8 feet in height and may contain commercial messages for business with 50,000 sf. or more of gross leasable area.

9. Directory signs pursuant to §535.P, except that at an enclosed entrance to a common access point in a regional shopping mall, the directory sign may be 50 square feet in area, either wall-mounted or freestanding, if such sign is located with 50 feet of such enclosed entrance.

10. One off-premise sign with a non-commercial message in lieu of a freestanding sign.

11. Parking Structures. Where there are multiple parking structures, each structure may

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have one sign attached to each side, but not to exceed 4 such signs on any one structure. Such sign shall be located on a spandrel or stair tower and shall be limited to a single letter or number, not exceeding ten square feet in area. Directional signs internal to the parking structure shall be permitted without limitation. Each entrance and exit to a parking garage shall be marked with an incidental sign attached to the façade of the structure. Each vehicular entrance shall be marked with an incidental sign indicating the maximum height of vehicles permitted to enter the structure. In the event that a fee is charged for parking within the structure each vehicular entrance shall be marked with a bill of fare, no less than 6 or more than 10 square feet in area, indicating at a minimum the hours and rates applying thereto, the maximum charge, the operator of the facility and an active telephone number in the event of a dispute between the user and the operator.

AA. Signs Permitted in the OS and EGI Districts.

1. Any sign allowed without permit, pursuant to §535.G.

2. One freestanding sign in accordance with §535.R, not exceeding 6 feet in height.

3. Freestanding signs shall be set back from all street lines a minimum of 30 feet.

4. One façade sign per building in accordance with §535.Q, not to exceed 40 square feet.

5. One changeable copy sign pursuant to §535.N not to exceed 18 square feet.

6. Directional signs pursuant to §535.O.

7. Directory signs pursuant to §535.P.

BB. 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 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

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damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds 50% of the value (tax value if listed for tax purposes) 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 man-made or natural 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 as long as this does not create any new non-conformity.

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 12 month period 50% of the value (tax value if listed for tax purposes) of such sign.

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§ 536 Siting of Buildings

A. Design Guidelines for Siting Buildings.

1. Buildings, particularly those on wooded or steeply sloped (in excess of 15% slope) land, shall be carefully sited to take advantage of aesthetic features and views, refrain from infringing on critical areas, and retain woodland and specimen trees.

2. Buildings should be compatible with neighboring areas through attention paid in the architectural design process to scale, size, style, placement of doors and windows, its form, color, and exterior materials. Incompatible styles, where proposed, should be physically separated from other buildings or screened through a combination of landscaping or fencing. Buildings shall be located in such a manner as to reduce adverse impacts from shadows, changing climatic conditions, noise, and glare on outdoor living spaces and shall ensure safety and privacy.

3. Building placement and design shall be fitted to the natural contours of the site.

4. Where a site encompasses both level and sloped areas, parking should be located on the level portion of the site and buildings on the sloped portion.

B. Solar Orientation. See §523, Energy Conservation.

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§ 537 Soil Erosion and Sediment Control

A. Purpose: The purposes for the control of soil erosion and its resulting sedimentation include:

1. The control of soil erosion and sedimentation damage resulting from the excavation, relocation, removal or disturbance of soil within the municipality;

2. The prevention of flooding due to the constriction of stream channels by the depositing of sediment;

3. The preservation of the lands and the existing environment within the municipality;

4. The protection of exposed soil surfaces for the protection of persons and the property of its inhabitants; and

5. The preservation of public health, safety and general welfare.

B. Applicability: The following regulations shall govern disturbance of soil within the municipality.

1. It shall be unlawful for any person, firm, corporation or public agency to excavate, cut, strip, or otherwise disturb land or soil for use on or off the plot unless a permit or permits is first obtained pursuant to the provisions of this section.

2. Nothing in this section shall be construed to prevent any owner from excavating, cutting, stripping, or otherwise disturbing lands or soil for the following purposes:

a. The construction, use and modification of a single family dwelling and accessory uses; provided any related land disturbance does not exceed an area of 5,000 square feet. The exemption applies only where such single family dwelling is not part of a subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such units. New construction of single family homes which are part of a larger plan of development are required to secure approval of a soil erosion and sediment control plan. [Ord. 1585-99, 9/7/1999]

b. Gardening for noncommercial purposes.

c. Commercial, agricultural or horticultural use when in accordance with accepted farm agricultural practices, approved by the Mercer County Soil Conservation District.

d. Excavation, cutting, stripping or other land or soil disturbance necessary for the construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems and other utility service connections.

e. Installation, removal, replacement or maintenance of landscaping, including trees, shrubs, flowers and cover, where the existing land contours are not changed by more than one foot.

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C. Soil Disturbance Permit. The following procedures and standards shall govern the issuance of soil disturbance permits required by this section:

1. Soil disturbance plans and applications will not be accepted for review until site plan/subdivision approval has been obtained and any appropriate conditions of the resolution of approval have been met to the satisfaction of the Municipal Engineer. A soil disturbance permit will not be issued until the site plan/subdivision plans have been stamped approved and distributed by the municipality and all fees and bonding have been posted.

2. An application for such permit shall be made to the Municipal Engineer, prior to any land disturbance as defined and not exempted herein. If such application includes soil removal as well as soil disturbance, the application and the plot plan required by §537.C.3 shall also comply with the requirements of §537.D.

3. The applicant shall provide a true and accurate plot plan, in a sufficient number of copies for distribution pursuant to §537.C.4, below, at a scale of not less than 1"=50', clearly indicating the following information:

   a. Contour lines at intervals of 2 feet, in accordance with accepted land surveying practices.

   b. Existing natural and manmade features on and surrounding the site, include the exact size, shape, location and elevation of existing buildings and structures; general topographic information; the various soil characteristics, as defined in the current version of the U.S.D.A. Soil Survey of Mercer County, and such other particular information as may be reasonably required by the Municipal Engineer for the evaluation of the effects of the proposed land disturbance.

   c. The location and description of any proposed site development and/or land disturbance projects.

   d. An erosion and sedimentation control plan or farm conservation plan.

   e. The construction schedule of the project, including commencement date, anticipated completion date and implementation of soil erosion and sedimentation control measures.

   f. Data derived from accepted engineering practices on the existing and anticipated high water table levels on the site and the relationship of such levels to the proposed final project grade(s).

4. The Municipal Engineer may forward the submitted copies to the Environmental Resources Committee for advice and recommendations. If requested, the Environmental Resources Committee shall notify the Municipal Engineer of any objections or recommendations within 14 days from the date the plans are received. The Municipal Engineer may, at his or her discretion, consult the New Jersey State and the Mercer County Soil Conservation Committee and District and the United States Department of Agriculture Soil Conservation Service in the review of such plot plan.

5. The Municipal Engineer shall review the application and plot plan and shall either

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issue, issue with conditions, or deny the soil disturbance permit within 30 days of the submission of the applications by mutual agreement in writing between the Municipal Engineer. The Municipal Engineer shall not be required to act until the application is complete. If incomplete, the Municipal Engineer shall notify the applicant within the 30 day period. This time period for a decision may be extended for an additional 30 days. Failure of the Municipal Engineer to make a decision within such period or such extension thereof, shall constitute approval. The applicant shall be provided with written notice of any determination by the Municipal Engineer. A copy of such determination shall be sent to the Mercer County Soil Conservation District. Any other information required by the District shall also be made available.

6. In reviewing applications and plot plans for soil disturbance permits, the Municipal Engineer shall consider the following criteria:

   a. Any proposed soil disturbance shall be done in a manner which will minimize erosion and sedimentation damage and other adverse consequences.

   b. Whenever feasible, natural vegetation shall be retained and protected.

   c. The extent of the disturbed area and the duration of its exposure shall be kept within practical geographic and time limits.

   d. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during the land/soil disturbance.

   e. Drainage provisions shall accommodate any increased water runoff resulting from modified soil and surface conditions during and after the land or soil disturbance.

   f. Water runoff shall be minimized and retained on-site wherever possible to facilitate ground water recharge and to mitigate possible downstream damage.

   g. Sediment shall be retained on-site to the maximum extent feasible.

   h. Necessary diversions and sedimentation basins and similar required preventive measures shall be installed prior to any on-site land or soil disturbance.

   i. Compliance with minimum standards and specifications contained in Standards for Soil Erosion and Sediment Control in New Jersey.

   j. Such other factors as may reasonably bear upon or relate to the public health, safety and general environmental welfare as provided in §537.A.

D. Soil Removal Permit. The following procedures and standards shall govern the issuance of soil removal permits required by this section:

1. The procedures and standards required in §537.C for soil disturbance permits shall also be followed for a soil removal permit. Soil removal permits shall be required when an amount of soil exceeding 600 cubic yards is to be removed from any site,

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regardless of the time span to accomplish such removal. Application for such permit shall be made on a prescribed form to the Municipal Engineer concurrently with an application for a soil disturbance permit, in which case the plot plan required under §537.C.3, above, to accompany the application for such soil disturbance permit, shall also contain information as to the amount and extent of soil to be removed.

2. In reviewing such applications for soil removal permits, the Municipal Engineer shall consider the criteria set forth in §537.C.6; however the term "soil removal" for "soil disturbance" shall be substituted wherever the latter term appears, and shall also consider the following additional criteria pertaining only to soil removal:

   a. Prevention and control of dust and mud on the premises in question, as well as on abutting lands.

   b. Preservation of soil fertility and the resulting ability of the affected area to support plant and tree growth by preservation of adequate topsoil.

   c. Maintenance of necessary lateral support and grades of abutting lands, structures and other improvements.

   d. Prevention of pits and declivities which are hazardous or which provide insect breeding locations.

   e. Physical characteristics and limitations of the soil for the uses to which the land may lawfully be put.

   f. Drainage provisions to accommodate any increased runoff resulting from such soil removal activity.

   g. Such other factors as may reasonably bear upon or relate to the public health, safety and general environmental welfare as provided in Section 1202 hereof.

E. Conditions Applicable to Issuance of Either Soil Disturbance or Soil Removal Permits. Conditions applicable to the Municipal Engineer's issuance of any permit under this section may include such following additional criteria as, but not limited to:

1. Posting of a performance bond or other security to insure proper and timely completion and maintenance of the work in accordance with specified requirements included in the Municipal Engineer's report.

2. Time limitations for commencement and completion of the project, together with provision for inspection and approval following completion in accordance with all applicable conditions and provisions of this section.

F. Appeal. If any applicant shall be aggrieved by any action of the Municipal Engineer pursuant to this section, an appeal in writing to the governing body may be taken within 30 days after the date of such action. The governing body shall determine and notify the appellant in writing of the time and place for a public hearing on said appeal. After such hearing, the governing body shall affirm, modify, or reverse the action of the Municipal Engineer, stating its findings and the reasons for its actions and transmitting a written copy of such action to the appellant and the Municipal Engineer.

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G. Performance Guarantee. Upon issuance of a soil removal permit and/or a soil disturbance permit, but prior to commencement of construction, the applicant shall issue a performance guarantee in accordance with Article IX.

H. Inspection and Enforcement.

1. All soil erosion control installations shall be inspected during the time of their installations under the supervision of the Municipal Engineer to insure satisfactory completion. The cost of said inspection shall be in accordance with Article IX.

2. The requirements of this section shall be enforced by the Municipal Engineer, under whose supervision periodic inspections of the work shall be carried out to insure compliance. If the Municipal Engineer finds violation of the terms and conditions of the permit(s) at any time, he or she may revoke said permit(s) forthwith, may require necessary emergency erosion and sedimentation control measures to be installed promptly, and may pursue such other remedies as are provided in §537.J hereof. In the event that building permit violations are also involved in the alleged violation, the Construction Code Official shall, on his or her own initiative or at the request of the Municipal Engineer, revoke said building permit, which shall be effective until reissued upon abatement of the violation.

3. The applicant shall have the soil erosion plan as approved by the Municipal Engineer on-site at all times during construction. The Municipal Engineer may further issue a stop construction order concurrently with permit revocation if a project is not being executed in strict accordance with the approved plot plan. No certificate of occupancy for a project shall be issued unless there has been compliance with the provisions of the approved plot plan for permanent measures to control soil erosion and sedimentation, as evidenced by a formal report by the Municipal Engineer of such compliance to be filed with the Construction Code Official prior to issuance of any such certificate of occupancy. A copy of this report shall also be sent to the Mercer County Soil Conservation District by the Construction Code Official.

I. Fees. A fee shall be paid by the applicant in accordance with Article IX at the time of filing of the application.

J. Penalty. If any person violates any of the above provisions of this section, any standard promulgated pursuant to the provisions of this section, or fails to comply with the provisions of a certified plan, the municipality or the district may institute a civil action in the Superior Court for injunctive relief. Any person who violates any of the provisions of this section, any standard promulgated pursuant to this section, or fails to comply with the provisions of a certified plan shall be liable to a penalty of not less than $25.00 nor more than $3,000.00 to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (*N.J.S.A.* 2A:58-1 et seq.). The Superior Court, County Court, County District Court, and municipal court shall have jurisdiction to enforce said Penalty Enforcement Law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.

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§ 538 Solid Waste

A. All developments shall provide for adequate solid waste disposal, including provisions for recycled materials.

B. There shall be at least one trash and recycling pick-up location provided for each multi-family or non-residential building which shall be separated from parking spaces either inside or outside the building. All trash and recycling locations shall be enclosed and located in a manner which is obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three.

C. All exterior solid waste enclosures shall be constructed of masonry compatible with the architectural materials of the building.

D. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions. Moreover, if located outside the building, the container shall be situated on the same horizontal plane as the driveway providing access to the container.

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§ 539 Streets and Curbing

A. General.

1. The arrangement of streets shall conform to the Circulation Element of the Master Plan or Official Map for the municipality. Right-of-way widths for non-residential streets shall be as indicated in the Circulation Element of the Master Plan or Official Map.

2. For streets not shown on the Master Plan or Official Map, the designer shall provide for the extension of existing streets.

3. Residential streets shall be arranged so as to discourage through traffic but not to such an extent that the mobility of residents is impaired. Residential streets shall be designed to permit their extension to adjacent undeveloped lots or lots that have not been constructed to their permitted zoning density.

4. In the event that a development adjoins or includes existing streets that do not conform to widths as shown on the adopted master plan and/or official map or the street width requirements of this Ordinance, additional land along either or both sides of said street, sufficient to conform to the right-of-way requirements, shall be dedicated for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located in street rights-of-way.

   a. The necessary deeds of ownership shall be furnished, and the dedication shall be expressed as follows: Street right-of-way granted permitting the entrance upon these lands for the purposes provided for and expressed in the Land Use Ordinance of the Township. This statement shall in no way reduce the developer's responsibility to provide, install, repair or maintain the facilities in the area dedicated by ordinance and/or as shown on the plan and/or as provided for by any maintenance or performance guarantees.

   b. If the development is along one side only, one-half of the required extra width shall be dedicated. Additionally, that portion of the existing street or road adjoining or included within a site plan or major subdivision shall be improved by the developer, including excavation, grading, base courses and surfacing in accordance with the street improvement standards of this Ordinance.

B. Design Guidelines for Residential Streets. In addition to the regulations of the RSIS, the following requirements shall also apply to the layout of residential streets:

1. Cul-de-sacs. Cul-de-sacs shall be avoided to the greatest feasible extent. Short loop streets shall be preferred to cul-de-sacs. Cul-de-sacs in excess of 1,000 feet shall be designed with an intermediate turnaround not to exceed every 500 feet.

2. Alleys. Alleys may be required when net residential density exceeds 5 units per acre.

C. Right-of-Way for Non-Residential Streets.

1. Required width. The right-of-way shall be measured from lot line to lot line.

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a. Arterial streets - 80 feet.

b. Collector streets - 60 feet to 66 feet as may be required by the Mercer County Planning Board and/or the Lawrence Township Planning Board.

c. Minor streets - 50 feet.

d. Cul-de-sac - 60 feet.

2. Cul-de-sacs shall not exceed 600 feet in length and shall be paved with a minimum radius of 50 feet at its turnaround end.

3. The right-of-way shall be sufficiently wide to contain the cartway, curbs, shoulders, sidewalks, graded areas, utilities and street tree planting strip.

4. 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.

5. The right-of-way shall reflect future development as indicated by the Master Plan.

D. Specifications for Non-Residential Streets. The quality of surfacing and base materials shall adhere to the minimum standards set forth by the municipality, county, or State engineers when said paving concerns roads under their jurisdiction and where such standards exist. The following municipal standards shall apply:

1. A crown of 6 inches shall be provided, unless otherwise directed by the Municipal Engineer.

2. The minimum requirements of any new street shall be constructed according to the specifications and procedures as set forth in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.

3. On all local roads, the base course shall be 5 inches of Bituminous Stabilized Base, Mix I-2, placed on a compacted, unyielding subgrade consisting of a minimum of six inches of solid aggregate I-5 or Dense Graded Aggregate Base Course (DGABC) which has been inspected and approved by the Municipal Engineer.

4. On all municipal non-residential collector and arterial streets, the base course shall consist of bituminous stabilized base, Mix I-2, applied in two lifts upon a compacted unyielding subgrade consisting of a minimum of 6 inches of soil aggregate I-5 or Dense Graded Aggregate Base Course (DGABC) which has been inspected and approved by the Municipal Engineer. Municipal collector streets shall have 6 inches of base course, while municipal arterial streets shall have 7 inches.

5. The surface course for all classes of municipal streets shall consist of 2 inches of bituminous concrete, FABC, Mix I-5 applied according to New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.

6. In all cases, an atomized spray tack coat shall be applied between the surface course and the base course in accordance with the Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.

7. All streets shall have a minimum grade of 0.75%. The maximum grade for new

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local streets shall be 6% and the maximum grade for new collector and arterial streets shall be 4%.

8. The approval of any Official Map delineating streets by the governing body of the municipality shall in no way be construed as an acceptance of any street indicated thereon.

E. Lighting. See §526, Lighting.

F. Street Signs. Appropriate street signs meeting municipal specifications and approved by the Municipal Engineer as to size and location shall be installed at the intersection of all streets.

G. Additional Standards.

1. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the approving authority.

2. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this section shall dedicate additional width along either one or both sides of the street. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.

3. Maximum grades within intersections shall be 3%.

4. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60". Approaches to all intersections shall follow a straight line for at least 100 feet.

5. No more than two streets shall meet or intersect at any one point and the centerlines of both intersection streets shall pass through a common point. Measuring from this common point, two intersections shall be spaced a sufficient distance to permit a minimum of two lots between the two street rights-of-way.

6. The block corners at intersections shall be rounded at the curbline with the street having the highest radius requirement determining the minimum standard for all curb lines. Curb radii shall be as follows:

   a. Arterial streets: 30 feet

   b. Collector streets: 25 feet

   c. Local streets: 20 feet

   d. On undersized streets without on-street parking, curb radii may be enlarged to accommodate adequate turning movements for passenger vehicles.

7. Street jogs with centerline offsets of less than 125 feet shall be prohibited.

8. A tangent at least 200 feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect from each other at any one point, they shall be connected by a curve with a radius conforming to AASHTO or ITE standards to establish minimum sight distances within the right-of-way based on the design speed of the street.

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9. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.

10. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties. Alternatively, the Board of Jurisdiction may require that a temporary dead end be constructed with a cul-de-sac and landscaped traffic island which will become a traffic circle once the temporary street is extended.

11. No street shall have a name which will duplicate or so nearly duplicate the name of an existing street within the Township or in a neighboring municipality as to be confused with the existing street. The continuation of an existing street shall have the same name.

12. In order to enforce basic traffic laws and regulations, developments with private or semipublic streets, off-street parking, off-street loading, sidewalks, bikeways and other circulation facilities shall, as a condition of approval, request that the provision of *N.J.S.A.* 39:5A-1 be made applicable to the development.

H. Curbs and Gutters for Non-Residential Streets.

1. Curbs shall generally be required on all cartways but may be substituted for graded shoulders on low volume streets where appropriate (see following subsection). Curbs are intended to provide the functions of a vehicular barrier, as a control for storm water runoff, and as slope protection.

2. Curbs shall be constructed in accordance with the Lawrence Township Engineering Standards.

3. A sidewalk curb ramp shall be provided wherever a public sidewalk or public pedestrian easement crosses a curb or other change in elevation such as a graded shoulder. Curb ramps shall be constructed in accordance with standards published by the Architectural and Transportation Barriers Compliance Board and the New Jersey Department of Transportation, Pedestrian Compatible Planning and Design Guidelines. Curb ramps shall be designed to fully incorporate the required sidewalk width. Curb ramps shall be designed to provide tactile warning of the cartway for the visually impaired.

4. Belgian block curbing may be installed in business and office park developments. Stones used for secondary and primary local roads shall not be less than 10 inches in height and shall be constructed to show a vertical face above the roadway pavement of 6 inches. Stones used for municipal collector and arterial roads shall not be less than 12 inches in height and shall be constructed to show a vertical face above the roadway pavement of 8 inches. The concrete to be used shall be Class "B" concrete (minimum 4,000 p.s.i., air entrained) as specified in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto. Pre-molded bituminous expansion joint material shall be installed not less than every 50 feet through the curb footing.

5. Concrete curbing shall meet the following specifications:

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a. The concrete to be used for curbs shall be Class "B" concrete (minimum 4,000 p.s.i., air-entrained) as specified in the Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.

b. Curbs shall be constructed in 20 foot sections. Pre-molded bituminous expansion joint material shall be installed every 20 feet and half depth contraction joints installed every 10 feet. Joints shall be sealed as specified by the Municipal Engineer.

c. Concrete curbs for secondary and primary local roads shall be 8 inches wide at their base and not less than 6 inches wide at their top. Their heights shall not be less than 18 inches and be constructed to show a vertical face above the roadway pavement of 6 inches. The rear top corner of this curb shall have a radius of 0.25 inch and the front top corner shall have a radius 0.5 inch. Curbs at driveway openings shall be constructed to the full depth of 18 inches, which depth shall extend a minimum of 6 inches on either side of the depression.

I. Graded Shoulders for Non-Residential Streets.

1. Shoulders and/or drainage swales may be required instead of curbs when:

a. Shoulders are required by the approving authority;

b. Soil and/or topography make the use of shoulders and/or drainage swales preferable; and/or

c. It is in the best interest of the municipality to preserve its rural character by using shoulders and/or drainage swales instead of curbs. The approving authority shall review and approve all waivers from curbing.

2. Shoulders shall be a minimum of 4 feet wide on each side of the cartway and shall be located within the right-of-way. Wider shoulders may be required where existing grade dictates.

3. Shoulders may consist of a paved shoulder constructed in accordance with the street specifications as otherwise required in this section, a gravel shoulder, a stabilized turf shoulder, or a graded turf shoulder without stabilization. Stabilized turf shoulders are preferred. The construction method used shall be based on anticipated traffic speeds, volumes and vehicle usage on the roadway and shall be designed to be bicycle compatible. The Municipal Engineer shall provide the Board of Jurisdiction with a recommendation during the application process as to the appropriate shoulder design for the development in question.

J. Roadway Excavation. Roadway excavation shall include the removal and satisfactory disposal of all materials taken from within the limits of the work that are necessary for the construction and preparation of the roadbed, embankment, subgrade, shoulders, slopes, side ditches, drainage structures, trenches, waterways, intersections, approaches, and private entrances, as indicated or directed. All suitable materials removed from the excavations shall be used as far as practicable in the formation of the embankment, subgrade and shoulders, and at such other places as directed. Ditches and waterways shall be excavated to the depth and width shown on plans, or as may be indicated or directed by the Municipal Engineer.

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During construction of the roadway the roadbed shall be maintained in such condition that it will be well drained at all times. After construction, the road shall be restored and repaved to the satisfaction of the Municipal Engineer.

1. Embankments. Embankments shall be formed of suitable material placed in successive layers of not more than 12 inches in depth for the full width of the cross-section commencing on a subgrade approved by the Municipal Engineer, and shall be compacted by approved mechanical equipment and by distributing the necessary hauling uniformly over each succeeding layer. Stumps, trees, rubbish, and/or other unsuitable material or substances shall not be placed in the embankments, nor shall the embankment be commenced on soft or organic-laden soil.

2. Borrow excavation. When embankment from off-site is required, sufficient suitable material shall be obtained by the subdivider from borrow pits located beyond the limits of the work. This material shall be shown as "borrow" and shall be of a quality satisfactory for the purpose for which it is required and it shall be approved by the Municipal Engineer. Borrow will include the furnishing, removal, placing and satisfactory compacting of the additional material necessary to complete the embankments, subgrade and shoulders.

3. Formation of subgrade. The bottom of excavation of the box to receive the pavement surface shall be true to line, grade and cross-section established or indicated on approved drawings. After all drains and drainage structures have been installed and the subgrade has been shaped and compacted, it shall be brought to a firm unyielding surface by rolling the entire area with an approved three wheel power roller weighing not less than 10 tons. Any areas which are soft and yielding or which will not compact readily when rolled or tamped shall be removed. All loose rock or boulders found in the earth excavation shall be removed or broken off to a depth of not more than 6 inches below the surface of the subgrade. All holes or depressions made by the removal of material shall be filled with suitable material and the whole surface compacted uniformly. If the surface of a present roadway conforms approximately to the surface of the finished subgrade, it shall be scarified or rooted to a uniform depth for the full width of the paved surface sufficient to eliminate all depressions and irregularities and to permit uniform reshaping. When necessary, additional approved material shall be added to bring the subgrade to the desired elevation and cross-section, and the whole shall be rolled as previously specified, until thoroughly compacted. Sod, roots, and other objectionable material shall not be used in forming the subgrade.

4. Protection of subgrade. All ditches and drains shall be completed before placing any pavement construction material. The subdivider shall protect the subgrade and keep it drained at all times. Neither foundation nor surfacing material shall be deposited on the subgrade until the subgrade has been checked and approved by the Municipal Engineer.

5. Slopes. Slopes in embankment and excavation shall be formed with a slope not steeper than one unit vertically to two units horizontally unless otherwise directed by the Municipal Engineer.

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§ 540 Subdivision Layout.

Subdivision layout shall be designed to encourage the development of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, its drainage system, soil capabilities, groundwater and aquifer recharge quality, and to include only those uses that are compatible with allowed uses in the zoning district and existing uses on adjacent lands. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or manmade barriers, existing or planned, between different uses both within and adjacent to the proposed development. Subdivision plans shall be designed to meet these goals and the following guidelines.

A. Lot Configuration. Lots shall be configured to meet the following requirements:

1. Side lot lines shall be either at right angles or radial to street lines.
2. Lots shall be regular in shape.
3. Pie slice-shaped lots are to be avoided except on a radius of less than 100 feet.
4. Each lot must front upon an approved public street.
5. Where extra width has been dedicated, or proposed for dedication or reservation, for the widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line.
6. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or flood conditions, soil tests or test borings indicating the ground conditions to be inadequate for proper sewage disposal for on-lot treatment of effluent or similar circumstances, the Board of Jurisdiction may withhold approval of such lots. If approval is withheld, the Board shall give reasons for such withholding on the record.

