

**STOW CREEK TOWNSHIP  
LAND DEVELOPMENT ORDINANCE**

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## **Article I – Title**

This Ordinance shall be known as the “Stow Creek Township Land Development Ordinance.”

## **Article II – Purpose**

This ordinance is enacted to establish certain rules, regulations and procedures governing the use and development of land in Stow Creek Township in a manner that is consistent with and reflective of the land use element of the municipality’s Master Plan; to implement the Master Plan; and to promote the health, safety and general welfare of the Township’s inhabitants. The ordinance is intended to regulate the use of land within zoning districts; secure safety from fire, flood, panic and other natural and/or man-made disasters; provide adequate light, air and open space; limit and restrict buildings and structures to specified zoning districts; regulate buildings and structures according to their type, and the nature and extent of their use; regulate the nature and extent of the use of land for trade, residence, open space, agriculture or other purposes; regulate the bulk, height and number of stories of buildings; avoid a conflict with the development and general welfare of neighboring municipalities, the County and the State; establish appropriate population densities and concentrations contributing to the well-being of persons, neighborhoods, communities and regions, and the preservation of the environment; provide sufficient space for agricultural, residential, commercial and recreational uses, and open space; encourage the location and design of transportation routes which will promote the free flow of traffic, while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment; promote the conservation of open space, farmland, valuable natural resources and the rural character of the Township, in conformance with the goals and principles expressed in the municipality’s Right to Farm Ordinance and Right to Country Life Code; prevent urban sprawl; and, prevent the degradation of the environment through the improper use of land.

## **Article III – Definitions**

For the purpose of this Ordinance, the word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual. The present tense includes the future, the singular number includes the plural, and the plural includes the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.” Words not herein defined shall have the meaning given in Webster’s Unabridged Dictionary.

- A. A.A.S.H.T.O. American Association of State Highway and Transportation Officials, a non-profit, non-partisan association representing the highway and transportation departments of the 50 states.
- B. Accessory Use. A subordinate use or structure, the purpose of which is incidental to and customarily associated with the main use or structure on the same lot;
- C. Administrative Officer. The Secretary of the Planning Board, in the case of matters involving the Planning Board; the Zoning Officer, in the case of matters involving the issuance of Zoning Permits, Certificates of Occupancy and Zoning Ordinance enforcement; and, the Municipal Clerk in the case of matters involving the Governing Body.
- D. Application for Development. The application form and all accompanying documents required for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or the issuance of a permit, pursuant to the Municipal Land Use Law and this Ordinance.

- E. Approving Authority. The Planning Board of Stow Creek Township, unless a different agency is designated in the text of this Ordinance when acting pursuant to the Municipal Land Use Law.
- F. Average Finished Grade. The mean height or level of a completed lawn, walk or driveway surface (as shown on official plans or designs relating thereto) adjoining the front façade of the building.
- G. Basement. The story of a building that is partly underground and which has more than one-half of its interior height, measured from the floor to finished ceiling, below the average finished grade of the adjoining building.
- H. Bed and Breakfast. A private home where rooms are rented for overnight accommodations.
- I. Block. A block is the length on one side of a street between two street intersections.
- J. Buffer Zone. A required open space area to be landscaped or naturally planted along zoning district boundary lines and/or property lines.
- K. Building. A combination of materials forming a structure adapted to permanent, temporary or continuous occupancy, and having a roof.
- L. Building Set-Back Line. A line parallel to the street (or front lot line, as applicable) at a distance therefrom equal to the depth of the front yard required for the relevant zoning district. No part of a building may extend closer to the street than the building set-back line. Roofed porches or walkways, whether open or enclosed, shall be considered as part of a building when measuring the distance from the street line and lot lines. Existing roofed porches and walkways may only be permanently enclosed when they comply with all set-back or rear yard requirements and all side-yard requirements.
- M. Building, Principal. A building in which is conducted the principal use of the lot on which the said building is situated.
- N. Car Wash. Any establishment for the washing of automobiles or other motor vehicles.
- O. Certificate of Occupancy. A document that authorizes the occupancy and use of particular building or parcel of land, and which shall continue in effect only so long as such building and the use thereof or the use of such land is in full conformity with the requirements of this Ordinance and the Uniform Construction Code. Whether in the case of new construction or the alteration of an existing structure, no certificate of occupancy shall issue until it is determined by the appropriate issuing officer that said construction is in full compliance with the Township's regulations and codes. The maintenance of a valid certificate of occupancy shall be the responsibility of the property owner.
- P. Camp. A group of tents, huts or other shelters, usually located near a lake or in the woods, forming a temporary residence, especially in summer, for recreational purposes, only;
- Q. Channel. The bed and banks of a stream which convey the normal flow of the stream.
- R. Circulation. The systems, structures and physical improvements for the movement of people, water, air, sewage, or power by such means as paths, streets, highways, railways, waterways, towers, airways, pipes, and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

S. Club. Any organization catering exclusively to its members and their guests, or any organization formed for religious, vocational, civic, recreational or athletic purposes which is not conducted for financial gain.

T. 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 the residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and/or appropriate for the use or enjoyment of residents and owners of the development.

U. Conditional Use. A use permitted in a particular zoning district only upon a showing that such use will comply with the conditions and standards for the location or operation of such use, as contained in this Ordinance, and upon the issuance of an authorization therefore by the approving authority.

V. Contiguous Land. Land and parcels that abut each other or are separated only by streets, roadways, pipelines, electrical power lines, or other rights-of-way owned or controlled by others.

W. Coverage. That percentage of the plot or lot area covered by all structures, parking lots, and impervious surfaces other than retaining walls, hedges, and fences.

X. Cul-de-sac. A minor land service street, closed at one end and having adequate vehicle turning area at the closed end.

Y. Days. Calendar days.

Z. Density, Gross. The number of dwelling units per acre for a given area that includes streets or other common or public open spaces. In the case of mixed use developments, space devoted to non-residential uses is also included.

AA. Density, Net. The number of dwelling units per acre for a given area that excludes streets and other common or public open spaces. In the case of mixed use developments, space devoted to non-residential uses is also included

AB. Developer. The legal or beneficial owner or owners of a lot or of any land proposed to be included in an application for development, including the holder of an option for contract purchase or other person having an enforceable proprietary interest in such land.

AC. Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation or landfill activity; any use or change in the use of any building or other structure, or land; or, any extension of use of land for which permission may be required pursuant to the Municipal Land Use Law or this Ordinance.

AD. Development Regulation. A zoning ordinance, subdivision ordinance, site plan review ordinance, official map ordinance or other municipal regulation of the use and development of land, or any amendment thereto, adopted and filed pursuant to the Municipal Land Use Law.

AE. Development Permit. Any permit or certificate of occupancy required to be issued for any development regulated by the Stow Creek Township Land Development Ordinance.

AF. Drainage. The removal of surface water or ground water from land by drains, grading or other means, including the control of run-off to minimize erosion sedimentation during and

after construction or development, and also including the water supply preservation or prevention or alleviation of flooding.

AG. Drainage Right-of-Way. The lands required for the installation of storm water sewers and/or drainage ditches, or the land area required along a natural stream, swale or other watercourse for preserving the channel or drainage-way and providing for the flow or passage of water therein to safeguard the public from flood damage in accordance with the provisions of the Stow Creek Township Land Development Ordinance or applicable state laws.

AH. Duplex. A detached building designed for or occupied by two families, only.

AI. Dwelling, Single-Family. A detached building designed for or occupied by one family, only.

AJ. Dwelling Unit. A group of interrelated rooms: (1) intended or designed for the use of one family; (2) separated from other space by lockable doors; (3) having access to the outdoors without crossing any portion of another family's dwelling quarters; and, (4) having living and sleeping facilities and cooking facilities, fixed or portable, and complete sanitary facilities.

AK. Earth Extraction. The removal of sand, topsoil, gravel, fill dirt, minerals or clay products for sale or reuse at another site, but not including an agricultural operation or the process of grading a lot preparatory to the construction of a building for which an application for a building permit has been made.

AL. Erosion. The detachment or movement of soil or rock fragments by water, wind, ice and gravity.

AM. Essential Service. Structures and physical improvements, whether publicly or privately owned, necessary to permit the orderly development of an area, including such facilities as streets; water, sewage, gas, telephone and electric lines; supporting structures, such as manholes, catch basins, underground pumping stations and underground transformer stations; but, not including generating or storage plants, processing stations, maintenance yards, administration headquarters facilities or above-ground utility poles within major subdivisions.

AN. Family. An individual or group of two or more persons related by blood, marriage, or adoption, or containing foster children placed in accordance with N.J.S.A. 40:55D-66, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.

AO. Farm. Any parcel of land containing at least five (5) acres used for general purpose agriculture, which includes the raising of agricultural, aquacultural or horticultural products, livestock, poultry and other resultant products.

AP. Fence or Wall. A structure which permanently or temporarily prohibits unrestricted travel between properties or portions of properties, or between the street or public right-of-way and a property.

AQ. Final Approval. The official action of the approving authority taken on preliminarily approved major subdivisions or site plans 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.

AR. Flood Plain. The area within Stow Creek Township subject to a one percent (1%) or greater chance of flooding in any given year, and which is delineated as Zone "A" on the most recent FIA Flood Hazard Boundary Map for Stow Creek Township.

AS. Floodway. The area of a flood plain required to carry and discharge flood waters of a 100 - year flood.

AT. Floor Area, Gross. The sum of the total horizontal area of the several floors of a building excluding basement space (unless designed to be used for customary visits by commercial clientele), but including the area of permanent roofed porches and terraces. All dimensions shall be measured from the outside face of exterior walls or from the centerline of parting or common walls.

AU. Floor Area, Habitable. Area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least six feet, six inches (6'6"), including living, eating, cooking, sleeping, storage, circulation, service, utility and other related household spaces, but excluding garages, carports, porches, unheated sheds and basements. Attics or portions thereof maybe considered habitable floor area, provided they are fully-finished and meet proper height requirements.

AV. Garage (Private). An accessory building incidental to a dwelling unit, as defined herein, which accessory building is intended for the off-street storage of motor vehicles belonging to the inhabitants of said dwelling unit, and in which garage no business, service or occupation is conducted or rendered for profit. The rental or storage space for more than two cars not owned by persons residing on the premises is considered a business for profit.

AW. Garage (Repair). A building used for the off-street storage of motor vehicles, the provision of incidental gasoline service, the sale of accessories and the repair of motor vehicles, excluding body work.

AX. Gasoline Service Station. An area of land, including any structures thereon, used primarily for the retail sale and direct delivery to motor vehicles of motor fuel and lubricants, as well as such incidental services as the lubrication and hand washing of motor vehicles and the sale, installation and minor repair of automobile accessories, such as tires and batteries.

AY. Glare. Illumination whereby a source of light producing a reading of fifty (50) or more on a Standard Weston Photographic light meter or equivalent at a distance of three (3) feet, is visible from the public right-of-way, or a reading of zero point eight (0.8) or more is found when such meter or equivalent is held anywhere on a residential property line.

AZ. Governing Body. The Stow Creek Township Committee.

BA. Height of Building. The vertical distance from the established Average Finished Grade to the highest point on the building.

BB. Historic Site. Any building, structure, area or property that is significant in the history, architecture, archeology or culture of this State, its communities or the nation, and has been so designated pursuant to the Municipal Land Use Law.

BC. Home Occupation. An occupation or profession which is clearly incidental to the use of the lot and dwelling for residential purposes, and is (1) carried on by a member of the family residing on the premises; (2) does not involve more than two employees not living on the premises; (3) does not occupy more than twenty-five percent (25%) of the habitable floor area of the principal residential structure, or more than three hundred (300) square feet of an accessory structure; (4) does not have any exterior evidence of such secondary use, other than



one sign, in accordance with Section 6.6(A)(6) of this Ordinance; and (5) does not include the storing of any stock-in-trade outside a principal or accessory building. In connection with the operation of a home occupation, only external operations which are customary to residential buildings shall be permitted. In the case of any home occupation involving customer, client or patient visitation, adequate off-street parking shall be provided in conformance with the standards contained within Section 7.19 of this Ordinance.

BD. Hotel or Motel. Any structure providing overnight accommodation in other than dwelling units for hire to the traveling public, and where only a general kitchen and dining room are provided within the building or as an accessory building.

BE. House Trailer. Same as Mobile Home.

BF. Interested Party. 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 right to use, acquire or enjoy property under this Ordinance, or any other law of this State or the United States has been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law;

BG. Junk Yard. The use of more than 1,000 square feet, in the case of an agricultural parcel, or more than 200 square feet of the area of any other lot, whether inside or outside a building, or the use of any portion of any lot that adjoins a public thoroughfare, for the storage, keeping, processing or abandonment of wastepaper, rags, scrap metal or other discarded materials, or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.

BH. Kennel. Any building or land parcel used for the keeping of dogs and other small household pets. The keeping of more than five (5) such animals on any one property constitutes a kennel.

BI. Land. The word "land" shall include improvements and fixtures on, above or below the surface.

BJ. Loading Space. Any off-street space not less than 12 feet in width, 70 feet in length and 14 feet in height available for the loading or unloading of goods, having direct access to a street or alley, and so arranged that no vehicle is required to back into a street.

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

BL. Lot Area. The surface of a land parcel determined by its boundary lines and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

BM. Lot Corner. A lot fronting on two streets at their intersection.

BN. Lot, Depth. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

BO. Lot, Frontage. The horizontal distance measured along the full length of the front lot line. In the case of a corner lot, the shorter of the two street lines shall be considered as the frontage.

BP. Lot, Width. The distance between the side lot lines measured at right angles to the depth of the lot, along the front setback line.

BQ. Lot Line, Front. The right-of-way line of a street which a lot or parcel abuts.

BR. Lot Line, Rear. A lot line other than a street line which is the farthest lot line from the street. In the case of a lot abutting two streets, required front yard setbacks from both streets shall be observed.

BS. Lot Line, Side. A continuous line which runs back from an intersection with the front lot line and which forms the boundary line between the lot and the adjacent parcel of land.

BT. Maintenance Guarantee. Any security, other than cash, which may be accepted by Stow Creek Township for the maintenance of any improvements required under the authority of the Stow Creek Township Land Development Ordinance.

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

BV. Marginal Access Street. Minor streets which are parallel to, and adjacent to, arterial streets and highways, and which provide access to abutting properties and regulated vehicular access to arterial street or highway.

BW. Master Plan. A composite of one or more written or graphic proposals for the development of a municipality, as set forth and adopted pursuant to the Municipal Land Use Law.

BX. Minor Subdivision. A subdivision of land that does not involve (1) the creation of more than three lots in addition to a single reserved parcel (the division of lots shall be deemed to be cumulative); (2) planned development; (3) any new street; or (4) an extension of any off-tract improvement.

BY. Mobile Home. Any vehicle or similar conveyance so designed or constructed as to permit its transportation as a fully-built unit, and as to permit occupancy on a permanent basis.

BZ. Mobile Home Park. A land parcel upon which two or more mobile homes for dwelling purposes are located on a permanent basis. This includes trailer court, trailer park or trailer coach park, when so used.

CA. Motor Home. A self-propelled vehicle which is used for sleeping and other human occupancy during the course of activities commonly known as "camping" or "caravanning".

CB. Municipal Agency. The Stow Creek Township Planning Board or Governing Body when acting pursuant to municipal development regulations.

CC. Natural Stream. A naturally eroded channel with visible evidence of banks and bed, as distinguished from a swale which shows no evidence of natural erosion, except occasional gullying, and from a ditch which is an artificially excavated channel.

CD. Non-Conforming Lot. A lot, the area, dimension, or location of which was lawful prior to the adoption, revision, or amendment of the Land Development 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.

CE. Non-Conforming Structure. A structure whose size, dimension or location was lawful prior to the adoption, revision, or amendment of the Land Development 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.

CF. Non-Conforming Use. A use or activity which was lawful prior to the adoption, revision, or amendment of the Land Development 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.

CG. Off-Site. Any area located outside the lot lines of a lot which is the subject of a development application, or on a contiguous portion of a street or right-of-way.

CH. Off-Tract. Any area not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

CI. On-Site. Any area located on the lot in question.

CJ. On-Tract. Any area located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

CK. Parking Lot. An area which contains two or more off-street parking spaces.

CL. Parking Space, Off-Street. An area not less than ten feet by twenty feet (10' x 20'), exclusive of driveways appurtenant and giving access thereto, accessible from a street but not located on a street, and which is both suitable and intended for the parking of a passenger motor vehicle.

CM. Performance Guarantee. Any security, including cash, which may be acceptable by the Governing Body of the Township to ensure the installation of required subdivision and/or site plan improvements; provided that the Township shall not require more than ten percent (10%) of the total performance guarantee in cash.

CN. Piggery. As used in this ordinance, the terms "piggery" and "commercial piggery" are interchangeable and refer to a place where pigs are commercially assembled for growth or fattening before slaughter. The raising of one pig per member of a household for home consumption only shall not constitute a piggery.

CO. Planned Commercial Development. An area of a minimum contiguous size, as specified by ordinance, to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

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

CQ. Poultry Farm. A place where poultry is assembled for growth, fattening or egg production before sale or slaughter.

CR. Preliminary Approval. The conferral of certain rights pursuant to the Municipal Land Use Law (prior to final approval) after specific elements of a development plan have been agreed upon by the approving authority and the applicant.

CS. 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.

CT. Public Areas. (1) Public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) public scenic and historic sites; and (4) sites for schools and other public buildings and structures.

CU. Public Development Proposal. A master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

CV. Public Drainage Way. Land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel, and providing for the flow of water to safeguard the public against flood damage, sedimentation, and erosion.

CW. Public Open Space. An open space area conveyed or otherwise dedicated to the Township, a Township agency, the Board of Education, State or County agency, or other public body for recreational or conservational uses.

CX. Public Utility. An organization supplying water, electricity, gas, sewerage, mass transportation or other service to the public, operated by a private corporation under governmental regulation or by a government agency directly.

CY. Quorum. The majority of the fully-authorized membership of a municipal agency.

CZ. Residential Density. The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

DA. Restaurant. Any building or use which serves food to the general public and which provides tables, chairs and or counters for the consumption of food entirely within the walls of such buildings or use. Restaurant does not include take-out or drive-in establishments which permit the consumption of food within motor vehicles.

DB. Re-Subdivision. 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 any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

DC. Right-of-Way Lines. The boundary lines of land used or intended for use as streets, and from which setback and other requirements shall begin. Where existing records are vague or show a lesser dimension, they shall be considered to be not less than fifty (50) feet apart, twenty-five (25) feet from the center line of streets.

DD. Roadside Stand. An accessory farm building or structure with requisite off street parking and loading space designed for seasonal sale of principally agricultural and horticultural products grown locally.

DE. Room. A completely enclosed interior space containing no partitions higher than four feet.

DF. R.S.I.S. The New Jersey Residential Site Improvement Standards, as promulgated by the Commissioner of the Department of Community Affairs and codified at *N.J.A.C. 5:21-1.1, et seq.*

DG. Schedule of Regulations. The Zoning Schedule of District Regulations.

DH. School. An institution designed and staffed to provide educational opportunity, not including any such institution housing detainees.

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

DJ. Setback, Building, Front. The shortest distance between the building line and the front lot line.

DK. Setback, Building Rear. The shortest distance between the building line and the rear lot line.

DL. Setback, Building, Side. The shortest distance between the building line and the side lot line.

DM. Setback, Building, Along District Boundary. The shortest distance between the building line and the District Boundary Line.

DN. Setback, Parking, Front. The shortest distance between the perimeter line of the parking area and the front lot line.

DO. Setback, Parking, Rear. The shortest distance between the perimeter line of the parking area and the rear lot line.

DP. Setback, Parking, Side. The shortest distance between the perimeter line of the parking area and the side lot line.

DQ. Setback, Parking, Along District Boundary. The shortest distance between the perimeter line of the parking area and the District Boundary Line.

DR. Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided that the following shall not be included in the application of the Stow Creek Township Development Regulations: (1) signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants or date of construction; (2) flags and insignias of any government agency, except when displayed in connection with commercial promotion; (3) legal notices, informational or directional signs erected by governmental bodies; (4) integral, decorative or architectural features of buildings, except letters, trademarks, mobbing parts or moving lights; and, (5) signs directing traffic and parking on private property, but bearing no advertising matter.

DS. Site Plan. A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; (3) a statement or description of all existing and intended uses of the property; and (4) any other information that may be reasonably required in order to make an informed review and approval.

DT. Standards of Performance. Standards adopted by ordinance, pursuant to Sub-section 52(d) of the Municipal Land Use Law, regulating house levels, glare, earth-borne matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects, or conditions and such matters as may be reasonably required by the municipality; or standards required by applicable federal or state laws or municipal ordinances.

DU. Story. Any covered area with a clear headroom of six feet six inches (6'6") or more, whether furnished or not, except a cellar. In the event a building has only one floor, each distance of eight (8) feet between the floor and ceiling shall be counted as a story.

DV. Street. Any street, avenue, boulevard, road, parkway, drive or way which (1) was an existing State, County or Township roadway, or (2) is shown upon a plat heretofore approved pursuant to law, or (3) is approved by official action as provided by this Ordinance, or (4) 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 street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines;

DW. Street Line. The right-of-way line of a street, road, or other public way used or intended for use by vehicular traffic.

DX. Structure. A combination of materials to form a unit for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

DY. Structure, Single-Family. A structure containing one and only one dwelling unit.

DZ. Subdivision. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other division of land, for sale or development. The following shall not be considered a subdivision within the meaning of this Ordinance if no new streets are created: divisions of land found by the Planning Board to be for agricultural purposes, where all resulting parcels are five (5) acres or larger in size; divisions of property by testamentary or intestate provision; divisions of property pursuant to a Court Order; and, conveyances to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "re-subdivision".

EA. Swimming Pool, Private. A non-commercial, privately owned pool, constituting an accessory use to a residential unit or units, and on the same lot therewith. A wading pool with a depth less than eighteen (18) inches and portable swimming devices located above ground level, with an area of less than one hundred twenty-five (125) square feet and a water depth less than three (3) feet, temporary in character and constructed of material other than concrete or masonry shall not be termed a swimming pool.

EB. Swimming Pool, Public. A public or privately owned pool open to the public on an annual member basis, and having dressing rooms, off-street parking and other appropriate accessory facilities.

EC. Tavern. A business selling alcoholic beverages for consumption on the premises.

ED. Trailer. See Mobile Home.

EE. Trailer Camp or Court. See Mobile Home Park.

EF. Travel Trailer. Structures that are not used for purpose of day-to-day habitation, but designed to be moved from place to place; which may be entirely enclosed or partially enclosed with canvas or other material; and, which are used for sleeping and other human occupancy during the course of activities commonly known as “camping” or “caravanning”;

EG. Variance. Permission to depart from the literal requirements of a zoning ordinance pursuant to Section 47, Sub-sections 29.2(b), 57(c), and 57(d) of the Municipal Land Use Law.

