2013

Amended as of November 2022



CHERRY HILL TOWNSHIP

ZONING ORDINANCE

MAYOR
THE HONORABLE SUSAN SHIN-ANGULO

TOWNSHIP COUNCIL
DAVID FLEISHER, COUNCIL PRESIDENT
BRIAN BAUERLE, COUNCIL VICE PRESIDENT
CAROLE ROSKOPH, COUNCILMAN
SANGEETA DOSHI, COUNCILMAN
MICHELLE GOLKOW, COUNCILWOMAN
JENNIFER APELL, COUNCILWOMAN
WILLIAM CARTER, COUNCILWOMAN

PLANNING BOARD
JOHN S. OSORIO, ESQ., CHAIR
SHEILA GRIFFITH, VICE CHAIR
TINA TRUITT, CLASS I
EARLE SENERES, CLASS II
CAROLE ROSKOPH, CLASS III
ANN MADDEN TUFANO, CLASS IV
ALISE PANITCH, CLASS IV
SAM KATES, CLASS IV
MARLYN KALITAN, CLASS IV
RICHARD RIVERA, ALTERNATE #1
JOHN CHUNG, ALTERNATE #2

DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF
COSMAS DIAMANTIS, ESQ., DIRECTOR
NATALIE SHAFIROFF, PP, AICP, DEPUTY DIRECTOR
JACOB RICHMAN, PP, AICP, SENIOR PLANNER
KATHLEEN GAETA, ZONING AND PLANNING ADMINISTRATOR
KATHERINE MALGIERI, AICP, ZONING OFFICER
ANNETTE LUDLOW, HOUSING COORDINATOR
STEVE SCHOMP, RENTAL HOUSING INSPECTOR
VANDI-KOI LAHAI, HOUSING ASSISTANT
TANYA ADAMS, OFFICE ADMINISTRATOR
ANNA McHENRY, ADIMINISTRATIVE ASSISTANT

TABLE OF CONTENTS

ARTICLE I **TITLE & PURPOSE**
Section 101 Title
Section 102 Short Title
Section 103 Purpose & Intent
Section 104 Interpretation of Standards
Section 105 Prohibited Uses
Section 106 Time of Compliance
Section 107 Proposed Public Dedications

ARTICLE II **DEFINITIONS**
Section 201 Word Usage
Section 202 Definitions

ARTICLE III **ZONES & ZONING MAP**
Section 301 Establishment of Zones
Section 302 Zoning Map
Section 303 Zone Boundaries
Section 303 Applicability within Each Zone

ARTICLE IV **ZONING REGULATIONS**
Section 401 General Regulations
Section 402 Residential Agriculture (RA)
Section 403 Residential Agriculture Planned Community (RAPC)
Section 404 Residential (R1)
Section 405 Residential (R2)
Section 406 Residential (R3)
Section 407 Multi-Residential (R7)
Section 408 Multi-Residential (R10)
Section 409 Multi-Residential High-Rise (R20)
Section 410 Residential-Inclusionary Planned Development (RIPD)
Section 411 Limited Office (O1)
Section 412 General Office (O2)
Section 413 Professional Office (O3)
Section 414 Neighborhood Business (B1)
Section 415 Highway Business (B2)
Section 416 Shopping Center Business (B3)
Section 417 Regional Business (B4)
Section 418 Institutional (IN)
Section 419 Industrial Restricted (IR)
Section 420 Industrial Restricted Business (IRB) Overlay Zone
Section 421 Restricted Business (IR-RB) Overlay Zone
Section 422 RESERVED (Agricultural-Horticultural Commercial (A-HC) Overlay Zone)
Section 423 Senior Housing (SH) Overlay Zone
Section 424 Senior & Supportive Housing (SSH) Overlay Zone
Section 425 RESERVED
Section 426 Golden Triangle Transit-Oriented Development (GTTOD) Overlay Zone
Section 427 PATCO Transit-Oriented Development (PTOD) Overlay Zone
Section 428 RESERVED
Section 429 Flood Plain (FP) Overlay Zone
Section 430 Stream Buffer (SB) Overlay Zone
Section 431 Residential Zones: Additional Uses & Structures
Section 432 Additional Uses & Structures Permitted

ARTICLE V **PERFORMANCE & DESIGN STANDARDS**
Section 501 General Regulations
Section 502 Performance Standards: All Uses
Section 503 Block/Lots & Monumentation
Section 504 Building Site Design Guidelines
Section 505 Driveways, Residential
Section 506 Fences, Hedges & Walls
Section 507 Grading
Section 508 Landscaping & Buffering
Section 509 Lighting
Section 510 Off-Street Loading
Section 511 Off-Street Parking
Section 512 Street Design
Section 513 Sidewalk & Pedestrian Ways
Section 514 Utilities & Infrastructure
Section 515 Environmental Constraints
Section 516 Stormwater Management
Section 517 Signs
Section 518 EVSE and Make-Ready Parking Spaces

ARTICLE VI **AGENCY ESTABLISHMENT & RULES**
Section 601 Establishment of the Planning Board
Section 602 Powers & Jurisdiction of the Planning Board
Section 603 Establishment of the Zoning Board of Adjustment
Section 604 Powers of the Zoning Board of Adjustment

ARTICLE VII **DEVELOPMENT APPLICATION REVIEW PROCEDURES**
Section 701 Division of Jurisdiction in Development Applications
Section 702 Planning & Zoning Board of Adjustment Provisions
Section 703 Public Hearings
Section 704 Decisions
Section 705 Public Notice of a Hearing
Section 706 Standards for Review of Applications
Section 707 Standards for Grant of Variance
Section 708 Appeals & Applications to the Zoning Board of Adjustment
Section 709 Appeal of a Zoning Board Decision
Section 710 Time Limits for Decisions
Section 711 Notice of Decisions
Section 712 Expiration of Approvals

ARTICLE VIII **APPLICATION SUBMISSION REQUIREMENTS**
Section 801 Site Plan & Subdivision Required
Section 802 General Submission Requirements
Section 803 Concept Plan Informal Review
Section 804 Site Plan Waiver
Section 805 General Development Plan
Section 806 Minor Subdivision Plan
Section 807 Preliminary Major Subdivision Plan
Section 808 Final Major Subdivision Plan
Section 809 Minor Site Plan
Section 810 Preliminary Major Site Plan
Section 811 Final Major Site Plan

Section 812 Variances
Section 813 Request for Zone Change
Section 814 Public Right-of-Way (ROW) Vacation
Section 815 Applications for Special Consideration
Section 816 Grading Plan Approval
Section 817 Traffic Impact Study
Section 818 Environmental Impact Statement
Section 819 Environmental Assessment
Section 820 Submission Checklist

ARTICLE IX FEES, GUARANTEES, INSPECTIONS & OFF-TRACT IMPROVEMENTS
Section 901 Application & Escrow Fees
Section 902 Affordable Housing Fees & Procedures
Section 903 Guarantees & Inspections
Section 904 Certification or Guarantee Required; Estimate Of Guarantee
Section 905 Pre-Conditions to Commencement of Construction
Section 906 Off-Tract Improvements Recapture

ARTICLE X AFFORDABLE HOUSING PROCEDURAL & ELIGIBILITY REQUIREMENTS
Section 1001 Intent
Section 1002 Obligations
Section 1003 Definitions
Section 1004 Programs
Section 1005 Inclusionary Housing
Section 1006 New Construction
Section 1007 Occupancy Standards
Section 1008 Reservation of Units
Section 1009 Condo & HOA Fees; Resale Prices
Section 1010 Buyer Income Eligibility
Section 1011 Indebtedness
Section 1012 Control Periods
Section 1013 Price Restrictions for Rental Units; Leases
Section 1014 Affirmative Marketing Plan
Section 1015 Tenant Income Eligibility
Section 1016 Selection of Occupants of Affordable Units
Section 1017 Administration
Section 1018 Enforcement
Section 1019 Appeals

ARTICLE XI ENFORCEMENT, PERMITS, VIOLATIONS, & PENALTIES
Section 1101 Enforcement
Section 1102 Permits (General)
Section 1103 Zoning Permit
Section 1104 Temporary Use Permits
Section 1105 Selling Before Approval; Violations
Section 1106 Fines & Penalties

ARTICLE XII AMENDMENT, SEVERABILITY, INTERPRETATION, REPEALER, & ENACTMENT
Section 1201 Amendments
Section 1202 Severability of Ordinance
Section 1203 Interpretation

Section 1204 Repealer
Section 1205 Enactment

APPENDIX
A Grading Checklist
B Planning Board Bylaws
C Zoning Board Bylaws
D Zoning Map

ARTICLE I
TITLE & PURPOSE

The Governing Body of the Township of Cherry Hill in the County of Camden, New Jersey DOES ORDAIN:

SECTION 101. TITLE.

A comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and limiting the density of population; dividing the Township of Cherry Hill into zones for such purposes; adopting a map of said Township showing boundaries and the classification of such zones; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board and Zoning Board of Adjustment; and prescribing penalties for the violation of its provisions.

SECTION 102. SHORT TITLE.

This Ordinance shall be known and may be cited as, the "Cherry Hill Township Zoning Ordinance."

SECTION 103. PURPOSE & INTENT.

It is the purpose of this Ordinance to exercise the authority delegated to municipalities under the New Jersey Municipal Land Use Law *(P.L. 1975, c. 291;* codified as *N.J.S.A. 40:55D-1 et seq.*) and to implement the recommendations of the Cherry Hill Master Plan and subsequent Reexamination Reports through its provisions. It is the intent of this Ordinance to accomplish the following:

A. General.
   1. Guide the appropriate use or development of all lands in a manner that will promote the public health, safety, morals and general welfare;
   2. Secure safety from fire, flood, panic and other natural and human-made disasters;
   3. Provide adequate light, air and open space;
   4. Ensure that the development of the Township of Cherry Hill does not conflict with the development and general welfare of neighboring municipalities, the County and State as a whole;
   5. Provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
   6. Encourage planned development which incorporates the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site;
   7. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
   8. Encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development and a more efficient use of land;
   9. To encourage the coordination of development through the connection of commercial properties by easement and physical improvement.

B. Population & Housing.
   1. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

2. Encourage the creation of senior citizen community housing.

C. Transportation.
   1. Encourage the location and design of transportation routes that will promote the free flow of traffic while discouraging location of such facilities and routes that will result in congestion or blight;
   2. Encourage, within areas identified in the Master Plan and subsequent Reexamination Reports, a mixture of land uses that facilitate non-vehicular and pedestrian access;
   3. To promote the visual improvement of the Township's major arterials by the coordination of visual design and character of signage, planting additional street trees, and requiring on-site landscaping improvements during the development review process.
      a. Requiring the installation of landscaped traffic islands in parking lots;
      b. Screening parking lots from the traveling public and adjacent residents by a combination of landscaping, berming, walls and fencing; and
      c. Reducing the required number of parking spaces in pedestrian-oriented development and redevelopment, particularly in traditional neighborhood centers.

D. Design & Historic Preservation.
   1. Provide a desirable visual environment through creative development techniques and good civic design and arrangements;
   2. To establish design standards to encourage the construction of new buildings to complement the style and scale of existing buildings;
   3. Maintain traditional architectural forms in higher density housing by utilizing the highest possible design standards;
   4. To preserve and enhance historic buildings, places and landscapes, encourage the maintenance of traditional architectural forms in buildings, and retain sites designated on State and National Registers of Historic Places;
   5. Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources and to prevent suburban sprawl and degradation of the environment through improper use of land.

E. Redevelopment.
   1. To encourage the redevelopment of existing underutilized or abandoned lands and buildings;
   2. To promote the redevelopment of commercial and industrial areas that have been subject to vacancy, deterioration, and obsolete design by utilizing coordinated parking, streetscape improvements, signage, and lighting in keeping with the historic character of the district.

F. Community Facilities. Plan adequately for the timely provision of new community facilities, including but not limited to: firehouses; schools; community centers; parks; bicycle lanes and pedestrian paths; municipal facilities; and public transit.

G. Natural Resources & Conservation.
   1. To protect environmentally sensitive lands from development or other potentially damaging influences and to control the clearing of land that would adversely affect threatened or endangered plant and animal species;
   2. To promote the preservation of natural features during land development;
   3. To encourage open space dedications in the development review process to maximize the quantity and quality of such land in accordance with the criteria in the adopted Township Master

Plan, and provide improved access to existing parks;

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

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

H. Sustainability.

1. Encourage and promote the efficient use of natural resources and the installation and usage of renewable energy systems, considering the impact of buildings on the local, regional and global environment, allowing ecosystems to function naturally, conserving and reusing water resources, treating storm water on-site and optimizing climatic conditions through site orientation and design.

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

SECTION 104. INTERPRETATION OF STANDARDS.

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

SECTION 105. PROHIBITED USES.

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

SECTION 106. TIME OF COMPLIANCE.

All applicable requirements shall be met at the time of installation, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or structures whether or not the entire structure or structures were involved in the installation, enlargement, alteration, moving or change in use.

SECTION 107. PROPOSED PUBLIC DEDICATIONS.

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

ARTICLE II
DEFINITIONS

Certain words, phrases, and terms in this Ordinance are defined as follows:

SECTION 201. WORD USAGE.

A. Words used in the present tense include the future; singular number includes the plural number; and the plural number includes the singular number.

B. The word "lot" includes the word "plot".

C. The phrase "used" includes "arranged" "designed", "intended", “constructed”, “altered”, "maintained", "occupied", “converted,” “rented,” “leased,” or “intended to be used”.

D. The term "such as", where used herein, shall be considered as introducing a typical or illustrative rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities or structures.

E. "Shall" and "will" are mandatory and "may" is permissive.

F. The word "person" includes an individual, corporation, partnership, or any other legal entity.

G. Either gender shall include the other.

H. The word "includes" or "including" shall not limit the term to the specified example; but is intended to extend its meaning to all other instances of like kind and character.

I. Any word or term not defined or referenced in Article II of this Ordinance shall be used with a meaning of standard usage as defined in *Webster's New International Dictionary of the English Language*, unabridged and latest edition.

J. Whenever a term is used in this Ordinance that is not defined in this Ordinance, but is defined in the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*) such term is intended to have the meaning as defined in the Municipal Land Use Law.

SECTION 202. DEFINITIONS.

ABANDONMENT: the voluntary discontinuance of a non-conforming use or the voluntary vacating of a non-conforming structure, accompanied by intent not to re-establish such use or occupancy.

ACCESS MANAGEMENT PLAN: A document adopted by the New Jersey Department of Transportation (N.J.D.O.T.) in 1992, formally called the Highway Access Management Code. It contains goals and objectives intended to coordinate transportation planning and land use planning for any development that has frontage on any roadway under the jurisdiction of N.J.D.O.T. Access to these roadways may be denied should the proposal not meet the design criteria as established in the code.

ACCESSORY APARTMENT: A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site. [COAH]

ACCESSORY USE: A subordinate use or building in which the purpose is customarily incidental to that of the principal use or building and on the same lot.

ADAPTABLE: To be constructed in compliance with the technical design standards of the *Barrier Free Subcode, N.J.A.C. 5:23-7*. [COAH]

ADDITION: The construction of a new improvement as part of an existing improvement when such new improvement changes the exterior appearance of the building or structure in any way. [R.S.I.S.]

ADMINISTRATIVE AGENT: The entity responsible for the administration of affordable units, in accordance with *N.J.A.C. 5:96, N.J.A.C. 5:97* and *N.J.A.C. 5:80-26.1 et seq.* [COAH]

ADMINISTRATIVE OFFICER: The Director of the Department of Community Development.

AFFORDABLE: A sales price or rent within the means of a low- or moderate-income household as defined in *N.J.A.C. 5:97-9*; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.6*, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in *N.J.A.C. 5:80-26.12*, as may be amended and supplemented. [COAH]

AFFORDABLE DEVELOPMENT: A housing development all or a portion of which consists of restricted units.

AFFORDABLE HOUSING DEVELOPMENT: A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development. [COAH]

AFFORDABLE HOUSING PROGRAM(S): Any mechanism in the Cherry Hill Fair Share Plan prepared or implemented to address the Township's fair share obligation. [COAH]

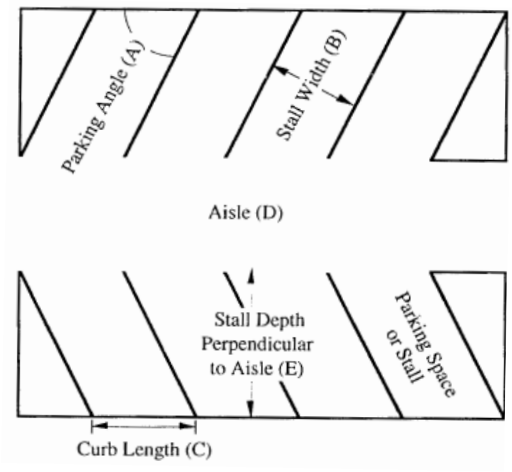
AFFORDABLE UNIT: A housing unit proposed or created pursuant to the Act, credited pursuant to *N.J.A.C. 5:97-4* and/or funded through an affordable housing trust fund. [COAH]

AGE-RESTRICTED DEVELOPMENT: A residential development including accessory buildings and required or permitted social, cultural, medical, and recreational facilities limited to certain age groups conforming to *24 CFR Part 100 Subpart E, Housing for Older Persons*, of the *Federal Fair Housing Amendments Act of 1988*, as it may be amended or superseded.

AGE-RESTRICTED UNIT: A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least eighty (80%) percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development (HUD) as "housing for older persons" as defined in *Section 807(b)(2)* of the *Fair Housing Act, 42 U.S.C. § 3607*. [COAH]

AISLE, DRIVE: The travel way by which motor vehicles enter and depart parking spaces. [R.S.I.S.]

ALLEY: A service road that provides a secondary means of access to lots. [R.S.I.S.]



ALTERATIONS: Include, but are not limited to, the following:

1. All incidental changes or replacements in non-structural parts of building or other structure.
2. Minor changes or replacement in the structural parts of a building or other structure, limited to the following examples and others of similar character or extent:
   a. Alteration of interior partitions to residential buildings provided that no additional dwelling units are created thereby.
   b. Alteration of interior partitions in all other types of building or structures.
   c. Making windows or doors in exterior walls.
   d. Strengthening the load-bearing capacity in not more than ten percent (10%) of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

3. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the utility system or mechanical equipment of a structure which change materially alters its usability or capacity of function.

AMENITY: A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.

ANIMAL CLINIC: Any place where animals or pets are given medical or surgical treatment including short-term boarding only incidental to such hospital use.

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

APARTMENT: See DWELLING, MULTI-RESIDENTIAL.

APPEAL: A request for a review of the Administrative Officer interpretation of any provision of this ordinance or a request for a variance. [N.J.D.E.P.]

APPLICANT: A developer submitting an application for development. [R.S.I.S.] [M.L.U.L.]

APPLICATION FOR DEVELOPMENT: The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit. [R.S.I.S.] [M.L.U.L.]

APPROVED COMBUSTIBLE PLASTICS: Only those plastics which when tested in accordance with *American Society of Testing Materials* standard method for test for flammability of plastics over 0.050 inch thickness *(C635-44)* burn no faster than 2.5" inches per minute in sheets of 0.060 inch thickness.

APPROVING AUTHORITY: The Planning Board or Board of Adjustment of the Township of Cherry Hill, unless a different agency is designated by Ordinance. [M.L.U.L.]

ARCADE: Any building or place which makes available four or more coin, token, or similar payment-operated machines which are for the purpose of skill and amusement.

ARTWORK: A two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

ASSISTED LIVING FACILITY: Multi-residential housing designed for older adults that provide apartment style housing, congregate dining, and similar assisted living services when needed, which is licensed by the Department of Health, in accordance with *N.J.A.C. 8:36*.

ASSISTED LIVING RESIDENCE: A facility licensed by the *New Jersey Department of Health & Senior Services* (DHS) to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. [COAH]

ATTIC: The part of a building that is immediately below and wholly or partly within the roof framing.

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

AUTOMOBILE REPAIR FACILITY: Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

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

AVERAGE DAILY TRAFFIC (ADT): The number of vehicles that pass over a given point. [R.S.I.S.]

BALCONY: A level surfaced area that projects from the wall of a building and is enclosed by a railing or a parapet.

BAR: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use, as regulated by the Alcohol Beverage Control Board of New Jersey.

BASE FLOOD: A flood that has a one (1%) percent chance of being equaled or exceeded in any given year. [N.J.D.E.P.]

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides. [N.J.D.E.P.] The portion of a structure that is partly below grade which has half or more of its floor-to-ceiling height above the average level of the adjoining ground with a floor-to-ceiling height of not less than seven (7') feet. A basement shall be counted as a story if used for non-residential purposes.

BEDROOM: A room designed primarily for sleeping.

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

BEST MANAGEMENT PRACTICES (BMP): Methods, measures, designs, performance standards, maintenance procedures, and other management practices that prevent or reduce adverse impacts upon or pollution of freshwater wetlands, open waters, and adjacent aquatic habitats.

BELGIAN BLOCK CURB: A curb constructed of rectangular-shaped ornate stone or granite blocks, usually placed vertically in a concrete foundation. [R.S.I.S.]

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

BICYCLE LANE: A portion of a roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicycles. [R.S.I.S.]

BICYCLE PATH: a bikeway physically separated from motorized vehicular traffic by an open space or barrier, and either within the highway right-of-way or within an independent right-of-way or easement. [R.S.I.S.]

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

BILLBOARD: See SIGN, BILLBOARD.

BIODEGRADABLE: Capable of being decomposed by the action of microorganisms.

BIORETENTION: A bioretention system consists of a soil bed planted with suitable non-invasive (preferably native) vegetation. Stormwater runoff entering the bioretention system is filtered through the soil planting bed before being either conveyed downstream by an underdrain system or infiltrated into the existing subsoil below the soil bed. Vegetation in the soil planting bed provides uptake of pollutants and runoff and helps maintain the pores and associated infiltration rates of the soil in the bed. A bioretention system can be configured as either a bioretention basin or a longer, narrower bioretention swale. In general, a

bioretention basin has a flat bottom while a bioretention swale may have sloping bottom. Runoff storage depths above the soil bed surface are typically shallow.

BLOCK: A unit of land bounded by streets or combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARD OF ADJUSTMENT: See ZONING BOARD.

BOARDING HOUSE: A dwelling or part thereof arranged or used for single-room occupancy where lodging, meals, or personal or financial services are provided to such residents.

BOLLARD: One of a series of posts preventing vehicles from entering an area.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. [N.J.D.E.P.]

BUFFER: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILD TO LINE: A line that is established in this Ordinance that is a certain horizontal distance from the street line or the lot line and the location to which a building or part of a building is required to be constructed

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

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

BUILDING AREA: See FLOOR AREA.

BUILDING COVERAGE: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

BUILDING HEIGHT: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

BUILDING LINE: A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING SCALE: The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

BULK (c) VARIANCE: A departure from the standards and controls of the zoning ordinance that regulate setbacks, yard, frontage, lot size, or other similar physical requirements, which (if applied) would significantly interfere with the use of the property, as stated in *N.J.S.A. .40:55D-70*c..

BULK REGULATIONS: Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

BUS SHELTER: A small, roofed structure, usually having three walls, located near a street with pedestrian access to the nearest sidewalk and designed primarily for the protection and safety of bus passengers.

BUSINESS ESTABLISHMENT: A single business location where the subject business is conducted, goods are made or stored or processed or where services are rendered.

CAFRA PLANNING MAP: The map used by the Department to identify the location of geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS) pursuant to N.J.A.C. 7:7E-5B.3. [N.J.D.E.P.]

CAFRA CENTERS, CORES OR NODES: Those areas within boundaries accepted incorporated by reference or revised by the Department pursuant to in accordance with N.J.A.C. 7:8E-5B7-13.16. [N.J.D.E.P.]

CALIPER: See DIAMETER BREAST HEIGHT (D.B.H.).

CAMPER: See RECREATIONAL VEHICLE.

CAPACITY: The flow volume or rate that a facility (e.g., pipe, pond, vault, swale, ditch, drywell, etc.) is designed to safely contain, receive, convey, reduce pollutants from or infiltrate to meet a specific performance standard.

CAPITAL IMPROVEMENT: A governmental acquisition of real property or major construction project. [M.L.U.L.]

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

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

CEMETERY: Land used or intended for the burial of the deceased, including columbarium, crematories, mausoleums and mortuaries, when operated in conjunction with the cemetery within the boundaries.

CERTIFICATE OF OCCUPANCY (C.O.): CERTIFICATE OF OCCUPANCY: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

CERTIFIED HOUSEHOLD: A household that has been certified by an Administrative Agent as a low-income household or moderate-income household. [COAH]

CHANGE OF USE: Any use that substantially differs from the previous use of a building or land.

CHANNEL: Any natural or human-made waterway or course through which to convey the constant or intermittent flow of water. [R.S.I.S.]

CHANNELIZATION: The straightening and deepening of channels, and/or the surfacing thereof, to permit water to move more rapidly or to redirect the flow of surface water.

CHARGING LEVEL: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

CHILD CARE CENTER: Any home or facility, by whatever name known, which is maintained for the care, development or supervision of six or more children under 13 years of age who attend for less than 24 hours a day. For a facility that is located in a sponsor's home, the New Jersey Department of Human Services shall not count the children residing in the sponsor's home in determining whether the facility is serving the minimum number of children that would require it to be licensed as a center.

CHIMNEY: A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CHURCH: See HOUSE OF WORSHIP.

CIRCULATION: Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, sidewalks, bikeways, towers, airways, pipes, and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage building or trans-shipment points. [M.L.U.L.]

CISTERN: A tank or reservoir used for storing rainwater.

CLINIC: An establishment where patients are admitted for examination and treatment on an outpatient basis (meaning they are not usually lodged overnight) by one or more physicians, dentists, psychologists, social workers, or other medical personnel.

CLUB: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for social, educational, or recreation purposes.

CLUSTER: A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COAH: The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the *New Jersey Fair Housing Act* (*N.J.S.A. 52:27D-301 et seq.*). [COAH]

COLLEGE: An educational institution authorized by the state to award associates, baccalaureate, or higher degrees.

COLLOCATION: The attachment of commercial wireless telecommunications antenna to an existing tower.

COMMERCIAL MESSAGE: Any message (including sign wording, logo, or other representation or image) that directly or indirectly provides commercial advertising for a business, establishment, product, service, commodity, entertainment or otherwise calls attention to a commercial activity.

COMMERCIAL USE: Activity involving the sale of goods or services carried out for profit.

COMMERCIAL VEHICLE: Any vehicle that is required by law to bear any license plate other than that issued for passenger car use.

COMMON LATERAL: A lateral serving more than one (1) dwelling unit.

COMMUNICATION USE: Establishments furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations, internet and telecommunications, and the exchange or recording of messages.

COMMUNITY BASIN: An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate,

standard constructed wetland, or wet pond and that complies with the Township Stormwater Management Ordinance. [N.J.D.E.P.]

COMMUNITY CENTER: A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency.

COMPACTION: The increase in soil bulk density. [N.J.D.E.P]

COMPLETE APPLICATION: An application form completed as specified by ordinance, checklist, and the rules and regulations of the municipal agency and all accompanying documents required by a checklist adopted by ordinance for approval of the application for development, including, where applicable, but not limited to, a site plan or subdivision plat, provided that the municipal agency subsequently may require such additional information not specified in the ordinance, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. An application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the municipal agency. An application shall be certified as complete immediately upon the meeting of all requirements specified in the ordinance and in the rules and regulations of the municipal agency and shall be deemed complete as of the day it is so certified by the ADMINISTRATIVE OFFICER for purposes of the commencement of the time period for action by the municipal agency.

COMPREHENSIVE PLAN: See MASTER PLAN.

CONCEPT PLAN: A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONDITIONAL USE: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such as contained in the Zoning Ordinance and upon the issuance of an authorization therefore by the Planning Board. [M.L.U.L.]

CONFERENCE CENTER: A training facility for personnel engaged in business, educational, scientific, or research endeavors, but not to include business or trade schools.

CONSERVATION AREA: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of sensitive natural land or uniqueness that have been designated biological for protection from any activity that would significantly alter their ecological integrity, balance, or character.

CONSOLIDATION: The removal of lot lines between contiguous parcels of land.

CONSTRUCTION: The installation, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings or structures.

CONSTRUCTION PERMIT: Legal authorization for the erection, alteration, or extension of a structure.

CONTIGUOUS LAND: Land that is connected or adjacent to other land so as to permit the land to be used as a functional unit; provided that separation by lot line, streams, dedicated public roads which are not paved, rights-of-way, and easements shall not affect the contiguity of land unless a substantial physical barrier is created which prevents the land from being used as a functional unit.

CONTRIBUTORY DRAINAGE AREA: The area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself. [N.J.D.E.P.]

CONVENTIONAL DEVELOPMENT: Development other than planned development. [M.L.U.L.]

CORE: A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation. [N.J.D.E.P.]

CORNER LOT: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred and thirty five (135°) degrees.

COUNTY: The County of Camden, State of New Jersey.

COUNTY MASTER PLAN: A composite of the master plan for the physical development of the county in which the municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the Camden County Planning Board. [M.L.U.L.]

COUNTY PLANNING BOARD: The Planning Board of the County of Camden.

COUNTY REVIEW AGENCY: An agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be:

- A county planning agency; or
- A county water resource association created under *N.J.S.A 58:16A-55.5*, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances. [N.J.D.E.P.]

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

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

CURB: A stone, concrete, or other improved boundary marking the edge of the roadway or paved area. [R.S.I.S.]

DAM: An artificial dikes, levees, or other barriers, with appurtenances, for the purpose of impounding or retaining water. [R.S.I.S.]

DAYS: Calendar days. [M.L.U.L.]

DCA: The State of New Jersey Department of Community Affairs.

DECK: A level surfaced area usually constructed of wood, generally adjacent to a principal building or accessory structure and not covered by a permanent roof.

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

DEFICIENT HOUSING UNIT: A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems. [COAH]

DEMOLITION: The removal of part or all of a building or structure.

DENSITY: The permitted number of dwelling units per gross area of land to be developed. [M.L.U.L.]

DEPARTMENT: For purposes of the Township Stormwater Management Ordinance, this refers to the New Jersey Department of Environmental Protection (NJ DEP). [N.J.D.E.P.]

DESIGNATED CENTER: A State Development and Redevelopment Plan Center, as designated by the State Planning Commission such as urban, regional, town, village, or hamlet. [N.J.D.E.P.]

DESIGN ENGINEER: A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications. [N.J.D.E.P.]

DESIGN STANDARDS: Standards that set forth specific improvement requirements. [R.S.I.S.]

DESIGN STORM: The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., five-year storm) and duration (e.g., 24 hours), used in the design and evaluation of stormwater management systems.

DETENTION BASIN: A stormwater management basin or alternative structure designed to temporarily detain stormwater runoff. [R.S.I.S.]

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

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 structure, any mining, excavation or landfill and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq. [M.L.U.L.]

DEVELOPMENT REGULATION: A development control ordinance, zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance, or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to this act. [M.L.U.L.]

DIAMETER BREAST HEIGHT (DBH): The diameter of a tree trunk measured in inches, four (4') feet above ground level.

DIAMETER INCHES: The sum total of the diameters, in inches, of existing viable trees being removed from a tract of land, for which proportional compensation is required.

DISTURBANCE: the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition. [N.J.D.E.P.]

DORMER: A projection from a sloping roof that contains a window.

DRAINAGE: The removal of surface water or ground water from land by drains, grading, or other means. This includes control of runoff to minimize erosion and sedimentation during and after construction or development and the means necessary for water supply preservation or prevention or alleviation of flooding. [M.L.U.L.]

DRAINAGE AREA: A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody. [N.J.D.E.P.]

DRAINAGE FACILITY: Any component of the drainage system. [R.S.I.S.]

DRAINAGE SYSTEM: Any natural and human-made components that contain, convey, absorb, store, treat, or dispose of surface water runoff or ground water. [R.S.I.S.]

DRIPLINE: The perimeter line on the ground, measured from the outermost edge of the vertical plane established by the branches of a tree.

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

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

DRY WELL: A subsurface storage facility that receives and temporarily stores stormwater runoff from roofs of structures.

DWELLING: One or more rooms providing living facilities for one household, including equipment for cooking or provisions for the same.

DWELLING, ATTACHED: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING, DETACHED: A dwelling that is not attached to any other dwelling by any means.

DWELLING, DUPLEX: A building on a single lot containing two dwelling units each of which is totally separated from the other, one of which is wholly or partially above the other, with separate entrances at the ground level.

DWELLING, SEMI-DETACHED: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

DWELLING, TOWNHOUSE: A building containing three or more attached dwelling units erected in a row on adjoining lots, each unit being separate from the adjoining unit, but attached by a common or party wall and each unit having separate individual outside access and individual public water and sewerage facilities and connections.

EASEMENT: A right to use the land of another for a specific purpose. [R.S.I.S.]

EATING ESTABLISHMENT: See RESTAURANT.

ELECTRIC TRANSMISSION LINES: Electric lines which are part of an electric company's transmission and subtransmission system, which provide a direct connection between a generating station or substation of the utility company and another substation.

ELECTRIC TRANSMISSIONS FACILITY: Towers, plants, generating facilities or substations.

ELECTRIC VEHICLE: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT OR (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. “EVSE” is synonymous with “electric vehicle charging station.”

ELEVATED BUILDING: A non-basement building:

- Built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water;
- Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. [N.J.D.E.P.]

ELEVATION:

- A vertical distance above or below a fixed reference level;
- A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

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

EMPOWERMENT NEIGHBORHOOD: Neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to *N.J.S.A 55:19-69*. [N.J.D.E.P.]

ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.

ENVIRONMENTAL COMMISSION: A municipal advisory body of community environmental concerns and issues, pursuant to *P.L. 1968, c.245(C.40:56A-1 et seq.)*. [M.L.U.L.]

ENVIRONMENTALLY CONSTRAINED AREA: The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program. [N.J.D.E.P.]

ENVIRONMENTALLY CRITICAL AREAS: An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitats of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Non-game Species Program. [N.J.D.E.P.]

ENVIRONMENTAL IMPACT STATEMENT (EIS): An official statement of the effect of proposed development, and other major private or governmental actions, on the environment.

EQUALIZED ASSESSED VALUE: the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with *Sections 1, 5, and 6 of P.L.l973, c.123 (C.54:1-35a* through C.*54: l-35c*).

ERECT: To build, construct, attach, place, suspend or affix and shall also include the painting of signs or displays on the exterior surface of a building, structure, or natural surface.

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity. [N.J.D.E.P.]

ESCROW: A deed, bond, money, or piece of property delivered to a third person, to be delivered by the third person to the grantee only upon fulfillment of a condition.

EXCAVATION: The result of any act by which soil or rock is cut into, excavated, dug, quarried, uncovered, removed, displaced or relocated.

EXHIBIT: The sale of admission to view obscene material, per *N.J.S.A.2C:34-2 and N.J.S.A.2C:34-3*.

EXISTING USE: The use of a lot or structure at the time of the enactment of a regulating ordinance.

FAÇADE: The total wall surface, including door and window area, of a building's principle face. In the case of corner buildings that front on more than one street, only one face shall be used to calculate the facade area.

FAMILY: A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FAMILY DAY CARE HOME: Any private residence approved by the State of New Jersey that provides care for children on a regular basis, per *N.J.S.A. 40:55D-66.5b.*

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

FARM MARKET: A single or multiple purpose structure from which the agricultural and/or horticultural output and services of the commercial farm, as well as products and services related to that output that contribute to farm income are sold, prepared, or stored.

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

FILL: A human-made deposit of soil, rock or other materials.

FILTER STRIPS: Densely vegetated lands that treat sheet flow stormwater from adjacent pervious and impervious areas, and function by slowing runoff, trapping sediment and pollutants, and in some cases infiltrating a portion of the runoff into the ground.

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

FIRE LANE: An unobstructed paved or improved surface area clearly defined by pavement markings and signs, at least twelve (12') feet wide and designed to provide access for fire-fighting equipment.

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

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source. [N.J.D.E.P.]

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

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community [N.J.D.E.P.]

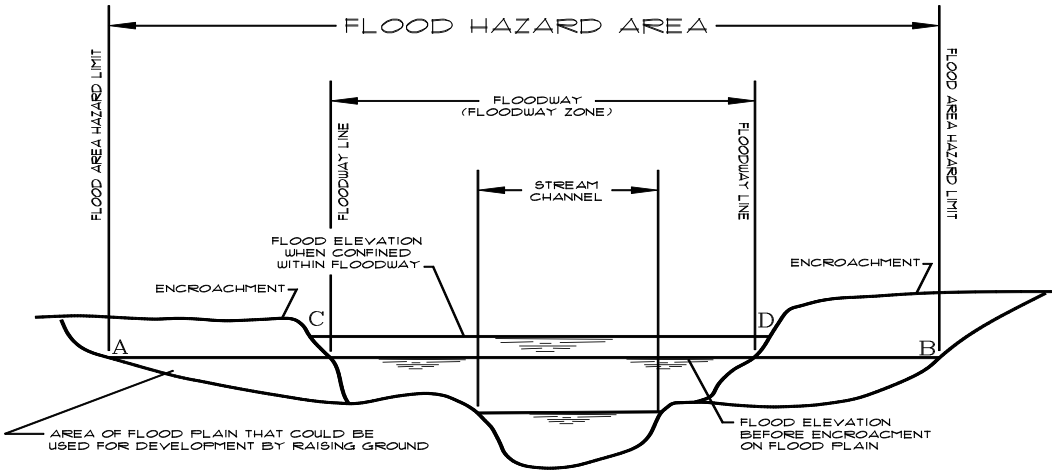
FLOOD INSURANCE STUDY (FIS): The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood. [N.J.D.E.P.]

FLOOD PLAIN: The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. [N.J.D.E.P.]

FLOOD HAZARD AREA: The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. [N.J.D.E.P.]

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two-tenths (0.2') foot. [N.J.D.E.P.]



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

FLOOD PLAIN DIAGRAM

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings.

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

FOOTCANDLE: The unit of illumination when the foot is the unit of length.

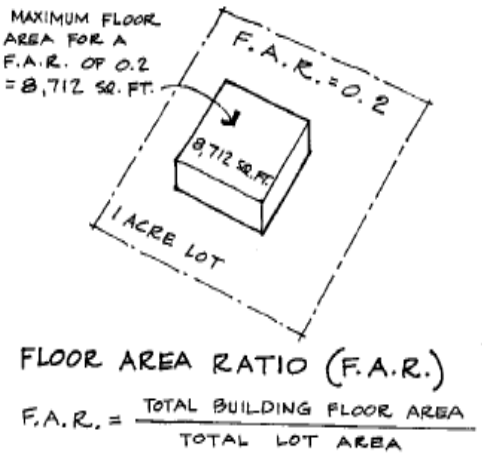
FRATERNAL ORGANIZATION: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

FRONTAGE, LOT: That side of a lot abutting on a public street or right-of-way.

FUNERAL HOME: A facility operated by a licensed mortician used for the preparation of the deceased for burial, the display of the deceased, and rituals connected therewith before burial or cremation.

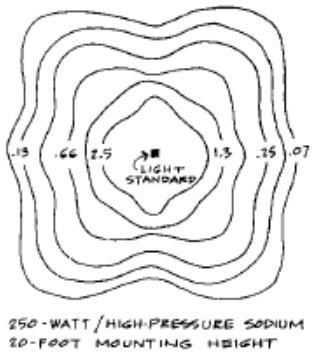
GARAGE: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

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



FLOOR AREA RATIO (F.A.R.)

$$F.A.R. = \frac{\text{TOTAL BUILDING FLOOR AREA}}{\text{TOTAL LOT AREA}}$$



250-WATT/HIGH-PRESSURE SODIUM
20-FOOT MOUNTING HEIGHT

TYPICAL LIGHTING PATTERN
(SHOWN IN FOOTCANDLES)

GARAGE, PRIVATE: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof that is not a commercial enterprise available to the general public for such use.

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

GAS STATION: An establishment servicing motor vehicles with fuel, supplies, accessories, and minor repairs, but not including the storage, sale, or major repairs of motor vehicles.

GENERAL DEVELOPMENT PLAN (GDP): A comprehensive plan for the development of a planned development, per *N.J.S.A. C.40:55D-45.2*. [M.L.U.L.]

GEOGRAPHIC INFORMATION SYSTEM (GIS): A computer-based system for generating maps comprised of different informational elements.

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

GOVERNING BODY: The chief legislative body of the municipality, here being the Township Council of Cherry Hill. [M.L.U.L.]

GRADE: The inclination of a sloping surface, usually expressed in percentage terms. [R.S.I.S.]

GRADE LEVEL: The lowest point of elevation of the finished surface of the ground where the sign, fence or support structure meets the ground.

GRADING: Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

GRAY WATER: Domestic wastewater composed of wash water from kitchen, bathroom, and laundry sinks, tubs, and washers. Used as a strategy for reducing wastewater outputs from a building, by diverting it into productive uses such as subsurface irrigation, or on-site treatment and use for non-potable functions.

GREEN BUILDING STRATEGIES: Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

GREEN DESIGN: To significantly reduce or eliminate the negative impact of buildings on the environment and on the building occupants, green building design and construction practices address: sustainable site planning, safeguarding water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality. [U.S.G.B.C.]

GREEN INFRASTRUCTURE: a stormwater management measure that manages stormwater close to its source by: 1. treating stormwater runoff through infiltration into subsoil; or 2. treating stormwater runoff through filtration by vegetation or soil; or 3. storing stormwater runoff for reuse. [N.J.D.E.P.]

GREEN ROOF: A roof that consists of a layer of vegetation that completely covers an otherwise conventional roof, composted of multiple layers including waterproofing, a drainage layer, engineered planting media and specially selected plants.

GREENHOUSE: An enclosed structure of glass or clear plastic.

GREENHOUSE GAS (GHG): A gas, such as carbon dioxide or methane, which contributes to potential climate change.

GREENWAY: Any of the following:

1. A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; or
2. Any natural or landscaped course for pedestrian or bicycle passage; or
3. An open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas.

GROSS LEASABLE AREA (GLA): The total floor area for which the tenant pays rent and that is designed for the tenant's occupancy and exclusive use. GLA does not include public or common areas such as utility rooms, stairwells, lobbies, etc.

GROUNDWATER: The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

GROUP HOME: Any single-family dwelling used in the placement of children pursuant to law recognized as a group home by the Department of Human Services provided that no group home shall contain more than twelve (12) children, in accordance with *N.J.S.A. 40:55D-66c.* [M.L.U.L.]

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

GYM: An establishment that provides facilities for aerobic exercises, running, exercise equipment, game courts, swimming, and/or shower facilities that are open to a paid membership, also known as a health club.

HABITAT: The natural environment of an individual, animal or plant, population or community.

HABITABLE FLOOR: Any floor usable for living purposes that includes working, sleeping, eating, cooking or recreation, or the combination thereof; i.e. a floor used only for storage purposes is not a "habitable floor".

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [N.J.D.E.P.]

HIGH-RISE APARTMENTS: A group of one or more buildings of no less than six stories designed and constructed as a project with a singleness of use and operation and where joint or communal use is to be made of open acres by the occupants whether it is for recreation, parking of automobiles, or other communal purposes.

HISTORIC DISTRICT: One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites. [M.L.U.L.]

HISTORIC PRESERVATION: The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archaeology, or culture.

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

HISTORIC STRUCTURE: Any structure that is:

- Listed individually in the *National Register of Historic Places* (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the *National Register*; or
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved State program as determined by the Secretary of the Interior; or (2) directly by the Secretary of the Interior in States without approved programs. [N.J.D.E.P.]

HOLIDAY and SEASONAL DECORATIONS: Decorations that pertain to legal or other recognized holidays or to a season of the year.

HOME OCCUPATION: Any legal occupation or employment conducted for financial compensation by a resident in the resident's dwelling unit. Home occupations shall be service oriented, incidental and subordinate to the residential use.

HOMEOWNERS ASSOCIATION: An organization in a development under recorded agreements through which each lot owner shall be a member and each dwelling unit is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance including maintenance costs levied against the association by the Township in accordance with *N.J.S.A. 49:55D-43*.

HORTICULTURAL CENTER: A structure predominantly used for the sale of products, equipment, or services that meet the needs of the general residential public in the pursuit of horticultural or garden activities.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical officers, and staff residences.

HOT TUB: See SWIMMING POOL.

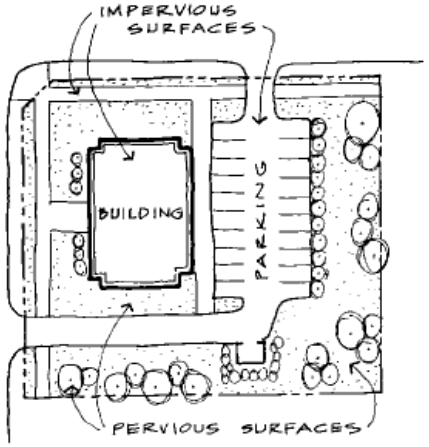
HOTEL: A building or buildings consisting of individual sleeping units designed for transient travelers and not for permanent residency with centralized lobby.

HOUSE OF WORSHIP: A building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. For purposes of this Ordinance, the word "Church" shall include: chapels, cathedrals, temples, and similar designations, as well as parish houses, convents, and such accessory uses.

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

HOUSING UNIT: A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities.

HUC 14 or HYDROLOGIC UNIT CODE 14: An area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey. [N.J.D.E.P.]



IMPERVIOUS (IMPERMEABLE) SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. [R.S.I.S.]

IMPROVEMENT: Any permanent structure that becomes part of, placed upon, or is affixed to real estate. [R.S.I.S.]

INCLUSIONARY DEVELOPMENT: A development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure. [COAH]

INDUSTRIAL PARK: A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.

INFILTRATION: The process by which water seeps into the soil from precipitation. [N.J.D.E.P.]

INFILTRATION BASIN: A facility constructed within highly permeable soils that provides temporary storage of stormwater runoff, which does not normally have a structural outlet to discharge runoff from the stormwater quality design storm.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities.

INLET: 1) A structure located just below the ground surface, used to collect stormwater runoff. Generally located in streets and parking lots, inlets have grated lids, allowing stormwater from the surface to pass through for collection. 2) The initial entry into an overflow from a stormwater facility. 3) The point at which stormwater from impervious surfaces or conveyance piping enters a stormwater management facility.

INSTITUTIONAL USE: A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose.

INTENSITY OF DEVELOPMENT: The classification of development based on the number of dwelling units per gross acre of land served by a particular street, excluding the acreage of dedicated common open space or other areas restricted from future development. [R.S.I.S.]

INTERESTED PARTY: Those persons and/or organizations considered: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this act. [M.L.U.L.]

INTERIOR LOT: A lot other than a corner lot.

INTERSECTION: The location where two or more roadways cross at grade without a bridge.

ISLAND: For street design purposes, it is a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting. [R.S.I.S.]

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNKYARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of JUNK or scrap material.

KNOWINGLY: Per *N.J.S.A.2C:34-3*, having either (a) knowledge of the character and content of the material or film described herein; or (b) failed to exercise reasonable inspection which would disclose its character and content.

LAND: Real property including improvements and fixtures on, above or below the surface. [M.L.U.L.]

LANDSCAPING: The installation of plant material and/or natural materials as a part of development according to a plan approved by the approving authority.

LATERALS: Pipes conducting sewage from individual buildings to larger pipes called trunk, or interceptor, sewers that usually are located in street rights-of-way. [R.S.I.S.]

LEAD PLANNING AGENCY: One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee. [N.J.D.E.P.]

LEGAL DESCRIPTION: See METES AND BOUNDS.

LEVEL OF SERVICE: A description of traffic conditions along a given roadway or at a particular intersection.

LINEAL FRONT FOOT OF BUILDING: The distance between building side lines of any building measured along the right-of-way of the street.

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

LONG-TERM CARE FACILITY: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

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. [M.L.U.L.]

LOT AREA: An area of land that is determined by the limits of the lot lines bounding that area and is always expressed in terms of square feet.

LOT COVERAGE: The area of a lot covered by any impervious surface.

LOT DEPTH: The shortest horizontal distance between the front line, or the boundary of the street right-of-way if the front lot line lies within an area used or to be used as a street, and the rear lot line. In case of a triangular lot having no rear line, the distance shall be measured to a line parallel to the front lot line which shall not be less than ten (10') feet in length measured between its intersection with the side lot lines.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT, INTERIOR: A lot, the side lines of which do no abut the street.

LOT, IRREGULAR: Any lot that does not conform to the definition of a corner lot or an interior lot including, but not limited to, through lots, pie and reverse pie shaped lots, flag lots, triangular lots with double street frontages, multi-sided lots and other lots that are irregular in shape.

LOT LINES, FRONT: The line separating the lot from the street line.

LOT LINE, REAR: Any lot line, except a front lot line, which is parallel to, or within forty-five (45°) degrees of being parallel to, and does not intersect any street line. In the case of a corner lot, the owner or developer may show a different designation, see definition of CORNER LOT for requirements.

LOT LINE, SIDE: Any lot that is not a front lot line or a rear lot line. In the case of a corner lot, the owner or developer may make a different designation. See definition of CORNER LOT for requirements.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a buildings lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements. [N.J.D.E.P.]

LOW-INCOME HOUSEHOLD: A household with a total gross annual household income equal to 50 percent or less of the median household income. [COAH]

LOW-INCOME UNIT: A restricted unit that is affordable to a low-income household. [COAH]

MAIN: The principal artery of a system of continuous piping to which branches may be connected. [R.S.I.S.]

MAINTENANCE GUARANTEE: Any security that may be accepted by a municipality for the maintenance of any improvements required by this act, including but not limited to surety bonds, letters of credit, and cash. [M.L.U.L.]

MAJOR COLLECTOR: The highest order of residential street, which conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways). [R.S.I.S.]

MAJOR DEVELOPMENT: To determine stormwater management requirements, major developments are any individual "development," as well as multiple developments that individually or collectively results in: 1. The disturbance of one or more acres of land since February 2, 2004; or 2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004; or 3. The creation of one-quarter acre of more of "regulated motor vehicle surface" since March 2, 2021; or 4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre of more. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of 1, 2, 3, or 4 in this definition. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development." Disturbance for the purpose of this rule is the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. [N.J.D.E.P.]

MAJOR SYSTEM: The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems. [COAH]

MAKE-READY PARKING SPACE: The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

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

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle". [N.J.D.E.P.]

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. [N.J.D.E.P.]

MANUFACTURING: Establishments engaged in the treatment or processing of raw products and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

MARKET-RATE UNITS: Housing not restricted to low- and moderate-income households that may sell or rent at any price. [COAH]

MASSAGE PARLOR: *See General Code.*

MASS TRANSIT: A public common carrier transportation system for people having established routes and fixed schedules

MASTER PLAN: A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted, here as the official Master Plan of the Township of Cherry Hill. [M.L.U.L.]

MAYOR: *See General Code.*

MEDIA: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes, but is not limited to, books, newspapers, magazines, movies, videos, sound recordings, CD-roms, DVDs, internet uses, other magnetic media and undeveloped pictures.

MEDIAN: A barrier separating traveled ways of traffic proceeding in opposite directions. [R.S.I.S.]

MEDIAN INCOME: The median income by household size for Camden County, as adopted annually by COAH. [COAH]

MEDICAL BUILDING: A building that contains establishments dispensing health care, medical, dental, and related services.

MEDICAL CENTER: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

MEMORIALIZATION: See RESOLUTION.

METES AND BOUNDS: A method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.

MID-RISE APARTMENTS: A group of multi-residential dwellings, architecturally designed with some of the units placed on top of other units, for sale or rental of the individual units in an elevator apartment structure of no less than four stories and no more than six (6) stories in height.

MINING: See RESOURCE EXTRACTION.

MINOR COLLECTOR: A middle order of residential street, which provides frontage for access to lots, and carries traffic to and from adjoining residential access streets. [R.S.I.S.]

MINOR DEVELOPMENT: All development other than Major Development.

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

MOBILE (MODULAR) HOME: A transportable, single-family dwelling intended for permanent occupancy, an office, or place of assembly which is contained in one unit, or in units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and which is

constructed so that it may be used with or without permanent foundation. For the purposes of this Ordinance, travel trailers, campers and similar recreational vehicles are not considered as mobile homes.

MODERATE-INCOME HOUSEHOLD: A household with a total gross annual household income in excess of fifty (50%) percent, but less than eighty (80%) percent of the median household income. [COAH]

MODERATE-INCOME UNIT: A restricted unit that is affordable to a moderate-income household. [COAH]

MOTEL: See HOTEL.

MOTOR VEHICLE: Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks. [N.J.D.E.P.]

MOTOR VEHICLE SURFACE: Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways. [N.J.D.E.P.]

MULCH: A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent growth of weeds, stabilize soil, and aid plant growth. [R.S.I.S.]

MULTI-RESIDENTIAL DEVELOPMENT: A development other than one- or two-family detached dwellings where the dwellings are arranged so that there are more than two units attached, regardless of the presence of lot lines. [R.S.I.S.]

MUNICIPAL FACILITY: Buildings, grounds and accessory structures used for municipal purposes, including but not limited to public utilities, fire, rescue and police uses and parks and playgrounds.

MUNICIPAL LAND USE LAW (M.L.U.L.): *N.J.S.A. 40:55D-1 et seq*. The State enabling legislation authorizing municipalities to adopt master plans, approve and administer ordinances, site plans, zoning and/or subdivision ordinances. The M.L.U.L. establishes conditions governing the operation and administration of municipal planning and development approval agencies.

MUNICIPALITY: Any city, borough, town, township, or village. [M.L.U.L.]

MUNICIPAL AGENCY: A municipal planning board or board of adjustment, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this act. [M.L.U.L.]

MUNICIPAL RESIDENT: A person who is domiciled in Cherry Hill. [M.L.U.L.]

MUSEUM: A multi-disciplinary learning environment, which is open to the general public providing exhibits, activities and programs for the education and enjoyment of families, groups, and individuals.

NEIGHBORHOOD: An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.

NEW CONSTRUCTION: For purposes of the Township Stormwater Management Ordinance, new construction refers to structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures. [N.J.D.E.P.]

NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN (*State Development and Redevelopment Plan*): The plan prepared and adopted pursuant to the *State Planning Act*.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACES (BMP) MANUAL or BMP MANUAL: The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in the Township Stormwater Management Ordinance, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of the Township Stormwater Management Ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by the Township Stormwater Management Ordinance. [N.J.D.E.P.]

NEW MANUFACTURED HOME PARK or SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality. [N.J.D.E.P.]

NIGHTCLUB: An establishment open at night, holding a retail consumption license issued by the State of New Jersey Division of Alcoholic Beverage Control which music, dancing, and live or recorded entertainment is conducted.

NODE: An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form. [N.J.D.E.P.]

NON-COMMERCIAL MESSAGE: Any message that is not a commercial message.

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

NON-CONFORMING STRUCTURE: A structure of which the size, dimension or location was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment. [M.L.U.L.]

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

NON-EXEMPT SALE: Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order. [C.O.A.H.]

NON-POINT SOURCE POLLUTION: Pollution from any source other than from any discernible, confined, and discrete conveyances (agricultural, construction, subsurface disposal, and/or urban runoff).

NONSTRUCTURAL MANAGEMENT PRACTICES: Those controls of stormwater runoff and non-point source pollution that are not structural in nature, such as landscaping techniques, source controls, zoning, setbacks, buffers, or clustering. [R.S.I.S.]

NUISANCE: An interference with the enjoyment and use of property.

NURSING HOME: A long-term care facility in which more than one room or an area exceeding four hundred (400) square feet is used for the accommodation, reception or treatment of the aged or the sick who are residents therein, excluding members of the resident's family.

NUTRIENT: A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms. [N.J.D.E.P.]

OBSCENE FILM: Any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest, per *N.J.S.A.2C:34-3*.

OBSCENE MATERIAL (UNDER 18): Per *N.J.S.A.2C:34-3*, for those under 18 years of age, any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

OBSCENE MATERIAL: Per *N.J.S.A.2C:34-2,* for those age 18 or older, any description, narrative account display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format or animated sensual details:

1. Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals,
2. Lacks serious literary, artistic, political, or scientific value, when taken as a whole, and
3. Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

OFFICIAL COUNTY MAP: The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of the county, pursuant to *N.J.S.A. 40:27-5*. [M.L.U.L.]

OFFICIAL MAP: A map adopted by the Township Ordinance, pursuant to *N.J.S.A. 40:55D-32*. [M.L.U.L.]

OFF-SITE: Located outside the lot lines of the lot in question, but within the property (of which the lot is a part) that is the subject of a development application or contiguous portion of a street or right-of-way. [M.L.U.L.]

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

OFF-TRACT: To not be located on the property that is the subject of a development application, nor on a contiguous portion of a street or right-of-way. [M.L.U.L.]

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files, and communication equipment.

OFFICE PARK: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

OFFICE, PROFESSIONAL: The office of a member of a recognized profession maintained for the conduct of that profession.

ON-SITE: To be located on the lot in question. [M.L.U.L.]

ON-STREET PARKING SPACE: A storage area for a motor vehicle that is located within a dedicated right of way. [R.S.I.S.]

ON-TRACT: Located on the property that is the subject of a development application or a contiguous portion of a street or right-of-way. [M.L.U.L.]

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off street parking and other improvements that are designed to be incidental to the natural openness of the land. [M.L.U.L.] For clarification, stormwater management basins, ghosted parking, and contiguous areas under one hundred (100) square feet are not considered open space, unless otherwise specified.

OPEN SPACE RATIO: Total area of open space divided by the total site area in which the open space is located.

ORIFICE: An orifice is a circular or rectangular opening of a prescribed shape and size that allows a controlled rate of outflow when the orifice is submerged. When it is not submerged, the opening acts as a weir. The flow rate depends on the height of the water above the opening and the size and edge treatment of the orifice.

OUTDOOR SEATING: Adjacent area to a restaurant and/or retail use where the primary function is the serving of food for consumption that occurs in an unroofed area as part of a permitted use on a lot.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OUTFALL: A location where collected and concentrated water is discharged, which may include discharge from stormwater management facilities, drainage pipe systems, and constructed open channels.

OVERLAY ZONE: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above those required by the underlying zone.

OWNER: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

PAD SITE: A portion of a shopping center or office park development used for a freestanding building containing no more than two establishments and its associated parking and circulation areas that operates independently of the main development.

PARAPET: The extension of the main walls of a building above the roof level.

PARCEL: See LOT.

PARK: See OPEN SPACE.

PARKING ISLAND: A landscaped area within a parking area that is surrounded on at least three sides by parking spaces, drive aisles or parking areas.