B. Blocks. Blocks shall be configured to meet the following requirements.

1. Blocks shall be wide enough for two tiers of lots and shall not be less than 200 feet in width. This requirement shall not preclude the appropriate design of alleys through blocks.
2. Blocks shall be designed to include no more than 24 residential lots.
3. Blocks shall generally be not less than 500 feet long nor more than 1,000 feet long. Blocks in excess of 800 feet

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shall incorporate a mid-block pedestrian right-of-way at least 20 feet wide connecting through the block. Pedestrian rights-of-way shall be improved with sidewalk in accordance with the RSIS.

4. Pedestrian and bicycle paths conforming to Table 5.14 and the Lawrence Township Engineering Standards shall be designed and constructed from the end of cul-de-sacs and from loop streets to abutting or adjoining residential, collector and arterial streets, parks, schools, retail uses, and the Greenway Network (see §529.G). The width for combined pedestrian and bicycle paths shall be used for any length in excess of 400 lineal feet, unless the RSIS permits a lesser width. Such path systems shall be constructed regardless of the existence of such paths on abutting or adjoining lands.

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§ 541 Tree Removal and Tree Cutting.

A. Purpose. The purpose of this section is to control and regulate indiscriminate or excessive removal, cutting, and destruction of trees, and to control, regulate, and prevent conditions which cause an increase in storm water runoff, sedimentation, soil erosion, reflected heat, air or noise pollution, or inhibit aquifer recharge. The regulations which follow are designed to limit such adverse impacts.

B. Permit or Board Approval Required. No person directly or indirectly shall, without either first obtaining a zoning permit or an approval in the site plan or subdivision application process, remove or relocate to another site any tree within a tree save area; or, remove any specimen tree regardless of location. "Removal" shall include, but not be limited to, damage inflicted to the root system by machinery, storage of materials and soil compaction, change of natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus, pest, or other infestation; excessive pruning or thinning leading to a failure to thrive; and paving over the root system with an impervious material within such proximity as to be fatally harmful to the tree.

C. Exemptions. The following tree cutting and tree removal activities shall be exempt, unless it is a specimen tree, from the provisions of this section:

1. Individual lot owners may remove up to 5 trees of 8" or more in caliper in any one year period. There is no restriction on the number of trees removed less than 8" in caliper. [Ord. 1585-99, 9/7/1999]
2. Any tree growing on property approved to operate as a nursery or garden center.
3. Any tree growing on property actively operated as a farm, which is removed to create fields for crops or forage and not sold for profit.
4. Trees which, in the opinion of the Township, its employees or agents, constitute an immediate threat to the health, safety or welfare of the general public.
5. Public or local utilities maintaining easements or rights-of-way in the normal course of business.
6. Communications companies regulated by the Federal Communications Commission maintaining communications lines and equipment.
7. Approved game management practice, as recommended by the State of New Jersey, Department of Environmental Protection, Division of Fish, Game and Wildlife.
8. Properties devoted to the practice of silviculture for which farmland assessment has been approved.

D. Application Procedures. Any person wishing to cut and remove trees within the municipality, unless exempted, shall file with the Township a tree protection plan prior to soil disturbance, the issuance of a building permit, or as part of the site plan and subdivision submittal process pursuant to Article VIII. The tree protection plan shall include the following information:

1. Tax map, lot and block number.

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2. Area of tract.

3. Location upon the lot of trees or wooded area.

4. The location upon the lot where tree removal is to take place.

5. A survey of the size (8" caliper or larger), species and quantity of trees which are to be removed. Where the area to be surveyed is greater than 10,000 square feet, a representative wooded rectangular area 100' x 100' may be surveyed and its results extrapolated to the remaining wooded area. A minimum of one sample plot per five (5) acres of total wooded area identified for the tree removal project shall be surveyed. The location of the sample plots shall be subject to the approval of the Board engineer, who may seek recommendations from the Board's planning consultant and/or the Township Shade Tree Advisory Committee. Notwithstanding the above, the tree survey shall individually locate each specimen tree on the entire site. [Ord. 1585-99, 9/7/1999]

6. A description of the type of tree removal project, that is:

   a. Thinning;

   b. Selective cutting;

   c. Clear cutting; or

   d. Aesthetic improvement cut.

7. General slope and topography taken from either a survey of the property or official Township mapping.

8. Location of streams and wetlands, as depicted on Township mapping.

9. Specific proposals for replanting or reforestation, if applicable, including a list of trees to be planted, selected from the recommended trees lists pursuant to §525.

10. The tree removal or tree replacement plan shall be overlaid on a map or survey depicting existing conditions of the site.

11. Location of buildings.

12. Location of roads, driveways, parking lots, staging areas, recreation areas, and garden areas.

13. Grading plan.

14. Schedule for tree removal and planting.

15. Provision for removal of excess stumps and branches from the property.

E. Tree Protection Zone. Tree protection zones shall be established on all areas of a site contemplated for development; or, tree removal in the absence of an application for development. The tree protection zone shall be that area exclusive of buildings, parking, driveways, streets, storm water management facilities including swales, and utilities plus an additional width at the perimeter of such uses of land of 15 feet for a building and 10 feet for all other classes to permit appropriate grading. The intent is to create an area or areas in which trees shall be retained, planted initially, or are to be planted with replacement trees for

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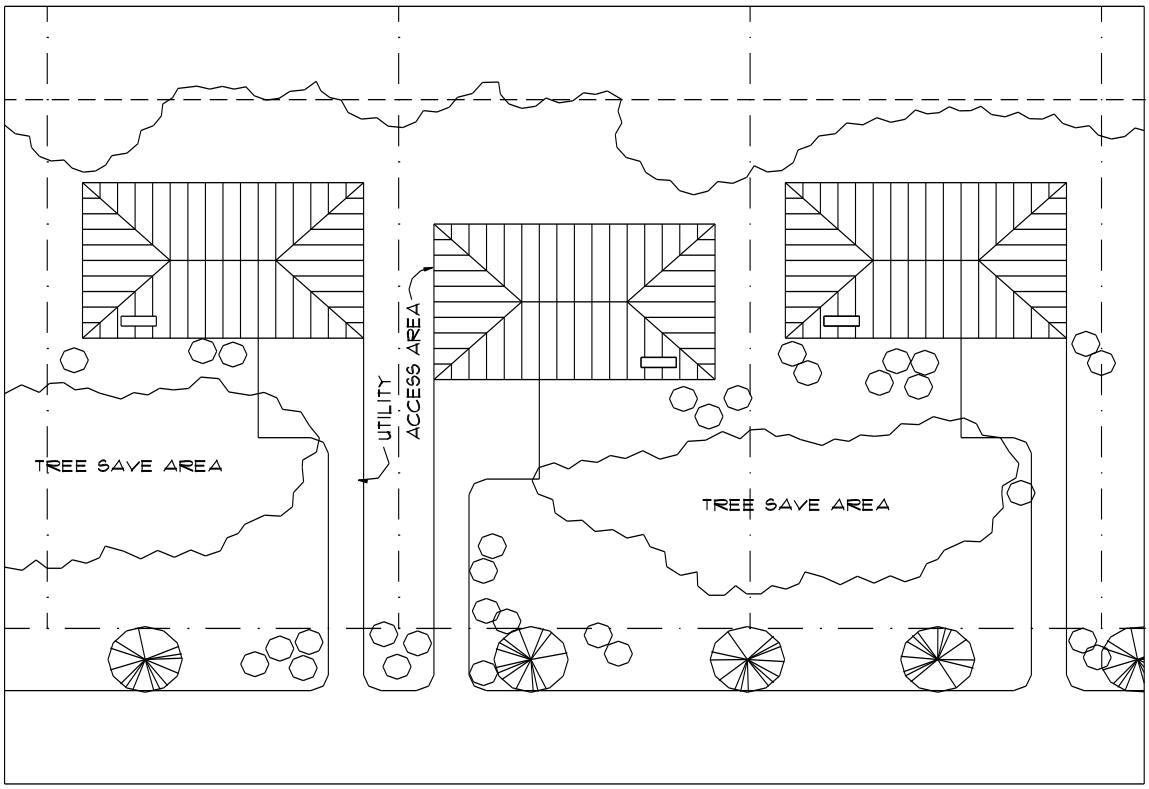
areas that have been cleared for site development. Special attention should be given to placing old growth woodland into the tree protection zone. Utilities should be grouped into common easements to maximum tree save areas as illustrated in Figure 5.1.

Figure 5.1 Schematic Tree Save Areas and Location of Utilities.



1. Trees within tree protection zones shall be grouped into tree save areas wherein retention is required unless waived by the Board of Jurisdiction or by the Administrative Officer, as the case may be. For permits that do not require an application for major subdivision or major site plan, the Administrative Officer shall determine the adequacy of the management plan. The Administrative Officer may consult with the Environmental Resources Committee, Shade Tree Commission or appropriate professional staff in his or her decision.

2. Tree protection zones and any tree save area within such zone for individual single family detached lots not subject to major subdivision approval shall be delineated on a plot plan or lot grading plan pursuant to §1202.C in order to determine compliance with this section.

F. Standards for Tree Retention. The following standards shall apply to all trees regardless of location:

1. Existing trees on a site contemplated for development shall be retained to the greatest feasible extent.

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2. In off-street parking areas and storm water management facilities, islands of trees shall be retained. These requirements shall not pertain to individual single family detached and two-family dwellings.

3. No paving of any impervious nature shall be placed within the dripline of any tree, and the grade shall be such that drainage of rainwater will water the root area without pooling or exceeding the requirements of the species. Excess water shall be admitted to storm sewers in the parking lot or drained by other means acceptable to the Municipal Engineer.

4. Any live tree which is substantially damaged as a result of grading or general construction shall be replaced with another tree. A tree shall be substantially damaged when one-half ( ) or more of the tree bark is destroyed below 4 feet or the trunk is girdled.

5. Any tree used in a required planting, or to replace a damaged tree, shall have a trunk or main stem which is at least 2.5 inches in caliper, unless the tree is used for storm water management facility plantings, and shall meet the specifications of the American Nurserymen's Association standards.

6. Existing trees are encouraged to be used for the required buffer zone of trees and shrubs to be established in accordance with §525.H.

7. Trees in the area between the street line and the setback line of the building shall be preserved to the greatest extent possible (see Figure 5.1).

8. Specimen trees shall not be removed unless diseased or constitute a hazard to the general public.

9. No trees on public rights-of-way, parks, or public areas are to be removed by private individuals except as approved by the Administrative Officer or other officer designated by the governing body. The removal of trees shall not be permitted from a Master Plan right-of-way unless trees are dead, diseased, or endanger life or property, or a letter of approval is obtained from the governing body or Administrative Officer. Conversely, no trees are to be planted on public rights-of-way without express approval granted as part of a site plan or subdivision application or by the Administrative Officer.

G. Methods of Tree Protection. All persons shall exercise due care to protect trees which are to be retained from damage during construction. Critical root zones shall be protected by the use of fencing located at the dripline in accordance with the Lawrence Township Engineering Standards. The procedures in this subsection shall be observed in order to protect retained trees, as follows:

1. Protection from mechanical injury.

   a. Prior to any grubbing or clearing, all trees in the tree protection zone from its edge to a depth of 25 feet into the zone shall be protected from equipment damage by enclosing the area at the dripline. Individual trees to be retained shall be completely encircled as required herein. All exposed roots, trunks, and low lying branches shall be equally protected. Groups of trees in a tree save area may be protected by fencing the entire area where

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they are located. Compaction of the ground by mechanical, vehicular, storage of materials, or other means within the dripline shall not be permitted.

b. Feeder roots shall not be cut within the dripline; however, if feeder root cutting is waived in order to further other objectives of this section, such cuts shall be made by hand with pruning shears to produce sharp, clean cuts. Removal of feeder roots by mechanized equipment shall not be permitted.

c. Tree trunks and exposed roots shall not be damaged. However, accidental damage shall be addressed and action taken to avoid further injury to the tree. Damaged branches shall be sawed off at the branch collar. No shellac or pruning paint shall be used. When the portion of the tree that is damaged is diseased, pruning equipment shall be dipped in alcohol to prevent further spread of disease.

d. Deciduous trees shall be given a liquid, slow-release, low-nitrogen, all-purpose fertilizer to aid in their recovery from potential damage from construction activities. Such application shall be made at a distance of 1 foot from the trunk extending out in concentric circles to the dripline. The fertilizer shall be injected into the ground at the time of the cease of construction and one year thereafter.

e. Trees shall not be used for roping, cabling, signs, or fencing. Nails and other fastening devices shall not be driven or attached to the tree.

f. The area in the critical root zone under the dripline shall be left open to provide access for water and nutrients. No impervious cover, storage of equipment, materials, debris or fill shall be allowed within this area except as specifically approved by the Board of Jurisdiction or Administrative Officer.

g. Trees being removed under the allowances in this section shall not be felled, pushed, or pulled into a tree protection or tree save area.

2. Protection from grade change.

a. Increase in grade. If an increase in the grade of the land is proposed, the applicant shall install either:

(1) A system of gravel and drains at the old soil level which opens into a dry well built around the trunk and individually designed for the contour of the land to provide aeration and drainage in accordance with the Lawrence Township Engineering Standards.

(2) A retaining wall between the existing grade and higher grade to the satisfaction of the Municipal Engineer.

b. Lowering the grade. If a lowering of the grade is proposed one of the following methods to protect the tree shall be followed:

(1) Terracing the grade at the dripline and out from the tree in accordance with the Lawrence Township Engineering Standards.

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(2) A retaining wall between the existing grade and lower grade to the satisfaction of the Municipal Engineer.

3. Protection from excavation. Trenches for utility lines or other similar uses shall adhere to the following, listed in descending order of preference:

a. Trenches shall bypass the critical root area unless the approving authority determines that no other practical alternative exists; in which case:

b. Trenches should be tunneled under the feeder roots a minimum of two feet from existing grade, in accordance with the Lawrence Township Engineering Standards, unless the approving authority determines that no other practical alternative exists; in which case:

c. Trenches may be dug within the dripline of the tree, provided that the following provisions shall be observed:

(1) Trenches shall be no closer to the trunk than half the distance to the dripline.

(2) Roots shall be cut with sharp hand tools to reduce feeder root damage.

(3) The trench shall be backfilled within the shortest amount of time possible and the soil shall not be compacted.

d. Protection during cleanup.

(1) All construction debris shall be hauled to an approved landfill and shall not be buried or burned.

(2) Snow fences, barriers or other tree protection devices shall be the final item to be removed from the site prior to occupancy.

H. Required Tree Density and Replacement From Development.

1. Each lot for which a major site plan application and approval pursuant to Article VIII is required shall have, after development, a minimum density of trees per acre of the gross area of the tract. The number of trees required to achieve the minimum density required shall be as set forth in this subsection. If a site initially lacks the sufficient density of trees required or if site clearing reduces the tree density to below the minimum required, the developer shall plant additional trees to meet the minimum. These trees are termed "replacement" trees regardless of whether they are for initial planting to meet minimum requirements or for replanting after site clearing has occurred. Trees otherwise required to be planted for landscape buffer areas or parking lots pursuant to §525, as the case may be, may be counted towards the required tree density. The planting of replacement trees shall be required under the following conditions:

a. To establish the minimum tree density requirements for the site;

b. Where grading occurs in the tree protection zone;

c. If areas permitted to be cleared leave no tree protection zone;

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d. If no trees are present within the tree protection zone.

e. Where specimen trees outside the tree protection zone are to be removed;

f. Where trees are illegally removed or irreparably damaged during the construction process.

2. The quantity of replacement trees shall be sufficient to produce a total Required Tree Density (RDS) of at least 15 units per acre as described herein. Units shall be determined based on the conversion factors in Tables 5.19, 5.20 and 5.21.

3. The spacing of replacement trees shall be compatible with areal limitations and the characteristics of the species that are planted.

4. When the Administrative Officer or his designee has determined that areal constraints result in an absolute inability to provide the required tree density, as many trees as possible shall be planted on the site. The remaining balance of trees shall be provided in the form of payment of 80% of the Uniform Unit Prices for Bond Estimates as prepared by the Division of Engineering and shall be placed in a shade tree account.

I. Calculations for RTD. Calculations for determining the Required Tree Density (RTD) are as follows:

1. Step 1. Required Tree Density shall be calculated by multiplying the factor of 15 by the gross tract area.

EXAMPLE: 2 acre site has a RTD of 30 (2 x 15 = 30)

2. Step 2. The Existing Tree Density (ETD) of the trees that are to remain within the tree save area of the tree protection zone shall be calculated by converting the caliper from the tree survey (see paragraph -D.4 and -D.6 above) to tree density units as indicated in Table 5.19.

EXAMPLE: The tree survey identifies 15 trees that will remain on the site in the Step 1 example after development, as follows:

7 - 12" locusts

3 - 14" maples

3 - 18" oaks

1 - 20" oak

1 - 30" sycamore

Converting the caliper to tree density units yields the following values:

Caliper	Density Units		No. Trees		ETD
12"	.8	x	7	=	5.6
14"	1.1	x	3	=	3.3
18"	1.8	x	3	=	5.4
20"	2.2	x	1	=	2.2
30"	4.9	x	1	=	4.9
			Total	=	21.4

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This total represents the Existing Tree Density on site.

3. Step 3. Calculation of the replacement trees is determined by subtracting the Existing Tree Density from the Required Tree Density.

EXAMPLE: RTD-ETD = replacement tree units

or

30 - 21.4 = 8.6 replacement tree units

Table 5.19 Conversion of Caliper to Tree Density Units for Existing Trees.

[Ord. 1585-99, 9/7/1999]

Caliper (inches)	Density Units	Caliper (inches)	Density Units	Caliper (inches)	Density Units
8-9	.5	27	4.0	45	11.0
10	.6	28	4.3	46	11.5
11	.7	29	4.6	47	12.0
12	.8	30	4.9	48	12.6
13	.9	31	5.2	49	13.2
14	1.1	32	5.6	50	13.8
15	1.2	33	5.9	51	14.4
16	1.4	34	6.3	52	15.1
17	1.6	35	6.7	53	15.8
18	1.8	36	7.1	54	16.5
19	2.0	37	7.5	55	17.2
20	2.2	38	7.9	56	18.0
21	2.4	39	8.3	57	18.8
22	2.6	40	8.7	58	19.6
23	2.9	41	9.1	59	20.2
24	3.1	42	9.5	60+	21.0
25	3.4	43	10.0		
26	3.7	44	10.5		

4. Step 4. The number of replacement trees that would need to be planted, if any, is determined by converting the replacement tree units to caliper inches or tree height based on Tables 5.20 and 5.21. Any number or combination of trees that meets the minimum required for replacement may be used; however, coniferous evergreens shall be limited to no more than 40% of the total required replacement trees.

EXAMPLE: 10 – 3" red oaks = 6.0 tree units; 2 – 4" sycamores = 1.4 tree units; and 3 – 2" river birch = 1.5 tree units for a total of 8.9. Since 8.9 is greater than 8.6, the minimum replacement trees requirement has been met.

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Table 5.20 Conversion from Caliper to Tree Density Units for Deciduous Replacement Trees.

Caliper (Inches)	Density Units	Caliper (Inches)	Density Units
1*	.4	8	1.3
2*	.5	9	1.5
3	.6	10	1.7
4	.7	11	1.9
5	.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

* - Permitted only when approved as an exception or for storm water management basin plantings.

Table 5.21 Conversion from Height to Tree Density Units for Coniferous Replacement Trees.

Height (Feet)	Density Units	Height (Feet)	Density Units
3-4*	.6	6-8	1.0
4-5*	.7	8-10	1.3
5-6	.8	10-12	1.7

* - Permitted only when approved as an exception or for storm water management basin plantings.

J. Plan Review and Enforcement. All applications for a tree removal permit not a part of a site plan or subdivision application are to be submitted to the Department of Community Development. The Department shall review all applications to insure compliance with the requirements of this section. Applications will be approved or denied within 20 days of receipt of a complete application.

K. Revocation. The Administrative Officer may revoke the approval where there has been false or misleading application or there is a noncompliance with the approved management plan.

L. Fees. The application and escrow fees for tree cutting and tree removal shall be in accordance with Article IX.

M. Appeals. Any person aggrieved by the decision of any officer, pursuant to the provisions of this section, may appeal to the Zoning Board of Adjustment within 10 days of receipt of such decision. Such appeal shall follow the procedures as set forth in *N.J.S.A.* 40:55D-70a.

N. Violations and Penalties. In addition to any other penalties that may be assessed for violation of this Ordinance, any person violating any provisions of this section shall be liable to a fine

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not to exceed $500.00 or to imprisonment for a term not to exceed 90 days, or both, for each offense. The destruction or substantial damage/destruction of an individual tree shall be construed to be a separate offense. In addition, any tree(s) removed without a permit shall be replaced by the violator with nursery stock, equal, whenever possible, to the caliper of the tree(s) unlawfully removed. Replanting shall be completed in one year of the non-permitted removal if the land is not to be lawfully developed. In addition to the foregoing, the municipality may institute and maintain a civil action for injunctive relief restraining the continuance of any unlawful tree removal project.

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§ 542 Water Supply.

A. Public Water Required. Where a site is located within a public water franchise and 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 local and/or State agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure and in a looped system with no dead-end lines, whenever possible.

B. Main Extension. Residential subdivisions shall be connected to an existing public water supply system if public service is available within the following distances: 200 feet for one unit, 400 feet for two units, 600 feet for three units, 800 feet for four units, and 1,000 feet for five to fifteen units. For developments greater than fifteen units which are within one mile of an existing public water system, adequate justification should be provided as to why they should not provide a connection to the existing public water supply system. For developments of greater than fifteen units which are more than one mile from an existing systems, the water supply strategy shall be determined on a case-by-case basis taking into consideration, the density of the developments, economic considerations, and ground water availability and quality.

C. Non-Residential Uses. All non-residential uses, excepting religious and recreational uses, shall be connected to a public water supply system.

D. Dry Lines. If a public water supply system will be provided to the area within a 6 year period as indicated in the Utility Element of the Master Plan, Official Map, or other official document, a municipality may require installation of a capped system or "dry lines" (mains only) within the road right-of-way; or alternatively, a municipality may require a payment in lieu of the improvement.

E. Individual Wells. Where no public water is accessible, water shall be furnished either on an individual lot basis or by community well. The following provisions shall apply to the installation of individual wells:

1. No person shall locate, construct or alter any individual water supply until a permit for the proposed activity has been issued by the Municipal Health Officer.

2. No building permit for a new home or other structure for which an individual well is required shall be issued unless the well has been drilled, tested and certified to be in compliance with the New Jersey Department of Environmental Protection rules pursuant to *N.J.A.C.* 7:10-12.1 et seq. for the construction of such public non-community and non-public water systems. Such certification shall be made by the applicant's engineer or well driller.

3. Prior to preliminary subdivision approval of ten or more lots, test wells shall be drilled and observations taken to ensure sufficient water quality and quantity pursuant to the requirements of the Municipal Health Officer for the proposed development. The number of test and observation wells shall be as follows:

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Number of Lots	Number of Test Wells	Number of Observation Wells
10-19	1	1
20-29	1	2
30-49	2	2
50+	In accordance with NJDEP standards	

Additional test and observation wells may be required by the Municipal Health Officer for unusual soil and geologic conditions.

4. All wells shall conform to the standards for construction of public non-community and non-public water systems promulgated under *N.J.A.C.* 7:10-12.1 et seq. and the following additions:

   a. A minimum of 50 feet of well casing shall be provided;

   b. No wells shall be located within 100 feet of any other existing or proposed well; and

   c. Blasting for the construction or reconstruction of a well is prohibited.

F. Capacity Requirements.

1. The water supply system shall be adequate to handle the necessary flow based on complete development.

2. The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is provided, the system should be capable of providing the required fire demand plus the required domestic demand.

3. Non-residential water demand may be computed in accordance with the data shown Table 5.22 or as promulgated by the standards of the American Water Works Association (AWWA).

4. The water supply system shall be designed to carry peak-hour flows and be capable of delivering the peak hourly demands indicated in Table 5.22.

Table 5.22 Water Demand for Selected Non-Residential Uses.

Use	Expected Water Consumption		
	Unit Basis	Mean Annual Daily Consumption (gpd)	Peak Hour Consumption (gal.)
General Offices	sf.	0.093	0.521
Medical Office	sf.	0.618	4.97
Retail	sf.	0.106	0.271
Hotel	sf.	0.256	0.433

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Use	Expected Water Consumption		
	Unit Basis	Mean Annual Daily Consumption (gpd)	Peak Hour Consumption (gal.)
Motel	sf.	0.224	1.55
Restaurant	seat	24.20	167.0
School, elementary	student	3.83	37.4
School, high	student	8.02	79.9
Service Station	bay sf.	0.251	4.89
Movie Theater	seat	3.53	3.33
Bakery	employee	220	-
Plastic Products	employee	527	-
Metal Work	employee	196	-
Medical Instruments	employee	506	-
Electronic Components	employee	203	-
Scientific Instruments	employee	181	-

G. System Design and Placement. System design and placement shall comply with the construction specifications of the appropriate public or local utility. Trench restoration shall comply with the requirements of the Lawrence Township Engineering Standards or other such governmental standards for state and county roads.

H. Fire Protection.

1. Fire protection shall be furnished for any development connected to a public water supply system.

2. Minimum flow capacity for fire hydrant design shall be based on recommendations by the National Fire Protection Association (NFPA), as indicated in Table 5.23.

Table 5.23 Minimum Flow Capacity Design Parameters for Fire Control.

Design Population	Flow (gallons per minute)	Duration of Flow (hours)
Under 100 persons	500	4
100 - 1,000 persons	1,000	4
1,001 - 1,500 persons	1,250	5
1,501 - 2,000 persons	1,500	6

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Design Population	Flow (gallons per minute)	Duration of Flow (hours)
2,001 - 3,000 persons	1,750	7
3,001 - 4,000 persons	2,000	8
4,001 - 5,000 persons	2,250	9
5,001 - 6,000 persons	2,500	10
6,001 - 10,000 persons	3,000	10

3. In addition to the water flow minimums established in Table 5.23, the distance between buildings for both residential and non-residential structures shall be considered in the design of the fire control system as indicated in Table 5.24.

Table 5.24 Short Method for Determining Minimum Flow Capacity Design for Fire Control.

Distance Between Buildings	Design Flow (gallons per minute)
Over 100 feet	500
31 - 100 feet	750 - 1,000
11 - 30 feet	1,000 - 1,500
10 feet or less	1,500 - 2,000
Attached buildings	2,500

4. Fire Hydrants.

   a. 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 building shall be within 400 feet of a hydrant.

   b. A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.

   c. Hydrants shall be located at the ends of lines, and valves of full line size shall be provided after hydrant tees at the ends of all dead lines which may be extended in the future.

   d. Size, type and installation of hydrants shall conform to the specifications as set forth in NFPA Standard 291.

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e. Final fire hydrant location shall be subject to the approval of the Municipal Engineer who may consult with appropriate fire officials. The final location of fire hydrants shall be marked as set forth in the Lawrence Township Engineering Standards.

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ARTICLE VI
AGENCY ESTABLISHMENT AND RULES

§ 600 Establishment of the Planning Board

A. Classes of Membership. A Planning Board is hereby established consisting of nine regular and two alternate members of the following four classes:

1. Class I - The mayor or the mayor's designee in the absence of the mayor.

2. Class II - One of the officials of the municipality, other than a member of the governing body, to be appointed by the mayor, provided that any member of the Environmental Resources Committee 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 if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV regular or alternate members.