EH. Watercourse. Any land area or use either naturally formed or artificially designed for the storage, passage, retention or flow of water, including but not limited to the following: lake, pond, canal, ditch or swale.

EI. Yard. An open space on the same lot with a principal building, unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

EJ. Yard, Front. The yard extending across the entire width of the lot between the street right-of-way line and the nearest part of any building. In the case of lots having frontage on two or more streets, front yards shall be provided along each street frontage. Where more than 50 percent of the lots in a block front have been developed with an average front yard less than that required herein, the Building Inspector may waive the front yard requirement to the extent that required front yard shall at least equal the average of the front yards provided on said lots. In the case of corner lots, required front yard depth shall be provided along all street frontage. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

EK. Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum depth required by the Zoning District Regulations, with its inner edge parallel to the rear lot line.

## **Article IV – General Provisions**

### **4.1 Administration**

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

### **4.2 Effective Date**

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

### **4.3 Inconsistent Ordinances Repealed**

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Upon the adoption of this Ordinance, according to law, all previously adopted land use, development, zoning, subdivision and site plan ordinances (and their amendments) are repealed.

### **4.4 Amendments**

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

### **4.5 Interpretation**

A. The provisions of this Ordinance shall be held to be minimum requirements. Where any provision of this Ordinance imposes restrictions that are different from those imposed by any other provision of this Ordinance, or by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

B. Zoning District boundary lines are intended to follow street center lines, streams and lot or property lines, unless otherwise indicated by the dimensions depicted on the Zoning Map. Dimensions shown shall be in feet, measured horizontally and measured from the street right-of-way line, even if the center line of that street serves as a Zoning District line. The location of any disputed Zoning District line shall be determined by the Planning Board. Zoning District lines are intended to extend vertically from ground level.

### **4.6 Enforcement Officer**

It shall be the duty of the Zoning Officer appointed by the governing body to administer and enforce the zoning provisions of this ordinance. No building permit shall be issued unless the applicant's construction plans are accompanied by an approved zoning permit. No zoning permit shall be issued unless the proposed structure, use, temporary activity and/or construction activity is in compliance with this Ordinance. In cases involving the new use of an existing structure, no certificate of occupancy shall be issued for the occupant until a zoning permit has been issued.



#### 4.7 **Permits**

A. No zoning permit, building permit or certificate of occupancy shall be issued for (1) any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this ordinance, or (2) for the use of a lot which was created by subdivision which was not affected in conformity with the provisions of this ordinance. Site improvements such as, but not limited to, the excavation and/or construction of a public or private improvement, shall be commenced in conformance with this Ordinance, and in accordance with all plans approved in connection with the issuance of the required permits.

B. A zoning permit shall be required in any of the following circumstances:

- (1) In the event of a change in the existing use of a property, or in the event of an expansion or intensification of an existing use of a property;
- (2) In the event of the construction of a new building or other structure upon a property; or,
- (3) In the event of an addition to or expansion of an existing building or other structure upon a property.

C. It shall be unlawful to use or permit the use of any building or part thereof hereafter created, directed, changed, converted, altered or enlarged, whether wholly or in part, until (1) a certificate of occupancy has been issued by the Zoning Officer, Housing Official or Construction Official, and no certificate shall be issued unless the land, building and the use thereof comply with this Ordinance; (2) all matters incorporated on an approved subdivision and/or site plan have been completed and certified by the Township Engineer; and, (3) all building and health codes have been complied with.

D. A certificate of occupancy shall be required in any of the following circumstances:

- (1) In the event of the construction of a new building or other structure intended for human habitation, regardless in which zoning district the subject property is located;
- (2) In the event of the sale or change of ownership of any property containing a structure intended for human habitation, regardless whether the property is located in the commercial, residential, historic residential, agricultural or agricultural/commercial zoning district; and
- (3) In the event of a change in the identity of the occupants of a building located in the commercial, residential, historic residential, agricultural or agricultural/commercial zoning district, even when there has been no change in the ownership of the subject premises.

#### 4.8 **Violations and Penalties**

A. Violations of the zoning provisions of this Ordinance, whether by any property owner, lessee, or other person, shall constitute disorderly conduct, and each 24-hour violation shall be deemed a separate offence punishable by (1) imprisonment not to exceed thirty (30) days, and/or (2) a fine not to exceed one hundred dollars (\$100.00), or (3) as otherwise provided by law.

B. Selling Before Subdivision Approval. If, before final subdivision approval has been granted, any person transfers, sells or conveys any land which forms a part of a subdivision for which subdivision approval is required, by ordinance, he shall be subject to a penalty not to exceed one thousand dollars (\$1,000.00), and each lot or parcel so disposed of

shall be deemed a separate violation. In addition to the foregoing, the Township may institute and maintain a civil action (1) for injunctive relief, and (2) to set aside and invalidate any transfer, sale and/or conveyance so made.

C. Site Plan Approval. Any development subject to site plan review regulations shall not be instituted, and no building permit issued therefore, until final site plan approval has been granted by a duly-constituted authority. A building permit or certificate of occupancy issued for the development after receipt of final approval by a duly-constituted approving authority shall remain valid only so long as the terms and conditions of the final approval are formally complied with. A development that violates any one of the terms and conditions of the site plan approval shall be found by the responsible building official to be in violation of the terms of the Stow Creek Township Land Development Ordinance, and shall be subject to the penalties provided for under Section 4.8(A), above.

4.9 **Planning Board**

A. There is hereby established in the Township of Stow Creek, pursuant to N.J.S.A. 40:55D-25(c), a Planning Board consisting of nine (9) members, which said Board shall have the combined powers and duties of a municipal planning board and a municipal zoning board of adjustment, and shall be comprised of four (4) classes of members, as delineated below:

- (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, as provided by N.J.S.A. 40:55D-23;
- (3) Class III: A member of the governing body, to be appointed by the said governing body; and,
- (4) Class IV: Six (6) other citizens of the municipality, to be appointed by the Mayor. No Class IV member shall hold any municipal office, position or employment, except that one such member may also be a member of the Historic Preservation Commission, and one such member may be a member of the municipal Board of Education.

B. Alternate Members. In addition to the foregoing, as many as four (4) alternate members may be appointed to the Planning Board as Class IV members. Alternate members shall be appointed by the Mayor, and shall meet the qualifications of a Class IV member. Alternate members shall be designated, at the time of appointment by the Mayor, as “Alternate Member No. 1, Alternate Member No. 2”, etc. Alternate members may participate in all matters, but may not vote except in the absence or disqualification of a regular member of any class. The participation of an alternate member shall not be deemed to increase the size of the Planning Board, as established by this Ordinance. A vote shall not be delayed in order that a regular member may vote instead of an alternate. In the event that a choice must be made as to which alternate member is to vote, Alternate Member No. 1 shall vote first.

C. Term. The term of a Class I member shall correspond to the Mayor’s tenure. If the Class 1 member is the Mayor’s designee, then he shall serve at the pleasure of the Mayor, and in no event longer than the Mayor’s tenure. The term of the Class II and Class III members shall be for one year, or shall terminate at the completion of his respective term of office, whichever occurs first. The term of all Class IV members shall be 4 years. The term of an alternate member shall be for 2 years.

D. Vacancies and Removal from Office. If a vacancy in any class shall occur other than by the expiration of a Planning Board member's term, then such vacancy shall be filled by appointment for the unexpired term. Any member other than a Class I member may be removed by the governing body for cause, after a public hearing.

E. Organization of Planning Board. The Planning Board shall elect a Chairman and a Vice-Chairman from the Class IV members. The Planning Board shall also select a Secretary who may or may not be a member or alternate member of the Planning Board, and may be a municipal employee. The Planning Board may create and fill such other offices as are established by ordinance. An alternate member shall not serve as a Chairman or Vice-Chairman of the Planning Board.

F. Experts and Other Staff. The Planning Board may employ or contract for and fix the compensation of a Planning Board Solicitor, who shall be an attorney other than the municipal attorney. In addition, the Planning Board may employ or contract for the services of such experts and staff as it may deem necessary; provided, however, that the compensation afforded such experts and/or staff shall not exceed the amount appropriated by the governing body for the Planning Board's use. The governing body shall make provision in its budget and appropriate funds for the expenses of the Planning Board.

G. Conflict of Interest. No member of the Planning Board shall act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself or herself from acting on a particular matter, he or she shall not continue to sit with the Board on the hearing of such matter, and shall not participate in any discussion or decision relating thereto. This would include voting on a memorializing Resolution relating to such matter and the decision thereon.

#### 4.10 **Powers and Duties of the Planning Board**

A. The Planning Board shall have all of the powers and duties enumerated under the provisions of the Municipal Land Use Act, N.J.S.A. 40:55D-1, et seq., including, without limitation:

- (1) to prepare and, after public hearing, adopt and amend a Master Plan or the several components thereof for the purpose of guiding the use of land within the municipality in a manner which protects the health and safety, and promotes the general welfare of, the Township, in accordance with the provisions of N.J.S.A. 40:55D-28;
- (2) to administer the provisions of the subdivision and site plan regulations of the municipality;
- (3) to consider and make recommendations to the governing body after the referral of any proposed development regulation submitted to it, pursuant to the provisions of N.J.S.A. 40:55D-26(a), and to pass upon other matters specifically referred to the Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26(b);
- (4) to direct the 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, pursuant to the provisions of N.J.S.A. 40:55D-34, and to direct the issuance of a permit for a building or structure not related to the street, pursuant to the provisions of N.J.S.A. 40:55D-36;
- (5) to participate in the review of any program or plan required by the State of New Jersey, or under federal law and/or regulation;
- (6) to assemble data, on a continuous basis, as part of a continuous planning process;

(7) to perform such other advisory duties as may be assigned to it by ordinance, or by a resolution of the governing body, for the aid and assistance of the governing body or other agencies and officers; and,

(8) to annually prepare a program of municipal improvement projects projected over a term of 6 years, and to recommend the same to the governing body.

B. Pursuant to the provisions of N.J.S.A. 40:55D-25(c), the Planning Board shall also exercise, to the same extent and subject to the same restrictions, all of the powers of a municipal Zoning Board of Adjustment, including, but not limited to, those powers and duties described by law pursuant to N.J.S.A. 40:55D-70 and N.J.S.A. 40:55D-76. These powers shall include, without limitation,

(1) to hear and decide appeals when it is alleged that there has been an error in any order, requirement, decision or refusal of an administrative officer which is based upon the enforcement of this Ordinance;

(2) to hear and decide requests for the interpretation of this Ordinance, or for decisions upon special questions that the Planning Board is authorized to act upon under any design ordinance, official map ordinance, or other development regulation;

(3) where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property, or (c) by reason of an extraordinary or exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation would result in peculiar and exceptional practical difficulties to or an exceptional and undue hardship upon the developer of such property, grant, upon application or an appeal related to such property, a variance from such strict application of the regulation so as to relieve such difficulties and hardships;

(4) where upon an application or an appeal relating to a specific piece of property, the purposes of this Ordinance would be advanced by a deviation from the zoning requirements, and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow a departure from the said regulations; provided, however, that no variance otherwise contemplated under Subsection (5), below, shall be granted under this subsection;

(5) in particular cases and for special reasons, grant a variance to allow a departure from this ordinance to permit (a) a use or principal structure in a district restricted against such use or principal structure; (b) an expansion of a non-conforming use; (c) a deviation from a specification or standard pertaining wholly to a conditional use, pursuant to N.J.S.A. 40:55D-67; (d) an increase in the permitted floor area ratio, as defined in N.J.S.A. 40:55D-4; (e) an increase in the permitted density, as defined in this ordinance, except as applied to the required lot area for a lot or lot for detached one or two dwelling unit buildings, which lot or lots are either an isolated or undersized lot or lots resulting from a minor subdivision; or (f) 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 granted under this subsection shall be granted only by the affirmative vote of at least 5 members of the full authorized membership of the Board; provided, however, a Class 1 or Class 3 member of the Planning Board shall not participate in the consideration of any application for relief under this subsection. No variance or other relief granted under the terms of this subsection, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or relief can be granted without substantial detriment to the public good, and that it will not substantially impair the intent and purpose of the zone plan and this ordinance. In respect to any airport safety zones delineated under the "Air Safety and Zoning Act of 1983", N.J.S.A. 6:1-18, et seq., no variance or other relief may be granted under the terms of this subsection permitting the

creation or establishment of a non-conforming use which would be prohibited under standards promulgated pursuant to the said Act, except upon issuance of a permit by the Commissioner of Transportation. An application under this subsection may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the Board shall act; and

(6) to make an annual report to the governing body with respect to all variances heard by the Planning Board, in accordance with the provisions of N.J.S.A. 40:55D-70.1.

C. When acting upon an application for preliminary or minor subdivision approval and/or preliminary site plan approval, the Planning Board shall have the power to grant such exceptions from the "Design and Performance Standards" of Article VII of this ordinance as may be reasonable and within the general purpose and intent of the provisions for subdivision/site plan review and approval if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

D. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneous with a review for subdivision approval without the developer being required to make further application to the approving authority, whether it be for subdivision, conditional use or site plan approval. Whenever approval of a conditional use is requested by the developer in conjunction with a site plan or subdivision, notice of the hearing on the plat shall include reference to the request for such conditional use.

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

F. The Planning Board shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer, or not later than 120 days after the submission of a complete application for development to the Planning Board. The failure of the Board to render a decision within such 120 day period, or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.

G. In the granting of a hardship or use variance, a time limit of one (1) year from the date of the variance approval shall be set within which time the owner shall secure a building permit, otherwise the variance granted shall be null and void.

#### 4.11 **Meetings**

A. Meetings of the Planning Board shall be scheduled no less than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for a lack of applications to process.

B. Special meetings may be arranged at the call of the Chairman, or upon the request of any two (2) Board members. Special meetings shall be held on notice to all Board members and the public, in accordance with all applicable legal requirements.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by a majority of the members present at the meeting except as otherwise required by any provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., or the Open Public Meetings Law. The failure of a motion to receive the

number of votes required to approve an application for development shall be deemed an action denying the application.

E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, N.J.S.A. 10:4-6.

#### 4.12 **Minutes**

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board, the names of the persons appearing by attorney, the action taken by the Planning Board, the findings, if any, made by the Board, and the reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel the production of the minutes for use as evidence in any legal proceedings concerning the subject matter of those minutes. Such interested party may be charged a reasonable fee for the reproduction of the minutes, which fee shall be established by the Township Committee pursuant to the Open Public Records Act.

#### 4.13 **Applications**

A. Applications addressed to the original jurisdiction of the Planning Board, without prior application to the Zoning Officer or other appropriate municipal agency, shall be filed with the Secretary of the Planning Board. All applications shall comply with the requirements of Article Five of this Ordinance. At the time of filing the application, but in no event less than fourteen (14) days prior to the date set for the hearing upon such application, the applicant shall also file all plot plans, maps, or other papers required by virtue of any provision of this Ordinance or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning Board. The Secretary of the Planning Board shall inform the applicant of the steps to be taken to initiate the proceedings, and of the regular meeting dates of the Board.

B. Appeals to the Planning Board may be taken by any person or official of the municipality who is aggrieved or affected by any decision of the Zoning Officer. Each appeal shall be taken within the period prescribed by law, and shall conform with the requirements of Article Five of this Ordinance. The notice of appeal shall specify the grounds for such appeal. The officer from whom the appeal is taken shall forthwith transmit to the Planning Board all of the papers constituting the record upon which the action appealed from has been taken.

C. An appeal stays all proceedings in furtherance of the action or decision from which the appeal was taken, unless the officer from whom the appeal has been taken certifies to the Planning Board that a stay would, in his opinion, cause imminent peril to life or property. The officer's certification must include a factual basis for his opinion, and must be more than conclusory in nature. In such case, proceedings shall not be stayed otherwise than by an Order of the Superior Court of New Jersey, upon notice to the officer from whom the appeal is taken, and on good cause shown.

D. In exercising its delegated powers, the Planning Board may, in conformity with the provisions of N.J.S.A. 40:55D-1, et seq., reverse or affirm, wholly or in part, or may modify the order, decision or determination appealed from, and may make such other requirements, decisions or determinations as ought to be made, having all the powers of the Administrative Officer from whom the appeal has been taken.

#### 4.14 **Fees and Escrow Deposits**

Each application for relief before the Planning Board shall be accompanied by the payment of such fees and escrow deposits as are required under the Schedule of Fees and Deposits contained in the Appendix to this Land Development Ordinance.

#### 4.15 **Payment of Taxes Required**

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

#### 4.16 **Disclosure of Ownership**

A. A corporation or partnership applying to the Planning Board for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or more family units, or for approval of a site to be used for commercial purposes, shall list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class, or at least ten percent (10%) of the interest in the partnership, as the case may be.

B. If a corporation or partnership owns 10% or more of the stock of a corporation, or a 10% or greater interest in a partnership, subject to the disclosure requirements set forth under Sub-section A, above, that corporation or partnership shall list the names and addresses of its stockholders holding 10% or more of its stock, or of the individual partners holding a 10% or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership until the names and addresses of the corporate stockholders and individual partners exceeding the 10% ownership criterion established herein have been listed.

#### 4.17 **Exemptions from Subdivision Regulations**

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

#### 4.18 **Site Plan Approval Required**

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

A. Building permits for individual lot applications involving only detached single-family dwellings or two-family dwellings;

- B. Accessory uses such as a private garage;
- C. A sign for an existing use or structure which meets all applicable zoning requirements, as determined by the Zoning Officer;
- D. Other buildings incidental to residential or agricultural land use; or
- E. In connection with the alteration or repair of an existing building or use, when the Zoning Officer determines that said alteration or repair (1) will not result in additional lot coverage; (2) will conform to the maximum and minimum building standards set forth in this Zoning Ordinance; (3) will not increase the number of required off-street parking or loading spaces; (4) is not proposed in connection with a use requiring conditional use approval under this Zoning Ordinance; and (5) will not result in a change in the existing use of the property.

**4.19 Notice Requirements for Request of Waiver of Site Plan Review**

Any applicant requesting a waiver of site plan review shall publish and serve notice of the date, time, and place of the meeting of the Planning Board at which such application shall be considered. Such notice shall be published and served in the same manner, and shall contain the same information as required for a notice of a hearing upon an application for development, as required pursuant to Section 4.20, below.

**4.20 Hearings**

The Planning Board shall hold a hearing upon each application for development, consistent with the provisions of N.J.S.A. 40:55D-1, et seq., and this Ordinance, and such hearing shall be conducted according to the provisions of this section.

A. When Required. Hearings shall be required for the following: (1) preliminary and final approval of all site plans; (2) preliminary and final approval of major subdivisions; (3) conditional uses, pursuant to N.J.S.A. 40:55D-67; (4) bulk variances, pursuant to N.J.S.A. 40:55D-70(c); (5) use variances, pursuant to N.J.S.A. 40:55D-70(d); (6) issuance of a permit to build a structure in the bed of a mapped street; and, (7) issuance of a permit for a building or structure not related to a street, pursuant to N.J.S.A. 40:55D-36. The Planning Board may waive a public hearing for minor subdivisions.

B. Rules. The Planning Board shall make rules governing the conduct of the hearings conducted before it, which said rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1, et seq., or of this Ordinance.

C. Oaths. The officer presiding at the hearing, or such person as he may designate, shall have the power to administer oaths and to 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.

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

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



F. Records. The Planning Board shall provide for the verbatim recording of the proceedings conducted before it, whether by stenographic, mechanical or electronic means. The Board shall furnish a transcript, or a duplicate recording in lieu thereof, upon the request of any interested party. This request shall be made to the Municipal Clerk. The person requesting the transcript shall be required to pay such fees as may be established by the Township Committee, pursuant to the Open Public Records Act. The transcript so produced shall be certified in writing by the transcriber to be accurate.

#### 4.21 **Notice Requirements for Hearings**

Whenever a hearing upon an application for development is required pursuant to N.J.S.A. 40:55D-1, *et seq.*, the applicant shall give notice thereof, as follows:

A. Public notice shall be given by publication in the official newspaper of the Township at least ten (10) days prior to the date of the hearing.

B. Notice shall be given to the owners of all real property located within two hundred (200) feet in all directions of the property which is the subject of such hearing. Such notice shall be given by serving a copy on the owner or his agent in charge of the property, or by mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice-president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation, without further notice to the unit owners, co-owners or homeowners.

C. Notice of hearings upon applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Section 4.14(B), above, to the owners of lands in such adjoining municipality that are located within two hundred (200) feet of the subject premises.

D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing upon an application for development of property adjacent to an existing county road or a proposed road shown on the Official County Map or on the County Master Plan, or for the development of property either adjoining or located within two hundred (200) feet of other county land.

E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing upon an application for the development of property adjacent to a State highway.

F. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing upon an application for the development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Township Clerk pursuant to N.J.S.A. 40:55D-10.

G. All notices required under this Section shall be given at least ten (10) days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Planning Board.

H. Any notice made by certified mail, as hereinabove required, shall be deemed to be complete upon mailing, in accordance with the provisions of N.J.S.A. 40:55D-15.

I. Form of Notice. All notices required to be given pursuant to the terms of this ordinance shall state: (a) the date, time and place of the hearing; (b) the nature of the matter to be considered; (c) the identification of the property proposed for development, by street address, if any, and by reference to the lot and block number, as shown on the current tax duplicate in the Township Tax Assessors Office; (d) the location at which any maps and documents for which approval is sought are available for inspection, as required by law; and (e) the time during which such inspections can be made.

**4.22 Furnishing Lists of Property Owners**

Pursuant to the provisions of N.J.S.A. 40:55D-12(c), the Township Tax Assessor shall, within seven (7) days after receipt of a request for and payment of the required fee, make and certify a list from the current tax records of the names and addresses of the owners to whom the applicant is required to give notice under Section 4.21, above.

**4.23 Conditional Approval**

A. The Planning Board may condition its approval of any application for development on compliance (by the applicant) with any lawful requirements the Planning Board deems reasonable and necessary for the public health, safety and welfare. The applicant has the responsibility of complying with reasonable conditions for design, dedication, improvements and land use stipulated by the Planning Board.

B. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare, or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Planning Board shall process such application for development and, if the application complies with the municipal development regulations, then the Planning Board may approve the application conditioned upon removal of such legal barrier to development.

C. In the event that the development proposed by an application for development requires the approval of a governmental agency other than the Planning Board, then the Planning Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency unless it (i.e., the Planning Board) is prevented from acting by operation of law. If such governmental agency's report is returned and is negative or attaches conditions, then the original action by the Planning Board shall be null and void, and a new Resolution shall be adopted which considers the governmental agency's report.