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

PARKING LOT: A ground-level, generally open area that provides storage for motor vehicles that may provide access to dwelling units and has aisles that carry traffic with destination or origin in the lot itself. [R.S.I.S.]

PARKING SETBACK: The distance between the curb or edge of pavement of an off-street parking area and any property lot line, excluding access driveways.

PARKING SPACE: That area required for the storage of one passenger vehicle, including necessary aisle or driveway space providing access thereto. [R.S.I.S.]

PARTY IMMEDIATELY CONCERNED: For purposes of notice, any applicant for development, the owners of the subject property, and all owners of property and government agencies entitled to notice. [M.L.U.L.]

PASSENGER VEHICLE: A motor vehicle with no more than two (2) axles and/or four (4) wheels, less than ten thousand (10,000 lbs.) pounds in gross weight, and designed primarily for the transport of persons, per the Township Motor Vehicles & Traffic Regulations Title 39.

PATIO: A level, landscaped, and/or surfaced area usually adjacent to a principal building or accessory structure at or within three feet of finished grade.

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

PEAK-HOUR TRAFFIC: The largest number of vehicles passing over a designated section of a street during the busiest one-hour period during a twenty-four (24) hour period.

PEDESTRIAN: An individual who travels on foot.

PEDESTRIAN GENERATOR: A development that will realize high facility usage by persons arriving on foot. [R.S.I.S.]

PEDESTRIAN WAY: A right-of-way easement provided for the purpose of pedestrian access and passage.

PERFORMANCE GUARANTEE: Any security, which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in *N.J.S.A 40:55D-53.5*, and cash. [M.L.U.L.]

PERFORMANCE STANDARDS: Standards adopted regulating noise levels, glare, earth borne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the municipality or required by applicable Federal or State laws or municipal ordinances. [M.L.U.L.]

PERMITTED USE: Any use allowed in a zone and subject to the restrictions applicable to that zone.

PERSON: Any individual, corporation, company, partnership, firm, association, Cherry Hill Township, political subdivision, of this State and any state, interstate or Federal agency. [N.J.D.E.P.]

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

PERVIOUS (PERMEABLE) COVER: any surface that permits a significant portion of surface water to be absorbed. [R.S.I.S.]

PLACE OF AMUSEMENT: An establishment designed for entertainment, amusement, and recreational uses such as a theater, a skating rink, a virtual reality game facility, a miniature golf course and related activities. This definition shall not be construed to include places of sexual entertainment, zoos and animal parks, or go-cart or moto-cross tracks or retail sales of sexually explicit gifts.

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

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

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

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

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

PLANNED DEVELOPMENT: Any of the following:

- Residential cluster: A contiguous or non-contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. [M.L.U.L.]
- Planned unit development: An area with a specified minimum contiguous or non-contiguous acreage to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of non-residential uses to residential uses as shall be specified herein. [M.L.U.L.]
- Planned commercial development: An area of a minimum contiguous or non-contiguous size as specified by this Ordinance to be developed as single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominate use as may be permitted herein. [M.L.U.L.]

PLANNED UNIT RESIDENTIAL DEVELOPMENT: An area with a specified minimum contiguous or noncontiguous acreage of five acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development. [M.L.U.L.]

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

PLAT: See PLAN.

PLOT: See LOT.

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

PORCH: Roofed, open areas that may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air-conditioned and, if glazed, when the percentage of window to wall area is less than fifty (50%) percent.

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

PRELIMINARY APPROVAL: The conferral of certain rights prior to final approval after specific elements of the development plan have been agreed upon by the applicable board and the applicant. [M.L.U.L.]

PRINCIPAL FAÇADE: The portion of the building which faces the street which generates the most vehicular and pedestrian traffic as determined by the Planning Board, Zoning Board, Administrative Official or other approving authority.

PRINCIPAL USE: The primary or predominant use of any lot or parcel.

PRIVATE EVSE: EVSE that has restricted access to specific users, including, but not limited to single and two-family homes, reserved and non-reserved parking in multi-family parking lots, and executive parking fleet parking with no access to the general public.

PRIVATE INSTRUCTIONAL FACILITIES: A business, not registered with or meeting the requirements of the New Jersey Department of Education as a vocational facility, which is operated for profit for any or all of the following: tutoring, instruction, guidance, test preparation, training in computer operation and related skills, and/or similar instruction and guidance.

PROHIBITED USE: A use that is not permitted in a zone district.

PUBLIC DRAINAGE WAY: The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen non-point pollution. [M.L.U.L.]

PUBLIC HEARING: A meeting announced and advertised in advance that is open to the public, with the public given an opportunity to talk and participate.

PUBLIC OPEN SPACE: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational or conservation uses.

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

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

PUBLICLY-ACCESSIBLE EVSE: EVSE that is publicly available, including, but not limited to park & ride, public parking lots and garages, on-street parking, shopping center parking, and non-reserved parking in mixed use parking lots.

PUMPING STATION: A building or structure containing the necessary equipment to pump a fluid to a higher level.

QUASI-PUBLIC USE: A use owned and operated by a nonprofit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs.

QUORUM: The majority of the fully authorized membership of Planning Board, Zoning Board, or Council. [M.L.U.L.]

RAIN BARREL: A storage device designed to intercept, detain, and store small volumes of stormwater runoff from rooftops. These storage devices may be above or below ground, and they may drain by gravity or be pumped. Stored water may be slowly released to a pervious area or used for irrigation.

RAIN GARDEN: A rain garden is a landscaped, shallow depression that captures, filters, and infiltrates stormwater runoff and removes nonpoint source pollutants from stormwater runoff while recharging groundwater.

RANDOM SELECTION PROCESS: A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery). [C.O.A.H.]

RECHARGE: The amount of water from precipitation that infiltrates into the ground and is not evapotranspired. [N.J.D.E.P.]

RECREATIONAL AREA: A private or public space, including essential buildings and structures, used for play and recreation space for individuals.

RECREATIONAL VEHICLE: A vehicle which is [1] built on a single chassis; [2] four hundred (400) square feet or less when measured at the longest horizontal projections; [3] designed to be self-propelled or permanently towable by a light duty truck; and [4] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [N.J.D.E.P.]

REDEVELOPMENT: Any development of a previously developed area. [N.J.D.E.P.]

REDEVELOPMENT AREA: An area designated by the Township as an "area in need of redevelopment and/or rehabilitation". The inclusion of a property in a redevelopment area entitles a developer in such an area to various financial incentives through the Township, Camden County Improvement Authority, and various State agencies so as to develop such a property to be more productive as a source of employment and tax revenue in accordance with *N.J.S.A. 40A-12A et seq*.

REGION: The geographic area surrounding the greater Cherry Hill Township, here being the Delaware Valley Region that surrounds the city of Philadelphia.

REGIONAL ASSET LIMIT: The maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median, as defined by COAH's adopted Regional Income Limits published annually by COAH. [C.O.A.H.]

REGULATED IMPERVIOUS SURFACE: Any of the following, alone or in combination: 1. A net increase of impervious surface; or 2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created); or 3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or 4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased. [N.J.D.E.P.]

REGULATED MOTOR VEHICLE SURFACE: Any of the following, alone or in combination: 1. The total area of motor vehicle surface that is currently receiving water; 2. A net increase in motor vehicle surface, and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed. [N.J.D.E.P.]

REHABILITATION: The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the *Rehabilitation Subcode, N.J.A.C. 5:23-6*. [C.O.A.H.]

REMOVAL: To partially or completely cause a structure or portion of a structure to change to another location, position, station or residence.

RENT: The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services. [C.O.A.H.]

REPAIR: To restore by replacing a part or putting together what is torn or broken.

REPLACE: The act or process of replicating any exterior feature that is used to substitute for an existing and deteriorated or extensively damaged architectural feature.

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

RESIDENTIAL CLUSTER: An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. [M.L.U.L.]

RESOURCE EXTRACTION: The dredging, digging, extraction, mining and quarrying of sand, gravel, or minerals for commercial purposes not including, however, the private or agricultural extraction and use of extracted material by a landowner.

RESOLUTION: Findings of fact and conclusions based thereon in each decision on any application for development in writing adopted by the municipal agency, per *N.J.S.A. 40:55D-10g*.

RESTAURANT: A public eating facility where patrons are seated at tables, booths or counters and food orders are taken and served to the patrons by waiters or waitresses at such tables, booths or counters.

RESTAURANT, DRIVE-THRU: Any restaurant, refreshment stand, snack bar, dairy bar, hamburger stand or hot dog stand where food is served primarily for consumption outside the building, off the premises or in automobiles parked on the premises, regardless of whether or not additional seats or other accommodations are provided for customers inside the building.

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

RESTORATION: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected.

RESTRICTED UNIT: A dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI. [C.O.A.H.]

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

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

RETAILER (ADULT): For the specific purposes of *N.J.S.A.2C:34-3.1,* any person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings or photographs.

RETAINING WALL: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

RETENTION BASIN: A stormwater management basin designed to retain some water on a permanent basis, also known as a wet pond. [R.S.I.S.]

REVERSE FRONTAGE: A through lot that is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

RIGHT-OF-WAY (ROW): A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or stormwater sewer main, shade tree, or for another special use. [R.S.I.S.]

RIVER BASIN: The total area drained by a river and its tributaries.

ROOF: The outside top covering of a building.

ROOFLINE: The apex, or highest point, of the roof.

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

RUNOFF: The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across the ground surface and eventually is returned to streams.

SAND FILTER: A forebay and underdrained sand bed that can be configured as either a surface or subsurface facility. Runoff entering the sand filter is conveyed first through the forebay, which removes trash, debris, and coarse sediment, and then through the sand bed to an outlet pipe. Sand filters use solids settling, filtering, and adsorption processes to reduce pollutant concentrations in stormwater.

SATELLITE DISH ANTENNAE: A parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

SEDIMENT: Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion. [N.J.D.E.P.]

SCENIC AREA: An open area of natural features that is visually significant or geologically or botanically unique.

SCHOOL: Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

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. [M.L.U.L.]

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

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

SERVICE STATION: See AUTO REPAIR FACILITY and/or GAS STATION.

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

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

SEXUALLY-ORIENTED BUSINESS: A commercial establishment, per *N.J.S.A.2C:33-12.2 & N.J.S.A.2C:34-6* that either:

1. as one of its principal business purposes offers for sale, rental, or display any of the following: Books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or 'specified anatomical area'; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or "specified anatomical area"; or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity"; or
2. regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a "specified sexual activity" or "specified anatomical area"

SEWER: Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams. [R.S.I.S.]

SHADE TREE: A tree, usually deciduous, planted primarily for overhead canopy.

SHALLOW FLOODING, AREA OF: A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [N.J.D.E.P.]

SHED: A small structure, either freestanding or attached to a larger structure, serving for storage or shelter.

SHOPPING CENTER: One or more building or parts thereof, designed as a unit to be occupied by one or more business enterprises for the conduct of business or conducted as an integrated and cohesively planned development.

SHOULDER: The area between the moving traffic lanes and curb used for emergency stopping of vehicles or parking. [R.S.I.S.]

SHOW: Specifically per *N.J.S.A.2C:34-3,* cause or allow to be seen.

SIDEWALK: An improved path for pedestrian use outside the cartway. [R.S.I.S.]

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection (also known as a sight easement). [R.S.I.S.]

SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN, ANIMATED or MOVING: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

SIGN, AWNING, CANOPY, or MARQUEE: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

SIGN, BANNER: A sign that may or may not contain a message constructed of cloth, canvas, plastic, or other flexible material typically suspended or hung by cord, string, or rope from a structure.

SIGN, BENCH: A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

SIGN, BILLBOARD: A sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

SIGN, BUSINESS: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, CHANGEABLE COPY: Information that relates to changing events and/or messages relating to the structure and use to which the sign relates.

SIGN, CONSTRUCTION: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the project.

SIGN, DIRECTIONAL: Signs limited to directional messages, principally for pedestrian and vehicular traffic.

SIGN, DIRECTORY: A sign listing the tenants or occupants of a building or group or buildings and that may indicate their respective professions or business activities.

SIGN, FAÇADE: The sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12") inches from such building or structure.

SIGN, FACE: The area or display surface used for the message.

SIGN, FLASHING: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, FREE EXPRESSION: A sign communicating information or views on matters of public policy concern or containing any other noncommercial message, that is otherwise lawful.

SIGN, FREESTANDING: Any non-movable sign not affixed to a building.

SIGN, FUNCTIONAL: Directional, information or public service signs, such as signs identifying locations of rest rooms, telephone or similar facilities of public convenience and signs located on mechanical dispensing equipment that identified its product.

SIGN, GOVERNMENTAL: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

SIGN, HOME OCCUPATION: A sign that relates to any business or profession conducted within a structure whose primary use is residential and the occupant of that residence conducts business therein.

SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, INFLATABLE: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

SIGN, MENU: A sign associated with a drive-through eating establishment, which lists the foods and beverages available for sale, along with the price per item. The name of the restaurant that the drive-through is connected may be listed, as well as the logo.

SIGN, MOBILE: A sign that is not permanent, affixed to a building, structure, or the ground.

SIGN, MONUMENT: A freestanding sign, also known as a ground sign, that is attached to the ground which the entire bottom is in contact with the ground and is independent of any other structure.

SIGN, MULTIPLE OCCUPANCY: Signs relating to a use or facility containing multiple occupancy and tenancy and displaying the various names, professions, and interests of the various tenants.

SIGN, NAMEPLATE: A sign located on the premises that gives the name and/or address of the owner or occupant of a building or premises.

SIGN, NEON: A sign manufactured utilizing neon tubing, which is visible to the viewer.

SIGN, OFF-PREMISES: See SIGN, BILLBOARD.

SIGN, OFF-SITE: Any sign located on a lot other than the lot occupied by the use, event or product, which said sign identifies, EXCEPT bus shelters as expressly provided by Township Council by contract or Ordinance and temporary signs, as provided in §517.K.

SIGN, POLE: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is eight (8') feet or move above grade.

SIGN, POLITICAL: A sign expressing support for or opposition to a candidate for political office or an issue specific to a current election or referendum or any matter of public interest and shall include such political paraphernalia as posters, bumper stickers (when not affixed to a moving object), banners, or the like.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and that project more than twelve (12") inches from such building.

SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN, SUSPENDED: A sign hanging down from a marquee, awning, or porch that would exist without the sign.

SIGN, TEMPORARY: A sign, which is erected for a limited period of time, as provided in this Ordinance.

SIGN, VENDING MACHINE: Any sign, display, or other graphic attached to or part of a coin-operated machine dispensing food, beverages, or other products.

SIGN AREA: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

SITE: The lot or lots upon which development is to occur or has occurred. [N.J.D.E.P.]

SITE PLAN, MAJOR: All site plans not defined as minor.

SITE PLAN, MINOR: A development plan of a minor nature, which meets the following criteria:

1. is not a new structure, regardless of size; and
2. proposed new development or alterations to structures, not otherwise exempt from site plan review and approval, involving grading, clearing or disturbance of less than five thousand (5,000) square feet of land area and that the proposed building addition of an existing structure shall not exceed ten (10%) percent of the total gross floor area of the overall structure; and
3. does not involve the construction of more than twenty (20) parking spaces; and

4. does not involve planned development, any new street extension of off-tract improvement which is prorated pursuant to Section 30 of the Municipal Land Use Law (*N.J.S.A. 40:55D-42*). [M.L.U.L.]

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

SLOPE: The deviation of a surface from the horizontal, usually expressed in percent or degrees.

SOIL: All unconsolidated mineral and organic material of any origin [N.J.D.E.P.]. The arable layers of unmodified sediments beneath the surface material and above the bedrock. [R.S.I.S.]

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

SOIL REMOVAL: See RESOURCE EXTRACTION.

SOLAR PANEL: A large array of connected solar cells that directly converts the energy in light into electrical energy through the process of photovoltaics.

SOLID WASTE: Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

SPECIFIED ANATOMICAL AREA: Per *N.J.S.A.2C:33-12.2, N.J.S.A.2C:34-3, & N.J.S.A.2C:34-6,* when either (a) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or (b) Human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY: Per *N.J.S.A.2C:33-12.2 and N.J.S.A.2C:34-3*, any activity of the following:
1. Human genitals in a state of sexual stimulation or arousal; or
2. Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse; or
3. Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

SPECIMEN TREE: A tree with a diameter of twenty-four (24") inches or greater; a unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group in shape or form; a tree of historical importance; or a tree specifically designated as such by the municipality.

STABLE: A structure on a tract qualifying as a farm for housing horses or ponies and products used for the keeping and handling of horses or ponies.

STABILIZATION: As it pertains to streets, the ability of a surface to resist deformation from imposed loads. Stabilization can be accomplished by adequate thicknesses of asphalt base and surface course, dense graded aggregates, cement treated soil aggregates, or concrete or precast masonry units set on a base course. [R.S.I.S.]

STABILIZED BASE COURSE (BITUMINOUS): The stabilized base course or asphalt concrete base consisting of soil aggregate and bituminous material uniformly mixed and placed on a previously prepared surface.

START OF CONSTRUCTION: The first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. For purposes of the Township Stormwater Management Ordinance, this refers to other than new construction or substantial improvements under the *Coastal Barrier Resources Act (P.L. No. 97-348*) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred and eighty (180) days of the permit date. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include

excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [N.J.D.E.P]

STATE: The State of New Jersey or any of its agencies.

STATE DEVELOPMENT & REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA 1): An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts. [N.J.D.E.P.]

STATE PLAN POLICY MAP: The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies. [N.J.D.E.P.]

STEEP SLOPES: Slopes over fifteen (15%) percent gradient.

STREAM: A natural watercourse containing flowing water for at least part of the year. [N.J.D.E.P.]

STREAM, INTERMITTENT: A stream with a drainage area of fifty (50) acres or greater. [N.J.D.E.P.]

STREAM, PERENNIAL: A stream that flows continuously throughout the year in most years. [N.J.D.E.P.]

STORM DRAIN: A conduit that collects and transports runoff.

STONE FILTER: A layer of loose rock, aggregate, bagged concrete, gabions, or concrete revetment blocks placed over an erodible soil surface (also known as rip rap).

STORMWATER: Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment. [N.J.D.E.P]

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

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

STORMWATER MANAGEMENT: The control and management of stormwater to minimize the detrimental effects of surface water runoff.

STORMWATER MANAGEMENT BMP: An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands). [N.J.D.E.P.]

STORMWATER MANAGEMENT MEASURE: Any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. [N.J.D.E.P.]

STORMWATER MANAGEMENT PLANNING AGENCY: A public body authorized by legislation to prepare stormwater management plans. [N.J.D.E.P.]

STORMWATER MANAGEMENT PLANNING AREA: The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency. [N.J.D.E.P.]

STORMWATER RUNOFF: Water flow on the surface of the ground or in storm sewers, resulting from precipitation. [N.J.D.E.P]

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. No story shall be deemed to a first story if its floor level is more than six feet above the level from which the height of the building is measured. A mezzanine floor shall be counted as story if it covers over one-third (1/3) of the area of the floor next below it. For the purpose of this Ordinance, a split-level dwelling shall be considered a one-story structure.

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

1. an existing state, county or municipal roadway;
2. shown upon a plat heretofore approved pursuant to law;
3. approved by *N.J.S.A. 40:55D-1 et seq.*; or
4. shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street line. [M.L.U.L.]

STREET, ARTERIAL: A higher-order, interregional road in the street hierarchy; conveys traffic between centers; should be excluded from residential areas. [R.S.I.S.]

STREET, COLLECTOR: A street that collects traffic from local streets and connects with minor and major arterials.

STREET, CUL-DE-SAC: A street with a single means of ingress and egress and having a turnaround, the design of which may vary. [R.S.I.S.]

STREET, LOCAL: A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET, NEIGHBORHOOD: A type of residential access street conforming to traditional subdivision street design, which provides access to building lots fronting on a street and provides parking on both sides of street. [R.S.I.S.]

STREET, RESIDENTIAL ACCESS: The lowest order of residential street, designed to carry traffic at slowest speed that provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. [R.S.I.S.]

STREET HIERARCHY: A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads to streets, whose function is residential access. [R.S.I.S.]

STREET FURNITURE: Constructed, aboveground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone boots, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.

STREET LINE: That line determining the limit of the highway rights of the public, either existing or contemplated.

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

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

STRUCTURAL TRIM: The molding, battens, capping, nailing strips, latticing, platforms and letters, figures, characters or representations in cut out or irregular form that are attached to the sign structure.

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

STUB STREET: A street that is to be extended when the adjacent property is developed.

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

1. 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;
2. Divisions of property by testamentary or intestate provisions;
3. Divisions of property upon court order including but not limited to, judgments of foreclosure;
4. Consolidation of existing lots by deed or other recorded instrument; and
5. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision". [M.L.U.L.]

SUBDIVISION, MAJOR: Any subdivision not classified as a minor subdivision. [M.L.U.L.]

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

1. Contains an aggregate of not more than four (4) lots, including 3 new lots and the remaining parcel;
2. Does not involve a planned development.
3. Does not involve any new street.
4. Does not require the extension of any off-tract improvement, the cost of which is to be prorated pursuant to *N.J.S.A. 40:55D-42*.
5. Meets the criteria for filing an application for a minor subdivision as otherwise required in this Ordinance. [M.L.U.L.]

SUBGRADE: The prepared surface upon which pavements and shoulders are constructed. [R.S.I.S.]

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. [N.J.D.E.P.]

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions
- Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". [N.J.D.E.P.]

SURFACE WATER: Water on the Earth's surface exposed to the atmosphere, such as rivers, lakes, streams, and oceans.

SURVEY: (1) The process of precisely ascertaining the area, dimensions, and location of a piece of land; (2) Determining the characteristics of persons, land, objects, buildings, or structures by sampling, census, interviews, observations, or other methods.

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

SWIMMING POOL: Any structure, including in-ground, above-ground and on-ground swimming pools, hot tubs, whirlpools and spas, which are intended for swimming or recreational bathing that contains water over twenty-four (24") inches in depth; and a surface area less than two hundred and fifty (250) square feet.

SYNAGOGUE: See HOUSE OF WORSHIP.

TAVERN: See BAR.

TAX MAP: The recorded map of delineated lots or tracts in a municipality showing boundaries, bearings, sizes, and dimensions, including the block and lot numbers.

TEMPORARY STRUCTURE: A structure without any foundation or footings that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE: A use established for a limited duration with the intent to discontinue at the expiration of the time period.

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

TENURE: The status of an occupied housing unit as either owner-occupied or renter-occupied.

TERRACE: See PATIO.

THEATER: A building or any part of a building primarily devoted to showing motion pictures, or primarily devoted to dramatic, musical or performing arts performances.

THROUGH LOT: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

TIDAL FLOOD HAZARD AREA: A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events. [N.J.D.E.P.]

TOTAL SUSPENDED SOLIDS (TSS): Matter suspended in stormwater, excluding litter, debris and other gross solids exceeding one millimeter in diameter.

TOWER: Any ground or roof-mounted pole, spire, structure, or combination thereof that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including supporting lines, cables, wires, braces, and masts. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

TOWN CENTER: The traditional center of a village or town that is often surrounded by governmental and cultural buildings.

TOWNHOUSE: See DWELLING, TOWNHOUSE.

TOWNSHIP: The Township of Cherry Hill, Camden County, New Jersey.

TOWNSHIP ENGINEER: The head of the Department of Engineering, or his designated representative, including the reviewing board engineers, as applicable.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND): A development that exhibits several of the following characteristics: alleys, streets laid out on a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, compatible, mixed land uses, village squares and greens. The basic goal is integration of the activities of potential residents with work, shopping, recreation, and transit all within walking distance.

TRAFFIC CALMING: A technique that uses physical devices to reduce traffic speed and volume while maintaining mobility and access for the purpose of balancing the needs of motorists with those of pedestrians, bicyclists, playing children and other users of street space.

TRAILER: A structure standing on wheels or originally intended to have wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying, transporting or storing materials, goods, or objects.

TRANSCRIPT: A typed or printed verbatim record of the proceedings or reproduction thereof. [M.L.U.L.]

TRAVELED WAY: The portion of a cartway used for vehicular travel. [R.S.I.S.]

TREE: Any woody perennial plant, having a trunk or main stem with a diameter breast height of eight (8") inches or greater at maturity.

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

TRIP GENERATION: The total number of vehicle trips produced by a specific land use or activity.

UHAC: The Uniform Housing Affordability Controls set forth in *N.J.A.C. 5:80-26.1 et seq.* [COAH]

UNDERDRAIN: Conduits, such as perforated pipes and/or gravel filled trenches that intercept, collect and convey stormwater that has percolated through soil, a suitable aggregate, and/or geotextile.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD: A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority. [N.J.D.E.P.]

URBAN ENTERPRISE ZONES: A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A. 52:27H-60 et. seq.* [N.J.D.E.P.]

URBAN REDEVELOPMENT AREA: Previously developed portion(s) of areas:

- Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- Designated as CAFRA Centers, Cores or Nodes;
- Designated as Urban Enterprise Zones; and
- Designated as Urban Coordinating Council Empowerment Neighborhoods. [N.J.D.E.P.]

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

USE, PRINCIPAL: The main or primary purpose or purposes, for which land or a structure, building and / or sign or use therefore is designed, arranged or intended or for which they may be occupied or maintained under the Land Development Ordinance. All other structures, buildings, signs or uses on the same lot and incidental or supplementary thereto and permitted under the Zoning Ordinance shall be considered accessory uses.

USE (d) VARIANCE: A deviation from the zoning ordinance standards pertaining to permitted uses, conditionally permitted uses, floor area ratio (FAR), permitted density, or height provisions, per *N.J.S.A §C.40:55D-70d.*

VACANCY: Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

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

VEGETATION: Any plant material, including native grasses or groundcover, shrubs and trees.

VEGETATIVE FILTER: A gently sloping, densely vegetated area used to filter, slow, and infiltrate sheetflow stormwater, which is designed to remove suspended solids and other pollutants from stormwater runoff.

VERY LOW-INCOME HOUSEHOLD: A household with a total gross annual household income equal to thirty (30%) percent or less of the median household income. [COAH]

VERY LOW-INCOME UNIT: A restricted unit that is affordable to a very low-income household. [COAH]

VETERINARIAN: See ANIMAL CLINIC.

WATER CONTROL STRUCTURE: A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir. [N.J.D.E.P.]

WATERSHED: The natural drainage area, catchment, or other area of land that drains water, sediment, and dissolved materials to a common outlet at some point along a stream channel

WATERS of the STATE: The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction. [N.J.D.E.P.]

WEATHERIZATION: Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation. [COAH]

WETLAND or WETLANDS: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. [N.J.D.E.P.]

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

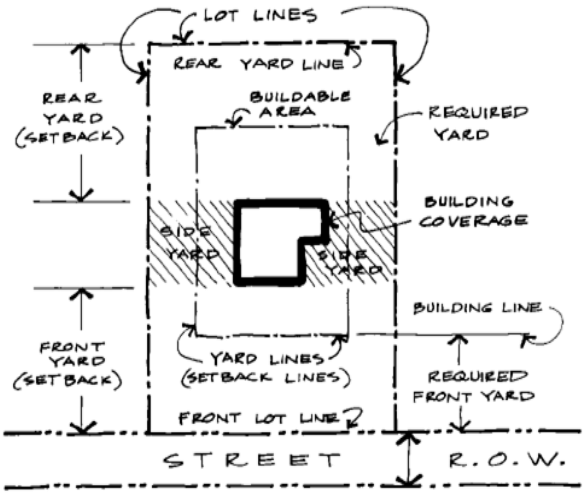
WOODED AREA: An area or stand of trees, irrespective of property lines, where the majority of the trees have a circumference of fifteen (15") inches or more (measured at a height of twelve (12") inches above ground level) that covers a land area of one-quarter acre or more.

YARD: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Ordinance.

YARD, FRONT: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

YARD, SIDE: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.



ZONING BOARD: An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance, this being the Zoning Board of Adjustment of Cherry Hill.

ZONING OFFICER: The administrative officer designated to administer the Zoning Ordinance and issue zoning permits, this being the Zoning Officer of the Township of Cherry Hill.

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

ARTICLE III
ZONES & ZONING MAP

SECTION 301. ESTABLISHMENT OF ZONES.

To further the purposes and intent of this Ordinance, the Township of Cherry Hill is hereby divided into zones, as follows:

SYMBOL	ZONES
RA	Residential Agricultural Zone
RAPC	Residential Agricultural-Planned Community Zone
R1	Single-Family Residential Zone
R2	Single-Family Residential Zone
R3	Single-Family Residential Zone
R7	Multi-Residential Zone
R10	Multi-Residential Zone
R20	Multi-Residential Zone (High Rise)
RIPD	Residential-Inclusionary Planned Development Overlay Zone
B1	Neighborhood Business Zone
B2	Highway Business Zone
B3	Shopping Center Business Zone
B4	Regional Business Zone
O1	Limited Office Zone
O2	General Office Zone
O3	Professional Office Zone
IN	Institutional Zone
IR	Industrial Restricted Zone
IRB	Industrial Restricted Business Zone
IR-RB	Industrial Restricted-Restricted Business Overlay Zone
AH-C	Agricultural Horticulture-Commercial Overlay Zone
FP	Flood Plain Overlay Zone
SB	Stream Buffer Overlay Zone
SH	Senior Housing Overlay Zone
SSH	Senior & Supportive Housing Overlay Zone
GTTOD	Golden Triangle Transit-Oriented Development Overlay Zone
PTOD	PATCO Transit-Oriented Development Overlay Zone

SECTION 302. ZONING MAP.

The aforesaid zones are hereby established by the designations, locations, and boundaries thereof indicated on the Zoning Map as amended and on file in the office of the Township Clerk. Said map shall be known as the, "Zoning Map of the Township of Cherry Hill", dated March 12, 2007 as amended, and is hereby declared to be a part of this Ordinance. Map changes and amendments shall be made in accordance with the provisions of Article XII of this Ordinance.

SECTION 303. ZONE BOUNDARIES.

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

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

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

SECTION 304. APPLICABILITY WITHIN EACH ZONE.

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

ARTICLE IV
ZONING REGULATIONS

SECTION 401. GENERAL REGULATIONS.

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

B. Deviations. Deviations from the requirements of this Article shall be considered variances pursuant to *N.J.S.A.40:55 D-60* and *-70*. Deviations from the performance, design, and improvement standards in Article V shall be considered exceptions pursuant to *N.J.S.A. 40:55D-51*, except herein below. Deviations from the performance and design standards for certain sections defined in Article V shall require application and granting of variances prior to the issuance of a building permit and certificate of occupancy, including:

1. The performance standards for all uses outlined in §502.
2. The location of all fences that do not meet setback requirements, per §506.
3. The height of all fences that exceed the maximum permitted height, per §506.
4. A landscaping buffer width less than the required distance, per §508.F.3.
5. The minimum and maximum number of required parking spaces, per §511.B.
6. The location and setbacks of a parking area, per §511.H.2.
7. The requirement of a sufficient stormwater management basin, per §516.G.1.
8. The location and setbacks of a stormwater management basin, per §516.G.4.
9. The installation of signs that are prohibited, as listed in §517.
10. The location of all signs that do not meet setback requirements, per §517.
11. The height, number, or area of all signs that exceed the maximum limitations, per §517.

C. Non-Conforming Uses & Structures. Any nonconforming use or structure as defined in Article II existing on the effective date of this Ordinance may be continued upon the lot or in the structure so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof. Any such use or structure that is substantially destroyed shall not be reconstructed or used except in conformance with this Ordinance.

1. Substantial Destruction. Any nonconforming building, structure or use that has been condemned or damaged by fire, explosion, flood, windstorm, other natural disaster; shall be examined by the Administrative Officer. If in the opinion of the Administrative Officer, the cost of repair is greater than fifty (50%) percent of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a variance. If the cost of repair is less than fifty (50%) percent of the value of replacing the entire structure, it may be rebuilt, and used for the same purpose as before and does not exceed the height, area, and volume of the original structure. The percent damaged shall be the current replacement costs of the portion damaged or condemned, computed as a percentage of the current total replacement cost of the entire structure, neither to include the cost of the foundation unless the foundation is involved in the repair.

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

3. Abandonment. The following shall apply to an abandonment of non-conforming use or structure:
   a. If a nonconforming use or structure ceases operations for a continuous period of more than one year and the owner thereof makes little or no attempt to use the property for its non-conforming use or to lease to a tenant for such use, then this shall be deemed to be an intent to abandon the non-conforming use or structure and any subsequent use shall conform to the regulations of this Ordinance. Any dispute of the determination of intent to abandon shall be able to appeal to the Zoning Board of Adjustment pursuant to *N.J.S.A. 40:55D-70a.*

   b. Any appellant to the Zoning Board of Adjustment, in accordance with the preceding paragraph, shall first have the burden of proof to provide testimony and evidence that such use or structure is legally non-conforming.

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

   2. Non-Conformity from Public Dedication. Whenever the owner of a lot existing at the time of adoption of this ordinance has dedicated or conveyed land to the municipality, County or State in order to meet the minimum street width requirement of the official map or master plan of the municipality, the Zoning Officer shall issue Zoning Permits for the lot whose depth and/or areas are rendered substandard in area only because of such dedication and where the owner has no other adjacent lands to provide the minimum requirements.

   3. Expansion of Building on Undersized Lot. Any existing lot on which a building or structure is located containing a conforming structure that does not meet the minimum lot size, or a building or structure that violates any yard requirements, may have additions to the principal building and/or construction of an accessory building without any appeal for variance relief provided:
      a. The total permitted building and/or lot coverage is not exceeded; and
      b. The accessory building and/or addition do not violate any other requirements of this Ordinance including, but not limited to, height, yard, and parking requirements.

E. Accessory Buildings & Uses. The following regulations shall apply to all accessory buildings:
   1. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.

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

   3. An accessory building or structure may be constructed in side and rear yards only and shall be setback from property lines as required in each subject zone. In the event that no accessory building or structure setback is established in the particular zone, the setback requirements for principal buildings shall apply.

   4. Accessory parking facilities and non-residential driveways extending across more than one (1) zoning district within a single lot shall be permitted to provide accessory parking for, and access to

and/or from, a permitted use situated within the same lot. This is notwithstanding that all or part of the parking facilities and/or driveway is located in a zoning district which does not permit the use to which the parking facilities and/or driveway are accessory.

F. Bulk Regulation Measurements. Measurements for the determination of building and structure setbacks, required yard areas, landscape buffer widths, and other dimensional requirements from rights-of-way or watercourses shall be taken from the edge of the right-of-way or top of stream bank rather than from the center. In the event that additional land dedication or reservation for right-of-way purposes is required by a municipal agency or other level government; or a future right-of-way has been established on the Official Map, Circulation Element of the Master Plan, or by another level of government, such measurement shall be made from the future right-of-way or reservation line, except as may be permitted under subparagraph §401.D.2 above.

G. Exceptions to Height Limitations. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, parapets, solar panels, chimneys, smokestacks, flagpoles, masts and aerials, barns, silos, stairways, elevator penthouses, stair towers, skylights, ventilating fans, air conditioning, mechanical infrastructure or similar equipment required to operate and maintain the building may be erected above the height limits prescribed by this Ordinance, but in no case shall such extension exceed ten (10%) percent of the maximum height otherwise permitted in the zone.

H. General Requirements for Special Lots.

1. Corner Lot. The following regulations shall apply to corner lots:
   a. All corner lots shall be considered to have a primary front yard and a secondary front yard, one side yard, and one rear yard.
   b. The landowner of any building that a construction permit has been issued prior to the effective date of this Ordinance may establish the front yard as the yard abutting an arterial or collector street for purposes of the application of yard and other bulk regulations.

2. Reverse Frontage. Residential lots that have frontage on both a residential access or subcollector street and another street shall establish the primary front yard facing the interior lowest order street and the rear yard abutting the higher order street. Where a lot backs to a higher order street, a minimum setback of thirty (30') feet shall be provided from such street.

3. Cul-de-Sacs or Curved Streets Frontage. The minimum lot frontage may be reduced on curved alignments with an outside radius of less than five hundred (500') feet to not less than seventy (70%) percent of the required minimum provided that the width of the lot at the building setback line is equal to or greater than the minimum lot frontage requirement.

4. No Public Sewer. Where no public sewer is available, the minimum lot size shall be one acre.

I. Special Minimum Setback Requirements.

1. Residential Lots. No detached dwelling, accessory building or structure, or driveway otherwise permitted in this Ordinance shall be located within three (3') feet of a side or rear lot line in order to maintain positive lot drainage, unless a lot grading plan is submitted and approved by the Municipal Engineer.

2. Transmission Lines. No building shall be placed within a high voltage transmission line (excluding its support), underground petroleum, or natural gas transmission pipeline corridor.

3. Public Wellheads. No disposal of effluent outside of the conveyance system of Cherry Hill Township shall be permitted within three hundred (300') horizontal feet of a public water supply wellhead. No service station, dry cleaning operation or underground petroleum tank shall be located within one thousand (1,000') horizontal feet of a public water supply wellhead.

J. Specifically Prohibited Uses. Any use not permitted within this Ordinance shall be prohibited, with the following uses specifically prohibited:
   1. Automobile wrecking and junkyards.
   2. Accessory dwelling units, "mother-in-law" suites, and the like.
   3. Airfields, heliports and helistops.
   4. Drive-in restaurants.
   5. Mobile home dwelling units.
   6. Used automobile sales, except as an accessory use to a factory-authorized new automobile sales dealership, where permitted.
   7. Outdoor storage of any type unless approval is granted by the Planning Board, Zoning Board or Zoning Officer, subject to the design and performance standards as required in Article V.
   8. Quarrying, mining, soil stripping, or other resource extraction. Removal of excess soil as a result of an approved site plan or subdivision application shall not be considered prohibited under this provision, as long as the Planning Board, Zoning Board or Township Engineer determines that only excess soil is proposed for removal based upon the approved plans.
   9. Sanitary landfills, incinerators, transfer stations, or resource recovery facilities, except upon land owned by the Township.

K. Open Space. Open space, as defined in §202, shall be required for every non-residential property, which conforms to the following:
   1. At least 25% of the gross usable site, within property lines, shall be usable open space. Open space shall include, but not limited to, any land that is a contiguous area of at least one hundred (100) square feet, which is unimproved land and any improvements incidental to the natural openness of the land.
   2. Open space shall not include any area for motorized vehicle uses (including reserved parking), any drainage areas, such as stormwater basins, stormwater facilities, retention ponds, swales and stone filters, any natural unusable areas such as wetlands and floodplains, and contiguous areas under one hundred (100) square feet.

SECTION 402. RESIDENTIAL AGRICULTURE (RA).

A. Intent. The Residential Agriculture (RA) zone is intended to provide areas for low-intensity agricultural operations and single-family dwellings on large lots that create a rural residential environment wherein natural constraints minimize the effect of developing lands, which protect and preserve valuable agricultural and rural areas. The clustering of residential lots and buildings is encouraged in order to concentrate development on land best able to support it, while creating community focused open space and connectivity to adjacent land uses.

B. Permitted Principal Uses. In the Residential Agriculture (RA) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
   1. Agriculture.
   2. Cemetery.
   3. Churches and similar places of worship, parish houses and convents.
   4. Conservation.
   5. Municipal use.
   6. Public parks and recreation.

7. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
8. Single-family detached dwellings.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Balconies, chimneys, eaves, and awnings, per §431.I.
2. Decks and patios, per §431.H.
3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
4. Fences, hedges and walls, per §506.
5. Home occupations, per §431.B.
6. Horses, per §431.A.
7. Motor vehicle storage, per §431.F.
8. Personal recreational vehicle storage, per §431.E.
9. Personal telecommunications equipment, per §431.L.
10. Playground and recreation equipment, per §431.K.
11. Private parking facilities including garage and carport, per §431.C.
12. Private residential shed and greenhouses, per §431.J.
13. Private residential swimming pool and cabana, per §431.G.
14. Sidewalks and walkways, per §513.
15. Signs, in accordance with §517.
16. Solar energy infrastructure, per §432.C.
17. Temporary construction facilities, per §432.F.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential Agriculture (RA) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size	1 acre	1 acre	1 acre	1 acre
Lot Frontage	200’	200’	200’	200’
Lot Depth	150’	150’	150’	150’
Front Yard	35’	35’	35’	35’
Secondary Front Yard	n/a	25’	n/a	25’
Side Yard	20’	20’	20’	20’
Aggregate Side Yard	50’	n/a	50’	n/a
Rear Yard	25’	25’	25’	25’
Maximum Height	35’	35’	35’	35’
Maximum Building Cover	25%	25%	30%	30%
Maximum Lot Cover	30%	30%	65%	65%
Open Space	n/a	n/a	25%	25%

SECTION 403. RESIDENTIAL AGRICULTURAL PLANNED COMMUNITY (RAPC).

See §405.

SECTION 404. RESIDENTIAL (R1).

A. Intent. The Residential (R1) zone is intended for single-family detached dwellings in a low-density setting. Clustering of dwellings to promote the retention of open space is encouraged.

B. Permitted Principal Uses. In the Residential (R1) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:

1. Cemetery.
2. Churches and similar places of worship, parish houses and convents.
3. Conservation.
4. Municipal use.
5. Public parks and recreation.
6. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
7. Single-family detached dwellings.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Balconies, chimneys, eaves, and awnings, per §431.I.
2. Decks and patios, per §431.H.
3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
4. Fences, hedges and walls, per §506.
5. Home occupations, per §431.B.
6. Motor vehicle storage, per §431.F.
7. Personal recreational vehicle storage, per §431.E.
8. Personal telecommunications equipment, per §431.L.
9. Playground and recreation equipment, per §431.K.
10. Private parking facilities including garage and carport, per §431.C.
11. Private residential shed and greenhouses, per §431.J.
12. Private residential swimming pool and cabana, per §431.G.
13. Sidewalks and walkways, per §513.
14. Signs, in accordance with §517.
15. Solar energy infrastructure, per §432.C.
16. Temporary construction facilities, per §432.F.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential (R1) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	13,000	15,000	20,000	20,000
Lot Frontage	90’	100’	100’	120’
Lot Depth	120’	120’	120’	120’
Front Yard	35’	35’	35’	35’
Secondary Front Yard	n/a	25’	n/a	25’
Side Yard	10’	10’	10’	10’
Aggregate Side Yard	30’	n/a	30’	n/a
Rear Yard	25’	25’	25’	25’
Maximum Height	35’	35’	35’	35’
Maximum Building Cover	30%	30%	35%	35%
Maximum Lot Cover	35%	35%	70%	70%
Open Space	n/a	n/a	25%	25%

SECTION 405. RESIDENTIAL (R2).

A. Intent. The R2 Residential zone is intended for single-family detached dwellings on lots of moderate size that stabilize and protect the surrounding neighborhood. Clustering of dwellings to promote the retention of open space is encouraged.

B. Permitted Principal Uses. In the R2 Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Cemetery.
2. Churches and similar places of worship, parish houses and convents.
3. Conservation.
4. Municipal use.
5. Public parks and recreation.
6. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
7. Single-family detached dwellings.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Balconies, chimneys, eaves, and awnings, per §431.I.
2. Decks and patios, per §431.H.
3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
4. Fences, hedges and walls, per §506.
5. Home occupations, per §431.B.
6. Motor vehicle storage, per §431.F.
7. Personal recreational vehicle storage, per §431.E.
8. Personal telecommunications equipment, per §431.L.
9. Playground and recreation equipment, per §431.K.
10. Private parking facilities including garage and carport, per §431.C.
11. Private residential shed and greenhouses, per §431.J.
12. Private residential swimming pool and cabana, per §431.G.
13. Sidewalks and walkways, per §513.
14. Signs, in accordance with §517.
15. Solar energy infrastructure, per §432.C.
16. Temporary construction facilities, per §432.F.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential (R2) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	9,200	10,350	20,000	20,000
Lot Frontage	80’	90’	100’	120’
Lot Depth	120’	120’	120’	120’
Front Yard	30’	30’	30’	30’
Secondary Front Yard	n/a	25’	n/a	25’
Side Yard	10’	10’	10’	10’
Aggregate Side Yard	24’	n/a	24’	n/a
Rear Yard	25’	25’	25’	25’
Maximum Height	30’	30’	35’	35’
Maximum Building Cover	35%	35%	35%	35%
Maximum Lot Cover	40%	40%	75%	75%
Open Space	n/a	n/a	25%	25%

SECTION 406. RESIDENTIAL (R3).

A. Intent. The R3 Residential zone is intended for single-family detached dwellings on modest-sized lots that stabilize and protect the surrounding neighborhood.

B. Permitted Principal Uses. In the R3 Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Cemetery.
2. Churches and similar places of worship, parish houses and convents.
3. Conservation.
4. Municipal use.
5. Public parks and recreation.
6. Schools and Institutions of higher education including playgrounds, parks and accessory buildings, not conducted as a business.
7. Single-family detached dwellings.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Balconies, chimneys, eaves, and awnings, per §431.I.
2. Decks and patios, per §431.H.
3. Farm stand and consumer crop picking operations when used in conjunction with an agriculture use.
4. Fences, hedges and walls, per §506.
5. Home occupations, per §431.B.
6. Motor vehicle storage, per §431.F.
7. Personal recreational vehicle storage, per §431.E.
8. Personal telecommunications equipment, per §431.L.
9. Playground and recreation equipment, per §431.K.
10. Private parking facilities including garage and carport, per §431.C.
11. Private residential shed and greenhouses, per §431.J.
12. Private residential swimming pool and cabana, per §431.G.
13. Sidewalks and walkways, per §513.
14. Signs, in accordance with §517.
15. Solar energy infrastructure, per §432.C.
16. Temporary construction facilities, per §432.F.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Residential (R3) zone:

Minimum Requirements	Residential Uses		Non-Residential Uses	
	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	7,800	9,750	15,000	15,000
Lot Frontage	60’	75’	90’	100’
Lot Depth	120’	120’	120’	120’
Front Yard	25’	25’	30’	30’
Secondary Front Yard	n/a	25’	n/a	25’
Side Yard	10’	10’	10’	10’
Aggregate Side Yard	24’	n/a	24’	n/a
Rear Yard	25’	25’	25’	25’
Maximum Height	30’	30’	35’	35’
Maximum Building Cover	35%	35%	35%	35%
Maximum Lot Cover	55%	55%	75%	75%
Open Space	n/a	n/a	25%	25%

SECTION 407. MULTI-RESIDENTIAL 7 (R7).

A. Intent. The R7 Multi-Residential zone is intended for semi-detached and attached single-family dwellings, such as townhouses and garden apartments. The zone usually functions as an intermediate zone between single-family attached dwelling units and other uses.

B. Required Uses. All developments in the R7 Multi-Residential zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses. In the R7 Multi-Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except for the following:
   1. Conservation.
   2. Municipal and governmental use.
   3. Multi-Residential structures containing townhouses or garden apartments.
   4. Public parks and recreation.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
      a. Community center, provided it is within the building envelope.
      b. Gazebos, mail kiosks, and similar street furniture.
      c. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
      d. Parking garages, underground parking, and off-street parking, per §511.
      e. Playground and recreation equipment, per §431.K.
      f. Residential swimming pool and cabana, per §431.G.
      g. Sidewalks and walkways, per §513.
      h. Signs, in accordance with §517.
      i. Solar energy infrastructure, per §432.C.
      j. Temporary construction facilities, per §432.F.
   2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection:
      a. Balconies, chimneys, eaves, and awnings, per §431.I.
      b. Decks and patios, per §431.H, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.
      c. Fences, hedges, and walls, per §506.
      d. Home occupations, per §431.B.
      e. Personal telecommunications equipment, per §431.L.
      f. Playground and recreation equipment, per §431.K.
      g. Private parking facilities including garage and carport, per §431.C.
      h. Private residential shed and greenhouses, per §431.J, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings to all buildings in the R7 Multi-Residential zone:

   1. Minimum Requirements:

Minimum Requirements	All Uses	
	Inside Lot	Corner Lot
Lot Size	10 acres	10 acres
Lot Frontage	n/a	n/a
Lot Depth	n/a	n/a
Front Yard	75'	75'
Secondary Front Yard	75'	n/a
Side Yard	50'	50'
Aggregate Side Yard	100'	n/a
Rear Yard	50'	50'
Maximum Height	35'	35'
Maximum Building Cover	40%	40%
Maximum Lot Cover	50%	50%
Open Space	40%	40%

2. Additional Requirements. In addition to 407.E.1, the following requirements shall apply:
   a. Twenty-five (25') feet between multi-residential structures.
   b. A maximum of six (6) townhouse dwelling units shall be permitted in any one structure.
3. Density. The maximum density of the entire tract in a R7 Multi-Residential zone shall not exceed seven (7) dwelling units per gross usable acre.

SECTION 408. MULTI-RESIDENTIAL 10 (R10).

A. Intent. The R10 Multi-Residential zone is intended for medium-density housing in an attached multi-residential configuration, such as townhouses and garden apartments.

B. Required Uses. All developments in the R10 Multi-Residential zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses. In the R10 Multi-Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except for the following:
   1. Conservation.
   2. Garden apartments.
   3. Municipal and governmental use.
   4. Public parks and recreation.
   5. Townhouses.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
      a. Community center, provided it is within the building envelope.
      b. Gazebos, mail kiosks, and similar street furniture.
      c. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
      d. Parking garages, underground parking, and off-street parking, per §511.
      e. Playground and recreation equipment, per §431.K.
      f. Refuse and recycling storage facilities, per §511.
      g. Residential swimming pool and cabana, per §431.G.
      h. Sidewalks and walkways, per §513.
      i. Signs, per §517.

j. Solar energy infrastructure, per §432.C.
k. Stormwater management facilities, per §516.

2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
   a. Balconies, chimneys, eaves, and awnings, per §431.I.
   b. Decks and patios, per §431.H, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.
   c. Fences, hedges, and walls, per §506.
   d. Home occupations, per §431.B.
   e. Personal telecommunications equipment, per §431.L.
   f. Playground and recreation equipment, per §431.K.
   g. Private parking facilities including garage and carport, per §431.C.
   h. Private residential shed and greenhouses, per §431.J, on fee simple lots only, unless approved as a site plan in accordance with Article VIII.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the R10 Multi-Residential zone:
   1. Minimum Requirements:

Minimum Requirements	All Uses	
	Inside Lot	Corner Lot
Lot Size	10 acres	10 acres
Lot Frontage	n/a	n/a
Lot Depth	n/a	n/a
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	50'	50'
Aggregate Side Yard	100'	n/a
Rear Yard	50'	50'
Maximum Height	6 stories	6 stories
Maximum Building Cover	40%	40%
Maximum Lot Cover	50%	50%
Open Space	50%	50%

   2. Additional Requirements. In addition to §408.E.1, the following requirements shall apply:
      a. If the lot is adjacent to a single-family residential zone (RA, RAPC, R1, R2, R3), a minimum of seventy-five (75') feet from the property line shall be required.
      b. A minimum of twenty-five (25') feet between multi-residential structures is required.
      c. A maximum of eight (8) townhouse units shall be permitted in any one structure.
      d. A maximum of twenty (20) garden apartment units shall be permitted in any one structure.
      e. For developments on lots of twenty-five (25) acres or more, a mix of townhouses and garden apartment unit type is required, either type not to exceed sixty (60%) percent of the total dwelling units.
   3. Density. The maximum density of the entire tract in a R10 Multi-Residential zone shall not exceed ten (10) dwelling units per gross usable acre.

SECTION 409. MULTI-RESIDENTIAL 20 (R20) HIGH RISE.

A. Intent. The R20 Multi-Residential zone is intended for high-density housing in an attached multi-residential configuration, such as mid and high-rise structures.

B. Required Uses. All developments in the R10 Multi-Residential zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses. In the R20 Multi-Residential zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except for the following:
   1. Conservation.
   2. Multi-Residential High-Rise structure(s).
   3. Municipal and governmental use.
   4. Public parks and recreation.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
      a. Community center, provided it is within the building envelope.
      b. Gazebos, mail kiosks, and similar street furniture.
      c. Decks and patios, per §431.H.
      d. Fences, hedges, and walls, per §506.
      e. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
      f. Parking garages, underground parking, and off-street parking, per §511.
      g. Permitted uses in the Neighborhood Business (B1) zone on the first floor of a high-rise structure, not to exceed 1,000 GFA.
      h. Playground and recreation equipment, per §431.K.
      i. Refuse and recycling storage facilities, per §511.
      j. Residential swimming pool and cabana, per §431.G.
      k. Signs, per §517.
      l. Sidewalks and walkways, per §513.
      m. Solar energy infrastructure, per §432.C.
      n. Stormwater management facilities, per §516.
      o. Temporary construction trailers, per §432.F.
   2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection:
      a. Balconies, eaves, and awnings, per §431.I.
      b. Home occupations, per §431.B.
      c. Personal telecommunications equipment, per §431.L.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the R20 Multi-Residential zone:
   1. Minimum Requirements:

Minimum Requirements	All Uses	
	Inside Lot	Corner Lot
Lot Size	4 acres	4 acres
Lot Frontage	250’	250’
Lot Depth	250’	250’
Front Yard	100’	100’
Secondary Front Yard	n/a	100’

Side Yard	200'	200'
Aggregate Side Yard	400'	n/a
Rear Yard	200'	200'
Minimum Height	6 stories	6 stories
Maximum Height	16 stories	16 stories
Maximum Building Cover	30%	30%
Maximum Lot Cover	60%	60%
Open Space	50%	50%

2. Additional Requirements. In addition to §409.E.1, the following requirements shall apply:
   a. A minimum of one hundred (100') feet is required between multi-residential structures.
   b. Density. The maximum density of the entire tract in a R20 Multi-Residential zone shall not exceed twenty (20) dwelling units per gross usable acre.

SECTION 410. RESIDENTIAL-INCLUSIONARY PLANNED DEVELOPMENT (RIPD).

A. Intent. The intent of the Residential-Inclusionary Planned Development (RIPD) zone is to comply with the Court Order of Judge L. Anthony Gibson dated May 22, 1991, requiring the rezoning of Block(s) 521.01 Lot(s) 2, 8 & 9, commonly known as Short Hills Farm, as an inclusionary development in order:
   1. To provide a reasonable opportunity for the construction of housing affordable to households of low and moderate incomes.
   2. To encourage the most efficient use of this size tract by providing a variety of housing types and mix of use that will enable and support the provision of low and moderate-income housing.
   3. To assure that the planning and design of the circulation, stormwater management, sewer, water and other infrastructure systems, and the open space service the entire development, mitigate any off-site impacts, and allow for timely, cost effective phased construction.

B. Required Uses. All developments in the RIPD Multi-Residential zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses.
   1. Residential. Permitted residential uses are as follows:
      a. Bulk Requirements.
         i. The RIPD Residential zone shall provide a mix of residential densities and unit types with an overall site density not to exceed four (4) dwelling units per gross site acre.
         ii. The normal division between single-family and multi-residential housing units shall be a minimum of thirty-five (35%) percent single-family and the balance multi-residential.
         iii. A minimum of fifty (50%) of the single-family dwelling units shall be developed in accordance with the R1 Residential zone, per §404.
         iv. A minimum of thirty (30%) of the remaining single-family dwelling units shall be developed in accordance with the R2 Residential zone, per §405, and any balance in accordance with the R3 Residential zone, per §406.
         v. The multi-residential dwelling units shall be developed in accordance with R10 Multi-Residential zone, per §408.
         vi. To the greatest extent possible, the site shall be designed so that the R2 Residential section(s) shall serve as a transition between the on-site R1 Residential section, with the higher density R3 Residential and R10 Multi-Residential sections.

vii. The R2 Residential section(s) shall be provided as a transition when RIPD zoned areas are adjacent to off-site Residential Agriculture (RA), R1 Residential and/or R2 Residential parcels.

viii. The multi-residential units shall be contained in development sections designed for these uses. These R10 Multi-Residential sections may abut off-site adjacent properties only where the adjacent property is held as publicly-owned open space.

ix. On-site, the multi-residential units may not directly abut R1 Residential sections and may abut R2 Residential sections only when such sections are separated by a twenty-five (25') foot vegetated buffer in accordance with §508.F, or a roadway with a right-of-way at least fifty (50') feet in width.

x. In no event will streets be placed along property lines next to adjacent off-site residentially zoned properties, nor will they be permitted to serve as buffers in the RIPD zone and adjacent residentially-zoned properties.

b. Buffer. Where the development tract abuts other properties that are not publicly-owned open space, the site design shall include a minimum twenty-five (25') foot landscaping buffer, per §508.F. The buffer shall be deed restricted from disturbance and the lot owner shall be required to maintain the landscaping. Existing vegetation may be retained as part of the landscaping, if approved by the Planning Board. Individual fencing shall be limited to the inner boundary of the buffer area by the lot owner.

c. Open Space. A contiguous common open space per §401.K, shall be provided at a ratio of one acre of open space for each ten (10) acres of the gross development site. This area shall be permanently restricted to open space. It may be used for recreational facilities such as swimming pools, game fields, court games, tot lots and playgrounds. Where the site abuts existing public recreational facilities and open space, this requirement may be reduced as deemed appropriate by the Planning Board. If this requirement reduces the yield of the property (Block 521.01 Lots 2, 8 & 9) below the total of 514 (five hundred and fourteen) units, the number of low- and moderate-income units to be produced from the property, 115 (one hundred and fifteen), shall not be affected. Of the 115 low and moderate income units, a minimum of 58 low and moderate income units shall be built at the Short Hills Farm site unless otherwise changed by court order.

d. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:

i. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:

(a) Community center, provided it is within the building envelope.
(b) Gazebos, mail kiosks, and similar street furniture.
(c) Decks and patios, per §431.H.
(d) Fences, hedges, and walls, per §506.
(e) Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
(f) Parking garages, underground parking, and off-street parking, per §511.
(g) Permitted uses in the Neighborhood Business (B1) zone on the first floor of a high-rise structure, not to exceed 1,000 GFA.
(h) Playground and recreation equipment, per §431.K.
(i) Refuse and recycling storage facilities, per §511.
(j) Residential swimming pool and cabana, per §431.G.
(k) Signs, per §517.

(l) Sidewalks and walkways, per §513.
(m) Solar energy infrastructure, per §432.C.
(n) Stormwater management facilities, per §516.
(o) Temporary construction trailers, per §432.F.

ii. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
(a) Balconies, eaves, and awnings, per §431.I.
(b) Home occupations, per §431.B.
(c) Personal telecommunications equipment, per §431.L.

