

Township of Lawrence
County of Mercer

Ordinance No. 2081-11

**ORDINANCE AMENDING THE LAND USE ORDINANCE (LUO) OF THE
TOWNSHIP OF LAWRENCE, COUNTY OF MERCER, STATE OF NEW JERSEY
TO MODIFY SECTION 400, GENERAL REGULATIONS AND PERMITTED MODIFICATIONS,
AND SECTION 522, DRAINAGE AND STORM WATER MANAGEMENT**

WHEREAS, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, the Planning Board has determined that the revisions and amendments to Section 522 are consistent with said Land Use Plan Element, represent sound land use planning and therefore favorably recommends to the Township Council the revised regulations for storm water management basins; and

WHEREAS, this ordinance is not a classification or boundary change necessitating individual public notice pursuant to *N.J.S.A. 40:55D-62.1*; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance (LUO) be hereby amended as follows:

Section 1. §400.B, Variances, shall be modified by renumbering sub-paragraph 7, sub-paragraph 8 and adding the following sub-paragraph:

7. A storm water management basin which does not meet setback and other location regulations.

Section 2. §522, Drainage and Storm Water Management, shall be amended by deleting existing subsection “F. Detention and Retention Facilities” and replacing it with the following subsection:

- F. Storm Water Management Basins. 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.**
 - 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, PVD-3 and MX 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 ($\frac{1}{4}$) acre of new impervious surface coverage, a deed restriction shall be established which limits the total new impervious surface coverage to less than one-quarter ($\frac{1}{4}$) 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.**

Section 3. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 4. Severability. 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 Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 5. 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 provision which imposes the greater limitation shall be enforced.

Amendment to the Land Use Ordinance of Lawrence Township, Mercer County
Section 400 and 522, Drainage

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 7. Enactment. This Ordinance shall take effect 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.

Adopted: February 15, 2011

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bostock	X					X	
Mr. Kownacki	X						X
Ms. Mount	X						
Mr. Powers	X						
Mayor Puliti	X						