3. Class III - A member of the governing body to be appointed by it.

4. Class IV - Regular Members. Six other members of the municipality to be appointed by the governing body. The members of Class IV shall hold no other municipal office, position, or employment except that one such member may be a member of the Zoning Board of Adjustment or Historic Preservation Advisory Committee. No member of the Board of Education may be a Class IV member of the Planning Board, except that in the case of a nine member board, one Class IV member may be a member of the Board of Education. If there be an Environmental Resources Committee, the member of the Environmental Resources Committee who is also a member of the Planning Board, as required by *N.J.S.A.* 40:56A-1, shall be a Class IV Planning Board member, unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment or Historic Preservation Advisory Committee and a member of the Board of Education, in which case the member common to the Planning Board and Environmental Resources Committee shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or committee 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 municipal office.

5. Class IV - Alternate Members. Two other citizens of the municipality to be appointed by the governing body. Alternate members shall meet the qualifications of Class IV regular members and shall be designated by the governing body at the time of their appointment as “Alternate No. 1" and “Alternate No. 2.”

6. The adoption of this Ordinance shall not be construed to affect any standing member of the Planning Board.

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B. Terms of Membership.

1. The term of the member composing Class I shall correspond with his or her official tenure.

2. The terms of the members composing Class II and Class III shall be for one year or shall terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Resources Committee. The term of a Class II or Class IV member who is also a member of the Environmental Resources Committee shall be for three years or terminate at the completion of term of office as a member of the Environmental Resources Committee, whichever comes first.

3. The term of Class IV member who is also a member of the Zoning Board of Adjustment or the Board of Education shall terminate whenever he or she is no longer a member of such other body or at the completion of his or her Class IV term, whichever comes first.

4. The term of each Class IV regular member shall be four years.

5. The terms of the Class IV alternate members shall be 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.

C. Role of Alternate Members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

D. Vacancies. If a vacancy of any Class shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only.

E. Compensation. Members of the Planning Board shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

F. Removal. Any member other than a Class I member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

G. Conflict. No member or alternate member of the Planning Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Board on the hearing of such matter, nor shall participate in any discussion or decision.

H. Substitute Members. If the Planning Board lacks a quorum of its regular or alternate members either by reason of vacancy or conflict of interest, 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. Such temporary members shall be selected in order of seniority of continuous service to the Zoning Board of Adjustment until the required minimum number of members necessary to constitute a quorum has been reached. The Chairman or Chairwoman of the Zoning Board of Adjustment shall determine which

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member serves in the event there are members of equal seniority.

I. Reorganization. Yearly, the Planning Board shall organize by selecting from among its Class IV regular members a chairman and a vice chairman. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.

J. Funding. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.

K. Board Attorney. The position of Planning Board Attorney is hereby created. The Planning Board may annually appoint to such office and fix compensation or rate of compensation of an attorney-at-law of New Jersey other than the municipal attorney. The adoption of this Ordinance shall not be construed to affect any existing appointment.

L. Staff. The Planning Board may also employ or contract for and fix compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amounts appropriated by the Township Council for its use.

§ 601 Powers and Jurisdiction of the Planning Board.

The Planning Board shall have the powers listed below in addition to other powers established by law:

A. Make, adopt, and from time to time, amend a master plan for the physical development of the municipality, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the municipality;

B. Participate in the preparation and review of programs or plans required by state or federal law or regulation;

C. Assemble data on a continuing basis as part of a continuous planning process;

D. Annually, prepare a program of municipal capital improvements projects projected over a term of 6 years and amendments thereto and recommend same to the Township Council;

E. Consider and make report to the Township Council within 35 days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the Township Council;

F. Prepare, at least every 6 years, a periodic reexamination of the Master Plan;

G. The Planning Board shall have such other powers as prescribed by law, including, but not limited to, the power to grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plans, site plans or conditional uses:

1. Variances pursuant to *N.J.S.A.* 40:55D-70a-c;

2. Direction pursuant to *N.J.S.A.* 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area; and

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3. Direction pursuant to *N.J.S.A.* 40:55D-35 for issuance of a permit for a building or structure on a lot not abutting a street.

§ 602 Establishment of the Zoning Board of Adjustment.

A. Membership. A Zoning Board of Adjustment is hereby created consisting of seven regular members and two alternate members, each of whom shall be appointed by the Township Council.

B. Terms of Members.

1. The term of each regular member shall be four years and the term of each alternate member shall be two years.

2. Alternate Members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."

3. The adoption of this Ordinance shall not be construed to affect any standing member of the Zoning Board of Adjustment.

C. Role of Alternate Members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

D. Additional Memberships. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.

E. Compensation. Members of the Zoning Board of Adjustment shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

F. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

G. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only.

H. Conflict. No member or alternate member of the Zoning Board of Adjustment shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Board on the hearing of such matter, nor shall participate in any discussion or decision.

I. Substitute Members. If the Zoning Board of Adjustment lacks a quorum of its regular or alternate members either by reason of vacancy or conflict of interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board. Such temporary members shall be selected in order of seniority of continuous service to the Planning Board until the required minimum number of members

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necessary to constitute a quorum has been reached. The Chairman or Chairwoman of the Planning Board shall determine which member serves in the event there are members of equal seniority.

J. Reorganization. Yearly, the Zoning Board of Adjustment shall organize by selecting from among its regular members a chairman and a vice-chairman. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.

K. Funding. The Township Council shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.

L. Board Attorney. The position of Zoning Board of Adjustment Attorney is hereby created. The Zoning Board of Adjustment may annually appoint to such office and fix compensation or rate of compensation of an attorney-at-law of New Jersey other than the municipal attorney. The adoption of this Ordinance shall not be construed to affect any existing appointment.

M. Staff. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Council for its use.

§ 603 Powers of the Zoning Board of Adjustment.

The Zoning Board of Adjustment shall have the power to:

A. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the Administrative Officer based on or made in enforcement of the Land Use Ordinance.

B. Hear and decide requests for interpretation of the Zoning Map or Land Use Ordinance or for decisions upon other special questions upon which the Zoning Board is authorized to pass on any Zoning or Official Map Ordinance;

C. Grant a variance from the strict application of a regulation, upon an application or an appeal, so as to relieve difficulties or hardships:

1. Where in an application Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property; or

2. Where in an application or appeal relating to a specific piece of property the purposes of this Ordinance set forth in §102 would be advanced by deviation from the Land Use Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow the departure from zoning regulations; provided, however, that no variance from those departures enumerated in §603.D shall be granted under this section; and provided, further, that

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the proposed development does not require approval by the Planning Board of a subdivision, site plan, or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to §700.A.2.

D. Grant a variance to allow a departure from the zoning regulations, in particular cases and for special reasons 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; or
6. A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

A variance under this subsection shall be granted only by the affirmative vote of at least five members.

E. 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 Land Use Ordinance provisions which were the subject of variance requests and its recommendations for Land Use Ordinance amendment or revision, if any. The Zoning Board of Adjustment shall send copies of the report and resolution to the Township Council and Planning Board.

§ 604 Establishment of the Historic Preservation Advisory Committee.

A. Classes of Members. A Historic Preservation Advisory Committee (HPAC) is hereby established consisting of nine regular members and which may include two alternate members, each of whom shall be appointed by the Mayor, of the following three classes:

1. Class A - Persons who are knowledgeable in building design and construction or in architectural history;
2. Class B - Persons who are knowledgeable or have a demonstrated interest in local history;
3. Class C - Persons who are residents of the municipality and who hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment.
4. There shall be a total of four members representing classes A and B with at least one member from each class.

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5. Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.

6. All members shall be residents of the municipality.

7. The adoption of this Ordinance shall not be construed to affect any standing member of the Historic Preservation Advisory Committee.

B. Terms of Membership.

1. The term of each regular member shall be four years and the term of each alternate member shall be two years.

2. Alternate members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2".

3. The term of any member in common with the Planning Board or Zoning Board of Adjustment shall be for the term of membership on such Board.

C. Role of Alternate Members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

D. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term, only.

E. Compensation. Members of the HPAC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

F. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

G. Conflict. No member or alternate member of the HPAC shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Committee on the hearing of such matter, nor shall participate in any discussion or decision.

H. Organization. The HPAC shall elect from its members a chairman and vice-chairman and select a secretary who may or may not be a member of the HPAC or a municipal employee.

I. Funding. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Advisory Committee.

J. Rules and Procedures. The HPAC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:

1. A quorum for any action by the HPAC shall be 5 members.

2. All HPAC minutes and records shall be public records.

3. All HPAC meetings shall comply with the Open Public Meetings Act (*N.J.S.A.* 10:47 et seq.).

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4. HPAC meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the Planning Board, Zoning Board of Adjustment, governing body, or construction official.

K. Role of the HPAC. The Planning Board is empowered to oversee the system of preservation regulations to complement existing land use regulation and shall review and grant final approval for the HPAC's designation of buildings, structures, sites, objects and districts having historic significance. Based on the advice and recommendation of the HPAC, the Planning Board shall make the final determination on the approval of development applications. For review of building permit applications, the HPAC shall submit reports to the construction official.

L. Historic Preservation Guidelines. The HPAC shall recommend to the Planning Board guidelines for review to be utilized in determinations of historic landmark status and for review of development applications or permits affecting historic landmarks or improvements within historic districts. The Planning Board may recommend modifications of the guidelines and shall make the final decision as to their adoption.

M. Council Liaison. A member of the Township Council shall be so designated as liaison between the HPAC and the governing body.

§ 605 Powers and Responsibilities of the Historic Preservation Advisory Committee.

The Historic Preservation Advisory Committee shall have the following duties and responsibilities:

A. To prepare a survey or surveys of historic sites and districts pursuant to criteria established in such survey;

B. To make recommendations to the Planning Board on the Historic Preservation Element of the Master Plan and on the implications of any other Element on the preservation of historic sites and districts;

C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;

D. To advise the Planning Board and Zoning Board of Adjustment on applications for development;

E. Provide written reports on the application of the zoning provisions of this Ordinance or other land development regulations on historic sites and districts;

F. Provide technical assistance upon request to property owners on the preservation, restoration, and rehabilitation of historic structures;

G. To carry out such other advisory, educational, and informational functions as will promote historic preservation in the municipality.

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§ 606 Additional Powers, Duties and Responsibilities.

The Historic Preservation Advisory Committee shall have the following additional powers, duties and responsibilities:

A. To identify and record historic buildings, structures, sites, objects or districts and evaluate these resources against the criteria in Article XI. The survey material shall be reviewed and, if necessary, updated at least every other year to incorporate any newly acquired historical documentation and to reflect changes to a resource's integrity or condition.

B. To assist other public bodies in aiding the public in understanding historic resources, significance and methods of preservation.

C. To compile and monitor notices regarding use of detection-type devices; consider, determine and condition the granting of requests for provision to dig, disturb or remove anything from historic landmarks or sites.

D. To advise the Township Council on the relative merits of proposals involving public lands to restore, preserve and protect historical buildings, places and structures, including the preparation of a long-range plan therefore securing State, Federal and other grants and aid to assist therein and monitoring such projects once underway.

E. To recommend to the Planning Board and the Township Council the establishment and boundaries of historic districts where appropriate.

F. To recommend to the Zoning Board of Adjustment the granting of use variances where such are deemed to be within the intent and purposes of this Ordinance.

G. To secure the voluntary assistance of the public and (within the limits of the budget established by the municipality for the Historic Preservation Advisory Committee's operation) to retain consultants and experts and incur expenses to assist the Historic Preservation Advisory Committee in its work to provide testimony in support of its position before other bodies, boards, commissions or courts.

H. To cooperate with local, county, State or National historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this Ordinance.

I. To recommend to applicable county, State and Federal agencies, where appropriate, recognition of historic buildings, structures, sites, objects or districts.

J. To request the Township Council to seek, on its own motion or otherwise, injunctive relief for violations of this Ordinance or other actions contrary to the intent and purposes of this Ordinance.

K. To spend money in the course of its duties as it is duly authorized by the Township Council.

L. No duties or powers of the Historic Preservation Advisory Committee shall supersede or infringe on the powers of other municipal boards or agencies.

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§ 607 Establishment of the Affordable Housing Board.

A. Establishment. An Affordable Housing Board (AHB) is hereby established for the purpose of monitoring the compliance of the municipality in providing housing for low and moderate income households pursuant to the Fair Housing Act of 1985 (N.J.S. 52:27D-301 et seq.).

B. Membership; Terms of Office.

1. The AHB shall consist of 7 voting members, all of whom shall be appointed by the governing body. Two of the members shall be occupants of affordable housing units. In addition, a member of the governing body shall be appointed the council liaison member and shall have no voting rights. The municipal manager and the director of the Office of Housing and Redevelopment shall be ex-officio members of the AHB with no voting rights.

2. The governing body may appoint alternate members, designated as "Alternate No. 1" and "Alternate No. 2" at the time of their appointment.

3. The term of office for voting members and alternate members shall be for 3 years and the term of office of the governing body member shall be his or her term on Township Council.

4. The adoption of this Ordinance shall not be construed to affect any standing member of the Affordable Housing Board.

C. Role of Alternate Members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

D. Compensation. Members of the Affordable Housing Board shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

E. Removal. Any member may be removed by the governing body for cause or absence but only after public hearing if requested by the member and other due process proceedings. Any voting member of the AHB who has been absent without excuse for 3 successive regular meetings may be removed from office by the governing body after notice.

F. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only.

G. Conflict. No member or alternate member of the Affordable Housing Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Board on the hearing of such matter, nor shall participate in any discussion or decision.

H. Reorganization. Yearly, the Affordable Housing Board shall organize by selecting from among its voting members a chairman and a vice-chairman. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.

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I. Funding. The Township Council shall make provisions in its budget and appropriate funds for the expenses of the Affordable Housing Board upon submission by the AHB of an annual budget request to the municipal manager.

J. Staff. The governing body may employ or assign at the request of the AHB such personnel or experts and other staff as the AHB deems necessary, provided such obligations do not exceed the municipal budgetary allocation available to the AHB for such use.

K. Quorum. Attendance by 4 voting members shall constitute a quorum.

§ 608 Powers of the Affordable Housing Board.

The AHB is hereby granted and shall have and exercise the following powers:

A. Sales and Rentals. Review with the assistance of the director of the Office of Housing and Redevelopment regulations pertaining to the sale, rental, resale and re-renting of affordable housing units.

B. Ordinance Amendments. With the assistance of the director of the Office of Housing and Redevelopment prepare amendments and additions to regulations pertaining to the provision of affordable housing as it deems necessary or appropriate to implement the purposes of Article X for recommendation to the Township Council.

C. Appeals from Office of Housing and Redevelopment Decisions. Hold hearings upon notice and adjudicate the complaints of developers or applicants, owners and renters if the developer, applicant, owner or renter is not satisfied with the rulings of the Office of Housing and Redevelopment. In matters involving a hearing, the office shall give 10 days' written notice to all parties involved and shall give all interested parties an opportunity to be heard.

D. Funding Requests. With the assistance of the director of the Office of Housing and Redevelopment review requests from Federal, State, county, or local agencies regarding funding or applications for funding.

E. Use of Funds. With the assistance of the director of the Office of Housing and Redevelopment make recommendations to the governing body regarding how municipal funds or funds collected for affordable housing from developers of land not subject to an affordable housing set aside should be spent and propose priorities for such expenditures.

F. Marketing Plans. Review all housing marketing plans submitted to the Office of Housing and Redevelopment by developers.

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ARTICLE VII
DEVELOPMENT APPLICATION REVIEW PROCEDURES

§ 700 Division of Jurisdiction in Development Applications.

A. Planning Board. The following provisions set forth the jurisdiction of the Planning Board in the review of development applications:

1. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.

2. Review by Planning Board in lieu of Zoning Board of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan, or conditional use, but not a variance pursuant to *N.J.S.A.* 40:55D-70d, the Planning Board, in lieu of the Zoning Board of Adjustment, to the same extent and subject to the same restrictions, shall receive, review, and act upon applications for variances and the issuance of permits pursuant to *N.J.S.A.* 40:55D-32, -34, -36 and -70c.

3. Bifurcation of application. A developer may elect to submit a separate application requesting approval of variances and the issuance of permits pursuant to *N.J.S.A.* 40:55D-32, -34, -36 and -70c and a subsequent application for any required approval of a subdivision, site plan, or conditional use. The separate approval of any variance or issuance of permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance, or where a deviation would advance the purposes of the Master Plan and the Land Use Ordinance and the benefits of the deviation would outweigh the detriments. Whenever relief is requested pursuant to this subsection, the public notice shall include a reference to the request for a variance or direction for issuance of a permit, as the case may be.

4. Grant variances pursuant to *N.J.S.A.* 40:55D-70c.

5. Direct issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to *N.J.S.A.* 40:55D-34.

6. Direct issuance of a permit for a building or structure not related to a street pursuant to *N.J.S.A.* 40:55D-36.

B. Zoning Board of Adjustment Action in Lieu of Planning Board. The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan, subdivision or conditional use approval when reviewing an application for approval of a "use variance" pursuant to *N.J.S.A.* 40:55D-70d.

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§ 701 Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment.

A. Meetings

1. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled at least once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.

2. Special meetings may be scheduled for at the call of the chairman or on the request of any two board members, which shall be held on notice to its members and the public in accordance with the Open Public Meetings Act, P.L. 1975.

3. Actions at meetings; quorum. All agenda items requiring action by the Board, except adjournments, shall be taken with a quorum present.

4. No action shall be taken on an application unless it has been declared complete pursuant to §804. The Board may delegate the determination of completeness to a subcommittee or its designee.

5. All actions shall be taken by a majority vote of the members present at such meeting, except as otherwise provided in this Article. Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of §603.D shall be deemed an action denying the application. A member of the Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings: provided, however, that such a Board member has available to him or her the transcript or recording of all the hearings from which he or she was absent, and certifies in writing to the Board that he or she has read such transcript or listened to such recording.

6. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law, C. 231, Laws of New Jersey, 1975. An executive session for the purpose of discussing and studying any matters to come before the agency shall not be deemed a regular meeting within the meaning of this Ordinance.

B. Records of the Board

1. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board or the Zoning Board of Adjustment, and of the persons appearing by attorney, the action taken by the Planning Board or Zoning Board of Adjustment, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Administrative Officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party shall be charged a reasonable fee for the

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reproduction of the minutes, as indicated in §900.A of this Ordinance.

2. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means. The municipality 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 as indicated in §900.A of this Ordinance. Each transcript shall be certified in writing by the transcriber to be accurate.

§ 702 Public Hearings.

A. The Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each Board shall make the rules governing such hearings.

B. Any maps and documents for which approval is sought at a hearing shall be on file in the office of the Administrative Officer and available for public inspection during normal business hours at least 20 days before the date of the hearing. If maps or related material are to be revised as a result of any Planning Board meeting, the applicant shall file the appropriate number of copies in accordance with Article VIII of all revised maps and related material, with revision date noted on same, at least 20 days prior to the meeting of the Planning Board at which discussion and/or hearing is scheduled to take place.

C. In the case of an application before the Zoning Board of Adjustment, the applicant shall file the appropriate number of copies in accordance with Article VIII of all revised maps and related material, with revision date noted on same, at least 20 days prior to the meeting of the Zoning Board of Adjustment at which discussion and/or hearing is scheduled to take place.

D. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

E. The officer presiding at the hearing, or his or her designee, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," *N.J.S.A.* 2A:67A-1 et seq. shall apply.

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

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

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§ 703 Decisions.

A. Findings and Conclusions. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

1. A resolution adopted at a meeting held within the time period provided in this section for action by the municipal agency on the application for development; or

2. A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the Planning Board or Zoning Board of Adjustment who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for the purposes of the mailings, filings, and publications required by §710.

B. Failure to Adopt Resolution. If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested person may appeal to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorneys' fees, shall be assessed against the municipality.

C. Findings for Planned Developments. Prior to approval of a planned development the Planning Board shall make the following findings and conclusions pursuant to *N.J.S.A.* 40:55D-45:

1. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to this Article;

2. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location, and purpose of the common open space are adequate;

3. That 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;

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5. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

§ 704 Public Notice of a Hearing.

The following public notice requirements shall apply to all hearings of the Planning Board and Zoning Board of Adjustment.

A. Notice Required. Public notice of a hearing shall be given for the following applications for development: [Ord. 1592-99, 12/7/1999]

1. Any request for a variance (*N.J.S.A.* 40:55D-70);
2. Any request for conditional use approval;
3. Any request for a certificate of non-conforming use (*N.J.S.A.* 40:55D-68).
4. Any request for the issuance of a permit to build within the bed of a mapped street or public drainage way or on a lot not abutting a street (*N.J.S.A.* 40:55D-34 and -35);
5. Any request for an informal or conceptual review;
6. Any request for general development plan approval;
7. Any request for preliminary subdivision approval;
8. Any request for interpretation of the Land Use Ordinance or Zoning Map;
9. Any request for preliminary site plan;
10. Any request for site plan approval involving subsections -1 through -3; and
11. Any request for a zoning change not part of a general reexamination of the Master Plan or Master Plan adoption.

B. No Notice Required. Public notice shall not be required for the following applications.

1. Appeals pursuant to *N.J.S.A.* 40:55D-70a or -b.
2. Final subdivision plan.
3. Final site plan.
4. Any other type of application or action by the Board not specifically listed in §704.A.

C. Classes of Notice. The secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, shall notify the applicant at least two weeks prior to the public hearing for the subject application. Notice of a hearing requiring public notice shall be given by the applicant at least 10 days prior to the date of the hearing in the following manner:

1. By publication in the official newspaper of the municipality or in a newspaper of general circulation in the municipality.

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2. To all owners of real property as shown on the current tax duplicate located in the State and within 200 feet in all directions of the property which is the subject of the hearing; provided that this requirement shall be deemed satisfied by notice to a condominium association, in the case of any unit owner whose unit has a unit above or below it, or 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 or her agent in charge of the property; or by mailing a copy thereof by certified mail to the property owner at his or her address as shown on the current tax duplicate. It is not required that a return receipt be obtained. Notice shall be deemed complete upon mailing.

3. 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, 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 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

4. To the clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.

5. To the Mercer County Planning Board by personal service or certified mail when the application for development involves property adjacent to an existing county road or proposed road shown on the county official map or the county master plan or adjoins other county land, or is situated within 200 feet of a municipal boundary.

6. To the Commissioner of Transportation of the State of New Jersey by personal service or certified mail when the property abuts a State highway.

7. To the State Planning Commission, by personal service or certified mail when the hearing involves an application for development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Administrative Officer.

8. To public utilities, local utilities, and cable television companies when such entity possesses a right-of-way or easement within the municipality and has registered with the municipality pursuant to *N.J.S.A.* 40:55D-12.1 by personal service or certified mail when the hearing involves a major subdivision or major site plan application.

9. Additionally, the applicant shall be responsible for giving proper notice to all property owners who do not reside within the municipality.

D. Property List. Under the written request of an applicant, the Department of Engineering shall, within 10 days, make and certify a list from current tax duplicates of names and addresses of owners within the municipality to whom the applicant shall be charged in accordance with §900.A of this Ordinance and shall be entitled to rely upon the information

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contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding.

E. Proof of Service. The applicant shall file an affidavit or proof of service with the Planning Board or Zoning Board of Adjustment, as the case may be.

F. Contents of Notice. The notice shall state the date, time and place of the hearing and the nature of the matters to be considered, and 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 municipal tax assessor's office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

§ 705 Standards for Review of Applications.

Development plans shall be so designed as to enhance the general appearance of the Township and to promote the harmonious use of land; to lessen congestion in the streets; to secure safety from fire, panic, or other dangers; to promote the general health, safety, and welfare; to provide adequate light and air; to prevent the overcrowding of land, buildings and roadways by an undue concentration of population; to encourage development which would facilitate pedestrian access and the use of mass transit; to encourage creative development and design consistent with the policies of the Master Plan of the Township of Lawrence, and the regulations promulgated herein. Applications for development shall be reviewed for meeting the standards for development contained within this Ordinance and more particularly the following specific objectives:

A. Development Compatibility. All development shall permit and encourage only those uses of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, the drainage system, soil capabilities, groundwater and aquifer recharge quality, and to include only those uses that are compatible with allowed uses in the zoning district and existing uses on adjacent lands. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or man-made barriers, existing or planned, between different uses both within and adjacent to the proposed development, and sufficient information to determine the effect of such development upon the quality of life of the Township of Lawrence.

B. Relationship to Lawrence Master Plan. All developments shall be planned and designed to achieve the goals and objectives for land development as are or may be set forth in the Lawrence Township Master Plan duly adopted by the Planning Board with regard to conservation, historic preservation, community facilities, recreation, open space, recycling, affordable housing, utility distribution, circulation, land use, fiscal impact, economic development, and the goals for development of adjacent municipalities, Mercer County and the State.

C. Relationship to Township Development Patterns. All development shall be planned and designed to achieve the Township goals of permitting and encouraging a population density and a development pattern in the municipality that facilitates the provision of public utilities and services, including public water and public sewerage, storm drainage systems, recreation areas, public schools, state, county, and local roads, in an orderly, functional and economical

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manner.

D. Conservation of Open Space. Common open space and adequate recreation areas shall be set aside in suitable locations to provide for the recreation needs of the residents and the owners of the development and those portions of the project that, because of their natural features, constitute important visual amenities and environmental resources. Development is intended to create after completion a continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas in accordance with the goals and objectives of the Master Plan.

E. Appearance and Aesthetic Control. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to various land uses. The creation and promotion of such aesthetic conditions shall strengthen and preserve the municipality's unique environmental heritage and promote the civic pride, prosperity, and general welfare of the residents of the development, the municipality, and visitors thereto.

F. Review Guidelines. The following guidelines shall be used in the review of any application for development or conditional use:

1. Regard for natural features. All residential and non-residential uses shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account. Special consideration shall be given to the preservation of natural features, including large trees, stands of specimen vegetation, groves, waterways, aquifer recharge areas, scenic, paleontological, archaeological, cultural, and historic sites and other community assets within the site area, and the reduction of impacts on wildlife. The development shall be designed and programmed so as to minimize tree clearance and the destruction of natural amenities associated with the same.

2. Siting of buildings. All housing and supporting uses shall be sited so as to enhance privacy for residential uses, ensure natural light for all principal residential rooms, and to the greatest extent possible be designed to promote passive solar energy technology. Buildings layout shall be reviewed for arrangement, efficiency and aesthetic quality.

3. Fiscal impact. The fiscal costs to the Township and Board of Education from providing services to the development shall be considered in relation to the gain of revenue and its impact upon the municipal and school board tax rates.

4. Relationship to community facilities. Housing shall be conveniently served by community facilities and open space.

5. Circulation. The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, the movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. In particular the Board shall ensure compliance in site design with the Americans with Disabilities Act, as it may be amended or superseded. The Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible

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with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site. The circulation shall be consistent with Township, county, and state requirements.

6. Open space. Open space within all planned unit developments shall be planned and designed to achieve the Township goal of insuring that adequate recreation areas are set aside in suitable locations to provide for the recreation needs of the residents and owners of the planned unit development; and that those portions of the Township that, because of their natural features, constitute important visual amenities and environmental resources are maintained in accordance with sound conservation practice.