**4.24 Form of Decisions; Copies**

The Planning Board shall include findings of fact and conclusions based thereon in each decision upon any application for development, and shall reduce its decision to writing. The Board shall provide the findings and conclusions through:

A. a Resolution adopted at a meeting held within the time period provided by N.J.S.A. 40:55D-1, et seq., for action taken by the Board upon the application for development; or

B. a memorializing Resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the Board voted to grant or deny approval of an application. Only the members of the Board 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 pursuant to N.J.S.A. 40:55D-9 resulting from the failure of a motion to approve an application shall be memorialized by a 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 of any such resolution shall be deemed to be a memorialization of the action of the Board, and not to be an action of the Board; however, the date of the adoption of the Resolution shall constitute the date of the decision for purposes of mailings, filings and publications required by N.J.S.A. 40:55D-10. If the Planning Board fails to adopt a Resolution or a memorializing Resolution, as above specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the Board to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the Township.

C. A copy of the decision shall be mailed by the Board within ten (10) days of the date of the decision to the applicant, or if represented, then to his attorney, without separate charge, and to all who request a copy of the decision, for a reasonable fee. A copy of the decision shall also be filed by the Board in the Office of the Secretary. The Secretary shall make a copy of such filed decision available to any interested party for a reasonable fee and shall make the same available for public inspection at his/her office during reasonable hours.

#### 4.25 **Publication of Decisions**

A brief notice of every final decision shall be published in the official newspaper of the Township. At a minimum, the notice shall clearly identify the nature of the Planning Board action requested; the public meeting or meetings at which the matter was heard and decided; and whether or not the application was granted. Such publication shall be arranged by the Secretary of the Planning Board, without charge to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of such decision.

#### 4.26 **Compliance**

All developments resulting from subdivision and site plan approvals shall comply with all design and performance standards, including the conditions imposed by the Planning Board, as shown on the approved plat and/or included in the Resolution adopted by the Planning Board.

#### 4.27 **Guarantees and Inspections**

A. No final plan shall be approved by the Planning Board, and no zoning permit shall be issued until either (1) all required improvements (on-site, off-site and off-tract) have been installed, inspected, certified and approved by the Township Engineer and accepted by the Township Committee, and a maintenance guarantee has been filed and accepted by the Planning Board, in accordance with the requirements of this Section, or (2) their installation shall have been provided for by a performance guarantee accepted and approved by the Planning Board, in accordance with the requirements of this Section. No maintenance bond shall be accepted, nor shall any partial facility be accepted for any item which has further stages of work to be completed, or which will need to be altered or re-worked in any manner due to the installation or connection of any other facility. Any improvements installed prior to final plat approval that do not meet the standards of this Ordinance or other regulations shall be added to the performance guarantee.

B. A performance guarantee cost estimate shall be submitted to the Planning Board by the Township Engineer as a part of his report on preliminary and final plat review. The Planning Board may request the Township Engineer to review and update this estimate from time to time, as required.

C. A performance guarantee shall be in one of the following forms:

(1) a corporate surety bond furnished by a bonding or surety company authorized to do business in the State of New Jersey;

(2) a certified or bank cashier's check made payable to Stow Creek Township; or

(3) a certificate of deposit from a recognized banking institution, which deposit may be withdrawn only after action by the municipal governing body determining that the requirements of final approval guaranteed thereby have been fulfilled and which may be claimed by Stow Creek Township in the event such requirements are not met.

D. Performance guarantees shall run for a term that is fixed by the Planning Board, but shall not exceed more than three (3) years, except that with the consent of the obligor and the surety, if there be one, the Township Committee may extend the term of such performance guarantee for an additional period not to exceed three (3) years. The amount of the performance guarantee may be reduced by the Township Committee by Resolution when portions of the required improvements have been satisfactorily installed.

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

F. The proposed performance guarantee required for final plat approval shall be submitted to the Township Engineer and the Township Solicitor for recommendations as to accuracy and form, and then to the Planning Board for approval and acceptance. Final plat approval shall not be given until the performance guarantee has been accepted and approved by the Planning Board. The performance guarantee may cover streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

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

H. The total performance guarantee shall equal one hundred-twenty percent (120%) of the Township engineer's estimated cost of construction of the project, as approved, plus, at the discretion of the Planning Board, an amount equal to fifteen percent (15%) of the cost of any facilities installed prior to final submission, as a maintenance guarantee. Ninety per cent (90%) of this total shall be in paid either in cash, certified check or the surety bond of a bonding company, and the remaining ten percent (10%) shall be in cash. In the event of default, the 10% cash fund herein mentioned shall be first applied to the completion of the requirements and the remaining cash, certified check or surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond may

recite the foregoing provision. The Township Engineer's certification that the applicant has satisfactorily installed or has defaulted in meeting the required standards of construction shall be the basis for Township Committee action which accepts or rejects the improvements, or may extend the time allowed for the installation of the improvements.

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

J. No underground installation shall be covered-over until inspected and approved by the Township Engineer. The Township Engineer's office shall be notified after each of the following phases of the work has been completed so that he may inspect the work: road sub-grade; curb and gutter forms; curbs and gutters; road paving (after each coat, in the case of priming and sealing); drainage pipes and other drainage structures, before backfilling; shade trees and planting strips; street name signs; and monuments. A representative of the Township Engineer's office may, at the option of the Township Engineer, be present at the time that all work is performed.

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

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

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

N. After completing the construction of the improvements covered by the performance guarantees, the developer shall prepare two (2) sets of improvements and utility plans and profiles amended to read "as constructed", and shall apply to the Township Committee for final inspection of the work. The Township Engineer shall give a timely report in writing to the Township Committee indicating his recommendation for approval, partial approval or rejection of the improvements, with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

O. The Township Committee shall either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer, and shall notify the obligor, in writing, and by certified mail, of the contents of said report and the action of the Township Committee with relation thereto not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the Township Committee to send or provide such notification to the obligor within 65 days

shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee.

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

Q. The approval of any plat by the Planning Board shall in no way be construed as acceptance of any street, drainage system or other improvement required by this Ordinance, nor shall such plat approval obligate the Township in any way to maintain or exercise jurisdiction over such street, drainage system or other improvement. Acceptance of any street, drainage system or other improvement shall be implemented only by favorable action by the governing body.

R. Maintenance Guarantees.

(1) Establishment. As a condition precedent to final approval of a subdivision or site plan, the Planning Board may require the developer to execute a maintenance guarantee and post said guarantee with the Municipal Clerk as surety for the maintenance and repair of all improvements required to be installed by the developer. The maintenance guarantee shall be for a period of two (2) years from the date of final acceptance of the improvements, by Resolution of the governing body, after recommendation of acceptance by the Municipal Engineer, and its amount shall be equal to fifteen percent (15%) of the Municipal Engineer's estimate for the cost of construction of the required improvements. The maintenance guarantee shall apply only to such repairs as may be necessitated by substandard original construction, or by damage by the developer in the course of development.

(2) Form. A maintenance guarantee may be in one of the forms as provided for performance guarantees in Section 4.27(C), above.

(3) Verification. All maintenance guarantees shall be presented to the Township Clerk who shall forward one (1) copy of the guarantee to the Township Engineer, one (1) copy to the Township Solicitor, and one (1) copy to the Planning Board Secretary. The Township Engineer shall advise the Planning Board and the Township Solicitor if the maintenance guarantee is executed in the correct amount; and the Township Solicitor shall notify the Planning Board as to the acceptability of the maintenance guarantee in terms of its form and execution.

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

(5) Release or Forfeiture. Prior to the expiration date of any maintenance guarantee, or to the release of any maintenance guarantee, the Township Engineer shall inspect the improvements and report to the Township Committee concerning their condition, and any existing deficiencies. Release of a maintenance guarantee shall be by Resolution of the governing body, based upon a recommendation for release by the Township Engineer. The Township Committee may cause a maintenance guarantee to be forfeited if the report of the Township Engineer illustrates clearly that deficiencies in the original workmanship, or damages by the developer during the period of development, have not been corrected.

#### 4.28 **Appeal**

Any interested party may appeal to the governing body a final decision of the Planning Board whereby a use variance has been granted pursuant to the provisions of N.J.S.A. 40:55D-70(d). Such appeal shall be made within ten (10) days of the date of publication of the Planning Board's final decision. Appeal to the governing body shall be made by serving the Municipal Clerk, in person or by certified mail, with a notice of appeal specifying the grounds thereof, the name and address of the applicant, and the name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning Board.

#### 4.29 **Saving Provision**

These regulations shall not be construed as abating any action now pending under or pertaining to any existing subdivision, site plan or zoning regulation, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of the adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the municipality, except as shall be expressly provided in this Ordinance.

#### 4.30 **Severability**

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

**Article V – Development Applications:  
Formal Requirements and Review Procedures**

**5.1 Development Application**

Every application for relief before the Planning Board, whether seeking an interpretation of the Land Development Ordinance; major or minor subdivision approval; a determination of exemption from subdivision regulations, pursuant to the provisions of Section 4.17 of this Ordinance; a variance, whether pursuant to the provisions of N.J.S.A. 40:55D-70(c) or N.J.S.A. 40:55D-70(d); major or minor site plan approval; or, any other matter over which the Planning Board has jurisdiction, shall be initiated by the filing of a Development Application with the Secretary of the Planning Board. The Development Application, together with such other forms as may be required to initiate the application process, shall be obtained from the Planning Board Secretary. Every Development Application shall contain all such information as may be required in any of the applicable checklists described under Section 5.2, below. The completed Development Application must be filed with the Planning Board Secretary no less than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Board.

**5.2 Checklists for Determining Completeness**

The following checklists are to be completed as a part of the application process.

- Checklist “A”: General Requirements
- Checklist “B”: Land Subdivisions
- Checklist “C”: Minor Site Plans
- Checklist “D”: Major Site Plans
- Checklist “E”: Variance Applications

Checklist A shall accompany every Development Application. The Planning Board Secretary shall determine which, if any, of the other checklists must be completed by the applicant. No determination of completeness, see Section 5.3, below, shall be made until the applicant has completed and filed a Development Application and any of the checklists required under this section.

**5.3 Determination of Completeness**

The Development Application shall be considered complete for the purpose of commencing the applicable time period for action by the Planning Board when it is so certified by the Planning Board or its authorized designee. Within forty-five (45) days of its initial submission, either the Planning Board, its Secretary, Engineer or Solicitor, shall advise the applicant whether his Development Application is complete. If the application is considered incomplete, then the applicant shall be advised what additional materials or information is required to qualify the application as complete. In such event, an amended application, together with such revised or amended plans as may be required, shall be submitted in the same manner as the original application.

**5.4 Waivers from Formal Requirements**

The Planning Board, upon the written request of the applicant, may waive any requirement of a checklist described under Section 5.2, above, when it finds that the item required is not necessary to adequately review an application, is not relevant to the development activity proposed for the subject property, and that the waiver of such requirement shall not be detrimental to the municipality’s Master Plan or the provisions of this Ordinance.



## 5.5 **Approvals**

A. Minor Subdivision. Final approval of a minor subdivision shall be granted or denied within forty-five (45) days from the date the Development Application is determined to be complete, or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board's adoption of a Resolution confirming such approval, unless within that period a plat prepared in conformity the provisions of the Map Filing Law, or a Deed clearly describing the approved minor subdivision, is filed by the applicant with the County Clerk, the Municipal Engineer and the Municipal Tax Assessor. Copies of the proposed plat or Deed shall first be submitted to the Municipal Engineer and the Planning Board Solicitor for their review and approval prior to their filing in the County Clerk's Office. Any such plat or Deed must also be signed by the Planning Board Chairman and Secretary before it is submitted for filing to the County Clerk.

B. Minor Site Plan. Final approval of a minor site plan shall be granted or denied within forty-five (45) days from the date the Development Application is determined to be complete, or within such further time as may be consented to by the applicant. The failure of the Planning Board to act within the period prescribed shall constitute minor site plan approval.

C. Major Subdivisions and Site Plans – Preliminary Approval. Preliminary approval of a major subdivision of ten (10) or fewer lots shall be granted or denied within forty-five (45) days from the date the Development Application is determined to be complete, or within such further time as may be consented to by the applicant. Preliminary approval of a major subdivision of more than ten (10) lots, or of a site plan covering more than ten (10) acres, shall be granted or denied within ninety-five (95) days from the date the Development Application is determined to be complete, or within such further time as may be consented to by the applicant. The preliminary approval of a major subdivision or site plan shall be memorialized in a Resolution which sets forth all of the conditions that must be satisfied before final approval is granted. A preliminary approval does not authorize the filing or recording of a plat or Deed in the case of a major subdivision, and does not authorize the issuance of a building permit in the case of a site plan. Except as provided in Sub-Paragraph (4), below, preliminary approval of a major subdivision or site plan shall confer upon the applicant the following rights for a three (3) year period from the date of approval:

(1) that the general terms and conditions upon which preliminary approval was granted shall not be changed. These terms and conditions shall include, without limitation, any and all use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; any requirements peculiar to the particular site plan; provided, however, that that nothing contained herein is intended or shall be construed as preventing the municipality from modifying, by ordinance, such terms and conditions of a preliminary approval that may relate to the public health and safety;

(2) that the applicant may submit for final approval, on or before the expiration date of the preliminary approval, the whole or a section (or, sections) of the preliminary plat;

(3) that the applicant may apply to the Planning Board for extensions upon a preliminary approval for an additional period of at least one (1) year, but not to exceed a total extension of two (2) years; provided, however, that if the applicable design standards have been revised, by ordinance, since the granting of the preliminary approval, then those revised standards may be imposed as a condition of granting the extension; and,

(4) that in the case of a development for an area of fifty (50) acres or more, the Planning Board may grant the rights described in Sub-Paragraphs (1), (2) and/or (3), above, for such period of time [i.e., even longer than three (3) years] as shall be determined by the Planning Board to be reasonable, taking into consideration (a) the number of dwelling units and the non-residential floor area permissible under the preliminary approval; (b) the potential number of dwelling units and the non-residential floor area of the section(s) awaiting final approval, (c) the prevailing economic conditions; and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

D. Major Subdivisions and Site Plans - Final Approval. Final approval of a major subdivision or site plan shall be granted or denied within forty-five (45) days from the date the Development Application seeking final approval is determined to be complete, or within such further time as may be consented to by the applicant. Final approval of a major subdivision or site plan shall be granted only after all of the requirements and conditions imposed at the time of preliminary approval have been complied with. A notation indicating approval shall be placed on each plat, together with the signatures of the Chairman and Secretary of the Stow Creek Planning Board. Final approval of a major subdivision shall expire ninety-five (95) days from the date of the signing of the plat unless, within such period, the plat shall have been duly filed by the applicant or his designee in the County Clerk's Office. The Planning Board, for good cause shown, may extend this period (i.e., for recording) for an additional period, not to exceed one hundred ninety (190) days from the date of signing of the plat. Final approval of a major subdivision or site plan shall confer upon the applicant the following rights:

(1) the zoning requirements applicable to the preliminary approval, and all rights conferred upon the applicant pursuant to Section 5.5(C), above, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval; provided, however, that in the case of a major subdivision the rights conferred by this section shall expire if the plat has not been duly-recorded in accordance with the expiration provisions set forth under Section 5.5(A), above. If the applicant has satisfied the requirements for final approval (and, in the case of a major subdivision, has duly-recorded the plat, as required herein), then the Planning Board may extend such period of protection for an additional year, and may grant as many as three (3) one-year extensions. Notwithstanding any other provision of this Ordinance, the granting of the final approval of a major subdivision or site plan terminates the time period of preliminary approval given pursuant to Section 5.5 (C), above; and,

(2) in the case of a subdivision or site plan for one hundred fifty (150) acres or more, the Planning Board may grant the rights described under Subparagraph (D)(1), above, for a period of time longer than two (2) years, taking into consideration (a) the number of dwelling units and the non-residential floor area permissible under the final approval; (b) the prevailing economic conditions; and (c) the comprehensiveness of the development. The applicant may thereafter apply to the Planning Board for a further extension of the final approval for such additional period of time as shall be determined (by the Planning Board) to be reasonable, taking into consideration (d) the number of dwelling units and the non-residential floor area, (e) the prevailing economic conditions, and (f) the comprehensiveness of the development.

5.6 **Informal Discussion**

Any person may appear at a regular meeting of the Planning Board for the purpose of engaging in an informal discussion regarding a proposed development of a particular parcel of land. At least fourteen (14) days prior to the scheduled meeting the person making such submission must present to the Planning Board Secretary a sketch depicting the proposed development of the subject property. The information contained on this sketch shall include sufficient basic data to enable the Planning Board and the applicant to comment upon his proposed development of the property, including such items as building location, means of ingress and egress, parking facilities, major natural features that may influence design criteria,

and the applicant's intent for water, sewerage and storm drainage facilities. Informal submissions are not binding upon the municipality or the developer. Moreover, the Planning Board shall not make any decision or take any formal action with respect to any informal submission.

**Article VI – Establishment of Zoning Districts**

**6.1 Purpose**

Zoning Districts have been created for the following purposes:

A. to encourage the most appropriate use of land throughout the municipality while conserving the value of property, with reasonable consideration for the character of the various Zoning Districts, and to promote the public health, safety and general welfare;

B. to secure safety from fire, panic and other dangers;

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

D. to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods and communities, and the preservation of the environment;

E. to provide sufficient space in appropriate locations for residential, recreational, commercial and open space uses;

F. to preserve and protect prime agricultural lands from incompatible encroaching land development, and to encourage the continuation of agricultural production as the primary economic base of Stow Creek Township;

G. to promote a desirable visual environment through creative development techniques and good civic design and arrangements;

H. to promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources, and to prevent urban sprawl and the degradation of the environment;

I. to prevent the overcrowding of land;

J. to avoid undue concentrations of population; and,

K. to these ends, to regulate the height, design, appearance, number of stories and size of buildings and other structures, as well as their placement on the land.

**6.2 Classification of Districts and Zoning Map Adoption**

The Township of Stow Creek is hereby divided into the following Zoning Districts:

Residential	R
Historic Residential	HR
Agricultural	A
Commercial	C
Agricultural/Commercial	AC

Regulations pertaining to land uses within each of these districts are included, in part, in the Schedule of District Requirements contained within Section 6.5 of this Ordinance; in the recitation of permitted and conditional uses contained within Section 6.4 of this Ordinance; and, in such other regulations as may be found in the various different Articles comprising this Land Development Ordinance. The Zoning Districts are graphically shown on the Zoning Map that is included as Exhibit A in the Appendix to this Ordinance.

### 6.3 **Prohibited Uses**

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

A. Mobile homes or trailers intended for private occupancy, except as permitted under Section 6.7, below;

B. Storage trailers or shipping containers, except as follows:

(1) Storage trailers or shipping containers may be placed on properties that are located in the Agricultural Zoning District, Commercial Zoning District or the Agricultural/Commercial (A/C) Zoning District. Any such trailer shall not be capable of movement; all of its wheels must be removed from the undercarriage of the structure;

(2) Any storage trailer or shipping container having a storage capacity greater than 100 square feet must be registered with the Township;

(3) No more than five (5) storage trailers and/or shipping containers, in combination, may be placed on any property that is located in the Agricultural Zoning District, or on any property that is dedicated to agricultural activities and is located in the Agricultural/Commercial (A/C) Zoning District; no more than two (2) storage trailers and/or shipping containers, in combination, may be placed on any property that is located in the Commercial Zoning District, or on any property that is dedicated to commercial activities and is located in the Agricultural/Commercial (A/C) Zoning District;

C. Trailer parks;

D. Multi-family housing containing three (3) or more dwelling units;

E. Industrial uses, including, but not limited to the following:

(1) the manufacture, compounding, processing, packaging or treatment of beverages, food, candy cosmetics, drugs, perfume, pharmaceuticals, petroleum, plastics, toilet supplies and similar products. Nothing contained in this Section is intended to preclude or prohibit the on-site preparation of food products (including, but not necessarily limited to, sandwiches, soups, salads, pizza, breakfast items, lunches, dinners, ice cream, baked goods, etc.) for retail consumption and/or sale to the general public, so long as these activities are expressly permitted in a particular Zoning District. Moreover, nothing contained in this Section is intended to preclude the packaging of farm products on properties that are dedicated to agricultural activities;

(2) the finishing or assembling of articles made from the previously prepared or refined materials, such as bone, cellulose, cork, fibre glass, gums, metals, paper, petroleum, plastics and textile products.

(3) the preparation and/or fabrication of metal, metal products, chemicals and/or chemical products;

(4) warehouses and terminal facilities;

(5) the slaughtering of fowl and/or small animals for the retail sales of the same from the premises;

(6) the processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking, except that this shall not include the storage and processing of waste materials normally associated with or incidental to any permitted use;

(7) the commercial disposal of domestic refuse or dumping of garbage, trash or incinerated material; and,

(8) sand, clay or gravel mining; other extractive processes; and/or the commercial striping of topsoil.

F. Activities which involve the risk of fire, explosion, the emission of toxic and noxious matter, radiation or other hazards, or which create vibrations, smoke or other particulate matter, odorous matter, heat or humidity.

G. Facilities intended for the commercial production or storage of renewable energy.

#### 6.4 **Permitted Uses**

The following recitation of permitted and/or conditional uses is intended to be utilized in conjunction with the Schedule of District Requirements contained within Section 6.5 of this Ordinance, the Zoning Map adopted pursuant to Section 6.2 of this Ordinance, and all other applicable sections of the Stow Creek Township Land Development Ordinance.

A. Residential (R) District. In the Residential (R) Zoning District, only the following uses are permitted, either by right or as a conditional use:

(1) Single-family dwellings;

(2) Two-family detached dwellings (duplexes);

(3) Home occupations as a conditional use, in accordance with the requirements of Section 6.6(A), below; and,

(4) All uses permitted in the Agricultural (A) Zoning District, except for the commercial raising of livestock, fowl (including, but not limited to, cattle, horses, swine, sheep, goats, chickens and turkeys), fish and other aquatic life.

B. Historic Residential (HR) District. In the Historic Residential (HR) Zoning District, only the following uses are permitted, either by right or as a conditional use:

(1) Single-family dwellings;

(2) Home occupations as a conditional use, in accordance with the requirements of Section 6.6(A), below; and,

(3) All uses permitted in the Agricultural (A) Zoning District, except for the commercial raising of livestock, fowl (including, but not limited to, cattle, horses, swine, sheep, goats, chickens and turkeys), fish and other aquatic life.