2. Neighborhood Center. A maximum of one Neighborhood Center of up to 50,000 square feet of office and retail may be included, which shall conform to the following:
a. The Neighborhood Center shall be designed as an integral part of the site design with a landscaped park-like settings with promenades and connecting walkways between buildings. In no case shall it be a strip store type shopping center on a main off-site roadway, nor will it abut adjacent off-site residential properties.

b. The nominal division of square footage between office and retail space shall be a minimum of fifty (50%) percent office use and the balance retail use. The Planning Board must approve deviations from this mix.
i. Office uses shall be in accordance with the Limited Office (O1) zone, per §411.

ii. Retail uses shall be in accordance with the Neighborhood Business (B1) zone, per §414.

c. Height. The maximum peak height of an office building in the RIPD zone is limited to forty (40') feet from final grade level, with a maximum of three (3) stories.

d. Accessory Uses. Accessory uses, per §414, shall be permitted.

e. Buffer. The Neighborhood Center shall not abut the single-family dwelling R1 and R2 sections unless they are separated by either a fifty (50') foot buffer in accordance with §508.F or by a roadway with at least a fifty (50') foot right-of-way.

f. Parking. Parking shall be provided adjacent to the center in landscaped lots with berms and plantings that screen the lot and help integrate the center with surrounding on-site residential properties, in accordance with §510.

SECTION 411. LIMITED OFFICE (O1).

A. Intent. The Limited Office (O1) zone is intended for the use or occupancy of both professional and general business offices and services in areas not suited for retail development. The purpose of the zone is also to provide support services to other commercial uses within the Township and region.

B. Permitted Principal Uses. In the O1 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Child care centers, per §432.A.

2. Club or lodge, organized for fraternal or social purposes, provided that the chief activity shall not be one which is customarily carried on as a business, and provided that the buildings and services shall be for the use of members and their guests only.

3. Conservation.

4. Funeral home or philanthropic use, excluding correctional or penal institutions.

5. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
6. Home for the aged, long term care facility or assisted living facility.
7. Municipal or governmental uses.
8. Professional offices, including the following uses:
   a. Finance, insurance agencies, real estate and accounting offices.
   b. Medical offices, dental offices, laboratories and compounding of pharmaceuticals, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
   c. Professional office uses of social services, design, information technology, law, engineering, architecture, offices for manufacturer's representatives and similar offices.
   d. Private non-profit educational institution.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
2. Balconies, chimneys and eaves.
3. Child care centers, per §432.A.
4. Fences, hedges and walls, per §506.
5. Off-street parking facilities, per §511.
6. Outdoor break area or patio, provided it is within the building envelope.
7. Personal telecommunications equipment.
8. Public, local utilities and cable television facilities, per §432.E.
9. Refuse and recycling storage facilities, per §511.
10. Signs, per §517.
11. Sidewalks and walkways, per §513.
12. Solar energy infrastructure, per §432.C.
13. Stormwater management facilities, per §516.
14. Temporary construction trailers, per §432.F.

D. Prohibited Uses. Retail, convenience stores, personal services and any use not specifically permitted are prohibited in the Limited Office (O1) zone.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Limited Office (O1) zone:

	Principal Structures	
Minimum Requirements	Inside Lot	Corner Lot
Lot Size (square feet)	10,000	10,000
Lot Frontage	100'	120'
Lot Depth	100'	100'
Front Yard	35'	35'
Secondary Front Yard	n/a	25'
Side Yard	10'	10'
Aggregate Side Yard	30'	n/a
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%

Maximum Lot Cover	70%	70%
Open Space	25%	25%

SECTION 412. GENERAL OFFICE (O2).

A. Intent. The General Office (O2) zone is intended for comprehensively planned office and service uses of multi-tenant buildings in areas not necessarily suited for retail development, commonly referred to as Class A Corporate Office Parks.

B. Permitted Principal Uses. In the General Office (O2) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
   1. Child care centers, per §432.A.
   2. Conservation.
   3. Municipal or governmental uses.
   4. Professional offices, including the following uses:
      a. Finance, insurance agencies, real estate and accounting offices.
      b. Medical offices, dental offices, laboratories and compounding of pharmaceuticals, physical therapy and health-related professions.
      c. Professional office uses of social services, design, information technology, law, engineering, architecture, offices for manufacturer's representatives and similar offices.
      d. Private non-profit educational institution.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Awnings and canopies, per §432.B.
   2. Balconies, chimneys and eaves.
   3. Child care centers, per §432.A.
   4. Fences, hedges and walls, per §506.
   5. Maintenance building, provided it is within the building envelope.
   6. Off-street parking facilities, per §511.
   7. Outdoor break area or patio, provided it is within the building envelope.
   8. Playground and recreation equipment.
   9. Public, local utilities and cable television facilities, per §432.E.
   10. Refuse and recycling storage facilities, per §511.
   11. Security office, provided it is within the building envelope.
   12. Signs, per §517.
   13. Sidewalks and walkways, per §513.
   14. Solar energy infrastructure, per §432.C.
   15. Stormwater management facilities, per §516.
   16. Temporary construction trailers, per §432.F.
   17. An office building that is three (3) stories or more in height, may contain on the first floor of up to 7,500 GFA of the following commercial uses that are wholly within the structure and limited to service-type uses designated to serve the occupants of the building:
      a. Restaurants, luncheonettes, coffee shops, take-out shops and similar eating establishments, excepting fast food and drive-thru restaurants.
      b. Stationary, periodicals, newspapers and tobacco sales.
      c. Card, gift and flower shops.
      d. Health and fitness centers, gym.
      e. Shoe repair service.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the General Office (O2) zone:

1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	10,000	12,000
Lot Frontage	100'	120'
Lot Depth	100'	100'
Front Yard	35'	35'
Secondary Front Yard	n/a	25'
Side Yard	10'	10'
Aggregate Side Yard	30'	n/a
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

2. Height Exception. Building heights in the O2 zone may be increased over the maximum indicated, provided that for every one (1') foot increase in height, the front, side and rear yard requirements are increased one (1') foot.

SECTION 413. PROFESSIONAL OFFICE (O3).

A. Intent. The Professional Office (O3) zone is intended to permit the development of low intensity, professional office uses in previously residential structures with minor additions. These areas tend to originally be residential in nature, but because of their location abutting major State or County right-of-ways, a mix of single-family detached residential uses interspersed with professional offices is now appropriate. It is intended that professional office development mimic the size and scale of residential buildings and in its design use architectural elements common to adjacent and nearby residences. It is also the intention of this zone to preserve wooded and natural areas as much as possible.

B. Permitted Principal Uses. In the Professional Office (O3) zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Child care centers, per §432.A.
2. Conservation.
3. Municipal or governmental uses.
4. Professional offices, including the following uses:
   a. Medical offices, dental offices, laboratories and compounding of pharmaceuticals, physical therapy and health-related professions.
   b. Finance, insurance agencies, real estate and accounting offices.
   c. Professional office uses of social services, design, information technology, law, engineering, architecture, offices for manufacturer's representatives and similar offices.
   d. Private non-profit educational institution.
5. Public parks and recreation.
6. Single-family detached dwelling.
7. Social club, fraternal, union or civic organization use.

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

1. All uses.
   a. Child care centers, per §432.A.
   b. Fences, hedges and walls, per §506.
   c. Personal telecommunications equipment.
   d. Public, local utilities and cable television facilities, per §432.E.
   e. Signs, per §517.
   f. Sidewalks and walkways, per §513.
   g. Solar energy infrastructure, per §432.C.
   h. Temporary construction trailers, per §432.F.

2. Single-family detached dwellings.
   a. Balconies, chimneys, eaves and awnings.
   b. Decks and patios.
   c. Home occupations.
   d. Private residential shed and greenhouses.
   e. Playground and recreation equipment.
   f. Private parking facilities including garage and carport.

3. Professional office uses.
   a. Awnings and canopies, per §432.B.
   b. Public, local utilities and cable television facilities, per §432.E.
   c. Off-street parking facilities, per §511.
   d. Refuse and recycling storage facilities, per §511.
   e. Stormwater management facilities, per §516.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the O3 zone:

	Principal Structures			
	Lots under 25,000 sf		Lots 25,000 sf or greater	
Minimum Requirements	Inside Lot	Corner Lot	Inside Lot	Corner Lot
Lot Size (square feet)	10,000	10,000	25,000	25,000
Lot Frontage	100'	120'	100'	120'
Lot Depth	100'	100'	100'	100'
Maximum Usable Building Area	5,000 sf	5,000 sf	5,000 sf	5,000 sf
Front Yard	35'	35'	35'	35'
Secondary Front Yard	n/a	25'	n/a	25'
Side Yard	10'	10'	10'	10'
Aggregate Side Yard	20'	n/a	30'	n/a
Rear Yard	25'	25'	60'	60'
Maximum Height	26'	26'	26'	26'
Maximum Building Cover	30%	30%	30%	30%
Maximum Lot Cover	70%	70%	70%	70%
Open Space	25%	25%	25%	25%

SECTION 414. NEIGHBORHOOD BUSINESS (B1).

A. Intent. The Neighborhood Business (B1) zone is intended to provide for the mixture of shopping, individual retail uses, and office facilities that provide for personal services and needs on a neighborhood scale.

B. Permitted Principal Uses. In the Neighborhood Business (B1) zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:

1. Child care centers, per §432.A.
2. Conservation.
3. Eating and drinking establishments.
   a. Restaurants (except drive-through and drive in), lunch counters, delicatessens, tearooms, cafes, pizzerias, ice cream shops, bakeries and coffee shops.
   b. Bars and taverns.
4. Municipal use and other governmental offices.
5. Office.
   a. Medical offices, dental offices, laboratories, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
   b. Finance, insurance agencies, real estate and accounting offices.
   c. Professional office uses of social services, design, information technology, law, engineering, architecture and similar business or professional offices.
   d. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
6. Personal services.
   a. Animal hospital, domestic animal daycare, animal physical therapy, and similar uses
   b. Banks and other financial offices, including drive-thru facilities with a maximum of three (3) drive through lanes that includes ATM service.
   c. Barber and beauty shops, nails and spa services.
   d. Copying and shipping services.
   e. Dance, karate facilities and martial arts studios.
   f. Dry cleaning.
   g. Health and fitness centers, gyms.
   h. Laundromat or self-service laundries.
   i. Shoe repairing.
   j. Tailoring and dressmaking.
7. Public parks and recreation.
8. Retail sales.
   a. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music and computer software sales.
   b. Art or artisan studio, galleries, antique stores, and consignment shops.
   c. Book stores.
   d. Clothing and clothing accessory stores.
   e. Convenience stores.
   f. Hobby and craft stores.
   g. Jewelers.
   h. Lighting, carpet, and furniture stores.
   i. Music and musical instrument stores.
   j. Office supplies store.
   k. Pet supplies and sales.
   l. Pharmacy and drug stores without drive-through service.

m. Sporting goods and equipment.
n. Wine, liquor and beer stores.

9. Services.
   a. Business and instructional schools, including trade schools, for profit and non-profit.
   b. Exterminator services.
   c. Florist, card and gift shop.
   d. Funeral homes, mortuaries, and cemeteries.
   e. Repair shops, including carpenter, cabinet making, furniture repair, plumbing, or similar.
   f. Photography studio.
   g. Technology repair service.
   h. Travel and tourism agencies.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
2. Balconies, chimneys and eaves.
3. Child care centers, per §432.A.
4. Fences, hedges and walls, per §506.
5. Gazebos, benches, and similar street furniture.
6. Off-street parking facilities, per §511.
7. Outdoor break area or patio, provided it is within the building envelope.
8. Personal telecommunications equipment.
9. Public, local utilities and cable television facilities, per §432.E.
10. Refuse and recycling storage facilities, per §511.
11. Residential dwelling units above ground floor non-residential principal uses.
12. Signs, per §517.
13. Sidewalks and walkways, per §513.
14. Solar energy infrastructure, per §432.C.
15. Stormwater management facilities, per §516.
16. Temporary construction trailers, per §432.F.

D. Prohibited Uses. Any use that is not specifically permitted in §414.B is hereby prohibited, specifically drive-through restaurants and drive-through pharmacies.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the B1 zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	6,000	6,000
Lot Frontage	50’	60’
Lot Depth	100’	100’
Front Yard	15’	15’
Secondary Front Yard	n/a	15’
Side Yard	10’	10’
Aggregate Side Yard	20’	n/a
Rear Yard	20’	20’
Maximum Height	35’	35’
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

SECTION 415. HIGHWAY BUSINESS (B2).

A. Intent. The Highway Business (B2) zone is intended to provide for the development of commercial activities that are oriented for automotive use and traffic, which constitute the main shopping and service areas within the municipality.

B. Permitted Principal Uses. In the B2 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:

1. Child care centers, per §432.A.
2. Clubs and lodge halls for fraternal organizations and meeting places, public, or private.
3. Conservation.
4. Eating and drinking establishments.
   a. Restaurants, lunch counters, delicatessens, tearooms, cafes, pizzerias, ice cream shops, bakeries and coffee shops.
   b. Night clubs, bars, taverns and social clubs.
5. Home for the aged, long term care facility or assisted living facility.
6. Libraries and museums.
7. Municipal use and other governmental offices.
8. Office.
   a. Medical offices, dental offices, laboratories, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
   b. Finance, insurance agencies, real estate and accounting offices
   c. Professional office uses of social services, design, information technology, law, engineering, architecture and similar business or professional offices.
   d. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
9. Personal Services.
   a. Animal hospital, domestic animal daycare, animal physical therapy, and similar uses.
   b. Banks and other financial offices, including drive-thru facilities.
   c. Barber and beauty shops, nails and spa services.
   d. Copying and shipping services.
   e. Dance, karate facilities and martial arts studios.
   f. Dry cleaning.
   g. Health and fitness centers, gyms.
   h. Laundromat or self-service laundries.
   i. Shoe repairing.
   j. Tailoring and dressmaking.
10. Recreation.
   a. Outdoor recreation, excepting go-karts, motorcycles, or other motorized conveyances
   b. Public parks and recreation.
   c. Indoor recreational and leisure facilities, including bowling, billiards, racquetball and similar.
   d. Amusements, including astrology services and arcades.

11. Retail sales.
    a. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music and computer software sales.
    b. Art or artisan studio, galleries, antique stores, and thrift shops.
    c. Automobile new sales, including factory-authorized sales and service of new automobiles and trucks, boats, recreational vehicles, campers and trailers, motorcycles, and off-road vehicles, including ancillary sales of parts and body repair services.
    d. Book stores
    e. Clothing and clothing accessory stores.
    f. Commercial greenhouse and nurseries.
    g. Convenience stores.
    h. Grocery and dry goods stores.
    i. Hobby and craft stores.
    j. Home improvement stores and lumberyards.
    k. Jewelers.
    l. Lighting, carpet, and furniture stores.
    m. Music and musical instrument stores.
    n. Office supplies store.
    o. Pet supplies and sales.
    p. Pharmacy and drug stores.
    q. Sports goods and equipment.
    r. Wine, liquor and beer stores.

12. Services.
    a. Auto, truck and vehicle rental.
    b. Business and institutional schools, including trade schools.
    c. Car washes.
    d. Catering establishments.
    e. Exterminator services.
    f. Florist, card and gift shop.
    g. Funeral homes, mortuaries, and cemeteries.
    h. General service and repair shops, including carpenter, cabinet making, furniture repair, plumbing, or similar shops.
    i. Newspaper publishing and job printing establishments.
    j. Photography studio.
    k. Self storage facilities.
    l. Technology repair service.
    m. Travel and tourism agencies.

C. Conditional Principal Uses. In the B2 zone, the following shall be conditional uses:
1. Automobile-related services, including repair shops, tire sales and repair, transmission service, oil and lube service, auto body shops, and gasoline service stations.
    a. A minimum lot size of one (1) acre (43,560 square feet) shall be required.
    b. All fuel pumps and fuel islands shall be located within the building envelope. Canopies are required to be a minimum of ten (10') feet from all property lines.
    c. All lubrication, repair, or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed or stored outside of an enclosed building. All appliances, pits, storage areas, and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.

d. All fuel tanks shall be installed underground, except tanks under 1,100 gallons in size used only for the storage of kerosene, and tanks used only for the storage of propane.

e. All doors shall be kept shut tightly during all automobile body repairs and/or painting work. Such building shall be located a minimum of seventy-five (75') feet from the nearest property line with the doors not facing any residentially zone or occupied lot.

f. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than eight (8) vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven (7) days, except that up to three (3) inoperable vehicles in an enclosed building may be permitted.

g. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted. The business operation of vehicles sales or rental shall not be permitted on the same lot.

h. Signs. All signs shall conform to §517, with changeable copy area gasoline price only, not to exceed twelve (12) square feet.

i. Buffer. Required buffer strips between residential uses and zones, and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.

j. The gasoline service station shall be the sole principal use permitted on the lot or parcel.

k. Food preparation/kitchen facilities and/or fast-food services/restaurants shall not be permitted on the same lot or parcel as a gasoline service station or on an adjoining lot or parcel in conjunction with the gasoline service station.

l. The gasoline service station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements based on the number of pumps/dispensers.

2. Motel, hotel, and ancillary uses including restaurants, meeting rooms, conference rooms, and recreational facilities.
   a. A minimum lot size of one (1) acre shall be required.

   b. The maximum height for hotel and motel structures shall be increased to a maximum of fifty (50') feet.

   c. New or remodeled rooms shall be no smaller than 350 square feet. Kitchenettes shall only be allowed in rooms of at least 350 square feet.

   d. Buffer. Required buffer strips between residential uses and zones, and hotels, motels and accessory uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.

3. Drive-Through or Fast-Food Restaurants are subject to the following standards:
   a. A minimum lot size of 20,000 square feet shall be required.

   b. Drive-through windows and stacking lanes be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces.

   c. Drive-through speakers shall not be audible from adjacent residentially used or zoned properties.

   d. The architecture of drive-through uses shall be compatible and harmonize with that of the shopping center motif or immediate neighborhood in terms of building color, materials, mass, scale, and form. Standardized, "corporate prototype" building designs shall be discouraged.

e. On and off-site circulation, traffic safety, curbside parking, number or proximity of driveways, speed bumps, and other site development factors shall be considered during review.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
2. Balconies, chimneys and eaves.
3. Child care centers, per §432.A.
4. Fences, hedges and walls, per §506.
5. Gazebos, benches, and similar street furniture.
6. Off-street parking facilities, per §511.
7. Outdoor break area or patio, provided it is within the building envelope.
8. Personal telecommunications equipment.
9. Public, local utilities and cable television facilities, per §432.E.
10. Refuse and recycling storage facilities, per §511.
11. Signs, per §517.
12. Sidewalks and walkways, per §513.
13. Solar energy infrastructure, per §432.C.
14. Stormwater management facilities, per §516.
15. Telecommunication towers and antennas, per §432.D.
16. Temporary construction trailers, per §432.F.
17. Used automobile sales, including used or pre-owned auto sales and service of automobiles and trucks, boats, recreational vehicles, campers and trailers, motorcycles, and off-road vehicles, including ancillary sales of parts and body repair services, in conjunction with the sale of new vehicles.

E. Prohibited Uses. Any use that is not specifically permitted in §415.B is hereby prohibited.

F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the B2 zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	20,000	20,000
Lot Frontage	100’	120’
Lot Depth	150’	150’
Front Yard	25’	25’
Secondary Front Yard	n/a	25’
Side Yard	10’	10’
Aggregate Side Yard	20’	n/a
Rear Yard	20’	20’
Maximum Height	35’	35’
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

SECTION 416. SHOPPING CENTER BUSINESS (B3).

A. Intent. The Shopping Center Business (B3) zone is intended to promote orderly commercial facility development for retail commercial and business service uses planned under a unified site design, which serve a large threshold, while minimizing vehicular traffic within the shopping complex by permitting various retailers at one location.

B. Permitted Principal Uses. In the B3 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:

1. Child care centers, per §432.A.
2. Clubs and lodge halls for fraternal organizations and meeting places, public, or private.
3. Conservation.
4. Libraries and museums.
5. Municipal use and other governmental offices.
6. Recreation.
   a. Outdoor recreation, excepting go-karts, motorcycles, or other motorized conveyances.
   b. Public parks and recreation.
   c. Indoor recreational and leisure facilities, including bowling, billiards, racquetball and similar.
   d. Amusements, including astrology services and arcades.
7. Shopping centers and pad sites with the following uses:
   a. Eating and drinking establishments.
      i. Restaurants, lunch counters, delicatessens, tearooms, cafes, pizzerias, ice cream shops, bakeries and coffee shops.
      ii. Night clubs, bars, taverns and social clubs.
   b. Office.
      i. Medical offices, dental offices, laboratories, physical therapy and therapeutic massage, by licensed massage therapists, and health-related professions.
      ii. Finance, insurance agencies, real estate and accounting offices
      iii. Professional office uses of social services, design, information technology, law, engineering, architecture and similar business or professional offices.
      iv. General and administrative offices of messenger or telegraph services, call centers, as well as offices of a builder, carpenter, caterer, cleaner, contractor, decorator, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar establishments, but excluding outdoor storage of motor vehicles, materials and equipment, or contractor's storage yards.
   c. Personal services.
      i. Animal hospital, domestic animal daycare, animal physical therapy, and similar uses.
      ii. Banks and other financial offices, including drive-thru facilities.
      iii. Barber and beauty shops, nails and spa services.
      iv. Copying and shipping services.
      v. Dance, karate facilities and martial arts studios.
      vi. Dry cleaning.
      vii. Health and fitness centers, gyms.
      viii. Laundromat or self-service laundries.
      ix. Shoe repairing.
      x. Tailoring and dressmaking.
   d. Retail sales.
      i. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music and computer software sales.
      ii. Art or artisan studio, galleries, antique stores, and thrift shops.
      iii. Book stores.
      iv. Clothing and clothing accessory stores.
      v. Commercial greenhouse and nurseries.

vi. Convenience stores.
vii. Grocery and dry goods stores.
viii. Hobby and craft stores.
ix. Home improvement stores and lumberyards.
x. Jewelers.
xi. Lighting, carpet, and furniture stores.
xii. Music and musical instrument stores.
xiii. Office supplies store.
xiv. Pet supplies and sales.
xv. Pharmacy and drug stores.
xvi. Sports goods and equipment.
xvii. Wine, liquor and beer stores.

e. Services.
i. Auto, truck and vehicle rental.
ii. Business and institutional schools, including trade schools.
iii. Car washes.
iv. Catering establishments.
v. Exterminator services.
vi. Florist, card and gift shop.
vii. Funeral homes, mortuaries, and cemeteries.
viii. General service and repair shops, including carpenter, cabinet making, furniture repair, plumbing, or similar shops.
ix. Newspaper publishing and job printing establishments.
x. Photography studio.
xi. Technology repair service.
xii. Travel and tourism agencies.

C. Conditional Principal Uses. In the B3 zone, the following shall be conditional uses:
1. Gasoline service stations.
a. A minimum lot size of one (1) acre (43,560 square feet) shall be required.

b. All fuel pumps and fuel islands shall be located within the building envelope. Canopies are required to be a minimum of ten (10') feet from all property lines.

c. All lubrication, repair, or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed or stored outside of an enclosed building. All appliances, pits, storage areas, and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.

d. All fuel tanks shall be installed underground, except tanks under 1,100 gallons in size used only for the storage of kerosene, and tanks used only for the storage of propane.

e. All doors shall be kept shut tightly during all automobile body repairs and/or painting work. Such building shall be located a minimum of seventy-five (75') feet from the nearest property line with the doors not facing any residentially zone or occupied lot.

f. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than eight (8) vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven (7) days, except that up to three (3) inoperable vehicles in an enclosed building may be permitted.

g. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted. The business operation of vehicles sales or rental shall not be permitted on the same lot.

h. Signs. All signs shall conform to §517, with changeable copy area gasoline price only, not to exceed twelve (12) square feet.

i. Buffer. Required buffer strips between residential uses and zones, and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.

j. The gasoline service station shall be the sole principal use permitted on the lot or parcel.

k. Food preparation/kitchen facilities and/or fast-food services/restaurants shall not be permitted on the same lot or parcel as a gasoline service station or on an adjoining lot or parcel in conjunction with the gasoline service station.

l. The gasoline service station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements based on the number of pumps/dispensers.

2. Motel, hotel, and ancillary uses including restaurants, meeting rooms, conference rooms, and recreational facilities.
   a. A minimum lot size of one (1) acre shall be required.
   b. The maximum height for hotel and motel properties shall be increased to a maximum of fifty (50') feet.
   c. New or remodeled rooms shall be no smaller than 350 square feet. Kitchenettes shall only be allowed in rooms of at least 350 square feet.
   d. The maximum length of stay is limited to fourteen (14) consecutive days for each individual guest. No guest shall stay more than sixty (60) days in a twelve-month period.
   e. Buffer. Required buffer strips between residential uses and zones, and hotels, motels and accessory uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.

3. Drive-Through or Fast-Food Restaurants are subject to the following standards:
   a. A minimum lot size of 20,000 square feet shall be required.
   b. Drive-through windows and stacking lanes be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces.
   c. Drive-through speakers shall not be audible from adjacent residentially used or zoned properties.
   d. The architecture of drive-through uses shall be compatible and harmonize with that of the shopping center motif or immediate neighborhood in terms of building color, materials, mass, scale, and form. Standardized, "corporate prototype" building designs shall be discouraged.
   e. On and off-site circulation, traffic safety, curbside parking, number or proximity of driveways, speed bumps, and other site development factors shall be considered during review.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Awnings and canopies, per §432.B.
   2. Child care centers, per §432.A.
   3. Fences, hedges and walls, per §506.
   4. Garden centers, provided it is within the building envelope.

5. Gazebos, benches, and similar street furniture.
6. Off-street parking facilities, per §511.
7. Outdoor break area or patio, provided it is within the building envelope.
8. Personal telecommunications equipment.
9. Public, local utilities and cable television facilities, per §432.E.
10. Refuse and recycling storage facilities, per §511.
11. Signs, per §517.
12. Sidewalks and walkways, per §513.
13. Solar energy infrastructure, per §432.C.
14. Stormwater management facilities, per §516.
15. Temporary construction trailers, per §432.F.

E. Prohibited Uses. Any use that is not specifically permitted in §416.B is hereby prohibited.

F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the B3 zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size	1 acre	1 acre
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	40'	40'
Secondary Front Yard	n/a	30'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	25'	25'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

SECTION 417. REGIONAL BUSINESS (B4).

A. Intent. The Regional Business (B4) zone is intended to provide a broad mix of comparison retail, service, office, residential, and recreation/cultural uses, serving regional market areas and offering significant employment, residential, and recreational opportunities. These purposes are accomplished by applying a comprehensive approach that encourages compact and mixed-use development that is supportive of transit and pedestrian travel, creating a regional business zone.

B. Required Uses. All developments in the B4 Regional Business zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses. In the B4 zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
1. Office and similar uses, as listed below:
   a. Office A, which shall be a minimum of twenty thousand (20,000) gross square foot per tenant.
   b. Office B, which shall be a minimum of five thousand (5,000) gross square foot per tenant.
   c. Office C, which shall not have a minimum square foot requirement.
   d. Civic Uses, including college, private or public elementary, secondary or nursery school, or other educational institution for academic institutions; Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions;

House of worship, facility for religious orders, or similar religious institutions; Libraries; Municipal and governmental uses; Museums; and public or private community centers.

e. Convention Center.
f. Banks with drive thru facilities
g. Transit facilities.
h. Public, local utilities and cable television facilities, per §432.E.

2. Retail & Service uses as listed below:
   a. Retail A, which shall have a minimum area of sixty thousand (60,000) gross square feet per outlet or tenant.
   b. Retail B, which shall be a maximum area of fifty nine thousand, nine hundred and ninety-nine (59,999) square feet per outlet or tenant.
   c. Retail C, which shall be a retail or service use customarily incidental and/or accessory to an office, hotel or transit facility with a maximum area of fifty nine thousand, nine hundred and ninety-nine (59,999) square feet per outlet or tenant. Only the following types of retail and service activities may be included as Retail C uses:
      i. Luncheonettes, coffee shops, cocktail lounges, bars, and other eating establishments, excepting fast food and drive-thru restaurants.
      ii. Appliance, electronics sales and service shops, video and multi-media sales and rentals, recorded music, and computer software sales.
      iii. Art or artisan studio, galleries, antique stores, and thrift shops.
      iv. Grocery, bakery, ice cream, convenience, drug, liquor, and dry goods stores; card, gift, and flower shops.
      v. Stationery, periodicals, newspapers, and tobaccos.
      vi. Hardware, paint, plumbing, and electrical supply stores, but not to include lumberyards, home centers, or masonry supply stores.
      vii. Clothing and clothing accessory stores.
      viii. Music and musical instrument stores.
      ix. Personal sales and services, barber and beauty shops, tailoring and dressmaking, dry cleaning, shoe repair, radio, television and technology service.
   d. Planned Commercial Development, which consists of a minimum area of thirty-five (35) contiguous acres 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 and as further defined in *N.J.S.A. 40:55D-6*.

3. Restaurant and Entertainment uses, as listed below:
   a. Restaurants, which shall not include a "drive-thru" and/or any fast-food:
      i. Restaurant A, which shall be a minimum of two hundred (200) seats.
      ii. Restaurant B, which shall be a minimum of fifty (51) one seats and a maximum of one hundred and ninety-nine (199) seats.
      iii. Restaurant C, which shall be a maximum of fifty (50) seats.
   b. Theater, which shall be designed for the presentation and viewing of live performances, theatrical productions and/or motion pictures.
   c. Racetrack Facilities, which consists of thorough-bred horse and harness race track facilities, including, but not limited to, grandstand, clubhouse, stables, off-track betting, and related facilities as regulated by the State of New Jersey.

d. Recreational Uses, which consists of any use designed for active recreational activities by customers or member, including health and fitness centers, child care facilities (per §432.A), pool and tennis clubs and similar such uses.

e. Hotel and/or Motel.

4. Multi-Residential structures, as listed below:
   a. Residential A (high-rise), which shall be a minimum of seven (7) floors in height or higher.
   b. Residential B (mid-rise), which shall be between four (4) and six (6) floors in height.
   c. Residential C (townhomes), which shall not exceed three (3) floors in height.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
1. Awnings and canopies, per §432.B.
2. Balconies, chimneys and eaves.
3. Community center or clubhouse, provided it is within the building envelope.
4. Child care centers, per §432.A.
5. Fences, hedges and walls, per §506.
6. Gazebos, mail kiosks, and similar street furniture.
7. Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
8. Off-street parking facilities, per §511.
9. Outdoor break area or patio, provided it is within the building envelope.
10. Parking garages, underground parking, and off-street parking, per §510.
11. Personal telecommunications equipment.
12. Playground and recreation equipment.
13. Public, local utilities and cable television facilities, per §432.E.
14. Refuse and recycling storage facilities, per §511.
15. Swimming pool and cabana.
16. Signs, per §517.
17. Sidewalks and walkways, per §513.
18. Solar energy infrastructure, per §432.C.
19. Stormwater management facilities, per §516.
20. Telecommunication towers and antennas, per §432.D.
21. Temporary construction trailers, per §432.F.
22. Counter Service Windows and Drive Through Restaurants, per §511.E.

E. Conditional Accessory Uses. In the B4 zone, the following shall be conditional accessory uses:
1. Gasoline service stations.
   a. Gasoline stations limited to retail fuel sales only may be permitted as a conditional accessory use to a principal retail use that has a minimum floor area of 10,000 square feet located on the same parcel in the B-4 district.

   b. A minimum lot size of 2 acres shall be required.

   c. The establishment of an accessory gas station that is limited to retail fuel sales in the B-4 district shall result in no net increase in curb cuts onto public streets on the parent parcel. Access to the gas station use itself shall be from within the site and not directly accessible from the road network within the Township. Nothing in these standards shall preclude the relocation of driveways already existing on a site if it is necessary to best accommodate traffic circulation patterns to and from the principal use(s) and the accessory use(s).

   d. All pump canopies, fuel pumps and fuel pump islands and/or accessory station buildings, such

as the attendants' kiosk, shall be located within the buildable area envelope and be within all required setbacks.

e. Buildings associated with the conditional accessory use may not exceed two-hundred (200) square feet.

f. All elevations of the building, canopy and roof shall incorporate a consistent architectural style and material selection with the design aesthetic of the principal building.

g. The canopy(ies) at the pump island structure shall not be designed with a flat-style roof canopy, but rather shall have a visually interesting roof-scape design that incorporates elements from the principal use building. Columns and supporting structure shall be faced in substantial materials (i.e. - brick or stone) that are compatible with the principal building's design.

h. All vehicle repair or other similar service activities, convenience stores and vending machines shall be prohibited at the accessory conditional use location, but are not prohibited within or as the principal use.

i. All fuel tanks shall be installed underground.

j. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises.

k. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted at the accessory conditional use location. The business operation of vehicle displays for sales or rental promotion shall not be permitted at the accessory conditional use location.

l. A maximum of eight (8) stacking lanes and sixteen (16) pumps shall be permitted.

m. Stacking lanes shall be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces with landscape elements.

n. Required buffer strips between any adjacent Residential "R" Zone district or residential use and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.

o. All signs shall conform to §517, with changeable copy area to be permitted for the gasoline price only which shall not exceed twelve (12) square feet. Façade signage shall be permitted on the fascia of the canopy structure and each sign shall not exceed 20 square feet in area. Signage is not permitted on the façade that faces towards any Residential "R" Zone district.

F. Prohibited Uses. Any use that is not specifically permitted in §417.B is hereby prohibited.
   1. Used car lots except as an accessory use to the sale of new cars, by a duly franchised new car dealer.
   2. Pool halls or arcades.

G. Development Standards. The density of permitted uses in this zone shall be determined through the utilization of Table 4.1. The chart should be utilized as follows:
   1. The size of the site to be developed will fall into one of the six size ranges.
   2. The uses permitted for that site size can be found in that column.
   3. The numbers in each box are the range that any use can occupy as a percentage of the total usage on the site.
      a. The first number is the minimum percent that may be occupied by a use.
      b. The second number is the maximum percentage that may be occupied by a use.

c. If only the number zero is in a box, that use is not permitted in a site of that size.

4. In determining the use breakdown of any site, the common denominator shall be the Use Units. These use units shall be assigned according to the nearest integer.

5. In order to facilitate satisfaction of the Township's affordable housing obligations, housing units shall be exempt from the maximum unit type ratios applicable to Residential A, B and C set forth herein and/or in Table 4.1.

TABLE 4.1. REGIONAL BUSINESS (B4) DENSITY STANDARDS

Lot Acreage	0 - 4.99 acres	5 - 9.99 acres	10 - 24.99 acres	25 - 49.99 acres	50 - 149.99 acres	Over 150 acres	Use Units
OFFICE USES							
Office A	0-100%	0-100%	0-100%	0-100%	0-100%	0-100%	1,000 GFA
Office B	0-100	0-100	0-100	0-100	0-100	0-80	1,000 GFA
Office C	0	0	0	0-10	0-10	0-10	500 GFA
Convention Center	0	0	0-50	0-20	0-10	0-5	1,000 GFA
Banks	0-100	0-100	0-50	0-20	0-10	0-5	500 GFA
Transit Facilities	0	0-100	0-50	0-20	0-10	0-5	500 GFA
RETAIL USES							
Retail A	0	0	0	0	0-20	0-30	1,000 GFA
Retail B	0	0	0	0	0	0-20	1,000 GFA
Retail C	0	0-10	0-10	0-10	0-10		1,000 GFA
RESTAURANT & ENTERTAINMENT USES							
Restaurant A	0-100	0-100	0-50	0-20	0-10	0-10	250 GFA
Restaurant B	0	0	0-10	0-10	0-5	0-5	250 GFA
Restaurant C							
Theatres	0	0-100	0-50	0-20	0-10	0-5	10 seats
Race Track	0	0	0	0	0-100	0-100	10 seats
Recreational Facilities	0	0-100	0-50	0-20	0-10	0-5	1,000 GFA
Hotel/Motel	0	0-100	0-80	0-50	0-20	0-10	Room
MULTI-RESIDENTIAL USES							
Residential A	0	0	0	0	0-30	0-20	Dwelling Unit
Residential B	0	0	0	0-50	0-30	0-20	Dwelling Unit
Residential C	0	0	0	0-50	0-30	0-20	Dwelling Unit

For example: A site with 40,800 GFA of Office B, a 200 room Hotel and a 11,300g sf Restaurant A will have a percentage breakdown as follows:

Office B	41	14.3%	(41/286)
Hotel	200	70%	(200/286)
Restaurant A	45	15.7%	(45/286)
TOTAL	286	100%	(286/286)

Such a combination could only be approved on a site between five (5) acres and 24.99 acres, since a hotel is not a permitted use on sites less than five (5) acres and no more than 50% of Hotel use and a percentage of Restaurant A use are permitted on sites of 25 acres or larger.

6. In addition to the density limitation imposed by Table 4.1, the following design standards shall apply:
   a. Retail.

i. Retail A. If more than one use of this type is proposed, all of these uses may or may not be connected and shall be a part of a Planned Commercial Development.

ii. Retail B. When connected to a Retail A use in an enclosed mall, no single Retail B use shall exceed ten (10%) percent of the square footage of all Retail A uses.

iii. Retail C.
(a) Shall be located within an office building, a hotel, a transit center, or residential community and shall serve as an accessory to the primary use.
(b) Primary access to this use may be from a common lobby or enclosed area or direct outside access.
(c) The Planning Board shall have sole discretion in determining the size, location, and types of Retail C uses included in a residential community. In making such a determination the Planning Board shall only approve those uses which are designed to primarily serve the residential units in the complex.

b. Residential C. No one building shall contain more than eight (8) townhouse style units attached on at least one side.

H. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the Regional Business (B4) zone:

1. Minimum Requirements:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size	See Table 4.1	See Table 4.1
Lot Frontage	150'	200'
Lot Depth	125'	125'
Front Yard	30'	30'
Secondary Front Yard	n/a	30'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	20'	20'
Maximum Height	150'	150'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

2. Additional Requirements. In addition to §417.G.1, the following requirements shall apply:

a. A minimum setback of fifty (50') feet or one (1') foot of setback for each foot of building height, whichever is greater, is required from all buildings to a State or County road right-of-way and single-family residential zone (RA, RAPC, R1, R2, R3).

b. The minimum building side and rear yard setbacks shall be a minimum of twenty (20') feet from the property line, except in multi-residential uses/complexes/lots, where zero (0') feet shall be permitted.

c. A minimum distance of twenty-five (25') feet between multi-residential structures.

d. There shall be no off-street parking within ten (10') feet of a structure.

e. The required open space may be increased or decreased dependent upon the exclusion or inclusion of desirable design features, such as parking structures. To calculate the total required

open space, a multiplier for each of the categories is determined by the site design. These figures are multiplied together with the twenty-five (25%) percent to determine the required open space, in accordance with the Table 4.2:

TABLE 4.2. REGIONAL BUSINESS (B4) OPEN SPACE

Site Acreage	Multiplier	% of Parking in a Structure
0 - 4.99 acres	x 1.2	0 - 19.99%
5 - 9.99	x 1.1	20 - 39.99
10 - 24.99	x 1	40 - 59.99
25 - 49.99	x 0.9	60 - 79.99
50 acres or more	x 0.8	80 - 100

For example, a site which is thirteen (13) acres and has twenty-five percent (25%) of its parking in a parking structure, the minimum required open space is 27.5% [1.0 x 1.1 x 25).

SECTION 418. INSTITUTIONAL (IN).

A. Intent. The Institutional (IN) zone is intended for governmental, educational, charitable, health care, and religious uses presently existing within the municipality. Buildings within the IN zone are often in a complex or campus form integrating residential, office, recreational, health care, houses of worship, and other ancillary uses with its primary function.

B. Permitted Principal Uses. In the IN zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
   1. Cemeteries.
   2. Child care centers, per §432.A.
   3. College, private or public elementary, secondary or nursery school, or other educational institution for academic institutions, but not to include a business or trade school, dance studio, or similar commercial use.
   4. Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions.
   5. Hospital and sanatoriums.
   6. Home for the aged, long term care facility, assisted living facility or residential health care facilities.
   7. House of worship, facility for religious orders, or similar religious institutions.
   8. Libraries.
   9. Municipal and governmental uses.
   10. Museums.
   11. Parks and playgrounds, conservation land and other open space.
   12. Public or private community centers.
   13. Theater for performing arts.

C. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Awnings and canopies, per §432.B.
   2. Balconies, chimneys and eaves.
   3. Child care centers, per §432.A.
   4. Decks and patios.
   5. Fences, hedges and walls, per §506.
   6. Monastery, convent or similar religious order facilities accessory to a religious use, provided it is within the building envelope.

7. Medical or health centers accessory to a hospital or sanatorium, provided it is within the building envelope.
8. Off-street parking facilities, per §511.
9. Outdoor break area or patio, provided it is within the building envelope.
10. Playground and recreation equipment.
11. Personal telecommunications equipment.
12. Parking facilities including garage and carport.
13. Swimming pool and cabana.
14. Shed and greenhouses.
15. Public, local utilities and cable television facilities, per §432.E.
16. Rectory or parish house accessory to a religious use, provided it is within the building envelope.
17. Refuse and recycling storage facilities, per §511.
18. Signs, per §517.
19. Sidewalks and walkways, per §513.
20. Solar energy infrastructure, per §432.C.
21. Stormwater management facilities, per §516.
22. Temporary construction trailers, per §432.F.

D. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the IN zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size	1 acre	1 acre
Lot Frontage	200'	200'
Lot Depth	120'	120'
Front Yard	35'	35'
Secondary Front Yard	n/a	30'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	25'	25'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

SECTION 419. INDUSTRIAL RESTRICTED (IR).

A. Intent. The Industrial Restricted (IR) zone is intended for individual manufacturing, assembly, and contracting uses for a wide variety of industries, but excluding nuisance and heavy industries, as well as general service and offices.

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

1. Automobile repair shops, tire repair, transmission service, oil and lube service, and auto body shops.
2. Business uses as follows:
   a. Wholesale establishments, warehouses, self-storage and storehouses.
   b. Lumber, building materials and other similar storage yards.
3. Child care centers, per §432.A.
4. Dance, gymnastics, karate facilities and martial arts studios.

5. General, administrative and commercial offices.
6. Health and fitness centers, gyms.
7. Indoor recreational and leisure facilities, including bowling, billiards, racquetball and similar.
8. Industrial, manufacturing or processing use listed below, provided the proposed industrial process meets the performance requirements listed in §402 and does not have inherent characteristics which are noxious, injurious, offensive, or hazardous to the health, safety, or general welfare of the community:
   a. Manufacturing of light machinery, comprising any of the following: carburetors, and small machine parts, cash registers, sewing machines, typewriters, calculators and other office machines.
   b. Fabrication of metal products comprising the following: baby carriages, bicycles, and other vehicles, metal foil, aluminum, gold, etc; metal furniture, musical instruments; sheet metal products; and toys.
   c. Fabrication of paper products, comprising any of the following: bags; book-bindings; boxes and packaging materials; office supplies; toys.
   d. Fabrication of wood products, comprising any of the following: boats; boxes; cabinets and woodworking furniture; toys.
   e. Food and associated industries, comprising any of the following: bakeries; bottling of food and beverages; food and cereal mixing and milling; food processing; food sundry manufacturing and ice cream manufacturing.
   f. Laboratories comprising of the following: biological, chemical, dental, pharmaceutical, and general research.
   g. Other permissible industry, comprising of any of the following: brush and broom manufacturing; concrete and plastic products; electric light and power companies; electronic products; farm machinery sales and service; glass products manufacturing; jewelry manufacturing, including polishing; laundering and cleaning establishments; leather goods manufacturing except curing, tanning and finish of hides; motion picture exchange; pharmaceutical products manufacturing; print, paper and cloth; sporting goods manufacturing; textile products manufacturing; and warehouses and store houses.
   h. In addition to the above, any industry not inconsistent with the above and meeting the performance requirements listed herein may be conducted in this zone. All others are specifically excluded.
   i. Wholesale storage and warehouse facilities.
9. Municipal use and other governmental offices.
10. Museums.

C. Conditional Principal Uses. In the IR zone, gasoline service stations shall be a conditional use subject to the following:
   1. A minimum lot size of one (1) acre (43,560 square feet) shall be required.
   2. All fuel pumps and fuel islands shall be located within the building envelope. Canopies are required to be a minimum of ten (10') feet from all property lines.
   3. All lubrication, repair, or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed or stored outside of an enclosed building. All appliances, pits,

storage areas, and trash facilities other than gasoline filling pumps or air pumps shall be within a building or roofed structure.

4. All fuel tanks shall be installed underground, except tanks under 1,100 gallons in size used only for the storage of kerosene, and tanks used only for the storage of propane.
5. All doors shall be kept shut tightly during all automobile body repairs and/or painting work. Such building shall be located a minimum of seventy-five (75') feet from the nearest property line with the doors not facing any residentially zone or occupied lot.
6. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than eight (8) vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven (7) days, except that up to three (3) inoperable vehicles in an enclosed building may be permitted.
7. The exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale or rent shall not be permitted. The business operation of vehicles sales or rental shall not be permitted on the same lot.
8. Signs. All signs shall conform to §517, with changeable copy area gasoline price only, not to exceed twelve (12) square feet.
9. Buffer. Required buffer strips between residential uses and zones, and gas station uses shall be a minimum of thirty (30') feet in width, in accordance with §508.F.
10. The gasoline service station shall be the sole principal use permitted on the lot or parcel.
11. Retail food facilities or fast-food services shall not be permitted on the same lot or parcel as a gasoline service station or on an adjoining lot or parcel in conjunction with the a gasoline service station.
12. The gasoline service station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements based on the number of pumps/dispensers.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Awnings and canopies, per §432.B.
   2. Child care centers, per §432.A.
   3. Fences, hedges and walls, per §506.
   4. Off-street parking facilities, per §511.
   5. Outdoor break area or patio, provided it is within the building envelope.
   6. Outdoor storage, including but not limited to building and landscaping materials, road construction materials, fill materials and soil, within a completely enclosed area, with visual screening as required by Article V.
   7. Public, local utilities and cable television facilities, per §432.E.
   8. Refuse and recycling storage facilities, per §511.
   9. Retail. Retail is permitted as an accessory, subject to the GFA shall not exceed twenty (20%) percent of the GFA of the total space owned or leased, not to exceed 5,000 square feet.
   10. Signs, per §517.
   11. Sidewalks and walkways, per §513.
   12. Solar energy infrastructure, per §432.C.
   13. Stormwater management facilities, per §516.
   14. Telecommunication towers and antennas, per §432.D.
   15. Temporary construction trailers, per §432.F.

E. Prohibited Uses. Any use that is not specifically permitted in §419.B is hereby prohibited, specifically any residential use.

F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the IR zone:

1. Minimum Requirements.

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	20,000	20,000
Lot Frontage	100'	120'
Lot Depth	120'	120'
Front Yard	30'	30'
Secondary Front Yard	n/a	30'
Side Yard	10'	10'
Aggregate Side Yard	24'	n/a
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

2. Height Exception. For every 10,000 square feet of gross floor area (GFA) in excess of 50,000 square feet, all yards shall be increased by a multiple of five (5') feet.

SECTION 420. INDUSTRIAL RESTRICTED BUSINESS (IRB) ZONE.

A. Intent. The Industrial Restricted Business (IRB) zone is intended to encourage the redevelopment of vacant or underutilized industrial properties in a shopping center use, while protecting any abutting residential land uses.

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

1. Any permitted use in the Shopping Center Business (B3) zone, per §416.B.
2. Any permitted use in the Industrial Restricted (IR) zone, per §419.B.

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

1. Awnings and canopies, per §432.B.
2. Child care centers, per §432.A.
3. Fences, hedges and walls, per §506.
4. Garden centers, per §420.D.2.b.
5. Off-street parking facilities, per §511.
6. Outdoor break area, dining area or patio, provided it is within the building envelope.
7. Public, local utilities and cable television facilities, per §432.E.
8. Refuse and recycling storage facilities, per §511.
9. Signs, per §517.
10. Sidewalks and walkways, per §513.
11. Solar energy infrastructure, per §432.C.
12. Stormwater management facilities, per §516.
13. Temporary construction trailers, per §432.F.

D. Bulk Coverage. Except as otherwise modified, the following bulk standards shall apply to all buildings in the IRB zone:

1. Minimum Requirements.

Minimum Requirements	Principal Structures
Lot Size	25 acres
Lot Frontage	500'
Lot Depth	200'
Front Yard	400'
Side Yard	20'
Aggregate Side Yard	50'
Rear Yard	25'
Maximum Height	35'
Maximum Building Cover	30%
Maximum Lot Cover	70%
Open Space	25%

2. Additional Requirements. In addition to §420.D.1, the following requirements shall apply:
   a. Within a shopping center tract, commercial establishments may be located on individual isolated lots without street frontage and without adherence to minimum lot dimensional requirements, provided such lots have access to public streets via easements or similar means, through the shopping center parking lot(s) and/or driveway system, and provided that such lots are integrated into the shopping center so as not to interrupt the common facilities, such as customer parking, pedestrian walks, truck loading and utilities.

   b. Maximum Shopping Center gross floor area of 340,000 square feet, excluding mezzanines used as non-sales areas for purposes incidental to the principal use of the structure within which it is located and /or garden center display/sales areas which are partially enclosed and whose only access for the public is through the main store area.
      i. Any mezzanine non-sales area shall not exceed five percent (5%) of the 340,000 square feet. Any mezzanine area shall be used for storage only.
      ii. Only one garden center shall be permitted in any one Industrial Restricted-Business (IRB) overlay zone. The garden center shall not exceed ten percent (10%) of the gross floor area of the building to which it is an accessory.

E. Buffer Requirements. A buffer shall be provided between single-family residential properties and principal and accessory structures within the IRB zone for the protection of adjacent residential neighborhoods, in accordance to the requirements of a residential buffer in §508.F of the ordinance. The following restrictions apply:
   1. No building shall be constructed within two hundred and thirty (230') feet of an abutting single-family residential zone.

   2. A maximum of one building, not to exceed 40,000 square feet of floor area, may be constructed within the referenced two hundred and thirty (230') foot buffer, but must be a minimum of one hundred (100') feet from any residential zone or use.

SECTION 421. RESTRICTED BUSINESS (IR-RB) OVERLAY ZONE.

A. Intent. It is the purpose of this zone to provide areas for the use of sexually oriented businesses, understanding that the Township has an obligation to protect its residents against the established secondary effects of sexually-oriented businesses as stated in *N.J.S.A. 2C:34-7* while creating an area for the expression of such uses as required by the First Amendment of the United States Constitution.

B. Permitted Principal Uses. In addition to uses allowed under §419 for the Industrial Restricted (IR) zone, sexually-oriented business, body piercing and tattoo parlors are permitted in the Restricted Business (IR-RB) overlay zone.

C. Permitted Accessory Uses & Structures. Any of the accessory uses and structures permitted under §419-B for the Industrial Restricted (IR) zone, are permitted in the Restricted Business (IR-RB) overlay zone.

D. Prohibited Uses. Any use that is not specifically permitted in §421.B is hereby prohibited, specifically any residential use.

E. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the IR-RB overlay zone:

Minimum Requirements	Principal Structures	
	Inside Lot	Corner Lot
Lot Size (square feet)	20,000	20,000
Lot Frontage	100'	120'
Lot Depth	120'	120'
Front Yard	30'	30'
Side Yard	10'	10'
Aggregate Side Yard	24'	24'
Rear Yard	20'	20'
Maximum Height	35'	35'
Maximum Building Cover	30%	30%
Maximum Lot Cover	70%	70%
Open Space	25%	25%

SECTION 422. AGRICULTURAL-HORTICULTURE COMMERCIAL (AR-HC) OVERLAY ZONE.

RESERVED.

SECTION 423. SENIOR HOUSING (SH) OVERLAY ZONE.

A. Intent. The intent of the Senior Housing (SH) overlay zone is to encourage the development of senior housing that is compatible and complementary to its neighborhood context, is located near essential services and amenities required by seniors, and allows for or encourages neighborhood walkability; and to facilitate the development of senior housing projects which are superior in functional design, quality of construction, appearance, and operational standards.

B. Required Uses. All developments in the SH overlay zone shall include affordable housing units, in accordance with Article X.

1. Multi-residential housing of 100 units of multi-family congregate care housing providing low income rental housing for elderly and handicapped persons, together with one (1) maintenance unit, in conjunction with a community center, sponsored and maintained by a not-for-profit it social service agency, which housing facility is proposed by the Township and approved by the Court for inclusion as a component within the Cherry Hill Township Housing Plan Element of the Township Master Plan;

C. Permitted Principal Uses. In the SH overlay zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Cemeteries.
2. Child care centers, per §432.A.
3. College, private or public elementary, secondary or nursery school, or other educational institution for academic institutions, but not to include a business or trade school, dance studio, or similar commercial use.

4. Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions.
5. Hospital and sanatoriums.
6. Home for the aged, long term care facility, assisted living facility, or residential health care facilities.
7. House of worship, facility for religious orders, or similar religious institutions.
8. Libraries.
9. Municipal and governmental uses.
10. Museums.
11. Parks and playgrounds, conservation land and other open space.
12. Public or private community centers.
13. Theater for performing arts.

D. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:

1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
   (a) Community center, provided it is within the building envelope.
   (b) Gazebos, mail kiosks, and similar street furniture.
   (c) Decks and patios, per §431.H.
   (d) Fences, hedges, and walls, per §506.
   (e) Maintenance building, for the upkeep of common areas and grounds, provided it is within the building envelope.
   (f) Parking garages, underground parking, and off-street parking, per §511.
   (g) Playground and recreation equipment, per §431.K.
   (h) Refuse and recycling storage facilities, per §511.
   (i) Residential swimming pool and cabana, per §431.G.
   (j) Signs, per §517.
   (k) Sidewalks and walkways, per §513.
   (l) Solar energy infrastructure, per §432.C.
   (m) Stormwater management facilities, per §516.
   (n) Temporary construction trailers, per §432.F.

2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
   (a) Balconies, eaves, and awnings, per §431.I.
   (b) Home occupations, per §431.B.
   (c) Personal telecommunications equipment, per §431.L.

E. Prohibited Uses. The prohibited uses of the Institutional (IN) zone (§418) shall apply to the SH overlay zone.

F. Bulk Requirements. The bulk standards of the Institutional (IN) zone §418 shall apply to all buildings in the SH overlay zone. Mid-rise, multi-residential congregate housing structures permitted under §423, shall adhere to the following requirements:

a. The building height shall not exceed fifty (50') feet.

b. A minimum of three hundred (300') feet is required to the perimeter property line of any existing single family residential lot.

c. In addition to the performance and design standards established in Article V, the parking calculation of four (4) spaces for each one thousand (1,000) square feet of gross floor area (GFA) shall apply for all community centers.

SECTION 424. SENIOR & SUPPORTIVE HOUSING (SSH) OVERLAY ZONE.

D. Intent. The intent of the Senior & Supportive Housing (SSH) overlay zone is to encourage the development of senior and supportive housing that is compatible and complementary to its community context, is located near essential services and amenities required by individuals aged 55 and older, and individuals with disabilities, and allows for and encourages pedestrian walkability; and to facilitate the development of senior and supportive housing projects, which are superior in functional design, quality of construction, appearance, and operational standards.

E. Definitions. Unless specifically defined below or otherwise in §202, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

CONGREGATE and/or SUPPORTIVE HOUSING: Any shared living arrangement designed to integrate the housing and service needs of elderly adults and/or younger disabled individuals. The goal of congregate and/or supportive housing is to increase self-sufficiency through the provision of a spectrum of supportive services in a residential setting.

F. Required Uses. All developments in the SSH zone shall include affordable housing units, in accordance with Article X, and shall require the following:

1. Multi-family congregate and/or supportive housing providing for low-income rental housing for seniors and individuals with disabilities. There shall be no more than 160 units (maximum), which shall be inclusive of two (2) superintendents' unit. Community center and related facilities, sponsored and maintained by a not-for-profit social service agency, shall also be provided. Such a housing facility must be approved by the Court for inclusion as a component within the Cherry Hill Township Housing Element & Fair Share Plan of the Township Master Plan.

G. Permitted Principal Uses. In the SSH overlay zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

1. Cemeteries.
2. Child care centers, per §432.A.
3. College, private or public elementary, secondary or nursery school, or other educational institution for academic institutions, but not to include a business or trade school, dance studio, or similar commercial use.
4. Fraternal and social lodges or clubs and all associated functions (including but not limited to) athletic, political, social, and cultural functions.
5. Hospital and sanatoriums.
6. Home for the aged, long term care facility, assisted living facility, or residential health care facilities. Multi-family congregate housing and supportive housing providing for low-income rental housing for seniors and individuals with disabilities per §424.C.1 is also permitted.
7. House of worship, facility for religious orders, or similar religious institutions.
8. Libraries.
9. Municipal and governmental uses.
10. Museums.

11. Parks and playgrounds, conservation land and other open space.
12. Public or private community centers.
13. Theater for performing arts.

E. Permitted Accessory Uses & Structures. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection:
   1. Common Uses. The following uses and structures are for common use of the residents of the development and/or immediate neighborhood:
      a. Community center provided it is within the buildable area envelope.
      b. Medical and administrative offices, for the purpose of serving the residents of the multi-family congregate and/or supportive housing units and for coordinating the off-site services for non-residents, provided it is within the buildable area envelope.
      c. Gazebos, mail kiosks, and similar street furniture.
      d. Decks and patios, per §431.H.
      e. Fences, hedges, and walls, per §506.
      f. Maintenance building, for the upkeep of common areas and grounds, provided it is within the buildable area envelope.
      g. Parking garages, underground parking, and off-street parking, per §511.
      h. Playground and recreation equipment, per §431.K.
      i. Refuse and recycling storage facilities, per §511.
      j. Signs, per §517.
      k. Sidewalks and walkways, per §513.
      l. Solar energy infrastructure, per §432.C.
      m. Stormwater management facilities, per §516.
      n. Temporary construction trailers, per §432.F.
   2. Private Uses. The following uses and structures are for individual use of private residents of the development and/or immediate neighborhood, in accordance with the applicable subsection.
      a. Balconies, eaves, and awnings, per §431.I.
      b. Home occupations, per §431.B.
      c. Personal telecommunications equipment, per §431.L.