7. Landscaping. Landscaping shall be reviewed for the ability to integrate the site elements of topography, water, buildings, parking and loading areas, and the buffering of incompatible uses. Landscaping shall be reviewed for diversity, including species, function, sculpture, fencing, walls, and other landscaping elements.

8. Lighting. Adequate lighting for the function of the site shall be reviewed for the safe movement and security of persons and vehicles. Particular attention shall be made to the minimization of glare and impact upon adjacent property.

9. Signs. Signs shall be evaluated for the aesthetics of their design and their harmony with other signs on- and off-site, the architectural design of the building or buildings to which they relate and the type of development or pattern of the built environment surrounding the location of the sign or signs. The location of signs shall be reviewed for the purpose of removing any hazard to pedestrians or motorists.

10. Utilities, solid waste management and recycling. Storm drainage, sanitary and solid waste disposal including recycling, water supply, electricity supply, telephone and cable television service shall be reviewed and considered. Emphasis shall be given on the adequacy of existing systems and the need for improvements, both on- and off-site to adequately provide for the development's needs.

11. Compatibility of residential and non-residential development. Applications for development and conditional uses shall be designed to assure the compatibility of residential and non-residential uses by:

    a. Providing commercial uses with appropriate space and, in particular, sufficient depth from a street to satisfy the needs of contemporary uses including the provision of adequately landscaped off-street parking, buffer areas between commercial and residential use areas, pedestrian and bicycle circulation systems connecting the commercial uses to office, residential and open space uses;

    b. Protecting non-residential development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;

    c. Protect residential and non-residential development from the noise, exhaust emissions, and other negative aspects of congestion of vehicular traffic.

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§ 706 Standards for Grant of Variance.

A. No variance or other relief may be granted under the terms of this Article 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 Land Use Ordinance.

B. Any variance from the terms of this Article hereafter granted by the Planning Board or Zoning Board of Adjustment, as the case may be, permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within 12 months from the date of entry of the judgment or determination of the Zoning Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the Township Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. (See also §108).

§ 707 Appeals and Applications to the Zoning Board of Adjustment.

A. Appeals to the Zoning Board of Adjustment may be taken by an interested party affected by any decision of the Administrative Officer of the municipality based on or made in the enforcement of the zoning provisions of this Ordinance or a duly adopted official map. Such appeal shall be taken within 20 days by filing a notice of appeal with the official from whom the appeal was taken, specifying the grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. 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.

C. Whenever an application for development requests relief pursuant to *N.J.S.A.* 40:55D-70d, the Zoning Board of Adjustment shall grant or deny approval of the application within 120 days after submission by an applicant of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. In the event that the applicant 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 this Ordinance. Failure of the Zoning Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the Administrative Officer as to the failure of the Zoning Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision

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plats.

§ 708 Appeal of a Zoning Board Decision.

A. Right of Appeal. Any interested party may appeal to the Township Council any final decision of the Zoning Board of Adjustment approving an application for a use variance (*N.J.S.A.* 40:55D-70d).

B. Time for Appeal. Such appeal shall be made within 10 days after the date of publication of the decision pursuant to §710 by serving upon the municipal clerk personally or by certified mail a notice of appeal specifying the grounds thereof and the name and address of the appellant, and, if represented, his or her attorney. A copy of such notice shall also be filed by the appellant with the Zoning Board of Adjustment. The notice served upon the municipal clerk shall be accompanied by a payment to the municipality of a fee in accordance with §900.A of this Ordinance.

C. Stay of Proceedings. An appeal to the Township Council shall stay all proceedings in furtherance of the action in respect of which the decision appealed from was made unless the Zoning Board of Adjustment certifies to the Township Council after the notice of appeal has been filed with such Board, that by reasons of facts stated in the certificate a stay would in the Board's opinion cause imminent peril to life or property; and in such a case, proceedings shall not be stayed other than by order of the Superior Court on application upon notice to such Board and on good cause shown.

D. Basis of Appeal. An appeal shall be decided by the Township Council only upon the record established before the Zoning Board of Adjustment.

E. Appellant Requirements. The appellant shall:

1. Within 5 days of service of the notice of appeal pursuant to §708.B arrange for a transcript for use by the Township Council and pay a deposit in accordance with §900.A of this Ordinance; or

2. Within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the municipal clerk.

3. Upon failure to act by the appellant, the Township Council, on its own motion or on motion of any person entitled to notice of the Zoning Board of Adjustment's decision pursuant to §710 may dismiss the appeal but only pursuant to a hearing after giving at least 10 days written notice, by the moving party to the appellant.

F. Notice. Notice of the hearing to review the record below shall be given by the Township Council by personal service or certified mail to the appellant, to those entitled to notice of the Zoning Board of Adjustment's decision pursuant to §710, and to the Zoning Board of Adjustment, at least 10 days prior to the date of the hearing.

G. Decision of the Governing Body. The Township Council may affirm with or without the imposition of conditions, reverse or remand the final decision appealed from the Zoning Board of Adjustment, and the affirmative vote of a majority of the full authorized membership of the Township Council shall be necessary to reverse, remand, or affirm with or without conditions the same.

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§ 709 Time Limits for Decisions.

A. Effect of Variance Request. Whenever an application to the Planning Board for approval of a subdivision plat, site plan, or conditional use includes a request for a hardship variance or special permit, the Planning Board shall grant or deny approval of the application within 120 days after the date of submission by a developer of the complete application to the Administrative Officer or within such further time as may be consented to by the applicant.

B. Variance Bifurcation. In the event that an applicant elects to submit separate consecutive applications, the 120 day limitation shall apply to the application for approval of the hardship variance or special permit, and the period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance.

§ 710 Notice of Decisions.

Any decision of the Planning Board or 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:

A. Mailing of Decision. A copy of the decision shall be mailed to the applicant and to the appellant, if the appellant is a differing interested party, or, if either or both is represented, then to the respective attorney(s) without charge, and for a reasonable charge to any other interested person who has requested it, not later than 10 days after the date of the decision.

B. Newspaper Notice of Decision. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publications shall be arranged by the municipal clerk without separate charge to the applicant or to the appellant, if the appellant is a differing interested party. The notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

C. Filing of Decision. A copy of the decision and all submitted documents of record shall be filed with the Administrative Officer.

§ 711 Exceptions, Waivers, and Special Area Standards for the Residential Site Improvement Standards (*N.J.A.C.* 5:21-3)

A. Exceptions (*N.J.A.C.* 5:21-3.1).

1. The Board of Jurisdiction may grant such *de minimis* exceptions from the requirements of the site improvement standards as may be reasonable and within the general purpose and intent of the Residential Site Improvement Standards (RSIS) if the literal enforcement of one or more provisions of the standards is impracticable or will exact undue hardship because of peculiar conditions pertaining to the development in question.

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2. An application for an exception pursuant to this section shall be filed in writing with the Board of Jurisdiction and shall include:

   a. A statement of the requirements of the standards from which an exception is sought;

   b. A statement of the manner by which strict compliance with said provisions would result in practical difficulties; and

   c. A statement of the nature and extent of such practical difficulties.

3. Exceptions shall become a part of the construction documents and shall be retained by the Board of Jurisdiction.

4. Within 30 days of granting a *de minimis* exception request, a municipal approving authority agreeing to an exception pursuant to this section shall send a copy of the document(s) constituting the de minimis exception resolution and/or document to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, NJ 08625-0802. Such notice shall be clearly marked "Site Improvement Exception(s)."

5. An application for an exception may also be made by an officer or agency of the municipality.

6. Examples of *de minimis* exceptions include, but are not limited to, the following:

   a. Reducing the minimum number of parking spaces and the minimum size of parking stalls;

   b. Reducing the minimum geometrics of street design, such as curb radii, horizontal and vertical curves, intersection angles, centerline radii, and others;

   c. Reducing cartway width; and

   d. Any changes in standards necessary to implement traffic calming devices.

7. The Board of Jurisdiction's granting of a request for a *de minimis* exception shall be based on a finding that the requested exception meets the following criteria:

   a. It is consistent with the intent of the Site Improvement Act;

   b. It is reasonable, limited, and not unduly burdensome;

   c. It meets the needs of public health and safety; and

   d. It takes into account existing infrastructure and possible surrounding future development.

B. Waiver Request (*N.J.A.C.* 5:21-3.2).

1. A municipality or developer may, in connection with a specific development, request a waiver of any site improvement standard adopted under this section in accordance with *N.J.S.A.* 40:55D-40.4(c). A waiver request may also be made jointly by a municipality and a developer.

2. The Site Improvement Advisory Board may approve a request for a waiver based on

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any danger to public health and safety that would be caused by adherence to a standard specified in this section.

3. A waiver may be requested by a municipality or a developer, or the request may be made jointly. The waiver request shall consist of the following:

   a. A copy of the development application as submitted to the municipal approving authority; and

   b. A brief memorandum to the Commissioner of the Department of Community Affairs containing sufficient information upon which to base a determination, including:

      (1) A short description of the project in narrative form;

      (2) A citation to the particular site improvement standard from which waiver is requested;

      (3) A clear description of the condition(s) giving rise to the request;

      (4) A clear description of the anticipated result if the standard were to be followed;

      (5) The name, address, and telephone number of a contact person for the developer; and

      (6) The name, address, and telephone number of a contact person for the municipal approving authority.

   c. The party requesting the waiver shall send the request to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, NJ 08625-0802.

   d. Where a waiver is requested by the developer, the developer shall send a copy of the request to the administrative officer of the municipality concerned. Where a waiver is requested by the municipality, the municipality shall send a copy of the request to the developer.

   e. A waiver may be requested by the developer or the municipal approving authority at any time during the pendency of a development application. The Site Improvement Advisory Board recommends submission of a waiver request early in the application process or prior to the submission of a formal development application. If the applicant or the municipal approving authority determines during the planning board review process that a waiver request is appropriate, the municipal approving authority shall give consideration whenever possible to the granting of an extension for the purpose of pursuing a waiver. In some cases it may be impracticable for the party requesting or appealing a waiver to complete the waiver process within the time guidelines of the Municipal Land Use Law (*N.J.S.A.* 40:55D-1 et seq.; see, for example, *N.J.S.A.* 40:55D-45.3, 46(c), 46.1, 47, 48, and 50). In such cases, the municipal approving authority may provide for the disposition of the waiver as a condition of its approval.

   f. There is no fee for requesting a waiver.

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C. Waiver Review (*N.J.A.C.* 5:21-3.3).

1. The Commissioner shall review the waiver request to determine whether it appears on preliminary review that adherence to a particular standard would jeopardize the public health and safety.

   a. If the waiver request on its face does not meet the requirements of this subsection, the Commissioner shall contact the requesting party within 20 days of receipt of the request and advise the requesting party of the waiver request rejection. Grounds for rejection shall be indicated in writing.

2. Within 20 days of receipt of a waiver request, the Commissioner shall date and mark as justified for review each waiver request accepted for review. The Commissioner shall then direct each such waiver request to the Site Improvement Advisory Board's Technical Committee which consists of Board members representative of, respectively, the New Jersey Society of Professional Engineers; the New Jersey Society of Municipal Engineers; and the New Jersey Builders Association (See *N.J.S.A.* 40:55D-40.4(c)).

3. The Commissioner shall send notice of the Commissioner's determination of justification to designated contacts at the same time as the waiver request is sent to the Technical Committee.

4. The Technical Committee shall render a decision by resolution within 30 days of the Commissioner's determination that the waiver request is justified.

5. A waiver resolution adopted by the committee shall specify the grounds for granting or denying the waiver request.

6. The Commissioner shall promptly notify the developer and the municipal approving authority of the committee's decision, and shall provide a copy of the resolution memorializing such decision to those parties and to the Site Improvement Advisory Board.

D. Appeal of Waiver Decisions (*N.J.A.C.* 5:21-3.4).

1. Any decision of the technical committee may be appealed to the Site Improvement Advisory Board, which shall hear appeals in public session at regularly scheduled or special meetings announced in compliance with the Open Public Meetings Act (See *N.J.S.A.* 10:4-6 et seq.).

2. For each hearing, the Site Improvement Advisory Board shall designate, by simple majority of the members present, a voting member of the Board to serve as presiding officer.

3. Any documents and materials constituting the appeal shall be available for public inspection at the Department of Community Affairs, Division of Codes and Standards during normal business hours at least 10 days before the date of the hearing. Other documents, records, or testimony may be produced at the hearing to clarify or supplement materials previously submitted.

4. The hearings shall be informal. Rules of evidence shall not apply, but the presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence.

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5. The testimony of all witnesses in a waiver appeal shall be under oath or affirmation and shall be recorded verbatim either mechanically or stenographically. Transcripts may be obtained at the expense of the requesting party and shall be certified by the transcriber to be accurate.

6. The Site Improvement Advisory Board shall render a final decision within 10 days of the hearing. The Board's decision shall be in writing, and shall contain findings and conclusions. The Board shall mail a copy of the decision to the developer and to the municipal approving authority.

E. Special Area Standards (*N.J.A.C.* 5:21-3.5).

1. The Commissioner and the Site Improvement Advisory Board as a matter of policy recognize the need for preservation and/or enhancement of community character in New Jersey municipalities. This subsection is intended to provide a procedure whereby a municipal approving authority may develop and recommend to the Site Improvement Advisory Board supplementary and/or alternative standards in the form of municipal ordinances for review and amendment to the Residential Site Improvement Standards. The Site Improvement Advisory Board shall solicit the input of the Department of Environmental Protection, the Office of State Planning, and the Department of Transportation and may solicit input from public or private organizations and individuals as it deems appropriate during the process of review of special area standards.

2. A special area designation may be applied by ordinance by a municipality or group of municipalities to an area or areas of a municipality or municipalities exhibiting or planned to exhibit a distinctive character or environmental feature that the municipality or municipalities by ordinance have identified and expressed a desire to preserve and enhance. Examples of a special area may include:

   a. Designated redevelopment areas pursuant to *N.J.S.A.* 40A:12A-1 et seq.;

   b. Designated special improvement districts pursuant to *N.J.S.A.* 40:56-65 et seq.;

   c. Designated historic districts pursuant to *N.J.S.A.* 40:55D-65.1;

   d. Municipalities in the Metropolitan Planning Area (Planning Area 1), and Regional Centers, villages, hamlets, or other Centers identified by the State Development and Redevelopment Plan or designated by the State Planning Commission;

   e. Infill areas in urban settings;

   f. Planned unit and planned unit residential developments, and residential clusters pursuant to *N.J.S.A.* 40:55D-39;

   g. Areas where environmental systems such as watersheds may require special environmental controls;

   h. Designated scenic corridors, pursuant to the Intermodal Surface Transportation Efficiency Act or other similar State or local initiatives; and

   i. Rural preservation areas including but not limited to designated Agricultural

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Development Areas, pursuant to *N.J.S.A.* 4:1C, and in support of the rural preservation policies of the State Development and Redevelopment Plan.

3. The Site Improvement Advisory Board shall consider at its regular or specially-scheduled public meetings special area standards submitted for approval by a municipality or municipalities. The Board's review of special area ordinances shall take the form of an informal hearing. The Site Improvement Advisory Board shall provide the opportunity for the submission of information, both oral and documentary, by municipal government and any interested parties.

4. The Site Improvement Advisory Board will review special area standards submitted for approval if:

   a. The special area is delineated on the zoning map, adopted redevelopment plan, special improvement district ordinance, Center designation petition, or other duly authorized Ordinance of the municipality or municipalities;

   b. The special area is incorporated into the municipality's master plan;

   c. Site improvement standards for use in the special area are consistent with the purposes of Residential Site Improvement Standards, deviations from the standards are identified, and a rationale is provided for each such deviation; and

   d. Site improvement standards for use in the special area are adopted by ordinance. The municipality may submit its existing code(s) and plans to satisfy these requirements.

5. The application of the municipality for Site Improvement Advisory Board approval of its special area standards shall consist of:

   a. The resolution required in -E.2 above;

   b. The standards;

   c. A copy of the ordinance adopting the standards;

   d. An identification and narrative rationale for the deviations from the standards of this section; and

   e. Any maps, exhibits, or supporting documentation.

6. Developers, nonprofit groups, and other agencies may submit applications for special area status on behalf of municipalities if duly authorized by the municipal governing body.

7. The Site Improvement Advisory Board's decision on municipal special area standards shall be rendered in writing.

8. The Site Improvement Advisory Board shall incorporate into its annual review of *N.J.A.C.* 5:21-3 a review of approved municipal special area standards and shall recommend to the Commissioner any appropriate changes in the rules (*N.J.S.A.* 40:55D-40.4(d)).

9. The Site Improvement Advisory Board may approve or deny, in whole or in part,

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special area standards submitted for consideration by a municipality or municipalities.

10. The Site Improvement Advisory Board's review is limited in scope to those areas within its purview pursuant to *N.J.S.A.* 40:55D-40.4, that is streets, off-street parking, water supply, sanitary sewers, and stormwater management in the context of residential development.

11. The Board's review of a municipal special area standards Ordinance shall be based on the following criteria. Standards set forth in an Ordinance submitted for review by the Board:

    a. Shall be consistent with the intent of the Site Improvement Act;

    b. Shall be reasonable and not unduly burdensome;

    c. Shall meet the needs of public health and safety; and

    d. Shall take into account existing infrastructure and surrounding development possibility.

F. Agreement to Exceed Standards (*N.J.A.C.* 5:21-3.6).

1. A standard set forth in these rules may be exceeded when both the developer and the municipal approving authority agree that such exceeding of a standard is desirable under the specific circumstances of a proposed residential development.

2. Any agreement between developer and municipal approving authority to exceed a standard set forth in these rules shall be placed in writing by the developer.

3. The developer shall transmit forthwith to the Department notification of each agreement with a municipal approving authority to exceed any of the standards set forth in these rules.

4. The Department shall review each agreement between a developer and a municipal approving authority wherein they mutually agree to exceed a standard otherwise set forth in the Residential Site Improvement Standards. Each such agreement shall be reviewed for consistency with the intent and purpose of the Act and these rules.

5. The Department shall apprise the Site Improvement Advisory Board periodically of all agreements to exceed the standards, together with a summary of the review described in -F.4 above for each such agreement.

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ARTICLE VIII
APPLICATION SUBMISSION REQUIREMENTS

§ 800 Conformity Required.

Whenever an application for development to the Board is permitted or required by this Article, it shall be in such form, and accompanied by such maps, documents, and materials as are prescribed by this Article, and shall be submitted to the Administrative Officer in such numbers as required in Table 8.1. No development application shall be accepted for submittal unless it conforms to the form, content, and data requirements of this Article. The standards for submission contained in this Article shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare.

§ 801 Submission of Application Required.

A. Subdivision and Site Plan Approval Required. Except as otherwise permitted, no building permit shall be issued for any building or use or enlargement of any building or use unless a site plan is first submitted and approved by the Lawrence Township Planning Board or Zoning Board of Adjustment as the law directs. No subdivision of land shall be valid unless a plat is first submitted and approved by the Lawrence Township Planning Board or Zoning Board of Adjustment.

B. Exemptions from Site Plan Review. Site plan review and approval shall not be required for:

1. Building permits for individual lot applications involving only a detached one- or two-dwelling unit building.
2. Accessory buildings as otherwise permitted for §801.B.1 uses. Accessory buildings for non-residential uses, with a maximum 500 square foot size limitation. [Ord. 1585-99, 9/7/1999]
3. Other buildings or structures incidental to residential uses.
4. The alteration or repair of an existing building which is not either a detached one- or two-dwelling unit building upon determination by the Administrative Officer that the alterations or repair:
    a. Will not result in additional lot coverage whether by buildings or site improvements.
    b. Will not increase the number of required off-street parking or loading spaces.
    c. Will conform to the maximum and minimum standards as set forth in Article IV.
    d. Is not proposed in conjunction with a use requiring a conditional use permit.
5. No exemption from site plan review shall be permitted for any use, building,

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structure, or landscape either currently listed on the local, State or National Register of Historic Places, or proposed for inclusion on such register or registers in the Historic Preservation Element of the Master Plan.

6. Expansion of an existing conforming non-residential structure provided the expansion will not result in more than ten percent (10%) of additional building coverage and if, in the opinion of the Zoning Officer, this addition will not create a nuisance to adjoining land uses. This exemption shall be limited to one expansion every three (3) years, up to a maximum aggregate of 2,500 square feet. [Ord. 1585-99, 9/7/1999]

C. Site Plan Review Waiver. The Board of Jurisdiction may waive the requirement of site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including: topography; vegetation; drainage; floodplains; marshes and waterways; open space; walkways, means of ingress and egress; utility services; landscaping; structures; signs; lighting and screening devices; and other considerations of site plan review. Any applicant desiring a waiver under this section shall present sufficient credible evidence to allow the Board to reach such conclusions as would permit a waiver. Such evidence may consist of sketches, property descriptions, methods of operation, photographs, testimony, or other documentation or information as the Board may require. The reviewing Board shall render a decision based on such evidence and may attach conditions to any waiver so granted.

§ 802 Submissions Required for All Applications.

All applications for development shall contain the following information in addition to the submission checklist information contained in Table 8.2 (located at the end of this Article) specific to the type of submission:

A. A completed and signed application form, containing the following information:

1. Applicant's name, address, telephone number, facsimile number, and e-mail address (if applicable);
2. Owner's name, address, telephone number, facsimile number, and e-mail address (if applicable);
3. Interest of applicant in property;
4. Name, address, telephone number, facsimile number, e-mail address (if applicable) of applicant's attorney (if represented) and professional representatives;
5. Street address of property;
6. Tax lot and block number(s) of property;
7. Zoning district in which the property is situated;
8. Description of property;
9. Description of proposed development;
10. Type of application and submission level.

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B. The application fee and applicable escrow fee in accordance with Article IX.

C. A list of all variances or waivers requested, citing the applicable section of this Ordinance, excepting concept and general development plans.

D. A certification from the Tax Collector's office that no taxes or assessments are due or delinquent on the subject property.

E. Affidavit of ownership and the consent of the owner for the filing of an application for development, excepting concept plans.

F. A certification of corporation or partnership interest pursuant to *N.J.S.A.* 40:55D-48.1 et seq., if applicable, excepting concept plans.

G. A copy of any protective covenants or deed restrictions applying or to be applied to the subject land, excepting concept plans.

H. Any existing or proposed easement or land dedicated or reserved for public use.

I. A list of all required regulatory approvals at the municipal, county, state, and federal level of government and their status, excepting concept plans. Applicant is responsible to make submission to all other reviewing agencies and submit proof of same. [Ord. 1585-99, 9/7/1999]

J. Plans shall be legibly drawn at a scale appropriate for the proposed development. All sheets in the submission shall be the same size.

K. Details to be placed on all plans.

1. The names and addresses of the owner(s) and applicant(s). [Ord. 1585-99, 9/7/1999]

2. The name, signature, license or certification number, seal, and address of architect, engineer, planner, land surveyor or landscape architect, as applicable, involved in the preparation of the plat or plan.

3. Title block denoting the type and level of submission, name of applicant(s), tax map sheet, block and lot number(s), name of county and municipality, and street location. [Ord. 1585-99, 9/7/1999]

4. A key map drawn at a scale no less than 1"=2,000' showing the location of the tract with reference to the surrounding properties, streets, municipal boundaries, and water courses within 500 feet of the subject parcel.

5. A schedule of the required and proposed zoning district regulations including, but not limited to the lot size, lot width, street frontage, yard setbacks, open space requirements, parking requirements, and lot coverages.

6. A north arrow, scale and graphic scale.

7. A copy of the current zoning map depicting the subject tract and the surrounding properties within 500 feet of said parcel.

8. Date of plan and/or survey and any revision date.

L. Subdivision plats shall be required to list:

1. Those lots whose buildable areas do not meet the solar orientation standard of

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§523.B; and,

2. Those lots whose buildable areas do not meet the lot arrangement standard of §540.

M. Site plans shall be required to list:

1. Those principal structures which do not meet the solar orientation standard of §523.B; and

2. For an application for development which requests a hardship variance, a use variance, a special permit, or a decision on a special question, and which is not accompanied by a site plan or subdivision, the required information shall be in a checklist included in the application form.

§ 803 Permissible Division of Responsibility for Plan Preparation.

All plans and documents submitted shall be signed and sealed by the appropriate licensed or certified professional, as follows:

A. Depiction of Existing Conditions on a Site Plan.

1. Survey of property and exact location of existing conditions: Land Surveyor.

2. The existing location of vegetation, general flood plain determination, or general location of buildings, utilities, or structures: Architect, Engineer, Land Surveyor, Landscape Architect, or Planner.

B. Preparation of a Site Plan.

1. The location of proposed buildings and their relationship to the site and the immediate environs: Architect or Engineer.

2. The location of drives, parking layout, pedestrian circulation and the means of ingress and egress: Architect, Engineer, Planner or Landscape Architect.

3. Drainage facilities for site plans of 10 acres or more; or, involving stormwater detention facilities; or, traversed by a water course: Engineer.

4. Other drainage facilities: Architect or Engineer.

5. Connections with utilities and their on tract extension: Engineer.

6. Off tract utility extensions: Engineer.

7. On site sanitary sewage disposal or flow equalization facilities: Engineer.

8. Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: Architect, except where the building is part of an engineering or industrial project, in which case an Engineer.

9. Landscaping, signs, lighting, screening material or other information not specified above: Architect, Planner, Engineer, or Landscape Architect.

10. The general layout of a preliminary site plan or general development plan for a

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multiple building project, showing the development elements including their relationship to the site and the immediate environs: Architect, Engineer, Planner, or Landscape Architect.

C. Preparation of a Major Subdivision Plat.

1. The general location of facilities, site improvements, and lot layouts: Architect, Engineer, Land Surveyor, Planner, or Landscape Architect.

2. The design and construction details of all public improvements, including street pavements, sidewalks, curbs, sanitary sewage, and storm drainage facilities: Engineer.

3. Final subdivision plat with metes and bounds: Land Surveyor.

D. Environmental Impact Statement: Engineer, Planner or Landscape Architect.

E. Community Impact Statement: Planner.

F. Circulation Impact Study: Transportation Engineer or Planner.

G. Other Submissions: As qualified by the Board.

§ 804 Completeness of Applications.

A. Certification of Completeness. An application for development shall be complete for the purposes of commencing the applicable time period for action by the Board when so certified by the Board or its authorized committee or designee, the Administrative Officer. In the event that the Board, committee, or designee does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon expiration of the 45 day period for the purposes of commencing the applicable time period unless:

1. The application lacks information required in §802 and Table 8.2 (Submission Checklist); and

2. The Board or its authorized committee or designee has notified the applicant, in writing of the deficiencies in the application within 45 days of submission of the application.

B. Submission Requirement Waivers. The applicant may request that one or more of the submission requirements be waived, in which event the Board or its designee shall grant or deny the request within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to offer sufficient proof during the application process that he or she is entitled to approval of the application.

C. Correction of Erroneous Information. The Board may subsequently require correction of any information found to be in error, and the submission of additional information not specified in this Ordinance, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the

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accompanying documents so required by the Board.

§ 805 Application for Informal (Concept) Review.