C. Agricultural (A) District. In the Agricultural (A) Zoning District, only the following uses are permitted, either by right or as a conditional use:

(1) Farm and agricultural activities, including nurseries, the raising of small animals and livestock, and aquaculture, provided that:

(a) the keeping or raising of swine shall not be the principal agricultural activity, and shall only be allowed as part of a general farming operation on a property of not less than twenty (20) acres; and providing, further, that no more than twelve (12) mature head of swine are raised;

(b) no building, fenced run, or other enclosure for the shelter of swine shall be closer than 200 feet from any front, side or rear property line, or from any zone district boundary;

(c) no building used for the shelter of more than one hundred (100) head of fowl of all kinds, or for the shelter of more than two (2) head of other farm livestock, shall be closer than 200 feet to any zone district boundary for the Residential (R) and Historic Residential (HR) Zoning Districts, or for the Commercial Zoning District, and shall be no closer than two hundred (200) feet to any adjacent property;

(d) no building for the shelter of fowl or farm livestock in lesser quantities than specified under Section 6.4(C)(1)(c), above, shall be closer than thirty (30) feet to any side or rear boundary line of an adjacent property, and shall be no closer than one hundred (100) feet to a dwelling on an adjacent property;

(e) all applications for a turkey or poultry farm shall include the site plan information required under Article 5 of this Ordinance, and shall also set forth the purpose of the operation, the manner in which the birds shall be housed, the methods for recycling or disposing of manure, the number of birds to be kept in relation to the size of the parcel, all buildings and range areas, property line setbacks and, in the case of poultry, if birds are to be kept outdoors, proposals for the regular rotation and cropping of range areas. Turkeys may be raised only inside entirely enclosed buildings. Any approval shall remain valid only so long as the use is operated in a nuisance-free manner, and in accordance with any conditions included in the approval of the Planning Board.

(2) The sale of farm or dairy products which have been produced on the farm from which they are to be sold, provided that:

(a) no sign advertising such produce shall exceed thirty-two (32) square feet in aggregate area for any single establishment;

(b) the sale of hay, straw or other farm-grown agricultural products to be used for animal feed and/or bedding shall not be subject to site plan approval, and is not considered a home occupation;

(c) site plan approval shall be required for the sale of any of these products if such sales are conducted from a facility that is not on wheels or otherwise mobile. All such mobile facilities shall be removed from public view when not in use; if not so removed, then they shall be considered non-mobile and subject to site plan approval;

(3) The processing, storage, packaging, canning and/or distribution of the crops or other products (e.g., dairy products) produced on the farm of the processor, packer, canner or distributor;

(4) Single-family dwellings, subject to the following conditions:

(a) no dwelling may be constructed or placed upon any lot (whether existing or to be subdivided) that does not have frontage along an existing dedicated and improved public road;

(b) no dwelling may be constructed or placed upon any lot that does not satisfy the minimum dimensional requirements set forth in the Zoning District Schedule contained in this Ordinance;

(c) any person seeking to construct, place, purchase or occupy a single-family dwelling in the Agricultural (A) Zoning District should first consult, review and become familiar with the New Jersey Right to Farm Act, *N.J.S.A. 4:1C-1, et seq.*, the Stow Creek Township Right-to-Farm Ordinance, and the Stow Creek Township Right to Country Life Code, each of which emphasizes the primacy of agricultural endeavors in the municipality, even to the extent that those activities may have an adverse impact upon such other permitted uses as single-family dwellings. Copies of both the Stow Creek Township Right-to-Farm Ordinance, and the Stow Creek Township Right to Country Life Code, are included in the Appendix to this Ordinance; and,

(5) Home occupations as a conditional use, in accordance with the requirements of Section 6.6(A), below.

(6) In addition to the rights of review afforded under the New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D-1, et seq.*, and this Land Development Ordinance, any person aggrieved by a decision of the Planning Board concerning the proposed establishment, expansion or modification of farming activities within the Agricultural (A) Zoning District may seek further review of that decision before the Cumberland County Agricultural Development Board in accordance with the New Jersey Right to Farm Act, *N.J.S.A. 4:1C-1, et seq.*

D. Commercial (C) District. In the Commercial (C) Zoning District, only the following uses are permitted, either by right or as a conditional use:

(1) Retail sale of goods, such as:

(a) Groceries and foodstuffs;

(b) Drugs and pharmaceuticals, and the goods and services customarily associated therewith;

(c) Confectionery, including soft drinks and similar non-alcoholic refreshments which may be consumed on the premises;

(d) Dry goods and notions;

(e) Feed, grain, farm machinery and supplies;

(f) Stationary, books, tobacco, periodicals and newspapers;

(g) Radios, televisions, computers and other small electronic appliances;

(h) Antiques, provided that none of these items shall be displayed outside of the structure in which they are housed if such display would be detrimental to the welfare of the neighborhood. Moreover, no auction sales shall be conducted outside of the structure in which such auctioned goods are housed, except upon the express permission of the municipal Zoning Officer;

(i) Open display of merchandise, goods or products for sale on the premises, provided that the minimum lot size and yard dimensions, set-backs, and maximum coverage specified in the Zoning District Schedule, Section 6.5, shall apply to the merchandise, goods, or products offered for sale, and to the structures on the lot. There shall be no open display of



any used merchandise, such as used electrical appliances, dismantled machinery or old furniture.

(2) Service activities, such as:

- (a) Barber shops and beauty shops;
- (b) Custom tailoring and dressmaking;
- (c) Dry cleaning and laundry services;
- (d) Self-service laundry operations, provided that one (1) parking space is available for every two (2) machines located on the premises;
- (e) Shoe repairing;
- (f) Repair of radios, televisions, computers and other small appliances;
- (g) Gunsmithing and watchmaking;
- (h) Carpentry and masonry services, provided that all such activities and the materials associated therewith are conducted and stored within an enclosed structure, and provided further that not more than three (3) trucks used in connection with those commercial activities are kept upon the premises from which the business is conducted;
- (i) Undertaking and funeral services;
- (j) Music schools and dance studios;
- (k) Professional offices, business offices and banks; and,
- (l) Gas stations, garages and auto repair services, provided that all such repair activities shall be conducted in a masonry fire-resistant structure, and that not more than three (3) vehicles which are incapable of operation are kept outside of the structure within which these activities are to be conducted, exclusive of those vehicles awaiting minor repairs, and provided further that no structure shall be closer to any street right-of-way line than sixty-five (65) feet; and,

(3) All uses permitted in the Agricultural (A) Zoning District, except for the commercial raising of livestock, fowl (including, but not limited to, cattle, horses, swine, sheep, goats, chickens and turkeys), fish and other aquatic life.

All proposed commercial activities in the Commercial (C) Zoning District, even if permitted, shall be subject to the requirements of site plan review and approval by the Planning Board.

E. Agricultural/Commercial (A/C) District. In the Agricultural/Commercial (A/C) Zoning District, only the following uses are permitted, either by right or as a conditional use:

- (1) all uses permitted in the Agricultural (A) Zoning District, including nurseries; aquaculture; the raising of small animals and livestock; the sale of farm or dairy products which have been raised or produced on the farm from which they are to be sold; single-family dwellings, subject to those same conditions as are set under Section 6.4(C)(4), above; and, such home occupations as may be permitted as a conditional use pursuant to the provisions of Section 6.6(A), below;

(2) the sale and service of agricultural materials, tools, implements, machinery and/or equipment; and,

(3) the processing, storage, packaging, canning and/or distribution of the crops or other products (e.g., dairy products) produced on the farm of the processor, packer, canner or distributor.

#### 6.5 **Zoning District Schedule**

The Zoning District Schedule contained herein sets forth dimensional standards for permitted uses in each Zoning District, including lot size and area, building height and floor area, as well as front, side and rear yard set-back requirements. It is intended that this Schedule shall be utilized in conjunction with the Zoning District Map adopted under Section 6.2, above, the list of permitted uses set forth under Section 6.4, above, and all other applicable regulations contained within this Land Development Ordinance.

#### 6.6 **Conditional Use Standards**

Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township; and, at the same time, recognizing that such uses may be or may become harmful to the public health, safety and general welfare if located and operated without proper consideration of the existing conditions, including the character of the surrounding environment and the other uses contained within that environment; such uses are hereby designated conditional uses, and are listed as such under the Zoning District regulations contained within Section 6.4, above.

In a particular Zoning District, where the use of land for a specific purpose is only permitted as a conditional use, specific standards must be met before that use may be allowed by the Planning Board and the appropriate permits issued for such use. The standards for these uses are given below:

##### A. Home Occupations

(1) No more than twenty-five per cent (25%) of the floor area of the principal residential structure, or more than three hundred (300) square feet of an accessory structure, shall be used for or dedicated to the home occupation;

(2) No more than five off-street parking spaces are required for the home occupation under the standards set forth in Article VII of this Ordinance, assuming that suitable space is available on-site to park the vehicles associated with the home occupation;

(3) No more than two (2) persons who do not reside in the residential dwelling situate upon the premises may be employed in the home occupation;

(4) There shall be no display of products that is visible from the street;

(5) No noise or other objectionable characteristic associated with the home occupation shall be discernable beyond the boundaries of the lot;

(6) Signs relating to the home occupation shall not exceed six (6) square feet in area; neither shall there be more than one (1) such sign for each two-hundred fifty (250) feet of frontage for the lot from which the home occupation is conducted;

(7) The building from which the home occupation is conducted meets the dimensional requirements of the Zoning District Schedule (see Section 6.5, above); and,

(8) Site plan approval shall be required if the home occupation is conducted outside of the principal dwelling.

B. Commercial Piggeries

The commercial piggery is a conditional use that is only permitted in the Agricultural (A) Zoning District. In order to obtain a permit for such use, the property owner or developer must make an application to the Planning Board. The application shall include:

- (1) a completed Application Form that is available through the Planning Board's Secretary;
- (2) a list of the names and addresses of all persons owning property located within 200 feet of the proposed piggery, including a description of the manner in which each of those properties is used (for example, agricultural, residential, mixed residential and agricultural, commercial or other);
- (3) a sketch plan reflecting the boundaries of the property at which the piggery is to be operated, together with the size and location of all buildings and other improvements at the site,. The Planning Board reserves the right to require a formal site plan prepared by a licensed engineer if it determines that the sketch plan is not sufficient for deciding whether to grant the application for a conditional use permit;
- (4) the piggery shall conform to the following specific design standards:
  - (a) any boundary of the piggery that is adjacent to a property developed for residential use shall maintain a buffer or set-back of no less than 300 feet;
  - (b) any boundary of the piggery that is adjacent to a property that is not dedicated to a residential use shall maintain a buffer or set-back of no less than 200 feet;
  - (c) each buffer or set-back area required under Section 1 or 2, above, shall be planted with such species of grass, shrubs, trees and other vegetative matter as will best trap and filter any particulate matter and/or odors generated by the piggery;
  - (d) an appropriate feed trough shall be provided allowing enough space for all pigs during feeding time;
  - (e) an appropriate water trough shall be provided with clean drinking water for pigs at all times. A water trough must not overflow so that the pens are kept dry;
  - (f) all buildings used for storing feed and other supplies shall be well ventilated and kept in a dry condition to minimize the occurrence of mold. Bagged feed should be placed on platforms approximately 4-6 inches above the floor;
  - (g) adequate heat lamps shall be provided for brooding pigs;
  - (h) adequate fencing shall be provided to ensure that all pigs are kept within the boundaries of the property at which the operation is conducted.
- (5) an Animal Waste Management Plan that has been reviewed and approved by the New Jersey Department of Agriculture.

Any property owner or developer who fails to comply with these regulations or standards shall be subject, in the first instance, to a fine assessed at the rate of \$100.00 per day until the violation is corrected. If these violations persist after notice from the municipality, then the township may, in its discretion revoke the permit granted hereunder, thereby requiring that the operation of the piggery cease. The permit granted hereunder implies that officers of the municipality, including, without limitation, the Zoning Officer, may enter upon the property at any time, without prior notice to ensure that the piggery is being operated in accordance with these regulations.

#### 6.7 **Temporary Use Permits**

A. Recognizing that it may be in accordance with the purposes of this Ordinance to permit otherwise prohibited uses for a limited period of time, the Planning Board is hereby empowered to grant temporary use permits under the following circumstances: The Planning Board shall determine (1) whether the proposed use is of such a nature and is so located that during the duration of its existence it will in no way exert a detrimental effect upon the uses of land and the activities generally permitted in the relevant Zoning District; and, (2) that the proposed use will materially contribute to the general welfare of Stow Creek Township under the conditions peculiar to the time and place involved. Upon such determination, the Planning Board shall direct the Zoning Officer to issue a zoning permit for a period not to exceed six (6) months; provided, however, that a temporary use permit may not be issued for any use which would not readily permit the restoration of the property to its original condition before the issuance of the temporary permit.

B. The following specific regulations shall apply to the issuance of temporary use permits for the placement of a mobile home:

(1) one (1) mobile home may be placed on a lot for temporary living or sleeping purposes for a period not to exceed thirty (30) days;

(2) the temporary use of one (1) mobile home for an office, tool storage building, or as quarters for a watchman, all in connection with a permitted construction project, for a period not to exceed one (1) year;

(3) the temporary use of one (1) unoccupied mobile home as an accessory structure on a lot, for a period not to exceed ninety (90) days.

(4) Whether occupied or unoccupied, the following conditions shall apply regarding the placement of a mobile home as an accessory structure:

(a) Its longitudinal axis shall be perpendicular to the street line of the lot. On corner lots, the longitudinal axis of the trailer shall be perpendicular to the building line of the principal building; and,

(b) The mobile home shall be positioned between the principal structure and the rear lot line of the lot, or shall be placed in a completely enclosed structure. In no case shall a mobile home extend into the required front, side, or rear yard set-backs of a lot.

(5) If occupied, a mobile home must be served by adequate water and sewage.

(6) No mobile home shall be permitted as a principal use or permanent use in any Zoning District.

## **Article VII – Design and Performance Standards**

### **7.1 General**

A. Any application for development shall demonstrate conformance to design standards that will encourage sound development patterns within the Township. Each application for development shall conform to the municipal Master Plan and Official Map. In accordance with good design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the Planning Board.

B. Land which the Planning Board finds to be unsuitable for the intended lot dimensions and/or use due to frequent flooding, improper drainage, steep slopes, soil conditions, adverse topography and/or existing or proposed utility easements, or because of the health, safety and general welfare of the present or future inhabitants of the development and/or its surrounding areas, shall not be subdivided, and site plans shall not be approved unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this Land Development Ordinance and all other applicable regulations.

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

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

### **7.2 Principal Use**

No lot shall have erected upon it or maintain more than one principal permitted structure or use. No more than one principal building shall be permitted on one lot, except that commercial complexes receiving site plan approval may be permitted to have more than one building on a lot in accordance with the zoning district in which it is located; provided, however, that this limitation shall not apply in the case of a commercial complex that has received site plan approval permitting more than one building on the same lot, so long as those structures otherwise comply with the bulk standards of the zoning district in which the complex is located.

### **7.3 Accessory Buildings**

Any accessory building attached to a principal building is considered a part of the principal building, and shall adhere to the set-back requirements for the principal building. Moreover, no accessory building shall be constructed within any part of the required front, side or rear set-back area. Finally, in a Residential Zoning District, no accessory structure may be erected on any lot if there is no principal structure existing on the same lot. In accordance with the provisions of the New Jersey Uniform Construction Code Act and the regulations adopted pursuant thereto, any person or entity seeking to add a garden-type utility shed or similar structure as an accessory to an existing building identified under Group R-2, R-3, R-4 or R-5 of the International Building Code must secure (from the township) a construction permit for building work if the proposed accessory building has an area in excess of 200 square feet and a height in excess of 10 feet.

7.4 **Blocks**

The length, width and acreage of all blocks shall be sufficient to accommodate the size of the lot required in the applicable zoning district, and to provide for convenient access, circulation control and traffic safety.

7.5 **Buffers**

A. Buffer areas are required along all lot lines and street lines which separate a non-residential use from either an existing residential use or a residential zoning district. Buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views and reducing noise perception beyond the lot. Buffer widths shall be measured horizontally and perpendicularly to lot and street lines. The location and design of buffer areas shall take into consideration the use of the portion of the property being screened, the distance between the use and the adjoining property line, differences in elevations, the type of buffer (for example, whether dense planting, existing woods, a wall or a fence), buffer height, buffer width and other combinations of man-made and natural features. The buffer shall be designed, planted, graded, landscaped and developed with the general guideline that the closer a use or activity is to a property line, or the more intense the use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot.

B. A minimum of one-half of the periphery that requires a buffer shall have a buffer at least fifteen (15) feet wide which shall be designed, planted, graded, landscaped and developed to obscure the activities of the site from view. In addition, not more than one-half of the periphery that requires a buffer shall consist of at least two of the following: (1) aesthetic fencing or walls in a landscaped area not less than ten (10) feet wide; and (2) a landscaped berm at least six (6) feet high. If, in the judgment of the Planning Board, any of these alternate provisions will not provide sufficient buffers for the portion of the site proposed, then the Planning Board may require that the site plan be modified to show the required fifteen (15) foot buffer area either extended or require that the proposed alternatives be landscaped differently, or relocated until, in the Planning Board's judgment, the buffer area provides the desired buffering effect.

C. All buffer areas shall be planted and maintained with either grass or ground cover, together with a screen of live shrubs or a scattered planting of live trees, shrubs, or other plant material meeting the following requirements:

(1) The preservation of all natural wooded tracts shall be an integral part of any site plan and may be included as constituting a part of the required buffer area, provided the growth is of a density and the proposed area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required;

(2) Plant materials used in screen planting shall be at least three (3) feet in height when planted, and shall be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted from the premises;

(3) The screen planting shall be so placed that at maturity it will not be closer than three feet from any street or property line;

(4) Trees shall be at least six (6) to eight (8) feet in height and 1½ inches in caliper when planted, shall be of a species common to the area, shall be of balled and burlapped nursery stock, and shall be free of insect and disease;

(5) Any plant material which does not live shall be replaced within one year or one growing season; and

(6) Screen plantings and landscaping shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.

7.6 **Fences**

Fences, walls and hedges may be erected, altered or reconstructed in accordance with the following regulations:

A. In any zoning district, fences, walls and hedges may be located within the prescribed front, side or rear yard areas so long as they do not encroach on public rights-of-way or neighboring properties, and subject to the following limitations:

(1) Any fence, wall or hedge along the sides and front edge of any front yard area shall not exceed a height of two and one-half (2.5) feet, unless said fence, wall or hedge can be seen through, in which event the fence, wall or hedge shall not exceed four (4) feet in height. In all other areas of the property, a fence, wall or hedge shall not be in excess of six (6) feet in height, with the exception of fences required for tennis courts, swimming pools and dog runs, which may not exceed ten (10) feet in height.

(2) All fences shall be located no less than two (2) feet from any property line. Any fence, wall or hedge in excess of six (6) feet in height shall be set back from any side or rear property line one (1) additional foot for each additional foot over six (6) feet.

(3) Security fences around commercial or institutional uses shall not exceed ten (10) feet in height.

(4) All fences, walls and hedges shall be in conformance with the provisions of Section **7.27** (Sight Triangles) of the Stow Creek Township Land Development Ordinance.

(5) Fences and walls in excess of six (6) feet in height shall require a zoning and construction permit. All retaining walls shall require a zoning and construction permit.

(6) For purposes of this Section, a “hedge” shall be defined as any clustering or configuration of plant material in such a manner as to permanently or temporarily prohibit or inhibit unrestricted travel between properties or portions of properties, or between the street or public rights-of-way and a property.

(7) All hedges shall be planted at a distance from the adjoining property equal to the full growth diameter of the plant used in said hedges plus two (2) additional feet so as to prevent overhang or over-growth onto adjoining properties. All hedges shall be kept neatly trimmed so as to prevent overhang or intrusion onto adjoining properties, sidewalks or public rights-of-way.

B. The Planning Board of the Township of Stow Creek may modify these regulations upon request wherein it is deemed reasonable and appropriate to require the installation of a buffer between two (2) properties in order to shield a residential use from a non-residential use on an adjoining property, or from some other objectionable condition or nuisance reasonably expected such as, but not limited to, a heavily-traveled thoroughfare, to provide privacy to a residential property, or to create a barrier between intrusions to or trespass of noise, glare, trash, persons, animals or vehicles.

C. All fences shall be constructed in accordance with the following standards:

- (1) The following fences and fencing materials are specifically prohibited: razor-wire fences, sharp pointed fences, canvas and cloth fences; provided, however, that commercial and industrial uses may have fences topped by a protective wire barrier;
- (2) All fences shall be constructed in any manner which shall not be dangerous to persons or animals;
- (3) All fences shall be constructed to withstand a wind load of fifteen (15) pounds per square foot;
- (4) All fences shall be constructed or installed with stringers facing inward;
- (5) Whenever an electrified fence is to be installed adjacent to a residentially-zoned or used property said fence shall have a non-electrified fence installed between it and the property line for the entire distance of said property line so as to prevent children and animals from accidentally coming into contact with the electrified fencing;
- (6) Every fence or wall shall be maintained in a safe, structurally sound, upright condition. If the zoning officer or construction official, upon inspection, determines that any fence or wall or portion of any fence or wall is not being maintained in a safe, structurally sound, upright condition, said officer or official shall notify the owner of his findings in writing, and state briefly the reasons for such finding and order such fence or wall or portion of fence or wall repaired or removed in accordance with the provisions of Section 4.8 of the Stow Creek Township Land Development Ordinance;
- (7) The foregoing restrictions shall not be applied so as to prevent the erection of an open wire or chain link fence exceeding fifteen (15) feet in height above ground level anywhere within a public park, public playground or public school properties. These restrictions shall also not be applied so as to restrict the erection of a wall for the purpose of retaining earth, subject to the appropriate approvals set forth in the Uniform Commercial Code;
- (8) The foregoing restrictions [with the exception of Section A(2) and Section C(5) of this Ordinance] shall not be applied to any fence which is constructed or erected upon a property in furtherance of or in connection with any agriculture activity that is being conducted upon the premises.

#### 7.7 **Curbs and Gutters**

Concrete curb shall be installed along every street within a development when required under the Residential Site Improvement Standards. The standard curb section to be used shall be not more than ten (10) feet in length, shall be set in accordance with approved lines and grades, and radial curbs shall be formed in an arc segment forming a smooth curve. Chord segments are prohibited. Concrete curbs shall be 6" x 8" x 18", with a 6" exposed face, shall use Class B concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) p.s.i., and shall be air-entrained. At locations specified by the Planning Board, the curbing shall be designed to provide a ramp for bicycles and/or wheelchairs.

#### 7.8 **Drainage**

All developments of or improvements to any property located within Stow Creek Township shall be designed so as to conform to the standards of the municipality's storm water management ordinance, to the end that waters flowing both over and across the developed



property as well as onto and across any and all adjoining properties shall be adequately controlled and directed.

#### 7.9 **Easements**

Easements for utility installation may be required. These easements shall be at least twenty-five (25) feet wide for one utility, plus five (5) additional feet for each additional utility, and shall be located in consultation with the utility provider and/or governmental agency or agencies having jurisdiction over the regulation of such utility. To the extent feasible, all such easements shall be centered on or placed adjacent to a property's rear or side lot lines.