H. Prohibited Uses. The prohibited uses of the Institutional (IN) zone (§418) shall apply to the SSH overlay zone.

I. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the SSH zone:
   1. Minimum Requirements:

Minimum Requirements	Principal Structures Inside Lot	Corner Lot
Lot Size (acres)	10 acre	10 acre
Lot Frontage	200'	200'
Lot Depth	300'	300'
Front Yard	100'	100'
Secondary Front Yard	n/a	100'
Side Yard	75'	75'
Aggregate Side Yard	150'	n/a
Rear Yard	100'	100'
Maximum Height	3 stories or 50'	3 stories or 50'
Maximum Building Cover	30%	30%
Maximum Lot Cover	50%	50%
Open Space	50%	50%

2. Additional Requirements. In addition to §424.F.1, the following requirements shall apply:
   a. The building height shall not exceed three (3) stories or fifty feet (50') maximum.
   b. A minimum setback of 175' shall be required from all multi-family congregate housing structures to adjoining property lines of existing single family residential lots.
   c. A buffer, designed in accordance with the standards required in §508.F (with the fence requirement being adjusted to require a meandering 48" high, three (3) rail, split rail fence), shall be provided to create a visual buffer (that is not intended to be solid, but shall be dense in nature) along all adjoining property lines of existing single family residential lots. The buffer area shall be a minimum of one hundred feet (100') in width. This buffer shall also be subject to a perpetual Conservation Easement to ensure that the buffer remains in its natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings. Minor passive trails and walkways may be permitted. Phasing may be taken into account for the implementation of the buffer.
   d. The removal of trees shall not be permitted outside of fifteen feet (15') of improvements, which includes any such buildings or structures, driveway, sidewalks, septic facilities and similar accessory facilities. The protection of the greatest number of trees within the fifteen (15') foot disturbance areas is also encouraged. All remaining trees, particularly contiguously forested areas, outside of fifteen feet (15') of improvements shall be subject to a perpetual Conservation Easement to ensure that the wooded areas remain in their natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings. Minor passive trails and walkways may be permitted.
   e. Landscaping areas that are adjoining active agricultural uses shall be a minimum of 10' in width and shall meet the planting density requirements in accordance with 508.F.7.a, b and c.
   f. Affordable Housing set-asides shall be consistent with 100% affordable developments.
3. Density. The maximum density of the residential uses on the entire tract in a SSH zone shall not exceed nine (9) dwelling units per gross acre, but shall not exceed 160 units maximum on a site per Section C.1.

J. Design Standards. In addition to those applicable standards in Article V, the below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.

1. Spatial relationships between buildings and other structures shall be formal and façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.
2. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
3. The entry façades of all buildings shall be designed to a pedestrian scale, and shall include porches and other pedestrian-scaled design elements. Entryways shall be covered and shall be prominent features on the façades; be architecturally articulated and integrated into the architecture.
4. The architectural treatment of the each façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. There shall be no blank or unarticulated facades; windows shall be located on all facades. All facades shall be designed with attention to detail and quality of materials.
5. Service areas shall not be visible from the public areas on the site, except where it is not practical to impair visibility of public areas from passive trails and walkways within a Conservation Easement. Enhanced plantings may also be appropriate in certain cases in order to further shield the service areas.
6. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development.
7. Variations of roof lines are encouraged.
8. The primary portion of the building is permitted to be three (3) stories in height; however, any portions of the building that are wings, more-or-less perpendicular to the primary portion of the building and/or that is addressing a residential neighborhood shall be no greater than two (2) stories.
9. Building Materials:
   a. Exterior building facades shall be composed of two dominate materials and not more than two additional materials.
   b. The use of high intensity colors are not permitted. All building trim shall be a uniform color.
   c. Permitted building façade materials:
      i. Brick, stone, cast stone or other forms of masonry.
      ii. Clear glass (with frosted, etched or opaque glass are limited to 10%)
      iii. Cementious siding materials
      iv. Finished woods
      v. Composite-based materials (such as AZEK).
      vi. Other high-quality materials (pending the approval of the Planning Board).
   d. Permitted roofing materials:
      i. Standing metal seam
      ii. Natural or artificial slate
      iii. Membrane roofing (where not visible from ground level)

iv. Asphalt or fiberglass "architectural shingles"

e. Permitted patio and porch materials:
   i. Stone
   ii. Slate and/or Bluestone
   iii. Brick
   iv. Concrete: poured with floated aggregate or patterned
   v. Decorative paver
   vi. Wood or material such as Dura Deck
   vii. Fiberglass

10. Fenestration:
    a. All glass shall be clear and not have a mirrored characteristic
    b. Windows shall comprise of at least 15% of each façade
    c. Window casing and mullions shall match the window frame color.

11. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.

12. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.

13. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.

14. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted.

15. Canopy tree shall be planted along street frontages at a maximum distance of thirty-five feet (35') on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three inches (3") (measured six inches (6") above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight (8) feet above the ground for pedestrian passage.

16. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a minimum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six foot (6') planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.

17. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

18. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
19. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Sidewalks, which are internal to the site, shall be designed to connect parking areas with individual structures, as well as building groups.
20. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of six feet (6') wide measured from the face of the curb or four feet (4') wide if setback a minimum of two feet (2') from the face of curb with a grassed area.
21. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
22. Street lighting shall be decorative and blend with the architectural style of the development.
23. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
24. Lighting attached or integrated into to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. As a general rule, exterior lighting should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.

K. Signs. Signs shall conform with the provisions of Article V.

L. Open Space. A minimum of 50% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as above. No more than 25% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature.

SECTION 425. RESERVED

SECTION 426. GOLDEN TRIANGLE TRANSIT-ORIENTED DEVELOPMENT (GTTOD) OVERLAY ZONE.

A. Intent. The intent of the Golden Triangle Transit Oriented Development (GTTOD) overlay zone is to create a compact, mixed use of residential, office, retail, institutional, and civic uses to promote and support transit use. Pedestrian activity, passenger support, affordable housing and transit access are key goals in the GTTOD zone. The development standards are designed to require compact redevelopment, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The GTTOD overlay zone is meant to create dense, transit supportive development around the Cherry Hill Atlantic City Rail Line transit station, typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 10-minute walk. The intent of this overlay is to accomplish the following:

1. Compact Development. This overlay zone provides incentives for residential and commercial infill and redevelopment within designated areas. Development is encouraged in designated areas by providing incentives, such as density bonuses and mixed use development opportunities in designated areas.
2. Mixed Use. The flexible zoning standards in this zone allow mixed-use development. The overlay zone allows residential uses integrated with commercial and employment uses in appropriate locations (e.g. – main street, neighborhood center and other core areas). The overlay zone encourages opportunities to provide flexibility in building height, housing density, floor area, lot coverage, yard setback, landscaping, and other zoning provisions for mixed-use developments. It is anticipated that mixed-use development may include residential uses above or behind permitted or commercial, and the combination of compatible commercial uses (retail, office, services, entertainment, etc.).
3. Affordable Housing. Provide accessible and convenient affordable housing for very low-, low- and moderate-income households. The 57 acre tract can result in up to 684 housing units. Of this total, 20 percent (20%), or 136, shall be low- and moderate-income housing units if the low- and moderate-income units are for sale. Fifteen percent (15%), or 102, shall be low- and moderate income-housing units if the low- and moderate-income units are for rent.
4. Pedestrian Activity. Development in the overlay zone encourages appropriate standards for pedestrian access, safety, and comfort.
5. Efficient Land Use. It has been determined that parking is most inefficient land use and the following regulatory and parking management tools are available to minimize the amount of land used for surface parking:
   a. Shared Parking. "Shared parking" is an option available in this overlay zone and allows that multiple uses to share one or more parking facilities.
   b. On-street Parking. On-street parking slows traffic, creates better pedestrian environments by buffering sidewalks from moving vehicles, increases the viability of retail shops and services, and reduces the amount of land used for off-street parking lots, thus decreasing impervious surfaces.
   c. Valet Parking. Valet parking may be feasible for some restaurants and meeting/event facilities. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.
6. Public Spaces. The overlay zone encourages the integration of usable public space whenever possible, and recognizes and responds appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces should be clearly recognizable as "public" (e.g. – a plaza within view of a street or other public space), publicly accessible (i.e. – a pedestrian can get there), and can be

occupied by a person (i.e. – a person can stand there). These spaces can be as simple as an expanded sidewalk for outdoor dining to a large plaza with public art and entertainment.

7. Human-Scaled Building Design. The overlay zone supports human-scale design by requiring building entrances placed close to the street, ground floor windows, articulated façades, appropriately scaled signs and lighting, and awnings and other weather protection. For example, in downtowns, main streets, neighborhood centers, and other strategic locations (e.g. – at transit stops), it is often appropriate to require a maximum front building setback, or a "build-to" line, for a minimum percentage of the building front. For shopping centers with private, internal driveways, the width/height ratio can be measured between opposite building fronts (pads) along an internal street, or between one building front and street trees on the opposite side of the street. The internal drive or "shopping street" should have sidewalks and amenities similar to a public street (e.g., seating, trees, lighting, etc.).

B. Required Uses. All developments in the GTTOD zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses. In the GTTOD zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
   1. All multi-residential dwellings located in buildings that comply with the height requirements of the GTTOD zone. Multi-Residential housing may be constructed within stand-alone buildings or may be constructed above non-residential uses.
   2. All principal non-residential uses permitted in the Regional Business (B4) zone shall be permitted, with the exception of the "Retail A" use.

D. Permitted Accessory Uses. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection in §426.C:

   1. Child Care Centers.
   2. Awnings & Canopies.
   3. Outdoor seating.
   4. Public, Local Utilities & Cable Television Facilities.
   5. Temporary Construction Trailers.
   6. Fences, hedges, and walls.
   7. Off-street parking facilities, including structures.
   8. Signs.
   9. Refuse and Recycling Storage Areas.
   10. Sidewalk, curbs, gutters, and walkways.
   11. Stormwater management facilities.

E. Prohibited Uses. Any use that is not specifically permitted in §426.C is hereby prohibited.

F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the GTTOD zone:
   1. Minimum Requirements:

	Principal Structures	
Minimum Requirements	Inside Lot	Corner Lot
Lot Size (acres)	30	30
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	20'	20'

Aggregate Side Yard	50'	n/a
Rear Yard	30'	30'
Maximum Height	4 stories or 55'	4 stories or 55'
Maximum Building Cover	35%	35%
Maximum Lot Cover	75%	75%
Open Space	25%	25%

2. Additional Requirements. In addition to §426.F.1, the following requirements shall apply:
   a. Minimum land area designated for housing shall be a minimum of 50 percent (50%). Housing may be constructed within stand-alone buildings or may be constructed above commercial and office uses. The intent of the overlay is to permit a gross density of 12 units per acre on the gross acreage of 57 acres to yield 684 units on the portion of the site devoted to housing. The requirement for fifty percent (50%) of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
   b. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments.
   c. No more than fifty percent (50%) of the zone may be approved for non-residential uses until 342 housing units have received preliminary approval.
   d. At least 30 percent of the non-residential floor area in the zone shall be office space.
   e. A perimeter tract buffer of a minimum of fifty feet (50'), consisting of existing and supplemental landscape material and/or fences, shall be provided to create a reasonable visual buffer.
   f. An owners' association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.
3. Density. The maximum density of the residential uses on the entire tract in the GTTOD zone shall not exceed 12 dwelling units per gross acre. The maximum density is permitted only if it can be achieved within the limits imposed by the maximum permitted height in the GTTOD zone.

E. Open Space. A minimum of 25% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature. Additionally, the non-residential area shall have at least one (1) town park and may have plazas, greens, squares, and greenways.

F. Design Standards. The below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.
   1. Spatial relationships between buildings and other structures shall be formal and façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be

designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.

2. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.
3. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
4. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
5. Special Design Standards. In addition to the requirements of §504, the following shall apply in this zone:
   a. The entry façades of all buildings shall be designed to a pedestrian scale.
   b. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall not be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.
   c. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
      i. Front Encroachment: 8 feet maximum.
      ii. Side Street Encroachment: 8 feet maximum.
      iii. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
   d. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
   e. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development. Such breaks in the facades and rooflines shall occur not more frequently than every twenty-five feet (25') and no less frequently than every 100 feet.
   f. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
   g. Bicycle Parking.
      i. For residential uses, there shall be one bicycle space or locker for every three (3) dwellings.
      ii. For commercial uses, there shall be one bicycle space or locker for every 40 parking spaces.

G. Parking.

1. In addition to the standards of Article V and the New Jersey Residential Site Improvement Standards (RSIS), the following shall apply:
   1. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.
   2. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted, unless the commercial vehicle is part of a commercial use and is parked in a designated area, screened and shielded from any roadway.
   3. Off-street parking shall be located along the side and rear of structures parking shall be provided in the rear and the side of buildings. If parking in the front of buildings must be provided, it shall not occupy more than twenty-five percent (25%) of the lot frontage. Direct pedestrian connections shall be provided from the rear and side parking areas to the front of all buildings. Whenever possible, breaks in the building footprints should be provided to allow pedestrian access from rear parking areas to building fronts. The pedestrian access way should be a minimum of twenty-five (25') feet. On street parking shall be permitted on all development streets, except service alleyways.
2. Shared Parking standards.
   a. Shared parking shall be encouraged for all commercial parking lots and particularly for those serving mixed use commercial and residential buildings. Where necessary, in parking lots which are serving mixed-use commercial or residential buildings, the Planning Board may, in its discretion, permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only. In exercising its discretion to allow any limitation to be placed on the use of any parking, the Board shall do so with the intent to limit such restrictive use in order to advance the objective of encouraging shared parking.
   b. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the Urban Land Institute. The report shall be prepared using the most current shared parking methodology published by the Urban Land Institute or the Institute of Transportation Engineers.
   c. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the Trip Generation Handbook published by the Institute of Transportation Engineers. A captured and shared parking study report shall:
      i. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report Parking Generation.
      ii. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
      iii. Calculate the peak parking accumulation for the development, making use of shared parking procedures.
      iv. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
      v. Determine the number of on-site parking spaces that will be supplied.
      vi. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
      vii. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.

3. Landscaping.
   a. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.
   b. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent residential properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity. In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrian from motor vehicles, and shall not interfere with clear sight triangle requirements.
   c. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.
   d. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.

H. Site Infrastructure.
   1. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
   2. Any loading space shall be screened from public view by building walls or extensions thereof, fencing and /or landscaping.
   3. Sidewalks shall have a minimum width of five feet (5'), except along commercial uses where the sidewalk in commercial areas shall be ten feet (10'). Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
   4. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
   5. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks

adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of six feet (6') wide measured from the face of the curb or four feet (4') wide if setback a minimum of two feet (2') from the face of curb with a grassed area.

I. Landscaping.
   1. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three inches (3") (measured six inches (6") above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight feet (8') above the ground for pedestrian passage.
   2. Whenever an off street parking area exceeds 100 spaces, the area should be divided into a minimum of 4 (four) equal sections with each section being divided by a landscaped divider strip (minimum 10 feet (10') wide) with canopy trees and planted with ground cover or low shrubs (at least 36 inches in height).
   3. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

J. Lighting. In addition to §509 of the ordinance, the following shall apply:
   1. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
   2. Street lighting shall be decorative and blend with the architectural style of the development.
   3. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
   4. Along all commercial or mixed-use streets, parking areas, sidewalk, walkways, courtyards and common areas, 12-14 foot high decorative pedestrian scale lamp posts shall be provided at regular intervals. Posts in commercial mixed-use and senior citizen and townhouse streets should be spaced approximately sixty feet (60') on the center. Distance of lighting shall depend upon the manufacturer chosen and the specifications of the particular lights.
   5. In off-street parking lots, post heights may be extended to a maximum of sixteen feet (16').
   6. Use of minimum wattage metal halide or color corrected sodium or mercury vapor light sources is encouraged.
   7. Lighting attached to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.

K. Signs. Signs shall conform with the provisions of Article V.

SECTION 427. PATCO TRANSIT-ORIENTED DEVELOPMENT (PTOD) OVERLAY ZONE.

A. Intent. The intent of the PATCO Transit Oriented Development (PTOD) overlay zone is to create a compact, mixed use of residential, office, retail, institutional, and civic uses to promote and support transit use. Pedestrian activity, passenger support, affordable housing and transit access are key goals in the TOD zone. The development standards are designed to require compact redevelopment,

opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The PTOD overlay zone is meant to create dense, transit supportive development at the PATCO Speedline Woodcrest Station, the area within this site will provide a convenient walking distance to and from the transit station. The intent of this overlay is to accomplish the following:

1. Compact Development. This overlay zone provides incentives for residential and commercial infill and redevelopment within designated areas. Development is encouraged in designated areas by providing incentives, such as density bonuses and mixed use development opportunities in designated areas.
2. Mixed Use. The flexible zoning standards in this zone allow mixed-use development. The overlay zone allows residential uses integrated with commercial and employment uses in appropriate locations (e.g. – main street, neighborhood center and other core areas). The overlay zone encourages opportunities to provide flexibility in building height, housing density, floor area, lot coverage, yard setback, landscaping, and other zoning provisions for mixed-use developments. It is anticipated that mixed-use development may include residential uses above or behind permitted or commercial, and the combination of compatible commercial uses (retail, office, services, entertainment, etc.).
3. Affordable Housing. Provide accessible and convenient affordable housing for very low-, low- and moderate-income households. The 35 acre tract can result in up to 630 housing units. Of this total, 20 percent (20%), or 126, shall be low- and moderate-income housing units if the low- and moderate-income units are for sale. Fifteen percent (15%), or 95, shall be low- and moderate income-housing units if the low- and moderate-income units are for rent.
4. Pedestrian Activity. Development in the overlay zone encourages appropriate standards for pedestrian access, safety, and comfort.
5. Efficient Land Use. It has been determined that parking is most inefficient land use and the following regulatory and parking management tools are available to minimize the amount of land used for surface parking:
   a. Shared Parking. "Shared parking" is an option available in this overlay zone and allows that multiple uses to share one or more parking facilities.
   b. On-street Parking. On-street parking slows traffic, creates better pedestrian environments by buffering sidewalks from moving vehicles, increases the viability of retail shops and services, and reduces the amount of land used for off-street parking lots, thus decreasing impervious surfaces.
   c. Valet Parking. Valet parking may be feasible for some restaurants and meeting/event facilities. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.
6. Public Spaces. The overlay zone encourages the integration of usable public space whenever possible, and recognizes and responds appropriately to existing or planned public spaces on or near the site (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces should be clearly recognizable as "public" (e.g. – a plaza within view of a street or other public space), publicly accessible (i.e. – a pedestrian can get there), and can be occupied by a person (i.e. – a person can stand there). These spaces can be as simple as an expanded sidewalk for outdoor dining to a large plaza with public art and entertainment.
7. Human-Scaled Building Design. The overlay zone supports human-scale design by requiring building entrances placed close to the street, ground floor windows, articulated façades, appropriately scaled signs and lighting, and awnings and other weather protection. For example, in downtowns, main streets, neighborhood centers, and other strategic locations (e.g. – at transit stops), it is often appropriate to require a maximum front building setback, or a "build-to" line, for a minimum percentage of the building front. For shopping centers with private, internal driveways,

the width/height ratio can be measured between opposite building fronts (pads) along an internal street, or between one building front and street trees on the opposite side of the street. The internal drive or "shopping street" should have sidewalks and amenities similar to a public street (e.g., seating, trees, lighting, etc.).

B. Required Uses. All developments in the PTOD zone shall include affordable housing units, in accordance with Article X.

C. Permitted Principal Uses. In the PTOD zone, no lot shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:
   1. All multi-residential dwellings located in buildings that comply with the height requirements of the PTOD zone. Multi-Residential housing may be constructed within stand-alone buildings or may be constructed above non-residential uses.
   2. All principal non-residential uses permitted in the Regional Business (B4) zone shall be permitted, with the exception of the "Retail A" use.

D. Permitted Accessory Uses. Any of the following uses and structures may be permitted, when used in conjunction with a principal use and conforming to the applicable subsection in §427.C:

   1. Child Care Centers.
   2. Awnings & Canopies.
   3. Outdoor seating.
   4. Public, Local Utilities & Cable Television Facilities.
   5. Temporary Construction Trailers.
   6. Fences, hedges, and walls.
   7. Off-street parking facilities, including structures.
   8. Signs.
   9. Refuse and Recycling Storage Areas.
   10. Sidewalk, curbs, gutters, and walkways.
   11. Stormwater management facilities.

E. Prohibited Uses. Any use that is not specifically permitted in §427.C is hereby prohibited.

F. Bulk Requirements. Except as otherwise modified, the following bulk standards shall apply to all buildings in the PTOD zone:
   1. Minimum Requirements:

	Principal Structures	
Minimum Requirements	Inside Lot	Corner Lot
Lot Size (acres)	35	35
Lot Frontage	200'	200'
Lot Depth	200'	200'
Front Yard	75'	75'
Secondary Front Yard	n/a	75'
Side Yard	20'	20'
Aggregate Side Yard	50'	n/a
Rear Yard	30'	30'
Maximum Height	4 stories or 55'	4 stories or 55'
Maximum Building Cover	35%	35%
Maximum Lot Cover	75%	75%
Open Space	25%	25%

   2. Additional Requirements. In addition to §427.F.1, the following requirements shall apply:

a. Minimum land area designated for housing shall be a minimum of 50 percent (50%). Housing may be constructed within stand-alone buildings or may be constructed above commercial and office uses. The intent of the overlay is to permit a gross density of 18 units per acre on the gross acreage of 35 acres to yield 630 units on the portion of the site devoted to housing. The requirement for fifty percent (50%) of land area to be utilized for housing is relieved once final approval is granted for the permitted gross density.
b. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments. Affordable Housing set-asides shall be consistent with Article X, a minimum of twenty percent (20%) of the total number of units shall be set aside as Affordable Housing Units in For-Sale/Ownership developments and where a minimum of fifteen percent (15%) of the total number of units shall be set aside as Affordable Housing Units in Rental developments.
c. No more than fifty percent (50%) of the zone may be approved for non-residential uses until 315 housing units have received preliminary approval.
d. At least 30 percent of the non-residential floor area in the zone shall be office space.
e. A perimeter tract buffer of a minimum of thirty feet (30'), consisting of existing and supplemental landscape material and/or fences, shall be provided to create a reasonable visual buffer.
f. An owners' association shall be created, subject to the approval of the Planning Board. The association shall become the owner of all lands dedicated to recreation and open space and shall be responsible for maintaining all public areas.

3. Density. The maximum density of the residential uses on the entire tract in the PTOD zone shall not exceed 18 dwelling units per gross acre. The maximum density is permitted only if it can be achieved within the limits imposed by the maximum permitted height in the PTOD zone.

G. Open Space. A minimum of 25% of the total tract area shall be dedicated for common open space uses, which may include conservation, passive and active recreation and storm water management as below. No more than 50% of the required common open space shall be in the form of wetlands, wetlands buffers, flood plain, swales, recharge areas, and detention and retention basins if designed as an aesthetic feature. Additionally, the non-residential area shall have at least one (1) town park and may have plazas, greens, squares, and greenways.

H. Design Standards. The below standards have been promulgated in an attempt to achieve a well-designed site. It is recognized that the intent of this section can be achieved with designs not anticipated by these standards. Accordingly, the Planning Board may waive any design standard it deems appropriate.

1. Spatial relationships between buildings and other structures shall be formal and façades shall be parallel to street lines and exterior building walls shall typically be either parallel or at right angles to each other. Buildings shall be oriented toward the street or the streetscape. A lot with multiple buildings should be organized around a feature such as a courtyard, green or quadrangle that encourages pedestrian activity and incidental social interaction among users. Buildings shall be designed to provide for safety concerns and shall be located to allow for adequate fire and emergency access.
2. Residential buildings shall define the street-edge through adherence to uniform setbacks along the build-to line for each block. A minimum of eighty percent (80%) of all residential building façades on a block face shall be located at the build-to-line. The streetscape shall also be reinforced by lines of uniformly spaced shade trees and may be further reinforced by walls, hedges, or fences that define front yards.

3. Commercial buildings on corner lots shall be considered significant structures, since they have at least two façades visibly exposed to the street. Such buildings shall be designed with additional architectural features to emphasize their location.
4. Focal points of visual termination shall generally be occupied by prominent buildings and structures that employ enhanced height, massing, distinctive architectural treatments, ornamental site elements, or other distinguishing features.
5. Special Design Standards. In addition to the requirements of §504, the following shall apply in this zone:
   a. The entry façades of all buildings shall be designed to a pedestrian scale.
   b. The architectural treatment of the front façade, with regard to its major features and materials, shall be continued around all sides of a building that are readily visible from public property and/or rights-of-way. The design of all sides of a building shall be consistent with regard to style, materials, colors, and details. No solid, blank, windowless walls or service areas shall not be visible from the public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, if the building is occupied by a commercial use, by using recessed or projecting display window cases. Enhanced plantings may also be appropriate in certain cases.
   c. Open arcades may encroach into a public right-of way and over the sidewalk at a front or side street lot line as follows:
      i. Front Encroachment: 8 feet maximum.
      ii. Side Street Encroachment: 8 feet maximum.
      iii. The maximum allowable height of an encroachment is three stories. The area of an encroachment shall not exceed 20 percent of the block length.
   d. All air conditioning units, skylights, solar panels, HVAC systems, exhaust pipes or stacks, elevator housing satellite dishes, and other telecommunications receiving devices shall be screened from view from public property or rights-of-way and from adjacent properties by using walls, fencing, roof elements, penthouse-type screening devices, and /or plantings.
   e. The massing of buildings shall be deemphasized in a variety of ways, including the use of projecting and recessed elements such as porches, windows and roof dormers, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scale development. Such breaks in the facades and rooflines shall occur not more frequently than every twenty-five feet (25') and no less frequently than every 100 feet.
   f. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.
   g. Bicycle Parking.
      i. For residential uses, there shall be one bicycle space or locker for every three (3) dwellings.
      ii. For commercial uses, there shall be one bicycle space or locker for every 40 parking spaces.

l. Parking.
   1. In addition to the standards of Article V and the New Jersey Residential Site Improvement Standards (RSIS), the following shall apply:
      a. Off-street parking shall not be located between a building and a street unless the visual impact has been minimized by the construction of walls, fences, berms or the installation of appropriate landscaping.

b. No outside storage or overnight parking of commercial vehicles or boats, recreational vehicles, trailers or similar conveyances shall be permitted, unless the commercial vehicle is part of a commercial use and is parked in a designated area, screened and shielded from any roadway.
c. Off-street parking shall be located along the side and rear of structures parking shall be provided in the rear and the side of buildings. If parking in the front of buildings must be provided, it shall not occupy more than twenty-five percent (25%) of the lot frontage. Direct pedestrian connections shall be provided from the rear and side parking areas to the front of all buildings. Whenever possible, breaks in the building footprints should be provided to allow pedestrian access from rear parking areas to building fronts. The pedestrian access way should be a minimum of twenty-five (25') feet. On street parking shall be permitted on all development streets, except service alleyways.

2. Shared Parking standards.
   a. Shared parking shall be encouraged for all commercial parking lots and particularly for those serving mixed use commercial and residential buildings. Where necessary, in parking lots which are serving mixed-use commercial or residential buildings, the Planning Board may, in its discretion, permit a limited amount of parking to be reserved either for residential or specified commercial uses only; or may restrict the hours that certain spaces are to be used for residential or commercial uses only. In exercising its discretion to allow any limitation to be placed on the use of any parking, the Board shall do so with the intent to limit such restrictive use in order to advance the objective of encouraging shared parking.
   b. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand. The report shall be prepared using procedures presented in the most recent version of the report "Shared Parking," published by the Urban Land Institute. The report shall be prepared using the most current shared parking methodology published by the Urban Land Institute or the Institute of Transportation Engineers.
   c. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the Trip Generation Handbook published by the Institute of Transportation Engineers. A captured and shared parking study report shall:
      i. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report Parking Generation.
      ii. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
      iii. Calculate the peak parking accumulation for the development, making use of shared parking procedures.
      iv. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
      v. Determine the number of on-site parking spaces that will be supplied.
      vi. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
      vii. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.

3. Landscaping.
   a. Lots for residential and nonresidential uses shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, or residential uses shall be designed with textured paving, landscaping, and street furniture approved by the Planning Board.

b. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise, or exhaust fumes onto adjacent residential properties, and provide the parking area with a reasonable measure of shade, when trees reach maturity. In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of a four-and-one-half-foot-high, year-round visually impervious screen, hedge, or wall. The height of any required screen, hedge, or wall shall decrease where driveways approach sidewalks or walkways, in order to provide adequate visibility of pedestrian from motor vehicles, and shall not interfere with clear sight triangle requirements.

c. The interior of all parking lots shall be landscaped to provide shade and visual relief. Protected planting islands or peninsulas within the perimeter of the parking lot are encouraged. Parking lots with 10 or less spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. In parking lots with 11 or more spaces, a maximum of one deciduous shade tree shall be required to be planted in the parking lot for every eight parking spaces. A six-foot planting diamond, or equivalent planter, is required per tree. Choice of plant materials, buffer width, type of screening, location, and frequency of tree planting shall be flexible, provided these objectives are designed to the satisfaction of the Planning Board.

d. Parking lot layout shall take into consideration pedestrian and vehicular circulation and shall be designed to preclude dead end parking lots. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents and as approved by the Planning Board.

J. Site Infrastructure.

1. Common trash collection areas shall be properly screened with an appropriate combination of walls, fences, earth berms, and plantings. Any common trash collection area shall provide facilities for the collection and separation of recyclable materials in accordance with the requirements of the Township of Cherry Hill.
2. Any loading space shall be screened from public view by building walls or extensions thereof, fencing and /or landscaping.
3. Sidewalks shall have a minimum width of five feet (5'), except along commercial uses where the sidewalk in commercial areas shall be ten feet (10'). Sidewalks in commercial areas shall be continued across street surfaces using paving materials to delineate crosswalks.
4. Sidewalks and pedestrian paths shall connect proposed uses to a public sidewalk or roadway. Private sidewalks shall be designed to connect parking areas with individual structures, as well as building groups.
5. The use of special paving such as brick or pre-cast concrete pavers for sidewalks is required for a minimum of 10% of the paved area, specifically at prominent intersections and public spaces. Otherwise, sidewalks shall be poured-in-place concrete. Special paving, if selected, should complement the building materials and should be used to define spaces or special areas such as entrances. All plans for special pavement areas shall be submitted to the Planning Board for approval. Private sidewalks shall be submitted to the Planning Board for approval. Sidewalks adjacent to parking lots, where car bumpers may overhang the walk, shall be a minimum of six feet (6') wide measured from the face of the curb or four feet (4') wide if setback a minimum of two feet (2') from the face of curb with a grassed area.

K. Landscaping.

1. Canopy tree shall be planted along street frontages at a maximum distance of 35 feet on center and spaced equal distance between street lights. Such street trees shall be a minimum caliper of three inches (3") (measured six inches (6") above ground level) at the time of planting. Bottom branches shall be trimmed to a minimum of eight feet (8') above the ground for pedestrian passage.
2. Whenever an off street parking area exceeds 100 spaces, the area should be divided into a minimum of 4 (four) equal sections with each section being divided by a landscaped divider strip (minimum 10 feet (10') wide) with canopy trees and planted with ground cover or low shrubs (at least 36 inches in height).
3. Hedges, privacy or ornamental fences of varying heights may be used to block view of parking areas, storage areas, loading docks or other utilitarian views from residential or public areas. No "cyclone" or "chain link" fencing shall be permitted.

L. Lighting. In addition to §509 of the ordinance, the following shall apply:
1. All public and private streets, parking lots and pedestrian walkways shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions. Lighting fixtures are to include non-glare lights with "cutoff" shields as appropriate in order to mitigate against adverse impacts upon adjacent and nearby properties, the safety of traffic along adjacent roadways and overhead glow.
2. Street lighting shall be decorative and blend with the architectural style of the development.
3. Streets and sites shall be provided with adequate lighting while minimizing adverse impacts such as glare and overhead sky glow on adjacent properties. House-side shields shall be provided where abutting a residential use.
4. Along all commercial or mixed-use streets, parking areas, sidewalk, walkways, courtyards and common areas, 12-14 foot high decorative pedestrian scale lamp posts shall be provided at regular intervals. Posts in commercial mixed-use and senior citizen and townhouse streets should be spaced approximately sixty feet (60') on the center. Distance of lighting shall depend upon the manufacturer chosen and the specifications of the particular lights.
5. In off-street parking lots, post heights may be extended to a maximum of sixteen feet (16').
6. Use of minimum wattage metal halide or color corrected sodium or mercury vapor light sources is encouraged.
7. Lighting attached to the exterior of a building shall be architecturally compatible with the style, materials colors and details of the building and shall comply with the local building code. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways and other areas of a site, and the light quality produced, shall be the same or compatible. Facades shall be lit from the exterior, and as a general rule, lights should be concealed through shielding or landscaping. Mounting brackets and associated hardware should be inconspicuous.

M. Signs. Signs shall conform with the provisions of Article V.

SECTION 429. FLOOD PLAIN (FP) OVERLAY ZONE.

A. Statutory Authorization. The Legislature of the State of New Jersey has, in *N.J.S.A. 40:55D-1 et seq,* delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Township Council of the Township of Cherry Hill, of New Jersey does ordain as follows:

B. Findings of Fact.
1. The flood hazard areas of Township of Cherry Hill are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. Intent. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to do the following:
1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Insure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods for Reducing Flood Loss. In order to accomplish its purposes, this ordinance includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

E. Definitions. Unless specifically defined below or otherwise in §202, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:
DEVELOPMENT: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

STRUCTURE: A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

VARIANCE: A granting of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

F. General Provisions. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Cherry Hill, Camden County, New Jersey.

1. Basis for the Establishment of Special Flood Hazard Areas. The areas of special flood hazard for the Township of Cherry Hill, Community No. 340129, are identified and defined on the following documents prepared by the *Federal Emergency Management Agency*:
   a. A scientific and engineering report "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated August 17, 2016.
   b. *Flood Insurance Rate Map* for Camden County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 0033, 0034, 0037, 0041, 0042, 0044, 0053, 0061, 0062, 0063, 0064, 0068, 0107, 0126, 0127, 0131; whose effective date is August 17, 2016.

   The above documents are hereby adopted and declared to be a part of this ordinance. The *Flood Insurance Study* and maps are on file at 820 Mercer Street, Cherry Hill, NJ 08002-2638.

2. Penalties for Non-Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars ($1,000) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Cherry Hill from taking such other lawful action as is necessary to prevent or remedy any violation.

3. Abrogation & Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
   a. Considered as minimum requirements;
   b. Liberally construed in favor of the governing body; and,
   c. Deemed neither to limit nor repeal any other powers granted under State statutes.

5. Warning & Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Township of Cherry Hill, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Permits

1. Required Permits. Applicable zoning and building permits shall be obtained before construction or development begins within any area of special flood hazard established in §429-B.F.1. Applications for zoning and building permits shall be made on forms furnished by the Administrative Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
b. Elevation in relation to mean sea level to which any structure has been floodproofed.
c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §429.J.2; and,
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Designation of the Administrator. The Administrative Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

3. Duties & Responsibilities of the Administrator. Duties of the Administrative Official shall include, but not be limited to:
   a. Permit Review. All zoning and building permits shall be reviewed to determine the following:
      iv. the permit requirements of this ordinance have been satisfied.
      v. all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
      vi. if the proposed development is located in the floodway, assure that the encroachment provisions of §429.K.1 are met.

   b. Use of other Base Flood & Floodway Data. When base flood elevation and floodway data has not been provided in accordance with §429.F.1, the Administrative Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer construction standards, in accordance with §429.J.1 and §429.J.2.

   c. Information to be Obtained & Maintained.
      i. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
      ii. For all new or substantially improved floodproofed structures, the actual elevation (in relation to mean sea level) must be verified and recorded and the floodproofing certifications required in §429.G.1.c are maintained.
      iii. Maintain for public inspection all records pertaining to the provisions of this ordinance.

   d. Alteration of Watercourses.
      i. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
      ii. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

   e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §429.H.

H. Variances & Appeals.
   1. Board Action.
      a. The Planning Board or Zoning Board of Adjustment, as established by the Township of Cherry Hill, shall hear and decide appeals and requests for variances from the requirements of this

ordinance. A variance is required from the applicable Board to construct in the floodplain or to deviate from the construction standards within the floodplain.

b. The respective Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrative Official in the enforcement or administration of this Ordinance.

c. Those aggrieved by the decision of the respective Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in *N.J.S.A. 40:55D-1 et seq.*

d. In passing upon such applications, the Planning or Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following:
   i. Danger that materials may be swept onto other lands to the injury of others;
   ii. Danger to life and property due to flooding or erosion damage;
   iii. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   iv. Importance of the services provided by the proposed facility to the community;
   v. Necessity to the facility of a waterfront location, where applicable;
   vi. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   vii. Compatibility of the proposed use with existing and anticipated development;
   viii. Relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
   ix. Safety of access to the property in times of flood for ordinary and emergency vehicles;
   x. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
   xi. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e. Upon consideration of the factors of §429.H.1.d and the purposes of this ordinance, the applicable Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f. The Administrative Official shall maintain the records of all appeal actions, including technical information, and report any variances to the *Federal Insurance Administration* upon request.

2. Conditions for Variances.
   a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in §429.H.1.d have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

   b. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

   c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:
   i. a showing of good and sufficient cause;
   ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
   iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §429.H.1.d, or conflict with existing local laws or ordinances.

f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

I. Provisions for Flood Hazard Reduction. In all areas of special flood hazards the following standards are required:

1. Anchoring.
   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

   b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

3. Construction Materials & Methods.
   a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

   b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

4. Utilities.
   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

   c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

   d. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Subdivision Proposals.
   a. All subdivision proposals shall be consistent with the need to minimize flood damage;

   b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

J. Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in §429.F.1 or in §429.G.3.b, the following standards are required:

1. Residential Construction.

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;

b. Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

2. Non-Residential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or

b. Require within any AO zone on Cherry Hill's FIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or together with the attendant utilities and sanitary facilities, shall:

i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in §429.G.3.b

3. Manufactured Homes.

a. Manufactured homes shall be anchored in accordance with §429.I.2.b.

b. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

K. Floodways. Located within areas of special flood hazard established in §429.F.1 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If §429.K.1 is satisfied, all new construction and substantial improvements must comply with §429.I.
3. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 430. STREAM BUFFER (SB) OVERLAY ZONE.

A. Intent. In recognition of the fact that natural features contribute to the welfare of residents, the following regulations have been enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing stream buffers for all perennial and intermittent streams and all lakes and ponds in Cherry Hill by establishing designated Stream Buffer Overlay Zone. For the purposes of this ordinance, the following purposes and intent shall apply:

1. Reduce the amount of nutrients, sediment, organic matter pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, biodegradation, denitrification and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
2. Improve and maintain the safety, reliability and adequacy of the water supply for domestic, agricultural, commercial, industrial and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
3. Regulate the land use, siting and engineering of all development to be consistent with the intent and objectives of this ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
4. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices.
5. Conserve the natural features important to land and water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
6. Work with floodplain, steep slope, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and Stream features.
7. Conserve natural, scenic, and recreation areas within and adjacent to Stream areas for the community's benefit.

B. Definitions, Establishment, & Width Determination.

1. Definition. The Stream Buffer Overlay Zone is defined as, "areas surrounding municipally designated surface water bodies, including creeks, lakes and intermittent watercourses that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. This buffer area may or may not contain trees and other native vegetation at the time of ordinance enactment."

2. Establishment.
   a. The establishment of the Stream Buffer Overlay Zone applies to the following areas, which are identified on the municipal Stream Buffer Map:
      i. Lands adjacent to municipally designated streams within the municipality.
      ii. Lands adjacent to municipally designated intermittent water courses within the municipality.
      iii. Lands at the margins of municipally designated lakes.

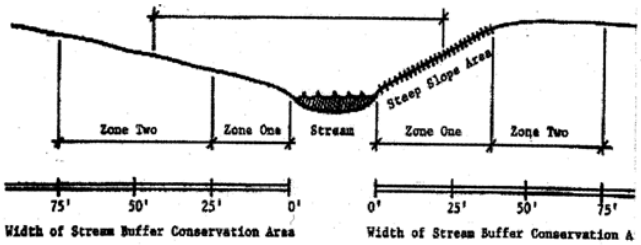
   b. The measurement of the Stream Buffer Overlay Zone shall extend a minimum of seventy-five (75') feet from each defined edge of an identified watercourse or surface water body at bankfull flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The Stream Buffer will consist of two distinct zones designated as:
      i. **Zone One.**
         (a) This zone will begin at each edge of an identified waterway, which can include wetlands and intermittent watercourses, and occupy a margin of land with a minimum width of twenty-five (25') feet measured horizontally on a line perpendicular to the edge of water at bankfull flow.

         (b) Where steep slopes, areas in excess of twenty-five (25%) percent, are located within twenty-five (25') feet of a municipally designated watercourse, Zone One shall extend the entire distance of this sloped area. If the distance of this sloped area is greater than seventy-five (75') feet, there will be no requirement for the establishment of Zone Two. If the distance is less than seventy-five (75') feet, the width of Zone Two will be adjusted so that the total buffer width (Zone One and Zone Two) will be seventy-five (75') feet maximum.

      ii. **Zone Two.**
         (a) This zone will begin at the outer edge of Zone One and occupy a minimum width of fifty (50') feet in addition to Zone One.

         (b) Where the 100-year floodplain extends greater than seventy-five (75') feet from the waterway, Zone One shall remain a minimum of twenty-five (25') feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year floodplain.

3. Width Determination. The developer, applicant, or designated representative shall be responsible for the initial width determination of the stream buffer and identifying this area on any plan that is submitted to the municipality for subdivision, land development, or other improvements that require plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative.



C. Permitted Uses. The following uses are permitted, either by right or after review and approval by the municipality in the Stream Buffer Overlay Zone. However, within any buffer, no construction, development, use, activity, or encroachment shall be permitted unless the activity is described in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*. (*June 6, 2005; NJPED #NJG 0152374; PI ID #171635*), as outlined in §429.H.2

1. Zone One.
   a. Permitted Uses. Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:
      i. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation in compliance with the guidelines of the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.

      ii. Streambank stabilization in compliance with the guidelines of the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.

   b. Township Approval. Buffer crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/ or water lines, and public utility transmission lines, and public utility transmission lines provided that any disturbance is offset by buffer improvements identified in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.

2. Zone Two.
   a. Permitted Uses. The following uses which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two:
      i. Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, and recreational trails.

      ii. Reforestation in compliance with the guidelines of the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.

      iii. Minimum required front, side, and rear yards on private lots, provided that no yard may extend into Zone Two more than half the distance between the outer boundaries of Zone One and Zone Two.

      iv. Agricultural uses existing at the time of adoption of this ordinance.

   b. Township Approval.
      i. New agricultural uses.

      ii. Buffer crossings by farm vehicles and livestock, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines provided that any disturbance is at a minimum, offset by buffer improvements identified in the *Cooper River Regional Stormwater*

Management Plan & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.

iii. Centralized sewer and/or water lines and public utility transmission lines running along the buffer, provided that any disturbance is, at a minimum, offset by buffer improvements identified in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*. These lines shall be located as far from Zone One as practical.

iv. Selective cutting of trees when removal is consistent with approved standards in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*.

v. Areas such as camps, campgrounds, picnic areas and golf courses. Active recreation areas such as ball fields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated flow.

vi. Naturalized stormwater basins in compliance with the guidelines in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan* and §516.G.6. The entire basin shall be located a minimum of fifty (50') feet from the defined edge of identified watercourses.

D. Prohibited Uses. Any use or activity not authorized within §429.C shall be prohibited within the Stream Buffer Overlay Zone. By way of example, the following activities and facilities are specifically prohibited:

1. Clear-cutting of trees and other vegetation.
2. Selective cutting of trees and/or the clearing of other vegetation within Zone One, except where such clearing is necessary to prepare land for a use permitted under §429.C.1 and where the effects of these actions are mitigated by re-vegetation, as specified under §429.H.
3. Selective cutting of trees and/or the clearing of other vegetation within Zone Two, except where such clearing is necessary to prepare land for a use permitted by §429-B.C.2. and where the effects of these actions are mitigated by re-vegetation, as specified under §429.H.
4. Removal of trees in excess of selective cutting, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a reforestation project, provided that the removal is in compliance with the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*. approved by the municipal engineer, or appointee.
5. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and buffer protection and §508.D.
6. Storage of any hazardous or noxious materials.
7. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Camden County Conservation District.
8. Roads or driveways, except where permitted as buffer crossings in compliance with §429.C.1.b or §429.C.2.b.ii.
9. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
10. Parking lots.

11. Any type of permanent structure, including fences, except structures needed for a use permitted in §429.C.
12. Subsurface sewage disposal areas.
13. Sod farming.

E. Non-Conforming Structures & Uses. Non-conforming structures and uses of land within the Stream Buffer Overlay Zone shall be regulated under the provisions of §401 of the Cherry Hill Zoning Ordinance. The following additional regulations also shall apply:

1. Existing non-conforming structures or uses within Zones One or Two that are not permitted under §429-B.C. may be continued but shall not have the existing building footprint or uses expanded or enlarged.
2. Discontinued non-conforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the Stream Buffer Overlay Zone, as measured against the intent and objectives under §429.A., than the existing or former non-conforming use.
3. This one year time frame shall not apply to agricultural uses, which are following prescribed Best Management Practices for crop rotation.

F. Boundary Interpretation & Appeals Procedure.

1. When a landowner or applicant disputes the Zone (One or Two) boundaries of the stream buffer or the defined edge of a watercourse, surface water body, the landowner or applicant shall submit evidence to the municipality that describes the boundary, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
2. The municipal engineer, applicable Board or appointed representative shall evaluate all material submitted and shall make a written determination within forty-five (45) days, a copy of which shall be submitted to the Township of Cherry Hill, Cherry Hill Planning or Zoning Board, and landowner or applicant.
3. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Township of Cherry Hill, under the provisions this ordinance. The party contesting the location of the zone boundary shall have the burden of proof in case of any such appeal.

G. Inspection.

1. Lands within or adjacent to an identified Stream Buffer Overlay Zone will be inspected by the municipal representative when:
   a. A subdivision or land development plan is submitted.
   b. A building permit is requested.
   c. A change or resumption of non-conforming use is proposed.
2. The zone may also be inspected periodically by the municipal representatives for compliance with an approved restoration plan, excessive or potentially problematic erosion, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials.

H. Management.

1. Within any identified buffer area, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by implementation of an approved *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan*, as specified within the Zoning Ordinance.

2. The landowner or developer shall submit to the municipal engineer, governing body, or its appointed representative, a *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan* prepared by a landscape architect, professional engineer or other qualified professional that fully evaluates the effects of any proposed uses on the Stream Buffer Overlay Zone. The Plan shall identify the existing conditions (vegetation, 100-year floodplain, soils, slopes, etc.), all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to the Stream Buffer Overlay Zone. The plan shall be approved by the municipal engineer, governing body, or appointed representative as part of the subdivision and land development process.

I. Vegetation Selection. To function properly, dominant vegetation in the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and *Cherry Hill Stormwater Management Plan* shall be selected from a list of plants most suited to the stream buffer. Plants not included on the lists may be permitted by the municipal engineer, applicable Board, or its appointed representative when evidence is provided from qualified sources certifying their suitability. The municipality may require species suitability to be verified by qualified experts in the Camden County Conservation District, Natural Resources Conservation Service, NJ Department of Environmental Protection, the U.S. Fish and Wildlife Service, or state and federal forest agencies.
   1. In Zone One, dominant vegetation shall be composed of a variety of native stream tree, shrub species, tall grasses and appropriate plantings necessary for streambank stabilization as outlined in §516.G.6.c.i.
   2. In Zone Two, dominant vegetation shall be composed of stream trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil as outlined in §516.G.6.c.ii.
   3. Disturbed areas shall be re-vegetated with stream buffer plants, in compliance with an approved plan.
   4. Areas that cannot be re-vegetated shall be restored in compliance with an approved plan.

SECTION 431. RESIDENTIAL ZONES: ADDITIONAL USES & STRUCTURES

Notwithstanding the permitted uses within individual zones, the following additional uses shall be permitted in any residential zones, or as limited herein, subject to their associated requirements and regulations herein below.

A. Horse Keeping Regulations. The keeping of horses shall be permitted in only the RA zone, subject to the following standards:
   1. Stables must be built so as not to create offensive odors, fly-breeding or other nuisances.
   2. The animals shall be for the private use of the occupants of the residence. No commercial use, such as the letting of horses for hire, shall be engaged in on the property.
   3. One Horse. Not more than one horse or pony may be kept, which conforms to the following:
      a. The subject lot must be a minimum of fifteen thousand (15,000) square feet in size, and
      b. Enclosed in a pen or corral of at least eight hundred (800) square feet in size, and
      c. Provide a stable under a roof of at least one hundred (100) square feet in size, and
      d. The pen, corral, fences or similar enclosures are not closer than twenty (20') feet to the adjacent property lines and no closer than fifty (50') feet to any adjacent principal structure.
   4. Two Horses. Not more than two (2) horses or ponies may be kept, which conforms to the following:
      a. The subject lot must be a minimum of twenty thousand (20,000) square feet in size, and

b. Enclosed in a pen or corral containing at least eight hundred (800) square feet per animal, and

c. Provide a stable under a roof of at least one hundred (100) square feet per animal, and

d. The pen, corral, fences or similar enclosures are not closer than twenty (20') feet to the adjacent property lines and no closer than fifty (50') feet to any adjacent principal stricture.

5. Three Horses. Not more than three (3) horses or ponies may be kept, unless conforming to the following:
   a. The subject lot must be a minimum of one (1) acre, and

   b. Enclosed in a pen or corral containing at least eight hundred (800) square feet for the first horse or pony and four hundred (400) square feet for each additional horse or pony, and

   c. Provide a stable under a roof containing of at least one hundred (100) square feet per animal, and

   b. The pen, corral, fences or similar enclosures are not closer than twenty (20') feet to the adjacent property lines and no closer than fifty (50') feet to any adjacent principal structure.

6. Fence. Fences must be constructed of such materials and in such a manner as to prevent and preclude the escape of horses, in accordance with §506.

7. Buffer. A planted buffer screen, in accordance with §508.F., shall be required.

8. Manure. Manure must be collected in a sanitary manner so as to prevent offensive odors and create a nuisance. Manure from stabled horses or other livestock must be removed from a stable or a similar housing structure three (3) times each week. Manure must be stored a minimum of twenty-five (25') feet from a stable and fifty (50') feet from the nearest neighboring dwelling. Any stockpile of manure shall not exceed one hundred (100) square feet. All stockpiles of manure shall be limed at least one every week.

B. Home Occupations. Home occupations shall be permitted upon application and approval of a Zoning Permit certifying compliance with §431.B.1 below. This subsection shall not alleviate individuals or business establishments from obtaining any license or other permit required by municipal, county or state regulations.
   1. Permitted Home Occupation. A home occupation shall meet the criteria within this subsection, as follows:
      a. The residential character of the lot and building shall not be changed.

      b. The use shall be conducted entirely within the primary dwelling or accessory building associated with it.

      c. No more than twenty-five (25%) percent of the gross floor area, including any garage space, of the dwelling unit may be used for the home occupation.

      d. No sounds emanating from the home occupation use shall be audible outside the residence.

      e. No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings nor create other nuisances by its operation.

      f. No display of products shall be visible from the street, nor shall any article be sold or offered for sale on the premises.

      g. No more than one client, patron, or customer may be on the premises for business or professional purposes at any one time.

      h. The home occupation may only employ one person not resident on the premises in the

performance of the occupation.

i. No sign identifying or advertising the minor home occupation shall be permitted.

j. Deliveries shall be limited to commercial package services or utilization of the owner's passenger vehicle, and conform to §431.D.

k. Additional off-street parking to accommodate the home occupation shall be allowed but may only occupy 40% of the area of the front yard.

l. The home occupation shall not be open for customers, clients or patrons before 8:00am on weekdays and 9:00am on weekends nor after 8:30pm every day.

2. Prohibited Home Occupations. The following uses are specifically prohibited as home occupations:
   a. Automobile repair, refurbishing or servicing.
   b. Barber shops and beauty salons.
   c. Bed and breakfast accommodation.
   d. Body piercing and tattooing.
   e. Medical and dental offices (excluding counseling, psychology, and psychiatry)
   f. Real estate office.
   g. Spray painting and refinishing operations.
   h. Taxi and limousine service.
   i. Home occupations primarily involving public assembly.

C. Private Garages. Off-street parking, carports, and private garages for residential zones shall conform to the following requirements:

1. A private garage in a residential zone shall be permitted only when used as an accessory building to a dwelling on the same lot.

2. Only one private garage per residentially used lot shall be permitted.

3. No accessory dwelling unit shall be part of any garage.

4. A private garage may be either a separate building or it may be attached to as an integral part of the dwelling.

5. Attached garages shall be even with or behind the front building facade of a proposed principal structure.

6. The area of land occupied by the private garage shall not exceed that of the principal building.

7. A detached private garage shall be single story and shall not exceed eight hundred (800) square feet in floor area and store more than four (4) vehicles.

8. Garages shall meet the following setbacks, in Table 4.3:

TABLE 4.3. GARAGE SETBACKS

Setback Requirements	Garage
Front Yard (ft)	30’
Secondary Front Yard (ft)	25’
Side Yard (ft)	10’
Aggregate Side Yard (ft)	20’
Rear Yard (ft)	10’

9. A driveway shall not be located closer than three (3’) feet to a side or rear property line, except in the event that a driveway is shared among two individual properties in accordance with §505.

10. No curb cut to a single family or two-family dwelling shall exceed twenty-two (22') feet in width at the right-of-way line.

D. Commercial Trucks & Buses in Residential Zones.
   1. No trucks or buses shall be parked in any residential zone, except one commercial truck or bus of a rated capacity not exceeding five (5) tons (10,000 lbs.) gross vehicle weight, which shall be permitted to be regularly parked or garaged on a residential lot that meets the following requirements:
      a. The vehicle is owned or used by a resident on the premises, that also contains the primary residence of the owner, or
      b. On a residential lot that is contiguous to and owned by a resident of the primary dwelling.
   2. If not garaged, such truck or bus shall be parked on a surface that has been improved for parking.
   3. Commercial vehicles and/or vehicles with body types known as stake body, cube body, walk-in body, flat-bed, and/or vehicles of this nature are strictly prohibited in any residential zone.
   4. Exemptions. The following are exemptions from this ordinance:
      a. No limit to the number of vehicles used in the operation of a farm,
      b. No limit to the number of vehicles and/or construction equipment in active use during the time of construction on a lot approved for development,
      c. Parking of a commercial vehicle in a residential zone for the purpose of installing, maintaining, or performing public utility services, or
      d. Parking of a commercial vehicle in a residential zone purpose of making pick-ups or deliveries in the regular course of business to the residents of such areas.

E. Recreational Vehicles in Residential Zones. All recreational vehicles, trailers, motor homes, off-road vehicles, and boats that are parked or stored in residential zones shall conform to the following regulations:
   1. The occupation of such recreational vehicles for residential purposes is prohibited.
   2. No such uses shall be hooked up to utility services.
   3. Recreational vehicles shall not be permitted in common areas and/or parking lots of multi-residential communities.
   4. Such vehicles shall not be permitted in non-residential zones, excluding Institutional (IN), unless on a site that has received site plan approval that specifically designates an area for the storage of boats and/or trailers.
   5. Recreational vehicles that are required by law to bear a commercial license plate are not permitted in residential zones.
   6. If not garaged, recreational vehicles must be parked on a paved, graveled, or similar hard surface.
   7. Location.
      a. Must be located in the rear or side yard of homes.
      b. Must be located behind the front wall of the dwelling or the applicable front yard setback of that zone, whichever is further from the street right-of-way. Corner properties must meet this restriction for both primary and secondary front yards
      c. A minimum of three (3') feet from the side property line and ten (10') feet from the rear property line.

F. Motor Vehicle Storage. The storage of motor vehicles in any residential zone shall comply with the Township Property Maintenance Ordinance *95-36, §15-16.8*, as well as the following requirements:
   1. A vehicle is deemed stored if it is dismantled, inoperable, uninspected, uninsured, unlicensed, and/or unregistered vehicle in any residential zone beyond thirty (30) consecutive days.
   2. Beyond thirty (30) days of storage, a Zoning Permit is required for the exterior storage of dismantled, inoperable, uninspected, uninsured, unlicensed, and/or unregistered motor vehicle for a maximum of ninety (90) days. Further approvals must be obtained from the Zoning Board.
   3. If not garaged, motor vehicles must be parked on a paved, graveled, or similar hard surface that is a minimum of three (3') feet from the side property line and ten (10') feet from the rear property line.
   4. No motor vehicle that is on blocks, car ramps, or any type of lifting device shall be left unattended, unless housed within a secure garage or secured in a fenced area with approved Zoning Permit(s).

G. Swimming Pools & Cabanas. The following requirements apply to private residential swimming pools and accessory cabanas:
   1. Applicability. In-ground, above-ground, and on-ground swimming pools, as well as spas, Jacuzzi, hot tubs, whirlpools, and other similar structures shall be considered residential swimming pools under the regulations herein.
      a. Any constructed pool which is used or intended to be used as a swimming pool in connection with a single-family residence and available only to the subject lot's household and their private guests shall be classified as private swimming pool.
      b. Any swimming pool other than a private residential swimming pool shall be classified as a public or semi-public swimming pool.
      c. No private residential swimming pool shall be constructed, installed, or located on any lot unless a residential dwelling is also located thereon.
   2. Lot & Yard Requirements.
      a. Pools and cabanas shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).
      b. Pools shall be located in rear or side yard areas only. No swimming pool shall be nearer to any street line upon which the residence fronts than the existing setback line of said residence building, but in no case, regardless of the building setback line, shall a swimming pool be located less than thirty-five (35') feet from a street right-of-way, excepting the rear yards of reverse frontage lots.
      c. No swimming pool shall be closer than ten (10') feet to any rear or side lot line, measured from the pool apron or deck, whichever is closest to the adjacent lot line.
      d. A swimming pool must be a minimum of twelve (12') feet from the foundation of any principal structure, measured from the edge of the pool's surface.
      e. The following swimming pools shall have no minimum setback requirement from a dwelling, accessory building, or property line, as defined in §202:
         i. those containing less than twenty-four (24") inches or less in depth, or
         ii. those containing less than two hundred and fifty (250) square feet of surface area.
   3. Cabanas. Cabanas shall be permitted in conjunction with a swimming pool, which conforms the following requirements:
      a. Cabanas shall not exceed one hundred sixty-eight (168) square feet in area.

b. Any cabana shall be located in the rear yard, no closer than ten (10') feet to any lot line.

4. Decks. Decks that are accessory to a residential structure, including those that are attached to pools, and other accessory buildings shall adhere to §431.H. of the Ordinance.

5. Fencing. Private residential swimming pools must be enclosed with a fence that is a minimum height of four (4') feet with self-locking gates that open out or located at the top of the pool, in accordance with the Uniform Construction Code (UCC).

6. Pool effluent which is the result of draining, cleaning, filter, flushing or other pool maintenance operation shall not be permitted to flow overland across adjacent property lines.