A. An applicant may request and the Planning Board shall grant, an informal review of a concept design plan for which an applicant intends to prepare and submit an application for development.

B. A concept design plan shall be submitted to the Administrative Officer at least 10 days prior to a regularly scheduled meeting in form, content, and number as required by §802, Table 8.1 and Table 8.2. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing. The concept design plan and its documentation shall show a general design of the development and its public improvements sufficient for the Board to consider the concept. Acceptance of the concept design plan does not constitute an approval, nor shall it be considered a valid basis for the construction of improvements or other commitments which depend upon the concept plan's design characteristics. Neither the applicant nor the Board shall be bound by the plan or its review. [Ord. 1585-99, 9/7/1999]

C. In no event shall the concept design review be considered a preliminary plat submission or preliminary site plan submission for the purpose of deeming an application complete nor shall it constitute a general development plan, preliminary plat or preliminary site plan approval by the Board.

§ 806 Application for Minor Subdivision and Minor Site Plan.

A. Submission Required. When an applicant proposes development that meets the definition and criteria for a minor subdivision or minor site plan, an application in form, content, and number as required by §802, Table 8.1 and Table 8.2 shall be submitted.

B. Criteria for Minor Classification. Applications shall be classified either as minor subdivisions or minor site plans only upon meeting the definitional requirements in Article II and the following criteria:

1. Minor Subdivision.

   a. The subdivision shall consist of no more than 3 lots in total including the remainder lot; and

   b. The tract was not the subject of a minor subdivision approval within two years of the date of the resolution of memorialization.

2. Minor Site Plan.

   a. The proposed development contains less than 1,000 square feet of floor area; and

   b. The proposed development contains less than 4,000 square feet of impervious surface; and

   c. The tract was not the subject of a minor subdivision approval within two

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years of the date of the resolution of memorialization.

C. Minimum Review Time Period. The applicant shall submit an application and associated documentation to the Administrative Officer at least 21 days prior to a regularly scheduled hearing.

D. Review by Professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.

E. Determination of Completeness. The Board or its designee shall determine the completeness of the application in accordance with §804. No application shall be scheduled for a public hearing unless it is determined to be complete.

F. Time Period for Consideration. Once the application is deemed complete the Board shall have 45 days to grant or deny the application, with or without conditions.

G. Remainder of Tract. Where the remaining portion of the original tract that is to be subdivided is of sufficient size to be developed further, the applicant may be required to submit a concept plan of the entire remaining portion of the tract to indicate a feasible plan whereby the site plan applied for, together with subsequent site plan(s) that may be submitted, shall not create, impose, aggravate, or lead to any adverse condition.

H. Board Action on Applications.

1. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered. In any event, the Board shall grant or deny the application for a minor site plan within 45 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant. The decision and resolution of the Board shall be in writing in accordance with *N.J.S.A.* 40:55D-10g through -10i.

2. Minor subdivision and site plan approval shall be deemed final approval by the Board.

3. The Board may condition approval on terms ensuring the completion of improvements and performance in accordance with this Ordinance and *N.J.S.A.* 40:55D-38, -39, -40, and -53.

4. Whenever review or approval of an application for development by the Mercer County Planning Board is required pursuant to *N.J.S.A.* 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Mercer County Planning Board or approval by the Mercer County Planning Board by its failure to report thereon within the required time period.

5. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant.

I. Effect of Approval: Minor Subdivision. The zoning requirements and general terms and

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conditions, whether conditional of otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date of approval; provided that the approved minor subdivision shall have been duly recorded pursuant to *N.J.S.A.* 40:55D-47.

Extensions may be requested and may be granted pursuant to *N.J.S.A.* 40:55D-47f and -g.

J. Effect of Approval: Minor Site Plans. 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 years after the date of approval.

Extensions may be requested and may be granted pursuant to *N.J.S.A.* 40:55D-46.1c.

K. Expiration of Approval. In the granting of an application for minor site plan, the applicant shall secure a building permit, or when no building permit is required, a certificate of occupancy, within three years of the date of approval, otherwise the approval shall be considered null and void.

L. Distribution. Upon the granting of site plan approval by the Board and the fulfillment of any conditions, the approved plan, including the resolution of approval, shall be sent to:

1. Applicant.
2. Planning Board file.
3. Municipal Engineer.
4. Municipal Planner.
5. Construction Code Official.
6. Township Clerk.
7. Tax Assessor.
8. Municipal Health Officer, if applicable.
9. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 807 Application for General Development Plan Approval.

A. Submission Required. When an applicant proposes an application that meets the definition and criteria for planned development, a general development plan application in form, content, and number as required by §802 and Tables 8.1 and 8.2 may be submitted.

B. Minimum Tract Area. The minimum land area for the submittal of a general development plan application shall be greater than 100 acres.

C. Minimum Review Time Period. The applicant shall submit to the Administrative Officer an application and associated documentation at least 30 days prior to a regularly scheduled meeting.

D. Review by Professionals. The Municipal Engineer, Planner, and/or other professional shall

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review all aspects of the application and shall expeditiously report their findings to the Board.

E. Determination of Completeness. The Board or its designee shall determine the completeness of the application in accordance with §804. No application shall be scheduled for a public hearing unless it is determined to be complete.

F. Public notice and hearing. If the application is found to conform to the definition of a general development plan and is complete, the Board shall formally determine that a complete application has been submitted, and shall set a time and date for public notice and hearing and shall so advise the applicant. The Board may delegate the setting of the time and date for public notice and hearing to the Administrative Officer. Public notice shall be given in accordance with §704. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.

G. Substantial Amendment. If during the hearing on the submission, the Board requires any substantial amendment in the layout of the tract or its improvements, as proposed by the applicant, that has been the subject of said hearing, an amended application shall be submitted and acted upon as an original submission.

H. Remainder of tract. Any lands contemplated for development under the provisions of the general development plan shall be included in the application.

I. Board Action on Applications.

1. Review of plan. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered.

2. The Board shall grant, grant with conditions, or deny the application for a general development plan within 95 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant. Upon failure of the Board to act within the aforementioned time periods, the Board shall be deemed to have granted general development approval to the site plan.

3. Findings for planned unit developments. Prior to the approval by written resolution of a general development plan for the initial approval of a planned unit development, the Planning Board shall find the following facts and conclusions:

   a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to zoning Ordinance standards adopted pursuant to *N.J.S.A.* 40:55D-65c of the Municipal Land Use Law;

   b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;

   c. That provisions through the physical design of the proposed planned unit development for public services, control over vehicular and pedestrian

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traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;

d. That the proposed planned unit development shall not have an unreasonably adverse impact upon the area in which it is proposed to be established;

e. In the case of a proposed planned unit development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and the residents, occupants, and owners of the proposed development in the total completion of the development are adequate.

4. Contents of written hearing resolution. The decision and resolution of the Board shall be in writing in accordance with *N.J.S.A.* 40:55D-10g through -10i and shall include not only conclusions, but also findings of fact related to the specific proposal; shall set forth the reasons for the grant, with or without conditions, or for the denial; and shall set particularly in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

a. Whether the plan is in general conformity with the provisions of the Master Plan of the Township of Lawrence.

b. In what respects the plan is or is not consistent with the statement of objectives for planned unit development as set forth in Article I.

c. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reason why such departures are or are not deemed to be in the public interest.

d. The purpose, location and amount of the common open space, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.

e. The physical design of the plan and the manner in which said design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation, landscaping, and visual enjoyment.

f. The relationship, beneficial or adverse, of the proposed planned unit development to the neighboring area in which it is proposed to be established.

g. In the case of a plan that proposes development over a period of 5 or more years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the planned unit development in the integrity of the plan, including the performance guarantees.

5. Conditions of general development plan approval. The Board may condition

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approval on terms ensuring the applicant's conformance to this Ordinance.

6. Failure of the Board to so act within the required period(s) of time shall be deemed to be a grant of the general development plan approval of the plan as submitted. In the event that the general development plan approval is granted, other than by lapse of time, either of the plan as submitted or of the plan with conditions, the Township Planning Board, as part of its resolution, shall specify the drawings, specifications, and form of performance guarantee as provided by statute that shall accompany subsequent applications for site plan or subdivision approval. In the event that the general development plan approval is granted subject to conditions, the applicant shall within 45 days after receiving a copy of the written approval of the Township Planning Board, notify the Township Planning Board of the acceptance or refusal of all conditions.

   a. In the event the applicant agrees to all modifications and conditions made a part of the approval of a general development plan, the applicant and the Township shall enter into a Municipal Development Agreement pursuant to *N.J.S.A.* 40:55D-45.2.l, which shall specify the terms and conditions to be honored by both parties to assure the implementation of the approved planned development.

   b. If the applicant refuses to accept all conditions, the Board shall be deemed to have denied general development plan approval.

   c. In the event the applicant does not within the required time period notify the Board of the acceptance or refusal to of the conditions of the general development plan approval, and in the event such lack of notice shall prevent the Board and the applicant from mutually agreeing to a change in such conditions, the Board, at the request of the applicant, may extend the time during which the applicant shall notify the Board.

   d. The Board may set forth those conditions which it deems necessary to protect the interests of the general public, and the residents and occupants of the planned unit development. Such conditions may include, but are not limited to, the sequence and distribution of uses and densities, limitations of land areas to be developed within a given period, or provision of physical means to address critical or unique environmental conditions. Such conditions shall be predicated on the following criteria:

      (1) That each stage of a planned unit development shall contain, within reasonable limits, a balance of commercial and residential uses, open space, and community facilities to assure that the planned unit development is a viable self-sustaining community unit at any given stage in its growth.

      (2) That each stage of development shall include required open space in proportion to that part of the total commercial and residential development units in the planned unit development that are to be developed in that stage. Such open space shall include both recreation and conservation uses accessible to the general public and open space which shall be physically proximate and accessible

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to the resident population within the planned unit development.

(3) That the size and timing of successive stages of a planned unit development shall be conditioned upon the availability and provision of suitable capacity of facilities such as arterial highways, primary roadways of Mercer County, primary roadways of Lawrence Township, sewer, water, storm water drainage, and other services whose capacities must be expanded as a result of the development of the planned development.

7. Whenever review or approval of an application for development by the Mercer County Planning Board is required pursuant to *N.J.S.A.* 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Mercer County Planning Board or approval by the Mercer County Planning Board by its failure to report thereon within the required time period.

8. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant. Such certificate shall be sufficient in lieu of a resolution of approval and written endorsements and shall be accepted by the county recording officer for the purpose of filing.

J. Effect of approval.

1. A plan that has been given general development plan approval with conditions accepted by the applicant (and provided that the applicant has not defaulted under nor violated any of the conditions of the general development plan approval) shall not be modified, revoked or otherwise impaired by action of the Township or any of its present or future agencies or officers pending an application or applications for subdivision or site plan approvals for each section without the consent of the applicant provided that an application for subdivision or site plan approval is filed within 5 years of the date upon which the general development plan has been approved.

2. In the event the developer has not applied for preliminary approval of a section or sections of an approved general development plan within 5 years of the date upon which the general development plan was approved such approval may be terminated by the Planning Board upon written notice to the applicant.

3. The Planning Board may grant these rights for a period of time longer than 5 years but not longer than 20 years as shall be reasonable taking into consideration:

   a. The number of dwelling units and nonresidential floor area permissible under the general development plan approval;

   b. Economic conditions; and

   c. The comprehensiveness of the development.

4. The applicant may petition the Planning Board thereafter and the Planning Board may grant an extension of general development plan approval for such additional time period as shall be determined by the Planning Board to be reasonable taking into consideration:

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a. The number of dwelling units and nonresidential floor area permissible under the preliminary approval;

b. The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;

c. Economic conditions; and

d. The comprehensiveness of the development, provided that, if the design standards have been revised, such standards may govern.

K. Distribution. Upon the granting of general development plan approval by the Board, copies of the approved documents, including the resolution of approval, shall be sent to:

1. Applicant.
2. Planning Board file.
3. Municipal Engineer.
4. Township Planner.
5. Construction Code Official.
6. Township Clerk.
7. Tax Assessor.
8. Municipal health officer, if applicable.
9. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 808 Application for Preliminary Major Subdivision and Site Plan.

A. Submission Required. When an applicant proposes an application that meets the definition of a preliminary major subdivision or site plan, an application in form, content, and number as required by §802 and Tables 8.1 and 8.2 shall be submitted.

B. Minimum Review Time Period. The applicant shall submit to the Administrative Officer an application and associated documentation at least 30 days prior to a regularly scheduled meeting.

C. Review by Professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.

D. Determination of Completeness. The Board or its designee shall determine the completeness of the application in accordance with §804. No application shall be scheduled for a public hearing unless it is determined to be complete.

E. Public Notice and Hearing. If the application is found to conform to the definition of a general development plan and is complete, the Board shall formally determine that a

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complete application has been submitted, and shall set a time and date for public notice and hearing and shall so advise the applicant. The Board may delegate the setting of the time and date for public notice and hearing to the Administrative Officer. Public notice shall be given in accordance with §704. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.

F. Substantial Amendment. If during the hearing on the submission, the Board requires any substantial amendment in the layout of the site or its improvements, as proposed by the applicant, that has been the subject of said hearing, an amended application shall be submitted and acted upon as an original submission.

G. Remainder of Tract. Where the remaining portion of the original tract is of sufficient size to be developed further, the applicant may be required to submit a conceptual plan of the entire remaining portion of the tract to indicate a feasible plan whereby the site plan applied for, together with subsequent site plan(s) that may be submitted, shall not create, impose, aggravate, or lead to any adverse condition.

H. Board Action on Applications.

1. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered.

2. The Board shall grant, grant with conditions, or deny the application for a preliminary site plan in accordance with:

   a. A site plan of 10 acres or less or 10 dwelling units or less within 45 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant, or

   b. A site plan of more than 10 acres or more than 10 dwelling units within 95 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant.

   c. Upon failure of the Board to act within the aforementioned time periods, the Board shall be deemed to have granted preliminary approval to the site plan.

3. The decision and resolution of the Board shall be in writing in accordance with *N.J.S.A.* 40:55D-10g through -10i.

4. The Board may condition approval on terms ensuring the applicant's conformance to this Ordinance and any other applicable Ordinance.

5. Whenever review or approval of an application for development by the Mercer County Planning Board is required pursuant to *N.J.S.A.* 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Mercer County Planning Board or approval by the Mercer County Planning Board by its failure to report thereon within the required time period.

6. Failure of the Board to act within the time period prescribed shall constitute

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approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant. Such certificate shall be sufficient in lieu of a resolution of approval.

I. Effect of approval. The approval of a preliminary major site plan shall confer upon the applicant the following rights for a 3 year period from the date of a preliminary approval:

1. That the general terms and conditions on which preliminary approval have been granted shall not be changed, including but not limited to, use requirements; layout and design standards for streets, curbs, and sidewalks; lot sizes, dimensions, yards, and improvements, whether on-tract or off.

2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.

3. That the applicant may apply for and the Board may grant extensions on such preliminary approval for additional periods of time of at least one year and not to exceed two years, provided that if the design standards have been revised by Ordinance, such revised standards may govern at the discretion of the Board.

4. In the case of a site plan of 50 acres or larger, the Board may grant these rights for a period of time longer than 3 years as shall be reasonable taking into consideration:

   a. The number of dwelling units and nonresidential floor area permissible under the preliminary approval;

   b. Economic conditions; and

   c. The comprehensiveness of the development.

5. The applicant may petition the Board thereafter and the Board may grant an extension of preliminary approval for such additional time period as shall be determined by the Board to be reasonable taking into consideration:

   a. The number of dwelling units and nonresidential floor area permissible under the preliminary approval;

   b. The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;

   c. Economic conditions; and

   d. The comprehensiveness of the development provided that, if the design standards have been revised, such standards may govern.

6. Whenever the Board grants an extension of preliminary approval pursuant to this subsection 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 applicant may apply for the extension either before or after what would otherwise be the expiration date.

7. The Board shall grant an extension of preliminary approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, directly or indirectly, from proceeding

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with the development because of delays in obtaining legally required approvals from other governmental entities and that the applicant applied promptly for and diligently pursued the required approvals. An applicant shall apply for the extension before, 1), what would otherwise be the expiration date of preliminary approval, or 2), the ninety-first (91st) day after the applicant receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Board from granting an extension otherwise permitted by this section.

J. Expiration of Approval. After the granting of an application for preliminary subdivision or preliminary site plan, the applicant shall file an application for final approval within five years of the date of approval, otherwise the approval shall be considered null and void.

K. Distribution. Upon the granting of site plan approval by the Board, copies of the approved documents, including the resolution of approval, shall be sent to:

1. Applicant.
2. Board file.
3. Municipal Engineer.
4. Municipal Planner.
5. Administrative Officer.
6. Township Clerk.
7. Tax Assessor.
8. Municipal health officer, if applicable.
9. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 809 Application for Final Major Subdivision and Site Plan.

A. Submission Required. When an applicant proposes an application that meets the definitional requirement for a major site plan and prior to the expiration of preliminary approval for the subject tract, final plans, application forms and other required documentation shall be submitted. The applicant may submit for final approval of the whole, or a section, or sections of the preliminary development plan. Final plans shall conform substantially to preliminary plans.

B. Minimum Review Time Period. The applicant shall submit to the Administrative Officer an application and associated documentation at least 30 days prior to a regularly scheduled meeting.

C. Review by Professionals. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall expeditiously report their findings to the Board.

D. Determination of Completeness. The Board or its designee shall determine the completeness

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of the application in accordance with §804. No application shall be scheduled for a public hearing unless it is determined to be complete.

E. Hearing. If the application is found to conform to the definition of a final site plan or subdivision and is complete, the Board shall formally determine that a complete application has been submitted, and shall set a time and date for public notice and hearing and shall so advise the applicant. The Board may delegate the setting of the time and date for public notice and hearing to the Administrative Officer.

F. Board Action on Applications.

1. The Board shall act upon the application after it has sufficiently reviewed the application, that the Board professionals have adequately reviewed the application, that the applicant has had sufficient opportunity to present its request for development approval to the Board, and that the concerns of other interested persons have been considered. Final approval shall be granted if the detailed drawings, specifications, plans, estimates, and other documentation of the application conforms to the standards established by this Ordinance and any other applicable Ordinance for final approval and the conditions of preliminary approval.

2. The Board shall grant, grant with conditions, or deny the application for a final major subdivision or site plan within 45 days of the determination of completeness or within such time as may be consented to by the applicant.

3. The Board shall not act upon an application until it has determined that it is complete.

4. The decision and resolution of the Board shall be in writing in accordance with *N.J.S.A.* 40:55D-10g through -10i.

5. The Board may condition approval on terms ensuring the applicant's conformance to this Ordinance and any other applicable Ordinance and shall condition approval on the approval of other agencies with development review powers over the subdivision or site plan application.

6. Whenever review or approval of an application for development by the Mercer County Planning Board is required pursuant to *N.J.S.A.* 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the Mercer County Planning Board or approval by the Mercer County Planning Board by its failure to report thereon within the required time period.

7. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the Administrative Officer as to the failure of the Board to act shall be issued on the request of the applicant.

G. Effect of Approval.

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or not, shall not be changed for a period of 2 years after the date of final approval.

2. If the developer has followed the standards prescribed for final approval, the Board may extend such period of protection of rights for extensions of one year but not to

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exceed three such extensions. The granting of final approval terminates the time period of preliminary approval for the section granted final approval.

3. In the case of a subdivision or site plan for a planned unit development of 50 acres or more; or, a conventional subdivision or site plan of 150 acres or more; or, of a nonresidential development of 200,000 square feet or more, the Board may grant these rights for a period of time longer than two years as shall be reasonable taking into consideration:

   a. The number of dwelling units and nonresidential floor area permissible under the final approval;

   b. Economic conditions; and

   c. The comprehensiveness of the development.

4. The applicant may petition the Board thereafter and the Board may grant an extension of final approval for such additional time period as shall be determined by the Board to be reasonable taking into consideration:

   a. The number of dwelling units and nonresidential floor area permissible under the final approval;

   b. The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;

   c. Economic conditions; and

   d. The comprehensiveness of the development.

5. Whenever the Board grants an extension of final approval pursuant to this subsection 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 applicant may apply for the extension either before or after what would otherwise be the expiration date.

6. The Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date, if the applicant proves to the reasonable satisfaction of the Board that the applicant 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 applicant applied promptly for and diligently pursued the required approvals. An applicant shall apply for the extension before, 1), what would otherwise be the expiration date of final approval, or 2), the ninety-first (91st) day after the applicant receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Board from otherwise granting an extension pursuant to this section.

H. Expiration of Approval. After the granting of an application for final subdivision or final site plan, the applicant shall obtain a building permit or soil disturbance permit within five years of the date of approval, otherwise the approval shall be considered null and void.

I. Distribution. Upon the granting of site plan approval by the Board, copies of the approved

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documents, including the resolution of approval, shall be sent to:

1. Applicant.
2. Board file.
3. Municipal Engineer.
4. Municipal Planner.
5. Administrative Officer.
6. Township Clerk.
7. Tax Assessor.
8. Municipal health officer, if applicable.
9. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

§ 810 Affordable Housing Restrictions.

Proposed deed restrictions and all other documentation required by this Ordinance with respect to low and moderate income housing shall be submitted by any applicant for approval of a development in which there is a requirement that dwelling units be set aside for such housing.

§ 811 Recording of Final Plat After Approval.

A. Within the time period established by statute or by condition of the resolution of approval, the developer shall submit three prints for review for compliance with the conditions of approval to the Department of Community Development. Once it has been determined that the plat meets the conditions of approval, the developer shall submit two mylars and one plat in digital form for the permanent records of the municipality and any other instruments to be recorded with the Mercer County Register of Deeds. The format of the digitized plat shall be as directed by the Municipal Engineer. The Municipal Engineer may waive the requirement for the submission of the digitized plat under special circumstances. No plat shall be signed by the Township Clerk, Board Chair, Board Secretary or Municipal Engineer without first complying with §902 of this Ordinance.

B. Final approval of a major subdivision shall expire 95 days from the date of signing the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Board of Jurisdiction for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat. The Board of Jurisdiction may extend the 95-day or 190-day period if the developer proves to the reasonable satisfaction of the Board of Jurisdiction that:

   1. The developer was barred or prevented, either directly or indirectly, from filing because of delays in obtaining legally required approvals from other government or quasi-governmental entities; and

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2. 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 Board of Jurisdiction. The developer may then apply for an extension either before or after the original expiration date.

C. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the Board of Jurisdiction as indicated on the instrument by the signature of the Chairman or Chairwoman and Secretary of the Board of Jurisdiction or a certificate issued in lieu of action by the Board in accordance with *N.J.S.A.* 40:55D-47, -50, -56, -61, -67 or -76. If the County Recording Officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

D. It shall be the duty of the County Recording Officer to notify the Planning Board in writing within 7 days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

§ 812 Environmental Impact Statement.

Environmental Impact Statements, when required, shall include the following information:

A. When Required. The impact on the environment generated by land development projects necessitate 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:

1. All agricultural operations conducted in accordance with a plan approved by the soil conservation district and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the submission of an environmental impact statement.

2. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an environmental impact statement unless specifically requested by the Board. The Board may request an environmental impact statement where there exists significant critical areas or suspected environmental hazard on the site in question. The Zoning Board of Adjustment or its designee shall inform the applicant regarding the scope of the information that may be required.

3. Any minor subdivision and/or minor site plan applications to the Board shall not require an environmental impact statement unless specifically requested by the Board. The Board may request an environmental impact statement where there exists significant critical areas or suspected environmental hazard on the site in question. The Board or its designee shall inform the applicant regarding any information that may be required.

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4. All preliminary major subdivision and preliminary major site plan applications shall be accompanied by an environmental impact statement.

5. Notwithstanding the categories of development that are excluded from the requirement to submit an Environmental Impact Statement, 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.

B. Submission Format. When an environmental 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 shall be consulted. Any additional material pertinent to the evaluation of regional impacts shall also be considered. Furthermore, as much original research as necessary shall be conducted to develop the environmental impact statement. All environmental impact statements shall consist of written and graphic materials which clearly present the required information addressing the following areas and utilizing the following format:

1. Project description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended.

2. Demographics. The resident population, working population, and visitor population shall be estimated.

3. Master plan compatibility. The compatibility or incompatibility of the proposed project shall be described in relation to the following documents:

   a. Municipal master plan, especially the land use and open space elements.

   b. Master plan of adjacent municipalities.

   c. Mercer County master plan.

   d. Mercer/Somerset/Middlesex or other regional planning guides.

   e. State Development and Redevelopment Plan.

   f. Other pertinent planning documents.

C. Site description and inventory. An inventory shall be provided of environmental conditions on the site which shall include the following items:Types of Soils. When septic effluent disposal or private well, whether individual or community, is proposed, a description of each soil type located on the site from the Soil Survey of Mercer County - Soil Conservation Service shall be provided. If available, percolation data shall be submitted. Where proposed land improvements would involve severe limitations for the development of buildings or roads, then soil information shall be submitted for the entire site.

   b. Topography. Describe the topographic conditions of the site, with specific delineation of any lands with slopes exceeding 12%.

   c. Geology. When septic effluent disposal or private well, whether individual or community, is proposed, a description of each geologic formation shall

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be provided. Depth to bedrock shall be delineated where it would interfere with proposed land improvements.

d. Vegetation. A description of the existing vegetation on the site. The location of tree masses shall be depicted. Where woodlands are delineated, the forest type shall be indicated.

e. Wildlife. Unique or rare wildlife habitats shall be identified. Where applicable, other data assembled regarding wildlife activity on the site shall also be mapped or described.

f. Surface water. When the natural drainage pattern will be significantly altered, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters. Flood plains and wetlands shall be delineated.

g. Subsurface water. Where private or community wells are proposed, a description of subsurface water conditions shall be provided on the depth to ground water and the water supply capabilities of the site. Where existing conditions warrant, detailed information regarding existing wells within 500 feet of the site relative to depth, capacity and water quality shall be described.

h. Cultural resources. A Stage 1A cultural resources survey shall be undertaken pursuant to State of New Jersey Executive Order No. 53, as it may be amended or superseded. A Stage 1B cultural resource survey shall be conducted should the Stage 1A review provide any indication of the presence of cultural resources.

i. Historic resources. The historic resources that would be affected by the proposed development shall be discussed in accordance with the criteria in Article XI.

j. Existing development features. A description of any existing improvements shall be provided.

k. Miscellaneous. When warranted, an analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey Department of Environmental Protection.

1. Area and regional description. Provide a description of the surrounding environs. Describe the existing land use pattern. When required, describe in detail the existing infrastructure with respect to the drainage and transportation network as well as any central sewerage and water supply facilities. Include an appropriate regional analysis relative to the proposed project.

2. Environmental performance controls. Describe in detail the measures to be employed during the construction and operation phases which will minimize or eliminate negative impacts on and off site that could result from the proposed project. Of specific interest are:

a. Sewage disposal techniques.

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b. Water supply and water conservation proposals.

c. Energy conservation measures.

d. Noise reduction techniques.