#### 7.10 **Environmental Impact Statement**

An Environmental Impact Statement shall accompany all preliminary subdivision plans and site plans, and shall provide the information needed to evaluate the effects of a proposed development upon the environment. The Statement shall include the following data or information:

A. a description of the development, specifying what is to be done and how it is to be done, during both construction and operation, as well as a recital of alternative plans deemed practicable to achieve the same objective;

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

C. an assessment of the probable impact of the development upon all items set forth above. As a direct result of the investigations made under the Environmental Impact Statement, an all-inclusive listing shall be provided stipulating the licenses, permits and approvals needed to be furnished under the prevailing federal, state, county and/or municipal law. The status of these permits and approvals shall also be included. During the preparation of the impact report, the applicant shall contact all concerned federal, state, county and/or municipal agencies that may be affected by the proposed development. The report shall include the conclusions and comments of all concerned governmental officials and agencies. All relevant correspondence between the applicant and these officials and agencies shall be included in this report;

D. a listing and evaluation shall be included regarding those adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increases in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation, increases in municipal services, and the likely effect upon the municipal tax structure. All off-site and off-tract impacts shall also be set forth and evaluated;

E. a description of the steps to be taken to minimize adverse environmental impacts during construction and operation, both at the development site and in the surrounding region, which said description shall be accompanied by all necessary maps, schedules and other explanatory data as may be needed to clarify and explain the steps to be taken. The developer or its consultants in overall charge of the Environmental Impact Statement shall include therein all steps that the developer must undertake to successfully

implement the report. Recommended steps must include a positive statement affirming the developer's intent to undertake this work by using terms "shall, must, etc.":

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

G. upon completion of all reviews and public hearing(s), the Planning Board shall either approve or disapprove the Environmental Impact Statement for the development. In reaching a decision, the Planning Board shall take into consideration the effect of the applicant's proposed development upon all aspects of the environment, as outlined above, as well as the sufficiency of the applicant's proposals for dealing with any immediate or projected adverse environmental effects;

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

I. an Environmental Impact Statement, as required herein, shall also be submitted for all public or quasi-public projects, unless such project is exempt from the requirements of local law by supervening county, state or federal law.

#### 7.11 **Grading and Filling**

All lots where fill material is deposited shall have clean fill and/or top soil deposited which shall be graded to allow complete surface draining of the lot into local storm sewer systems or natural drainage courses. No re-grading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem either on-site or on adjacent properties, or which will violate the provisions of the Soil Erosion and Sediment Control and/or Soil Removal and Redistribution provisions of this Ordinance. Grading shall be limited to areas shown on an approved site plan or subdivision. Any top soil distributed during approved excavation and grading operations shall be redistributed throughout the site. A grading plan shall be required where special drainage problems are known to exist. Occupancy permits shall be withheld for any development not conforming with the approved grading plan.

#### 7.12 **Height Exceptions**

All buildings and structures shall be subject to the height limitations specified in the Schedule of District Regulations contained within this Ordinance, except as follows: chimneys, church spires, telecommunication towers, antennas, flagpoles, windmills and other structures erected in accordance with the renewable energy provisions of this Ordinance; provided, however, that the height of any such structure shall not exceed two (2) times the district height regulation nor be greater than the shortest distance from the base of the structure to any property line. Agricultural buildings and structures not intended for human occupancy shall not be subject to the building height limitations.

#### 7.13 **Lighting**

All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall provide a minimum of five tenths foot candle over the entire area. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent

(7.5 %) of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the site plan in sufficient detail to allow a determination of the effects at the property line and on nearby streets, driveways, residences and overhead sky glow. No lighting shall shine directly into or reflect into windows, or onto streets and driveways in such a manner as to interfere with a driver's vision. No lighting shall be of a yellow, red, green or blue beam, and none shall be nor be a rotating beam, pulsating beam or other intermittent frequency. The intensity of such light sources, the light shielding, the direction and reflection of the lighting, and all other similar characteristics shall be subject to site plan approval by the Planning Board. The objective of these specifications is to minimize undesirable off-site effects.

#### 7.14 **Lots**

A. Lot dimensions and areas shall not be less than as are required under the provisions of this Ordinance;

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

C. Each lot must front upon an approved paved street;

D. Where extra width has either been dedicated or anticipated for the widening of an existing street, zoning considerations shall begin at such new street line and all setbacks shall be measured from such line;

E. When two or more contiguous lots are under the same ownership, regardless whether each may have been approved pursuant to a plan of subdivision, acquired by separate conveyance or by operation of law, and when one or more of those said lots does not conform with the minimum area and/or dimension requirements for the zone in which it is located, then the contiguous lots shall be considered as a single lot, and the provisions of this Ordinance shall be applied as if those several parcels constituted a single lot;

F. The building area of all roofed structures, buildings, parking lots and other impervious surfaces shall be included in the determination of lot coverage;

G. No lot existing at the time of the passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Lots created after the effective date of this ordinance shall at least satisfy the minimum requirements of this Ordinance; and

H. In the case of an irregularly shaped lot, the minimum lot width specified in the Schedule of District Regulations shall be measured at the rear line of the required front yard area; provided, however, that in no case shall the distance between side lot lines be reduced to less than 50% of the minimum width requirements.

#### 7.15 **Monuments**

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

#### 7.16. **Natural Features**

Natural features such as trees, brooks, swamps, hilltops and views shall be preserved, whenever possible. On individual lots, care shall be taken to preserve selected trees so as to enhance soil stability and the landscape treatment of the area.

7.17 **Non-Conforming Uses, Structures or Lots**

The lawful use of land, buildings or structures existing when this Ordinance is adopted may be continued notwithstanding that such use does not conform to this Ordinance, and any such structure may be restored or repaired in the event of its partial destruction; provided, however, that no such use, building or structure shall be enlarged, extended, relocated, converted to another use or altered, except in conformity with this Ordinance. Land on which a non-conforming use or structure is located, and any non-conforming lot, shall not be developed, subdivided or re-subdivided so as to be made more non-conforming in any manner.

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

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

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

D. Non-Conforming Lots and Structures

(1) Any existing structure on a non-conforming lot, or any existing structure on a conforming lot which violates any side-yard, front-yard or rear-yard requirement, may have additions to the principal building and/or may construct an accessory building without a variance, provided that the total permitted building coverage is not exceeded as a result of these additions, and provided that the accessory building and/or the addition to the principal building do not violate any other requirements of this Ordinance;

(2) Any non-conforming vacant lot existing at the time of the adoption of this Ordinance may have a building permit issued for a permitted use without a variance, provided that the building coverage regulations for the zoning district are not exceeded, the parking requirements are met, and the yard and height provisions are reduced to the same percentage that the area of the undersized lot bears to the zoning district requirements, except that no side yard shall be less than half that required by the Ordinance or five feet, whichever is greater, and that no building shall be required to have a height of less than one story or 12 feet, whichever is less.

E. Restoration and Repairs

(1) Any non-conforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm or act of God shall be examined by (a) the municipal Building Inspector, and (b) the owner or an architect or engineer selected by the owner. If the municipal inspector and the owner agree that the cost of repairing the said building, structure or use is greater than fifty percent (50%) of the value of the building, structure or use (i.e., at the time of its condemnation or damage), then it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a use variance, pursuant to N.J.S.A. 40:55D-70(d);

(2) Where the municipal inspector and the owner agree that the anticipated cost of repairing the said building, structure or use is less than fifty percent (50%) of the value of the building, structure or use (i.e., at the time of its condemnation or damage), then the non-conforming structure or use may be rebuilt and used for the same purpose as before, provided it does not exceed the height, area and bulk of the original structure;

(3) When the municipal inspector and the owner cannot agree as to the anticipated cost of repairing the said building, structure or use, or as to the relationship of the anticipated cost of repair to the value of the said building, structure or use, then a third person having expertise in these kinds of evaluations who is acceptable to both the municipality and the owner shall be consulted for the purpose of resolving the matters in dispute. Any fees assessed by the third person consulted for these purposes shall be paid, in equal shares, by the municipality and the owner;

(4) In making the assessment contemplated under this section, the amount accounted for the repair of the damaged building, structure or use shall be the current replacement cost of the portion damaged, and this amount shall be compared to the value of the said building, structure or use at the time that it was damaged or condemned, excluding, in each instance, the cost of the foundation.

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

#### 7.18 **Off-Tract Improvements**

A. The Planning Board may require, as a condition of final subdivision or site plan approval, that the developer pay his pro-rata share of the cost of providing for such reasonable and necessary street improvements and/or water, sewerage and drainage facilities located outside the property limits of the development which are made necessary by or otherwise required as a result of the construction or improvements within the development. The developer shall either install the improvements or contribute his pro-rata share of the costs, at the option of the developer. If the developer installs the improvements, he shall be compensated for all but his pro-rata share of the cost of the said improvements;

B. The developer shall pay the full cost of all off-tract improvements required by the Planning Board if those off-tract improvements are wholly necessitated by the proposed development and the said improvements do not benefit any land other than the land within the subdivision or site plan;

C. The developer shall provide for payment of its pro-rata share, allocated in conformance with the standards set out in subsection E and F hereof, of all off-tract improvements required by the Planning Board if such improvements are wholly or partially necessitated by the proposed development and said improvements benefit lands other than those within the subdivision or site plan.

D. In the event that the Planning Board shall determine that off-tract improvements are required in connection with any subdivision or site plan, then prior to granting final approval of the subdivision or site plan, the Planning Board shall report to the Township Committee:

- (1) the location, character and extent of the required off-tract improvements;
- (2) the Municipal Engineer's estimate of the total cost of such off-tract improvements; and

(3) the proposed allocation of the said total cost, determined in accordance with the standards set forth in Subsections (E) and (F), below.

The Township Committee shall thereupon determine and report to the Planning Board whether and by what date the off-tract improvements will be constructed by the Township, either as a general improvement, a local improvement, or a combination thereof; or, in the alternative, whether the developer, at his option, may construct the required off-tract improvements and be reimbursed pursuant to a formula specified by the Township Committee if the improvement specifically benefits property other than that within the subdivision or site plan.

E. Any money received by the Township Treasurer for off-tract improvements to be constructed or installed by the Township pursuant to the provisions of this section shall be deposited in a suitable depository therefore and shall be used only for the improvements for which they are deposited or improvements satisfying the same purpose. If construction of the improvements for which the Township is responsible has not commenced within five (5) years from the date of deposit, the amount deposited together with any interest thereon shall be returned to the developer or his successor-in-interest.

F. Upon completion of any improvement constructed by the Township as a general or local improvement, the total cost of such improvement shall be determined by the ordinance providing for such improvements. The difference between the actual cost, as so determined, and the estimated cost shall be computed. The developer or his successor-in-interest shall make remittance to the Township if the actual cost exceeds the estimated cost, or shall receive a refund from the funds deposited with the Township if the estimated cost exceeds the actual cost, which said refund shall be in an amount which bears the same relationship to the difference between the actual and estimated costs as the amount deposited by the developer for his proportionate share of the estimated cost bears to the total estimated cost. Any sum payable by the developer or his successor-in-interest may be levied and collected by the Township in the same manner as is provided by law for the levy and collection of real estate taxes.

G. In the absence of an express provision in a deed or deeds of conveyance, it shall be presumed that the fee owners of all lots in the subdivision or site plan at the date any deposit or portion thereof is returned or additional charge is made pursuant to Subsections E and F of this section are the lawful successors-in-interest to the developer, and each such fee owner shall be charged with or entitled to receive a pro-rata share, based on lot area, of any funds to be returned or of any additional charge to be made pursuant to this section. Upon payment of any such sums to the said fee owners, the Township shall be released of liability to any other person.

7.19 **On-Tract Improvements**

On-tract improvements, including street rights-of-way, street or shoulder pavings, curbs and gutters, street signs, street lightings, street trees, sidewalks, survey monuments, surface drainage-ways, surface drainage structures and facilities, potable water supply structures and facilities, sanitary sewerage facilities, off-street parking and loading areas and pavings, private driveway pavings, open space areas and improvements, and screen or buffer plantings, as specified in this Ordinance and according to the design criteria contained in this Ordinance, shall be required where applicable in connection with all minor and major subdivisions and site developments, including permitted planned developments of any kind.

7.20 **Off-Street Parking and Loading**

A. Driveways. Any site plan proposing private driveway openings shall comply with the following specifications:

(1) Spacing. The number of driveways provided from a site directly to any public street or road shall comply with the following:

<u>Length of Site Frontage</u>	<u>Number of Driveways</u>
100 ft. or Less	1
Between 100 – 800 ft.	2
<u>Length of Site Frontage</u>	<u>Number of Driveways</u>
Over 800 ft.	To be specified by Planning Board, on the advice of the Municipal Engineer

(2) Location. All entrance and exit driveways to or from a public street or road shall be so located as to afford maximum safety to traffic on the road. Where a site occupies a corner of two intersecting streets or roads, no driveway entrance or exit shall be located within fifty (50) feet of right-of-way intersection lines, nor within thirty (30) feet of the tangent of the existing or proposed curb radius of the intersection. No entrance or exit driveway shall be located closer than twenty (20) feet from any adjacent property line. In cases where two (2) or more driveways connect a single site to any one public street or road, a minimum clear distance of twenty-five (25) feet, measured along the right-of-way line, shall separate the closer edges of any two (2) such driveways.

(3) Sight Distance. Any exit driveway or driveway lane shall be so designed in profile and grading and shall be so located as to permit the appropriate sight distance in accordance with A.A.S.H.T.O. standards.

(4) Widths. The dimensions of driveways shall be designated to adequately accommodate the volume and character of vehicles anticipated to be attracted daily to the land development for which a site plan is prepared. The required maximum and minimum dimensions for driveways are indicated in the accompanying table. Driveways serving large volumes of daily traffic, or traffic with a substantial number of trucks, shall be required to utilize the high to maximum dimensions.

	<u>One-Way Operation</u>		<u>Two-Way Operation</u>	
	Curbline Driveway Opening Width		Curbline Driveway Opening Width	
	(in ft.)	(in ft.)	(in ft.)	(in ft.)
2 Family Residence	12-15	10-13	12-30	10-26
Commercial	15-50	15-34	24-50	24-46
Service Station	15-36	12-34	24-36	20-34

(5) Intersections. Driveways used for two-way operation shall intersect any collector or arterial road at an angle as near to ninety degrees (90°) as the site conditions will permit and, in no case, less than sixty degrees (60°). Driveways used by vehicles in one (1) direction of

travel (right turn, only) may form an angle smaller than sixty degrees (60°), but only with a collector or arterial road for which acceleration and deceleration lanes are provided.

(6) Grades. Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. All driveway profiles and grades shall be submitted to and approved by the township engineer. Should a sidewalk be so located (i.e., with respect to the curb at a driveway opening) that the vehicle undercarriage is likely to drag, then the sidewalk involved should be adequately depressed or elevated to avoid such a result.

(7) Whenever a dwelling or structure is proposed to be located on a property more than 100 feet from the adjoining street right-of-way, the owner of said property and dwelling or structure shall provide a minimum driveway width of twenty (20) feet for the initial 100 feet of length, and a remaining minimum driveway width of fifteen (15) feet. All trees shall be trimmed to a minimum height of fifteen (15) feet across the driveway area for vertical clearing space for the driveway's entire length. The driveway shall at a minimum be constructed of crushed stone or dense-graded aggregate. The driveway shall have a loop or "k" turnaround located within 100 feet of the dwelling.

B. Buffers. Parking and loading areas for commercial uses shall be buffered from adjoining streets, existing residential uses, or any residential zoning district in a manner conforming to and consistent with the objectives of Section 7.5 (Buffers) of this Ordinance.

C. Curbing. All off-street parking areas containing six (6) or more spaces and all off-street loading areas shall have concrete or Belgian block curbing around the perimeter of the parking and loading areas, and along major interior driveways providing ingress and egress to the parking and loading spaces. All curbing shall be located in conjunction with an overall drainage plan. Curbing installed at locations requiring pedestrian access over the curbing shall be designed to have ramps from the street grade to the sidewalk. The breaks shall be either opposite each aisle or no less frequent than one every 65 feet along the curb.

D. Dimensions. Off-street parking spaces shall be either 9 feet wide or 10 feet wide (depending on the width of the access aisle and the angle of parking), and a minimum of 20 feet in length, in accordance with the following schedule:

<u>Angle of Parking Space</u>	<u>For Parking Spaces Nine (9) Feet Wide</u>		<u>For Parking Spaces Ten (10) Feet Wide</u>	
	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>
90°	25'	25'	22'	24'
60°	20'	22'	18'	20'
45°	18'	20'	15'	18'
30°	15'	18'	12'	18'
Parallel	12'	18'	12'	18'

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

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



Moreover, in every instance, there shall be adequate space set aside to provide parking facilities for handicapped persons which comply with the requirements of the Americans With Disabilities Act.

E. Drainage. All parking and loading areas shall have drainage facilities installed in accordance with good engineering practice, as approved by the municipal engineer, and in accordance with the municipality's storm water management ordinance. Where sub-base conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least 6 to 12 inches below the proposed sub-grade and filled with a suitable sub-base material, as determined by the municipal engineer. Where required by the engineer, a system of porous concrete pipe subsurface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

F. Surfacing shall be approved as part of the plan approval, and shall comply with the following standards:

- (1) Areas of ingress and egress, loading and unloading areas, major interior driveways, aisles and other areas likely to experience similar heavy traffic shall be paved with not less than two inches (2") of bituminous concrete (FABC-1) on two inches (2") of bituminous stabilized base course and eight inches (8") of gravel base. All other areas shall be paved with no less than two inches (2") of bituminous cover on eight inches (8") of gravel base;
- (2) No loading and parking spaces shall be located in any required buffer area; and,
- (3) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks, or turning areas.

G. Landscaping in Parking Areas. Any parking lot providing more than ten (10) parking spaces shall be landscaped with one (1) tree for every five spaces. All such trees shall be staggered and/or spaced so as not to interfere with a driver's vision. Moreover, no less than six percent (6%) of the interior of a parking lot containing more than ten (10) parking spaces shall be landscaped. Any plantings that may be required for screening along the perimeter of such parking lot shall not be considered in satisfying the interior landscaping requirement. All areas between the parking area and the building(s) associated therewith shall be landscaped with trees, shrubs, and ground cover. Any plantings which do not live shall be replaced within one year or one season. Any parking area containing more than fifty (50) cars spaces shall be obscured from the public roadways by buildings, landscape berms, natural ground elevation, or plantings, whether singularly or in combination.

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

- (1) A minimum of one space per use when more than ten (10) parking spaces are provided;
- (2) There shall be at least one central point for trash and/or garbage collection with respect to all non-residential uses, which said collection point shall be separate from all parking and loading areas. Each such collection point shall be placed either within a building or in a totally enclosed metal container, and shall be obscured from the view of all parking areas, streets and adjacent residential uses, whether by means of a fence, wall and/or plantings, either singularly or in combination. If located within a building, the same doorway(s) to the building may serve both the loading and trash collection functions. If a container is used for the trash/garbage collection function and is located outside of the building, it may be located adjacent to or

within the general loading area so long as the container does not interfere with or restrict in any manner the loading and unloading functions.

I. Minimum Off-Street Parking Requirements. The following table establishes the minimum number of parking spaces required for each use identified therein. As used below, the term “G.F.A.” is an abbreviation for “ground floor area” :

<u>Use</u>	<u>Number of Spaces</u>
Residential	As per R.S.I.S.
<u>Use</u>	<u>Number of Spaces</u>
Bed-and-Breakfast Inn	1 per guest room, plus 2 for owner
Restaurants	1 per 3 seats
Fast-food Restaurants	1 per 150 square feet of G.F.A.
Drive-Through Food Service	1 per 250 square feet of G.F.A.
Supermarkets	1 per 250 square feet of G.F.A.
Neighborhood or Regional Shopping Center	4 per 1,000 square feet of G.F.A.
Retail Stores	1 per 250 square feet of G.F.A.
Big-Box Retail Stores	1 per 500 square feet of G.F.A.
Convenience Stores	3 per 1,000 square feet of G.F.A.
Office or Bank Building	1 per 300 square feet of G.F.A.
Professional or Medical Offices	1 per 300 square feet of G.F.A.
Hospitals	1 per 100 square feet of G.F.A.
Movie Theaters	1 per 100 square feet of G.F.A.
Library	1 per 500 square feet of G.F.A.
Child Care/Day Care Facilities	1 per 500 square feet of G.F.A.
Churches	1 per 8 seats

J. Location of Parking and Loading Areas.

(1) Loading spaces shall be located on the same lot as the use being served, may abut the building being served rather than requiring a setback from the building, and shall be located to directly serve the building for which the space is provided.

(2) No loading and parking spaces shall be located in any required buffer area.

(3) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks or turning areas.

**7.21 Performance Standards**

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

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

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

D. Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, surface water, evaporation or wind. All materials or wastes which might create a pollutant, be a safety hazard, or be a health hazard shall **not** be stored on a property except under conditions approved by the municipal Fire Department and the New Jersey Department of Labor and Industry.

#### 7.22 **Public Utilities**

All public services shall be connected to an approved public utilities system (where one exists), consistent with the following standards or criteria

A. The developer shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions on file with the New Jersey Board of Public Utility Commissioners.

B. The developer shall submit to the Planning Board a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines; and, provided further that the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, an extension of service or other such condition occur as a result of the development which necessitates the replacement, relocation or extension of such utilities, such replacement, relocation or extension shall be underground.

C. Any installation under this section that is performed or to be performed by a servicing utility shall be exempt from requiring performance guarantees, but shall be subject to inspection and certification by the municipal engineer.

#### 7.23 **Sanitary Sewers and Septic Systems**

Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Department of Environmental Protection and all applicable municipal ordinances, county regulations and state or federal statutes.

#### 7.24 **Service Stations**

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

B. All gasoline pumps, air pumps, and the islands upon which pumps are normally located shall be set back from the street line at least 60 feet, and from any other property line

at least 50 feet. A minimum space of 25 feet shall exist between any two islands and between any island and the service station building.

C. No junked motor vehicle or part thereof, and no unregistered motor vehicle, shall be permitted outside an enclosed service station building. No more than six motor vehicles may be located outside a service station building for a period not to exceed five days, provided that the owners are awaiting the repair of said motor vehicles.

D. The exterior display and parking of equipment for rent or sale shall be permitted, provided that (1)the area devoted to this purpose is in addition to the minimum lot size required for a service station, (2) the area devoted to this purpose does not exceed 20 percent of the total area of the entire site, (3)the maximum sign area for a service station is not exceeded, and, (4) the location of the equipment being rented or sold does not interfere with the required off-street parking requirements for the service station, and does not interfere with the on-lot traffic circulation indicated on the approved site plan.

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

**7.25 Shade trees**

All shade trees shall have a minimum diameter of two and one-half (2½) inches measured three (3) feet above the ground and be of a species approved by the Planning Board. Trees shall be planted forty (40) to sixty (60) feet apart and parallel to but no more than twenty (20) feet from the curb line, and shall be balled and bur lapped, nursery grown, free from insects and disease, and true to species and variety. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to re-establish the tone of the area and to conform with adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season. Parking lots shall be planted as required in the section entitled “Off-Street Parking and Loading” of Article VII of this Ordinance.