7. All in-ground and above-ground swimming pools shall be so constructed, installed and maintained as to provide the necessary equipment for the chlorination and other disinfection and filtering of water to comply with approved bacteriological standards as may be promulgated by the *Camden County Board of Health* and the *New Jersey Department of Health & Senior Services*.

H. Decks & Patios. Decks and patios are permitted accessory structures in residential zones, contingent on the following:

1. Decks or patios are not permitted within any drainage, sewer, or other easement.

2. Patios shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).

3. Decks and patios that are thirty (30") inches in height or less without a roof cover, measured from grade to the top of the deck (exclusive of the handrail), must meet the following minimum setback requirements of Table 4.4..

TABLE 4.4. DECK & PATIO SETBACKS

Setback Requirements	Decks	Patios
Front Yard (ft)	35'	30'
Secondary Front Yard (ft)	25'	25'
Side Yard (ft)	10'	5'
Aggregate Side Yard (ft)	20'	20'
Rear Yard (ft)	15'	15'

4. Privacy screens of up to six (6') feet shall be permitted to be attached to the deck, so long as the total height (deck height and screen height) does not exceed six (6') feet in height.

5. The following decks and patios must meet minimum zoning setback requirements that apply for that property:
   a. Decks that exceed thirty (30") inches in height measured from grade to the top of the deck (exclusive of the handrail), or
   b. Decks with privacy screens that exceed the maximum height of six (6') in height (deck height and screen height), or
   c. Patios with a roof cover, screen room, or sunroom.

I. Protruding Features. Cantilevered balconies, chimneys, eaves, and awnings are permitted accessory structures in residential zones, contingent on the following:

1. May project up to three (3') feet into the front, side, or rear yard.

2. Balconies, eaves, or awnings that are supported by posts or project beyond three (3') feet from the principal structure must meet the minimum setback requirements in effect for that property.

J. Residential Storage Sheds. Private free-standing storage sheds are permitted accessory uses in all single-family residential zones and where explicitly permitted. Said sheds shall comply with the

following regulations:

1. Sheds are not to be used for human or animal habitation.
2. No more than one storage shed shall be permitted per lot.
3. Sheds are only permitted in the rear yard of a lot.
4. A floor area of one hundred and sixty eight (168) square feet or less must be a minimum of five (5') feet from any side and rear property line. Sheds that exceed one hundred and sixty eight (168) square feet must be a minimum of ten (10') feet from a side and rear property line.
5. Sheds shall not exceed twelve (12') feet in height.

K. Playground & Recreation Equipment. Playground and recreational equipment for private use are permitted accessory structures in all residential zones.

1. Playground Equipment. Swing sets, including attached playhouses, with or without roofs or covers attached, and other similar playground equipment shall adhere to the minimum yard setbacks in Table 4.5.

TABLE 4.5. PLAYGROUND & COURTS SETBACKS

Setback Requirements	Playground Equipment	Basketball Courts	Tennis Courts
Front Yard (ft)	30'	35'	35'
Secondary Front Yard (ft)	25'	25'	25'
Side Yard (ft)	5'	10'	10'
Aggregate Side Yard (ft)	5'	15'	20'
Rear Yard (ft)	5'	10'	10'

2. Basketball Courts.
   a. Only one basketball court is permitted per lot. The lot must not include a tennis court.
   b. Basketball backboards and/or hoops or poles shall not be permitted to encumber or encroach over or upon any street, avenue, highway, road, lane sidewalk, walkway, or right-of-way subject to public use, with the exception of cul-de-sacs.
   c. Basketball hoops may be constructed on driveways located within the front yard, in addition to driveways in the side or rear yards, which shall be exempt from the requirements of §431.K.2.
   d. Private basketball courts must meet the minimum yard setbacks established in Table 4.5.
   e. Fencing shall be permitted, in accordance with §506.A.1.d.ii, which cannot exceed twelve (12') feet in height.
   f. Said courts shall not be illuminated.
   g. Basketball courts shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).
   h. A landscaped buffer shall be provided along the rear and side(s) property lines, in accordance with §508.F.
3. Tennis Courts.
   a. Only one tennis court is permitted per lot. The lot must not include a basketball court.
   b. Private tennis courts must meet the minimum yard setbacks established in Table 4.5.
   c. Fencing shall be permitted, in accordance with §506.A.1.d.ii, which cannot exceed twelve (12') feet in height.

d. Said courts shall not be illuminated.

e. Tennis courts shall be considered impervious surface, which shall not exceed the impervious surface ratio of the zone (when included with other impervious surfaces).

f. A landscaped buffer shall be provided along the rear and side(s) property lines, in accordance with §508.F.

L. Satellite Dish, Television, & Cable Receiving Antennae. Personal satellite dish systems for the reception of television and radio signals in residential zones or for businesses not engaged in telecommunications reception and broadcasting shall conform to the following requirements:

1. To the greatest extent feasible, consistent with the unimpeded reception of broadcasts, antennae are to be located in a rear yard or the rear slope of a roof.

2. An antenna that is in excess of thirty-six (36") inches in size shall conform to the setback requirements for accessory uses and structures in the zone in which it is located.

3. An antenna that is in excess of thirty-six (36") inches in size shall be located in the rear yard.

4. The Administrative Officer shall have the power to waive the enforcement of this subsection upon certification from a qualified installer that conformance with these requirements will materially limit the reception of broadcasts from communications satellites.

5. Any and all Federal Communications Commission (FCC) regulations shall supersede this Ordinance.

SECTION 432. ADDITIONAL USES & STRUCTURES PERMITTED.

Notwithstanding the permitted uses within individual zones, the following additional uses shall be permitted in any zone or non-residential zone as the case may be, subject to their associated requirements and regulations herein below:

A. Child Care Centers. Child care centers shall be permitted in any non-residential zone. In those zones combining residential and non-residential areas under a unified plan for development, the child care center shall be permitted only in the non-residential area. Any child care center shall be duly licensed pursuant to *N.J.S. 30:5B-1 et seq.* A child care center functionally integrated within a non-residential development owned or operated for the benefit of their employees, their tenant's employees, or employees within an office or business park or research and development complex shall not be required to provide additional off-street parking for the use. In the calculation of any floor area ratio applicable to an office or business park or research and development complex, the area occupied by a child care center shall not be included.

B. Awnings & Canopies. Awnings and canopies on the same lot and customarily incidental to the permitted uses shall conform to the following requirements:

1. Awnings or canopies may be no greater than thirty five (35%) percent of the principal building facade.

2. Size.
   a. Single User Structure. Entrance canopies that project a maximum of five (5') feet or less from single user structures (one to three users) and a maximum of eight (8') feet

   b. Multiple User Structure. Entrance canopies that project a maximum of eight (8') feet from multiple user structures (four or more users) and twelve (12') feet in width.

3. Support structures for awnings may not obstruct any driveway or parking lot aisle, or any other vehicular or pedestrian way.

4. Canopies or awnings must meet the setback requirements of the applicable zone.

5. They shall only be permitted to be attached to the principal structure on each street frontage.
6. Internal illumination of awnings and canopies shall be permitted.

C. Solar Energy.
1. General Requirements.
   a. The solar energy system shall provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind or solar energy system designed to meet the energy needs of the principal use.
   b. Ground-mounted solar systems shall not be considered impervious coverage.
   c. In accordance with §502.E, the installation of solar panels shall not create glare that is a nuisance or poses a danger to surrounding properties and the general public.
   d. Permits for solar energy systems shall receive preference Zoning Permit review.
2. Roof Mounted. Roof-mounted systems shall meet the following standards:
   a. Such system on the principal building shall not be more than three (3') feet higher than the finished roof to which it is mounted.
   b. In no instance shall any part of the system extend beyond the edge or pitch of the roof.
3. Ground Mounted. Ground-mounted systems shall meet the following standards:
   a. Such systems shall be not less than ten (10') feet from any side or rear property line.
   b. Solar energy systems are prohibited in front yards, and shall not be located past the front wall of the principal building.
   c. Height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed twelve (12') feet in height.
   d. No more than twenty (20%) percent of a lot may be covered with a solar energy system.
   e. The equipment shall be adequately screened from view of residential neighbors by appropriate low-level vegetative screening or solid fencing.

D. Telecommunication Towers or Antennae. Telecommunication towers or antennae for commercial purposes are permitted as an accessory use in the Institutional (IN), Highway Business (B2), Shopping Center Business (B3), Regional Business (B4), and Industrial (IR) zones, in accordance with the following requirements:
1. Bulk Requirements.
   a. The minimum lot size shall be two (2) acres.
   b. The maximum height of a telecommunication tower, excluding antenna(s), shall not exceed one hundred (100') feet from grade.
   c. There shall be no more than one communications tower or antenna in excess of fifty (50') feet in height per lot.
   d. Setbacks. The telecommunication tower and/or antenna(s) shall maintain the following minimum setbacks:
      a. A distance equal to 1.5 times the total height of the structure from all property boundaries of the site containing the telecommunication tower or antenna(s).
      b. A distance equal to double the total height of the structure from any contiguous property

boundary containing either a residential use or a residential zone.

2. Co-Location. Co-location shall be the preferred method for establishing new telecommunications facilities. Every effort shall be made to co-locate the proposed facility on existing telecommunications facilities or other similar facilities or alternative support structures.
   a. Any applicant requesting permission to install a new telecommunications tower shall provide evidence of written contact with all wireless service providers and other owners of the telecommunications towers within two (2) miles of the proposed facility.
   b. The applicant shall inquire in writing about potential co-location opportunities at all technically feasible locations.
   c. The contacted providers/owners shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s) shall be presented to the department as a means of demonstrating the need for a new tower. Supporting evidence of the need for a new tower may consist of any of the following conditions:
      i. No existing towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
      ii. Existing towers or alternative support structures are not of sufficient height to meet the applicant's engineering requirements.
      iii. Existing towers or alternative support structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.
      iv. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or alternative support structure, or the system on the existing tower or alternative support structure would cause electromagnetic interference with the applicant's proposed system.
      v. The fees, cost or contractual provisions required by the owner to share an existing tower or alternative support structure or to adapt an existing tower or alternative support structure for co-location are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry within the southern New Jersey/greater Philadelphia area or do not exceed the cost of new tower development.
      vi. The applicant demonstrates that there are other limiting factors that render existing towers or alternative support structures unsuitable.
   d. Telecommunications facility structures permitted under this Ordinance shall allow other users to lease space on the structure up to the maximum number of users allowed by permit. The owner/operator of the facility shall make space available at market rates and with contractual terms standard in the industry within the southern New Jersey/greater Philadelphia area. The owner/operator may refuse to lease space on the telecommunications facility structure if the proposed system would cause electromagnetic interference with the system(s) on the existing telecommunications facility structure, or the system(s) on the siting telecommunications facility structure would cause interference with the proposed system, subject to verification by the department.
   e. The response of the owner(s)/operators(s) of existing telecommunications facilities to requests for co-location will be considered during the review process. Unreasonable responses to requests for co-location shall be grounds for revocation of a conditional use permit.
   f. County and local government agencies shall have the right to reserve space upon any new tower or upon any tower being substantially modified. Reservation of the accommodation upon

the structure shall be acquired during the permit approval process through good faith negotiations with the applicant.

3. Design Requirements.
   a. New towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least three (3) additional users. Towers must also be designed to allow for future rearrangement of antennas on the tower and to accept antennas mounted at different heights.
   b. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer. All telecommunications towers, antennas and their support structures shall be designed to blend into the surrounding environment through the use of color camouflaging, architectural design, and other alternative design tower structures as well as by minimal disruption of existing vegetation. Materials used for the exterior of any structure shall be of a type, color and location so as to minimize glare and the impact on any scenic or historic areas, public vantage points or abutting properties.
   c. Lattice towers are discouraged. Monopole structures are encouraged.
   d. Camouflaged towers are encouraged, which is a telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors, screening and landscaping, and others.
   e. Stealth towers are encouraged, which is when the telecommunications is integrated as an architectural feature of a structure so that the purpose of the Facility for providing wireless services is not readily apparent to a casual observer. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples. Flagpoles shall be limited to three flagpoles.
4. Performance Standards.
   a. Security. All telecommunications facilities shall be reasonably protected against unauthorized access. A telecommunication tower shall be enclosed by a fence or masonry wall with locked access, a maximum of eight (8') feet in height, so as to deter any trespassing onto such. Barbed wire is not permitted.
   b. Signs. No sign of any kind shall be placed upon the antenna or telecommunication tower, with the exception of incidental signs indicating "warning", "no trespassing" or similar admonition. Such incidental sign shall be placed on the fence or wall enclosing the tower, which may be placed at the base of the structure. No part of the structure, and fixtures or instruments attached thereto, shall have any written copy, design, corporate logo, or the like, that could be construed as an advertisement, be painted, attached, or affixed onto such.
   c. Lighting. No lighting of the principal telecommunications facility structure shall be allowed unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
   d. Landscaping. A twenty-five (25') foot buffer shall be planted around the facility, except where accessed, in accordance with §508.F.
   e. Access Drive. Access shall be provided by a discreet access drive, not to exceed fifteen (15') feet in width, utilizing pervious material outlined in §505, with the exception of §505.3.
5. Site Plan. A site plan shall be required for the construction of a new telecommunications tower

and/or antennae or co-location of an additional antennae or equipment on an existing tower or structure. In addition to the requirements of Article VIII, the following shall be required, when applicable:

a. Map. A tabular and map inventory of all of the applicant's existing telecommunications facilities located within two (2) miles of the Township boundary.

b. FCC. Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.

c. FONSI. Two copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC), if applicable.

d. FAA. Two copies of the determination of no hazard from the Federal Aviation Administration (FAA), if applicable.

e. Photos. Photo simulations of the proposed facilities from points of interest or a "balloon test", if applicable.

f. Structural Analysis Report certifying the structural design of the tower and its ability to accommodate at least three (3) additional antennas, prepared by a New Jersey Licensed Professional Engineer (P.E.)

g. Proof of Liability Coverage. Cherry Hill Township shall be a certificate holder in this policy.

h. An alternatives analysis, prepared and signed by a radio frequency engineer, identifying all reasonable, technically feasible, alternative locations or facilities that could provide the proposed telecommunications service within two (2) miles of the proposed site. The analysis shall include:

   i. Propagation maps showing the existing and proposed signal of the carrier or service provider within at least two (2) miles of the Township. Propagation maps shall include areas served through roaming agreements with other service providers if applicable.

   ii. An explanation of the feasibility of co-locating the proposed telecommunication service on all existing facilities within a two (2) mile radius.

   iii. An explanation of the feasibility of locating the proposed telecommunication service on an alternative support structure within a two (2) mile radius.

   iv. An explanation of the rational for the site that was selected in view of the relative merits of any of the feasible alternatives.

j. Monitoring. The applicant shall monitor the telecommunications facility to ensure full compliance with *Federal Communication Commission (FCC)* regulations. A report shall be submitted to the department within one month of activation of the facility.

6. Removal. Telecommunications facilities shall be removed and their sites restored to their pre-construction state once they are no longer in use and not a functional part of providing telecommunications service, in accordance with the following:

   a. Removal and restoration of such facilities is the responsibility of the owner of the facility. The property owner shall be responsible for the removal and restoration of such facilities in the event that the owner of the facilities fails to complete the removal and restoration of the facilities.

   b. The telecommunications facility shall be removed when use of the facility has been discontinued or the facility is not used for its permitted purpose for twelve (12) consecutive months. Mere intent to continue use of the facility shall not constitute use. The applicant/owner shall

demonstrate through facility lease(s) or other similar instruments that the use will be continued without a lapse of more than twelve (12) consecutive months to constitute actual use. If the applicant cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.

c. The applicant or owner of the telecommunications facility shall provide a bond, irrevocable letter of credit or other suitable financial guarantee as determined by the applicable Board to ensure the removal of the facility and restoration of the site to its pre-construction state when use of the facility has been discontinued. The amount of financial guarantee shall be no less than $30,000 dollars. Cherry Hill Township shall be the certificate holder of the financial guarantee.

E. Utility Facilities. Distribution facilities for public utilities, local utilities and cable television companies shall be permitted in any zone, but shall not include utility yards for the storage of vehicles, equipment and supplies, nor for maintaining and extending distribution networks, power generation, or facilities requiring a *New Jersey Pollution Discharge Elimination System* permit (NJPDES), provided that:

1. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.
2. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.
3. Adequate enclosures of a wall or fencing and other safety devices must be provided as may be required. Enclosures, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the *New Jersey Board of Public Utility Commissioners* and the *National Electrical Code* in effect at the time of construction.
4. A landscape buffer, in accordance with §508.F, shall be provided and maintained around the utility complex.
5. All of the other area, yard, height, and building coverage requirements of the respective zone and any other applicable requirements of this Ordinance shall be met.

F. Temporary Construction Trailers. Temporary construction trailers at work sites shall be permitted in all zones for office use and the storage of equipment and supplies during active construction activities. The installation of such trailers shall conform to the following requirements:

1. No construction trailer shall be installed at a work site prior to the issuance of a construction permit.
2. All such construction trailers shall be removed within two (2) weeks from the work site upon the issuance of a temporary or permanent certificate of occupancy to which the use of the trailer relates.
3. No construction trailer shall remain at a work site where active construction activity has ceased for a period of more than ninety (90) days.
4. No construction trailer shall be located within twenty-five (25') feet of a lot line or right-of-way. Such trailers shall be temporarily screened from public view by a combination of opaque fencing and/or landscaping.
5. In the event that the development of a site or subdivision requires the use of more than four (4) temporary construction trailers, a site plan shall first be submitted and approved by the Planning Board indicating the location, access, and appropriate buffering from public view.

G. Portable Temporary Storage Units. Temporary portable storage units, commonly known as "PODs",

for non-disposable items shall be permitted as an accessory use in all zones. Such portable storage units are subject to the following limitations:

1. The placement of a portable temporary storage unit is permitted for temporary use by the occupant of the dwelling, with a proper Zoning Permit.
2. Shall not exceed a period of thirty (30) days or the time period for which there is an active building permit open on the property, not to exceed one hundred and ninety (190) days.
3. Only one (1) portable storage container shall be permitted on a lot
4. A portable storage container shall be placed on concrete, asphalt or other impervious surface, and not upon a lawn or yard.
5. No portable storage container shall be placed or located closer than ten (10') feet from any side or rear lot line.
6. If the container is located in the front driveway, it shall be no closer than ten (10') feet from the right-of-way, not obstructing any sidewalk or access.
7. PODs shall not be permitted in the street or right-of-way.

ARTICLE V
PERFORMANCE & DESIGN STANDARDS

SECTION 501. GENERAL REGULATIONS.

A. Deviations from Article V Standards & Guidelines. Deviations from the performance and design standards of Article V shall be considered as exceptions within the meaning of *N.J.S.A. 40:55D-51*; provided however, that any deviation from Article V that is within the enumerated categories of §401.B shall be considered as variances pursuant to *N.J.S.A. 40:55D-60a* and *-70*.

B. Relationship of Article VA to the Residential Site Improvement Standards (R.S.I.S.). This article shall apply to all development and applications for development within the Township of Cherry Hill to the extent that such standards are not pre-empted by the *Residential Site Improvement Standards* (*N.J.A.C. 5:21 et. seq.*).

C. Construal of Provisions. In this Article, the word "shall" is understood to be mandatory unless granted an exception by the Zoning or Planning Board pursuant to *N.J.S.A. 40:55D-51*. The word "should" means the standard is encouraged, but not mandatory.

SECTION 502. PERFORMANCE STANDARDS: ALL USES.

A. Air Quality. Any application for a proposed development that will generate substantial vehicular traffic or space heating emissions, including development involving one hundred (100) or more new dwelling units or more than three hundred (300) new parking spaces, shall include, in addition to the submission requirements of Article VIII, the following information relative to the impact of the proposed development on air quality:

1. A summary of ambient air quality in the vicinity of the facility, expressed in terms of levels of sulfur dioxide, particulate, and carbon monoxide concentrations, compared with all applicable ambient air quality standards. This data may be obtained from on-site monitoring or, upon approval of the New Jersey Department of Environmental Protection, Division of Environmental Quality, from the nearest New Jersey State monitoring site.
2. An analysis of the use of all existing and proposed access roads, including:
   a. Average Annual Daily Traffic (AADT), in vehicles per hour, for peak hours, for peak eight-hour periods, and for an average day.
   b. Traffic capacity, in vehicles per hour, calculated pursuant to the procedures set out in the *Highway Capacity Manual (HCM), 2010*, or superseding issue.
3. An estimate of traffic volumes to be generated by the proposed development, in vehicles per hour, for peak hours, and peak eight-hour periods at the time of completion of construction and ten (10) years after completion.
4. A description of parking facilities including:
   a. Locations,
   b. Number of parking spaces,
   c. Number of parking levels,
   d. Whether the parking area is to be open or covered.
5. An analysis of emissions from space heating, including:
   a. Type and amount of fuel used and pollution emission factors used to calculate emissions.
   b. The emission rates of sulfur dioxide, particulates, carbon monoxide, hydrocarbons, and oxides of nitrogen in tons per day averaged over the five-month heating season.
6. An analysis of motor vehicle emissions to be generated by the proposed development and, where appropriate, by growth induced by the proposed development based on the Annual Average Daily Traffic (A.A.D.T.) and space heating emissions expressed as tons per day of carbon monoxide, hydrocarbons, nitrogen oxide, sulfur dioxide, and particulates. The latest data available from the

United States Environmental Protection Agency's Publication AP-42, *Compilation of Air Pollution Emission Factors*, is to be used in order calculate emissions if a more definitive source is not available.

7. An analysis of the effect of carbon monoxide emissions on air quality, including anticipated carbon monoxide concentrations compared with ambient air quality standards and with concentrations in the absence of the proposed development at places of maximum concentrations and at critical locations. These locations include monitoring sites and sensitive receptors such as hospitals, schools, nursing homes, residences, and playgrounds. This analysis should be prepared pursuant to the procedures established in the United States Environmental Protection Agency publication, *Guidelines for Air Quality, Maintenance, Planning and Analysis, Volume 9: Evaluating Indirect Sources, Publication No. EPA-450/4-750-001 OAQPS No. 1.2-028*, or equivalent procedure.
8. An analysis of the availability of public transportation; including an analysis of the accessibility, including distance, safety, and convenience of route, by automobile and by other modes of transportation of the following facilities:
   a. Medical, including professional offices and hospitals,
   b. Recreational,
   c. Educational,
   d. Commercial, including retail and services,
   e. Places of employment (with 300 or more new parking spaces).

9. A description of measures taken in planning the proposed development that are intended to reduce Vehicle Miles Traveled (V.M.T.), including but not limited to those measures described in the United States Environmental Protection Agency publication, *Guidelines for Air Quality Maintenance, Planning and Analysis, Volume 3: Control Strategies (Chapter II, Section E) Publication No. EPA-450/4-74-003 (OAPQS No. 1.2-002)* and in *Section 108 (f)(i)(A) of the Clean Air Act Amendment of 1977, 42 U.S.C. Subsection 7410*.
10. A description of measures taken in planning the proposed development that are intended to reduce emissions from the completed development in accordance with the Soil Erosion and Sediment Control Act, *N.J.S.A. 4:24-39 et seq.* Applicable standards for dust control are available in the New Jersey Department of Agriculture publication, *Standards for Soil Erosion and Sediment Control in New Jersey*.
11. Information evidencing compliance with the provisions of the *New Jersey Administrative Code, Title 7, Chapter 27 (New Jersey Air Pollution Control Regulations)*, and *45 F.R. 52676* through *52748 (8-7-80) (Environmental Protection Agency Regulations for Prevention of Significant Deterioration)*.

B. <u>Emissions.</u> The following restrictions on emissions shall be met:

1. No smoke shall be emitted from any chimney or other designated source that is a visible gray greater than No. 1 on the Ringelmann Smoke Chart, as published by the U.S. Bureau of Mines. Smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any thirty (30) minute time period. These provisions, applicable to visible gray smoke, also shall apply to visible smoke of a different color, but with an equivalent apparent opacity.
2. No emission of dust, dirt, fly ash, fumes, vapors, and gases shall be made that can cause any damage to health, animals, vegetation, or other forms of property or that can cause any noticeable soiling at any point. No emission of liquid or solid particles from any chimney, or other permitted outlet, shall exceed 0.3 grains per cubic foot of the covering gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred degrees (500° F) Fahrenheit and fifty (50%) percent excess air.
3. Applications for development involving more than one hundred (100) parking spaces shall ensure that all state ambient air quality standards in *N.J.A.C. 7:27 et seq.* for carbon monoxide shall not

be exceeded at places of maximum concentration and at sensitive receptors.

C. Drainage. No stormwater and/or natural drainage that originates on the property or water generated by the use (e.g. air conditioners, swimming pools, etc.) shall be diverted across property lines, unless transported in an approved or existing drainage system.

D. Electronic Equipment. Electronic equipment, including all devices for transferring and receiving electronic signals, shall be shielded so that there is no interference with any radio or televisions reception beyond the operator's property or dwelling unit as a result of the operation of such equipment. All electric systems or electronic devices shall be subject to the provisions of *Public Law 90-602 90th Congress, HR 10790* (dated October 18, 1968) entitled, "*An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation*" and the BOCA Basic Building Code, as adopted by the State of New Jersey.

E. Glare. No use shall produce an illuminating light, reflection, or glare beyond the property lot lines of the light source, which cause a nuisance or pose a danger to the public. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light, or reflection will not become a nuisance to adjoining properties, adjoining units, districts, or streets.

F. Heat. No use shall produce heat perceptible beyond the property lot lines of the heat source. Furthermore, no use shall be permitted that could cause the temperature to change in any body of water, except any sewerage treatment plant that has received approval by the New Jersey Department of Environmental Protection (NJDEP).

G. Noise. Noise levels shall be designated and operated in accordance with local regulations and those rules established by the State of New Jersey, including the New Jersey Department of Environmental Protection, as they may be adopted and amended.

H. Odor. Odors shall not be discernable at the lot line or beyond. Any process that may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

I. Storage & Waste Disposal.

1. In non-residential zones, no article or material shall be kept, stored, or displayed outside the confines of a building, except where permitted elsewhere in this Ordinance, unless the same is so screened by a masonry wall, special buffer planting, berm arrangement, or combination thereof, as approved by the Planning Board, Zoning Board or designated authority, so that it is not visible from any adjacent property or public street. Any outdoor storage of flammable material that is permitted and properly screened, shall be at least twenty (20') feet from any property line or the minimum required accessory building setback, whichever is greater.
2. In all zones, where enclosures are required for the storage of waste and/or recyclables, the enclosure shall comply with §511.M 'Refuse/Recyclable Storage Areas'.
3. No materials or wastes shall be deposited upon a lot in such a form or manner that natural forces (such as precipitation, evaporation, or wind) can transfer them off the lot, directly or indirectly, or where they can contaminate or render undesirable an underground aquifer or destroy aquatic life. All materials or wastes that may create a pollutant or a hazard shall be enclosed in appropriate containers to eliminate such possibility. No flammable, combustible, or explosive substance shall be stored on a property, except under conditions approved by the Fire Official or Fire Subcode Official in accordance with the *New Jersey Uniform Fire Code*.
4. All development plans shall provide for a designated and sufficient area for the storage of recyclable materials as follows:
   a. Each application for residential development of fifty (50) or more single-family housing units or twenty-five (25) or more multi-residential housing units must include provisions for the collection, disposition, and recycling of recyclable materials. A single-family unit or a unit within a multi-residential dwelling should provide at least twelve (12) square feet of floor area for a four (4) week accumulation of such materials. This area may be within a hidden laundry room, basement,

or garage.

b. Each application for a non-residential use that utilizes one thousand (1,000) square feet or more of land shall include provisions for the collection, disposition, and recycling of recyclable materials. Each application shall quantify the amount of recyclable material it will generate as part of its weekly generation, including newspapers, leaves, white high-grade paper, glass bottles and jars, aluminum, corrugated cardboard, and tin and bimetal cans. The application shall provide a storage area to contain a week's accumulation of recyclable material.

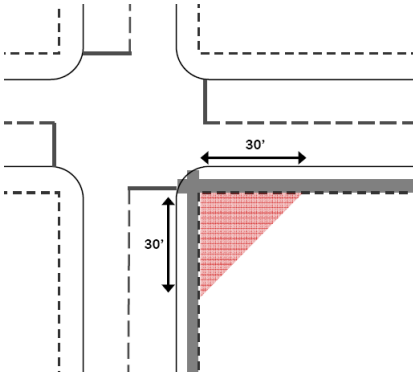
c. The storage area of recyclable materials shall be designed for truck access to pick-up materials. The area must be suitably screened from view if located outside a building.

J. Toxic & Radioactive Substances. There shall be no toxic or radioactive substances associated with any use in the Township.

K. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines at least ten (10') feet or equipped with baffles to deflect the discharged air away from the adjacent use. Air conditioners, vents, and similar systems infrastructure that is located on rooftops shall be screened from view.

L. Vibration. There shall be no vibration which is discernible to the human senses or which is at low or high frequencies capable of causing discomfort or damage to life or property.

M. Visibility. On the corner lot or any point of entry on a public road, nothing shall be erected, placed, planted, or allowed to grow in such a manner that obstructs the vision above the height of three (3') feet and below eight (8') feet, measured from the intersection of the right-of-way lines thirty (30') feet along the lot lines.



N. Exterior Displays. Business establishments shall not display goods for sale purposes or coin-operated vending machines of any type beyond three (3') feet of the structure in which such business activity is carried on except for a temporary period not to exceed thirty (30) days in any one year, with proper approvals. Any such display shall not be greater than fifty (50%) percent of the primary building frontage occupied by such business displaying merchandise.

SECTION 503. BLOCK/LOTS & MONUMENTATION.

A. Blocks. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

B. Lots.

1. Lot dimensions and areas shall not be less than those listed in the requirements of Article IV.
2. In so far as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
3. Each lot shall abut a street. Prior to the issuance of a permit for the erection of any building or structure, said street shall meet the minimum standards as enumerated in §512 of the Zoning Ordinance. Where extra width has been, or will be, dedicated for widening of existing streets, yard requirements shall be measured from the dedicated right-of-way or easement.
4. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil conditions, rock formations, flood conditions, or similar circumstances; the Planning or Zoning Board professionals, or the Administrative Officer may, after adequate investigation, withhold approval of such lots or require remedial action before approval.
5. No single-family residential dwelling shall be permitted to front on the controlled access highways of Interstate 295 and the New Jersey Turnpike and the state roadways of Route 38 and 70.

C. Monuments.
   1. Concrete monuments and property corner markers shall be placed in accordance with the New Jersey Map Filing Law.
   2. A permanent benchmark shall be provided on all subdivision plans, referenced to N.A.D. or N.G.V.D. datum. The permanent benchmark is to be provided on a fixed monument or other structure approved by the Planning or Zoning Board Engineer, and in no case shall be set on a structure that may be adjusted (i.e., manhole and inlet frames, curbs, and similar).

D. Easements & Restricted Covenants.
   1. All easements, deed restrictions, or other encumbrances on the property shall be shown or listed on the survey and subdivision plans, referencing a recent title search.
   2. All easements shall be recorded by deed or declaration, regardless of being depicted on a property map.
   3. When directed by the Administrative Officer, or Planning or Zoning Board, a point-of-sale disclosure that meets the condition of the Administrative Officer or applicable Board shall be presented to the buyer prior to the execution of the agreement of sale.
   4. Land use restrictions shall be required, as applicable, when a proposed development includes one or more of the restrictions contained herein.
      a. Drainage Easements. Within required drainage easements, no regrading or the installation of structures, fences, trees and shrubs shall be allowed unless otherwise permitted.
      b. Conservation Easements. Conservation easements for wetlands, wetlands transition buffer, flood plain or flood plain buffer shall remain in their natural, undisturbed state within which no regrading or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings.
      c. Clear Sight Easements. Areas designated as clear sight triangles shall remain free of visual obstructions in accordance with §502.M with the exception of street and traffic control signs, traffic control boxes, fire hydrants, lighting poles and emergency service infrastructure.
      d. Utility Easements. Easements for public and local utilities shall conform to any requirements of the appropriate utility company or authority.
      e. Cross-Access Easements. Cross-access easements shall permit pedestrians and motorists to travel between adjacent lots without the necessity for traveling on the public right-of-way, provided that vehicular cross access is intended for convenience in traveling between lots and not as a substitute for utilizing public streets during routine travel.
      f. Other Land Use Restrictions. Restrictions or easements of other governmental agencies with jurisdiction of the application for development shall conform to any requirements of the applicable Board.
   5. Land use restrictions shall be recorded with the Camden County Recording Officer as deeds of easements or shall be placed on final plats for such recording, as appropriate.

SECTION 504. BUILDING & SITE DESIGN GUIDELINES.

A. Building placement and design shall be fitted to the natural contours of the site.
B. Buildings, particularly those on wooded or steeply sloped land, shall be carefully sited to take advantage of aesthetic features and views, refrain from infringing on critical areas, and retain woodland and specimen trees. Steeply sloped being land in excess of fifteen percent (15%) slope, or grade, of land.
C. Where a site encompasses both level and sloped areas, parking should be located on the level portion

of the site and buildings on the sloped portion.

D. Building orientation should, within the limits of practicability and feasibility, be oriented along an east west axis, with maximum deviations of 30° from true east.

E. Buildings should be compatible with neighboring areas through attention paid in the architectural design process to scale, size, style, placement of doors and windows, its form, color, and exterior materials. Incompatible styles, where proposed, should be physically separated from other buildings or screened through a combination of landscaping or fencing. Buildings shall be located in such a manner as to reduce adverse impacts from shadows, changing climatic conditions, noise, and glare on outdoor living spaces and shall ensure safety and privacy.

F. The primary entrance to a building should be accessed directly from a public street with secondary access oriented towards parking lots.

G. All rooftop mechanical and electrical equipment, including elevator penthouses, shall be screened from view at ground level by a parapet wall, within the roof structure itself, or properly screened.

SECTION 505. DRIVEWAYS, RESIDENTIAL.

A. Material. Driveways in residential developments are encouraged to be constructed of materials that will permit surface water to pass through the surface, resulting in minimal run-off to abutting streets, sidewalks, swales, and ditches. The following types of material for residential driveways are permitted:

1. Crushed Stone. A gravel driveway shall consist of a minimum six (6") inches layer of compacted crushed stone with appropriate filter fabric underneath with sufficient edging to prevent spillover.

2. Pavers. Specially designed concrete paver blocks with gaps that are filled with stone/sand to allow water to infiltrate into the soil. (Note that the paver units do not need to be permeable, only the gaps between the paver units).

3. Concrete Pavement. A two-inch (2") FABC Mix I-5 surface course on a six (6") inch quarry blend stone base, or four-inch (4") thick NJDOT Class B concrete course with No. 9 reinforcement wire or equivalent on a stabilized subbase, or six (6") inch thick NJDOT Class B concrete on a stabilized subbase.

4. Porous Pavement. Asphalt Pavement/Popcorn mix is produced with a high percentage of air voids (15-20%) that allows water to pass rapidly through the pavement.

5. Geo-Cellular (GeoWeb). Perforated slats fused together to form a honeycomb like pattern. Typically used for roadways built on weak soil, but a thinner version can be used for driveways and walkways.

6. Concrete Grid Modular Units. These are concrete modular units with varying grid patterns. The gaps in the grid pattern allow for infiltration. The openings in the grid patterns can be filled with a sand/soil mixture and then seeded or filled with stone.

7. Asphalt. Hot mix asphalt with a minimum of two-inch (2") thick FABC Mix I-5 surface course on a four-inch (4") dense graded aggregate (DGA) subbase.

B. Aprons. All driveway aprons and adjacent sidewalk areas shall be poured concrete, per the standards of §505.4.

C. Location. The location of residential driveways shall conform to the following requirements:

1. Only one driveway shall be permitted per single-family dwelling.
2. Driveways shall not be located in any easements.
3. Driveways shall be a minimum of three (3') feet from any side and rear property line.
4. On corner lots, driveways shall be installed on the street having the lowest classification and be no closer than thirty (30') feet to the intersection of the right-of-way lines.

D. Driveways shall be of sufficient length and width to accommodate the parking requirements of the *New Jersey Residential Site Improvement Standards* (R.S.I.S.).
E. Driveways shall not occupy more than forty (40%) percent of the area within the front yard.
F. Shared driveways between two lots are permitted, provided applicable cross easements are provided. Shared driveways shall be exempt from the three (3') feet setback requirement of §505.C.3.

SECTION 506. FENCES, HEDGES & WALLS.

A. Location & Height Requirements.
   1. Single-Family Residential Zones. Any fence, hedge, or wall enclosing a single-family residential zoned property shall conform to the following, per yard definitions in Article II, §202:
      a. They shall not exceed six (6') feet in height from grade level in the rear and side yards.
      b. They shall not exceed three (3') feet in height from grade level in the front yard, which shall be considered the following that is furthest from the street right-of-way:
         i. the front-most façade of the existing house; or
         ii. a minimum of twenty-five (25') feet.
      c. Corner Lots. Per §401.H.1, residential corner lots shall be considered to have a primary front yard and a secondary front yard, one side yard, and one rear yard. Both front yards shall adhere to the requirements of §506.A.1.b.
      d. Exceptions. The following exceptions shall apply to requirements of §506.A.1:
         i. Posts. The posts of fences in the front yard may be a height of three and a half (3 ½") feet or less.
         ii. Recreational Uses. Enclosures of permitted recreational uses, except pools, may have a fence a maximum of twelve (12') feet in height if the fence is within the building setback requirements.
      e. Swimming Pools. Private residential swimming pools must be enclosed with a fence that is a minimum height of four (4') feet with self-locking gates that open out or located at the top of the pool, in accordance with the Uniform Construction Code (UCC) and §410.G.
   2. Multi-Residential & Non-Residential Zones. Any fence, hedge, or wall enclosing a multi-residential and non-residential-zoned property shall conform to the following, per yard definitions in Article II, §202:
      a. Fences shall not exceed eight (8') feet in height from grade level in the rear and side yards.
      b. Fences shall not exceed six (6') feet in height from grade level in the front yard.

B. Reverse Frontage. On properties where reverse frontage situation is identified and/or mandated by subdivision or site plan approval, fences along this frontage shall adhere to the following:
   1. A maximum height of six (6') feet in permitted.
   2. The setback of such fence from the roadway shall be one of the following, whichever is furthest away from the right-of-way:
      a. An approved shade tree or landscape easement line closest to the structure, or
      b. The rear property line of the adjacent lot, or
      c. A minimum of ten (10') feet from the street curb.
   3. A landscape buffer, per §508.F, is provided between the fence line and street curb.
   4. A gate shall be provided along such fence to provide access for maintenance of the landscape buffer by the property owner.
   5. Said fence shall adhere to all other requirements in §506.

C. Finished Side. The finished side of all fencing shall face outward.

D. Clear Sight Distance. In no case shall a fence, hedge, or wall be permitted, unless the Zoning Officer determines that such fence, hedge, or wall does not impair necessary visibility for safe traffic movement, in accordance with §502.M.

E. Installation within Property Lines; Encroachment. All fences, hedges, walls and/or shrubbery shall be installed up to the property lines. No fence or wall shall be installed so as to disturb underground utilities, impede the natural flow of water in any stream, swale, ditch, or other waterway, or encroach upon a public right-of-way or recorded easement, unless, in the discretion of the Zoning Officer, such encroachment will not defeat or interfere with the purpose of the easement and an appropriate release and waiver is presented as part of the application. The applicant shall be required, as part of the application to:
   1. Secure the signed consent of the neighboring property owner that the encroachment into the easement is not objected to.
   2. Sign a release acknowledging that if the fence, hedge, wall, etc. does defeat or interfere with the easement, that the applicant agrees to remove it, and
   3. Hold the Township free and harmless from liability.
   4. Allow a minimum of three (3") inches above grade to allow the natural flow of surface water onto adjoining or adjacent property and/or easement. Additional clearance may be required contingent on the drainage and swale conditions of the specific site, as determined by the Township Engineer.

F. Retaining Walls. These restrictions shall not apply to the installation of a wall for the purpose of retaining earth.

G. Prohibited Types. No fence or wall shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner that may be dangerous to persons or animals.

H. Maintenance. All fences, hedges, walls and/or shrubbery shall be maintained in a safe, sound and upright condition, in accordance with the Township Property Maintenance Code.

SECTION 507. GRADING.

A. Intent. The intent of this ordinance is to ensure property in the Township is graded in a proper manner and stormwater is managed in compliance with §516.

B. Application. In accordance with *Township Code Chapter 13.1* (Ordinance *80-49, 80-50*), a Grading Permit is required for all new home grading and earthwork operations on residential lots that result in a land disturbance of five hundred (500) square feet or more.

C. Requirements. Detailed grading plans, as required by the *Cherry Hill Standard Checklist for Grading Plan Review* (revised in 2010 or more recent).

SECTION 508. LANDSCAPING & BUFFERING.

A. Intent. Landscaping shall be provided, conforming to the specifications established herein, in order to preserve the natural character of the Township and enhance the aesthetics of development for the benefit of present and future residents. Plantings and landscaping provide multiple benefits including flood control, groundwater recharge, soil nutrients, air purifiers, assist with energy efficiency, noise abatement, increase property value, reduce traffic speeds, provide habitats, and improve the health, welfare, and quality of life in the Township.

B. Applicability. Landscaping and buffering shall be required for the following:
   1. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and

annuals singly or in common as well as other inanimate materials such as water, sculpture, art, walls, fences and paving materials.

2. A landscape design shall be provided as part of site plan and subdivision submissions with the exception of minor subdivision plans, in accordance with Article VIII. All applications for major and minor site plan and major subdivision plan approval shall comply with the minimum standards as set forth in this section. The applicable Board may require additional landscaping to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.

C. Landscape Design Guidelines.

1. Landscaping shall be conceived holistically and be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building proposed.

2. Landscaping provided as part of any development plan should provide for a variety and mixture of plantings that blends in with the existing landscape character avoiding linear and repetitive installations of trees and shrubs with an emphasis on native plant species.

3. Plant's susceptibility to disease, their colors, textures, shapes, blossoms, and foliage characteristics shall be considered in the overall design of a landscape plan.

4. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.

5. Local soil conditions and water availability shall be considered in the choice of landscaping.

6. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.

D. Preservation. Existing vegetation on-site should be preserved during the design, planning, and construction of any development.

1. Protection of Existing Trees. The following procedures shall be observed in order to protect retained plantings and trees:

   a. Prior to any grubbing or clearing, all trees to be retained within twenty-five (25') feet of proposed improvements should be protected from equipment damage by enclosing the drip line of the trees with sections of snow fence. Groups of trees may be protected by fencing the drip lines of the entire tree mass to be retained.

   b. Heavy equipment is not permitted within the drip line of trees to be protected. Feeder roots should not be cut within the drip line.

   c. Neither impervious cover, nor concrete washouts, storage of equipment, materials debris or fill shall be permitted within the drip line of any existing tree to be retained.

   d. If excavation is necessary in areas where trees are to be retained, trenches should be no closer to the trunk than half the distance from the drip line. The trench should be backfilled a soon as possible, avoiding compaction.

   e. During construction cleanup, all debris must be hauled away. Fences and barriers around trees should be the last thing to be removed from the site.

f. All soil erosion and vegetation protection shall conform with the standards of the Camden County Soil Conservation.

2. Removal. The removal of trees having a diameter breast height (D.B.H.) of eight (8") inches or greater in diameter as measured four (4') feet above ground is not permitted outside of fifteen (15') feet of improvements, which includes any such buildings or structures, driveway, sidewalks, septic facilities and similar accessory facilities. The protection of the greatest number of trees within the fifteen (15') foot disturbance area is encouraged.

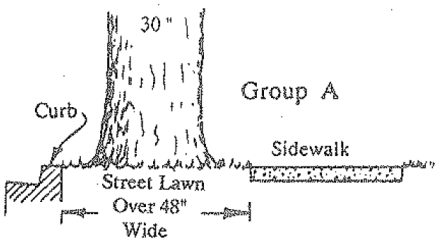
3. Replacement Trees. Replacement tree(s), conforming to §508.H.1, for every tree outside the fifteen (15') foot disturbance area per §508.D.2, shall be required elsewhere on the subject site for each tree removed.

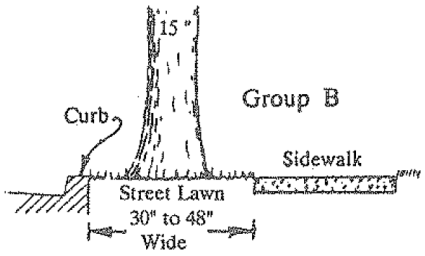
4. Prohibited Removal. Trees are not permitted to be removed in the following areas:
   a. Stream Buffer
   b. Residential Buffer
   c. Wetlands or wetlands buffer, subject to NJDEP approval.
   d. Steep Slopes, as defined in Article II, §202

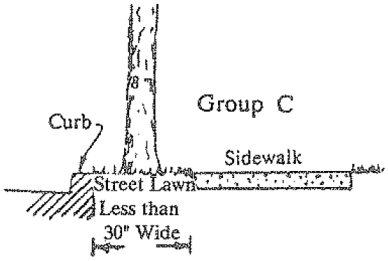
E. Street Trees. Street trees are generally defined as trees located on land along streets, located in the right-of-way, or similar public way. Street trees provide a variety of benefits including enhanced economic value, reduced traffic speeds and pedestrian safety, energy savings, and aesthetic benefits. The planting of street trees shall conform to the following:

1. Location. Street trees shall be installed on all adjacent streets, in accordance with an approved landscape plan. Trees shall be spaced evenly along the street in the planting strip, which is between the curb and sidewalk. The appropriate group of tree shall be utilized, contingent on the width of the planting strip, in accordance with below.

2. Species. Street trees species shall be contingent upon the size of the planting strip, outlined in Tables 5.1, 5.2 and 5.3 below, except for those existing, preserved, or transplanted. Alternate







selections
may be approved at the discretion of the Board.

   a. Street tree size shall be at least ten (10') feet in height, balled and burlapped, when planted, and have a minimum caliper of two-and-one-half (2½") inches.

   b. To prevent the total loss of sections of trees by disease or insect infestation, a variety of trees shall be used in each street tree planting. This does not preclude the use of a singular species of tree to create a strong design statement. In general, no more than five (5) trees in a row or cluster should be of the same species.

   c. When overhead wires are present, only Group C species trees shall be utilized.

TABLE 5.1. GROUP A (Large)

over 4' wide planting strip	
Ash, Autumn Purple	Fraxinus americana Autumn Purple
Ash, Greenspire Upright American	Fraxinus americana Greenspire
Ash, Newport	Fraxinus pennsylvanica Newport
Ash, Patmore	Fraxinus pennsylvanica Patmore
Ash, Rosehill	Fraxinus americana Rosehill
Ash, Summit	Fraxinus pennsylvanica Summit
Coffeetree, Kentucky	Gymnocladus dioicus
Cucumber Tree	Magnolia acuminata
Elm, Delaware American	Ulmus americana Delaware
Elm, Groenveldt	Ulmus hollandica Groenveldt
Ginkgo, Magyar Upright	Ginkgo biloba Magyar
Ginkgo, Princeton Sentry	Ginkgo biloba Princeton Sentry
Hackberry	Celtis occidentalis
Honeylocust, Continental	Gleditsia tricanthos inermis Continental
Honeylocust, Shademaster Thornless	Gleditsia tricanthos inerrnis Shademaster
Honeylocust, Skyline	Gleditsia tricanthos inermis Skyline
Katsura Tree	Cercidiphyllum japonicum
Linden, Crimean	Tilia euchlora
Linden, Greenspire Littleleaf	Tilia cordata Greenspire
Linden, Green Mountain Silver	Tilia tomentosa Green Mountain
Linden, Redmond	Tilia americana Redmond
Locust, Sunburst	Gleditsia tricanthos inermis Sunburst
Maple, Planetree	Acer pseudoplatanus
Maple, Red	Acer rubrum
Maple, Armstrong Red	Acer rubrum col. Armstrong
Maple, Bowhall Red	Acer rubrum col. Bowhall
Maple, October Glory Red	Acer rubrum October Glory
Maple, Red Sunset Red	Acer rubruni Red Sunset
Maple, Sugar	Acer saccharum
Map1e Bonfire Sugar	Acer saccbarum Bonfire
Maple, Columnare Sugar	Acer saccharum columnare
Maple, Green Mountain Sugar	Acer saccbarum Green Mountain
Maple, Goldspire Sugar	Acer saccharum columnare Goldspire
Maple, Sentry Sugar	Acer saccharum Monumentale
Oak, Northern Red	Quercus borealis
Oak, Pyramidal English	Quercus robur fastigiata
Oak, Sawtooth	Quercus acutissima
Oak, Scarlet	Quercus coccinea
Oak, Shingle	Quercus inbricaria
Oak, White	Quercus alba
Oak, Willow	Quercus phellos
Plane Tree, Bloodgood London	Platanus acerifolia Bloodgood
Rubber Tree, Hardy	Eucomrnia ulinoides
Scholartree, Princeton Upright	Sophora japonica Princeton Upright
Scholartree, Regent	Sophora japonica Regent
Sourgum or Black Tupelo	Nyssa sylvat lea
Sweetgum	Liquidambar styraciflua
Tuliptree	Liriodendron tuilpifera

Zelkova, Green Vase	Zelkova serrata Green Vase
Zelkova, Village Green	Zelkova serrata Village Green

TABLE 5.2. GROUP B (Medium)	
2½' (30") to 4' wide planting strip	
Ash, Columnar Oakleaf Mountain	Sorbus thuringiaca fastigiata
Ash, Korean Mountain	Sorbus alnifolia
Birch, Asian White	Betula platyphylla japonica
Birch, Cutleaf Weeping White	Betula alba laciniata
Birch, Pyramidal European	Betula alba fastigiata
Birch, River	Betula nigra
Chokecherry, Amur	Prunus maackii
Cherry, Autumn flowering	Prunus subhirtella Autumnalis
Cherry, Columar Sargent	Prunus sargenti columnaris
Cherry, Kwanzan	Prunus serrulata Kwanzan
Cherry, Yoshino	Prunus yedoensis
Corktree, Amur	Phellodendron amurense
Holly, American	flex opaca
Hophornbeam, American	Ostrya virginiana
Hornbeam, Pyramidal European	Carpinus betulus fastigiata
Pear, Bradford Callery	Pyrus calleryana Bradford
Pear, Capitol	Pyrus cafleryana Capitol
Pear, Redspire	Pyrus calleryana Redspire
Pear, Whitehouse	Pyrus calleryana Whitehouse
Turkish Filbert	Corylus colurna
Yellowwood	Cladrastis kentukea

TABLE 5.3. GROUP C (Small)	
less than 30" wide planting strip	
Cherry, Accolade Flowering	Prunus accolade
Cherry, Amanogawa	Prunus serrulata Amanogawa
Cherry, Cornelian	Cornus mas
Crab, Tea	Malus theifera (hupehensis)
Crabapple, Columnar Siberia	Malus baccata columnaris
Crabapple, Van Eseltine	Malus Van Eseltine
Golden Rain Tree	Koelreuteria paniculata
Hawthorn, Crimson Cloud	Crataegus oxyacantha Superba
Hawthorn, Lavalle	Crataegus Lavallei
Hawthorn, Washington	Crataegus cordata Tree Form
Hawthorn, Winter King	Crataegus viridis Winter King
Ivory Silk Tree Lilac	Syringa amurensis japonica Ivory Silk
Japanese Tree Lilac	Syringa amurensis japonica
Maple, Amur	Acer ginnala Flame
Maple, Hedge	Acer campestre
Maple, Japanese	Acer palmatum
Plum, Newport Purpleleaf	Prunus cerasifera Newport
Redbud, American	Cercis canadensis
Shadblow, Cumulus	Amelanchier x grandiflora Cumulus

Shadblow, Pink	Amelanchier x grandiflora Robin Hill Pink
Silverbell, Carolina	Halesia carolina
Sourwood	Oxydendrum arboreum

3. Spacing. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size. Large trees should be spaced forty (40') feet on center. Medium and small trees should be spaced at thirty (30') feet on center (o.c.). Distance between trees shall be measured from the tree trunk caliper, being six (6") inches from the ground. Trees may be planted closer together in order to ensure a clear sight triangle, in conformance with §502.M.

Size Group	Planting Distance
Group A (Large)	40' o.c.
Group B (Medium)	30' o.c.
Group C (Small)	30' o.c.

4. Street tree installation on county roadways require Camden County Planning Board approval. Street tree installation on state roadways require New Jersey Department of Transportation (NJDOT) approval.

F. Buffer. In order to promote a desirable visual environment and maintain the development character, and quality of the Township, a natural or planted buffer shall be installed in conformance with the following:

1. Location. Buffers shall be required along any property line of non-residential development where said property line is contiguous to, or across the street from, land that is either zoned for residential use or upon which is located a residential use. A buffer shall also be installed along property lines between any parking lot or driveway servicing multi-residential, townhouse, or similar units and single-family.
2. No structure, stormwater management facility, activity, storage of materials or parking of vehicles shall be permitted within a buffer area.
3. Width. The buffer area shall be a minimum of twenty-five (25') feet in width.
4. Density. The density of plantings of the buffer shall be planted to provide an effective screen throughout the year. The following minimum number of required plantings shall be required:
   a. Group A (Large) Shade Trees: 3 trees/100 lineal feet
   b. Group B & C (Medium) Shade Trees: 3 trees/100 lineal feet
   c. Evergreens Trees: 15 trees/100 lineal feet
   d. Shrubs: 25 shrubs/100 lineal feet
5. Buffer strip landscaping species and minimum size requirements shall conform to §508.F.
6. Existing vegetation may substitute for all or part of the required buffer plantings and may be accepted in lieu of new plantings at the discretion of the Board.
7. Design.
   a. Buffer areas shall be planted and maintain a solid and continuous landscaping screen with a variety of evergreen and deciduous trees, shrubbery, grass, ground cover, berms, natural features, as well as fencing.
   b. Within the buffer area a screen shall be provided which consists of both high level and low level plant material, of sufficient mass to initially provide an effective year round visual screen to a height of not less than six (6') feet at the time of installation.
   c. This screen shall be planted in a free form fashion to avoid the appearance of a straight line or "wall" of plant material.
8. Fence. A board-on-board, vinyl, or similar ornamental fence in conformance with §506 shall be

installed along the property line, in addition to the vegetative buffer.

9. Reverse Frontage. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required yard area.
10. Buffers shall be continuous except for access drives as approved by the Board.
11. In accordance with the Township Property Maintenance Ordinance, the entire buffer strip area shall be attractively maintained and kept clean of all debris and rubbish.

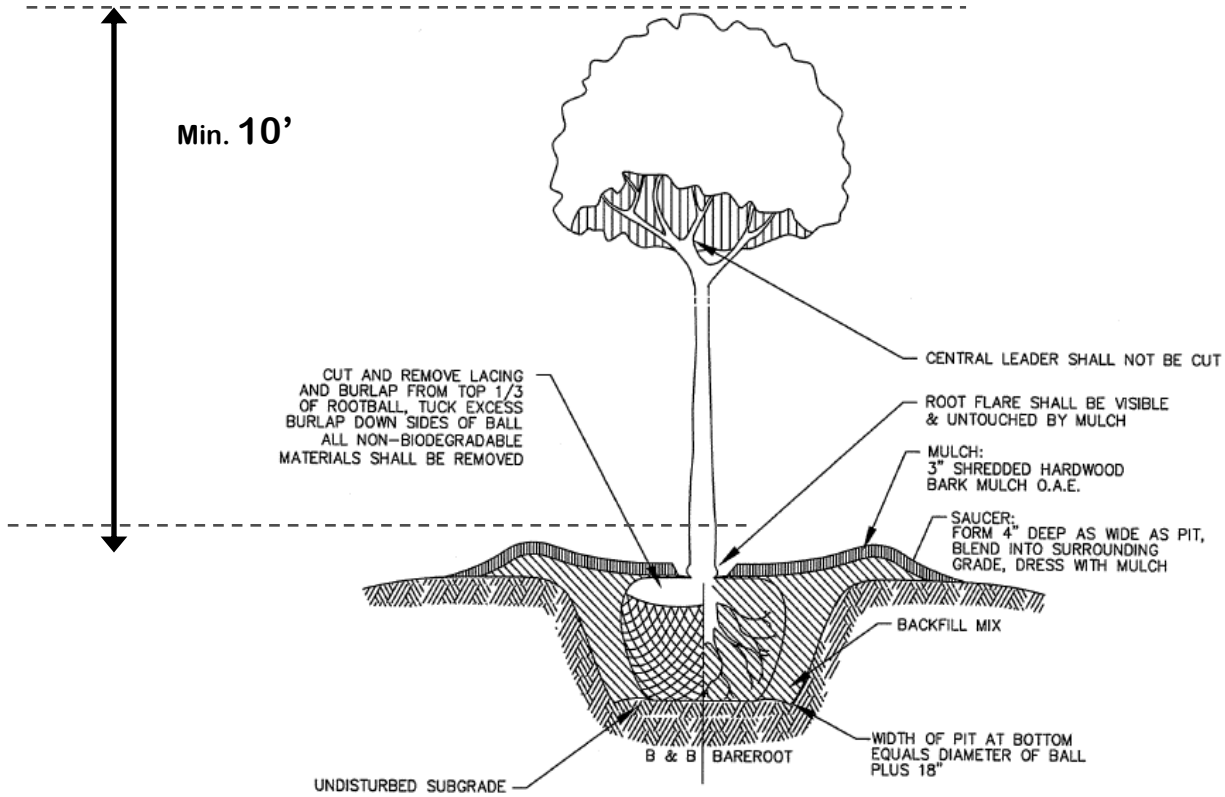
G. Off-Street Parking & Loading Areas. The objectives of the landscape architectural treatment of all parking areas shall be to provide for safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to provide for screening from public right-of-way and buildings, to reduce the overall visual impact of parking lots, and to provide shade, mitigate solar radiation and reduce heat island effects. All non-residential parking lots and residential parking lots in excess of five (5) spaces shall conform to the following requirements:

1. Each off-street parking area shall have interior islands with a minimum area equivalent to one parking space per every ten (10) spaces.
2. The following minimum number of required plantings shall be required, per parking space area:
   a. Shade Trees (Group A, B & C): 1 tree/parking space area
   b. Shrubs: 3 shrubs/parking space area
   c. Groundcover: Groundcover shall be utilized in place of mulch for a minimum of forty (40%) percent of the parking island area, when at full growth.
3. Landscaping island planting species and minimum size requirements shall conform to §508.H.
4. Landscaping shall be installed at grade with the top of curb or lower, to prevent overmulching around the base of a tree.
5. For planting islands that are perpendicular to spaces, islands should be a minimum of ten (10') feet wide, to allow for overhang of parked cars and sufficient soil volume for proper shade tree growth. If parking is only on one side of the island, a ten (10') foot width is still required.
6. One perpendicular median landscaped island shall be provided for every three parking bays.
7. For planting islands that are parallel to spaces, islands should be a minimum of nine (9') feet wide, to allow doors to open and provide sufficient soil volume for shade trees planted in the island.
8. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis.
9. When sidewalks are incorporated, the median island is to be twelve (12') feet in width.
10. No more than twenty (20) parking spaces shall be placed in one row of parking without an intervening landscape island.
11. All islands are to be protected with concrete or Belgium block curbing.
12. The curb radius for all parking islands shall not exceed fifteen (15') feet.
13. Loading & Parking Screen.
    a. All off-street loading and parking areas shall be sufficiently screened to obscure the view of the loading vehicles and platforms, shield headlights and lighting, and other effects from any public street or adjacent uses throughout the year.
    b. Visual screening is required to buffer all trash enclosures, above-ground utilities, propane tanks and other similar structures, as identified by the applicable Board or Zoning Officer.
    c. All off-street loading and parking shall be screened by a combination of trees, shrubs, evergreens, hedges, berms, fences, walls or extension of buildings, in accordance with §508.G.
14. Landscape Berms. Where utilized, berms shall be a minimum of three (3") feet high above grade, with slopes not to exceed thirty-three (33%) percent (3:1) and planted with ground cover and shrubs.
15. Parking lot lighting should be located within landscape islands, in accordance with §509.