3. Impact. Discuss both the negative and positive and off-tract impacts. Indicate those negative impacts that are unavoidable. The specific concerns that shall be considered include, but are not limited to, the following:

a. Flooding and flood plain impact.

b. Impact on surface water and groundwater quality.

c. Impact on the capacity to supply groundwater.

d. Sewage disposal impacts.

e. Alteration to existing vegetation and its impact on wildlife and wildlife habitats.

f. Destruction or disturbance of cultural resources.

g. Noise level impacts.

h. Energy utilization.

i. Blighting or improving effects on neighborhoods.

8. Alternatives. Alternatives to the arrangement of the proposed development shall be discussed. The board of jurisdiction shall reserve the right to require alternative arrangements of land, buildings, and infrastructure to determine a design of lesser impact.

9. Licenses, permits and other approvals required by law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project. This list shall include, but will not be limited to, approvals required by the municipality, as well as agencies of the county, State and Federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.

10. Documentation. All publications, file reports, manuscripts or other written sources of information related to the project, the project site and the municipality which were consulted and employed in compilation of the environmental impact statement shall be listed. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.

11. Disposition. The Board shall not approve a submission unless it determines and finds that the proposed development:

a. Will not result in appreciable harmful effects to the environment;

b. Has been designed and conceived with a view toward the protection of regional sources; and

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c. Will not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.

§ 813 Community Impact Statement.

Community Impact Statements, when required, shall conform to the following provisions:

A. When Required. All applications for preliminary major subdivision approval where more than 10 lots are proposed and all applications for preliminary major site plan approval in excess of 50,000 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. General development plan applications shall be submitted with an abbreviated community impact statement consisting of items -B.1 and -B.5, 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.

B. Submission Format. When a community impact statement is required, the applicant shall retain one or more competent professionals to perform the necessary work as required under §802. 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:

1. 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:

   a. 0-4 years

   b. 5-17 years

   c. 17-24 years

   d. 25-44 years

   e. 45-64 years

   f. 65 years and older

2. Schools 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 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.

3. 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

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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.

4. 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.

5. 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, the municipal school system and the county library system.

§ 814 Circulation Impact Study.

Circulation Impact Studies, when required, shall conform to the following provisions:

A. When Required. A circulation impact study shall be submitted for all general development plans, preliminary major subdivisions and preliminary major site plans.

B. Submission Format. Circulation impact studies shall consist of two components, a planning report and a traffic impact report.

1. Planning report. The planning report component of the circulation impact study shall include the following:

a. 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.

b. The extent to which any proposed street system meets requirements for street hierarchy, right-of-way and cartway width, and sidewalks.

c. The extent to which the proposed circulation system conforms to the Circulation Element of the Master Plan.

d. The extent to which internal circulation for vehicles, people and the movement of goods is adequate.

e. The extent to which the safety of pedestrians, bicyclists and the traveling public is protected.

f. The provisions made to provide connectivity to the street system, pedestrian generators, and the local and regional greenway network.

2. Traffic impact report. The traffic impact report component of the circulation impact study shall include the following:

a. A description of the project phasing, access points, and connection to other existing or proposed developments.

b. An analysis of existing conditions, including:

(1) A description of the study area and the rationale behind choosing this area;

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(2) 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;

(3) The location of transit routes and stops and any transit facilities, including on-street, off-street, and private facilities, and service frequency;

(4) The location of school bus routes and stops;

(5) The location of pedestrian crosswalks, sidewalks, and bicycle pathways;

(6) Traffic volume data including turning movement counts at key intersections during the peak periods of the day, truck movements, pedestrian counts, and transit use;

(7) Volume/capacity analysis and an assessment of existing conditions.

c. Traffic characteristics of the site.

(1) Traffic generation of the proposed uses in the development;

(2) Traffic distribution.

d. Future demands on the transportation system.

(1) Projection of non-site related traffic to the build-out year or years of the site (base conditions);

(2) Projection of all traffic, including site traffic, to the build-out year or years of the site.

e. Impact analysis and recommendations.

(1) Levels of service shall be computed for each analysis year both with and without the inclusion of site traffic;

(2) Comparison of levels of service conditions with site traffic, and, with site traffic after recommended improvements are constructed;

(3) Recommendations for automobile reduction techniques;

(4) Schematic plan of any recommended improvements.

f. Site plan analysis, if applicable.

(1) Location of access points;

(2) Demand for parking and loading;

(3) Sight distance analysis.

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Table 8.1. Distribution of Submission Copies

Submission Distribution	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
Planning Board	13	13	13	13	13 (1)	13	13 (1)	13
Zoning Board	-	11	11	11	11 (1)	11	11 (1)	11
Township Manager	1	1	1	1	1	1	**1**	1
Construction Official	1	1	1	1	1	1	1	1
Municipal Planner	1	1	1	1	1 (1)	1	1 (1)	1
Municipal Engineer	1	1	1	1	1 (1)	1	1 (1)	1
Municipal Health Officer	1	1	1	1	1	1	1	1
Public Safety Coordinating Committee	2	2	2	2	2	2	2	2
Historic Preservation Advisory Committee (2)	1	1	1	1	1	-	1	-
Township Historian (2)	1	1	1	1	1		1	-
Environmental Resources Committee	1	1	1	1	1	-	1	-

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Submission Distribution	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
Shade Tree Commission	-	-	-	-	1	-	1	-
Affordable Housing Board (2)	1	-	-	1	1	1	1	1
Public Works Director (3)	1	-	-	1	1	1	1	1
TOTAL - Planning Board	**25**	**23**	**23**	**25**	**26**	**22**	**26**	**22**
TOTAL - Zoning Board	**-**	**21**	**21**	**23**	**24**	**20**	**24**	**20**

(1) Plus covenants or deed restrictions. (2) If applicable. (3) Application only.

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Table 8.2. Submission Checklist

Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
1. Submission of completed application forms. Quantity as specified. A. Planning Board B. Zoning Board	24	23 21	23 21	24 22	24 22	24 22	24 22	24 22
2. Folded plot/plan submission. Quantity as specified. A. Planning Board B. Zoning Board	24	23 21	23 21	24 22	24 22	24 22	24 22	24 22
3. Protective covenants/deed restrictions. Quantity as specified. A. Planning Board B. Zoning Board	24	23 21	23 21	24 22	24 22	24 22	24 22	24 22
4. Name, signature license number, seal, address & telephone phone number of plan preparer, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X
5. Name, address and telephone number of owner and applicant.	X	X	X	X	X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
6. Title block denoting type of application, tax map sheet number, county, name of municipality, block and lot, and street location.	X	X	X	X	X	X	X	X
7. A key may not smaller than 1"=1,000 feet showing location of tract with reference to surrounding properties, streets, municipal boundaries, zoning, etc., within 500'.	X	X	X	X	X	X	X	X
8. A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, parking, etc.	X	X	X	X	X	X	X	X
9. Tract boundary - a heavy solid line.	X	X	X	X	X	X	X	X
10. North arrow, graphic scale and written scale.	X	X	X	X	X	X	X	X
11. Signature blocks for Chair, Secretary, Administrative Officer and Municipal Engineer.		X	X	X	X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
12. Appropriate certification blocks as required by Map Filing Law.					X	X		
13. Monuments as specified by Map Filing Law or Township Ordinance.		X			X	X		
14. Date of current property survey.	X	X	X	X	X	X	X	X
15. One (1) of three (3) standardized sheets: 30" x 42" 24" x 36" 8.5" x 14"	X	X	X	X	X	X	X	X
16. Subdivisions: A. Less than 3 acre lot; scale no smaller than 1"=50' B. greater than 3.0 acre lots; scale 1"-100' NOTE: If more than one sheet is needed for development design, an overall subdivision tract map will be provided on one sheet.	X X	X X			X X	X X		

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
17. Site Plans: A. less than 1 acre; scale no smaller than 1"=30' B. 1 acre and large, scale 1"=50' NOTE: If more than one sheet is needed for development design, an overall tract map will be provided on one sheet.	X X		X X	X			X X	X X
18. Metes and bounds showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles as follows: A. Outer boundaries of lot(s) B. Proposed new interior lot(s) or rights-of-way		X X	X		X X	X X	X	X
19. Affidavit of ownership and owner's certification noted on plans.	X	X	X	X	X	X	X	X
20. Acreage of tract to nearest hundredth of an acre.	X	X	X	X	X	X	X	X
21. Date of original and all revisions.	X	X	X	X	X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
22. Size and location of any existing or proposed structures with all setbacks dimensioned (general location for GDP and informal review/concept plan).	X	X	X	X	X	X	X	X
23. Location and dimensions of any existing or proposed rights-of-way and cartways (general location for GDP and informal review/concept plan).	X	X	X	X	X	X	X	X
24. All proposed lot areas in square feet (general information for GDP and informal review/concept plan).	X	X	X	X	X	X	X	X
25. Copy of and delineation of any existing or proposed deed restrictions or covenants.	X (existing)	X	X	X (existing)	X	X	X	X
26. Any existing or proposed easement or land reserved for or dedicated to public use. A. Metes and bounds description.	X	X X	X X	X	X	X X	X	X X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
27. Development stages or staging plans (for GDP-general staging).	X			X (general)	X	X	X	X
28. List of required regulatory approval or permits.		X	X	X	X	X	X	X
29. List of variances required or requested.		X	X	X	X	X	X	X
30. Requested or obtained design waivers or exceptions.		X	X	X		X	X	X
31. Payment of application/escrow fees. (see §900)	X	X	X	X	X	X	X	X
32. Property owners, existing land use, and lot lines of all parcels within 200' identified on most recent tax map sheet.	X	X	X	X	X	X	X	X
33. Survey of all existing streets, water courses, flood plains, wooded areas with trees measuring 8" or greater caliper (at D.B.H.), wetlands or other environmentally sensitive areas on and within 100' of site.	X (general)	X	X	X (general)	X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
34. Map showing the Stream Encroachment area at a scale being used by the applicant in submission, if applicable.		X	X	X	X	X	X	X
35. Map and report by a qualified wetlands specialist showing wetlands delineation at the same scale as the development plan, if applicable.		X	X	X	X	X	X	X
36. Topographical features of subject property from U.S.G.S. map.	X			X				
37. Existing and proposed contour intervals based on identified datum. Contours to extend at least 100' beyond subject property as follows: up to 3% grade=1', 3%+=2'. Proposed grading shall overlay existing topography.		X	X		X	X	X	X
38. Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features (detail may vary).	X (general)	X	X	X (general)	X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
39. Existing system of drainage of subject site and of any larger tract or basin of which it is a part.					X	X	X	X
40. Drainage area map.					X	X	X	X
41. Drainage calculations.		X (if applica-ble)	X (if applica-ble)		X	X	X	X
42. Storm water management plan and profiles.		X	X	X (general availability)	X	X	X	X
43. Soil permeability tests (if applicable).		X	X		X	X	X	X
44. Proposed utility infrastructure plans and supplier of resources, including sanitary sewer, water, telephone, electric and cable TV.		X	X	X (general availability)	X	X	X	X
45. Finished elevations, corners of all structures or dwellings, existing or proposed first floor elevations.	X		X	X	X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
46. Construction details as required by Ordinance.					X	X	X	X
47. Road profiles.					X	X	X	X
48. Proposed street names.					X	X	X	X
49. New block and lot numbers confirmed with local assessor or municipal designee.		X			X	X		
50. Lighting plan & details.			X		X	X	X	X
51. Landscape plan overlaid on grading plan, plant list, planting details and tree protection details. Plant list to include: botanical name, common name, quantity, size at time of planting, root condition, and spacing.			X		X	X	X	X
52. Solid waste management plan, including recyclables.			X				X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
53. Site identification signs, traffic control signs, and directional signs. Submit elevations and details including method of illumination.			X		X	X	X	X
54. Sight triangles		X	X		X	X	X	X
55. Vehicular and pedestrian circulation patterns including handicap access (less detail necessary for informal review/concept plan & GDP stages.)	X (general)		X	X (general)	X	X	X	X
56. Parking plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X (general)	X	X	X (general)	X	X	X	X
57. Preliminary architectural plans, front, rear, and side building elevations. Calculation for SFLA for single family development in R-3, R-4 & R-5 zoning districts. [Ord. 1934-07]		X	X		X		X	X
58. Tree protection zones and tree save areas (see §541.D)			X		X	X	X	X

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Submission Item No. and Description	Informal Review/ Concept Plan	Minor Application		Major Application				
		Sub-division	Site Plan	General Development Plan	Subdivision		Site Plan	
					Preliminary	Final	Preliminary	Final
59. Environmental Impact Statement (see §812)				X (general)	X		X	
60. Community Impact Statement (*see* (§813)				X (general)	X		X	
61. Circulation Impact Study (*see* §814).				X (general)	X		X	
62. Contribution Disclosure Statement [Ord. 1949-07, 9/4/07; Ord. 1951-07, 11/7/07]				X	X	X	X	X

X = Denotes Required Submission.

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ARTICLE IX
FEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS

§ 900 Application and Escrow Fees.

A. Fee Schedule. Every application for development shall be accompanied by a check payable to the municipality in accordance with the following schedule:

Subdivisions		
Application Type	**Application Fee**	**Escrow Fee**
Minor Plat [Ord. 2177-14, 4/1/14]	$400.00	$2,000.00
Preliminary Plat	$500.00	Up to 20 lots-$200.00 per lot; 20 or more lots - $150.00 per lot
Final Plat	$500.00	$100.00 per lot
Concept Plan (All fees for concept shall be a credit toward fees for review of the same application for development.)	$250.00	A minimum of $500.00 shall be deposited. Calculation of escrow fee shall be as follows: $25.00 per acre or part thereof. In addition, for residential: $2.50 per dwelling; for commercial: $.05 per square foot or part thereof of total proposed building area up to and including 20,000 square feet, and $.03 per square foot or part thereof for every additional square foot over 20,000 square feet.

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Site Plans		
Application Type	**Application Fee**	**Escrow Fee**
Minor Plan [Ord. 2177-14, 4/1/14]	$400.00	$2,000.00
Preliminary Plan	$500.00	A minimum of $750.00 shall be deposited. Calculation of escrow fee shall be as follows: $75.00 per acre or part thereof. In addition, for residential: $5.00 per dwelling; for commercial: $.10 per square foot or part thereof of total proposed building area up to and including 20,000 square feet, and $.07 per square foot for every additional square foot or part thereof over 20,000 square feet.
Final Plan	$500.00	A minimum of $375.00 shall be deposited. Calculation of escrow fee shall be as follows: $35.00 per acre or part thereof. In addition, for residential: $3.00 per dwelling; for commercial: $.05 per square foot or part thereof of total proposed building area up to and including 20,000 square feet, and $.03 per square foot for every additional square foot or part thereof over 20,000 square feet.
Concept Plan (All fees for concept shall be a credit toward fee for review of the same application for development.)	$250.00	A minimum of $500.00 shall be deposited. Calculation of escrow fee shall be as follows: $25.00 per acre or part thereof. In addition, for residential: $2.50 per dwelling; for commercial: $.05 per square foot or part thereof of total proposed building area up to and including 20,000 square feet, and $.03 per square foot for every additional square foot or part thereof over 20,000 square feet.
General Development Plan	$500.00	Same as Preliminary Plan.

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Other Application and Escrow Fees		
Application Type	**Application Fee**	**Escrow Fee**
Variances Hardship (40:55D-70c) - Residential - Non-Residential Use (40:55D-70d)	 $100.00 $250.00 $250.00	 $400.00 $4,000.00 $4,000.00
Other Actions by Board: - Appeals (40:55D-70a) - Interpretation (40:55D-70b)	 $200.00 $200.00	 None $200.00
Issuance of Permit for a Building in Certain Locations (40:55D-34b and 35)	$150.00	$200.00 minimum
Appeals to Township Council	$250.00	None
Individual Grading Plan/ Certificate of Compliance	$250.00	None
Site Plan Review Waiver [Ord. 1585-99, 9/7/1999]	None	$2,000.00
Publication Charge [Ord. 1833-05, 3/22/2005]	$25.00	None
Soil Disturbance Permit	$25.00 per acre or part acre	None
Soil Removal Permit	$100.00	None
Soil Test Witnessing	None	$60.00 per hour, $360.00 per lot min.
Sewage Disposal System Permit	$750.00 new construction $500.00 system alteration	None
Tree Removal Permit	$50.00 for site < 10 acres; $100.00 for site > 10 acres	None
Certified List of Property Owners	$.25 per name or $10.00, whichever is greater	Not Applicable
Copy of Transcripts (See §708.E.1 [*N.J.S.A.* 2A:11-15])	$1.50 per page for first copy of plus $.50 per copy for each additional copy.	Not Applicable
Copy of Minutes or Decisions	1-10 copies -$.50 per page; 11-20 copies - $.25 per page; 21+ copies - $.10 per page	Not Applicable
Facsimile Transmission	$3.50 for first page, $1.50 per page thereafter	Not Applicable

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B. Purpose of Fees. The application charge is a flat fee to cover direct administrative expenses and is non-refundable. The escrow account is established to cover the costs of professional services including engineering, legal, planning and other expenses connected with the review of the submitted materials. In accordance with *N.J.S.A.* 40:55D-53 and *N.J.S.A.* 40:55D-53.1, sums not utilized in the review process shall be returned to the applicant upon written request. If additional sums are deemed necessary, the applicant shall be notified by certified mail or personal service of the required additional amount and shall add such sum to the escrow. Payment shall be due from the applicant within 15 days of receipt of the notice. If payment is not received within 15 days, the applicant shall be considered to be in default, and such default may be grounds for denial of the application.

C. More Than One Request. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

D. Costs of Review and Inspection. Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree in writing to pay all reasonable costs for the municipal inspection of the constructed improvements. All such costs for review and inspection must be paid before any construction permit is issued and all remaining costs must be paid in full before any occupancy issued or bonding is released.

E. Court Reporter. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the municipality shall be at the expense of the applicant who shall arrange for the reporter's attendance. The municipality provides for the tape recording of the proceedings before the Board.

F. Waiver of Fees for Affordable Housing. Notwithstanding any other provision of this Ordinance, a waiver of all municipal subdivision and site plan escrow fees and building permit and certificate of occupancy fees shall be granted by the approving municipal agency for all housing units being provided by the applicant for low and moderate income families.

§ 901 Affordable Housing Contribution

A. Purpose. [Ord. 2012-09, 10/6/09]

1. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), *N.J.S.A.* 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

2. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized

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to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

3. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at *N.J.A.C.* 5:97-8.

B. Basic Requirements.

1. This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C.* 5:96-5.1.

2. Lawrence Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C.* 5:97-8.10 and *N.J.A.C.* 5:96-5.3.

C. Definitions. [*see* §201]

D. Residential Development Fees.

1. Imposed fees.

a. Within the all district(s), 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.

b. When an increase in residential density pursuant to *N.J.S.A.* 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, 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.

2. Eligible exactions, ineligible exactions and exemptions for residential development.

a. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

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b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued. Development fees shall be imposed and collected when an existing structure is demolished and replaced 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.

E. Non-Residential Development Fees.

1. Imposed fees.

a. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

b. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time 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.

2. 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 the two and a half (2.5) percent development fee, unless otherwise exempted below.

b. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

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c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

d. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time 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.

e. If a property which 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 Lawrence Township as a lien against the real property of the owner.

F. 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 as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the 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 local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

4. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

5. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

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6. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

7. Should Lawrence Township fail to determine or notify the developer of the amount of the development fee within 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 subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

8. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

9. Appeal of development fees.

   a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Lawrence Township. 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, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

   b. 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 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Lawrence Township. 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, R.S.54:48-1 *et seq*., within 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. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer 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 Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

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a. Payments in lieu of on-site construction of affordable units;

b. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;

c. Rental income from municipally operated units;

d. Repayments from affordable housing program loans;

e. Recapture funds;

f. Proceeds from the sale of affordable units; and

g. Any other funds collected in connection with Lawrence Township's affordable housing program.

3. Within seven days from the opening of the trust fund account, Lawrence Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in *N.J.A.C.* 5:97-8.13(b).

4. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

H. Use of Funds.

1. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Lawrence Township's 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, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, 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, or any other activity as permitted pursuant to *N.J.A.C.* 5:97-8.7 through 8.9 and specified in the approved spending plan.

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2. Funds shall not be expended to reimburse Lawrence Township for past housing activities.

3. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

   a. 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, and assistance with emergency repairs.

   b. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner may entitle Lawrence Township to bonus credits pursuant to *N.J.A.C.* 5:97-3.7.

   c. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

4. Lawrence Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with *N.J.A.C.* 5:96-18.

5. No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring. Lawrence Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds

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collected in connection with Lawrence Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

J. Ongoing Collection of Fees. The ability for Lawrence Township to impose, collect and expend development fees shall expire with its substantive certification unless Lawrence Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Lawrence Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Lawrence Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Lawrence Township retroactively impose a development fee on such a development. Lawrence Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

§ 902 Guarantees Required for On- and Off-tract Improvements.

A. Guarantee Required. 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 Ordinance, the following:

1. The furnishing of a performance guarantee in favor of the Township of Lawrence in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in §903.B for improvements which the Board may deem necessary or appropriate, including; 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, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. A separate estimate shall be prepared for soil erosion and sedimentation control devices.

2. Provision for a maintenance guarantee to be posted with the Township Council for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in §903.B. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered

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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 municipality for such utilities or improvements.

3. The Municipal 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 developer.

B. Time Period for Installation. [Ord. 1585-99, 9/7/1999] All public improvements shall be completed within six (6) months of issuance of the last Certificate of Occupancy or five (5) years of issuance of a Soil Disturbance Permit whichever comes first. 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 120% of the cost of the installation, which cost shall be determined by the Municipal Engineer according to the method of calculation set forth in §903.B as of the time of the passage of the resolution.

C. Developer Liability. If the required improvements are not completed or corrected in accordance with the performance guarantee, the developer 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*.).

§ 903 Certification or Guarantee required; Estimate of Guarantee.

A. Improvements to be Installed. No final plan shall be approved unconditionally by the Board until the satisfactory completion and performance of all such required improvements have been certified to the Board by the Municipal Engineer, unless the owner shall have filed with the municipality a performance guarantee sufficient in amount to cover the cost of all such improvements in uncompleted portions thereof as estimated by the Municipal Engineer, and assuring the installation of such uncompleted improvements on or before an agreed upon date.

B. Determination of Performance Guarantee Estimate. A performance guarantee estimate shall be prepared by the Municipal Engineer or the developer's engineer and approved by the Municipal 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 Municipal Engineer shall be based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Municipal Engineer's estimate to the Township Council. The Township Council shall decide the appeal within 45 days of receipt of the appeal in writing by the Township Clerk. After

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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 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.

C. Determination of Maintenance Guarantee Estimate. The approved performance guarantee estimate shall fix the requirements of maintenance of the utilities and improvements to be installed and completed by the developer. A surety company or cash bond meeting the requirements herein above set forth may be furnished to secure the maintenance guarantee, or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

§ 904 Approval by Township Attorney.

A. 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 Department of Finance with assistance by the Township Attorney, if necessary.

B. The Department of Finance shall forward its approval of the form of the performance guarantee for consideration for adoption by the governing body.

§ 905 Bonding and Cash Requirements.

A. The performance guarantee shall be the approved performance guarantee estimate and as surety a performance bond in which the applicant shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey, an irrevocable letter of credit drawn on a banking or savings and loan institution located in and licensed to do business in the State of New Jersey or such other form of security as may be approved by the Township Attorney, or cash, or a certified check shall be deposited with the Township of Lawrence by payment to the Township Treasurer. The performance guarantee in favor of the Township shall be in an amount not to exceed 120% of the cost of the installation and improvements. The Township Treasurer 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 subdivider, to be used by the Township of Lawrence to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that the obligation shall remain in full force and effect until such time as certification is received from the Municipal Engineer that the principal has met and complied with all specifications and requirements for which said cash or surety bond has been posted.

B. Ten percent (10%) of the amount of the approved performance guarantee estimates shall be deposited with the Township by the applicant in cash. The remaining 90% may be in cash,

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surety bond or other securities or guaranties approved by the Township Attorney. In the event of default, the ten-percent fund herein mentioned shall be first applied to the completion of the requirements and the cash or the surety shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety may recite the foregoing provisions. The Municipal Engineer's determination that the principal has defaulted in his obligation shall be binding and conclusive upon the principal.

C. Irrevocable letters of credit shall include, but not be limited to, the following provisions:

1. 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 (see §903.B).

2. Is for a period of time of at least two years; and

3. Permits the Township to draw upon the letter of credit if the developer fails to furnish another letter of credit which complies with the provisions of this subsection 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.

§ 906 Inspections and Tests.

A. All improvements and utility installations shall be inspected during the time of their installation under the supervision of the Municipal Engineer to ensure satisfactory completion. The cost of said inspection shall be the responsibility of the applicant, and he shall deposit with the Township Treasurer for placement in a trust fund account a sum equal to 5% of the amount of the performance guarantee estimate of the cost of public improvements to be built in the subdivision or site development to be applied to the payment of inspection costs. If inspection costs exceed such fund, the developer shall deposit with the Township Treasurer additional sums upon notice from the Municipal Engineer. The inspection fee shall in no case be less than $500.00. The Township Treasurer shall return any balance of the inspection deposit to the developer upon expiration of the maintenance bond, together with the paid invoices for all expenses charged.

B. In no case shall any paving work be done without permission from the Municipal Engineer's office. At least two days' notice shall be given to the Municipal Engineer's office prior to any such construction so that he or a qualified representative may be present at the time the work is to be done.

C. The Municipal Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the:

1. Soil disturbance activities;

2. Road subgrade;

3. Curb and gutter forms;

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4. Curbs and gutters;
5. Road paving;
6. Sidewalk forms;
7. Sidewalks;
8. Drainage pipes and other drainage structures before backfilling;
9. Street name signs;
10. Survey monuments; and
11. Street trees;

and in the case of site plan inspection:

12. Parking lots;
13. Lighting;
14. Landscaping; and
15. Signage.

D. A final inspection of all improvements and utilities will be done by the Municipal Engineer within 10 days of notification by the developer to determine whether the work is satisfactory and in agreement with the approved final plat drawings and the Township specifications. The general condition of the site shall also be considered. Upon a satisfactory final inspection report, action will be taken to release or declare in default the performance guarantee covering such improvements and utilities.

E. 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.

F. Improvements installed without notice for inspection shall constitute a valid cause for any of the following actions:

1. The issuance of a stop work order;
2. The removal of any improvements not so inspected;
3. The payment by the developer of any costs of materials testing by the municipal for the improvements not so inspected;
4. The restoration of the site from disturbance caused by the materials testing process.

G. Improvements installed contrary to the approved plat shall be a rebuttable presumptive that such approval is null and void.

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§ 907 Reduction of Guarantee.

A. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the developer may request of the Township Council in writing, by certified mail addressed in care of the Township Clerk, that the Municipal Engineer prepare, in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to §902.A, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the developer shall send a copy of the request to the Municipal Engineer. As-built plans, pursuant to §910.B, shall be submitted prior to the request for a reduction in the guarantee. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the developer. Thereupon the Municipal Engineer shall inspect all improvements covered by the developer'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 developer not later than 45 days after receipt of the developer's request.

B. The list prepared by the Municipal 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 Municipal 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 Municipal Engineer and appended to the performance guarantee pursuant to §902.A.