**7.26 Sidewalks**

Sidewalks may be required, in the Planning Board’s discretion, depending upon the probable volume of pedestrian traffic, the street classification in instances where streets are involved, and the development’s location in relation to other populated areas, schools and other generators of pedestrian traffic. Where required, sidewalks shall be at least five (5) feet wide and located as approved by the Planning Board. Sidewalks shall be at least four inches (4”) thick, shall be made of Class C concrete having a twenty-eight (28) day compressive strength of four thousand (4,000) p.s.i., and shall be air-entrained

7.27 **Sight Triangles**

Sight triangles shall be required at each quadrant of an intersection of a collector or arterial street (as shown on the site plan) with any other street. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street, and shall be set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than 30 inches above the street centerline or lower than eight feet (8') above the street centerline, except for street name signs and official traffic regulation signs. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide adequate sight distance. The sight triangle shall be sized in accordance with A.A.S.H.T.O. standards. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for in the Stow Creek Land Development Ordinance". Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by the zoning provisions.

7.28 **Signs**

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

A. In any zoning district, customary on-site, for sale, no trespassing and professional office or home occupation name plates not exceeding six (6) square feet in area and not more than one (1) such sign for each two hundred and fifty feet (250') or part thereof of road frontage contained in the property are permitted, provided that such sign is located at least ten feet (10') from any street sign, complies with applicable set-back requirements for the district in which it is located, and conforms to other applicable requirements of this ordinance.

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

- (1) Off-site signs, other than municipal, county, or state traffic or direction signs, which advertise or publicize an activity, business, product or service not conducted on the premises, except in the case of yard sales as specified in Section 7.35;
- (2) Signs which are located on a public right-of-way or in an approved sight easement;
- (3) Signs lit with flashing or intermittent light, or in any other way animated or are so lit or reflectorized as to interfere with or to be mistaken for a traffic signal;
- (4) Signs which purport to be, are an imitation of or resemble an official traffic sign or signal, or which bear the words "STOP", "GO SLOW", "CAUTION", "DANGER", "WARNING", or other similar words, except to the extent that those words are contained in the name of a business;
- (5) Signs which are located on a water tower, storage tank, utility pole or other similar structure;
- (6) Signs which are placed above the roof peak of a building or structure, or on a flat roof; and,
- (7) Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement.

C. All signs shall be designed, constructed, and maintained in accordance with the following standards and provisions:

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

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

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

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

- (3) Signs shall conform to all applicable set-back requirements for the zoning district in which they are located;
- (4) Illuminated signs shall be so arranged as to reflect the light and glare away from adjoining premises and away from adjoining streets and/or rights-of-way;
- (5) Signs with two (2) exposures shall be measured for area by using the surface area of one (1) side only; both sides, however, may be used for display;
- (6) All signs shall be constructed of durable materials, such as wood, metal or stone; and,
- (7) Wall signs shall be affixed with their face parallel to and not more than 15 inches from the wall to which they are attached.

D. Freestanding signs are subject to the following limitations:

- (1) A freestanding sign which is six (6) square feet or more in area may be displayed only on a frontage of one hundred (100) feet or more, and may not be closer than one hundred (100) feet to any other freestanding sign which is six (6) square feet or more in size; and,
- (2) An activity may have both a freestanding and a projecting or a wall sign on-site, if only one of those signs is six (6) square feet or more in size.

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

F. Each shopping center may have one (1) freestanding sign, either lighted or unlighted, along each arterial or collector road which the tract in question abuts, subject, however, to the following conditions:

(1) Where uses in a shopping center share a common walkway, each use served by the walkway may have one (1) additional sign, either lighted or unlighted; provided, however, that no such sign shall exceed ten (10) square feet in area; and,

(2) All signs in a shopping center shall conform in character to all other signs in the complex, and shall blend with the overall architectural scheme of the shopping center.

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

H. Unless otherwise exempted in this chapter, all signs to be erected, constructed or placed within Stow Creek Township shall require the issuance of a sign permit. Applications for permits to erect, construct or place any sign shall be made to the Zoning Officer, and shall contain the following information:

(1) Name, address and telephone number of the applicant, the person preparing and/or constructing the sign(s), and the person erecting the sign;

(2) Location of the building, the structure or the lot to which the sign is to be erected or attached;

(3) A scaled drawing showing the size of the existing or proposed sign; the location of the sign on the building to which it is to be attached or on the property on which it is to be placed (in which case setback dimensions shall be shown); the materials to be utilized in the construction of the sign, (including whether or not the sign will be illuminated); and, the message, lettering, artwork, illustrations, color and appurtenances to be placed or show on the sign(s); and,

(4) In the case of signs to be erected, constructed or placed on property or attached to structures not belonging to the applicant, evidence of the property or structure owner's approval and permission for placing or locating the said sign.

I. Maintenance of signs.

(1) Signs must be maintained in good condition and must not be allowed to deteriorate or become dilapidated. The Building Inspector or Zoning Officer shall require proper maintenance of all signs and shall inspect every sign which requires the issuance of a permit within thirty (30) days after it has been erected. All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(2) The Building Inspector or Zoning Officer shall notify, in writing, the owner of any sign which is in disrepair. The owner of such sign shall thereupon correct such deficiency within a

reasonable period of time from the date of said notice. In the event that the owner fails to correct said deficiency or make the required repairs, he shall be subject to penalties.

#### 7.29 **Soil Removal and Redistribution**

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

#### 7.30 **Street Lighting**

Street lighting standards of a type and number approved by the Planning Board and municipal engineer shall be installed at street intersections and elsewhere, as deemed necessary by the Planning Board. The developer shall provide for the installation of underground service for street lighting.

#### 7.31 **Streets**

All streets shall be designed and constructed in accordance with the prevailing Residential Site Improvement Standards (R.S.I.S.) of the New Jersey Department of Community Affairs.

#### 7.32 **Street Signs**

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

#### 7.33 **Swimming Pools**

A. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. The pool shall meet the set-back requirements for accessory buildings in the zoning district in which it is located except that if the pool is located in the front yard it shall be set-back twice the distance from the street line than is required for the principal building.



B. A pool shall occupy no more than the equivalent of 50 percent of the yard area of the lot on which it is located. For the purpose of calculating the area of a pool, the area shall include the water surface, the patio adjoining the pool, and any pumping, circulation and other mechanical equipment required to operate the pool.

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

#### 7.34 **Yards**

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

B. No structures may be erected in any required yard area, with the exception of fences and other items provided for in sub-section C, below.

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

D. No yard existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards created after the effective date of this Ordinance shall at least meet the minimum requirements established herein.

#### 7.35 **Yard Sales**

An owner or person in possession of real estate may hold a yard or tag sale no more than three times in any calendar year. A maximum of four (4) temporary off-premises directional signs measuring not over 12 inches by eighteen inches (12" x 18"), each, for tag sales, bazaars, fairs and sales such as church food sales are permitted. Signs must be removed by the licensee within three (3) days after the event.

#### 7.36 **Water Supply**

A. Where water is accessible from a servicing utility, the developer shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot, dwelling unit or use within the development. The entire system shall be designed in accordance with the requirements and standards of the municipal, county and/or state agency having approval authority, and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure for present and probable future development.

B. Where public water is not available, potable water supply shall be provided to each lot on an individual well basis. Such wells shall be designed in accordance with the regulations and standards of the county and/or state agency authorized to adopt and enforce such regulations and standards.

C. Where water distribution systems are installed outside streets, easements or rights-of-way shall be required in accordance with Section 7.9, above.

## **Article VIII – Renewable Energy**

### **8.1 Energy Conservation**

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

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

- (1) No free-standing or ground-based solar energy generation apparatus shall be constructed so as to exceed a height of fifteen (15) feet above ground level;
- (2) No roof-mounted solar energy generation apparatus may exceed the height limitations of the Zoning District in which the equipment is located;
- (3) No free-standing or ground-based solar energy generation apparatus may be placed in the front yard of any property that is located in a Residential (R) Zoning District or the Historic Residential (HR) Zoning District;
- (4) Any free-standing or ground-based solar energy generation apparatus constructed or placed within the front yard of a property located in the Agricultural (A), Commercial (C) or Agricultural/Commercial (AC) Zoning District shall be located at a distance no less than 150 feet from the front boundary or lot line of the property;
- (5) Any free-standing or ground-based solar energy generation apparatus placed in the side yard or the rear yard of a property must be so located as to comply with the minimum rear-yard or side-yard set-back requirements of the Zoning District in which the property lies.

B. Wind Energy. Equipment or apparatus designed and intended for the conversion of wind energy to electric energy shall be permitted as an accessory use, only, in every Zoning District except the Residential (R) Zoning District or the Historic Residential (HR) Zoning District, and shall be subject to the following terms and conditions:

- (1) No wind energy generation apparatus shall be permitted upon any lot having an area less than five (5) acres;
- (2) No wind energy generation apparatus may exceed 120 feet in height, at its highest point;
- (3) All wind energy generation apparatus must be set-back from the lot lines and the street lines of the property upon which it is constructed at a distance no less than 150 per cent (150%) of the height of the said apparatus, or at a distance that otherwise conforms to the minimum set-back requirements of the applicable Zoning District, whichever is greater;
- (4) All wind energy generation apparatus must be free-standing, ground-based and inaccessible to the general public.

C. General Regulations. The following regulations shall apply to all alternative energy generation apparatus installed or constructed in Stow creek Township, whether that apparatus is designed and intended for the conversion of solar energy or wind energy to electric energy;

(1) All equipment, apparatus and structures designed and intended for the purpose of converting solar energy or wind energy to electric energy must be constructed and installed in compliance with all applicable building and construction code requirements. Any application for a building permit for the construction and/or installation of this equipment must be accompanied by a drawing which depicts the structural components of the system and is certified, in writing, by a registered professional engineer that the system complies with the Uniform Construction Code;

(2) No alternative energy generation equipment may be constructed or installed without a zoning permit. An application for such permit shall clearly state that the applicant intends to construct, install and use renewable energy generation equipment which supplies wind or solar-generated electric energy to the customer's side of the electric meter. The application must also be accompanied by a plan or sketch which depicts (a) all lot lines and street lines for the property at which the equipment is to be installed; (b) the location, dimensions and types of all existing and proposed buildings or other structures on the property; and (c) the location, dimensions and types of all of the wind and/or solar energy generation equipment that will comprise the alternative energy generation facility;

(3) All equipment and wires associated with or comprising the proposed alternative energy generation apparatus must be located on the same lot as the principal structure or use for which the apparatus is intended;

(4) Any alternative energy generation equipment that is out of service for a continuous 12-month period shall be deemed abandoned. The Zoning Officer may issue a Notice of Abandonment to the owner of the property on which the said equipment or apparatus is located. The property owner shall have the right to respond to the Notice of Abandonment within 30 days of his receipt of that notice. The Zoning Officer shall withdraw the Notice of Abandonment and notify the property owner that the notice has been withdrawn if the property owner provides the Zoning Officer with information demonstrating that the alternative energy generation apparatus has not been abandoned. If the alternative energy generation apparatus is determined to be abandoned, the owner of the property upon which the apparatus is located shall remove the apparatus from the property, at the property owner's sole expense, within three (3) months of his receipt of the Notice of Abandonment. If the property owner fails to remove the apparatus from the property within this 3-month period, then the municipality may pursue a legal action to have the apparatus removed from the property, at the owner's expense.

# **APPENDIX**

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# **EXHIBIT A**

# 2016 ZONING MAP STOW CREEK TOWNSHIP CUMBERLAND COUNTY, NJ

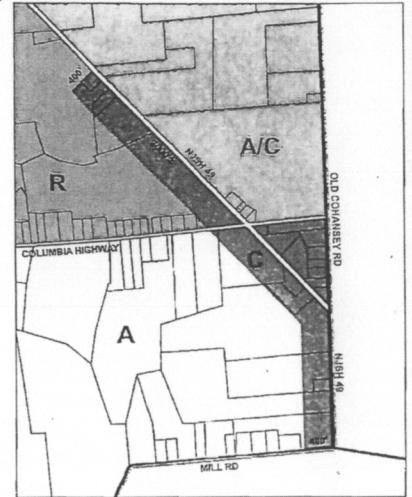
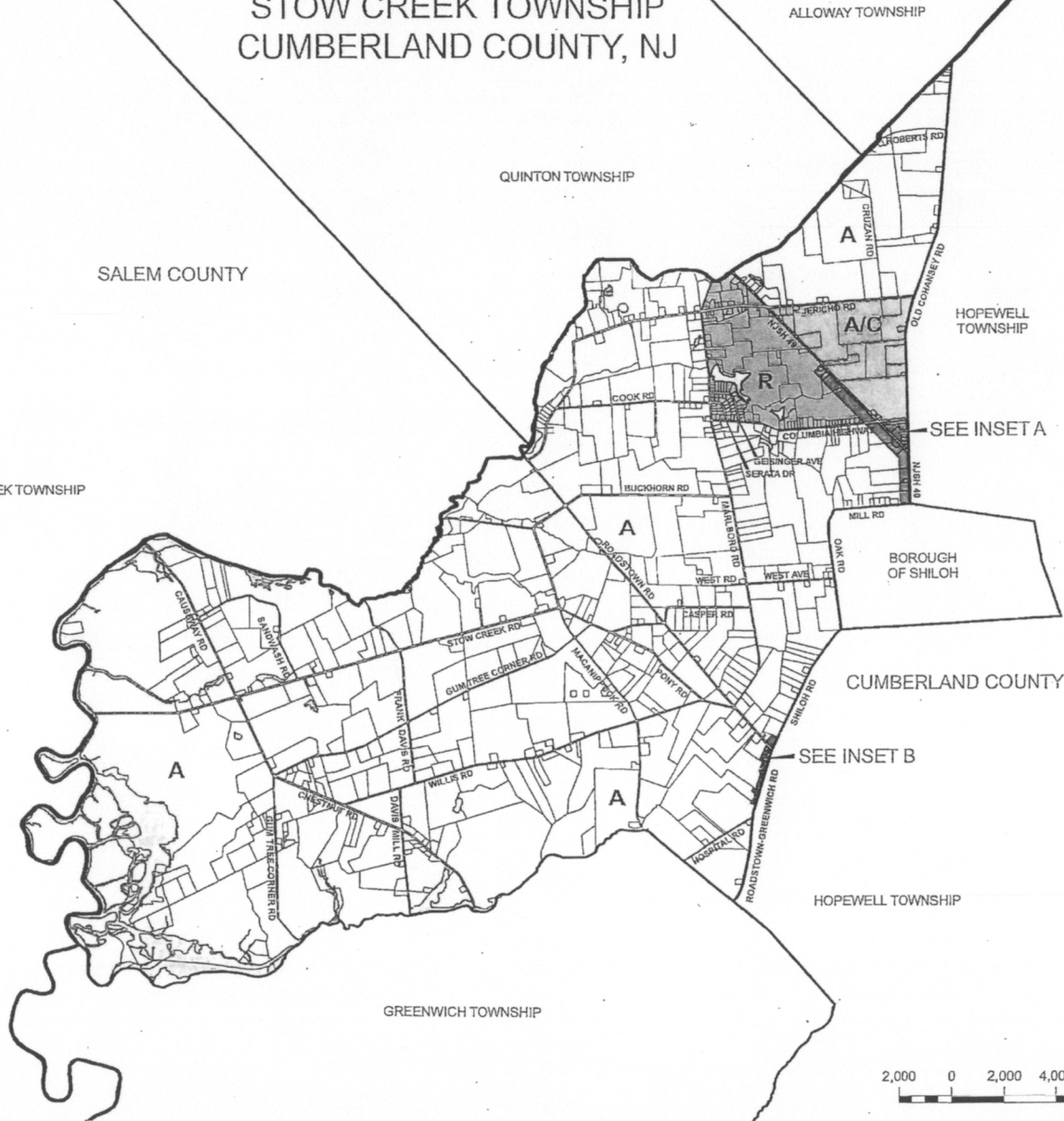


**Legend**

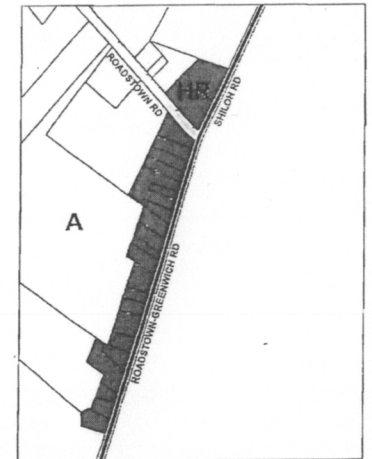
- County Boundary
- Municipal Boundary
- Water Features
- Parcels

**ZONE**

- A: Agriculture
- A/C: Agriculture/Commercial
- C: Commercial
- HR: Historic Residential
- R: Residential
- Roadways



**INSET A**  
1 in. = 800 Feet



**INSET B**  
1 in. = 400 Feet



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## **EXHIBIT B**



**ZONING DISTRICT SCHEDULE**

	<b>Residential</b>	<b>Historic Residential</b>	<b>Agricultural</b>	<b>Commercial</b>	<b>Agricultural/ Commercial</b>
<b>Minimum Area</b>					
Single-Family Dwelling	1.5 acres	1.0 acres	1.5 acres	x	1.5 acres
Two-Family Dwelling	1.5 acres	x	x	x	x
Commercial Use	x	x	x	1.5 acres	1.5 acres
Farm	5 acres	5 acre	5 acres	5 acres	5 acres
<b>Minimum Footprint</b>					
Single-Family Dwelling	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	x	1,100 sq. ft.
Two-Family Dwelling	2,200 sq. ft.	x	x	x	x
<b>Minimum Frontage</b>					
Single-Family Dwelling	150 ft.	150 ft.	250 ft.	x	250 ft.
Two-Family Dwelling	150 ft.	x	x	x	x
Commercial Use	x	x	x	165 ft.	165 ft.
<b>Maximum Depth</b>					
Single-Family Dwelling	3 times width	2.5 times width	2.5 times width	x	2.5 times width
Two-Family Dwelling	3 times width	x	x	x	x
Commercial Use	x	x	x	2.5 times width	2.5 times width
<b>Minimum Front Yard</b>					
Single-Family Dwelling	40 ft.	40 ft.	40 ft.	x	40 ft.
Two-Family Dwelling	40 ft.	x	x	x	x
Commercial Use	x	x	x	50 ft.	50 ft.
Agric. Access. Struct.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
<b>Minimum Side Yard</b>					
Single-Family Dwelling	15 ft.	15 ft.	25 ft.	x	25 ft.
Two-Family Dwelling	25 ft.	x	x	x	x
Commercial Use	x	x	x	10 ft.	10 ft.
Resid..Access. Struct.	10 ft.	10 ft.	10 ft.	x	10 ft.
Agric. Access. Struct.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.

## ZONING DISTRICT SCHEDULE

	<b>Residential</b>	<b>Historic Residential</b>	<b>Agricultural</b>	<b>Commercial</b>	<b>Commercial/ Agricultural</b>
<b>Minimum Rear Yard</b>					
Single-Family Dwelling	25 ft.	25 ft.	25 ft.	x	25 ft.
Two-Family Dwelling	25 ft.	x	x	<u>x</u>	x
Commercial Use	x	x	x	25 ft.	25 ft.
Resid..Access. Struct.	10 ft.	10 ft.	10 ft.	x	10 ft.
Agric. Access. Struct.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
<b>Max. Lot Coverage</b>					
Single-Family Dwelling	10% Building/ 20% Impervious	10% Building/ 20% Impervious	10% Building/ 20% Impervious	x	10% Building/ 20% Impervious
Two-Family Dwelling	10% Building/ 20% Impervious	x	x	<u>x</u>	x
Commercial Use	x	x	x	80%	80%

**Maximum Height:** Except as provided under Section 7.12 of this Development Ordinance, the maximum height for all structures in all zoning districts is 2.5 times the width of the structure, or 35 feet, whichever is less.

### **Notes**

1. The footprint of a structure means that portion of the base or exterior perimeter of the structure which does not include any attached porches or garages. While a two-family dwelling is required to have a minimum footprint of 2,200 feet, this only applies when the two dwelling units are constructed side-by-side. When one unit is constructed on top of the second, then the minimum footprint shall be 1,100 square feet.
2. All front yards are measured from the right-of-way line for the property.
3. When a lot is located at the intersection of two (2) streets, the front-yard set-back shall be measured from both street right-of-way lines.
4. An "x" means that the structure or use is not permitted in the particular zoning district.
5. A "residential accessory structure" (Resid. Access. Struct.) is an accessory structure that is used in connection with the principal residential dwelling located on the same lot.
6. An "agricultural accessory structure" (Agric. Access. Struct.) is an accessory structure that is used in connection with the principal agricultural activity conducted on the same farm management unit, as defined in the New Jersey Right to Farm Act, N.J.S.A. 4:1C-3.
7. When a residential dwelling is located in the Agricultural or Agricultural/Commercial Zoning District on a lot that is immediately adjacent to tillable ground, then the minimum side-yard and rear-yard set-backs shall be 100 feet.

## **EXHIBIT C**

### Checklist "A" – General Requirements

**Instructions:** Fill in the name of the applicant or the development and date, below. Then, using the column of brackets at the left, mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all of the materials and information specified below have been submitted and found complete by the Planning Board.

**Name of Applicant or Development** \_\_\_\_\_ **Date:** \_\_\_\_\_

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant's Response</b>	<b>Official Use Only</b>
[ ] 1. Fifteen (15) copies of the appropriate application form(s), completely filled in and signed by the applicant.	[ ]
[ ] 2. A statement from the Tax Collector's office indicating the tax status for all properties involved in the application.	[ ]
[ ] 3. Receipt indicating that all fees and required escrow deposits have been paid.	[ ]
[ ] 4. Fifteen (15) folded copies of any required plot plan, site plan or subdivision plan, and all required checklists relevant to the application.	[ ]
[ ] 5. Affidavit of Ownership. If the applicant is not the owner, then a Certification indicating the nature of the applicant's interest in the land, (e.g., tenant, contract/purchaser, lienholder), and a copy of the document creating that interest (sales price may be redacted).	[ ]
[ ] 6. If the applicant is a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock (of any class) or other interest, as required by N.J.S.A. 40:55D-48.2, et seq.	[ ]
[ ] 7. Names and addresses of all anticipated witnesses and their expertise, if any.	[ ]
[ ] 8. Statement which waivers are being sought together with a statement of the reasons why those waivers should be granted.	[ ]
[ ] 9. A list of other requirements or standards of the Township's Land Development Ordinance that are not met by the applicant and for which a waiver or variance is sought.	[ ]
[ ] 10. A Letter of Interpretation from the New Jersey Department of Environmental Protection stating that there are no freshwater wetlands or freshwater wetland transition areas within the subject property or , in the alternative a New Jersey Department of Environmental Protection verification of the freshwater wetlands and freshwater wetland transition area boundary delineations on the subject property. The Township	[ ]

## Checklist "A" – General Requirements

**Applicant's  
Response**

**Official Use  
Only**

Engineer may waive this application requirement if the applicant submits a signed statement by a New Jersey licensed engineer or land surveyor that:

- (a) He has personally visited the subject property and conducted a site investigation to determine that there are no freshwater wetlands or freshwater wetland transition areas on the subject property.
- (b) He has examined the subject property on the national wetlands inventory map.
- (c) He has reviewed the soils on the subject property, as set forth in the Cumberland County Soil Survey Map issued by the United States Department of Agriculture.
- (d) He has certified that there are no freshwater wetlands or freshwater wetland transition areas on the subject property.