H. Site Development. A diverse mixture of various shrubs, groundcover, ornamental trees, and shade and evergreen trees shall be planted within a site. These quantities are exclusive of plants that are required for stormwater plantings pursuant to §516.G, buffers pursuant to §508.F, street trees pursuant to §508.E, off-street parking islands pursuant to §508.G, and replacement trees pursuant to §508.D.3. The following plantings shall be required as part of site plan and/or major subdivision development:

1. Shade Trees.
   a. Requirement. A minimum of one (1) shade tree shall be planted for every 2,000 square feet of open space.

   b. Permitted Species. Permitted shade tree species are outlined in §508.E.2. Alternate selections may be approved at the discretion of the Board.



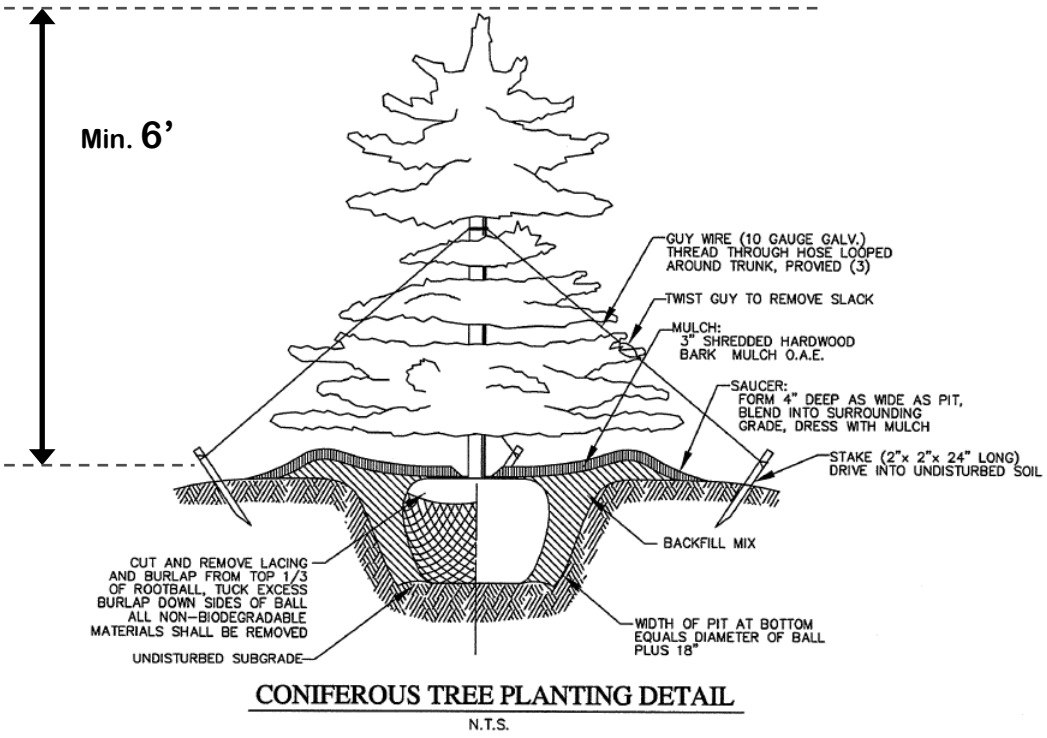
2.5 - 3" CALIPER DECIUOUS TREE PLANTING DETAIL
N.T.S.

   c. Size. Shade trees, except for those existing, preserved, or transplanted, shall be at least ten (10') feet in height, balled and burlapped, when planted, and have a minimum caliper of two-and-one-half (2½") inches.

   d. Location. Shade trees should be specifically planted within ten (10') feet of parking lot perimeter, along the southern exposure of structures to utilize passive solar design and radiation, and along storefronts.

2. Evergreen Trees.
   a. Requirement. A minimum of one (1) evergreen tree shall be planted for every 4,000 square feet of open space.

b. Permitted Species. Permitted evergreen species include American Holly (Ilex opaca), Colorado Spruce (Picea pungens), Douglas Fir (Pseudotsuga taxifolia), Eastern Red Cedar (Juniperus virginiana), Japanese Black Pine (Pinus thunbergi), Nellie R. Stevens Holly (Ilex x 'Nellie R. Stevens'), Norway Spruce (Picea abies), Siberian Spruce (Picea omorika), Weeping Alaskan Cedar (Chamaecyparis nootkatensis 'pendula') and White Fir (Abies concolor),. Alternate selections may be approved at the discretion of the Board.



CONIFEROUS TREE PLANTING DETAIL

N.T.S.

c. Size. Evergreen trees, except for those existing, preserved, or transplanted, shall be a minimum of six (6') feet in height.

d. Location. Evergreen trees should be planted along the northern exposure of structures to shield from winter northerly winds, around trash facilities and large ground-mounted infrastructure, as well as individually for accent and in groups to add structure and mass to the landscape.

3. Shrubs.

a. Requirement. A minimum of thirty (30%) percent of the open space shall be planted with shrubs.

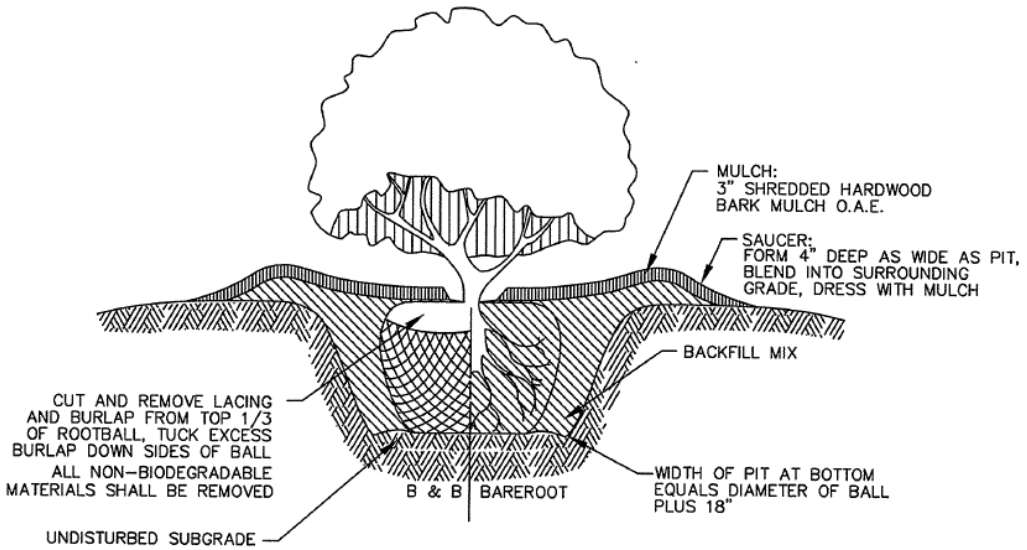
b. Permitted Species. Permitted shrub species include Alleghany Serviceberry (Amelanchier laevis), Brilliant Chokeberry (Aronia arbutifolia brilliantissima), Cherry Laurel (Prunus laurocerasus 'Otto Luyken'), Summersweet (Clethra alnifolia & varieties), Coast Leucothoe (Leucothoe axillaris), Common Lilac (syringa vulgaris), Crape Myrtle (Lagerstroemia indica), Dogwood (cornus varieties), Flowering Quince (Chaenomeles japonica), Fragrant Abelia (Abelia grandiflora), Gold Mop Japanese Falsecypress (Chamaecyparis pisifera 'Filifera Aurea'), Highbush Blueberry (vaccinium corymbosum), Inkberry (Ilex glabra), Japanese Andromeda (Pieris japonica), Japanese Barberry (Berberis thunbergii), Mountain Laurel (kalmia latifolia), Northern Bayberry (Myrica pensylvanica), Privet (ligustrum varieties), Red Chokeberry (arbnia

arbutifolia), Rhododendron (Rhododendron PJM), Rose (rosa arieties), Rosebay Rhododendron (rhododendron maximum), Sumac (rhus varieties), Winterberry Holly (Ilex verticillata), Witchhazel (Hamamelis varieties), and Viburnum (viburnum varieties). Alternate selections may be approved at the discretion of the Board.

c. Size. Shrubs shall be a minimum of two and a half (2½') feet in height.

d. Location. In conjunction with other plantings, shrubs should be planted particularly along parking lot perimeters to shield headlights, and in areas to screen utilities and trash facilities.

4. Groundcover.



TYPICAL SHRUB PLANTING

N.T.S.

a. Requirement. A minimum of ten (10%) percent of the open space shall be planted with groundcover plantings.

b. Permitted Species. Permitted groundcover species include Andorra Juniper (Juniperus horizontalis plurnosa), English Ivy (Hedera helix), Flowering Quince (Chaenomeles japonica), Grapes sp. (Vitis sp.), Lowbush Blueberry (Vaccinium angustifolium), Myrtle (Vinca minor), Pachysandra (Pachysandra terminalis), Shore Juniper (Juniperus conferta), St. Johnswort (Hypericum calycinum), Summersweet (Clethra alnifolia), Sweetbox (Sarcococca hookeriana var. humilis), and Yellow Root (Xanthorhiza simplicissima). Alternate selections may be approved at the discretion of the Board.

c. Size. Groundcover plantings shall vary in size.

d. Location. Groundcover plantings should be planted in place of large areas of mulch, planting beds, and to break up vast lawn areas, as well as on berms, steep slopes, and swales.

I. General Provisions. The following general provisions shall apply to the design and installation of landscapes:

1. All plantings are to be of nursery stock and installed in accordance with the minimum quality standards, as defined by the American Association of Nurserymen's current edition of *American Standard for Nursery Stock*.
2. Exotic and invasive species shall not be permitted. Native species are encouraged.
3. All plants shall be tolerant of specific site conditions.
4. All trees shall be substantially uniform in size and shape, and have straight trunks.
5. Trees shall be pruned annually. The use of tree wrap shall be prohibited.
6. Dead or dying trees shall be replaced by the developer during the next suitable planting season.
7. Plantings within sight triangles shall not exceed a height of three (3') feet and the crown of trees shall not be lower than seven (7') feet, in accordance with §502.M.
8. In residential developments, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy, or for aesthetic reasons in accordance with a typical planting plan approved by the Board.
9. Fall Planting Hazard. Certain trees have been identified as having a high degree of transplantation failure if planted during the Fall season. These should be noted on landscape plans as Spring planting season only.
10. Slope Plantings. Landscaping shall be planted on all steep slopes with groundcover appropriate for the purpose and soil conditions, water availability, and environment sufficient to prevent erosion.
11. Irrigation. Where landscaping is provided in conjunction with non-residential development, underground irrigation or cistern system shall be provided. The use of rain barrels is encouraged for residential development, as well as slow release watering bags (commonly known as "treegators") for all development.
12. Removal of Debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with *New Jersey Department of Environmental Protection* regulations. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site and composted. If trees and limbs are reduced to chips, they may, subject to approval of the Municipal Engineer, be used as mulch in landscaped areas, provided they have been properly composted.
13. Topsoil. All topsoil, whether imported or from on-site, shall comply with the following requirements:
    a. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least six (6") inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
    b. Topsoil disturbed in the course of development shall not be removed from the site and shall be stored for redistribution.
    c. Topsoil shall be loamy sand, sandy loam, clay loam, loam, silt loam, or other soil approved by the Board or Municipal Engineer. It shall be natural, fertile soil capable of sustaining vigorous plant growth and shall be of a uniform quality, free from subsoil, slag, cinders, stones 1" inch or larger in any dimension, lumps of soil, sticks, roots, trash, or other extraneous, undesirable materials. Topsoil shall also be free of viable plants or plant parts of Bermuda grass, quackgrass, johnson grass, nut sedge, poison ivy, Canada thistle, or similar material.

d. When topsoil, stockpiled on site, is to be reused, soil debris to include roots, sods, stones, clay lumps, and other extraneous materials harmful to plant growth shall be removed prior to reuse.

e. Topsoil shall meet the following requirements:
   i. ph range - 5.5 to 6.5.
   ii. Organic matter - four (4%) percent minimum.
   iii. Soluble salts no higher than five hundred (500) parts per million.
   iv. Sieve Analysis shall conform to Table 5.4.

TABLE 5.4
SIEVE ANALYSIS

Sieve Size	Percent Passing
1"	100%
½"	97%
#10	60-80%
#40	40-60%
#60	40-60%
#100	10-30%
#200	10-20%

f. Materials stripped from the following sources shall not be considered suitable for use as topsoil:
   i. Soils having less than 5.0 ph value.
   ii. Chemically contaminated soils.
   iii. Areas from which the original surface has been stripped and/or covered over such as borrow pits, open mines, demolition sites, dumps, and sanitary landfills.
   iv. Wet excavation.

14. Guarantee. All planting material shall be guaranteed for a two (2) year period after acceptance by the Township and/or the release of performance bonds. A note on the landscape plan shall require that "All plant material not surviving for a period of two (2) years shall be replaced with the same or equivalent size species".

J. Landscape Plan.
1. A landscape plan shall be provided concurrent with the submission of all site plans and subdivision plans, with the exception of minor subdivision plans, per Article VIII.
2. The plan shall be prepared, signed, and sealed by a Licensed Landscape Architect, Professional Engineer, Professional Planner, or other qualified professional certified by the State of New Jersey. A Licensed Landscape Architect is preferred.
3. In addition to the requirements of Article VIII, the landscaping plan shall show:
   a. Wood Areas. Location of groups of existing trees or other vegetation not to be disturbed;
   b. Tree Protection.
      i. the size, species and general health condition of existing trees having a diameter breast height (D.B.H.) of eight (8") inches or greater, identifying which ones are proposed for removal or damaged in such a way as to require removal; and
      ii. general outline of any and all proposed buildings or structures, driveway, sidewalks, septic facilities and similar accessory facilities indicating clearing limits; and
      iii. existing topography within twenty feet of the proposed disturbed area including proposed grading, if any; and
      iv. a chart summarizing the number of proposed trees meeting the criteria of §508.H.b.i and replacement trees, per §508.D.3; and
      v. written justification for the removal of any and all specimen trees.
   c. Planting Legend to include key, botanical name, common name, quantity, initial and mature height and proposed caliper or size;
   d. Proposed Plantings. Location of proposed plantings;
   e. Formulas & Calculation. Formula and calculation of planting density, including the number of required and proposed plantings of the following:
      i. Replacement trees, per §508.D.3.
      ii. Distance between street trees identification of applicable tree group, per §508.E.3;
      iii. Density of buffer plantings, number of plantings per 100 lineal feet, per §508.F.4;

iv. Off-street parking plantings, in accordance with §508.G.2;
v. Stormwater plantings, per each landscaping zone, in accordance with §516.G.

f. Sight Triangles, per §502.M.

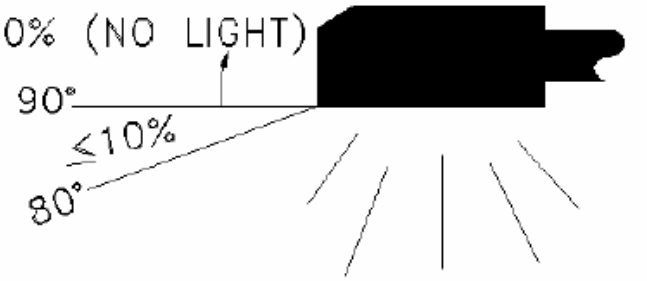
g. Details. Planting details and notes, including but not limited to those outlined in §508.I.

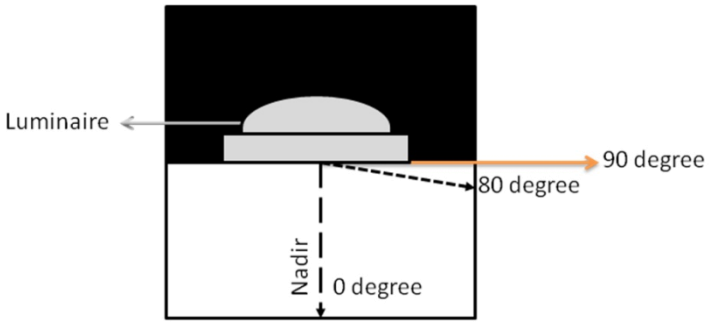
SECTION 509. LIGHTING.

A. Intent. The purpose of this Ordinance is to provide regulations for outdoor lighting that will:
1. Provide sufficient lighting shall be provided on each site and along roadways for safety, utility, security, productivity, enjoyment and commerce.
2. Be designed to avoid the creation of hazards to motorists and pedestrians or nuisance to adjoining property owners or residents.
3. Minimize adverse offsite impacts including light trespass, obtrusive light and curtail light pollution.
4. Conserve energy and resources to the greatest extent possible.

B. Applicability.
1. All outdoor lighting, including, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party, shall comply with the requirements of this Ordinance.
2. When twenty-five (25%) percent or more of existing outdoor light fixtures are being replaced or modified, all lighting shall be updated to comply with the requirements of this Ordinance.
3. When twenty-five (25%) percent or less, including none, of light fixtures are proposed for replacement or modification in conjunction with a minor site plan approval or other Board action, all fixtures should be retrofitted to minimum standards, including but not limited to changing the wattage of fixtures, adjusting the angle of fixtures to prevent glare, painting infrastructure, adding shields, and similar improvements to conform to this Ordinance.
4. Exceptions. The following shall be exempt from the requirements of this Ordinance:
   a. Lighting for public monuments and statues.
   b. Lighting that is only used under emergency conditions.
   c. Lighting required by federal, state or provincial laws or regulations.
   d. Lighting for a private single-family home, provided they conform to the general requirements of §509.C.

C. General Requirements. The following shall apply to all outdoor lighting fixtures in the Township:
1. All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code. Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the *U.S. Energy Policy Act of 1992* as it may be amended or superseded.
2. No lighting shall be directed towards traffic, shining directly or reflect into windows or onto streets and driveways in such a manner as to interfere with driver vision; or creating glare as a visual obstruction.
3. Lighting shall not be directed towards the sky, known as uplighting, to prevent interference with commercial aviation routes and reduce light pollution.





4. Flood lights, searchlights, flashing, rotating, and moving lights are strictly prohibited. The use of standard shoe box and wal-pack fixtures is discouraged.
5. At no time shall the light source be visible from adjacent properties. A maximum of 0.25 footcandles at a height of five (5') feet above the property line and/or right-of-way line, excluding points of ingress and egress for vehicles shall be permitted.
6. Pole-mounted light fixtures shall be installed at a height no greater than twenty (20') feet from ground level with said pole foundation installed to a depth of five (5') feet below grade.
7. When concrete pedestals more than six (6") inches above grade are used to support pole-mounted light fixtures, the concrete shall have either a rubbed or brushed finish.
8. Full cutoff flat lenses, which has a light distribution where there is zero candela at or above 90° degrees vertical from nadir and where the candela value does not exceed ten (10%) percent of the maximum intensity at or above a vertical angle of 80° degrees, shall be utilized on all sites.
9. Shields. Light shields shall be installed on all non-conforming lights adjacent to a residential property or zone, around the perimeter of the property, and along any street right-of-way to control glare.
10. Security Lighting. For all non-residential parcels or zones, the following requirement shall apply:
    a. Lighting systems shall be designed so that they can be reduced or turned off when they are not necessary.
    b. Controls shall be provided on all new lighting systems that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system, such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system
    c. All site lighting shall be illuminated for safety and security reasons one hour after close of business or before 10pm, whichever occurs earlier, until sunrise at no more than forty (40%) percent of the standard lighting. Motion activated lighting systems and 24-hour operations shall be exempt from this requirement.
11. Recreational Facilities. Lighting for outdoor athletic fields, courts or tracks shall require Planning Board approval, which shall consider the minimum standards of glare, uplight, light trespass, fixture angles, illumination levels, time of illumination, length of use, shield installation, surrounding land uses, as well as other requirements of this Ordinance.

D. Street Lighting. All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.
1. Design Criteria. The design of street lighting shall take into consideration:

a. The brightness of the abutting uses in comparison to pavement brightness as seen by both motorists and pedestrians;

b. The ability to discern objects on the street or its edge in comparison to abutting uses; its brightness contrast;

c. The time available to the motorist and pedestrian to view such objects;

d. The amount of direct glare from the luminaire or lamp and reflected glare from the pavement.

2. Location. Pole-mounted street light standards shall be located at the following places:
   a. Local Streets. On local neighborhood streets, the following shall apply:
      i. Seventy (70) watt luminaries shall be provided in the following locations:
         (a) along one side of the street at three hundred (300') foot intervals on straight road segments, staggered on both sides of the roadway; and
         (b) at curves with an inside radius of less than three hundred (300') feet, unless the standard is within three hundred (300') feet of another; and
         (c) at the end of each cul-de-sac.
      ii. One hundred (100) watt luminaries shall be provided at each street intersection.
   b. Collector Streets. On collector streets, the following shall apply:
      i. One hundred (100) watt luminaries shall be provided in the following locations:
         (a) along one side of the street at three hundred (300') foot intervals on straight road segments, staggered on both sides of the roadway; and
         (b) at curves with an inside radius of less than three hundred (300') feet, unless the standard is within three hundred (300') feet of another; and
         (c) at the end of each cul-de-sac.
      ii. One hundred and fifty (150) watt luminaries shall be provided at each street intersection.
   c. In residential subdivisions, the poles shall be placed, to the greatest extent possible, in line with shared property boundaries, per R.S.I.S.

3. Process.
   a. Street lighting shall be installed at no cost to the municipality by a developer in locations approved by the applicable Board or Township Engineer.
   b. For residential subdivisions, street lighting shall be installed, prior to the issuance of any Certificate of Occupancy, along all roadways necessary to ensure at least one route of illuminated access for any occupied structure and in conformance with R.S.I.S.
   c. Operating expenses for residential subdivision lighting shall be assumed by the Township when fifty (50%) percent of the section is occupied.

E. Off-Street Parking Lighting. All non-residential parking lots and residential parking lots in excess of five (5) spaces shall conform to the following requirements:
1. Sufficient illumination shall be provided for all off-street parking, loading, entrances and exits, and pedestrian areas so as to enable the safe movement of persons, vehicles, and provide for security.
2. The illumination of parking areas shall adhere to the following standards, outlined in Table 5.5:

TABLE 5.5. MAINTAINED ILLUMINATION FOR PARKING LOTS

	Parking Area	ADA, Walkways & Driveways
Horizontal Illumination		
Minimum	0.2 fc	0.5 fc
Average	1.0 fc	2.5 fc
Uniformity Ratios		
Average to Minimum	5:01	5:01
Maximum to Minimum	20:01	15:01
Minimum Vertical Illumination	0.1 fc	0.25 fc

3. Minimum horizontal illumination shall be no lower that 0.2 footcandles.
4. Average horizontal illumination shall not exceed 2.5 footcandles.
5. Minimum vertical illumination shall be measured at five (5') feet above parking surface at the point of lowest horizontal illuminance, excluding facing outward along boundaries.
6. All light fixtures shall be uniform throughout a site. Lighting levels, lamp color, and fixture type shall be consistent throughout the subject parcel, which shall complement building architecture and landscaping.

F. Lighting Plan.

1. A lighting plan shall be provided concurrent with the submission of all site plans and subdivision plans, with the exception of minor subdivision plans, per Article VIII.
2. The plan shall be prepared, signed, and sealed by a Certified Landscape Architect, Professional Engineer, Professional Planner or other qualified professional.
3. In addition to the requirements of Article VIII, the lighting plan shall show:
   a. All existing lights, including building-mounted and canopy fixtures, within one hundred (100') feet of the site in question, including location of all poles and luminaries.
   b. Computer generated photometric grid showing footcandle readings every five (5') feet, including building-mounted and canopy fixtures. The plan should note whether the lines are initial or maintained.
   c. Identify the maintained horizontal illuminance shown as footcandles, including the following required and proposed levels, per area:
      i. Maximum
      ii. Minimum
      iii. Average, during operating and non-operating hours.
      iv. Average to minimum uniformity ratio.
   d. Description of outdoor light fixtures component specifications, including pole-mounted, building-mounted, canopy lights and all exterior fixtures, including:
      i. Lamp type
      ii. Wattage
      iii. Isolux diagrams for each fixture
      iv. Reflectors
      v. Optics
      vi. Angle of cutoff
      vii. Shields
      viii. Manufacturers catalog cuts.
      ix. The number of each luminary type.
      x. Pole height and mounting height of the luminaries and detail of the pole.
      xi. Pole base, foundation design, and foundation detail, in accordance with the Uniform Construction Code (UCC).

e. Show light levels along the property lines.
f. All proposed and existing freestanding and wall-mounted lights should be indicated.
g. Identify fixtures with existing shields and fixtures proposed for shield installation
h. The hours of operation of the proposed use, and general notations per §509.C.
i. Landscape plan to determine the correct location of canopy trees.

4. A night light function test shall be conducted by the Zoning or Planning Board Engineer to ensure lighting levels conform to approved plans, which shall be required prior to the issuance of any Certificate of Occupancy.

SECTION 510. OFF-STREET LOADING.

A. Intent. To avoid interference with public use of roads and parking areas, adequate off-street loading, unloading, or standing spaces shall be provided on the same lot for any non-residential use for which it can be anticipated or for which customarily receives or distributes deliveries, materials, or merchandise. Each off-street loading, unloading, or standing space shall be of sufficient size and configuration to accommodate the largest type of delivery vehicle anticipated for the proposed use.

B. Requirement.
1. For buildings up to twenty thousand (20,000) square feet of gross floor area, one off-street loading space shall be provided. For each additional twenty thousand (20,000) square feet of gross floor area, or fraction thereof, one additional loading space shall be provided.
2. Where the need can be demonstrated for fewer off-street loading spaces are appropriate, a design waiver may be requested of the applicable Board having jurisdiction. A site plan may be required to designate an area for the accommodation of a future loading space at such time as it may become necessary.

C. Dimensions. Off-street loading spaces shall have a vertical clearance of fifteen (15') feet, a minimum width of twelve (12') feet, and a length of sixty (60') feet except said length dimension may be reduced to forty (40') feet where a site is to be serviced by vans or trucks with less than four (4) axles.

D. Location.
1. Required off-street loading areas shall be located on the same lot or premises as the use served, except in the following cases if deed-restricted and within two hundred (200') feet of the principal lot:
   a. When the requirements for off-street loading cannot be met because of existing conditions, the location and adequacy of off-site loading spaces to service the use shall be specified on the site plan for approval by the respective Board.
   b. A cooperative arrangement between non-residential uses on different lots or premises has been approved by the respective Board.
2. Off-street loading spaces shall abut the building being served.
3. No off-street loading and maneuvering areas shall be located in any front yard.
4. Loading doors shall be a minimum of fifty (50') feet from a contiguous property is zoned for residential use or contains a residential use thereon.
5. No loading door for delivery or allowing the entry of vehicles shall be permitted to face a public street or right-of-way.
6. Off-street loading and maneuvering areas shall not utilize any part of a public street or right-of-way.
7. Off-street parking areas shall not be used for loading and unloading purposes, except during hours when normal business operations are suspended. In turn, off-street loading areas shall not be utilized for off-street parking, except during hours when normal business operations are suspended.

8. Loading areas shall conform to the parking setbacks and location requirements of §511.F.2

E. Materials. All of off-street loading areas and access drives that are utilized for heavy loading areas shall be subject to the following material standards:
   1. Areas subject to heavy loadings from trucks or other heavy vehicles shall be constructed of a two (2") inch Hot Mix Asphalt (HMA) 9.5M64 Surface Course, five (5") inches Hot Mix Asphalt (HMA) 19M64 Base Course, and six (6") inches of dense graded aggregate.

   2. Loading areas for trucks shall be constructed of either the truck pavement standard of 4000 p.s.i. at 28 day strength mentioned above, or of a six-inch (6") thick pad of Class B, Portland cement concrete reinforced with No. 5 bars at twelve (12") inches on center each way.

   3. Soils information is to be provided to determine if there are any unusual subgrade conditions that would warrant another than standard design.

F. Design Standards.
   1. Lighting. Loading area illumination shall be provided so as to not cause, through either intensity or glare, an offensive or hazardous condition for adjoining tenants/residents or for vehicular traffic. Lighting shall conform to the requirements of §509.
   2. Landscaping. Off-street loading areas shall be properly buffered and landscaped in conformance with §508.
   3. Curbing. All off-street loading areas and access drives shall be curbed in accordance with the standards found in §511.F.K.
   4. Delineation. Pavement markings designating loading areas with laddered white material, to standards outlined in §511.F.J.
   5. Loading areas are not to be used for the storage of refuse, recyclable material, or inventory.
   6. 'No Idling' signs, as recommended by NJDEP (www.stopthesoot.org), shall be wall-mounted and maintained in prominent locations at reasonable intervals to be readily visible to vehicles subject to the idling restrictions within all loading areas.

SECTION 511. OFF-STREET PARKING.

A. Intent. The intent of off-street parking ordinance is to encourage the appropriate location of off-street parking, provide the needed levels of service, avoid undue congestion on the streets, protect the capacity of the street system, move traffic, avoid unnecessary conflicts between vehicles and pedestrians, preserve and enhance the designated pedestrian activity areas and facilitate access from streets to off-street parking lots in an efficient and beneficial manner.

B. Requirement. No building or structure shall be either erected, or any major reconstruction or change in use made to an existing building or structure unless, in conjunction therewith, off-street parking spaces are provided as set forth below:
   1. For residential developments, off-street parking shall be provided as required in the New Jersey Residential Site Improvement Standards *N.J.A.C. 5:21-1 et. seq.*
   2. For non-residential developments, the parking standards established in Table 5.6 shall apply.

TABLE 5.6. OFF-STREET PARKING REQUIREMENTS	
Land Use	**Minimum Number of Parking Spaces Required**

Amusement Center (driving ranges, batting cages, miniature golf, indoor recreation sports, arcade, etc.)	One for every two hundred (200) square feet of indoor area + one for every tee, cage, hole, etc.)
Athletic Fields	Twenty (20) for every diamond or athletic field.
Automobile & Truck Sales	One for each four hundred (400) square feet of showroom, sales, shop or garage area + one space per employee on the maximum work shift + one space for every two thousand (2,000) square feet of outdoor vehicle inventory.
Automobile Service & Repair	Three (3) per service bay + one space per employee on the maximum work shift.
Auto Rental	One for each four hundred (400) square feet of GFA.
Banks or Other Financial Institutions	One for each three hundred (300) square feet of GFA.
Banquet/ Dance Hall	One for every three (3) persons of the legal occupancy of the facility + employees
Bowling Alley	Four (4) per alley.
Car Wash	Ten (10) per washing lane + five (5) dedicated for employees. For self-wash or self-service, the requirement for employee parking shall be eliminated.
Club, Lodge, or Fraternal Organization	One for every three (3) persons of the legal occupancy of the facility.
Coffee Shop	One space for every three hundred (300) square feet of GFA.
Community Center, Library, Museum, or Art Gallery	One for each four hundred (400) square feet of GFA, exclusive of storage space.
Convalescent Home, Nursing Home, or Rest Home	One for each three (3) beds + one for each two (2) employees.
Convenience Store	One for each two hundred (200) square feet of GFA.
Daycare Center/ Pre-School	One per six (6) children + one per employee on the maximum work shift, with adequate area for maneuvering, stacking, and drop-off/pick-up.
Dry Cleaning (not in shopping center)	One for each two hundred (200) square feet of GFA.
Funeral Home	One (1) for every fifty (50) square feet in slumber rooms, parlors, and funeral service rooms.
Furniture Store	One for every one thousand (1,000) square feet of GFA
Gas Station (excluding service and/or repair)	One for every two (2) fuel pumps + one space per employee on the maximum work shift.
Golf Course & Club	Five (5) per each golf hole + one per employee on the maximum work shift.
Grocery Store	Four (4) per one thousand (1,000) square feet of GFA.
Health Club / Gym	One for each two hundred (200) square feet of GFA + one per employee on the maximum work shift.
Home Improvement Retail Store	One for each two hundred and fifty (250) square feet of GFA.
Hospital, (General, Mental, or Sanitarium)	One for each three (3) beds + one for each five (5) outpatients + one per employee on the maximum work shift.
Hotel or Motel	One per guest room + one for every (2) employees. Any banquet hall, restaurant, and/or bar shall be counted separately.
Industrial, Manufacturing, Research, Testing Laboratory, or Similar Use	One per employee on the maximum work shift. If reasonable employment data is not available, one per every five hundred (500) square feet of GFA.
Kennel or Pet Daycare	One for every one thousand (1,000) square feet of GFA + one per employee on the maximum work shift.
Laundromat	One for every three (3) machines.
Medical / Dental Office or Clinic (outpatient facility)	Two (2) for each doctor, plus one (1) for each two hundred (200) square feet of gross floor area.
Nightclub/ Bar/ Tavern	One (1) for every three (3) persons of the legal occupancy of the facility
Nursery/ Greenhouse	One for every four hundred (400) square feet of GFA.

Office, General/ Professional	One (1) for every two hundred and fifty (250) square feet of GLA.
Off-site Service Business	One (1) per employee, plus one (1) per business vehicle, plus two (2), but not less than five (5).
Personal Service Establishment	One (1) for each two hundred and fifty (250) square feet of gross floor area, plus one (1) for each vehicle used in connection with the business.
Public & Private Utilities (electrical substation, gas regulator, water works station, and similar facilities)	One (1) for each vehicle stored on the premises, plus one (1) for each employee on the shift which has the greatest number of employees.
Retail, General (when unspecified)	One for each two hundred and fifty (250) square feet of GFA.
Religious Use (House of Worship, Church, Synagogue, Temple, etc.)	One (1) for every three (3) seats, plus one (1) per church worship official or employee (twenty inches of bench shall be considered one seat). If the number of seats is unknown, one (1) for every fifty (50) square feet of floor area.
Restaurant	One (1) for every three (3) seats, plus one (1) for every two (2) employees total. If no seating is provided, one (1) for every fifty (50) square feet of floor area with a minimum of ten (10) spaces.
Restaurant, Fast Food or Drive Through	One per one hundred (100) square feet of GFA.
Shopping Center	Four (4) per one thousand (1,000) square feet of GFA.
Studio (art, music, or dance for the purpose of giving instruction)	One for every one hundred (100) square feet of floor area used for instruction
Schools (including academies, junior high schools, elementary schools, technical and art schools, and similar institutions)	One (1) for each four (4) seats in the main auditorium, plus one (1) for each administrator, teacher, and any other employees.
Self-Service Storage Facility	One (1) for every ten thousand (10,000) square feet of floor area devoted to storage, plus one (1) for every on-site employee, but not less than five (5).
Storage, General (as an accessory use)	One per five thousand (5,000) square feet of GFA.
Swim Clubs	One per one hundred (100) square feet of pool surface area + one per employee on the maximum work shift.
Theater, Auditorium, or Stadium	One (1) for every three (3) seats or one (1) for every fifty (50) square feet of floor area if fixed seats will not be used.
Veterinary or Animal Hospital	One for every four hundred (400) square feet of GFA.
Warehouse & Wholesale	One per five thousand (5,000) square feet of GFA + one per vehicle used in connection with the business.
Universities/Colleges	Two (2) for each three (3) students + one per administrator, teacher, and any other employee.

Source: *APA Parking Calculations, 2006; Parking Generation 4th Edition, Institute of Transportation Engineers, 2010*

3. Where fractional numbers result, the required number shall be construed to be the nearest whole number.
4. Where a permitted use of land includes more than one category of parking generation, the parking requirement shall be the sum of the individual uses calculated separately.
5. The maximum number of parking spaces shall not exceed that of one hundred and thirty (130%) percent of the required parking of the subject use.
6. Alternative off-street parking generator standards may be accepted by the Board if an applicant demonstrates that other standards better reflect local conditions.
7. When it can be demonstrated that two or more parking generators have complementary parking demand peaks, the Planning or Zoning Board may permit up to a fifty (50%) percent reduction in the required total number of parking spaces, in accordance with §511.C.

C. Shared Parking Facilities. Shared parking spaces utilized by more than one user, which allows parking facilities to be used more efficiently, is encouraged. Shared parking may be applied when land uses

have different parking demand patterns and are able to use the same parking spaces/areas that vary by time of day, day of week, and/or season of the year.

1. Intent. The intent of shared parking facilities is to encourage the development of shared parking facilities and access in appropriate areas.
2. Application. Factors evaluated to establish shared parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, cooperation of adjacent owners. The feasibility of shared parking arrangements shall be considered for the following:
   a. A major site plan is proposed for new development or significant redevelopment, or
   b. The number of parking spaces requested is more than ten (10%) percent higher, or
   c. Two or more land uses are utilizing the same parking spaces.
3. Parking Calculation. The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by §511.B.2. or a study prepared by the applicant following the procedures of the *Urban Land Institute Shared Parking Report*, *ITE Shared Parking Guidelines*, or other approved procedures. Where an applicant can demonstrate that fewer parking spaces would be necessary, a lower number may be allowed, provided that the applicant shows on the approved site plan how the required additional spaces could be added if necessary without violating the impervious surface coverage requirements of this Ordinance.
   a. Step 1. Determine the number of parking spaces that should be provided for each land use separately, in accordance with §511.B.2.
   b. Step 2. Based on the hourly variation in parking demand, determine the peak parking demand for the combined demand of all the uses in the development. Standardized data such as from the *Urban Land Institute Shared Parking Report*, *ITE Shared Parking Guidelines*, or other approved standards should be used to estimate hourly variations. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. This analysis may be needed for both weekdays and weekends, depending on the type of uses involved, and may need to consider seasonal peak periods.
   c. Step 3. Compare the calculations of the two steps above, and the lesser of the two peak parking demands shall be used as the minimum number of parking spaces that need to be provided.
4. Shared Parking Agreement. If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces is highly recommended.
5. Lot & Yard Requirements. When individual lots utilize a common parking lot and/or access to a public street via easements or similar means, minimum lot and yard requirements shall comprehensively apply to those collective lots that utilize the common parking and access.

D. Parking Structures. All off-street parking structures shall comply with the following general requirements:
   1. Lot & Yard Requirements. The parking structure must adhere to the building setbacks of the respective zone that the structure is located within.
   2. Parking. All off-street parking requirements of Article V shall apply.
   3. Façade. In addition to the building design guidelines of §504, the following shall apply:
      a. The facade facing any public or private road, shall have an architectural design treatment that is compatible to the principal structure with the exception of glazing or facade openings.
      b. The appearance of structured parking entrances shall be minimized so that they do not dominate the street frontage of a building. Possible techniques include recessing the entry; extending

portions of the structure over the entry; using screening and landscaping to soften the appearance of the entry; using the smallest curb cut and driveway possible; and subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.

c. Entrance drives to structured parking (including underground parking) shall be located and designed to minimize interference with pedestrian movement. Pedestrian walks shall be continued across driveways.

4. Landscaping. In addition to the landscaping requirements of §508, the following are required:
   a. Perimeter landscaping strips around the structure.
   b. In landscape planters, planter boxes, climbing vines, or another acceptable landscaping treatment on the exterior of the building.

E. Drive-Through Lanes. Drive through businesses require special design considerations due to the high volume of traffic flow. The following requirements are designed to minimize the conflicts between on-site traffic with off-site traffic and pedestrians:
   1. Lanes.
      a. Separate lanes shall be provided that are distinctively marked (by striping and/or curbing) for queuing or stacking from the general circulation lanes necessary to enter or exit the site.
      b. A bypass lane shall be provided for all drive-through operations with a minimum width of fourteen (14') feet.
      c. All drive-through lanes shall have a minimum width of ten (10') feet and shall be striped or marked.
   2. Queuing Requirements. Each drive through business shall provide sufficient queuing or stacking to prevent traffic hazards to the general public. The following queuing spaces shall be provided, which includes the space at the window or station:
      a. Bank. For bank or similar financial establishment, sufficient space for a minimum of four (4) spaces for each drive-through window or station.
      b. Restaurant. For fast food or drive-thru restaurants, sufficient space for a minimum of four (4) spaces for each drive-through window or station.
      c. Car Wash. For car washes, sufficient space for a minimum of twelve (12) spaces.
      d. For all other uses, alternative queuing standards shall be accepted if demonstrated that these standards better reflect local conditions or another use.
   3. Intersection Proximity. To prevent congestion near intersections, drive through businesses shall not have entrances or exits within fifty (50') feet of a street intersection.
   4. Pedestrian Safety. Pedestrian routes between the entrances to the principal structure and any parking area or sidewalk which require the crossing of drive-through lanes shall either be avoided or shall be clearly identified to pedestrians and motorists by pavements markings or signage.

F. Parking Stall Dimensions.
   1. All stall widths shall be measured at perpendicular angles from the parking stall stripes. The parking space sizes shown in Table 5.7 shall apply to all parking areas:

TABLE 5.7. PARKING STALL DIMENSIONS

Type of Parking Space	Size
Residential spaces	9' x 18'
Non-Residential uses utilizing shopping carts	10' x 18'
All other Non-Residential uses	9' x 18'
ADA Van Accessible spaces	See §511.F.5
additional ADA other spaces	See §511.F.5
Parallel spaces	9' x 22'
60° Angled spaces	9' x 21'
45° Angled spaces	9' x 20'
Bus spaces	10' x 40'
Tractor-Trailer Truck spaces	12' x 60'
Compact Vehicle spaces	8' x 16'

2. Reduced Length. Perimeter or island parking may be reduced two (2') feet where the sidewalk, walkway or landscaped area remains four (4') foot wide after the overhang, provided the number does not exceed twenty (20%) percent of the total number of required spaces.

3. Compact Car Parking. Uses with over twenty (20) parking spaces shall be permitted to utilize compact spaces, provided the number does not exceed twenty (20%) percent of the total number of required spaces. Compact car stalls shall be clearly marked with standard traffic signs.

4. Stacked Parking. The utilization of stacked parking shall require Planning and/or Zoning Board approval.

5. ADA Parking. Provision of parking facilities for handicapped persons shall be in accordance with the requirements of the Barrier-Free Subcode of the *New Jersey Uniform Construction Code N.J.A.C. 5:23-7.13* and *5:23-7.14* and the *Americans With Disabilities Act (ADA) Accessibility Guidelines* for Buildings and Facilities.

G. Aisle Width. Access to off-street parking shall include driveways and aisles such that each vehicle shall be able to proceed to and from each parking stall without necessitating the movement of another vehicle.
   1. Aisles adjacent to parking spaces within off-street parking areas shall have the minimum dimensions outlined in Table 5.8, not to exceed twenty-six (26') feet in width:

TABLE 5.8. AISLE WIDTH

	AISLE	
Angle	One-Way	Two-Way
90°	22'	24'
60°	18'	22'
45°	16'	20'
Parallel	12'	18'

   2. Aisles not adjacent to parking spaces within and providing access to off-street parking areas shall have the following minimum dimensions:
      a. One-way aisles must be a minimum of fifteen (15') feet wide.
      b. Two-way aisles must be a minimum of twenty-two (22') feet wide.

3. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

H. Location of Parking Spaces.

1. Off-Site Parking. Required off-street parking shall be located on the same lot or premises as the use served, regardless of the number of spaces required by this Ordinance, except in the following cases if deed-restricted and within two hundred (200') feet of the principal lot:
   a. When it is determined during site plan review that the requirements for on-site or off-street parking cannot be met because of existing conditions, the location and adequacy of off-site parking spaces to service the use shall be specified on the site plan for approval by the Planning or Zoning Board.

   b. A cooperative arrangement between non-residential uses on different lots or premises has been approved by the Planning or Zoning Board.

2. Parking Setbacks. Drive aisles, except for the entrance/exit openings, shall be considered part of the parking area. All off-street parking areas shall have a minimum parking setback requirement from the mutual property line, which shall conform to the following:
   a. Residential. A minimum of twenty-five (25') feet is required between off-street parking areas and adjacent parcels zoned for residential use or a parcel upon which a residential use is located.

   b. Right-of-Way. A minimum of twenty (20') feet is required between off-street parking areas and an existing or proposed right-of-way.

   c. Non-Residential. A minimum of five (5') feet is required between off-street parking areas and adjacent parcels, except where an easement or shared parking area exists in conformance with §511.H.I or §511.C.

3. No parking shall be permitted in any required buffer area.

4. No parking of vehicles shall be permitted in designated fire lanes, streets, non-residential driveways, landscaped areas, aisles, sidewalks, or turning areas.

5. Parking areas are encouraged in the side and/or rear yards, as opposed to the front yard.

I. Material. The following material may be utilized for off-street parking areas:

1. Asphalt & Concrete. Any asphalt or concrete surface shall meet the standards of New Jersey Department of Transportation standard specifications for Road and Bridge Design.
2. Porous Pavement. Asphalt Pavement/Popcorn mix is produced with a high percentage of air voids (15-20%) that allows water to pass rapidly through the pavement.
3. Permeable Pavers. Specially designed concrete paver blocks with gaps that are filled with stone/sand to allow water to infiltrate into the soil. (Note that the paver units do not need to be permeable, only the gaps between the paver units).
4. Loading. When loading areas are to be used in conjunction with parking, the following shall be required:
   a. Parking areas to be used exclusively for automobile traffic, except for infrequent small truck

deliveries, shall be constructed of two (2") inch Hot Mix Asphalt (HMA) 9.5M64 Surface Course, four (4") inches Hot Mix Asphalt (HMA) 19M64 Base Course, and 6" of dense graded aggregate.

b. Parking areas subject to heavy loadings from trucks or other heavy vehicles shall be constructed of a two (2") inch Hot Mix Asphalt (HMA) 9.5M64 Surface Course, five (5") inches Hot Mix Asphalt (HMA) 19M64 Base Course, and 6" of dense graded aggregate.

c. Loading areas for trucks shall be constructed of either the truck pavement standard mentioned above, or of a 6" inch thick pad of Class B, Portland Cement concrete reinforced with No. 5 bars at 12" on center each way.

5. Alternate pavement designs may be approved by the Planning or Zoning Board Engineer.

6. Soils information, design report, and/or a maintenance manual shall be provided to determine if there are any unusual subgrade conditions when utilizing porous pavement, pavers or other pervious design.

J. Delineation.

1. Parking space paving markings shall consist of four-inch (4") wide stripe of white thermoplastic paint, thermoplastic material or long-life epoxy resin, which meet New Jersey Department of Transportation requirements.
2. Thermoplastic and laddered or paved crosswalks, a minimum of six (6') feet in width and stop bar, as well as stop sign shall be placed across all curb cuts, in accordance with *Manual on Uniform Traffic Control Devices (MUTCD)*.
3. All parking areas shall include barrier lines, lane lines, directional arrows, and stop lines.
4. Alternate colors may be used for handicap and other specialty spaces.
5. All other traffic control striping, markings, and signage shall conform to the latest edition of the *Manual on Uniform Traffic Control Devices,* published by the Federal Highway Administration.

K. Curbing.

1. Concrete or Belgium block curbing is required around the perimeter of all parking and traffic circulation areas, and landscape islands within the parking lots to control traffic, drainage, and to protect the edge of pavement.

2. A four-inch (4") curb reveal may be used where the intent is for vehicles to overhang the curbline. Otherwise, curbing shall meet the requirements of §513 of this Article.

L. Driveways, Non-Residential.

1. All entrance and exit drives are to be designed to allow for the turning movements of the *AASHTO WB-50 design vehicle*, without encroaching on opposing lanes of traffic in the public streets. A reduced design standard may be allowed when it can be demonstrated that said type vehicles will not access the site at a specific driveway.
2. Number. The number of driveways per site, shall be determined by the following:
   a. For lots having seventy-five (75) or fewer parking spaces, not more than one (1) two-way access drive or two (2) one-way access drives on any one street shall be permitted.

   b. Properties having a frontage of less than one hundred and fifty (150') feet shall have no more than one two-way driveway or two one-way drives on any one street.

   c. Properties having less than one thousand (1,000') feet frontage shall have no more than two (2) two-way driveways on any one street or four one-way drives on any one street.

   d. Any frontage greater than one thousand (1,000') feet may have more than two (2) drives on

one street; however, the number, location, size, and design shall be subject to approval of the Planning or Zoning Board.

3. Width. Two-way entrance/exit drives shall be a width of twenty-four (24') feet, not to exceed thirty (30') feet in width for existing driveways. One-way drives shall have a minimum width of eighteen (18') feet and a maximum width of twenty-two (22') feet.
4. No driveway shall be located less than ten (10') feet from the side property line or within thirty (30') feet of an existing drive, whichever is greater.
5. Driveways shall be no closer than thirty (30') feet of any residential zone, at the property line(s).
6. Driveway Lengths. The minimum length of an entrance driveway to be kept clear of parking maneuvers shall be required as shown in Table 5.9:

TABLE 5.9. DRIVEWAY LENGTH

# of Spaces	Distance
15 or less	10'
16 to 50	20'
51 to 100	30'
101 to 299	40'
300 or more	60'

7. Driveway radii shall not exceed twenty-five (25') feet.
8. No parking stalls that require the use of the entrance and exit drives, as access aisles shall be permitted. In turn, no parking stalls shall be permitted along entrance and exit driveways.

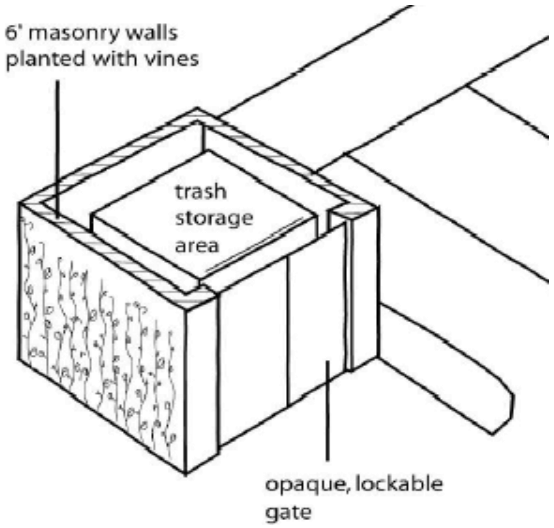
M. Refuse & Recyclable Storage Areas. Areas adjacent to or within off-street parking areas designated for refuse/recyclable storage and pickup areas shall be provided for all uses, which conform to the following requirements:

1. A six-inch (6") thick concrete pad should be provided for the floor of the enclosure, extending beyond the front of the enclosure to allow for easier maneuvering of the dumpster(s).

2. An enclosure shall be provided to properly screen and enclose such areas to prevent the unsightly display and the scattering of debris, and conform to the following:
   a. The enclosure(s) shall be of such size to house all dumpsters, other refuse containers, and stored recyclable material.

   b. The exterior shall be masonry or similar solid material that is compatible with the principal structure(s) on the site; and

   c. The height shall not be less than five (5') feet, nor more than eight (8') feet in height.



   d. The wall of an adjacent building may serve as one side, provided there are no window openings, the wall is of non-combustible construction, no combustible roof eave overhang and all fire code standards are met. Otherwise, trash receptacles must be a minimum of five (5') feet from any wall.

3. An opaque, sturdy material gate that can be fastened closed shall be provided. The access gate or fence shall be exempt from the provisions of any ordinance of this municipality regulating the height of fences.

4. The enclosure access shall be located as to prevent the visual display of refuse from any adjacent parking area and public street or right-of-way.

5. Refuse and recyclable storage areas shall not be permitted in any residential buffers and shall conform to the parking setbacks of §511.H.2.

6. Complementary landscaping, such as vines, shrubbery, and evergreens shall be provided around the masonry enclosure, §508.

N. Bicycle Parking Facilities.
   1. Applicability. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any new building that results in the need for additional auto parking facilities.
   2. Requirement. The required number of bicycle storage spaces shall be provided as follows:
      a. Non-Residential Uses: One bicycle storage space for every forty (40) vehicular parking spaces or less.
      b. Multi-Residential Uses: One bicycle storage space for every twenty (20) dwelling units.
      c. Single-family dwellings shall be exempt from this requirement.
   3. Location. The location of bicycle parking spaces shall be provided as follows:
      a. Well-lit for safety purposes; and
      b. Paved and drained to be reasonably free of mud, dust, and standing water; and
      c. Not impede pedestrian or automobile traffic flow; and
      d. Placed as to not cause damage to plant material from bicycle traffic; and
      e. located on private property and not within the public right-of-way; and
      f. located within fifty (50') feet of a building main entrance.
   4. Design. Bicycle parking infrastructure shall be designed as follows:
      a. Allow bicycle frame and both wheels to be securely locked to the parking structure.
      b. Permanent construction shall be affixed to the pavement, such as heavy gauge tubular steel with angle bars, inverted-U or ribbon racks.
      c. Bicycle parking facilities shall provide the following minimum dimensions:
         i. two (2') feet in width,
         ii. six (6') feet in length, with additional back-out or maneuvering space of at least five (5') feet.
         iii. overhead vertical clearance of seven (7') feet.

O. Bus Stop. If the development abuts an existing or proposed bus route, bus stop easements may be required in suitable locations as determined by NJ Transit and the Township provided that safe and accessible conditions are met.

P. Reserve Parking. Where the total number of off-street parking spaces required may not be immediately required for a particular use, a staged development plan may be permitted that requires a portion of the parking area, but not more than twenty-five (25%) percent of the required spaces,

subject to the following regulations:

1. The site plan shall clearly indicate both the portion of the parking area to be initially paved and the total parking area to eventually be paved and the total parking needed to provide the number of spaces required.
2. The portion of the parking area not to be paved initially shall be landscaped, in accordance with §508.
3. All site requirements, including parking calculation, drainage impacts, zoning requirements, utility infrastructure, and similar must be based on the assumption that all reserve parking will be constructed.
4. Any change of use on a site for which the Board of Jurisdiction may have approved a partial paving of off-street parking areas to a use, which requires more parking spaces than are provided on the site shall require submission of a new site plan.
5. Any such reserved parking must be constructed upon request of the Director of Community Development or Zoning Officer. A formal agreement between the Township and the developer must be executed to ensure that such parking will be constructed upon the direction of the Director of Community Development or Zoning Officer.

Q. Miscellaneous Provisions.

1. The locations of fire lanes, to ensure the efficient and effective use of fire apparatus, shall be subject to the review and approval of the Fire Marshal. Fire lanes shall be a minimum of eighteen (18') feet in width unless contiguous to an access aisle.
2. No area shall be used for parking if it is not large enough to provide for at least three (3) contiguous stalls, unless approval otherwise is obtained from the body, agency, or official having jurisdiction of the plan.
3. When the parking area is designed for angle parking, the stalls on both sides shall be inclined so as to permit a driver approaching from either end of the aisle to have access to the stalls on one side.

SECTION 512. STREET DESIGN.

A. The arrangement of new streets shall be such as to provide for the appropriate extension of existing streets shown on the Official Map or Circulation Element of the Master Plan.

B. Each residential street shall be classified and designed in accordance with the standards set forth in the New Jersey Residential Site Improvement Standards (R.S.I.S.) *N.J.A.C. 5:21-4 et. seq.* Unless specified otherwise below, streets providing service to non-residential developments shall also comply with *N.J.A.C. 5:21-4 et. seq.*

C. General Requirements.

1. Residential and residential sub-collector streets shall be so designed as to discourage through traffic.
2. Grid and modified grid street patterns that create civic plazas or parks as the focal points of streets should be utilized instead of curvilinear patterns. Dead ends and cul-de-sacs are discouraged.
3. If a dead-end is of temporary nature, a turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
4. No street shall have a name that will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. All street names shall be checked against the Township master file of street names.

D. Non-Residential streets shall be designed in accordance with the Table 5.10:

TABLE 5.10. NON-RESIDENTIAL STREET REQUIREMENTS					
Zone	Right-of-Way (feet)	Cartway (feet)	Sidewalk Required	Curb Required	Parking Permitted
Industrial Restricted (IR)	60'	30'	Yes	Yes	No
Office (O1, O2 & O3)	50'	26'	Yes	Yes	No
Business (B1, B2, B3 & B4)	50'	28'	Yes	Yes	No
Institutional (IN)	50'	30'	Yes	Yes	Yes

E. Subdivisions.

1. The Board may require that a subdivision abutting a major collector or arterial street shall be provided with a marginal service road or reverse frontage with a twenty-five (25') foot buffer strip for planting or some other means of separation of through and local traffic.

2. Buffer areas contiguous to collector or arterial roadways separating subdivisions from said roadways shall not be dedicated to the Township except as may be provided for by the governing body.

3. Subdivisions that adjoin or include existing streets that do not conform to width as shown on the Official Map or the right-of-way or cartway widths required herein shall have additional width dedicated along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half (½) of the required extra width shall be dedicated.

4. Grades on all non-residential streets shall not exceed ten percent (10%) unless a unique natural state shall exist. On the basis of such a situation, the Planning or Zoning Board Engineer shall review the particular deviation and report his findings and recommendations to the Board. No street shall have a minimum grade of less than one-half (.005%) percent.