C. The Township Council, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Municipal 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 Municipal Engineer and appended to the performance guarantee pursuant to §902.A. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Municipal Engineer. Upon adoption of the resolution by the Township Council, the developer 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 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

D. If the Municipal Engineer fails to send or provide the list and report as requested by the developer pursuant to §907.A. within 45 days from receipt of the request, the developer may apply to the court in a summary manner for an order compelling the Municipal 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.

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E. If the Township Council fails to approve or reject the improvements determined by the Municipal Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Municipal Engineer's list and report, the developer 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 approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Municipal Engineer and appended to the performance guarantee pursuant to §902.A; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

F. In the event that the developer 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.

G. If any portion of the required improvements is rejected, the approving authority may require the developer 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.

H. Nothing herein, however, shall be construed to limit the right of the developer to contest by legal proceedings any determination of the Township Council or the Municipal Engineer.

I. The developer shall reimburse the municipality for all reasonable inspection fees paid to the Municipal Engineer for the foregoing inspection of improvements; provided that the Township of Lawrence may require of the developer a deposit for a portion of the reasonably anticipated fees to be paid for such inspection. The initial deposit made by a developer shall not exceed 25% of the reasonably anticipated inspection fees unless the developer offers to pay an additional deposit amount. The developer shall be required to maintain the deposit at not less than 10% of the balance of the anticipated inspection fees as that balance is adjusted from time to time by the amount paid to the Township Engineer for inspection. For those developments for which the reasonably anticipated 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 reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall deposit the remaining 50% of the anticipated inspection fees. For those developments for which the reasonably anticipated 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 reasonably anticipated fees. When the balance on deposit drops 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the reasonably anticipated fees. The Township Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

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J. 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.

§ 908 Conditions for Acceptance of Improvements; Maintenance Guarantee.

The approval of any plat under this Article 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 Ordinance, 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.

A. The Municipal Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this Ordinance.

B. The final plat shall have been approved by the Board.

C. Maintenance Guarantee.

1. 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 15% of the original estimate of the cost of installing the improvements and shall run for a period not exceeding two 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 Article. 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 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.

2. 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 performance or maintenance guarantee to another municipal or governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

D. Acceptance of Publicly Dedicated Streets. A publicly dedicated street shall be deemed accepted by the municipality when the governing body grants full release of the performance guarantee and acceptance of the maintenance guarantee.

E. Acceptance of Street Lighting on Publicly Dedicated Streets. The Township shall accept responsibility for the costs of street lighting on publicly dedicated streets within 30 days upon written notice when the following conditions have been fulfilled by the developer:

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1. The street lights have been connected to a public utility;

2. The street lights have been installed and accepted for service by the public utility; and

3. Certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the non-residential uses by section or phase of development.

Compliance by the municipality with the provisions of this subsection shall not be deemed to constitute acceptance of the street by the Township.

§ 909 Issuance of Certificate of Occupancy.

A. Occupancy permits for any buildings 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, final course for the driveway and base course for the streets, unless formally waived by the Municipal Engineer, are installed to serve the lot and structure for which the permit is requested.

B. 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.

§ 910 As-Built Plan Requirements.

A. As-built plans shall be presented to the Municipal Engineer before improvements may be inspected. No Certificate of Occupancy shall be issued unless an as-built plan is submitted and approved by the Municipal Engineer.

B. An as-built plan shall be submitted which indicates the constructed conditions and/or location of:

1. Final grading;
2. Roads including curbing and sidewalks;
3. Utilities;
4. Building location;
5. Driveways and parking lots;
6. Stormwater management facilities, including as-built topographic contours and volume calculations;
7. Walls and fences; and
8. Other structures deemed pertinent by the Municipal Engineer.

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C. As-built plans shall be submitted by a New Jersey licensed land surveyor in the form of three prints.

§ 911 Off-Tract Improvements.

A. Payment of Pro Rata Share. The Board of Jurisdiction shall require as a condition of final subdivision or final site plan approval that the applicant pay for his or her pro rata share of providing off-tract improvements, including the acquisition of land and easements, necessitated or required by the approved development. The applicant shall either install the necessary off-tract improvements or pay the pro rata share to the municipality at the option of Lawrence Township. Such off-tract improvements shall be clearly, directly and substantially related to the approved development.

B. Improvements to be Constructed at the Sole Expense of the Applicant. In cases where the need for an off-tract improvement is created by the proposed subdivision or site plan and where no other property owners receive a special benefit thereby or where no planned capital improvement by a governmental entity is contemplated, the applicant shall be solely responsible for the cost and installation of the required improvements.

C. Other Improvements.

1. In cases where the need for any off-tract improvement is created by the proposed subdivision or site plan and where the Board of Jurisdiction determines that properties outside the subdivision or tract will also be benefited by the improvement, the Board shall forward to the Township Council a list and description of all such improvements together with its request that the Township Council determine and advise the Board of the procedure to be followed in its construction or installation. The Board shall defer final action upon the subdivision or site plan until receipt of the Township Council's determination or until the expiration of 30 days after the forwarding of such list and description to the Township Council without such determination having been made, whichever occurs sooner.

2. The Township Council, within 30 days after receipt of said list and description, shall determine and advise the Board whether:

a. The improvement or improvements are to be constructed or installed by the municipality:

(1) As a general improvement, the cost of which is to be borne at general capital improvement (except as otherwise provided as a contribution by the applicant); or

(2) As a local improvement, all or part of the cost of which is to be specially assessed against properties benefited thereby in proportion to benefits conferred by the improvements in accordance with *N.J.S.A.* 40:56 (except as otherwise provided as a

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contribution by the applicant); or

b. The improvement or improvements are to be constructed or installed by the applicant under a formula for partial reimbursement as hereinafter set forth.

3. If the Township Council determines that the improvement or improvements shall be constructed or installed as a general capital improvement, the Municipal Engineer shall estimate the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will be specially benefited thereby, and the applicant shall be liable to the municipality for such excess. The Township Council shall adopt an ordinance authorizing and providing for the financing of the capital improvement or improvements in a manner consistent with the obligation of the applicant for any difference in the total cost over total benefits conferred.

4. If the Township Council determines that the improvement or improvements shall be constructed or installed as a benefit assessment, the Municipal Engineer shall estimate the difference between the total costs to be incurred and the total amount by which all properties, including the subject tract, will be specifically benefited by the improvement. The applicant shall be liable to the municipality for the difference in total cost over total benefits occurred as well as for the amount of any special assessments against the subdivision property or tract for benefits conferred by the improvement or improvements. The Township Council shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements and the assessment of benefits arising in a manner consistent with the obligation of the applicant. The Township Council shall proceed in accordance with *N.J.S.A.* 40:56, except to the extent modified by the obligation of the applicant for any excess of total costs over total benefits conferred.

D. Cost Allocation. Nothing in this section shall be construed to prevent the municipality and applicant from agreeing to use a different method of allocating cost.

E. Costs Included. The cost of an improvement shall be construed to encompass all costs related to such improvement, including, but not limited to, planning, feasibility studies, surveying, permit acquisition, property and easement acquisition, design, construction, and inspection of a project.

F. Performance Guarantee. The applicant shall be required to provide, as a condition for final approval a performance guarantee for the off-tract improvements in accordance with §902.

G. Refund of Deposit. In any case in which an applicant shall deposit money with the municipality for the completion of an improvement that is to be constructed pursuant to this Ordinance by the municipality, the applicant shall be entitled to full refund of such deposit if the Township Council of the municipality shall not have enacted an ordinance authorizing the improvement within 10 years after the date of all other improvements are completed.

H. Deposit of Funds. All monies paid an applicant pursuant to this section shall be deposited

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with the municipality in a trust fund account. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose.

I. Redetermination of Assessment Upon Completion of Improvements. Upon completion of off-tract improvements required pursuant to this section, the applicant's liability, shall be recalculated in accordance with the actual, as compared with the estimated, cost of the improvements. To the extent that it shall decrease the amount of the cost estimate, the Township shall refund the amount of such difference to the applicant. In cases where improvements are specially assessed against all benefited properties, recalculation shall be made by the municipal assessing authority in the course of the special assessment proceedings. In other cases, it shall be made by the Municipal Engineer.

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ARTICLE X
AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS

§ 1000 Affordable Housing Administration and Definitions.

A. The Affordable Housing Board created pursuant to §607 of this Ordinance shall administer the provisions of this Article in conjunction with the staff of the Lawrence Township Office of Housing and Redevelopment.

B. Definitions pertaining to affordable housing are incorporated into Article II.

§ 1001 Affordable Housing Required.

Any residential development, including those developments consisting in whole or in part of bed units, shall set aside dwelling units for persons of low and moderate income as defined in this Article. Unless otherwise stated, the minimum set aside shall be 20% of the total number of units in the development. In assisted living residence developments, the set aside shall be a minimum of 5% of the total number of units of which at least half shall be affordable to persons of low income. Except on sites zoned to permit a residential density of 6 units per acre or greater, developments consisting solely of single family detached and/or duplex or two-family dwellings shall be exempt from these inclusionary requirements but shall pay an affordable housing fee pursuant to Article IX. Notwithstanding any requirement to the contrary, this section shall not apply to Eggert Crossing Village or Lawrence Plaza, or any senior residential cluster development.

§ 1002 Household Income Limitations.

The incomes of low and moderate-income households occupying affordable housing shall not exceed the income limits as of January 1 of the current year. Income qualification and verification shall be determined as required in *N.J.A.C.* 5:93-9.1(b). Inclusionary developments shall be divided equally between households with low incomes and households with moderate incomes.

A. Median Income Determination. Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published by the U.S. Department of Housing and Urban Development pursuant to *N.J.A.C.* 5:93-7.4(b).

B. Affordable Housing Purchase or Rent. Low income housing units shall be reserved for households with a gross household income less than or equal to 50% of the median income as determined in §1002.A. Moderate income units shall be reserved for households with a gross household income more than 50% but 80% or less of the median income.

C. Assisted Living Facilities. Income determination and eligibility for assisted living facilities

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shall also comply with the New Jersey Housing and Mortgage Finance Agency's Assisted Living Underwriting Guidelines and Financing Policy, dated May 28, 1996, as it may be amended or superseded. The monthly fee for rent, meals, and basic services for the affordable units in the assisted living facility shall not exceed 80% of household income. For the purposes of this section, 62.5% of the fee shall be assumed to be for meals and basic services and 37.5% of the fee for rent.

§ 1003 Unit Limitations.

A. Type of Unit to be Provided. In any inclusionary development, at least 10% and no more than 20% of the required affordable units shall be efficiencies or one-bedroom dwellings, at least 30% of the required affordable units shall be two-bedroom dwellings and at least 20% of the required affordable units shall be three-bedroom dwellings, unless otherwise excepted. For developments for senior citizens only, no three-bedroom units shall be required. These provisions shall not apply to long term care, residential health care or assisted living facilities. The type of unit for the balance of the required affordable units shall be determined by the developer.

B. Size of Units. The minimum size of affordable housing units shall be as indicated in Table 10.1.

Table 10.1 Minimum Size of Affordable Housing Units.

Type of Unit	Minimum Size (gross square feet)
Efficiency	500
One-bedroom	600
Two-bedroom	750
Three-bedroom	900

C. Certificates of Occupancy. The following additional requirements for the issuance of certificates of occupancy shall apply to inclusionary developments:

1. The initial issuance of certificates of occupancy for market units shall be linked to the issuance of certificates of occupancy for affordable units. Prior to the issuance of the certificates of occupancy for market units, certificates of occupancy for affordable units shall be required in the following minimum ratios:

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Table 10.2 Required Percentage of Affordable to Market Units.

Percentage of Affordable Housing Units Completed	Percentage of Market Housing Units Completed
0%	25%
10%	25% + 1
50%	50%
75%	75%
100%	90%

2. Each unit of affordable housing shall require a certificate of occupancy, which shall become void upon a change of owner or tenant.

3. No certificate of occupancy shall be issued for a low and moderate income unit unless the provisions of *N.J.A.C.* 5:93-9.3 are met.

D. Unit Type and Household Size. The following housing type shall be used in determining affordability as it relates to household size:

Table 10.3 Unit Type and Household Size.

Unit Size	Household Size (persons)
Efficiency	1
One-bedroom	1.5
Two-bedroom	3
Three-bedroom	4.5

E. Distribution of Low and Moderate Income Units. At least 50% of all units within each inclusionary development shall be affordable to low income households. At least 50% of all rental units shall be affordable to low income households. At least one-third (1/3) of all units in each bedroom distribution shall be affordable to low income households.

F. Heating Source. Affordable housing units shall utilize the same type of heating source as market units.

G. Design and Unit Integration. The facade of an affordable housing unit shall be indistinguishable from those of market units in terms of the use of exterior materials, windows, doors, reveal, roof pitch, color, or other material. Affordable housing units shall be dispersed throughout an inclusionary development to the greatest extent possible.

H. Age-Restricted Units. The cumulative total of all low and moderate income units which are restricted by minimum age of adults may not exceed 25% of the Township's Calculated Need, as determined by the Housing Element of the Master Plan.

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§ 1004 Initial Selling and Renting Determinations.

A. For Sale Household Limit. The affordable sales price shall be limited such that the sum of the monthly payments for principal; mortgage interest; mortgage insurance; real estate taxes; fire, theft, and liability insurance; and homeowner, condominium, or cooperative association dues or fees, if applicable, shall not exceed twenty-eight percent (28%) of the gross monthly income for low or moderate income families as set forth in *N.J.A.C.* 5:93-7.4(e). A 5% down payment, and a 30 year term, fixed annual percentage rate mortgage shall be used in the calculation. In calculating the monthly mortgage payment, the rate of interest as approved by the affordable housing program administrator shall be utilized.

B. Rental Household Limit. The monthly gross rental cost, including an allowance for utilities, of an affordable housing unit shall be limited such that the monthly payment shall not exceed 30% of the gross monthly income for low or moderate income households based on household size as set forth in *N.J.A.C.* 5:93-7.4(a). The utility allowance shall be consistent with the utility allowance approved by the U.S. Department of Housing and Urban Development for in use in New Jersey.

C. Average Selling or Renting Price. For the initial occupancy, the maximum average rent and sales price of low and moderate income units within each inclusionary development shall be affordable to households earning 57.5% or less of median income.

D. Additional For Sale Housing Requirements.

1. Pricing stratification. At least two different purchase prices for affordable units shall be established for low income buyers and at least three different purchase prices for moderate income buyers to achieve the average selling price required.

2. Initial selling procedures shall be as required under *N.J.A.C.* 5:93-9.16.

3. Master deeds of inclusionary developments shall regulate homeowner, condominium, or cooperative fees, and special assessments paid by low and moderate income buyers to at least one-third ( ) of the amount paid by market unit purchasers. The actual percentage set in the master deed may not be changed without approval by the Affordable Housing Board and COAH pursuant to *N.J.A.C.* 5:93-7.4(e).

E. Additional Rental Housing Requirements.

1. Pricing Stratification. One rent shall be established for each bedroom type affordable to a low income household; and another to a moderate income household, to achieve the average rental price required.

2. Initial renting procedures shall be as required under *N.J.A.C.* 5:93-9.16.

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§ 1005 Controls on Affordability.

A. Deed Restrictions.

1. Any affordable housing unit shall be deed restricted, and the deed shall also run through the municipality, such that any designated low-income household unit or moderate-income household unit shall remain affordable to the occupants within the income limits established by this Article for a period not less than 99 years for units offered for sale and 99 years offered for rent. Such deed restriction shall limit the units offered for sale and units offered for rental but shall not be construed as limiting ownership of any affordable housing unit by a municipally designated nonprofit housing agency. The deed restriction shall take the form adopted by the Council on Affordable Housing and from which it may be amended from time to time. Units which were initially sold shall not be rented without the prior approval of the Affordable Housing Board.

2. Rehabilitated owner-occupied single family housing units that are improved to code standard shall be subject to controls on occupancy by low and moderate income households for a period not less than 6 years. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to controls on occupancy by a low and moderate income households for a period not less than 10 years.

3. Accessory apartments, when designated for affordable housing, shall be subject to controls on occupancy for a period of not less than 20 years; however, if the unit is included as a rental bonus unit, the period of affordability control shall not be less than 30 years.

4. Deed restrictions on affordable housing units shall include options for purchase for the first non-exempt sale after controls on affordability have been placed pursuant to *N.J.A.C.* 5:93-9.5 through -9.8. Municipal procedures for the rejection of such repayment options shall be as required in *N.J.A.C.* 5:93-9.9.

B. Procedures for Resale. The following procedures shall be used for the resale of any affordable housing unit:

1. Notification of intent to sell. Owners of affordable housing units shall notify the Office of Housing and Redevelopment responsible for such housing of their intention to sell. The Office of Housing and Redevelopment shall monitor compliance with the provisions of this Article and shall determine the eligibility of prospective buyers. In the event that no eligible buyer enters into a contract of sale for the unit within 180 days of the notification of intention to sell, the Office of Housing and Redevelopment shall have the option to purchase the affordable unit for the maximum price permitted based on the regional increase in the median income as defined by the U.S. Department of Housing and Urban Development or other recognized standard as adopted by the New Jersey Council on Affordable Housing. In the event that the option to purchase is not exercised by the Office of Housing and Redevelopment, the seller may apply to the Affordable Housing Board

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for permission to sell the unit to a non-eligible household at the maximum price permitted pursuant to this Article. The seller shall document efforts to sell the unit to an income eligible household.

2. In reviewing the request for permission to sell, the Affordable Housing Board shall consider the specific reasons for any delay in selling the housing unit and the hardship to the seller in continuing to offer the affordable unit to an income eligible household. The inability to sell the unit for the maximum permitted resale price shall not, in itself, be considered an appropriate reason for allowing a housing unit to be sold to a non-eligible household.

3. In the event that the application to sell to a non-eligible household is approved, the seller may sell an affordable housing unit designated for a low-income household to a moderate-income household and a designated moderate-income unit to households with incomes exceeding 80% of the median. In no case shall the seller be permitted to receive more than the maximum price permitted under this Article for allowable increasing in selling price and eligible capital improvements. Any excess money derived from such an illegal sale shall revert to the Office of Housing and Redevelopment and shall be placed in an affordable housing trust fund pursuant to *N.J.A.C.* 5:93-8.14. The sale of an affordable housing unit in these circumstances shall not eliminate the deed restriction on affordability and any further sale shall be subject fully to the terms of this Article.

C. Affordable Housing Price Increase. The price of an owner-occupied housing unit and the rents of affordable housing units may increase annually as issued by COAH based upon the percentage increase in median income for the Philadelphia PMSA region as determined by the Council on Affordable Housing. In no event shall the maximum resale price established by the affordable housing program administrator be lower than the last recorded purchase price.

D. Eligible Capital Improvements. Owners of single-family, owner-occupied housing may apply to the Office of Housing and Redevelopment for permission to increase the maximum selling price of the unit for an eligible capital improvement. Only capital improvements which have received prior written approval from the Affordable Housing Board and which will render the housing unit suitable for a larger household shall be eligible. Property owners shall apply to the Affordable Housing Board if an increase in the maximum sales price is sought.

E. Effect of Foreclosure on Resale. A judgment of foreclosure or a deed in lieu of foreclosure by a financial institution regulated by state and/or federal law or to a lender on the secondary mortgage market shall remove the restrictions required of this Article, provided that the owner of the affordable housing unit is obligated to pay to the Office of Housing and Redevelopment any excess funds generated by the difference in the maximum selling price at the time of foreclosure and the amount necessary to retire the debt to the financial institution, including any foreclosure costs. The affordable housing program administrator shall be notified of any foreclosure proceedings and the Township may, upon such notification, purchase the affordable housing or pass the option to the Department of Community Affairs,

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the New Jersey Housing Mortgage Finance Agency, or a designated non-profit entity to purchase the unit at the maximum selling price and maintain it as an affordable unit.

§ 1006 Affirmative Marketing.

A. Marketing Plan Required. The developer of an inclusionary development shall submit, for approval by the affordable housing program administrator, a program for the affirmative marketing, screening, and selection of occupants of the low and moderate income units. This plan shall conform to the requirements of *N.J.A.C.* 5:93-11.

B. Developer Responsibility. The developer of the inclusionary housing development shall be responsible for the following:

1. The initial selling and rental price calculations;

2. Affirmative marketing requirements; and

3. Qualification of buyers or renters upon approval by the affordable housing program administrator pursuant to *N.J.A.C.* 5:93-9 et seq.

C. Minimum Marketing. At a minimum the availability of housing low/moderate income families shall be made known to a variety of public and private groups and shall be advertised in appropriate ways throughout the municipality's housing region.

D. AHB Approval. The developer will submit the marketing plan to the AHB at least 45 days prior to the advertising of the availability of the units. The AHB will approve or modify the plan within 30 working days of receipt of the plan.

§ 1007 Applicant Selection Process.

A. Residency Preference. Among those determined to be eligible for affordable housing, the following preferences shall apply:

1. Eligible persons in the rehabilitation program that reside in the municipality shall preference over those that do not reside in the municipality.

2. Persons that live or work within the East Central Housing Region shall have preference over those that live or work in another housing region.

B. Referral List. At the time when all units in any category (e.g., efficiency; one, two or three bedroom units) for low or moderate income families having been sold or rented, the Office of Housing and Redevelopment will establish a referral list for the purchase or rental as the units become available in the future.

C. Recertification. The AHB with the director of the Office of Housing and Redevelopment

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shall submit policy and procedure changes to the governing body including procedures on recertification of families on the referral list to insure the list remains current and families on the list are qualified for the units for which they applied.

D. Consideration of Household Size in Eligibility. Household size may be a factor in determining the eligibility of the household for a particular unit. In no event shall a household qualify for a unit with more than one bedroom in excess of minimum number of bedrooms required.

§ 1008 Application Procedures.

A. Application Procedure-Initial Sales and Initial Rental. The developer will provide applicants with application forms approved by the Office. Applicants will return the completed forms to the developer for the units desired. Forms must be filled out completely. Knowingly or intentionally making any false statements in a form shall be grounds for disqualifying an applicant, even if the applicant otherwise meets the requirements of this section. Those applicants, who after the necessary income and other checks by the developer, are found to meet the criteria will, prior to the sale or rental of the unit, have their applications and completed authorization to release financial information form, where applicable, sent by the developer to the office for certification. Those applicants who do not meet the criteria, have not submitted a completed application, or for whom no unit is available will be so notified by the developer. Copies of these notifications will be sent to the office. Those applicants who meet the criteria but for whom there is no unit available will be contacted by the office to determine if they wish to be placed on the eligible referral list. The developer will upon request of the office make all applications and inquiries available for review by the office.

B. Application Procedure-Resale and Re-rental. Applicants will pick up forms from the office. Applicants will return the completed forms for the units desired to the office for review to determine eligibility based on the criteria and priorities set forth by the COAH and this section. Applicants will be notified as to their eligibility and/or placement on the referral list. Forms must be filled out completely. Knowingly or intentionally making any false statement in a form shall be grounds for disqualifying an applicant, even if the applicant otherwise meets the requirements of this section.

§ 1009 Inspection for Resale.

The municipal housing inspector shall inspect the available affordable resale unit for code violation(s). The housing inspector shall submit in writing to the owner and the office a listing of the violation(s). The estimated cost of the repairs not completed by the owner prior to resale shall be deducted from the resale price. The cost of repairs not undertaken by the owner will be determined by estimator(s) and/or contractor(s) supplied by the Office of Housing and Redevelopment and charged back to the seller.

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§ 1010 Exempt Transactions.

The following transactions shall be deemed "non-sales" for purposes of these regulations and the owner receiving title by virtue of any of the following transactions shall be entitled to a statement of exemption to the owner receiving title by virtue of any of the following transactions:

1. Transfer of ownership of an affordable sales unit between husband and wife;
2. Transfer of ownership of an affordable sales unit between former spouses ordered as a result of a judicial decree of divorce (and not including sales to third parties);
3. Transfer of ownership of an affordable unit between family members as a result of inheritance;
4. Transfer of ownership of an affordable unit through an executor's deed to a Class A beneficiary;
5. Transfer of ownership of an affordable unit through an order of the Superior Court or other court, in a foreclosure proceeding or transfer in lieu of foreclosure after a foreclosure proceeding has commenced.

B. Except for the income level of the family acquiring title by an exempt transaction, the exempt transfer will not eliminate any restrictions set forth herein including, but not limited to, the unit remaining the prime resident and the requirement for resale to low and moderate income families as applicable and all such restrictions shall remain in effect following the exempt transfer except as stated in subsection -A.5.

C. Should a mortgagee acquire title pursuant to subsection -A.5 it may re-sell the unit to any family, regardless of income, with the municipality having the right of first refusal. The sales price to the municipality is the amount necessary to cure the foreclosure. This includes all principal and interest due to the mortgagee and other lien holders, repayment of equity to the owner prior to foreclosure and the costs of foreclosure. If the municipality does not purchase the unit, the mortgagee may sell the unit without any of the restrictions set forth in this section. The amount of the sale above that which is necessary to cure the foreclosure will be turned over to the municipality to be used for low and moderate income housing.

§ 1011 Occupancy Restriction.

Initial and subsequent owners of affordable housing units shall occupy the dwelling as their prime residence. RENTAL OR SUBLEASING OF THE AFFORDABLE HOUSING UNIT IS EXPRESSLY FORBIDDEN.

§ 1012 Violations of Article X Regulations.

A. The interest of any owner of a sales unit or renter of a rental unit may, at the option of the office, be subject to forfeiture in the event of substantial breach of any of the terms,

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restrictions and provisions of these regulations which remain uncured for a period of 60 days after service of a written notice of violation upon the sales unit owner or renter that his or her interest may be subject to forfeiture if such infraction is not cured within 60 days of receipt of the notice. The provisions of this section may be enforced by the office by court action seeking a judgment which would result in the termination of the owner's equity and other interests in the unit. Renters will be subject to eviction. These remedies are in addition to any other provided by law, or in a mortgage, condominium deed, lease, or other applicable document.

B. In addition to the penalties that may be invoked in subsection A above, any person or party found convicted of violation of the provisions of this Article shall be punished by a fine not exceeding $2,000.00, and/or, by imprisonment for a period not exceeding 90 days or a period of community service not exceeding 90 days.

C. In addition to the fine in subsection B above, the court in its discretion may impose a second fine equal to twice the amount received in illegal rent by the owner or lessee of the affordable housing unit.

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ARTICLE XI
HISTORIC PRESERVATION

§ 1100 Purpose.

The purpose of this Article is to:

A. Safeguard the heritage of the Township of Lawrence by preserving the integrity of the historic centers of Lawrenceville, Port Mercer, and the Delaware and Raritan Canal which are listed on the State and Federal Registers of Historic Places, and other local landmarks which reflect elements of its cultural, social, economic, and architectural history;

B. Preserve the integrity of the design of buildings, streetscapes and landscapes within the Main Street Historic District and on those landmarks located outside of the districts;

C. Promote the Main Street Historic District, Delaware and Raritan Canal Historic District and other landmarks as an essential element of municipal character and identity;

D. Foster civic beauty, and

E. Promote the use of the Historic Districts and on those landmarks located outside of the districts for the education, pleasure, and general welfare of the citizens of the municipality and visitors thereto.

§ 1101 Establishment of Historic Preservation Regulations.