11. Whenever a public hearing is required for a Development Application, the applicant shall be required to submit to the Planning Board Secretary proof of notice to the adjoining property owners and proof of publication of all required notices prior to the said public hearing being convened. The applicant is required to comply with the provisions of Article 4, Section 4.21, of the municipality's Land Development Ordinance, as well as the relevant provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1. et seq., in determining when to publish notice of the public hearing and provide notice to the adjoining property owners.

## **EXHIBIT D**

**Checklist "B" – Land Subdivisions**

**Instructions:** Fill in the name of the applicant or the development and date, below. Then, using the column of brackets at the left, mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all of the materials and information specified below have been submitted and found complete by the Planning Board.

**Name of Applicant or Development** \_\_\_\_\_ **Date:** \_\_\_\_\_

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant's Response</b>	<b>Official Use Only</b>
[ ] A. A preliminary subdivision plat, prepared under the supervision of, signed and sealed by a licensed New Jersey land surveyor, professional engineer or registered architect, as applicable, shall be submitted.	[ ]
[ ] B. The plat shall be based on an actual field survey, unless otherwise waived by the Planning Board, in which case it shall be based on tax map information or some other similarly accurate base. It shall be at a scale of not more than one (1) inch equals two hundred (200) feet to enable the entire tract to be shown on one (1) sheet.	[ ]
C. The following information shall be shown or included on the plat, unless waived by the Planning Board:	
[ ] 1. A key map at a scale in which one (1) inch equals not more than one thousand (1,000) feet, showing the entire subdivision and its relation to all features within one-half (1/2) mile of the limits of the subdivision.	[ ]
[ ] 2. The name and address of the owner, subdivider and person preparing the plat.	[ ]
[ ] 3. The Township tax map sheet, block and lot numbers for the tract and all adjacent lots; a title block; graphic scale; date of original drawing; and, the date and substance of each revision.	[ ]
[ ] 4. Names and addresses of all adjoining property owners, as disclosed by the most recent tax records.	[ ]
[ ] 5. The identification of all abutting land that is currently assessed as qualified farmland under the New Jersey Farmland Assessment Act, and the location of any agricultural buffer strip that may be required under the Township's Land Development Ordinance.	[ ]

**Checklist “B” – Land Subdivisions**

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> 6. The location of that portion of the land which is to be subdivided in relation to the entire tract, along with the entire tract’s acreage and the acreage of that portion to be subdivided.	<input type="checkbox"/>
<input type="checkbox"/> 7. All existing and proposed lot lines, with dimensions, and all existing lot lines to be eliminated, as certified by a New Jersey licensed land surveyor.	<input type="checkbox"/>
<input type="checkbox"/> 8. All existing structures and wooded areas within the portion of the land to be subdivided, and within two hundred (200) feet thereof; also, any isolated trees with a diameter of eight (8) inches or more, as measured three (3) feet above ground level, on the property involved.	<input type="checkbox"/>
<input type="checkbox"/> 9. All existing and proposed streets, easements and rights-of-way within or adjoining the proposed subdivision, with the existing right-of-way widths and proposed widths clearly indicated; all existing and proposed driveways or other entrances onto public streets; street names, existing and proposed; sight triangle easements or other easements, and their purpose.	<input type="checkbox"/>
<input type="checkbox"/> 10. The location and width of all existing and proposed utility easements in the area of the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> 11. The location, size and direction of flow of all streams, brooks, drainage structures and drainage ditches in the area to be subdivided, or within two hundred (200) feet of the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> 12. The classification of the zoning district in which the proposed subdivision is located. If the property lies in more than one (1) zoning district, the plat shall indicate all the zoning district lines. All front, side and rear set-back lines, as established in the Township’s Land Development Ordinance, shall be shown.	<input type="checkbox"/>
<input type="checkbox"/> 13. The location of any and all wetland areas and required wetland transition areas or buffers within the proposed development, as required under the “Fresh Water Wetlands Protection Act Rules” – N.J.A.C. 7:6A, New Jersey Department of Environmental Protection. A copy of the applicable wetlands map and soils map of the site involved, as well as a calculation of the acreage of wetlands and uplands for each existing and proposed lot, shall be submitted in the event wetlands are located on the site. If wetlands are located on the site, then there must be submitted a letter of certification from a New Jersey licensed professional engineer that at least fifty percent (50%) of the site involved is upland. Additionally, said wetlands must be mapped on the plat submitted.	<input type="checkbox"/>



**Checklist "B" – Land Subdivisions**

**C - Complete   I - Incomplete   NA – Not Applicable   WR – Waiver Requested**

**Applicant's  
Response**

**Official Use  
Only**

- |  |            |
|--|------------|
| <p>[ ] 14. For any application having a reserve parcel resulting from the subdivision which is capable of being subdivided later and which will have insufficient road frontage as a result of the proposed subdivision, or which will require the installation of a new street to allow for subdivision, the subdivision plat shall show an approximate indication or an acceptable layout of the remainder of the tract to assure that there is no adverse effect upon the development or the provision of access to the remainder of the tract.</p> | <p>[ ]</p> |
| <p>[ ] 15. For all applications involving the creation of more than two (2) lots, spot elevations on lot corners and, for any application where found necessary by the Planning Board, sufficient topographic information for a proper determination of requirements, but not exceeding the topographic information requirement applicable to preliminary major subdivision applications.</p>  | <p>[ ]</p> |
| <p>[ ] 16. A certification of the Stow Creek Township Tax Assessor certifying the identification of all abutting land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act.</p>   | <p>[ ]</p> |

**Minor Subdivision Filing.** A plat containing all of the above information which is reviewed and approved as a minor subdivision may be filed as a plat if it is a certified survey that contains the signatures of the Chairman and Planning Board Secretary and meets the requirements of the Map Filing Law.

**Checklist “B” – Land Subdivisions**

**Preliminary Plat for a Major Subdivision.** A Development Application which is classified as a major subdivision shall not be considered complete until the information requirements of this section have been fulfilled, unless waived by the Planning Board. In the box in the left column marked “Applicant’s Response,” please insert one of the following letters to indicate the status of the information or documentation required and included with this submission.

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> A. The preliminary plat shall be clearly and legibly drawn or reproduced in black on white, at a scale of not less than one (1) inch equals fifty (50) feet. It shall be prepared under the supervision of, signed and sealed by a licensed New Jersey land surveyor; any engineering design work shall be done by a licensed New Jersey professional engineer.	<input type="checkbox"/>
<input type="checkbox"/> B. The plat shall be prepared in compliance with the design standards of the Township’s Land Development Ordinance, and shall show or be accompanied by the following information, in addition to all that is required for a minor subdivision plat, including:	<input type="checkbox"/>
<input type="checkbox"/> 1. Accurate bearings, headings and other boundary details.	<input type="checkbox"/>
<input type="checkbox"/> 2. Any structures of historic significance within two hundred (200) feet of the subdivision, together a statement of the anticipated or likely impact of the development on the historic structure.	<input type="checkbox"/>
<input type="checkbox"/> 3. Topographic contours at two-foot intervals for slopes averaging five percent (5%) or greater, and one-foot contours for slopes less than five percent (5%). All elevations shall be related to a bench mark noted on the plat and, wherever possible, shall be based on U.S.G.S. means sea level datum or approved local datum. Contours should show existing ground elevations and proposed elevations in the areas to be subdivided. Elevations and contours need not be shown for those portions of any parcel which is to be retained by the subdivider in an undeveloped state and is more than two hundred (200) feet from the lots being created.	<input type="checkbox"/>
<input type="checkbox"/> 4. Cross-sections and centerline profiles of proposed streets within the subdivision, and of existing streets which abut the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> 5. All existing and proposed watercourses shall be shown, accompanied by the following information:	
<input type="checkbox"/> a. When a stream is proposed for alteration, improvement or relocation, or when a drainage system is proposed within the floodway of an existing stream, evidence of submission of the improvement to the Division of Water Resources of the New Jersey Department of Environmental Protection shall accompany the subdivision application.	<input type="checkbox"/>

**Checklist “B” – Land Subdivisions**

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> b. Cross-sections of watercourses and or drainage swales at an approximate scale showing the extent of the floodplain, top of bank, normal water level and bottom elevations at the following locations:	
<input type="checkbox"/> (1) At any point where a watercourse crosses the boundary of a subdivision.	<input type="checkbox"/>
<input type="checkbox"/> (2) At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> (3) Immediately upstream and downstream of any point of junction of two (2) or more watercourses.	<input type="checkbox"/>
<input type="checkbox"/> (4) At a maximum of three-hundred-foot intervals along all watercourses which run through or adjacent to the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> c. When ditches, streams, brooks or watercourses are to be altered, improved, or relocated, the method of stabilizing slopes and the measures to control erosion and siltation, as well as typical cross-sections and profiles, shall be shown on the plat or accompany it.	<input type="checkbox"/>
<input type="checkbox"/> d. The boundaries of the flood plains within or adjacent to the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> 6. Drainage Information Plans:	
<input type="checkbox"/> a. Preliminary plans and profiles, at a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically, of all proposed and existing storm sewers, drainage swales and streams within the subdivision, together with the location, size elevation and capacity of any existing storm drain, ditch or stream to which the proposed facility will be connected.	<input type="checkbox"/>
<input type="checkbox"/> b. The location and extent of any proposed dry wells, groundwater recharge basins, retention basins, flood control devices, sedimentation basins, or other water conservation devices.	<input type="checkbox"/>
<input type="checkbox"/> c. Plans and computations for any storm drainage systems, as required under the Township’s Land Development Ordinance, including all existing and proposed storm sewer lines within or in lands or roads adjacent to the development, and for all required off-site or off-tract drainage improvements, showing size, profile and slope of lines, direction of flow and the location of each catch basin, inlet, manhole, culvert and headwall.	<input type="checkbox"/>
<input type="checkbox"/> 7. Preliminary plans and profiles of proposed improvements and utility layouts (sanitary sewers, storm sewers, erosion control, excavation, etc.) shall be at a scale of not more than one (1) inch equals fifty (50) feet	

**Checklist "B" – Land Subdivisions**

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant's Response</b>	<b>Official Use Only</b>
horizontally and one (1) inch equals five (5) feet vertically, showing connections to existing and proposed utility systems.	[   ]
[   ] 8. When on-site wells and sewage disposal systems are proposed, the proposed location of the well and/or system, results of any permeation and/or percolation tests, and sufficient information to assure that the grading plan for the major subdivision will be maintained as a result of such on-site utility location. At a minimum, a test boring and permeation test shall be taken for every four (4) lots. When deemed necessary by the Planning Board to determine the suitability of the soil to support new construction, further permeation tests shall be submitted. Any subdivision or part thereof which does not meet the established sewage treatment requirements shall not be approved unless the proposed remedy to overcome such a situation is approved by the appropriate local, county or state agency. In a case where the exact location of such on-site utilities is not known, the preliminary plat shall contain a note stipulating that the integrity of the final grading plan for the major subdivision shall be maintained.	[   ]
[   ] 9. Identification of any area to be reserved for public use, including for recreational purposes.	[   ]
[   ] 10. A copy of any protective covenants or deed restrictions applying to the land being subdivided.	[   ]
[   ] 11. A landscaping and buffering plan showing any existing or proposed buffered areas and the proposed landscaping to be undertaken within the subdivision, including the planting of shade trees and typical lot landscaping. The plan shall show what existing or natural vegetation will remain and what will be planted, including shade trees, indicating the names of the plants and trees with dimensions, appropriate time and method of planting in detail. The plan shall indicate compliance with any clear cutting regulations that may pertain to the property.	[   ]
[   ] 12. A lighting plan indicating any existing or proposed street lighting to be installed, as well as the location and design of proposed lighting for buildings, signs or grounds. The location of poles and distances from intersections for all street lighting and illumination factors for all lighting shall be required.	[   ]
[   ] 13. An itemization of all improvements to be made to the site, together with such other improvements on-site and off-tract as the public interest may require, including therewith a listing of the work and materials to be used in installing such improvements, and including estimated quantities so that the Township Engineer may formulate a performance guaranty estimate.	[   ]

**Checklist "B" – Land Subdivisions**

**C - Complete   I - Incomplete   NA – Not Applicable   WR – Waiver Requested**

<b>Applicant's Response</b>	<b>Official Use Only</b>
[   ] 14. Details, locations and information on any proposed signs to be erected, constructed or to be placed anywhere on the property involved.	[   ]
[   ] 15. In the case of a cluster development, the preliminary plat shall be accompanied by a set of detailed development plans showing density patterns, site design, open land designations, building locations, utilities and other improvements and landscaping proposals.	[   ]
[   ] 17. In the case of a development for which a homeowners association is required or proposed, the site plan shall be accompanied by such information as will permit the Planning Board to make detailed findings concerning the ability of the association to adequately perform the function for which it is designed. Information to be submitted by the applicant, in this regard, and subject to approval and revision, is as follows:  a. The time when the association is to be created in relation to the project's timetable.  b. Mandatory or automatic nature of membership in the organization by a resident/occupant, and his/her successor(s), as well as the Township.  c. Permanency of protective covenants for common, buffer, open space, recreational areas or drainage improvement areas.  d. Liability of the organization for insurance, taxes and maintenance of all facilities.  e. Provisions made for pro rata sharing of costs and assessments.  f. Capacity of the organization to administer common facilities and preserve the benefits of the common, buffer, open space, recreational areas or drainage improvement facilities.  g. The restrictions, covenants and other devices establishing automatic membership in the association and the responsibilities of membership.  [   ] 18. For any development located on an arterial or collector road, or for any development which will be expected to provide parking spaces for fifty (50) or more vehicles, fifteen (15) copies of a traffic analysis will be required to be submitted as part of the preliminary submission. This analysis shall be prepared by a qualified professional traffic engineer or planner, and shall include the following:  a. Estimated trips for said development.  b. Directional distribution of traffic from development.	

**Checklist "B" – Land Subdivisions**

**C - Complete**

**I - Incomplete**

**NA – Not Applicable**

**WR – Waiver Requested**

**Applicant's  
Response**

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- c. Trip assignment and analysis.
  - d. A capacity analysis of all roadways to be affected by said development, as determined by the above referenced data.
  - e. Identification of congestion and turning-movement traffic
  - f. An explanation of how the applicant proposes to handle any conflicts or problems, and/or recommendations for the mitigation or elimination of such conflicts or problems, including an assessment of the developer's share of such conflict or problem and the cost for their mitigation or elimination. [ ]
- [ ] 19. The identification of all abutting land that is currently assessed as qualified farmland under the New Jersey Farmland Assessment Act, and the location of any agricultural buffer strip that may be required under the Township's Land Development Ordinance. [ ]
- [ ] 20. An Environmental Impact Report, in accordance with the requirements of Section 7.10 of this Ordinance. [ ]

**Checklist “B” – Land Subdivisions**

**Final Subdivision Plat.** A Development Application which is classified as a major subdivision shall not be considered complete until the information requirements of this section have been fulfilled, unless waived by the Planning Board. In the box in the left column marked “Applicant’s Response,” please insert one of the following letters to indicate the status of the information or documentation required and included with this submission.

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
[ ] 1. The final plat shall be drawn in ink on tracing cloth or its equivalent, at a scale of not less than one (1) inch equals fifty (50) feet, and in compliance with all the provisions of the Map Filing Law. The final plat shall be submitted in the following form: the original or equivalent duplicate, one (1) translucent tracing cloth or its equivalent copy, two (2) cloth prints and fifteen (15) black-on-white prints.	[ ]
[ ] 2. All information listed on this Checklist B for a preliminary plat.	[ ]
[ ] 3. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way; lands to be reserved or dedicated to public use; all lot lines and other site lines, with accurate dimensions, bearings or direction angles, and radii arcs and central angles of all curves.	[ ]
[ ] 4. The purpose of any easement or land reserved or dedicated to a public use shall be designated, and the proposed use of sites other than residential shall be noted.	[ ]
[ ] 5. New blocks and lots shall be numbered so as to conform with the Township Tax Map.	[ ]
[ ] 6. Minimum building setback lies on all lots and other sites.	[ ]
[ ] 7. Cross-sections, profiles and established grades of all streets, as approved by the Township Engineer.	[ ]
[ ] 8. Plans and profiles of all storm, sanitary sewers and water mains, as approved by the Township Engineer.	[ ]
[ ] 9. A certificate from the Tax Assessor that all taxes are paid, to date.	[ ]
[ ] 10. A statement by the Township Engineer that he is in receipt of a map showing all utilities at exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has installed all improvements in accordance with the requirements of these regulations or has filed a corporate surety bond, a certified check (returnable to the subdivider after full compliance), or any other type of surety approved by the governing body and approved as to form by the Township Solicitor, which is in sufficient amount to assure the installation and maintenance of improvements. The	

**Checklist "B" – Land Subdivisions**

**C - Complete   I - Incomplete   NA – Not Applicable   WR – Waiver Requested**

**Applicant's  
Response**

**Official Use  
Only**

provisions of N.J.S.A. 40:55D-53 shall govern said bonds and the completion, inspection and approval of said improvements and the payment of inspection fees.

[   ]

[   ] 11. The identification of all abutting land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act, and the location of any agricultural buffer strip of two hundred (200) feet in width, in addition to the required minimum lot size and minimum yard dimensions along any boundary with land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act. The location of an agricultural buffer strip shall not be required for that portion of land that is to be placed in farmland and is five (5) acres or more in area.

[   ]

[   ] 13. Signature blocks for the Planning Board Chairman and Secretary, Township Engineer and all other endorsements required by law.

[   ]

[   ] 14. The location and description of all monuments, as required by the Township Land Development Ordinance and the New Jersey Map Filing Law.

[   ]

[   ] 15. For phased or staged developments, only those portions for which approval is being requested and has been granted preliminary approval shall be shown on the final plat.

[   ]



# **EXHIBIT E**

**Checklist “C” – Minor Site Plans**

**Instructions:** Fill in the name of the applicant or the development and date, below. Then, using the column of brackets at the left, mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all of the materials and information specified below have been submitted and found complete by the Planning Board.

**Name of Applicant or Development** \_\_\_\_\_ **Date:** \_\_\_\_\_

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
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Minor site plans shall show the proposed improvements, alterations or changes of use (of the property) on a plan which has been signed by the New Jersey licensed engineer, architect or planner who prepared it, and shall include the following:

- |  |  |
|--|--|
| <p><input type="checkbox"/> (1) The site plan shall be drawn at a scale of not less than fifty (50) feet to the inch. All distances shall be in decimals of a foot, and all bearings shall be given to the nearest ten (10) seconds. The error of closure shall not exceed one (1) in ten thousand (10,000).</p>   | <p><input type="checkbox"/> <input type="checkbox"/></p> |
| <p><input type="checkbox"/> (2) A key map with a North arrow showing the entire development and its relation to surrounding areas, at a scale of not less than one (1) inch equals two thousand (2,000) feet.</p>  | <p><input type="checkbox"/> <input type="checkbox"/></p> |
| <p><input type="checkbox"/> (3) The Township tax map sheet, block and lot numbers for the tract and all adjacent lots; title block; graphic scale; date of original drawing, and the date and substance of each revision.</p>  | <p><input type="checkbox"/> <input type="checkbox"/></p> |
| <p><input type="checkbox"/> (4) Name and address of the property owner, applicant and person preparing the plan. If the owner is not the applicant, then the interest of the applicant and the owner’s signed consent to the filing of the application.</p>  | <p><input type="checkbox"/> <input type="checkbox"/></p> |
| <p><input type="checkbox"/> (5) The identification of all abutting land that is currently assessed as qualified farmland under the New Jersey Farmland Assessment Act, and the location of any agricultural buffer strip that may be required under the municipality’s Land Development Ordinance.</p>   | <p><input type="checkbox"/> <input type="checkbox"/></p> |
| <p><input type="checkbox"/> (6) A survey prepared by a land surveyor licensed in the State of New Jersey shall accompany all site plans, and shall show the boundaries of the parcel; the limits of all proposed streets; and, all recreation areas and other property to be dedicated to public use or to common open space. In the case of new commercial, industrial or institutional use buildings, the site plan shall be accompanied by the license number and the seal of the architect involved.</p> | <p><input type="checkbox"/> <input type="checkbox"/></p> |

**Checklist “C” – Minor Site Plans**

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
[    ] (7) The classification of the zoning district in which the proposed development is located. If the property is located in more than one (1) zoning district, the plan shall indicate all zoning district lines. All front, side and rear yard setback lines conforming to the Township’s Land Development Ordinance shall be shown.	[    ]
[    ] (8) All proposed additions or modifications to the existing structures upon the property; the location of all parking and loading areas; and the number of parking and loading spaces available or to be provided, with dimensions and references to all lot lines and the center lines of all abutting streets. Calculations for determining the number of parking and loading spaces required shall be provided	[    ]
[    ] (9) The existing and proposed use of all buildings, structures (including fences, sheds, bridges or sidewalks) or parts thereof located on the site; any wooded areas within the tract involved; and, any isolated trees with a diameter of eight (8) inches or more measured three (3) feet above ground level located on the property involved.	[    ]
[    ] (10) Streams, lakes and drainage rights-of-way within the limits of the property involved, including the location, width and direction of flow of all streams, brooks and drainage structures; existing natural or man-made features to be removed or relocated; flood hazard areas and floodway lines; and, steep slopes in excess of five percent (5%).	[    ]
[    ] (11) A copy of the applicable wetlands map and soils map of the site involved, as well as a calculation of the acreage of wetlands and uplands, shall be submitted in the event wetlands are located on the site. If wetlands are located on the site, then there must be submitted a letter of certification from a New Jersey licensed professional engineer that at least fifty percent (50%) of the site involved is upland. Additionally, wetlands must be mapped on the plan submitted.	[    ]

**Checklist “C” – Minor Site Plans**

**C - Complete   I - Incomplete   NA – Not Applicable   WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
[ ] (12) All existing streets, roads, easements and rights-of-way within and/or adjoining the site, with existing right-of-way widths clearly indicated; existing and proposed driveways or other entrances onto a public street; existing and proposed sight triangles and other easements and their purposes shall be shown; and, all curb openings, existing and proposed, with referenced location and width at the curblines and at the property line.	[ ]
[ ] (13) The location and width of all existing or proposed utility easements in the area.	[ ]
[ ] (14) The location of any existing or proposed open space or recreational areas within or adjacent to the site.	[ ]
[ ] (15) The location of any municipal boundary lines within two hundred (200) feet of the site.	[ ]
[ ] (16) If a sign or signs are to be erected, attached or otherwise located on the site, the site plan shall be accompanied by details and information on the number, size, design and content of any sign or signs as may be permitted for the said use.	[ ]
[ ] (17) The existing and proposed type of paving.	[ ]
[ ] (18) The location of all storm water inlets within 100 feet of the property boundaries.	[ ]
[ ] (19) The location of existing or proposed potable water and sanitary sewer facilities for the site and their suitability for the use proposed.	[ ]
[ ] (20) Such other details as may apply to the proposed improvements or change of use as may be necessary to reasonably determine the suitability of the site for the use proposed and to otherwise comply with the requirements of the Township’s Land Development Ordinance.	[ ]

# **EXHIBIT F**

**Checklist “D” – Major Site Plans**

**Instructions:** Fill in the name of the applicant or the development and date, below. Then, using the column of brackets at the left, mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all of the materials and information specified below have been submitted and found complete by the Planning Board.