F. Pavement Thickness.

1. For non-residential roads, the pavement thickness design shall, as a minimum, conform to the Table 5.11:

TABLE 5.11. PAVEMENT THICKNESS			
Classification	HMA 9.5M64 Surface Course	HMA 19M64 Base Course	Dense Graded Aggregate
Industrial	2"	5"	6"
Major Arterial	2"	5"	6"
Collector Street	2"	5"	6"
Local Street	2"	4"	6"
Minor Streets	2"	4"	6"

2. At the option of the applicant, the pavement thickness may be determined by the certified results of soil testing and analysis conducted by the applicant to determine the bearing strength of the subgrade soil together with the projected use of the street or highway with an adequate margin to cover all contingencies and extraordinary condition. Where such tests are conducted, the pavement design shall be reviewed and approved by the Board Engineer. The calculations should assume a twenty-year (20) life for the pavement and account for construction traffic during the period when no surface course has been provided.

3. The design shall be field verified prior to construction with a proof roll and CBR testing. CBR value must be above 10 at 95% standard proctor.

G. Sight Triangle.

1. Dedicated sight triangles shall be provided at all street intersections. The apex shall be set a minimum of twenty (20') feet behind the curb or edge of pavement of the uncontrolled street. The length shall be based on *NJDOT Figure 6-B* (dated November 18, 1994) standards as shown in Table 5.12:

TABLE 5.12. SIGHT TRIANGLE

Design Speed	Length
30 mph	380 feet
35 mph	480 feet
40 mph	580 feet
45 mph	700 feet
50 mph	840 feet
55 mph	1,000 feet

2. Vertical curves and sight distances shall be based on an estimated design speed of the roadway where it is likely the speeds will frequently exceed the posted limit.
3. Stabilized shoulders are required on roadways with less than a twenty-four (24') foot cartway.

SECTION 513. SIDEWALK & PEDESTRIAN WAYS.

A. Where Required. Except where otherwise required by the New Jersey Residential Site Improvement Standards (R.S.I.S.) in *N.J.A.C. 5:21-4*, concrete sidewalks and curbs shall be installed on both sides of all streets.

B. Sidewalk Standards.
   1. All sidewalks shall be a minimum of four (4') feet wide and four (4") inches thick, except at driveway crossings where they shall be six (6") inches thick.
   2. Where sidewalks would be less than twenty-four (24") inches from the face of the curb, they should be installed adjacent to the curb and widened to six (6') feet.
   3. Sidewalks shall be set as far back from the roadway as practical, flush with the interior right-of-way line.
   4. Wider sidewalks may be required near pedestrian generators, at the discretion of the Planning or Zoning Board, and along principal and minor arterials.
   5. Pedestrian pathways shall be established from any parking lot to the street sidewalk system in the front and side(s) of a building (if applicable).
   6. Curbing shall conform to the R.S.I.S. requirements in residential uses. Otherwise, curbing shall also be installed whenever the separation from the edge of roadway to sidewalk is less than six (6') feet.
   7. Where pedestrian ways are located through residential blocks (*N.J.A.C. 5:21-4.5[d]*), a dedicated right-of-way shall be provided to either the Township or homeowners association. The width of the right-of-way shall be a minimum of ten (10') feet, not to exceed twenty (20') feet.

SECTION 514. UTILITIES & INFRASTRUCTURE.

A. Water Supply.
   1. All water distribution systems shall be designed and installed in accordance with the regulation of the New Jersey Department of Environmental Protection (NJDEP) and, for residential development, the *New Jersey Residential Site Improvement Standards* (RSIS) as set forth under *N.J.A.C. 5:21-5*. The system is to be designed to ensure the provision of adequate pressure and volume of water necessary to provide for the maximum daily demand plus fire suppression.
   2. Hydrant locations are to comply with R.S.I.S. standards and with the requirement of the local Fire

Code Official. Valves are to be located so that no more than one hydrant is affected by shutting off any one section and that no more than three (3) valves are necessary to shut off any one section.

3. Documentation that service can be provided shall be obtained from the appropriate water company and submitted to the local approving agency.
4. If private wells are proposed, Camden County Health Department approval will be required.

B. Sanitary Sewer System.

1. Sanitary sewer systems shall be designed and installed in accordance with NJDEP regulations, the *Camden County Municipal Utility Authority* (CCMUA) standards and regulations, and the *New Jersey Residential Site Improvement Standards* (R.S.I.S.) as set forth under *5:21-6,* and by reference, the regulations contained therein.
2. Any development within a two hundred (200') feet of any public sanitary sewer located in a street or right-of-way, adjacent to or over lands shall be connected with the public sewer system.
3. Documentation that treatment can be provided shall be obtained from the CCMUA and submitted to the local approving agency.

C. Individual Subsurface Disposal Systems.

1. Individual subsurface disposal systems shall comply with the requirements set forth under *N.J.A.C. 7:9A-3.2* and *3.16*. Camden County Department of Health approval will be necessary.
2. For development on lots of less than forty thousand (40,000) square feet utilizing such systems, the following criteria shall be shown and/or demonstrated:
3. The location of the system and its discharge point, and size of the parcel on which the system is located, will ensure that groundwater exiting from the parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen;
4. The percolation rate is no greater than thirty (30) minutes per inch;
5. The depth to seasonal high water table is at least five (5') feet; and
6. The location of all wells within five hundred (500') feet of the site shall be shown.

D. Underground Wiring.

1. All electric, telephone, television, and other communication service facilities, both main and service lines, shall be installed below grade as set forth under subsection *5:21-4.12* of the *New Jersey Residential Site Improvement Standards*, the specifications of which are extended to non-residential development.
2. The Board having jurisdiction may require the removal of all existing on-site overhead utilities, including (but not limited to) electric and/or telephone distribution supply lines.

E. Storm Sewer.

1. On non-residential developed sites, RCP, DIP, and HDPE stormsewer is permitted for in-line stormsewer runs within the property lines of the site. The applicant shall ensure the HDPE is installed per manufacturer's specifications.
2. On residential development sites, stormsewer shall conform to R.S.I.S. specifications.
3. In Township Right-of-Ways and Easements, Reinforced Concrete Pipe (RCP) and Ductile Iron Pipe (DIP) shall be used.
4. RCP, DIP, HDPE and PVC pipe is permitted for roofdrain leaders and connections.
5. The minimum pipe diameter for in-line stormsewer runs shall be fifteen (15") inches.
6. The minimum pipe diameter of roofdrain leaders and connections shall be four (4") inches. The design calculations for roofdrain systems shall be included within the stormwater calculations.
7. Cleanouts shall be provided at each downspout connection to an underground roofdrain system. An overflow device shall be provided at each downspout connection to provide relief in the event

of a clog. Cleanouts shall be provided at each change in line or grade and every four hundred (400') feet at a minimum for roofdrain leaders and connections.

8. If the stormsewer has less than eight (8') feet of cover, the pipe shall be no closer than ten (10') feet (in a lateral direction) to existing or proposed trees. Stormsewer shall be shown on the landscaping plan.
9. Perforated Pipe may be considered for infiltration. The following information shall be submitted for review:
   a. Perforated pipe shall be connected to an approved drainage structure or have an approved outflow point.
   b. The end of the system shall be equipped with a cleanout. A concrete collar shall be provided for any cleanouts under vehicle loading.
   c. Soil borings shall be provided, which show Seasonal High Water Table levels.
   d. Design calculations shall be provided.
   e. Design Details shall be provided.
10. Underdrains may be considered for dewatering of the subgrade of roadways. The following information shall be submitted for review:
   a. Underdrains shall be connected to an approved drainage structure or approved outflow point.
   b. The end of the system shall be equipped with a cleanout. A concrete collar shall be provided for any cleanouts under vehicle loading.
   c. Soil borings shall be provided, which show Seasonal High Water Table levels.
   d. Design calculations shall be provided.
   e. Design Details shall be provided.
11. Manholes shall have a thirty (30") inch clear opening at the cover. Campbell Foundry pattern number 1012B or approved equal shall be used.
12. Scour holes shall not be used near residential developments.

SECTION 515. ENVIRONMENTAL CONSTRAINTS.

A. All applications for development and uses of land in wetlands shall be subject to and permitted only in compliance with the provisions of the *New Jersey Freshwater Wetlands Protection Act* (*N.J.S.A. 13:9B-1 et seq.*) and the regulations adopted thereunder (*N.J.A.C. 7:7A-1 et seq.*) Any provisions in this Ordinance referring to wetlands regulations shall be construed to mean the provisions of the *New Jersey Freshwater Wetlands Protection Act* and the regulations adopted pursuant thereto.

B. All applications for development shall show the limits of wetlands, wetland buffer area, stream encroachment limits, stream buffer area, flood plain (per 2007 or more recent FEMA FIRM) and other environmental constraints. In the case of subdivisions, this shall be included on the Plan of Lots, recorded in the deeds, and a point-of-sale disclosure provided to all prospective buyers of individual lots.

SECTION 516. STORMWATER MANAGEMENT.

A. Scope & Purpose.
   1. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies.. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Structural and GI BMPs should be integrated with nonstructural stormwater management

strategies and LID along with proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

2. Purpose. The purpose of this Ordinance is to establish minimum stormwater management requirements and controls for development, including "major development," as defined in §202.

3. Applicability. This Ordinance shall be applicable to the following:
   a. All major and minor site plans and subdivisions that require review, specifically the following:
      i. Non-Residential 'major developments', as defined in §202; and
      ii. Residential 'major developments', which are not pre-empted by the Residential Site Improvement Standards (R.S.I.S.) per *N.J.A.C. 5:21*.
   b. All 'major developments' undertaken by the Township of Cherry Hill.
   c. 'Minor developments ', as defined in §202, shall adhere to §516.D, §516.E.15, §516.E.16 and §516.E.18, under the following condition:
      i. Any subdivision or minor or major site plan approval, bulk (c) variances for open space , pursuant to N.J.S.A. 40:55D-70c.

4. Compatibility. Planning and/or Zoning Board development approvals issued for subdivisions and site plans, pursuant to this Ordinance, are to be considered an integral part of any land use development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this Ordinance imposes restrictions different from those imposed by any other Ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

B. Definitions. For the purpose of this ordinance, the terms, phrases, words and their derivations shall have the meanings stated in §201 & §202 unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. In addition to the word usage in §201 and definitions provided in §202, the following definitions shall apply to this ordinance and should be the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

1. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Cherry Hill or other public body, and is designed and used for collecting and conveying stormwater.

2. STORM DRAIN INLET: an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

3. TIME of CONCENTRATION: the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

C. Design & Performance Standards.

1. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

   a. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

   b. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under the *Cooper River Regional Stormwater Management Plan* & amendments (2004, amended 2006) and similar regional plans, adopted in accordance with NJDEP rules.

D. Storm Drain Inlet Retrofit. The purpose of retrofitting existing storm drain inlets is to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. To achieve this purpose, the following shall apply:

1. Applicability. The repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering of any surface that is in direct contact with an existing storm drain inlet on private property.

2. Exceptions. The following shall be exempt from storm drain inlet retrofit:
   a. Residential lot with one single-family dwelling; or
   b. any site that meets the design standards in §516.E.16.c., below, to control passage of solid and floatable materials; or
   c. any site that is retrofitted or replaced to meet the design standards in §516.E.16.c., below, prior to the completion of the project.

3. Design Standard. Storm drain inlets identified in §516.D.1, above, shall comply with §516.E.16.c.

4. Enforcement. The compliance of retrofitting existing storm drain inlets, §516.D, shall be enforced by the Zoning Officer in accordance with Article XI.

E. Major Development Requirements.

1. Maintenance Plan. Development shall incorporate a Maintenance Plan for the stormwater management measures incorporated into the design of a major development, in accordance with §516.J.

2. Habitat Protection. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species, as documented in the New Jersey Department of Environmental Protection (NJDEP) *Landscape Project* or *Natural Heritage Database,* established under *N.J.S.A. 13:1B-15.147* through *15.150*, particularly *helonias bullata* (swamp pink) and/or *clemmys muhlnebergi* (bog turtle).

3. Exemptions. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §516.E.17. & §516.E.18:
   a. The construction of an underground utility line, provided that the disturbed areas are re-vegetated upon completion;
   b. The construction of an above-ground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
   c. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14') feet, provided that the access is made of permeable material.

4. Waiver. A waiver from strict compliance from the green infrastructure groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §516.E.15, §516.E.17 & §516.E.18 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the applicant requesting the waiver can demonstrate the following conditions are met:
   a. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
   b. The applicant demonstrates through an alternatives' analysis that through the use of stormwater management measures, the option selected complies with the requirements of §516.E.15, §516.E.17 & §516.E.18 to the maximum extent practicable;
   c. The applicant demonstrates that in order to meet the requirements of §516.E.15, §516.E.17 & §516.E.18, existing structures currently in use, such as homes and buildings, would need to be condemned; and
   d. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §516.E.4.c. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §516.E.15, §516.E.17 & §516.E.18 that were not achievable on-site.

5. Tables 5.15A through C below summarize the ability of stormwater best management practices (BMP) identified and described in the New Jersey Stormwater Best Management Practices (NJ BMP) Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §516.E.15, §516.E.17, and §516.E.18. When designed in accordance with the most current version of the NJ BMP Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 5.15A, 5.15B, and 5.15C are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the

New Jersey Stormwater BMP to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm

6. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 5.13A

Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well[a]	0	No	Yes	2
Grass Swale	50 or less	No	No	2[e] 1[f]
Green Roof	0	Yes	No	--
Manufactured Treatment Device[a] [g]	50 or 80	No	No	Dependent upon the device
Pervious Paving System[a]	80	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Bioretention Basin[a]	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Infiltration Basin[a]	80	Yes	Yes	2

Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations (a) through (g) are found under Table 5.15C)

Table 5.13B

Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes[(b)] No[(c)]	2[(b)] 1[(c)]
Infiltration Basin	80	Yes	Yes	2
Sand Filter[(b)]	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond[(d)]	50-90	Yes	No	N/A

(Notes corresponding to annotations (b) through (d) are found under Table 5.15C)

Table 5.13C

BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A

Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device[(h)]	50 or 80	No	No	Dependent upon the device
Sand Filter[(c)]	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 5.15A, 5.15B, and 5.15C:

(a) subject to the applicable contributory drainage area limitation specified at §516.E.15.b;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at §202;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at §202.

7. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §516.K.2. Alternative stormwater management measures may be used to satisfy the requirements at §516.E.15 only if the measures meet the definition of green infrastructure at §202. Alternative stormwater management measures that function in a similar manner to a BMP listed at §516.E.15.b are subject to the contributory drainage area limitation specified at §516.E.15.b for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §516.E.15.b shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §516.E.4 is granted from §516.E.15.

8. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

9. Design standards for stormwater management measures are as follows:

   a. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

   b. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §516.H.1;

   c. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

   d. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §516.H; and

   e. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

10. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §202 may be used only under the circumstances described at §516.E.15.d.

11. Any application for a new agricultural development that meets the definition of major development at §202 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §516.E.15, §516.E.17, and §516.E.18 and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §516.E.17 and §516.E.18 shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard

across the affected drainage areas.

13. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Camden County Clerk's office. A form of deed notice shall be submitted to the municipality for approval prior to filing.

    The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §516.E.15, §516.E.17, and §516.E.18 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §516.J.1.c.iii. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

14. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §516.E of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Camden County Clerk's office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with §516.E.13 above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with §516.E.13 above.

15. Green Infrastructure Standards.

    a. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

    b. To satisfy the groundwater recharge and stormwater runoff quality standards at §516.E.17.a.ii and §516.E.18, the design engineer shall utilize green infrastructure BMPs identified in Table 5.15A at §516.E.6 and/or an alternative stormwater management measure approved in accordance with §516.E.7. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Table 5.14
Maximum Contributory Drainage Areas

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres

Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

c. To satisfy the stormwater runoff quantity standards at §516.E.17.a.iii, the design engineer shall utilize BMPs from Table 5.13A or from Table 5.13B and/or an alternative stormwater management measure approved in accordance with §516.E.7.

d. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §516.E.4 is granted from the requirements of this subsection, then BMPs from Table 5.13A, 5.13B, or 5.13C, and/or an alternative stormwater management measure approved in accordance with §516.E.7 may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §516.E.17 & §516.E.18.

e. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §516.E.17 and §516.E.18, unless the project is granted a waiver from strict compliance in accordance with §516.E.4.

16. Nonstructural Strategies.

a. To the maximum extent practicable, the standards in §516.E.6 & §516.E.7 shall be met by incorporating nonstructural stormwater management strategies set forth at §516.E.5 into the design. The nonstructural measures incorporated into the design of the project shall be identified by the applicant. If it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in §516.E.5.b. into the design of a particular project, the strategy considered shall be identified and a basis provided for the contention.

b. Nonstructural stormwater management strategies incorporated into site design shall:

i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

iii. Maximize the protection of natural drainage features and vegetation;

iv. Minimize the decrease in the "time of concentration" from pre-construction to post construction.

v. Minimize land disturbance including clearing and grading;

vi. Minimize soil compaction;

vii. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

ix. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

(a) Site design features that help to prevent the following

(1) accumulation of trash and debris in drainage systems, including features that satisfy §516.E.5.

(2) discharge of trash and debris from drainage systems;

(3) harmful accumulations of pollutants at industrial or commercial developments; and/or spill containment thereof.

(b) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the *Soil Erosion & Sediment Control Act*, *N.J.S.A. 4:24-39 et seq.*, and implementing rules.

c. Site design features identified under §516.E.6 and/or §516.E.16.b.ix or alternative designs in accordance with §516.E.7, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see §516.E.16.c.iii below.

i. Grate. Design engineers shall use one of the following grates whenever a grate is utilized in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the *NJDOT Bicycle Compatible Roadways and Bikeways Planning & Design Guidelines*; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7) square inches, or is no greater than 0.5" inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors used to collect stormwater from the surface into a storm drain or surface water body.

ii. Curb-Opening Inlet. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2") inches across the smallest dimension.

iii. Exemptions. This standard does not apply to the following:

(a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

(b) Where the Township Engineer, or review Board Engineer if associated with a Board approval, agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

(c) Where flows from the water quality design storm, as specified in N.J.A.C. 7:8, are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(1) A rectangular space four and five-eighths (4 5/8") inches long and one and one-half (1 ½") inches wide (this option does not apply for outfall netting facilities); or

(2) A bar screen having a bar spacing of 0.5" inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

(d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in N.J.A.C. 7:8; or

(e) Where the NJDEP determines, pursuant to the *New Jersey Register of Historic Places Rules* at *N.J.A.C. 7:4-7.2(c)*, that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

iv. Any land area used as a nonstructural stormwater management measure to meet the performance standards for erosion control, groundwater recharge, and runoff quantity (§515.E.17), as well as stormwater runoff quality (§516.E.18), shall be subject to the following:

(a) a conservation deed restriction is filed with the Camden County Clerk's office; or

(b) dedicated to the Township or County; or

(c) subject to an approved equivalent restriction that the stormwater management measure approved by the Township, Planning Board, or Zoning Board is maintained in perpetuity.

v. Guidance for nonstructural stormwater management strategies is available in the *NJ BMP Manual*. The BMP Manual may be obtained from the NJDEP or found on the NJDEP website at www.njstormwater.org.

17. Erosion Control, Groundwater Recharge & Runoff Quantity Standards.

a. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

i. The minimum design and performance standards for erosion control are those established under the *Soil Erosion & Sediment Control Act*, *N.J.S.A. 4:24-39 et seq.* and implementing rules.

ii. The minimum design and performance standards for groundwater recharge are as follows:

(a) Recharge. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §516.F, demonstrate through hydrologic and hydraulic analysis either:

(1) The site and its stormwater management measures maintain 100% percent of the average annual pre-construction groundwater recharge volume for the site; or

(2) The increase of stormwater runoff volume from pre-construction to post-construction for the two-year storm is infiltrated.

(b) Recharge Exceptions. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to the following projects:

(1) High Pollutant Loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the *United States Environmental Protection Agency (EPA)* at 40 CFR 302.4; areas where recharge would be inconsistent with NJDEP approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(2) Industrial Exposure. "Source material" means any material(s) or machinery, located at an industrial facility, which is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

iii. The minimum design and performance standards to control stormwater runoff quantity impacts of major development are included in this subsection.

(a) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §516.F, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the two, 10-, and 100 year storm events are 50%, 75% and 80% percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above is required unless the design engineer demonstrates through

hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

(b) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system. This does not relieve the applicant of accommodating offsite runoff in onsite stormwater management facilities.

18. Stormwater Runoff Quality Standards.

a. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or of regulated motor vehicle surface.

b. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

i. Eighty (80%) percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement.

ii. For redevelopment of existing impervious surfaces with regulated motor vehicle surface, the minimum required TSS removal rate is the greater of the TSS removal rate of the existing stormwater treatment system or 50% TSS removal rate.

c. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

d. The water quality design storm is 1.25" inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 5.15. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

e. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP (see Tables 5.13A-C)

B = the TSS percent removal rate applicable to the second BMP (see Tables 5.13A-C)

Table 5.15 Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

f. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in

stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §516.E.617.a.ii, §516.E.617.a.iii, and §516.E.718.

g. In accordance with the definition of FW1 at *N.J.A.C. 7:9B-1.4*, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

h. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

i. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

j. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

F. Calculation of Stormwater Runoff & Groundwater Recharge.

1. Stormwater Runoff. Stormwater runoff shall be calculated in accordance with Chapter 5 of the NJ BMP Manual (https://www.njstormwater.org/bmp_manual2.htm) and the following:

a. The design engineer shall calculate runoff using one of the following methods:

i. The *USDA Natural Resources Conservation Service* (NRCS) methodology, including the NRCS *Runoff Equation & Dimensionless Unit Hydrograph*, as described in Chapters 7, 9, 10, 15, and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf

iii. The New Jersey Department of Agriculture State Soil Conservation Committee Technical

Bulletin 2018-4 effective September 2018 available at:

https://www.camdenscd.org/files/theme/_SESC/NJDA_NRCS-Delmarva-Policy-2018.pdf#.

b. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at §516.F.1.a.i and the Rational & Modified Rational Methods at §516.F.1.a.ii A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

c. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, which may reduce pre-construction stormwater runoff rates and volumes.

d. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the *NRCS Technical Release 55 – Urban Hydrology for Small Watersheds* and other methods may be employed.

e. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at *N.J.A.C. 7:13*, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

2. Groundwater Recharge. Groundwater recharge may be calculated in accordance with the following:

The *New Jersey Geological Survey Report GSR-32: A Method for Evaluating Ground-Water Recharge Areas in New Jersey*, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the *NJ BMP Manual* available here: https://www.njstormwater.org/bmp_manual2.htm; at the New Jersey Geological Survey website at https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf or at New Jersey Geological and Water Survey, 29 Arctic Parkway, P.O. Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

G. Township Standards.

1. Variances.

a. A variance from providing sufficient stormwater management basins may be requested of the Planning or Zoning Board, in accordance with *N.J.S.A. 40:55D-70c*. A variance may be granted if a finding that the deficiency will be mitigated by the construction of a stormwater project within the same subdrainage area (HUC-14). The mitigation project must provide the additional groundwater recharge benefits or protection from water quality (TSS removal) or quantity (rate of flow reduction) to compensate for the deficit from the design and performance standards

resulting from the proposed project. The proposed project must meet the design and performance standards set forth in this stormwater ordinance.

b. If a suitable site cannot be located in the same sub-drainage area as the proposed development, as in §516.H.1.a, the mitigation project may provide mitigation that is not equivalent to the impacts for which the exemption is sought, but that addresses the same issue.

For example, if an exemption is given because the peak rate if reduction of 50 percent for the two year storm cannot be met, the selected project may address reducing the orifice size at an existing stormwater management basin.

As another example, if an exemption is given because the removal of 80 percent of the Total Suspended Solids cannot be met, the selected project may provide a natural vegetated buffer around a lake edge to discourage the geese population and address water quality impacts due to fecal impairment.

c. Construction of real mitigation projects to offset the deficit from the design and performance standards resulting from the proposed project through §516.G.1.a or .b is recommended. However, the Cherry Hill Planning or Zoning Board may permit a developer to provide full funding or partial funding to the Township for a project listed in the *Cherry Hill Stormwater Management Plan*. Partial funding or full funding must equal or exceed the value of providing the stormwater design on the development site. The value of full funding will include the value to implement the project, including costs to purchase property, easements and long term property maintenance.

d. In order to justify a variance, an applicant must demonstrate that the variance for the development cannot be met due to unusual circumstances on the existing property. Variances are <u>not</u> recommended for greenfields, i.e. properties that are currently open space or have not been previously developed.

e. In order to justify a variance, a preliminary stormwater management design and cost analysis of the stormwater system that would be required to meet the recharge, water quality (TSS removal) and water quantity (peak rate of reduction) stormwater management requirements of this Ordinance. This analysis will be utilized to determine and select the mitigation project to be constructed by the applicant.

f. The developer must ensure the long term maintenance of the project, including the maintenance requirements under Chapters 8 and 9 of the NJDEP BMP Manual.

2. <u>Mitigation Projects.</u> Exemptions or design waiver(s) are to be granted only upon the condition that the applicant provides one or more of the following mitigation projects of equal value within the same sub-watershed as delineated by the HUC 14. The selection of the mitigation project(s) are to be under the review and approval of the Planning or Zoning Board Engineer, as applicable. The mitigation projects proposed within the Township of Cherry Hill are listed in the *Cherry Hill Stormwater Management Plan* and the list of mitigation projects will be updated and maintained by the Director of Public Works and the person responsible for the NJDEP NJPDES Municipal Separate Storm Sewer (MS4) Permit. The Mitigation Projects fall into the following basic categories:

a. <u>Stormwater Outfall Retrofit</u>. Provide retrofit measures at existing stormwater outfalls within the same HUC14 under the guidance of the Board Engineer and Municipal Engineer:
   i. Outlet structure modifications (for example, repair of outfall condition though installation of drop manhole, upgraded outfall structure, rip-rap apron, or scour hole).

ii. Installation of in-line or end-of-pipe BMP as approved by the NJDEP to treat stormwater draining into an existing outfall. The approved treatment devices can be found on www.njstormwater.org

b. River, Stream or Lake Bank Stabilization. Stabilization projects to reduce the total suspended solids:
   i. Stabilization of eroded river, creek or lake banks where public or private property or structures are threatened.
   ii. Stabilization of eroded river, creek or lake banks to reduce sediment deposition and improve water quality.

c. Stormwater Basin Retrofit. Stormwater Basin retrofit projects to provide water quality and recharge measures within the same HUC14. The retrofit of existing basins may be accomplished through one or more of the following applications:
   i. Outlet Structure Modifications.
   ii. Regrading, Design and Landscaping, in accordance with §516.G.6.
   iii. Elimination of Low Flow Channels.
   iv. Installation of in-line or end-of-pipe BMP, as approved by the NJDEP, to treat stormwater draining into an existing outfall. The approved treatment devices can be found on www.njstormwater.org.

d. Stormwater Outfall Restoration. Mitigation of Existing Stormwater Outfalls within the same HUC14 shall be under the guidance of the Cherry Hill Township Engineer and/or Public Works Department. The retrofit of existing outfalls may be accomplished through a variety and/or combination of options to meet the mitigation costs required. Review of each existing outfall condition should be reviewed with the Township before selecting one or more of the following options:
   i. Replacement of failed outfall structure with outlet protection.
   ii. Replacement with installation of drop manhole to set outfall structure at invert of stream channel with outlet protection.
   iii. Installation of in-line or end-of-pipe BMP as approved by the NJDEP to pretreat stormwater before the outfall structure.
   iv. Disconnect outfall from receiving waterway to eliminate erosion condition. Permitted only with detailed hydrologic analysis and stability analysis of the receiving area.

e. Lake & Pond Management. The improvement of lake and ponds shall be mitigated by providing the following:
   i. A comprehensive management plan and maintenance schedule for a publicly held lakes or ponds within Cherry Hill Township.
   ii. A lake edge stabilization project through the use of native plants and erosion control.
   iii. A geese management plan through the vegetation of lake edge to reduce the fecal impairment of the lake or pond.

3. Underground Detention/Infiltration/Retention Basins. Underground facilities are not recommended as a design solution for residential development. The Township of Cherry Hill will not accept maintenance responsibility for underground stormwater facilities or stormwater outflow control structures located within stormwater inlets within the public right-of-way.

a. If underground detention/infiltration/retention is proposed, filters and other means of discouraging debris from entering the underground system is required prior to entry of stormwater to the underground system.

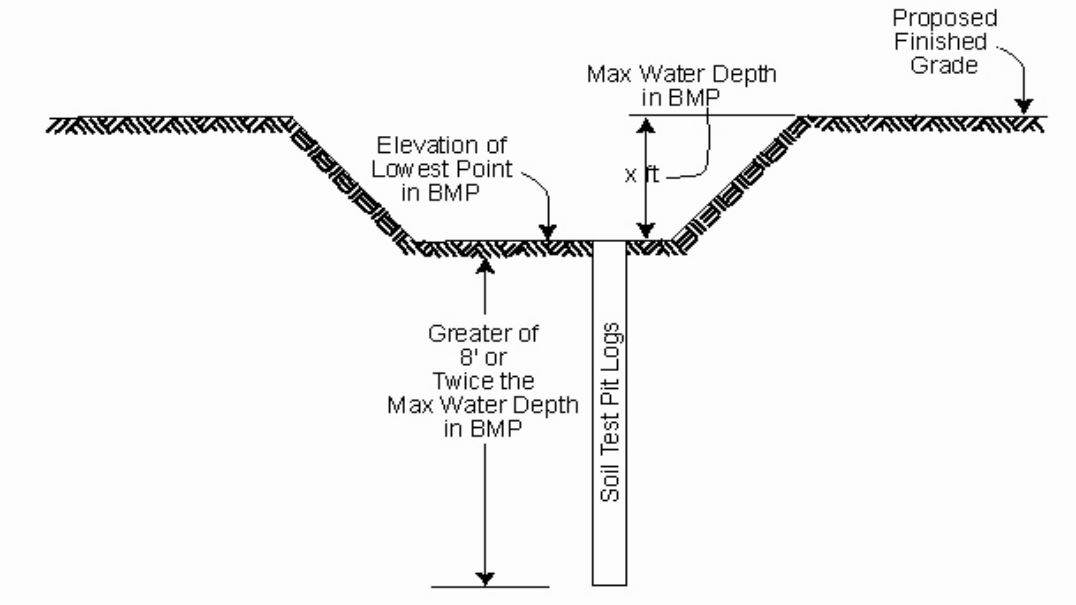
   i. Some ideas include a combination of the following: Flexstorm, Gratemaster, or Stormsack inlet filters, or Trash Guard Plus (or equal); downspout filter(s) placed prior to entering downspout or prior to entering subsurface storage; and gutter guards.

4. Setbacks. Detention and/or infiltration basins shall not be permitted in any of the following locations:

   a. front yard setbacks, per the zone of which the subject basin is located within, and
   b. side yard setbacks, per the zone of which the subject basin is located within, and
   c. residential buffers, and
   d. sight triangle areas, per §502.M, and
   e. within ten (10') feet of any property line.

5. Soils. Soil analysis requirements for stormwater measures shall conform to *NJ BMP Manual, Chapter 12*. Soil explorations (soil profile pits and soil borings) shall:

   a. Be of the number, type, and depth(s) as outlined in the NJ BMP Manual.
   b. Soil permeability tests shall be conducted on the most hydraulically restrictive horizon or as outlined in the NJ BMP manual:



   c. Fractured Bedrock. Stormwater infiltration BMPs relying on fractured bedrock for exfiltration shall be installed as outlined in the NJ BMP Manual.

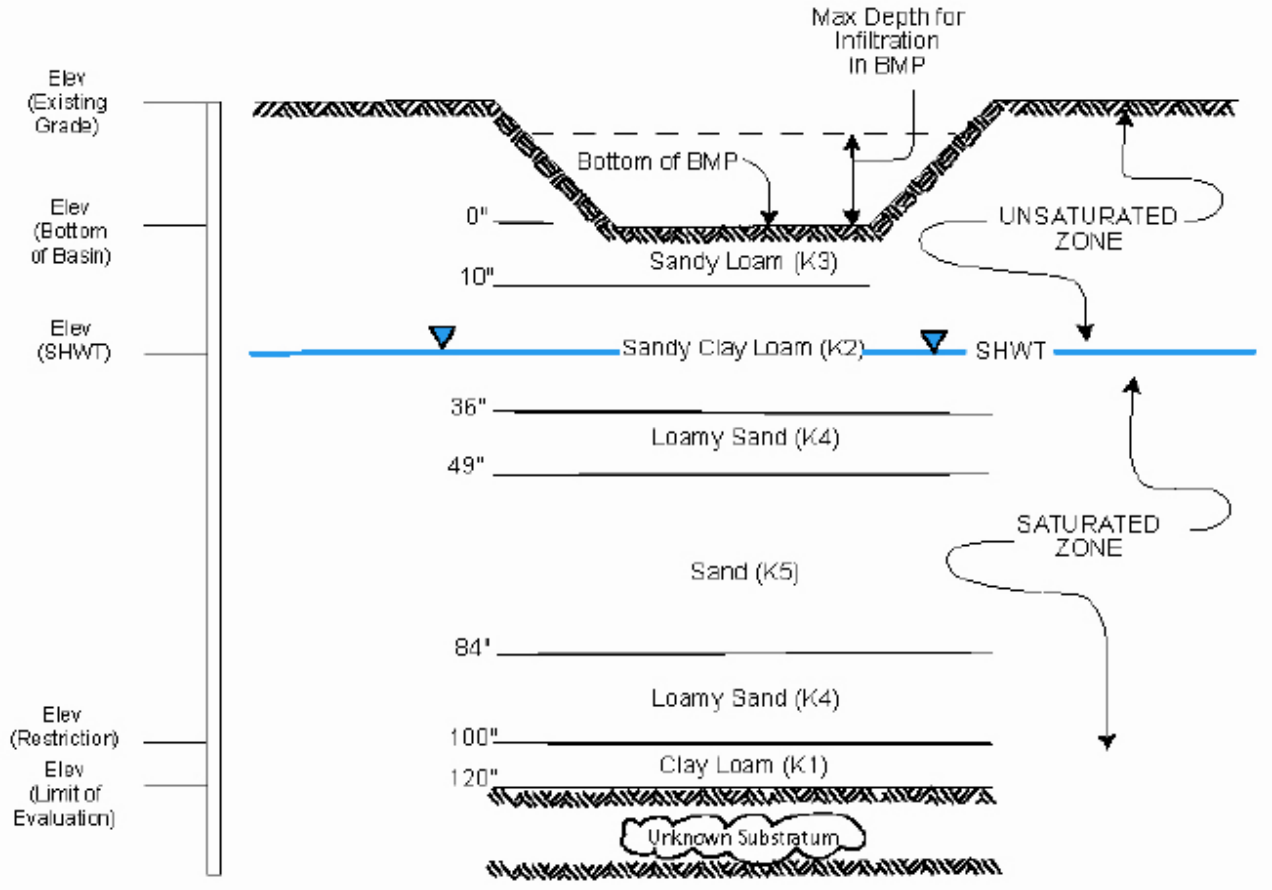
   d. Soil Tests. A minimum of one (1) permeability test shall be performed at each soil profile pit and soil boring location. Permeability rates can be determined as described as outlined in the NJ BMP Manual.

   e. A soil log shall be prepared for each soil profile pit and soil boring. The soil boring log shall, be in accordance with the NJ BMP Manual and, at a minimum, provide the following:

      i. elevation of the existing ground surface and elevations of permeability test locations;

ii. the depth and thickness of each soil horizon and the depth to the substratum;
iii. the dominant matrix or background and mottle colors using the *Munsell* system of classification for hue, value and chroma;
iv. the appropriate textural class as shown on the USDA textural triangle; the volume percentage of coarse fragments larger than two (2) millimeters in diameter; the abundance, size, and contrast of mottles;
v. the soil moisture condition, using standard USDA classification terminology;
vi. the presence of any soil horizon, substratum or other feature that exhibits an in-place permeability rate less than one (1") inch per hour; the depth and occurrence of soil restrictions including, but not limited to, abrupt textural boundaries likely to restrict the movement of water, fragipans, dense materials, bedrock, and ortstein;
vii. the depth to the seasonally high ground water level, either perched or regional;
viii. the static (stabilized) water level, presence of soil mottles or other redoximorphic features; and
ix. any observed seepage or saturation.

6. Landscaping & Design.
   a. Intent. Detention and retention basins should appear as natural as possible, in addition to functionality, to be a community asset in addition to infrastructure. Essentially, during dry weather these basins will appear as shallow depressions in which native plants grow, while during periods of heavy rain the basins will appear as natural ponds. Detention basins are not intended as long-term seasonal water features; basins will be filled with water only during peak storm flows, after which time water levels will diminish.



b. Requirements. To achieve this goal, the following shall govern the design of basins in all non-residential developments and residential developments, unless superseded by the RSIS Subchapter 7:
   i. Basins shall be not be constructed of concrete or other human-made materials, except at spillways, inlets, and other such control structures.
   ii. The shape of the basin shall be irregular and asymmetrical in nature, maximizing the preservation of existing tree stands and vegetation.
   iii. The sides of basins shall be gently-sloping with a maximum slope ratio shall not exceed 4:1. A design waiver may be requested from the Planning or Zoning Board, provided additional stabilization methods are applied, such as turf reinforcement mats, erosion control blankets, and application of seed mixes with quick germination rates.
   iv. Mowing shall be prohibited in the Zone 1 of the basin and limited to a maximum of twice per year in Zone 2 and 3.
   v. Only native species of landscaping shall be utilized, as listed in the *NJ BMP Manual*.
   vi. The application of fertilizer shall be restricted, utilizing Integrated Pest Management (IPM) strategies to maintain basin plantings.
   vii. The use of fountains, falls, benches, educational signage, patios, walkways, overlooks and similar are encouraged around the periphery, to make the site as park-like as possible.
   viii. Landscaping should be a minimum of five (5') feet from basin infrastructure, including but not limited to a dam's toe of slope, perforated pipes, riser structure, low flow orfice, inlets, and similar.

c. Landscaping Zones. Stormwater basins, whether they function as retention or detention basins, all have a zone of influence generally based on the occurrence of storms, i.e. a series of concentric bands or planting zones, where various physical and environmental components such as soil type, water depth, water fluctuations, velocity, and slope, collectively and/or individually influence the kinds of plants which will tolerate such conditions and thrive. Each planting zone or band requires its own plant type to properly perform its mutually critical role. Plants have differing tolerances to inundation; the four zones described in this section will dictate which plants will survive where (every facility does not necessarily exhibit all of these zones). These zones are shown as follows in Table 5.16:

TABLE 5.16. LANDSCAPING ZONES

Zone	Stormwater Level	Hydrologic Conditions	Deciduous Trees	Evergreen Trees	Shrubs	Groundcover	Seed
1	2-Year Storm	regularly inundated	min. 1/10,000sf	not required	10% cover	25% cover	15 lbs/acre
2	10-Year Storm	periodically inundated	min. 1/6,000sf	not required	20% cover	50% cover	20 lbs/acre
3	100-Year Storm	infrequently inundated	min. 1/5,000sf	min. 1/10,000sf	30% cover	40% cover	20 lbs/acre
4	Basin Periphery (within 20')	seldom or never inundated	min. 1/3,000sf	min. 1/4,000sf	30% cover	30% cover	60 lbs/acre

   i. Zone 1 (2-Year Storm). Zone One generally encompasses up to the two (2) year flood recurrence interval, which is a flood of extreme magnitude that has a fifty (50%) percent chance of happening in any year. This area commonly extends vertically about one (1') foot from the basin bottom. As this zone is regularly inundated, this area is the most difficult to establish since plants must be able to withstand inundation of water during storms, when wind might blow water into the area, or the occasional drought during the summer. To stabilize the soil in this zone, Zone 1 must have a vigorous cover. Types of landscaping, as required in Table 5.6, are as follows:
      (a) Deciduous trees shall be a minimum caliper (diameter) of two (2") inches, six (6") inches from the ground. Acceptable species include river birch (*betula nigra*), green ash

(*fraxinus pennsylvanica*), white ash (*fraxinus americana*), red maple (*acer rubrum*), willow oak (*quercus phellos*), swamp white oak (*quercus bicolor*), sweetgum (*liquidambar styraciflua*), black gum (*nyssa sylvatica*), and American sycamore (*platanus occidentalis*).

(b) Evergreen trees are not required in this zone.

(c) Shrubs shall be a minimum of twenty-four (24") inches in height. Acceptable species include pussy willow (*salix discolor*), swamp rose (*rosa palustris*), buttonbush (*cephalanthus occidentalis*), highbush blueberry (*vaccinium spp.*), arrowood (*viburnum dentatum*), spicebush (*lindera Benzoin*), sweetbells (*leucothoe racemosa*), sweet pepperbush (*clethra alnifolia*), winterberry (*ilex verticillata*), inkberry holly (*ilex glabra*), sweet bay magnolia (*magnolia virginiana*), red osier/silky dogwood (*cornus stolonifera/amomum*), grey dogwood (*cornus racemosa*), black willow (*salix nigra*), and serviceberry (*amelanchier spp.*).

(d) Acceptable groundcover planting species include cardinal flower (*lobelia cardinalis*), blue flag iris (*iris versicolor*), sweet flag (*acorus calamus*), Marsh marigold (*caltha palustris*), swamp milkweed (*asclepsis incarnata*), redtop (*agrostis spp.*), switchgrass (*panicum virgatum*), Canada bluejoint (*calamagrostis canadensis*), many bulrushes (*scirpus spp.*), and spike rushes (*eleocharis spp.*).

(e) A natural seed mix of natural prairie, meadow or wildflower shall be utilized at 80 lbs/acre. Mixtures should include 20% Annual Ryegrass, 20% Fowl Bluegrass, 20% Foxsedge, 7% Ticklegrass, 5% Soft Rush, 5% Lurid Sedge, 5% Showy Tickseed Sunflower, 3% Green Bulrush, 3% Joe-Pye Weed, 3% Blue Vervain, 2% Nodding-Bur Marigold, 2% Rough Leaved Goldenrod, 2% Boneset, 1% Marsh Blazing Star, 1% Sensitive Fern, 1% Purple Stem Aster. Turf grass seed mixes, comprised primarily of Kentucky Bluegrass, Tall Fescue or Perennial rye is not permitted.

ii. Zone 2 (10 Year Storm). Zone Two is the area below the ten (10) year flood recurrence interval, which is a flood of extreme magnitude that has a ten (10%) percent chance of happening in any year. This zone generally extends from 1' to 4' feet above the basin floor. Plants in this zone are subject to periodic inundation after storms and may experience saturated or partly saturated soil. Types of landscaping, as required in Table 5.6, are as follows:

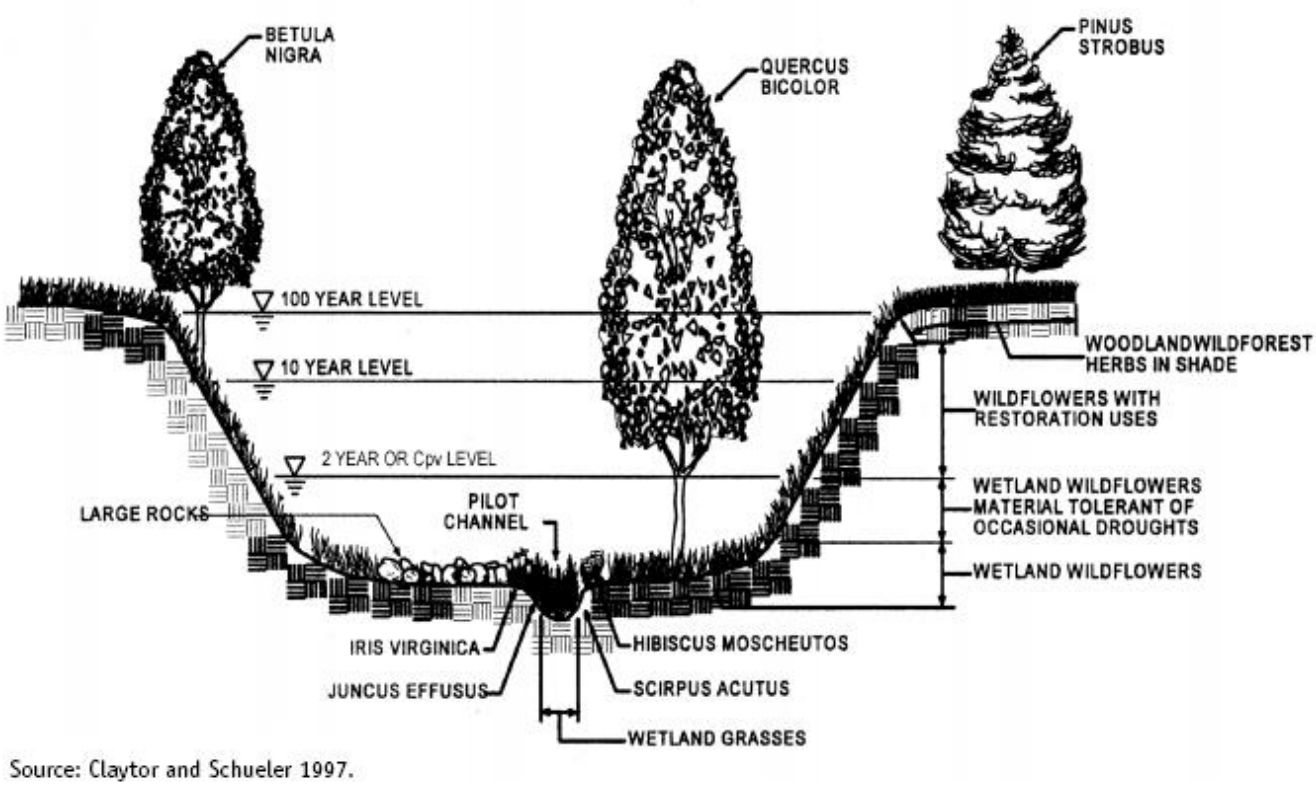
(a) Deciduous trees shall be a minimum caliper (diameter) of two (2") inches, six (6") inches from the ground. Acceptable species include green ash (*fraxinus pennsylvanica*), river birch (*betula nigra*), sweetgum (*liquidambar styraciflua*), American hornbeam (*carpinus caroliniana*), persimmon (*diospyros virginiana*), and red maple (*acer rubrum*).

(b) Evergreen trees are not required in this zone.

(c) Shrubs shall be a minimum of twenty-four (24") inches in height. Acceptable species include hollies (*ilex spp.*), steeplebush (*spirea tomentosa*), serviceberry (*amelanchier arborea*), nannyberry (*viburnurn lentago*), sweet pepperbush (*clethra alnifolia*), bayberry (*morella pensylvanica*), elderberry (*sambucus canadensis*), sweetbay magnolia (*magnolia virginiana*), hawthorn (*crategus*), and shrub dogwoods (*cornus spp.*).

(d) Acceptable groundcover planting species include asters (*aster spp.*), goldenrods (*solidago spp.*), beebalm (*monarda didyma*), bergamont (*monarda fistulosa*), lobelias (*lobelia spp.*), coneflower (*rudbeckia spp.*), violets (*viola spp.*), lilies (*lilium spp.*), primrose (*oenothera spp.*), milkwort (*polygala spp.*), and flatsedge (*cyperus spp.*).

(e) A natural seed mix of natural prairie, meadow or wildflower shall be utilized at 20 lbs/acre. Mixtures should include 25% Annual Ryegrass, 15% Little Bluestem, 10% Fowl Bluegrass, 10% Partridge Pea, 10% Ticklegrass, 10% Sideoats Grama, 5% Blunt Broom Sedge, 4% Showy Tick Trefoil, 3% Black Eyed Susan, 3% Ox-Eye Sunflower, 2% Broom Sedge, 1% Zig-Zag Aster, l % Marsh Blazing Star, 1% Butterfly Milkweed. Turf grass seed mixes, comprised primarily of Kentucky Bluegrass, Tall Fescue or Perennial rye is not permitted.



Source: Claytor and Schueler 1997.

iii. Zone 3 (100 Year Storm). Zone Three is the area below the one hundred (100) year flood recurrence interval, which is a flood of extreme magnitude that has a one (1%) percent chance of happening in any year. This zone is infrequently inundated by floodwaters that quickly recede in a day or less. It's important to stabilize the steep slopes characteristic of this zone and establish low maintenance natural vegetation. Types of landscaping, as required in Table 5.6, are as follows:

(a) Deciduous trees shall be a minimum of minimum caliper (diameter) of two (2") inches, six (6") inches from the ground. Acceptable species include American hornbeam (*carpinus caroliniana*), cherries (*prunus spp.*), willow oak (*quercus phellos*), hickories (*carya spp.*), and witch-hazel (*hamamelis virginiana*).

(b) Evergreen trees shall be a minimum of six (6') feet in height. Acceptable species include White Fir (*abies concolor*), Eastern Red Cedar (*juniperus virginiana*), Norway Spruce (*picea abies*), Colorado Spruce (*picea pungens*), Japanese Black Pine (*pinus thunbergi*), and Douglas Fir (*pseudotsuga taxifolia*).

(c) Shrubs shall be a minimum of twenty-four (24") inches in height. Acceptable species include phlox (*phlox spp.*), solomon's seal (*polygonatum biflorum*), many fescues (*festuca spp.*), many viburnums (*viburnum spp.*), and Virginia rose (*rosa virginiana*).

(d) Acceptable groundcover planting species include Trumpetcreeper (*campsis radicans*), Wintercreeper Euonymus (*euonymus fortunei vegetus*), English Ivy (*hedera helix*), Shore Juniper (*jurtiperus conferta*), Andorra Juniper (*juniperus horizontalis plurnosa*), Packasandra (*pacysandra terminalis*), Virginia Creeper (*parthenocissus qitiuquefolia*), Grapes sp. (*vitis sp.*), and Myrtle (*vinca minor*).

(e) A natural seed mix of natural prairie, meadow or wildflower shall be utilized at 80 lbs/acre. Acceptable species include phlox (*phlox spp.*) and many fescues (*festuca spp.*). Turf grass seed mixes, comprised primarily of Kentucky Bluegrass, Tall Fescue or Perennial rye is not permitted.

iv. Zone 4 (Basin Periphery). Zone Four encompasses the area approximately twenty (20') feet above the one hundred (100) year flood recurrence interval, or top of the basin. The placement of plants in this zone is important since it is the most visible area and screen undesirable views, serve as a buffer, and provide shade to allow a greater variety of plant materials. Types of landscaping, as required in Table 5.6, are as follows:

(a) Deciduous trees shall be a minimum of minimum caliper (diameter) of two (2") inches, six (6") inches from the ground. Acceptable species include Basswood (*tilia americana*), Flowering Dogwood (*cornus florida*), Redbud (*cercis canadensis*), Sassafras (*sassafras albidum*), American Beech (*fagus grandifolia*), White Ash (*fraxinus americana*), Scarlet Oak (*quercus coccinea*), White Oak (*quercus alba*), and Black Oak (*quercus velutina*).

(b) Evergreen trees shall be a minimum of six (6') feet in height. Acceptable species include White Fir (*abies concolor*), Eastern Red Cedar (*juniperus virginiana*), Norway Spruce (*picea abies*), Colorado Spruce (*picea pungens*), Japanese Black Pine (*pinus thunbergi*), and Douglas Fir (*pseudotsuga taxifolia*).

(c) Shrubs shall be a minimum of twenty-four (24") inches in height. Acceptable species include Bayberry (*myrica pennsylvanica*), Blackhaw (*viburnum prunifolium*), Fragrant Sumac (*rhus aromatica*), Highbush Blueberry (*vaccinium corymbosum*), Inkberry (*ilex glabra*), Potentilla (*potentilla fruticosa*), Red Cedar (*juniperus virginiana*), and Serviceberry (*amelanchier canadensis*).

(d) Fine fescues (festuca spp.) and groundcover plantings are acceptable in this zone.

d. Process. Basin landscaping shall be shown on a landscaping plan or separate basin landscaping plan, as part of any site or subdivision plan application, per Article VIII.

H. Safety Standards. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs, which shall apply to any new or modified stormwater management BMP.

The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §516.H .1 for trash racks, overflow grates, and escape provisions at outlet structures.

1. Requirements.

a. Trash Rack. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management BMP to ensure proper functioning of the BMP outlets, in accordance with the following:

i. The trash rack shall have parallel bars, with no greater than six (6") inch spacing between

the bars;

ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

iii. The average velocity of flow through a clean trash rack is not to exceed 2.5' feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material, and designed to withstand a perpendicular live loading of 300 lbs./square foot.

b. Overflow Grate. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

ii. The overflow grate spacing shall be no less than two inches across the smallest dimension.

iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./sf.

iv. Overflow grates shall be installed a minimum of 3 inches above the maximum design storm so as not to impede flow for routings and allow for construction tolerances. If the grate location cannot be raised 3 inches above the maximum design water elevation or is being used as an emergency spillway, no grate should be specified, and a trash rack should be proposed instead.

c. Escape Provisions.

Stormwater management BMPs shall include escape provisions as follows:

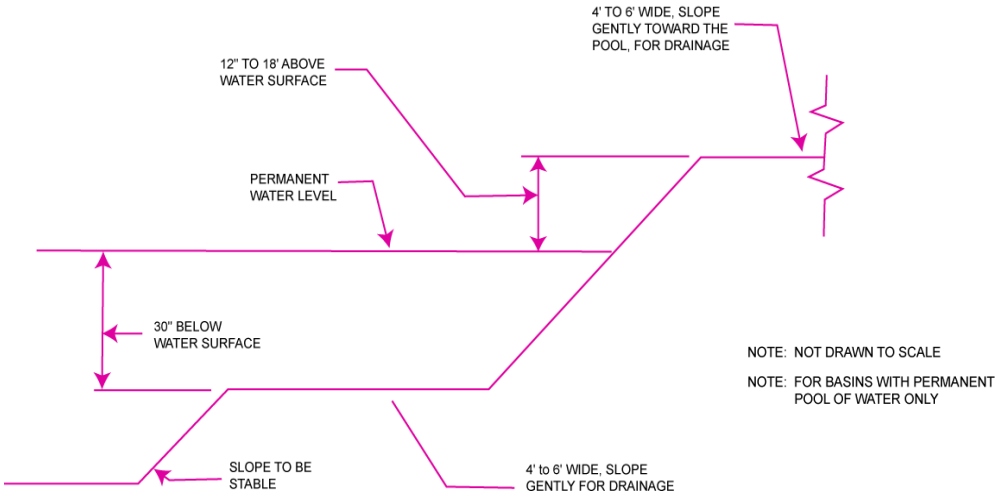
i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the Township pursuant to §516.H.1, a free-standing outlet structure may be exempted from this requirement;

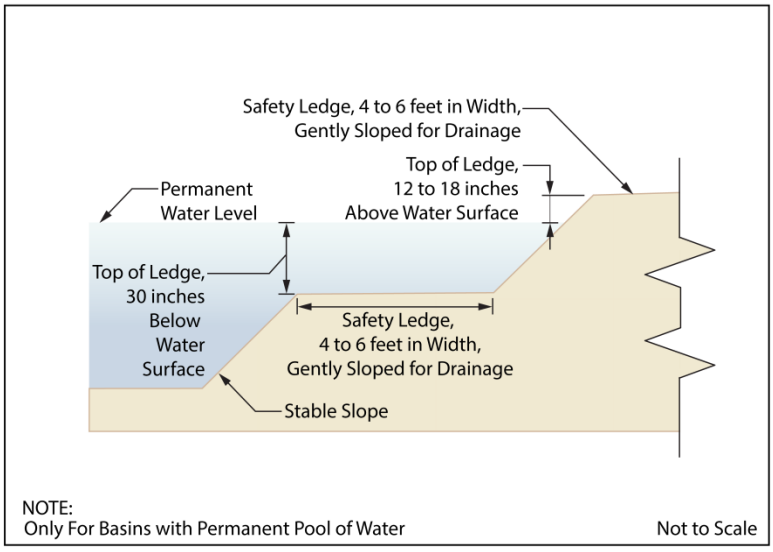
ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half (2.5') feet. Safety ledges shall be comprised of two steps. Each step shall be four to six (4-6') feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See below for an illustration of safety ledges in a stormwater management BMP; and

iii. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical (3:1).

Elevation View – Basin Safety Ledge Configuration

Depicted is an elevational view.





2. Variance or Exemptions from Safety Standard. A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the Township Planning or Zoning Board, that the variance or exemption will not constitute a threat to public safety.

I. Site Development Stormwater Plan.

1. Requirement.

a. Whenever an applicant seeks municipal approval of a development subject to this Ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §516.I.2 as part of the complete Board application for subdivision or site plan approval.

b. The applicant shall demonstrate that the project meets the standards set forth in this Ordinance.

c. The applicant shall submit 3 double-sided paper copies and one electronic copy in portable

document format (PDF) or comparable format of the Stormwater Plan and any additional materials listed in the checklist, in accordance with §516.I.2 of this Ordinance.

2. Approval. All stormwater management facilities and infrastructure shall be reviewed as a part of the subdivision or site plan review process by the applicable municipal Board or official from which Township approval is sought. That Township board or official (as appropriate) shall consult the Township's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this Ordinance.

3. Location. All stormwater management facilities and infrastructure in association with a major residential site plan shall be constructed on a separate lot specifically reserved for such purpose, unless otherwise approved by the Planning Board or Zoning Board of Adjustment, whichever the case may be. Where the area designated for stormwater management facilities are part of a residential major site plan, the areas devoted to these stormwater management purposes shall not be counted as part of the required open space.

4. Checklist Requirements – Submission of Site Development Stormwater Plan. The following information shall be required:
   a. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200' feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

   b. Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings shall be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

   c. Project Description & Site Plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

   d. Land Use Planning & Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §516.C, §516.E and §516.F are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

   e. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
      i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon,

and details of the proposed plan to control and dispose of stormwater.

ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

f. Calculations.

i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §516.E of this Ordinance.

ii. When the proposed stormwater management control measures (e.g. basins) depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure. See Chapter 12 of the NJ BMP Manual for additional information: https://www.njstormwater.org/bmp_manual2.htm.

g. Maintenance & Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §516.K.

h. Waiver from Submission Requirements. The applicable Township official or Board reviewing an application under this Ordinance may, in consultation with the Township's review engineer, waive submission, upon written request of the applicant, of any of the requirements in §516.D, when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

J. Maintenance & Repair. Projects subject to review in §516.A.3 shall comply with the below requirements:

1. General Maintenance.

a. The design engineer shall prepare a Maintenance Plan for the stormwater management measures incorporated into the design of a major development.

b. The Maintenance Plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

c. Responsibility.

i. If the Maintenance Plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the Plan shall include documentation of such person's or entity's agreement to assume this responsibility or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be

legally responsible for all of the maintenance required.

iii. If the party responsible for maintenance identified under §516.K.1.c is not a public agency, the maintenance plan and any future revisions based on §516.K.b and c. shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

iv. The requirements of §516.J.1.c.i and ii. do not apply to stormwater management facilities that are dedicated to and accepted by the Township or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

v. The Responsible Party for Maintenance identified under §516.J.c.i shall perform all of the following requirements:

(a) Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders, shall be maintained by the responsible party.