The regulations established in this Article, while furthering the purposes of both the Municipal Land Use Law, *N.J.S.A.* 40:55D-1 et seq., and the Uniform Construction Code Act, *N.J.S.A.* 54:27D-119 et seq., should be viewed as having an independent basis under *N.J.S.A.* 40:48-2. This Article, in conjunction with §604, is intended to meet the requirements of *N.J.S.A.* 40:55D-107 through -112.

§ 1102 Designation of Historic Landmarks.

A. Authority. The Historic Preservation Advisory Committee shall consider for inclusion in the Main Street Historic District or as a landmark outside of a district, the designation of buildings, structures, objects, sites and additional districts within the municipality which merit landmark designation and protection of possessing integrity of location, design, setting, materials, workmanship or association, as defined herein.

B. Criteria for Designation. Designation as an historic site or for inclusion in an historic district shall be based upon the following criteria:

1. It is of particular historic significance to the Township of Lawrence by reflecting or

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exemplifying the broad cultural, political, economic, or social history of the Nation, State, or community; or

2. Associated with historic personages important in National, State, or local history; or

3. The site of a historic event which had a significant effect on the development of the Nation, State, or Lawrence Township; or

4. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering; or

5. Representative of the work of an important builder, designer, artist, or architect; or

6. Significant for containing elements of design, detail, materials or craftsmanship which represent a significant innovation; or

7. Able or likely to yield information important in pre-history or history.

C. Compilation of Landmarks. Based on its review or upon the recommendation of other municipal bodies, the Township Historian, or of concerned citizens, the Historic Preservation Advisory Committee shall make a list of landmarks recommended for designation. For each landmark, there shall be a brief description of the historic landmark, of the landmark's significance pursuant to the criteria in subsection -B, a description of the landmark's location and boundaries, and a map siting. The Historic Preservation Advisory Committee shall by certified mail:

1. Notify each owner that his or her property is being considered for historic landmark designation and the reasons therefore.

2. Advise each owner of the significance and consequences of such designation, and advise him or her of his or her opportunities and rights to challenge or contest such designation.

3. Notice each owner of the public meeting to be held in accordance with subsection -D below.

4. Send the proposed list and recommendations to the Township Historian for advice and comments.

D. Hearing Required. The list of potential landmarks as well as the description, significance, location, boundaries and map siting of each, shall be subject to review at a Historic Preservation Advisory Committee public hearing. At least 10 days before such a hearing, a preliminary list and a map showing proposed landmarks shall be published together with notice of the hearing, in an official newspaper of the municipality. At the hearing, interested persons shall be entitled to present their opinions, suggestions, and objections on the

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proposed recommendations for landmark designation. The Historic Preservation Advisory Committee shall then vote on its recommendations to the Planning Board for resources to be designated as local landmarks.

E. Report of Findings. The Historic Preservation Advisory Committee shall prepare a concise report of its recommendations for sites to be designated as historic landmarks. Copies of the report shall be delivered to the Planning Board, Township Historian and the municipal clerk and a notice of the action published by the Historic Preservation Advisory Committee secretary in an official newspaper of the municipality. The Township Historian may submit a separate report on the proposed list of recommendations for designation of historic districts or landmarks for consideration by the Planning Board. The published notice shall state the Historic Preservation Advisory Committee's recommendations, that designation shall be made by the Planning Board at a public hearing specified on a date not less than 15 nor more than 45 days from the date of publication.

F. Planning Board Recommendation. Determination that landmark status exists shall be made by the Planning Board in accordance with subsection -E above. Within 7 days of the creation of landmark status, the Planning Board shall by certified mail notify the owner of the property involved of the determination. The notice shall also indicate the process for appeal to the Township Council. A member of the public may seek to appeal the status directly to the Township Council upon giving notice to (1) the owners and persons of record as objecting thereto, and (2) the Planning Board. Such appeal shall be made within 45 days of the Planning Board's determination and the Township Council shall have the power to either affirm, modify or vacate the decision of the Planning Board as it deems proper.

G. Establishment of Historic Designation. After Planning Board review and approval, the list of designated landmarks and a map shall be submitted to the municipal clerk for review by the Township Council. The Township Council shall then consider the designation list and map and may approve, reject or modify same by ordinance. Once adopted, the designation list and map may be amended in the same manner in which it was adopted. Upon adoption, the designation list and map shall also be incorporated by reference into the municipal master plan and zoning ordinance as required by the State enabling legislation.

H. Recording of Historic Status. Copies of the designation list and official map as adopted shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be sent by certified and regular mail to each owner included in the list and filed with the county clerk for recording in the same manner as a certificate of lien upon real property.

I. Historic Districts Map. The Main Street Historic District and Historic Landmarks not in the district are depicted on the Community Facilities Map of the Master Plan dated June 14, 1995 as it may be amended or superseded. While not so identified on the municipal map, the Delaware and Raritan Canal is an historic district administered through a state agency, the Delaware and Raritan Canal Commission.

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§ 1103 Actions Requiring Review by the Historic Preservation Advisory Committee.

A. Review Required. All building permits and development applications that affect a historic landmark or an improvement within a historic district, with the exception of the Delaware and Raritan Canal district, shall be reviewed by the Historic Preservation Advisory Committee. Review shall be required for, but not limited to, the following actions:

1. Demolition of a historic landmark or of an improvement within a historic district.
2. Relocation of any improvement within a historic district or of any historic landmark.
3. Change in the exterior appearance of any improvement within a historic district or of any historic landmark by addition, alteration or replacement.
4. Any new construction of an improvement in a historic district.
5. Changes in, or addition of, signs or exterior lighting for a historic landmark or an improvement within a historic district.
6. Site plans or subdivisions affecting a historic landmark or an improvement within a historic district.
7. Zoning variances affecting a historic landmark or an improvement within a historic district.

§ 1104 Emergency Actions.

Approval by the Historic Preservation Advisory Committee is not required when a historic landmark requires immediate and emergency repair to preserve the continued habitability of the landmark and/or the health and safety of its occupants or others. Emergency repairs may be performed in accordance with municipal codes, without the necessity of first obtaining the Historic Preservation Advisory Committee's review. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the historic landmark, or others, and/or to maintain the habitability of the structure. A request for the Historic Preservation Advisory Committee's approval shall be made as soon as possible and no further work shall be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this Ordinance. All work done under this section shall conform to the criteria set forth in §1111 and §1112 and the guidelines for review of applications as adopted by the Planning Board in accordance with Article VIII of this Ordinance.

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§ 1105 Referral of Development and Permit Applications to the Historic Preservation Advisory Committee.

A. Development Application. For any development application affecting a historic landmark or an improvement within a historic district which is submitted to the Planning Board or Zoning Board of Adjustment, the Administrative Officer shall forward a copy of the application to the Historic Preservation Advisory Committee and the Township Historian. The Historic Preservation Advisory Committee may provide recommendations to the appropriate Board. The Township Historian may provide separate recommendations and comments to the Board or concur with the HPAC. Said recommendations shall be in the form of a written report which is orally conveyed to the Board through the Historic Preservation Advisory Committee's delegate at a hearing on the application.

B. Building Permit. For any building permit application affecting a historic landmark or an improvement within a historic district, the construction official shall forward a copy of the application for review of the proposed undertaking to the Historic Preservation Advisory Committee in accordance with the procedures outlined in §1106. This includes, but is not limited to, permits for new construction, demolition, alterations, additions, repairs or replacements affecting a historic landmark or an improvement within a historic district. The Historic Preservation Advisory Committee shall provide a directive to the construction official in accordance with §1107.

§ 1106 Review of Development Applications.

A. Completeness. Copies of development applications shall be reviewed by the Historic Preservation Advisory Committee for completeness of the information received. Where there is insufficient information, the application shall be returned to the referring body within 30 days of submission with specific written comments as to what information is needed for the Historic Preservation Advisory Committee to render an opinion on the effect of the project on historic landmarks.

B. Report Issuance. Where the information in the development application is sufficient to render an opinion, the Historic Preservation Advisory Committee shall provide advice through the preparation of a written report and oral testimony on the application by its delegate at the referring body's public hearing. The Historic Preservation Advisory Committee's recommendations shall focus on how the proposed undertaking would affect a landmark's historic or architectural significance in light of the review criteria outlines in §1109, §1110 and §1111 of this Ordinance.

C. Review by Board of Jurisdiction. In considering the Historic Preservation Advisory Committee's recommendations, the Planning Board and Zoning Board of Adjustment shall be guided by the review criteria established in §1109, §1110 and §1111.

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§ 1107 Review of Permit Applications.

A. The Historic Preservation Advisory Committee shall devise all necessary forms for its review and decision making actions.

B. The Historic Preservation Advisory Committee or its designee shall review the application for technical completeness. Any application found to be incomplete shall be returned to the applicant within 10 days of the receipt of the application.

C. When an application is found to be technically complete, the Historic Preservation Advisory Committee shall schedule a review of the application at is next regularly scheduled meeting. The applicant shall be notified of the meeting date and shall be allowed an opportunity to speak at the meeting.

D. The Historic Preservation Advisory Committee shall report to the construction official within 45 days of the receipt of a complete application. The report shall include a directive to approve, deny, or conditionally approve the requested building permit and shall explain in writing the reasons for the recommendation.

E. If an application involves demolition or removal, the Historic Preservation Advisory Committee's directive shall specifically include whether the permit is to be denied or postponed. If a postponement is imposed, the Historic Preservation Advisory Committee shall work with the applicant during the postponement period to undertake such investigation and take such actions as are necessary to consider alternatives to demolition.

F. If within the 45 day period, the Historic Preservation Advisory Committee recommends to the construction official against the issuance of a permit or recommends conditions to the permit to be issued, the construction official shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the 45 day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendations of conditions to the permit.

§ 1108 Effect of Project Approval, Denial, Appeal.

A. Approval. Action by the Planning Board or Zoning Board of Adjustment for approval of a development application or issuance by the construction official of a building permit shall be deemed to be final approval pursuant to this Ordinance. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other municipal ordinance to be made prior to undertaking the action requested concerning the landmark or improvement in a historic district.

B. Denial. Denial of approval for a development application or of a building permit shall be deemed to bar the applicant from undertaking the activity which would affect the landmark

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or improvement in a historic district which was the subject of the denied application.

C. Postponement of Demolition. The Planning Board, upon affirmative vote of two-thirds of its full membership, may postpone demolition of a landmark for up to one year. No municipal official shall issue a demolition permit for a landmark without approval from the Planning Board. If the Planning Board determines to postpone demolitions, it shall promptly initiate such actions as may lead to the preservation of the premises within the one year hiatus.

§ 1109 Demolitions.

The following conditions and criteria shall be considered in the review of any application for demolition of structures under the purview of this Article:

A. Its historic, architectural, cultural or scenic significance in relation to the criteria established in §1102.

B. If it is within a historic district, its significance to the district as a key, contributing, or noncontributing resource and the probable impact of its removal on the district.

C. Its potential for use for those purposes currently permitted by the Land Use Ordinance.

D. Its structural condition and the economic feasibility of alternatives to the proposal.

E. Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.

F. The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that could not be reproduced or could be reproduced only with great difficulty and expense.

G. The extent to which its retention would promote the general welfare by maintaining and increasing the real estate values, generating business, creating new jobs, attracting tourists, students, writers, historians, artists and artisans; attracting new residents, encouraging study and interest in American history, New Jersey history and the history of the municipality; stimulating interest and study in architecture and design, educating citizens in American culture and heritage, or making the municipality a more attractive and desirable place in which to live.

H. Buildings that are approved for demolition shall be recorded by photographic and videographic means prior to demolition or the removal of any artifacts from the building or site. The interior of each space, the exterior of the building and the grounds shall be documented. A report on the building and grounds explaining the visual documentation and its significance shall be submitted by a qualified architectural historian as part of the permanent historical record of the Township at the expense of the applicant.

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§ 1110 Moving Structures.

The following conditions and criteria shall be considered in the review of any application for the moving of structures under the purview of this Article:

A. The historic loss to the site of original location and the historic district as a whole.

B. The compelling reasons for not retaining the landmark or structure at its present site.

C. The compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the protection of interest and values referred to in this Ordinance.

D. The probability of significant damage to the landmark or structure itself.

E. If it is to be removed from the municipality, the proximity of the proposed new location to the municipality, including the accessibility to the residents of the municipality and other citizens.

F. If the proposed new location is within a district, visual compatibility factors as set forth in §1113.B.

G. The historic site shall be documented as required in §1109.G.

§ 1111 Historic Criteria.

In regard to an application for any approval or proposed action as set forth herein, the following matters shall be considered:

A. The impact of the proposed change on its historic and architectural significance as defined in this Article.

B. Its importance to the municipality and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest.

C. The extent to which there would be the involvement of textures and materials that could not be reproduced or could be reproduced only with great difficulty and expense.

D. The use of any structure involved.

E. The extent to which the proposed action would adversely affect the public's view of a landmark or structure within a historic district from a public street.

F. If the application deals with a structure within a historic district, the impact the proposed change would have on its character and ambiance and the structure's visual compatibility with the buildings, places and structures to which it would be visually related in terms of the visual compatibility factors set forth herein.

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§ 1112 Standards for Rehabilitation and Adaptive Reuse.

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken with the gentlest means possible.

H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

K. Some exterior and interior alterations to historic buildings are generally need to assure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character defining spaces, materials, features or finishes.

L. The construction of an exterior addition to an historic building for a new use should be

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avoided and shall be considered only after it is determined that the space needs of the new use cannot be met through altering secondary, non-character defining, interior spaces.

M. Where an application for extensive rehabilitation or adaptive reuse is proposed, the applicant shall submit a report by an architectural historian whose qualifications are accepted by the HPAC. The portions of the building(s) and grounds that are proposed for rehabilitation or adaptive reuse shall be recorded by photographic and videographic means prior to the alteration of any artifacts from the building or site. A report on the building and grounds explaining the visual documentation and its significance shall be submitted by the qualified architectural historian as part of the permanent historical record of the Township at the expense of the applicant. The HPAC shall recommend to the Board of Jurisdiction any portions of the building or areas of the grounds for historic preservation easements, including but not limited to facade and interior easements. Such easement shall give the HPAC or other person or agency as designated by Township Council the right of inspection of easements to monitor compliance with the covenants of the easement.

§ 1113 Design Elements and Additional Criteria.

A. Minimum Consideration. The criteria considered in this section shall be the minimum basis for action by the HPAC. Any other pertinent information related to the historic nature of the building and site may be considered.

B. Buildings and Structures. The following guidelines shall be considered by the applicable agency in the review of any matter concerning structures in the Main Street Historic District or a Historic Landmark not in the district.

1. Height. The height of the proposed building shall be visually compatible with adjacent buildings.

2. Proportion of the building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.

3. Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.

4. Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building shall be visually compatible with the buildings and places to which it is visually related.

5. Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.

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6. Relationship of materials, textures, and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the building to which it is visually related.

7. Roof shape. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

8. Walls of continuity. Appurtenances of a building such as walls, open-type fencing, evergreens, landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.

9. Scale of building. The size of a building, the mass of a building in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with the buildings and places to which it is visually related.

10. Directional expression of front elevation. The building shall be visually compatible with the buildings and places to which it is visually related in its dimensional character, whether this be vertical character, horizontal character or nondirectional character.

C. Building Site. The landscape surrounding an historic building contributes to the overall character of the building, and if within a district, to the whole area. The building site may be significant in its own right or derive its significance from an historic building. The following shall be considered in reviewing alterations to the historic building site:

1. Site elements. The site's related elements such as lighting, fences, signs, sidewalks and furnishing; decorative elements such as statuary or monuments, shall be compatible with the features of those structures which is visually related to and shall be appropriate for the historic period for which the building is significant.

2. Vegetation. The type and nature of the landscape, plantings, materials, and forms. If designed, the importance of the designer and the design in the integration of the historic building and its site.

3. Landforms. The terracing, berming, or grading of the site, including driveways, walks, paths, and other circulatory elements.

4. Water features. The integration of natural and man-made water features such as streams and water bodies, fountains, and reflecting pools.

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§ 1114 Penalties.

A. Any person who shall undertake an activity which affects a historic landmark or an improvement within a historic district, and which requires a building permit, without obtaining the review of the Historic Preservation Advisory Committee, shall be deemed to be in violation of this Ordinance.

B. Upon learning of the violation, the zoning officer shall personally serve notice or send by certified mail a citation to the owner of the lot whereon the violations occurred describing the violation in detail. The owner shall be given 10 days to abate the violation by restoring the landmark or improvement to the condition it was in prior to the violation occurring. If the owner cannot be personally served with the citation, a copy shall also be posted on the site.

C. In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the zoning officer shall cause to be issued a summons and complaint, returnable in the municipal court, charging violation of this Ordinance and specifying the wrongful conduct of the violator. Each separate day the violation exists shall be deemed to be a new and separate violation of this Ordinance.

D. The penalty for violation shall be as otherwise provided for in this Ordinance where each and every day shall constitute a separate offense.

E. If any person shall undertake any activity requiring a building permit and affecting a historic landmark of any improvement within a historic district without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval, and take any necessary measures to preserve the landmarks affected pending a decision. If the project is denied, he or she shall immediately restore the landmark to its pre-activity status. The Zoning Officer is hereby authorized to seek injunctive relief regarding a stop action on restoration in the Superior Court, Chancery Division, not less than 10 days after the delivery of notice pursuant to subsection -B above. Such injunctive relief shall be in addition to the penalties authorized under subsection -D above.

F. In the event that any action which would permanently affect a historic landmark or historic district, or a demolition to remove the landmark is about to occur without approval having been issued, the Zoning Officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.

§ 1115 Use of Detection Devices.

A. No persons shall use any electrical, mechanical or other detection-type device to locate objects in or on any municipal owned historic landmark or improvement within a historic district without giving written notice, as set forth below, to the municipal clerk and the Historic Preservation Advisory Committee.

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B. The written notice of the intent to use such a detection device shall set forth the name and address of the person giving notice as well as the names and addresses of all persons involved in the on-site use and shall set forth the date each use will occur and whether any business, club or other organization is involved.

C. The written notice of the intent to use such a detection device shall be delivered as least 5 days in advance of the use and no use shall occur, unless otherwise expressly permitted, other than between the hours of 7:00 a.m. and 5:00 p.m.

D. For each and every violation of any of the acts described in this section, the violator shall be subject to a fine of not more than $500.00.

§ 1116 Notice of Historic Status in Contracts for Sale.

A copy of this Article shall be included in all contracts of sale for any designated landmarks.

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ARTICLE XII
ADMINISTRATION, ENFORCEMENT, VIOLATIONS, AND PENALTIES

[Ord. 2143-13, 1/8/13]

§ 1200 Administration.

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

§ 1201 Enforcement.

A. The Zoning Officer and Construction Official of the municipality, as established by the Administrative Code of the Township of Lawrence, shall administer and enforce the provisions of this Ordinance. The duties of the Zoning Officer shall include the following:

1. The issuance of zoning permits pursuant to §1202;
2. The issuance of non-conforming use certificates pursuant to the time limitation of *N.J.S.A.* 40:55D-68;
3. Receipt of an appeal of the decision by the Zoning Officer made in the enforcement of the Ordinance and Zoning Map pursuant to *N.J.S.A.* 40:55D-72;
4. Investigate allegations of the use of property in contravention of this Ordinance, whether by his or her own cognizance, referral by municipal office or outside agency and/or complaint.
5. Cause citations to be issued alleging violations of this Ordinance and assist the Municipal Prosecutor in bringing such complaints before Municipal Court.
6. Other matters of a similar nature as directed by the Township Manager.

B. When Required. Precedent to the issuance of a permit pursuant to the State Uniform Construction Code (*N.J.S.A.* 52:27D-123, *et seq*.) for the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure; and the use or occupancy of any building, structure or land, the Zoning Officer shall determine that their respective conditions comport with each of the following, as applicable:

1. The requirements of this Ordinance; or

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2. Through the grant of a duly authorized variance by the Board of Jurisdiction; or

3. Through the grant of a duly authorized design or performance exception by the Board of Jurisdiction; or

4. Through the approval or approval with conditions of a zoning permit in accordance with §1202.

C. 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 municipality's public records. A monthly report of construction permits issued shall be filed with the municipal tax assessor.

§ 1202 Zoning Permit.

A. Forms and Application. The Zoning Officer shall cause to be made the form and substance of the zoning permit. Generally, the zoning permit shall require the disclosure of the applicant's name, address, telephone number, email address and the name, address, telephone number and email address of the land owner, if different from the applicant. Additionally, the zoning permit shall contain the street address of the property in question, block and lot number from the Township of Lawrence tax assessment maps, zoning district designation, dimensions of all principal and accessory buildings, structures of note, the activities to be conducted in each of the buildings or upon the property, if such use of the property is being conducted as a non-conforming use, and if the premises have been the subject of any prior application to the Planning Board or Zoning Board of Adjustment. The Zoning Officer may require additional information to be disclosed as required to fulfill his or her duties. Specialized forms of the zoning permit, as described hereunder, may require additional submittal of information.

B. Requirements Precedent to the Issuance of a Zoning Permit.

1. No zoning permit shall be issued for any use or structure until site plan, subdivision and variance approvals and approvals with conditions, as may be necessary, have been granted by the Board of Jurisdiction in accordance with the provisions of *N.J.S.A.* 40:55D-1 *et seq.*, and until all due and payable review and inspection fees and all local taxes and assessments on the property have been paid.

2. No zoning permit shall be issued without the approval of any agency of any local, county, state or federal government having jurisdiction over the proposed use or structure, unless such agency approval is a function of the duties and responsibilities of the Lawrence Township Construction Code Official.

3. No application for a zoning permit for any structure or for any addition, alteration, demolition or change to an existing structure which is listed on the State Register of Historic Places, National Register of Historic Places or any such local historic

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district or historic landmark as designated in the Historic Preservation Element of the Master Plan (or which is the subject of a pending application for such listing), shall be approved unless the plans for the requested alteration are in conformance with the procedures and regulations of Article XI, Historic Preservation, of this Ordinance.

4. Lot grading and elevation plan. As a condition precedent to the issuance of a new building permit, a proposed grading plan for each individual lot shall be submitted to the Municipal Engineer for review and approval. The individual grading plan shall conform to the requirements for plot plans in Lawrence Township's Engineering Standards, last edition. A lot grading and elevation plan shall also be required pursuant to §541.E.2. A proposed grading plan may be required for any building addition or swimming pool that would change existing grades or drainage patterns, or if reasonably requested by the Municipal Engineer.

5. Location plans/property surveys. Prior to issuance of a construction permit for a building addition, deck, shed and/or swimming pool, a location plan showing property line offsets shall be submitted to the Zoning Officer for review. The Zoning Officer and the Municipal Engineer shall determine if a grading plan is required. If required, this grading plan shall include the proposed improvement footprint, proposed ground elevations and contours, sufficient to indicate no adverse impact to adjoining neighboring properties.

C. Specialized Zoning Permits.

1. Business occupancy permit. Prior to the issuance of a Certificate of Occupancy or Continuing Certificate of Occupancy within an existing building, each business establishment shall apply for and receive an approval from the Zoning Officer for the change of use, change in business entity if the same use, or expansion within the same building. This requirement shall apply only to such business establishments that are physically occupying space they had not previously occupied. The Zoning Officer shall cause to be made the form and substance of the business occupancy permit setting forth the type of information to be submitted.

2. Sign permit. An application for a sign regulated by this Ordinance shall be as set forth in §535.C.

D. Issuance of Permit. A zoning permit granting the application, granting with conditions, or denying the application shall be issued within ten (10) business days of receipt of the request. Business days shall mean Monday through Friday, excluding legal holidays and furlough days. Any zoning permit may be denied by the Zoning Officer, or any permit issued may be suspended or revoked by the Zoning Officer for any of the following causes:

1. The lack of the submission of complete information as required herein or on any duly adopted form.

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2. The applicant has filed an application containing materially false information.

3. The applicant has failed to comply with the regulations within this Ordinance.

4. The applicant has been convicted by a court of competent jurisdiction of violating the regulations within this Ordinance.

§ 1203 Certificate of Occupancy Precedents.

A. Requirements Precedent to the Issuance of a Certificate of Occupancy. Prior to the issuance of a Temporary Certificate of Occupancy and Certificate of Occupancy, pursuant to *N.J.A.C.* 5:23-2.6 and -2.23, the following site work components and as-built drawings, as applicable, shall be completed and submitted as required by the Zoning Officer, if needed:

1. Soil certification:

   a. A soil certification must be obtained from the Municipal Engineer prior to the issuance of a certificate of occupancy. An as-built plan of site improvements shall be submitted for review when the soil certification is requested. The as-built grading plan shall be prepared by a land surveyor licensed in the State of New Jersey in accordance with the Engineering Department's Standards.

   b. If site conditions do not warrant issuance of a permanent soil certification, a temporary soil certification may be issued at the discretion of the Municipal Engineer. If a temporary soil certification is issued, a bond for permanent stabilization shall be submitted in accordance with the fee schedule established by the Municipal Engineer.

   c. If stabilization of the soil is not completed in accordance with a schedule as approved by the Municipal Engineer, the performance guarantee held to ensure such stabilization shall be forfeited upon 30 days written notice from the Municipal Engineer and the funds used to complete the required work.

2. As-built plan requirements. As required by §910 of this Ordinance.

3. Lot grading and elevation plan. Following the completion of all work, the Municipal Engineer shall conduct a final inspection and notify the Construction Code Official, in writing, whether the completed construction is in compliance with the approved grading plan and that a temporary certificate of occupancy or a certificate of occupancy may be issued. The Construction Code Official shall issue the temporary certificate of occupancy or certificate of occupancy only if all conditions for the approved lot grading plan and elevation plan have been satisfied.

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§ 1204 Violations.

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of, or contrary to, the provisions of this Ordinance, the municipality may institute an action to enjoin or take any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing is this Ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§ 1205 Penalties.

A. Fines.

1. Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding $500.00, as such court in its discretion may impose; or, if the party so convicted be a natural person, such person may be imprisoned for such term not exceeding 90 days, as such court in its discretion may impose; or be fined a sum not exceeding $500.00, as such court in its discretion may impose; or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate and equal offense.

2. The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment, or both, specified above.

B. Selling Land Before Final Subdivision Approval.

1. If, before final subdivision approval has been granted, any person as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this Ordinance, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed $1,000.00, and each lot disposition so made may be deemed a separate violation.

2. In addition to the foregoing, the municipality may institute and maintain a civil action:

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a. For injunctive relief; and

b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with *N.J.S.A.* 40:55D-56.

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

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ARTICLE XIII

AMENDMENT, SEVERABILITY, INTERPRETATION REPEALER, AND ENACTMENT

§ 1300 Amendments.

This Ordinance may be amended from time to time by the governing body after the appropriate referrals, notices, hearings and other requirements of law.

§ 1301 Severability of Ordinance

If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a whole, or any other part thereof.

§ 1302 Interpretation.

If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Lawrence, then the restriction which imposes the greater limitation shall be enforced.

§ 1303 Repealer.

All Ordinances or parts of Ordinances of the Township of Lawrence which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

§ 1304 Enactment.

This Ordinance shall take effect on January 28, 1998 and upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Lawrence in the manner prescribed by law.

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