**Name of Applicant or Development** \_\_\_\_\_ **Date:** \_\_\_\_\_

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> A. Site plans shall be prepared under the supervision of and shall be signed and sealed by either a New Jersey licensed professional engineer, planner or registered architect. A plan shall be drawn in black on white at a scale not less than one (1) inch equals fifty (50) feet.	[   ]
<input type="checkbox"/> B. Fifteen (15) folded copies of the site plan, which shall clearly show the conditions on and adjacent to the site at the time of application; the features of the site which are being incorporated into the proposed use or building; and, the appearance and function of the proposed use or building. At a minimum, a preliminary site plan shall include the following information:	[   ]
<input type="checkbox"/> (1) A key map at an appropriate scale, showing the location of the site and its relationship to surrounding areas and to existing streets that are adjacent to or within fifty (50) feet of the tract, and any municipal boundary within one hundred (100) feet of the tract involved.	[   ]
<input type="checkbox"/> (2) The name and address of the owner, developer and the person preparing the plan.	[   ]
<input type="checkbox"/> (3) The tax map sheet, block and lot numbers.	[   ]
<input type="checkbox"/> (4) The names of all adjoining property owners, as disclosed by the most recent tax records.	[   ]
<input type="checkbox"/> (5) The entire property in question, even though only a portion of the said property is involved in the site plan; provided, however, that where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.	[   ]
<input type="checkbox"/> (6) The location, design and dimensions of each new and existing use and building.	[   ]

**Checklist “D” – Major Site Plans**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> (7) The building or use set-back distances from all property lines.	<input type="checkbox"/>
<input type="checkbox"/> (8) The name, location, dimensions and arrangement of all existing or proposed streets, vehicular accessways and driveways, sight triangles, off-street parking areas, loading and unloading areas, and the computations used to determine the number of off-street parking and loading spaces required.	<input type="checkbox"/>
<input type="checkbox"/> (9) A survey prepared by a land surveyor licensed by the State of New Jersey shall accompany all site plans, and shall show the boundaries of the parcel; the limits of the proposed streets; and, all recreation areas and other property to be dedicated to the public use or to common open space.	<input type="checkbox"/>
<input type="checkbox"/> (10) In case of new commercial, industrial or public buildings, the site plan shall be accompanied by preliminary architectural floor plans and elevations of the front, side and rear of any structures, with the name, address, professional number and seal of the architect involved; and, all signs to be erected, constructed, and placed on-site or modified, to the extent necessary to apprise the Planning Board of the scope of the proposed work, shall be shown. Any existing structures shall be identified either as to remain or be removed.	<input type="checkbox"/>
<input type="checkbox"/> (11) The location of all existing trees or tree masses, indicating general sizes and species of trees.	<input type="checkbox"/>
<input type="checkbox"/> (12) A North arrow; and, the zone district(s) in which the lot(s) involved is located.	<input type="checkbox"/>
<input type="checkbox"/> (13) The date of the original drawing and each subsequent revision or amendment thereto; title of plan and development name on each sheet; and the total area of the development.	<input type="checkbox"/>
<input type="checkbox"/> (14) All dimensions, areas and distances needed to confirm conformity with this Ordinance, such as, but not limited to, building lengths, building coverage, lot lines, parking and loading spaces, setbacks and yard dimensions, and buffer areas.	<input type="checkbox"/>
<input type="checkbox"/> (15) The location, design and dimensions of all open areas, buffer areas, pedestrian walkways, and any recreation areas and facilities proposed by the developer.	<input type="checkbox"/>
<input type="checkbox"/> (16) A landscaping and buffering plan showing what will remain and what will be planted, indicating the names of the plants and trees, their dimensions, the approximate time and method of planting, and all non-plant materials to be used in landscaping.	<input type="checkbox"/>

**Checklist “D” – Major Site Plans**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
[ ] (17) Contours at two-foot intervals for slopes averaging five percent (5%) or greater, and one-foot contours for slopes less than five percent (5%), unless determined by the Township Engineer to be unnecessary in whole or in part.	[ ]
[ ] (18) Grading plan showing existing and proposed spot elevations based upon the United States coastal geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.	[ ]
[ ] (19) The location, size and direction of flow of all streams, brooks, ditches, lakes and ponds. The boundaries of the flood plains of all watercourses shall be shown.	[ ]
[ ] (20) Plans, design details and calculations for all storm drainage facilities.	[ ]
[ ] (21) A lighting plan for the site, including the location and design of proposed lighting for buildings, signs, parking and loading areas, driveways, grounds and streets.	[ ]
[ ] (22) Cross sections and centerline profiles of all existing and proposed streets and watercourses.	[ ]
[ ] (23) Preliminary plans and profiles of proposed utility layouts, water and sewer facilities.	[ ]
[ ] (24) If on-site sewage disposal is required, the results and location of all percolation tests and test borings shall be shown on the plan.	[ ]
[ ] (25) The size, type, location and design (including content) of all proposed signs.	[ ]
[ ] (26) The identification of all abutting land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act, and the location of an any agricultural buffer strip that may be required under the Township’s Land Development Ordinance.	[ ]
[ ] (27) A certification of the Stow Creek Township Tax Assessor certifying the identification of all abutting land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act.	[ ]
[ ] C. For any development located on an arterial or collector road, as defined in the adopted Township Master Plan, or any development which will be expected to provide parking spaces for fifty (50) or more vehicles, fifteen (15) copies of a traffic analysis will be required to be submitted as part of the preliminary submission. Said analysis shall be prepared by a qualified professional traffic engineer or planner, and shall include the following:	



**Checklist “D” – Major Site Plans**

**Applicant’s  
Response**

**Official Use  
Only**

- (1) Estimated trip generation for said development.
  - (2) Directional distribution of traffic from development.
  - (3) Trip assignment and analysis.
  - (4) A capacity analysis of all roadways to be affected by said development, as determined by the above referenced data.
  - (5) Identification of congestion and turning-movement traffic.
  - (6) An explanation of how the applicant proposes to handle any conflicts or problems, and/or recommendations for the mitigation or elimination of such conflicts or problems, including an assessment of the developer’s share of such conflicts or problems and cost for their mitigation or elimination.
  - (7) Such other information and/or data as may be found necessary and required by the Planning Board. [   ]
- [   ] D. A soil erosion and sediment control plan, or a statement that the same is not applicable, is required. [   ]
- [   ] E. In the case of a development for which a homeowners association is required or proposed, the site plan shall be accompanied by such information as will permit the Planning Board to make detailed findings concerning the ability of the association to adequately perform the function for which it is designed. Information to be submitted by the applicant, in this regard, shall include the following:
- (1) The time when the association is to be created in relation to the project’s timetable.
  - (2) The mandatory or automatic nature of membership in the organization by a resident/occupant and his/her successor(s), as well as the Township.
  - (3) Nature of protective covenants for all common, buffer, open space and recreational areas or drainage improvement areas.
  - (4) Liability of the organization for insurance, taxes and maintenance of all facilities.
  - (5) Provisions made for pro rata sharing of costs and assessments.
- [   ] F. An Environmental Impact Report, in accordance with the requirements of Section 7.10 of this Ordinance. [   ]

**Checklist "D" – Major Site Plans**

**Applicant's  
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**Official Use  
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- (6) Capacity of the organization to administer common facilities and preserve the benefits of the common, buffer, open space or recreational areas or drainage improvement facilities.
- (7) The restrictions, covenants and other devices establishing the automatic membership in the association and the responsibilities of membership.
- (8) Such other information as may be necessary to assure that the enforcement of the Township's Land Development Ordinance. [ ]
- [ ] G. Such other information or submissions as shall have been made known to the applicant in writing at the time he received the application form and this or other checklists for use in applying for development approval. [ ]

# **EXHIBIT G**

**Checklist “E” – Variance Applications**

**Instructions:** Fill in the name of the applicant or the development and date, below. Then, using the column of brackets at left, mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all of the materials and information specified below have been submitted and determined to be complete by the approving authority.

**Name of Applicant or Development** \_\_\_\_\_ **Date:** \_\_\_\_\_

**C - Complete    I - Incomplete    NA – Not Applicable    WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> Fifteen (15) copies of a plan or plat of the property involved folded separately, drawn at a suitable scale to enable the entire tract to be shown on one (1) sheet, and based on a survey of the property by a licensed land surveyor and showing the following items:	<input type="checkbox"/>
<input type="checkbox"/> 1. A key map with North arrow, showing the entire development and its relation to surrounding areas at a scale of not less than one (1) inch equals two thousand (2,000) feet.	<input type="checkbox"/>
<input type="checkbox"/> 2. The Township Tax Map sheet, block and lot numbers for the tract and all adjacent lots; title block; graphic scale; date of original drawing, and the date and substance of each revision.	<input type="checkbox"/>
<input type="checkbox"/> 3. Names and addresses of the property owner and the person preparing the plat or plan. If the owner is not the applicant, then the interest of the applicant and the owner’s signed consent to the filing of the application shall be included.	<input type="checkbox"/>
<input type="checkbox"/> 4. The names of all adjoining property owners and property owners within 200 feet of the property involved, as disclosed by the most recent tax records.	<input type="checkbox"/>
<input type="checkbox"/> 5. The classification of the zoning district in which the property is located. If the property is located in more than one (1) zoning district, the plat shall indicate all of the zoning district lines. All front, side and rear setback lines shall be shown.	<input type="checkbox"/>
<input type="checkbox"/> 6. The street address, if any, of the subject property, its entire acreage and the acreage of the area(s) involved in the variance application.	<input type="checkbox"/>
<input type="checkbox"/> 7. All existing structures, uses and wooded areas located on the property involved and within two hundred (200) feet of the subject property; also, any isolated trees with a diameter of eight (8) inches or more, measured three (3) feet above ground level, on the property involved.	<input type="checkbox"/>
<input type="checkbox"/> 8. All streams, lakes and drainage rights-of-way within the limits of the property and within five hundred (500) feet thereof, including the location, width and direction of flow of all streams, brooks and drainage structures; all existing natural or man-made features to be removed or	

**Checklist “E” – Variance Applications**

**C - Complete   I - Incomplete   NA – Not Applicable   WR – Waiver Requested**

**Applicant’s  
Response**

**Official Use  
Only**

relocated; all flood hazard areas and floodway lines; steep slopes in excess of five percent (5%); and, the location of all previously dedicated areas, whether accepted or not.

[   ]

[   ] 9. The location of any and all wetland areas and required wetlands transition areas or buffers within the proposed development, as required under the “Fresh Water Wetlands Protection Act Rules” – N.J.A.C. 7:7A, New Jersey Department of Environmental Protection; or a letter of interpretation from the NJDEP indicating that the proposed activity within the property requires no wetlands permit or delineation. The Planning Board may waive this application requirement, upon the recommendation of the Township Engineer, if the applicant submits a signed statement by a New Jersey licensed engineer or land surveyor that:

- a. He has personally visited the subject property and conducted a site investigation to determine that there are no wetlands or wetland transition areas on the subject property.
- b. He has examined the subject property on a national wetlands inventory map.
- c. He has reviewed the soils on the subject property, as set forth in the Cumberland County Soil Survey Map issued by the United States Department of Agriculture.
- d. He has certified that there are no wetlands or wetland transition areas on the subject property.
- e. A copy of the applicable wetlands map and soils map of the site involved, as well as a calculation of the acreage of wetlands and uplands for each existing and proposed lot, shall be submitted in the event that wetlands are located on the site.

[   ]

[   ] 10. All existing streets, roads, easements and rights-of-way within and adjoining the property involved, with existing right-of-way widths clearly indicated, and all proposed street, etc., in any adopted County or Township Master Plan; all existing and proposed driveways or other entrances onto a public street; all street names; all existing sight triangles or other easements, and their purpose.

[   ]

[   ] 11. The location and width of all existing or proposed utility easements on the property.

[   ]

**Checklist “E” – Variance Applications**

**C - Complete   I - Incomplete   NA – Not Applicable   WR – Waiver Requested**

<b>Applicant’s Response</b>	<b>Official Use Only</b>
<input type="checkbox"/> 12. The location of any existing or proposed open space or recreational areas within or adjacent to the lot involved.	<input type="checkbox"/>
<input type="checkbox"/> 13. The location of any municipal boundary lines within two hundred (200) feet of the property.	<input type="checkbox"/>
<input type="checkbox"/> 14. A copy of any existing or proposed deed restriction(s).	<input type="checkbox"/>
<input type="checkbox"/> 15. A copy of and/or plan delineation of any existing or proposed easements, or lands reserved or dedicated to public use, or other protective covenants.	<input type="checkbox"/>

# **EXHIBIT H**

### **Fees and Escrow Deposits**

Each application for relief before the Planning Board shall be accompanied by the payment of the following fees:

(1)	Agricultural Division	No fee
(2)	Ordinance Interpretation	\$50.00
(3)	Variance other than pursuant to N.J.S.A. 40:55D-70(d)	\$50.00
(4)	Variance pursuant to N.J.S.A. 40:55D-70(d)	\$100.00
(5)	Zoning Permit	\$15.00
(6)	Tax Assessor (preparation of 200-foot list)	\$10.00
(7)	Conditional Use Application	\$50.00
(8)	Minor Subdivision (plus \$25.00 for each resulting lot)	\$50.00
(9)	Major Subdivision (plus \$40.00 for each resulting lot)	\$100.00
(10)	Minor Site Plan	\$75.00
(11)	Major Site Plan (plus \$40.00 per acre of site)	\$150.00

In addition to the application fees required above, the following escrow deposits must be paid to the Planning Board Secretary before a Development Application may be deemed complete:

(1)	Conceptual Subdivision Plan Review (Major or Minor)	\$300.00
(2)	Minor Subdivision	\$500.00
(3)	Minor Subdivision, with Variances	\$700.00
(4)	Major Subdivision – Preliminary Approval	
	(a) 0-25 Lots	\$3,000.00
	(b) 26-100 Lots (plus \$50.00 for each lot over 26)	\$5,000.00
	(c) 101 to 500 Lots (plus \$50.00 for each lot over 101)	\$7,500.00
	(d) 501 Lots, or more (plus \$25.00 for each lot over 501)	\$10,000.00
(5)	Major Subdivision – Final Approval	
	(a) 0-25 Lots	\$1,500.00
	(b) 26-100 Lots	\$2,000.00
	(c) 101-500 Lots	\$3,500.00
	(d) 501 Lots, or more	\$5,000.00
(6)	Site Plan	
	(a) Conceptual Site Plan – Informal (Major or Minor)	\$300.00
	(b) Minor Site Plan – Preliminary Approval	\$1,500.00
	(c) Minor Site Plan - Final Approval	\$500.00
	(d) Major Site Plan – Preliminary Approval	
	0 - 0.5 Acres of Disturbed Area	\$2,000.00
	0.51 to 1.0 Acre of Disturbed Area	\$2,500.00
	1.01 to 5.0 Acres of Disturbed Area	\$3,500.00
	5.01 to 25.0 Acres of Disturbed Area	\$5,000.00
	25.01 to 100.0 Acres of Disturbed Area	\$7,500.00
	100.01 or more Acres of Disturbed Area (plus \$100.00 for each acre over 100 acres)	\$10,000.00
	(e) Major Site Plan – Final Approval	
	0 – 0.5 acres of Disturbed Area	\$1,000.00



	0.51 – 1.0 Acres of Disturbed Area	\$1,250.00
	1.01 – 5.0 Acres of Disturbed Area	\$1,750.00
	5.01 – 25.0 Acres of Disturbed Area	\$2,500.00
	25.01 – 100 Acres of Disturbed Area	\$3,750.00
	100.01 or more Acres of Disturbed Area (plus \$100.00 for each acre over 100 acres)	\$5,000.00
(7)	Variance other than pursuant to N.J.S.A. 40:55D-70(d)	
	(a) First acre or part thereof (plus \$150.00 for each additional acre or part thereof)	\$500.00
(8)	Variance pursuant to N.J.S.A. 40:55D-70(d)	
	(a) First acre or part thereof (plus \$150.00 for each additional acre or part thereof)	\$2,000.00
(9)	Conditional Use	
	(a) First acre or part thereof (plus \$150.00 for each additional acre or part thereof)	\$2,000.00
(10)	Request for Interpretation of Ordinance	\$300.00

These escrow deposits shall be utilized to pay the cost of any professional or technical service fees incurred by the Township in connection with the review of any application for development submitted by an applicant.

For the purpose of computing the application fees and escrow deposits required for any site plan application, the term “disturbed area” shall include all road right-of-way improvements, building areas, parking access drives, walks, lawn areas and landscaped areas to be cleared.

# **EXHIBIT I**

**STOW CREEK TOWNSHIP**  
**RIGHT-to-FARM ORDINANCE**

Section 1.     **Recognition of Right**

The Township of Stow Creek recognizes that farming is a natural right and ordained to be a permitted use throughout the Township of Stow Creek, subject only to the restrictions and regulations for intensive fowl or livestock farms, and subject to State and Township health and sanitary codes.

Section 2.     **Equipment and Methods**

The right-to-farm recognizes the use of all manner of mechanical equipment, irrigation pumps and applicators, aerial and ground spraying and seeding, large tractors, etc., and also numerous laborers and the application chemical and/or natural fertilizers, and pesticides; all for the purpose of producing, handling and marketing agricultural products such as vegetables, grains, hay, fruit, fibers, wood, trees, plants, shrubs, flowers, seeds, etc., or aquaculture with regard to fish, shellfish, or aquatic plants. This right-to-farm shall also include the right to use land for grazing by animals, subject to the restrictions of intensive fowl or livestock farms.

Section 3.     **Acceptable Practices and Times**

The right-to-farm includes the uses, methods and activities that have been proven effective in the past, that are acceptable in the present and that are considered reasonable and necessary in the industry throughout the country as a whole, and which are conducted in accordance with generally accepted agricultural practices. Such uses and activities may occur at anytime day or night, on weekends, weekdays or holidays. The noise, odors, dust and fumes that are caused by any of these practices are specifically permitted as part of the exercise of this right-to-farm.

Section 4.     **Inconveniences to Public**

It is expressly recognized that any nuisance or inconvenience to the public that may be caused to others by such uses and activities so conducted is more than offset by the benefits from farming to the neighborhood, community and to society in general, by the preservation of and continuance of farming in Stow Creek Township as a source of agricultural products, a source of legitimate income and employment, and the keeping of the rural life for this and future generations.

## **EXHIBIT J**

**STOW CREEK TOWNSHIP**  
**RIGHT to COUNTRY LIFE CODE**

**Section 1.** Stow Creek Township recognizes the agricultural and rural nature of this community and its many long time residents, and those who have moved into our community because of its “rural atmosphere”. The Township Committee believes that in the best interest of the Township as a public entity and its citizens, including people who are considering moving here, to give notice of a Policy Statement to express the ideology of a rural code or a “country code” as part of the philosophy of the Township.

**Section 2.** The Policy Statement of Stow Creek Township with respect to its rural environment and country living is herein set forth:

This document expresses the philosophy of Stow Creek Township residents. The residents of this Township have been raised here and have chosen to stay or have moved here because they enjoy the “rural life”. This community has shown a strong commitment to remaining rural by foregoing services taken for granted in suburban and city areas, and traveling the extra distance for the necessities.

Many residents have moved to this area because the “rural atmosphere” of their former hometown has been lost to development. Others may be rural newcomers escaping the suburbs and cities. These residents must remember not to expect perfectly paved roads, water and sewer service, a local police department, municipal trash pick-up, public transportation and other “luxuries”. Residents in a rural community will endure the slow-moving farm machinery on the roads, night and early morning tractor and irrigation pump noise, perhaps unpleasant odors and dust of neighboring farm activity.

If you are considering this area as your home, please remember that the snowplow may not come as often as you may feel necessary, you will have to travel to the market and other stores. The New Jersey State Police have been providing us with excellent coverage and we will continue with that relationship as long as possible.

As a member of this community, you will have to take your trash to our local convenience center or contract for trash removal yourself. There may be certain items that will not be accepted at all or at specified times only – for example, tires, hazardous, bulky, demolition waste, etc. In exchange for your participation in providing these services to you, we the Township Committee will ensure a tax rate without high costs associated with maintaining the extra equipment and personnel otherwise required.

You will sometimes have to pay a price to remain a rural community; residential development and farmland assessed properties do not provide the ratables of commercial development. Farmland-assessed property provides a community with open space; owners enjoy a reduced property assessment; however, the entire municipality benefits from this acreage that will have little, if any, impact on the local and regional school districts. The residential development must be controlled in consideration of the services it demands. The increased traffic that is a result of developing more houses, especially in the more open areas of Stow Creek, will compel us to improve and add roads for the sake of the safety of all our citizens.

It is with this ideology that the Township Committee of Stow Creek does hereby adopt this Code as a notice to all present citizens and future citizens of this community that Stow Creek officials will continue the philosophy in their policy and procedure to provide its citizens with a country lifestyle.

**Section 3.** According to the Constitution of the State of New Jersey and applicable law, the Stow Creek Township Committee as the governing body will carry out its responsibilities. However, the Township Committee believes it is appropriate to recognize the rural policies set forth above and will consider same, as well as applicable legal criteria in making decisions to expend taxpayers' dollars when being asked to provide services to certain persons and/or entities and when complaints of certain inconveniences are being considered. Expenditures of public funds that may not produce results that are cost-effective to Stow Creek and its rural life will always be thoroughly reviewed by the Township Committee in its legislative and executive capacity.

**Section 4.** The Township Committee will establish procedures to provide a copy of this Ordinance, as well as the Right-to-Farm Ordinance, to each registered voter, each person or entity who seeks a building permit, pays taxes, applies to or seeks information from the Stow Creek Planning Board, or seeks to become a citizen or entity in Stow Creek Township. This Ordinance, besides stating a philosophy, sets for the policy of Stow Creek's residents, intended to give notice to those who may wish to become part of this rural community as to the way of life that we have and have had and want to continue on into the future, while at the same time helping each other as neighbors and seeking to be responsible citizens.