(b) Evaluate the effectiveness of the Maintenance Plan shall be evaluated at least once per year by the responsible party and adjust the plan and deed as needed; and

(c) Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the Maintenance Plan and documentation required by §516.J.c.v & §516.J.c.vi(a).

vi. Repair.

(a) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(b) In the event that the stormwater management facility becomes a danger to public safety or public health in the opinion of the Township, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

2. Maintenance/Performance Bonds.

a. Responsibility for operation and maintenance of any stormwater management facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner or owners of the property, with permanent arrangements in place so that it shall pass to any successive owner, unless assumed by a government agency. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate, for each project, the property owner, governmental agency or other legally established entity to be permanently responsible for maintenance.

b. The applicant shall enter into an Stormwater Maintenance Agreement with the Township to ensure the continued operation and maintenance of the stormwater facility. This agreement shall be reviewed and approved by the applicable Board Engineer and Township Solicitor. This Agreement may include, but may not necessarily be limited to, personal guaranties, deed restrictions, covenant and bonds. In cases where property is subdivided and sold separately, a Homeowners Association (HOA) or similar permanent entity should be established as the responsible entity, absent an agreement by a governmental agency to assume responsibility. In addition, the applicant shall:
   i. Describe in detail the mechanisms for maintenance, including:
      (a) The types and quantities of equipment necessary for maintenance.
      (b) The maintenance schedule in terms of maintenance activities required on annual basis.
      (c) The methodology of maintaining all detention/ infiltration facilities on the site.
      (d) The entity responsible for the maintenance activity.
      (e) The life expectancy of the stormwater facility.
   ii. Itemize costs associated with each of the items described in §516.K.2.b.i, in addition to manpower, capital costs for equipment and foreseeable costs associated with repair of a system which fails.
   iii. Obtain approval from the applicable Board for all arrangements and values, per §516.H.

c. Developer Contribution. An exemption or design waiver(s) may be requested for the requirements outlined §516.K.2.b relating to the formation of a responsible entity for the long-term care and maintenance of stormwater management facilities by the Planning Board or Zoning Board, upon the Board's determination that both the area to be developed and the Township on whole would be better served by an agreed upon cash bequest to the designated stormwater management maintenance fund as established below:
   i. The Township of Cherry Hill shall establish a separate fund to receive contributions from developers where the Planning Board or Zoning Board has determined that the formation of a responsible entity, for the long-term care and maintenance of stormwater management facilities, is not warranted or practical. These funds shall be utilized for the long-term care and maintenance of stormwater management facilities in such locations as deemed most beneficial to the residents of the Township by Township Council. The contribution shall be placed in the budget by way of a dedication by rider. The Township Council and the Mayor shall be provided with financial reports by the Township Controller, as to the status of said account.
   ii. Calculation. The amount of money to be contributed shall be calculated as follows:
      (a) $50,000 for the first acre, or part thereof, of basin area, as calculated by the Planning or Zoning Board Engineer.
      (b) $25,000 for each additional acre, or part thereof, of basin area in excess of one acre, as calculated by the Planning or Zoning Board Engineer.
   i. The amount of the developer's contribution for long-term basin maintenance shall be established by resolution of the Township Council, and updated as necessary.
   ii. Payment of the contribution required pursuant hereto shall be made prior to the signing of the final plans and/or deeds.

b. In the event that any type of stormwater management facility becomes a threat to public safety or public health or is in need of maintenance, the Township shall so notify, in writing, the owner

of the facility. From the notice, the owner shall have fourteen (14) days to perform such maintenance and repair on the facility in a manner that is approved by the Township Engineer. If the owner fails to perform such maintenance and repair on the facility within the required time period, the Township may immediately proceed to do so and shall bill the cost of such repairs to the owner of the facility.

3. Nothing in this section shall preclude the Township in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with *N.J.S.A. 40:55D-53*.

K. Sources For Technical Guidance.

1. Technical guidance for stormwater management measures can be found in the documents listed below, which are available from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
    a. Guidelines for stormwater management measures are contained in the *NJ BMP Manual*, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 5.13A, 5.13B, and 5.13C.
    b. Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.
2. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420
3. Additional technical guidance for stormwater management measures can be obtained from the following:
    a. The "*Standards for Soil Erosion & Sediment Control in New Jersey*" promulgated by the State Soil Conservation Committee and incorporated into *N.J.A.C. 2:90*. Copies of these standards may be obtained here: https://www.nj.gov/agriculture/divisions/anr/nrc/njerosion.html;
    b. Camden County Soil Conservation District, per *N.J.A.C. 2:90-1.3(a)4,* (www.camdenscd.org);
    c. The Rutgers Cooperative Extension Service, (732) 932-9306 and Water Resources Program: Rain Garden Information Center (http://water.rutgers.edu/main.htm);
    d. *Part 630 Hydrology National Engineering Handbook*, United States Department of Agriculture (U.S.D.A.), Natural Resources Conservation Service (N.R.C.S.), (210-vi, NEH, September 1997) 1-1 available here: https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/water/manage/hydrology/?cid=STELPRDB1043063; ; and; and
    e. New Jersey *Residential Site Improvements Standards* (N.J.A.C. Title 5 Chapter 21), latest edition, available here: https://www.nj.gov/dca/divisions/codes/offices/rsis.html.

L. Construction Requirements. The construction requirements outlined in the NJ BMP Manual for each stormwater management BMP shall be incorporated and supplemented as follows:

1. Where "engineer" is stated in §516.L, it is meant to be the design engineer, licensed engineer working on behalf of the applicant/owner/contractor, or his/her/their designated representative(s) as appropriate.

2. The extents and depth of soil replacement areas, if required, are subject to the direction and approval of the engineer based upon site conditions encountered during excavation.

3. It is expected that, to the maximum extent practicable, the engineer will be providing guidance to the contractor for the entire duration of the stormwater BMP construction. The engineer will be onsite or available for the construction of the stormwater management BMP from excavation through to seeding and slope stabilization.

4. Where proprietary systems are installed, a representative from the manufacturer shall be available during the installation of the system.

    a. For example, an ACF representative should be available for the placement of geotextile, initial installation of Stormtech chambers, stone placement around chambers, and geotextile wrapping of bed to ensure it was performed properly.

5. The engineer shall be onsite to inspect and certify, at a minimum, the following, as applicable: extents and depth of soil replacement areas, placement of geotextile, inspection and approval of K-4 soil replacement material, basin bottom elevation, K-5 sand material, and in-place depths of both soil replacement material and K-5 sand.

6. It is the contractor's responsibility to coordinate the anticipated schedule with the engineer in advance of any activities the engineer must certify prior to continuing construction activities.

7. The engineer shall provide a certification stating that, while they were onsite on (dates) and (times), all construction was performed in accordance with the design plans. This certification shall be in addition to the post-construction requirements in §516.M.

M. Post-Construction Requirements.
    1. An as-built survey shall be prepared by a licensed land surveyor.
    2. Post-construction permeability testing in accordance with the NJ BMP Manual shall be performed for all applicable stormwater management BMPs.
    3. As-built routings shall be prepared by a licensed engineer for each as-built stormwater BMP.
    4. A statement should be prepared by a licensed engineer that the as-built permeability and/or as-built routings comply with the design and state regulations. Otherwise:
        a. If the as-built routings exceed the allowable and/or permeability testing shows a longer drain time than allowed in the BMP Manual, corrective action must be outlined and submitted to the Township or review board Engineer, as applicable.
        b. All corrections or remedial actions deemed by the Township to be necessary due to the failure to comply with the standards established by the design, this ordinance, and/or any reasons of public health or safety shall be completed by the applicant. The applicant shall pay all costs associated with such reviews and site visits.

N. Penalties. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this ordinance shall be subject to the penalties outlined in Article XI, Section 1106.

O. Severability. See Article XII, Section 1202.

SECTION 517. SIGNS.

A. Intent.
    1. In addition to §103 of this Ordinance, the purpose of this Article is to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but

instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the Township as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the Township is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the Township and promoting its continued well-being, and are intended to:

b. Promote the free flow of traffic and protect pedestrians, bicyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signs.

c. Promote the use of signs that are aesthetically pleasing and of appropriate scale to the building(s) they relate to.

d. Promote the use of signs that are integrated with the surrounding buildings and landscape.

e. Promote the use of signs that are compatible with the Township's historic character.

f. Provide functional flexibility, encourage variety, and create an incentive to relate signage to basic principles of good design.

g. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

h. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs.

i. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain.

j. Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function.

k. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites.

l. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the Township.

m. Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement.

n. Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area.

o. Preserve and enhance the residential and historic character of the Township.

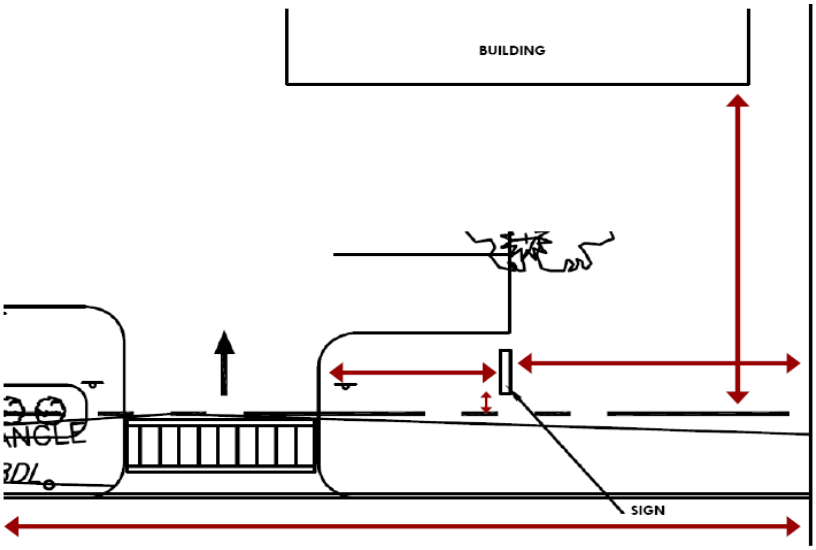
2. In all zones within the Township of Cherry Hill, signs may be erected, altered, maintained, used, removed or moved only when compliance with the provisions of this Article, any and all other ordinances, and regulations of the Township of Cherry Hill relating to the erection, installation, alteration, maintenance, use, removal or moving of signs and similar devices.

B. Definitions. All word uses of §201 and definitions in §202 of the Cherry Hill Zoning Ordinance shall apply.

C. General Regulations. The following general regulations shall be applicable to all zones, except as specifically limited:

1. Number of Signs. There shall be no more than four (4) signs per business establishment, with the exception of:
   a. Official Governmental Agency signs, including traffic control, emergency, historical markers, and signs posted by government agencies.
   b. Signs prohibiting or controlling trespass, hunting, and/or fishing and warning signs. Trespassing signs that indicate the private nature of a road, driveway, or premises; and signs prohibiting or otherwise controlling the fishing or hunting upon a particular premise.
   c. Nameplate and address in residential zone, as permitted in §517.F.2.
   d. Prospective sale or rental signs.
   e. Functional signs.

2. Freestanding Sign Location. A proposed freestanding sign shall conform to the following location:
   a. A property line with a frontage of less than fifty (50') feet shall not be permitted a freestanding sign, and
   b. There shall be a minimum distance of fifteen (15') feet between any side property line, and
   c. There shall be a minimum distance of fifty (50') feet between the nearest portion of any freestanding sign and another freestanding sign.
   d. In no case shall a sign, other than an official sign or functional sign be erected within the official right-of-way of any street, unless specifically authorized by Ordinance or regulations of Cherry Hill Township, Camden County or State of New Jersey. All signs other than those permitted within the street right-of-way shall be:
      i. Erected either with the bottom of the sign at least eight (8') feet above the level at which the driveway meets the street, or



      ii. Set back from the property line for a distance of not less than ten (10') feet, or
      iii. At least fifty (50') feet from the side of any street or driveway.

3. Size Limits.

a. All freestanding signs shall not exceed seventeen (17') feet in height or exceed seventeen (17') feet above grade level.

b. Functional signs shall not exceed three (3) square feet in area per sign.

c. Awning Signs and Canopy Signs are permitted as a façade sign. No more than thirty-three (33%) percent of an awning or canopy may be utilized as a sign.

4. Computation of Sizes.

a. The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains identification copy, but for the purpose of making such determination, the applicant may block off portions of the sign into not more than three (3) rectangles in order to exclude large areas of open space caused by the particular design or shape of the sign.



b. Two-sided signs caring the same message on both sides shall be measured by using the surface area of one (1) side of the sign only. When there is a different message on each side of the sign, each side will be considered as separate sign.

5. Sign Base.

a. Monument. Signs utilizing a monument base or style sign when not required, shall be allowed an additional ten (10) square feet than what is permitted in size. All monument signs shall be a maximum of ten (10') feet in height, with the bottom of any text being three (3') feet above grade or higher.

b. Pole Design. All freestanding signs utilizing a pole base shall be skirted to enclose the supporting pole or pylon of the sign from the bottom of the sign to the ground. The skirting shall not be included in the sign size calculation unless it displays a message. In substitution of the skirting, a masonry or similar decorative base may be utilized.

c. Landscaping. The base of the freestanding sign shall be surrounded with a combination of shrubs, ground cover, flowers or other plant material, a minimum size of the area of copy.

D. Prohibited Signs. The following signs are prohibited in all zones:

1. All signs shall be permanently fixed to the ground or attached to a building or structure in a manner conforming to the *Building Officials & Code Administrators* (B.O.C.A.) code and other applicable State and Township statutes and ordinances.

2. All permanent signs shall be constructed of materials only as permitted by the *New Jersey Uniform Construction Code* (*N.J.A.C. 5:23-1 et. seq.*) and of such type and strength that it will withstand the effects of outdoor elements without unreasonable degradation. Such signs shall not topple, sited, rip, break, or cause any safety hazard.

3. All signs erected, constructed or maintained as to:
   a. Obstruct any fire escape, window, door or opening used as a means of egress or ingress, and
   b. Interfere with any opening required for legal ventilation.

4. All flashing, blinking, twinkling, animated, moving or projected sign of any type, or a sign, which presents an illusion of movement. Static time and temperature displays are permitted.

5. All inflatable signs or tethered balloons, except decorative small balloons no larger than twenty-four (24") inches in diameter.
6. All signs whose form, character, or shape may confuse or dangerously distract the attention of the operator of a motor vehicle.
7. All advertisements that use a series of two or more signs or units, placed in a line parallel to the highway, or in a similar fashion, all carrying a single advertising message part of which is contained on each sign.
8. All signs that in any way simulate official, functional, directional or warning signs erected or maintained by the State of New Jersey, County or Municipality thereof, any railroad, public utility or similar agency concerned with the protection of public health or safety.
9. All signs attached to or painted on trees, fences, utility poles, rocks, curbs, walks, lamps, hydrants, benches, bridges, telephone booths, traffic signs, other utility structure, within any street right of way or placed upon any property owned by the Township of Cherry Hill. This requirement does not apply to "no trespassing" signs, "no fishing, and/or hunting" signs, governmental, directional, functional or warning signs erected and maintained by the State, County, or municipality; or warning signs such as "Beware of Dog" or an existing danger.
10. All political signs that are temporarily or permanently affixed to a fire hydrant, telephone booth, utility pole, telephone pole, traffic sign or other public utility structure or posted, painted or otherwise affixed to trees, rocks, or other natural features within a street right-of-way, or in any other manner placed within any street right-of-way or placed on any property owned by the Township of Cherry Hill.
11. Election Signs. On any property, one election sign for each candidate and each issue may be displayed as a window sign, an attached sign or as a ground sign not exceeding three square feet in size (sign area). In addition, election signs displayed as ground signs shall not exceed three feet in height and the top of the sign shall not be more than six (6') feet from the grade level. An election sign shall be removed within seven (7) calendar days following the election to which it pertains; an election sign not so removed shall be treated as a free expression sign. An election sign is in addition to any other sign permitted under this Article.
12. Any temporary sign or temporary device utilized to express a noncommercial message that is reactive to a local happening or that expresses a view on a controversial issue, and that is displayed on public property that is a traditional public forum such as a public sidewalk or a public park is permitted, provided that the temporary display does not block, or otherwise interfere with, pedestrian or vehicular traffic.
13. Signs bearing text of a laudatory nature including services or product names normally furnished by any such proprietor. It is the purpose of this article to limit the use of signs to identification or directional purposes only. Identification signs allow the principal name of the establishment or proprietor and a brief description of the principal goods or service offered.
14. Any sign which, applying contemporary community standards has a dominant theme or purpose and appeal to prurient interest.
15. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of the Township Zoning Ordinance in the zone in which the property to which the sign relates in located.
16. In order that no sign be injurious to public interest or endanger the interests of public safety or morals, all unlicensed signs shall be removed upon receipt of a written notice of violation served by

the Zoning Officer or his representative to the landowner or leasor or leasee of the sign. Such violation shall be discontinued immediately upon receipt of such notice.

17. Free Expression Signs. On any property, one free expression sign may be displayed as a window sign, an attached sign or as a ground sign not exceeding three square feet in size (sign area). In addition, free expression signs displayed as ground signs shall not exceed three feet in height and the top of the sign shall not be more than six (6') feet from the grade level. A free expression sign is in addition to any other sign permitted under this Article.

18. Substitution of Non-Commercial Speech for Commercial Speech. Notwithstanding anything contained in this Article or these Ordinances to the contrary, any sign erected pursuant to the provisions of this Article or these Ordinances with a commercial message, may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from a commercial to a noncommercial message, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type and provided that the size, height, setback and other dimensional criteria contained in this Article and these Ordinances have been satisfied.

19. No sign, except such directional devices as may be required by the *Federal Aeronautical Authorities*, shall be placed upon any structure that extends above the roof of the building.

20. Mobile and Vehicular signs.

21. Off-Site signs and Billboards are prohibited in all zones.

22. Multiple occupancy and/or tenant signs, except as expressly permitted.

23. Changeable Copy. Changeable copy signs shall not be permitted unless the sign relates to a movie theatre, religious institution, public school or a gasoline filling station as provided by §517.G.3.a and for each business that has a *Class C Plenary Retail Consumption License*, which may have, as part of their façade or freestanding sign, a changeable copy portion subject to the following restrictions:
    a. No more than one (1) sign of this type, per business is permitted, and
    b. The changeable copy portion of the sign shall not exceed one-third (1/3) of the total sign area or twenty-four (24) square feet, whichever is less, and
    c. The copy of such signs shall be limited to three (3) lines indicating entertainment, or special and limited commercial or professional events.

24. Exceptions. Exceptions to §517.D shall include only the following:
    a. Each dwelling and business establishment shall display their street number in a prominent location so it is visible from the street at all times. The height of the number shall be such that it is legible to an individual at the front curb line.

    b. Banners, spinners, flags, and pennants shall be permitted for a two (2) week period during the opening of a new retail business or a change of ownership upon application to the Zoning Officer.

E. Illumination. Illuminated signs shall conform to the following provisions:
    1. Illumination may be provided by downward-lit exterior fixtures or internally-lit incandescent bulbs, fluorescent tubes, metal halide or mercury-vapor lamps. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents of the area.

2. Signs capable of illumination shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. the following morning, unless the business or uses identified are open to the public later than 10:00 p.m. or earlier than 7:00 a.m., in which event any such establishment may keep a sign illuminated during business hours, only.

F. Residential Zones. Within the Residential Agricultural (RA), Residential Agricultural Planned Community (RAPC), Residential R1, R2, R3, Multi-Residential (R7 & R10), High-Rise Residential (R20), and Institutional (IN) zones, only the following signs shall be permitted:

1. No more than one (1) permanent sign per use shall be permitted in the zones listed in §517.F, unless otherwise specified herein.

2. Nameplate & Address. A name plate not exceeding one (1) square foot in area and an address not exceeding two (2) square feet in area, both situated within the property lines.

3. Sale & Rental. No more than one (1) non-illuminated temporary sign indicating the prospective or completed sale or rental of the premises upon which it is located, which conform to the following:
   a. For a residential use, these signs shall not exceed six (6) square feet in area and four (4') feet in height.
   b. For a non-residential use, these signs shall not exceed thirty-two (32) square feet in area and six (6') feet in height.
   c. Such sign shall be removed within seven (7) days after consummation of a lease or sales transaction.

4. Subdivision. Permanent identification signs for major subdivisions shall conform to the following:
   a. Size shall not exceed thirty-two (32) square feet in area and shall be limited to one (1) sign per street frontage; or
   b. One (1) sign for every three hundred (300') feet of street frontage, with a maximum of two (2) signs.
   c. Review of these signs shall be made before final subdivision approval is granted.

5. Multi-Residential. Permanent project identification signs for multi-residential or high-rise residential developments shall be limited to one (1) sign per street frontage, not to exceed thirty-two (32) square feet in area.

6. Development. A sign indicating site or development of premises by a builder, construction, or developer shall conform to the following:
   a. Size shall not exceed twelve (12) square feet in area and shall be limited to one (1) sign per street frontage; or
   b. One (1) sign for every three hundred (300') feet of street frontage with a maximum of two (2) signs.
   c. The sign shall not be erected until application is made to the Planning or Zoning Board for site plan or subdivision approval.
   d. The sign shall be removed once the project is completed.

7. Institutional.
   a. Identification signs for churches, hospitals, schools, playgrounds, parks, and public utility facilities shall conform to the following:
      (a) Size shall not exceed twenty-four (24) square feet in area and shall be limited to one (1) sign per street frontage; and
      (b) A changeable copy portion of such sign not exceeding sixteen (16) square feet in area is permitted.
      (c) A maximum of six (6') feet in height is permitted.

b. Clubs, lodges and social organizations shall be permitted one (1) non-illuminated façade or freestanding sign not to exceed six (6) square feet in area.

8. Signs identifying the sale of products grown on the premises shall be permitted one (1) façade or freestanding sign not to exceed nine (9) square feet in area.

9. Signs prohibiting or otherwise controlling trespassing, fishing, and/or hunting shall be limited to one (1) sign for each fifty (50') feet of street frontage. Each sign shall not exceed one (1) square foot in area.

10. Agricultural/Horticultural (A-HC) Overlay Zone. Within the Agricultural/Horticultural (A-HC) overlay zone, only the following signs shall be permitted:
    a. Freestanding Sign. One (1) freestanding sign is permitted as provided below:
        i. Maximum forty (40) square feet; of which sixteen (16) square feet may include a change of copy sign for a Farm Market only.
        ii. Maximum height of seventeen (17') feet to the top of the sign from ground level located outside the traffic line of site.
        iii. Minimum clearance from ground to bottom of sign is eight (8') feet for signs more than three (3') feet in height.
        iv. Signs three (3') feet or less in height shall be ground-mounted only.
        v. The freestanding sign shall be located in accordance with all requirements, restrictions and conditions of §517.C.
    b. Façade Sign. One (1) Facade Sign is permitted as provided below:
        i. Each commercial establishment may have one (1) sign located or attached to the principal facade of said establishment on each street frontage.
        ii. Such sign shall not exceed an area equal to either fifteen percent (15%) of the principal facade area, including window and door or forty (40) square feet, whichever is smaller.

G. Business Zones. Within the Neighborhood Business (B1), Highway Business (B2), Shopping Center Business (B3), and Regional Business (B4) zones, only the following signs shall be permitted:
1. Signs permitted in Residential zones, per §517.F.
2. In Neighborhood Business (B1) zone:
    a. Each business establishment shall be permitted one (1) sign located on or attached to the principal façade of said establishment on each street frontage.
    b. Signs shall not project more than two (2') feet beyond the building line.
    c. Sign size shall not exceed whichever is the smaller of the following:
        i. an area equal to or less than fifteen (15%) percent of the principal façade area (including window and door area) on which, or in front of which, they are displayed, or
        ii. a maximum of forty (40) square feet.
3. In Highway Business (B2), Shopping Center Business (B3), and Regional Business (B4) zones, only the following signs shall be permitted:
    a. Retail & Service uses.
        i. Each business establishment on the ground floor of a structure may have one (1) façade sign located or attached to the principal façade of said establishment on each street frontage.
        ii. Each façade sign size shall not exceed whichever is the smaller of the following:

(a) an area equal to or less than fifteen (15%) percent of the principal façade area (including window and door area) on which, they are displayed, or
(b) a maximum of one hundred and fifty (150) square feet.

b. Office use.
   i. Each office structure shall have one (1) façade sign, identifying the name of the office park, located on or attached to the principal façade of said structure on each street frontage.
   ii. Any individual business within an office structure may not have its own façade sign.
   iii. Façade sign size shall not exceed whichever is the smaller of the following:
      (a) an area equal to or less than five (5%) percent of the principal façade area (including window and door area) on which, they are displayed, or
      (b) a maximum of fifty (50) square feet.

c. Freestanding Sign.
   i. Each business with an approved individual site plan with at least fifty (50') feet of indigenous street frontage may have one (1) freestanding sign on each street frontage. Such signs shall not be larger than one-half (1/2) square foot of sign per lineal front foot of the building with a maximum of one hundred fifty (150) square feet of area shall be placed within the property lines of the premises to which they relate.
   ii. In the case of a group of business uses sharing a common parking area, one (1) freestanding sign shall be permitted for the purpose of identifying the entire site as a shopping center or other commercial or professional use. Such sign shall not be larger than one-half (1/2) square foot of sign per lineal foot of building with a maximum of one hundred fifty (150) square feet and must be erected within the property lines of the use to which it relates.

d. Menu Sign. Drive-thru restaurants are permitted one (1) menu sign, which may include the name and logo of the restaurant to which the drive-through is attached, which shall conform to the following:
   i. shall not be visible from any roadway, and
   ii. shall be no larger than five (5') feet by seven (7') feet in area, and
   iii. shall not exceed eight (8') feet in height.

H. Office Zones. Within the Limited Office (O1), General Office (O2), and Restricted Office (O3) zones, only the following signs shall be permitted:
1. Signs permitted in Residential zones, per §517.F.
2. Façade Signs.
   a. Each office building shall be permitted one (1) identification sign located on or attached to the principal façade of said building on each street frontage.
   b. Such a sign shall not exceed two (2') feet beyond the building line.
   c. Sign size shall not exceed whichever is the smaller of the following:
      ii. An area equal to or less than five (5%) percent of the principal façade area (including window and door area) on which, or in front of which, they are displayed, or
      iii. A maximum of fifty (50) square feet.
3. Freestanding Signs.
   a. Each office building shall be permitted one (1) freestanding sign.
   b. Each sign shall not to exceed twenty (20) square feet in area.

c. If the office building is part of an office park, it shall not be permitted a freestanding sign. However, the office park shall be permitted a freestanding sign not to exceed twenty (20) square feet in area.

4. Directory Signs. In the Limited Office (O1) and General Office (O2) zones, where multiple-occupancy of an office building or office complex is involved, the freestanding sign permitted under §517.H.3.c above may contain a directory listing the professional offices for the purpose of identifying office location. The sign shall conform to the following:
   a. The top twenty-five (25%) percent of the sign, as a minimum, shall be used for the identifying street number and the name of the office building or complex.
   b. In those cases where the street number is not the identification of the building or complex or an integral part of the name, the street number shall be added at the top of the sign in numerals seven (7") inches in height.
   c. The area of the added numerals shall not be considered within the twenty (20) square feet size limitation.
   d. The sign is permitted to contain a map or floor plan diagram, as the case may be, indicating the location of the buildings or offices listed on the directory.

I. Industrial Zones. Within the Industrial Restricted (IR) zone, only the following signs shall be permitted:
1. Signs permitted in Residential zones, per §517.F.
2. Façade Signs. One (1) façade sign shall be permitted per building, not exceed five percent (5%) of the principal facade or one hundred and fifty (150) square feet, whichever is smaller.
3. Freestanding Signs. One (1) freestanding sign, not to exceed sixty (60) square feet in size, shall be permitted for the following:
   a. Where there are five (5) or more industrial establishments in an industrial park, one (1) freestanding sign shall be permitted on the principal street frontage for the purpose of identifying the industrial park.
   b. One (1) freestanding sign may be permitted for each building of at least 20,000 square feet and on a lot of at least two (2) acres, subject to the following restrictions and conditions:
      i. Such sign shall not exceed ten (10') feet in height.
      ii. It shall not be mounted in the air on posts or poles.
      iii. All freestanding signs within an industrial park shall be consistent in design, color and material. No more than two (2) colors shall be permitted on any one (1) freestanding sign.
      iv. A freestanding sign shall list only the name and address of the single tenant when the sign is for a single tenant building. For a multiple tenant building, a freestanding sign shall list no more than four (4) tenants and the top twenty-five (25%) percent of the sign, at a minimum, shall be used for identifying the street number, building or complex.

J. Sign Permit. Every sign used and maintained shall be required to have a valid sign permit, unless exempted, in accordance with the following requirements:
1. Application Requirements. Complete applications for sign permits shall include the following items to the Zoning Officer for review:
   a. Form. Completed required application forms, supplied by the Administrative Officer.
   b. Fees. Appropriate required fees, in accordance with §901.
   c. Consent. Signed application by the owner of the sign and the property owner on whose premises the sign is to be installed, or an original letter from the authorizing applicant to submit a sign

permit application for subject property.

d. Existing. A digital or color photo, no smaller than three by five (3" x 5") inches or larger than eight by ten (8" x 10") inches shall be submitted for each existing sign on the premises

e. Proposed. Sketch of the proposed sign, drawn to scale, the wording or message, where the sign will be attached to a building, and a plot plan showing the location of the proposed sign with dimensions to the nearest building and lot lines.

f. Taxes. No applications shall be granted unless the taxes on the real estate in question are paid in full as of the date of the application and a Zoning Permit has been obtained for the business establishment of the proposed sign.

2. Procedure. Completed applications shall be submitted to the Zoning Officer for review for compliance with this Ordinance and all other laws and ordinances of the Township of Cherry Hill. An application for a Sign Permit shall be granted or denied by the Zoning Officer within ten (10) days of the date of filing a complete application. If any application is granted or approved, a signed permit shall be issued by the Zoning Officer, which will then be forwarded to the Construction Official for building permits.

3. Change of Copy. Any alteration or change of copy will require a new permit. Any change in the size or shape of a sign, the size of the message, or structural alteration shall require a new sign permit and, if required, a building permit.

4. Exceptions. The following shall not require an application, permit, or fee:
   a. Nameplate and address in residential zones.
   b. Prospective sale or rental signs.
   c. Official governmental signs, including historical markers and traffic control signage.
   d. Signs advertising the sale of products grown on the premises.
   e. Signs prohibiting or controlling trespass, hunting, and/or fishing and warning signs.

K. Temporary Sign Permits.

1. General Regulations.
   a. In all zones within the Township of Cherry Hill, temporary signs may permitted for a period not to exceed twenty (20) days, only to promote a charitable, educational, civic, cultural or religious special event, upon application to the Township Clerk for a Temporary sign permit. All other temporary signs are expressly prohibited. All approved signs must be removed with twenty-four (24) hours after the event.

   b. The size, material, and number of signs permitted shall conform with requirements of permanent signs for the zone in which such temporary sign(s) may be located, except that:
      i. Temporary signs in Institutional zones, or Residential zones where the lots are two (2) or more acres, shall be no greater in size than thirty-two (32) square feet in area and eight (8') feet in height.

      ii. Temporary signs in Residential zones where the lots are less than two (2) acres shall be no greater than sixteen (16) square feet in area and six (6') feet in height.

      iii. Rooftop signs temporarily permitted for the purposes stated above, installed in B1, B2, B3, B4, O1, O2 and R20 zones may be permitted, as long as safety and general aesthetics as they relate to nearby properties are not adversely affected.

      iv. Only one (1) temporary sign per property shall be permitted.

      v. In no event shall more than two (2) temporary signs in different locations be issued for any one special event. This provision does not apply to campaign signs.

2. Application.
   a. All applications for a permit to allow a temporary sign shall be filed with the Township Clerk at least thirty (30) days prior to the date the sign will be erected or installed for approval by Township Council.
   b. Temporary functional signs for special events shall not require an additional permit but shall require an approved application for the special event.
   c. All applications shall state the location of sign(s) as well as a description of the sign(s), including the wording, color(s) and materials.
   d. All applications shall be reviewed by the Zoning Officer to ensure that the health, safety and general aesthetics as they effect nearby properties are not adversely affected.
   e. No applications shall be granted unless the taxes on the real estate in question are paid in full as of the date of the application.
   f. All temporary signs for charitable, educational, civic, cultural or religious events shall require a temporary sign permit and shall be charged application fees, in accordance with §901.

L. Sign Permit Invalidation.
   1. Cause of Invalidation. Any of the following shall cause a sign permit to be invalidated:
      a. An invalidation of a Certificate of Occupancy for the use to which the sign relates.
      b. An alteration in the structure of a sign support.
      c. Vacation of the premises by the user to which the sign relates.
      d. Abandonment pursuant to §517.N.
      e. Failure to correct a condition given in written notice by the Zoning Officer, pursuant to §517.N.

M. Non-Conforming Signs. See §401.C.

N. Obsolete or Abandoned Signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, a product sold or is not used for a permitted use hereunder shall be taken down and removed by the permittee, owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found within ten (10) days after written notification from the Construction Official or Zoning Officer. The failure to keep a non-conforming sign painted or in good repair for a period of six (6) months shall constitute abandonment, and such sign may not be reused and must be removed. Said sign shall be repainted or repaired as necessary within ten (10) days after written notification from the Construction Official or Zoning Officer.

O. Violations & Penalties. The owner, and/or tenants of the premises and the owner and/ or erector of the sign shall be held responsible for any violation and the cost of removal of any sign in violation thereof.
   1. Any sign erected or maintained in conflict with §517.D or §517.K shall be removed within twenty-four (24) hours of the written notice of violation from the Township.
   2. Any political candidate who directly or indirectly by his/her agent, representative or campaign official, permits a violation of §517.D for seventy-two (72) hours after notification to said political candidate, his/her agent, representative or campaign official to remove the same shall be subject to a fine not exceeding one hundred fifty dollars ($150.00) per day, shall be charged with all costs of removal, and could be held responsible for court costs. The installation, posting and placement of each individual sign shall constitute a separate offense.
   3. Any person who directly or indirectly by his/her agent or representative violates any of the paragraphs below, shall be subject to a fine and/or imprisonment in accordance with §1106 and

shall be charged with all costs of removal. The installation, posting and placing of each individual sign shall constitute a separate offense:

a. Permits a violation of 'Prohibited Signs', §517.D; or
b. Permits a violation of 'Temporary Signs' §517.K ; or
c. Failure to remove a sign in violation of §517.D or §517.K , within twenty-four (24) hours and upon written notice by the Township; or
d. Failure to remove a sign in violation of 'Obsolete or Abandoned Signs' §517.N, within ten (10) days and upon written notice by the Township.

SECTION 518. EVSE AND MAKE-READY PARKING SPACES.

A. Purpose. The purpose of this section is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces through zoning and municipal parking regulations, as well as other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. (Reserved).

C. Approvals and Permits.

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to N.J.S.A. 40:55D-70.
2. EVSE and Make-Ready parking spaces installed pursuant to §518.D below in development applications that are subject to site plan approval are considered a permitted accessory use as described in §518.C.1 above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Administrative Official, Zoning Officer, and/or their designee shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Cherry Hill Township Zoning Ordinance.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to N.J.S.A. 40:55D-1, et seq., or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the Administrative Official, Zoning Officer, or his/her designee, provided the application meets the following requirements:
   a. The proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing

gasoline service station, retail establishment, or other existing building;
   b. All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
   c. The proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to §518.C.5 above shall be deemed complete if:
   a. The application, including the permit fee and all necessary documentation, is determined to be complete,
   b. A notice of incompleteness is not provided within 20 days after the filing of the application, or
   c. A one-time written correction notice is not issued by the Administrative Official, Zoning Officer, and/or their designee within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of EVSE permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces.
1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five (5) or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
   a. Prepare as Make-Ready parking spaces at least fifteen percent (15%) of the required off-street parking spaces, and install EVSE in at least one-third (1/3) of the fifteen percent (15%) of Make-Ready parking spaces;
   b. Within three (3) years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third (1/3) of the original fifteen percent (15%) of Make-Ready parking spaces; and
   c. Within six (6) years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third (1/3) of the original fifteen percent (15%) of Make-Ready parking spaces.
   d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent (5%) of the electric vehicle supply equipment shall be accessible for people with disabilities.
   e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in §518.D.1 above shall:
   a. Install at least one (1) Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
   b. Install at least two (2) Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
   c. Install at least three (3) Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
   d. Install at least four (4) Make-Ready parking spaces, at least one (1) of which shall be accessible

for people with disabilities, if there will be 101 to 150 off-street parking spaces.

e. Install at least four percent (4%) of the total parking spaces as Make-Ready parking spaces, at least five percent (5%) of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
g. Nothing in this subsection shall be construed to restrict the ability to install EVSE or Make-Ready parking spaces at a faster or more expansive rate than as required above.
h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements.

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to §511 of the Cherry Hill Township Zoning Ordinance.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two (2) parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than ten percent (10%) of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in §518.D may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces.

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service. The adequacy of the proposed location will be at the discretion of the Administrative Officer, Zoning officer, and/or their designee, however EVSE and Make-Ready parking spaces shall generally be prohibited from Landscape Buffers, per §508.F, Sight Triangles, per §502.M., and Parking Setbacks, per §511.H.2.
2. Installation.
   a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
   b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
   c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
   d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking.
   a. Public Parking. If the subject property is in compliance with the most current Cherry Hill Township Zoning Ordinance minimum parking requirements, publicly-accessible EVSE spaces may be reserved for the parking and charging of electric vehicles only, including a requirement that

electric vehicles be connected to the EVSE when parked. If the subject property is not in compliance with the most current Cherry Hill Township Zoning Ordinance's minimum parking requirements or obtained a variance to permit less onsite parking than otherwise required, then no parking restriction may be placed on publicly-accessible EVSE spaces. The property owner or designee shall monitor compliance with any restrictions applicable to publicly-accessible EVSE spaces.

b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

c. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

4. Safety.

a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement, curb markings, a green painted charging pictograph symbol, and/or appropriate signage pursuant to §518.F.5 below.

b. Publicly-accessible EVSE shall have adequate site lighting, in compliance with §509, and adequate landscaping to shield transformers, switchgears, cabinets, and other similar equipment from view. The adequacy of the proposed landscaping will be at the discretion of the Administrative Officer, Zoning officer, and/or their designee, however the general requirements of §508 shall be met with regard to size and planting requirements, as well as all general provisions of §508.I.

c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in §518.F.4.e below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

g. Publicly-accessible EVSE spaces shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Cherry Hill Township shall require the owners/designee of publicly-accessible EVSE spaces to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs.

a. Publicly-accessible EVSE spaces shall have posted regulatory signs, as identified in this section, and if applicable, shall state whether actively charging electric vehicles are only permitted to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are

to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner, however the size and location of the sign is still subject to review and permitting.

b. Regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with §518.F.5.b above and §517.C.3.b.
d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE spaces:
    i. Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
    ii. Usage fees and parking fees, if applicable; and
    iii. Contact information (telephone number) for reporting when the equipment is not operating or other problems.
e. All signs not specifically related to EVSE shall comply with §517 of the Cherry Hill Township Zoning Ordinance.
f. Unless otherwise required by State or Federal Law, the regulatory, wayfinding, and directional signs noted in this section shall not exceed three (3) square feet in sign text area.

6. Usage Fees.
    a. For publicly-accessible municipal EVSE: In addition to any parking fees that may apply, usage fees to connect electric vehicles to EVSE parking spaces shall be in accordance with applicable State and Federal regulations and posted at or adjacent to the EVSE parking space.
    b. The usage fee for publicly-accessible municipal EVSE, if any, shall be set by resolution adopted by the governing body, which may be amended upon the passage of a resolution.
    c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

ARTICLE VI
AGENCY ESTABLISHMENT & RULES

SECTION 601. ESTABLISHMENT OF THE PLANNING BOARD.

A. Classes of Membership. A Planning Board is hereby established consisting of nine regular and two alternate members of the following four classes, in accordance with *N.J.S.A. 40:55D-23*:

1. Class I: Mayor. The mayor or the mayor's designee in the absence of the mayor.

2. Class II: Municipal Official. One of the officials of the municipality, other than a member of the governing body, to be appointed by the mayor, provided that any member of the Environmental Commission (if created by ordinance) who is also a member of the Planning Board as required by *N.J.S.A. 40:56A-1*, shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV regular or alternate members.

3. Class III: Council Member. A member of the governing body, Township Council, appointed by Council.

4. Class IV: Regular Members. Six other citizens of the municipality to be appointed by the Mayor. The following shall apply, consistent with *N.J.S.A. 40:55D-23(a)*:
   a. The members of Class IV shall hold no other municipal office, position, or employment except that one such member may be a member of the Zoning Board of Adjustment, Historic Preservation Commission, or Board of Education.
   b. If there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board (as required by C.*40:56A-1*) shall be a Class IV Planning Board member.
   c. If among the Class IV members of the Planning Board, a member of the Zoning Board of Adjustment or Historic Preservation Commission, or Board of Education exist, the member common to the Planning Board and Environmental Commission shall be deemed a Class II member of the Planning Board.
   d. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of a municipal office.

5. Class IV: Alternate Members. Two other residents of the municipality to be appointed by the governing body. Alternate members shall meet the qualifications of Class IV regular members and shall be designated by the governing body at the time of their appointment as "Alternate No. 1" and "Alternate No. 2." The above conditions of §601.A.4. shall apply.

6. The adoption of this Ordinance shall not be construed to affect any standing member of the Planning Board.

B. Terms of Membership.

1. The terms of the member composing Class I shall correspond with his or her official tenure. Designee shall serve at the pleasure of the mayor during such official tenure.

2. The terms of the members composing Class II and Class III shall be for one year or shall terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission (if created by ordinance).

3. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of term as a member of the Environmental Commission, whichever occurs first.
4. The terms of Class IV members who is also a member of the Zoning Board of Adjustment or the Board of Education shall terminate whenever he or she is no longer a member of such other body or at the completion of his or her Class IV term, whichever occurs first.
5. The terms of each Class IV regular members shall be four years.
6. The terms of the Class IV alternate members shall be two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year.
7. Transition terms with adoption of this Zoning Ordinance affect the following:
   a. Class I: No Change.
   b. Class II: No Change.
   c. Class III: No Change.
   d. Class IV: Terms expiring June 30, 2012 shall expire December 31, 2012.
      Terms expiring June 30, 2013 shall expire December 31, 2013.
   e. Class IV Alternates: Terms expiring June 30, 2012 shall expire December 31, 2012.
      Terms expiring June 30, 2013 shall expire December 31, 2013.

C. Role of Alternate Members. Alternate members may participate in all matters, but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

D. Length of Service. Terms shall commence from the first day of January and end on December 31st.

E. Vacancies. If a vacancy of any Class shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only. All other municipal ordinances governing board appointments shall apply.

F. Compensation. Members of the Planning Board shall serve without compensation, except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

G. Removal. Any member, other than a Class I member, may be removed by the governing body for cause, but only after public hearing and other due process proceedings according to Cherry Hill Township Planning Board Bylaws.

H. Conflict. No member or alternate member of the Planning Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest, in compliance with the Municipal Land Use Law and the *Transparency Reform Act (Ordinance 2008-9)*. A member who is so disqualified may not act on such matter, or be permitted to participate in any discussion or decision of such matter.

I. Substitute Members. If the Planning Board lacks a quorum because any of its regular or alternate members are prohibited from serving either by reason of vacancy or conflict of interest; regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board. Such temporary members shall be selected in order of seniority of continuous service to the Zoning Board of Adjustment until the required minimum number of members necessary to constitute a quorum has been reached. The Chair of the Zoning Board of Adjustment shall determine which member serves in the event there are members of equal seniority.

J. Reorganization. Annually, the Planning Board shall organize by selecting from among its Class IV regular members a Chair and a Vice-chair. The annual re-organization meeting shall be held on the first Monday in January (unless that Monday is a holiday). The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee. The Board shall also select a recording secretary who may or may not be a member of the Board or a municipal employee. Township Council must first reorganize before the Planning Board can reorganize.

K. Funding. Pursuant to *N.J.S.A. 40:55D-24*, Township Council shall make provisions in its budget and appropriate funds for the expenses of the Planning Board, including the cost of the required basic course in land use law (per *N.J.S.A. 40:55D-23.3*).

L. Board Attorney. The position of Planning Board Attorney is hereby created. The Planning Board may annually appoint to such position, contract for, and fix compensation of an attorney-at-law of New Jersey other than the municipal attorney. The adoption of this Ordinance shall not be construed to affect any existing appointment.

M. Staff. The Planning Board may also employ or contract for and fix compensation of such experts and other staff and services, as it may deem necessary. The Board, however, shall not authorize expenditures that exceed, exclusive of gifts or grants, the amounts appropriated by the Township Council for its use.

SECTION 602. POWERS & JURISDICTION OF THE PLANNING BOARD.

The Planning Board shall have the powers listed below, in addition to other powers established by Municipal Land Use Law, *N.J.S.A. 40:55D-25 - 61*:

A. Master Plan. Make, adopt, and occasionally amend the master plan for the physical development of the municipality, including any areas outside its boundaries that, in the Board's judgment, bear essential relation to the planning of the municipality;

B. Reexamination. Prepare, at least every six (6) years, a periodic reexamination of the Master Plan;

C. Subdivision Control & Site Plan Review. Consider and make report to the Township Council within thirty five (35) days after referral as to any proposed development regulation submitted to it and also pass upon other matters specifically referred to the Planning Board by the Township Council;

D. Capital Improvement Plan. If requested by Township Council, annually prepare a program of municipal capital improvements projects projected over a term of six (6) years and amendments thereto and recommend same to the Township Council;

E. Participate in the preparation and review of programs or plans required by state or federal law or regulation;

F. Assemble data on a continuing basis as part of a continuous planning process;

G. Development Review. The Planning Board shall have such other powers, including, but not limited to, the power to grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plans, site plans or conditional uses:
   1. Variances pursuant to *N.J.S.A. 40:55D-70a-c*;
   2. Direction pursuant to *N.J.S.A. 40:55D-34* for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area; and
   3. Direction pursuant to *N.J.S.A. 40:55D-35* for issuance of a permit for a building or structure on a lot not abutting a street.

SECTION 603. ESTABLISHMENT OF THE ZONING BOARD OF ADJUSTMENT.

A. Membership. A Zoning Board of Adjustment is hereby created consisting of seven regular members and two alternate members, each of whom shall be municipal residents appointed by Township Council, in accordance with *N.J.S.A. 40:55D-69*.

B. Terms of Members.
   1. The terms of each regular member shall be four years and the terms of each alternate member shall be two years.
   2. Transition terms with adoption of this Zoning Ordinance that expire June 30, 2012, shall expire December 31, 2012 and terms that expire June 30, 2013, shall expire December 31, 2013.
   3. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."
   4. The adoption of this Ordinance shall not be construed to affect any standing member of the Zoning Board of Adjustment.

C. Role of Alternate Members. Alternate members may participate in all matters, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

D. Additional Memberships. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.

E. Length of Service. Terms shall commence from the first day of January and end on December 31st.

F. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only. All other municipal ordinances governing board appointments shall apply.

G. Compensation. Members of the Zoning Board of Adjustment shall serve without compensation, except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.

H. Removal. Any member may be removed by the governing body for cause, but only after public hearing and other due process proceedings according to Cherry Hill Township Zoning Board Bylaws.

I. Conflict. No member or alternate member of the Zoning Board of Adjustment shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest, in compliance with the Municipal Land Use Law and the *Transparency Reform Act (Ordinance 2008-9*). No member who is so disqualified may act on that particular matter, shall not continue to sit with the Board on the hearing of such matter, nor shall participate in any discussion or decision.

J. Substitute Members. If the Zoning Board of Adjustment lacks a quorum of its regular or alternate members are prohibited either by reason of vacancy or conflict of interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board. Such temporary members shall be selected in order of seniority of continuous service to the Planning Board until the required minimum number of members necessary to constitute a quorum has been reached. The Chair of the Planning Board shall determine which member serves in the event there are members of equal seniority.

K. Reorganization. Annually, the Zoning Board of Adjustment shall organize by selecting from among its regular members a Chair and a Vice-Chair. The annual re-organization meeting shall be held on the first Thursday in January (unless it is a holiday). The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee. The Board may also select a recording

secretary who may or may not be a member of the Board or a municipal employee. Township Council must first reorganize before the Zoning Board can reorganize.

L. Funding. Township Council shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment, including the cost of the required basic course in land use law (per *N.J.S.A. 40:55D-23.3*).

M. Board Attorney. The position of Zoning Board of Adjustment Attorney is hereby created. The Zoning Board of Adjustment may annually appoint to such position, contract for, and fix compensation of an attorney-at-law of New Jersey other than the municipal attorney. The adoption of this Ordinance shall not be construed to affect any existing appointment.

N. Staff. The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services, as it may deem necessary. The Board, however, shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the Township Council for its use.

SECTION 604. POWERS OF THE ZONING BOARD OF ADJUSTMENT.

The Zoning Board of Adjustment shall have the powers listed below, per the Municipal Land Use Law, *N.J.S.A. 40:55D-70* through *-76*:

A. Appeals. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the Administrative Officer based on or made in enforcement of the Zoning Ordinance.

B. Interpretations. Hear and decide requests for interpretation of the Zoning Map, Zoning Ordinance, or for decisions upon other special questions upon which the Zoning Board is authorized to pass on any Zoning or Official Map ordinance;

C. Development Review. The Zoning Board of Adjustment shall have such other powers (including, but not limited to), the power to review applications for approval of subdivision plans, site plans or conditional uses and grant variances, pursuant to *N.J.S.A. 40:55D-70*;

1. Use (d) Variance. Pursuant to *N.J.S.A. 40:55D-70d*, a use (d) variance to allow a departure from the zoning regulations, in particular cases and for special reasons to permit:
   a. A use or principal structure in a zone restricted against such use or principal structure, per *N.J.S.A. 40:55D-70*;
   b. An expansion of a non-conforming use;
   c. Deviation from a specification or standard pertaining solely to a conditional use;
   d. An increase in the permitted floor area ratio;
   e. An increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or
   f. A height of a principal structure that exceeds by ten (10') feet or ten (10%) percent of the maximum height permitted in the zone for a principal structure.
   g. A variance under this subsection shall be granted only by the affirmative vote of at least five (5) members.
   h. No variance or other relief may be granted under the terms of this section, without a showing that such variance or other relief can be granted without substantial detriment to the public

good and will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance.

2. Bulk (c) Variance. Pursuant to *N.J.S.A. 40:55D-70*c, a bulk (c) variance may be granted from the strict application of a regulation, upon an application or an appeal, so as to relieve hardships, where the Zoning Board properly has assumed jurisdiction:
   a. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property; or

   b. Where in an application or appeal relating to a specific piece of property, the purposes of this Ordinance set forth in §103 would be advanced by deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow the departure from zoning regulations; provided, however, that no variance from those departures enumerated in §604.C.1 herein above, shall be granted under this section; and provided, further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan, or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to §701.A.2.

D. Annual Report. The Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on Zoning Ordinance provisions, amendments, or revisions, if any. The Zoning Board of Adjustment shall send copies of the report and resolution to the Township Council and Planning Board.

ARTICLE VII
DEVELOPMENT APPLICATION REVIEW PROCEDURES

SECTION 701. DIVISION OF JURISDICTION IN DEVELOPMENT APPLICATIONS.

A. Planning Board. The following provisions set forth the jurisdiction of the Planning Board in the review of development applications:
   1. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.
   2. Review by Planning Board in lieu of Zoning Board of Adjustment. Whenever the proposed development requires approval of a subdivision, site plan, or conditional use, but not a variance pursuant to *N.J.S.A. 40:55D-70d*, the Planning Board, in lieu of the Zoning Board of Adjustment, to the same extent and subject to the same restrictions, shall receive, review, and act upon applications for variances and the issuance of permits pursuant to *N.J.S.A. 40:55D-32, -34, -36* and *-70c*.
   3. Bifurcation of application. A developer may elect to submit a separate application requesting approval of variances and the issuance of permits pursuant to *N.J.S.A. 40:55D-32, -34, -36* and *-70c* and a subsequent application for any required approval of a subdivision, site plan, or conditional use. The separate approval of any variance or issuance of permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Master Plan and Zoning Ordinance, or where a deviation would advance the purposes of the Master Plan and the Zoning Ordinance and the benefits of the deviation would outweigh the detriments. Whenever relief is requested pursuant to this subsection, the public notice shall include a reference to the request for a variance or direction for issuance of a permit, as the case may be.
   4. Grant bulk (c) variances pursuant to *N.J.S.A. 40:55D-70c*.
   5. Direct issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin, or public area reserved pursuant to *N.J.S.A. 40:55D-34*.
   6. Direct issuance of a permit for a building or structure not related to a street pursuant to *N.J.S.A. 40:55D-36*.

B. Zoning Board of Adjustment Action in Lieu of Planning Board. The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan, subdivision, or conditional use approval when reviewing an application for approval of a "use (d) variance" pursuant to *N.J.S.A. 40:55D-70d*.

SECTION 702. PLANNING & ZONING BOARD OF ADJUSTMENT PROVISIONS.

A. Meetings.
   1. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled at least once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
   2. Special meetings may be scheduled at the call of the chair or on the request of any two board members, which shall be held on notice to its members and the public in accordance with the *Open Public Meetings Act, P.L. 1975*.
   3. Actions at meetings; quorum. All agenda items requiring action by the Board, except adjournments, shall be taken with a quorum present.
   4. No action shall be taken on an application unless it has been declared complete pursuant to §805.K and *N.J.S.A 40:55D-10.3*. The Board may delegate the determination of completeness to a subcommittee or its designee.

5. All actions shall be taken by a majority vote of the members present at such meeting, except as otherwise provided in this Article. Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of §604.D shall be deemed an action denying the application. A member of the Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his or her absence from one or more of the meetings: provided, however, that such a Board member has available to him or her the transcript or recording of all the hearings from which he or she was absent, and certifies in writing to the Board that he or she has read such transcript or listened to such recording.
6. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the *Open Public Meeting Law*, C. *231, Laws of New Jersey, 1975*.

B. Records of the Board.
1. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board or the Zoning Board of Adjustment, and of the persons appearing by attorney, the action taken by the Planning Board or Zoning Board, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Administrative Officer and in conformance with the *New Jersey Open Public Records Act* (OPRA). Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party shall be charged a reasonable fee for the reproduction of the minutes, consistent with the *New Jersey Open Public Records Act* (OPRA) and §901.A of this Ordinance.
2. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made by either stenographer, mechanical, or electronic means. The municipality shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense, provided that the charge for a transcript shall not exceed the amount permitted in *New Jersey Open Public Records Act* (OPRA) and §901.A of this Ordinance. Each transcript shall be certified in writing by the transcriber to be accurate.

SECTION 703. PUBLIC HEARINGS.

A. The Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development, and amendments, revisions, or adoption of the Master Plan or Zoning Ordinance. Each Board shall make the rules governing such hearings.
B. Any maps and documents for which approval is sought at a hearing shall be on file with the Administrative Officer and available for public inspection during normal business hours at least ten (10) days before the date of the hearing. If maps or related material are to be revised as a result of any Planning or Zoning Board meeting, the appropriate number of copies shall be filed in accordance with Article VIII of all revised maps and related material, with revision date noted on same, prior to the meeting of the Planning or Planning Board at which discussion and/or hearing is scheduled to take place.
C. Other documents, records or testimony may be presented at the hearing to substantiate or clarify or supplement the previously filed maps and documents, at the discretion of the Board.
D. The officer presiding at the hearing, or his or her designee, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the *County and Municipal Investigations Law*, *N.J.S.A. 2A:67A-1 et seq.* shall apply.
E. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

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

SECTION 704. DECISIONS.

A. Findings & Conclusions. The Planning or Zoning Board of Adjustment, as the case may be, shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The Board shall provide the findings and conclusions through:
   1. A resolution adopted at a meeting held within the time period provided in this section for action by the respective Board on the application for development; or
   2. 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.
      a. Only the members of the Planning Board or Zoning Board of Adjustment who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution.
      b. If only one member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon the vote of that member.
      c. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.
      d. The vote on any such resolution shall be deemed to be a memorialization of the action of the Planning and Zoning 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 the purposes of the mailings, filings, and publications required by §710.

B. Failure to Adopt Resolution. If the Planning or Zoning Board fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested person may appeal to the Superior Court in a summary manner for an order compelling the Planning or Zoning Board to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorneys' fees, shall be assessed against the municipality.

SECTION 705. PUBLIC NOTICE OF A HEARING.

The following public notice requirements shall apply to all hearings of the Planning Board and Zoning Board of Adjustment.

A. Notice Required. Public notice of a hearing shall be given for development applications requesting the following:
   1. Informal or Conceptual Review;
   2. General Development Plan (GDP) approval;
   3. Variance *(N.J.S.A. 40:55D-70);*
   4. Preliminary Major Subdivision Plan approval;
   5. Preliminary Major Site Plan approval;
   6. Minor Site Plan approval;
   7. Conditional Use approval;
   8. Interpretation of the Zoning Ordinance or Zoning Map;
   9. Request for a certificate of Non-Conforming Use (*N.J.S.A. 40:55D-68*).
   10. Issuance of a Permit to Build within the Bed of a Mapped Street or Public Drainage Way or on a Lot Not Abutting a Street (*N.J.S.A. 40:55D-34* and *-35*);
   11. Any site plan approval involving a variance, conditional use permit or certificate of non-conformity;

12. Any subdivision plan approval involving a variance, conditional use permit or certificate of non-conformity; and
13. Any request for a zoning change not part of a general reexamination of the Master Plan or Master Plan adoption.

B. No Notice Required. Public notice shall not be required for the following applications:
   1. Appeals, pursuant to *N.J.S.A. 40:55D-70a.*
   2. Minor Subdivision Plan
   3. Final Major Subdivision Plan.
   4. Final Major Site Plan.
   5. Site Plan Waiver.
   6. Any other type of application or action by the Board not specifically listed in §705.A.

C. Notice of Application or Action. The secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, shall provide written notification to the applicant at least two weeks prior to the public hearing for the subject application. Notice of a hearing requiring public notice shall be given by or on behalf of the applicant at least ten (10) days prior to the date of the hearing in the following manner:
   1. Newspaper. By publication in the official newspaper of the municipality or in a newspaper of general circulation in the municipality; and
   2. Property Owners. Written notice shall be given to interested parties by personal service or certified mail per *N.J.S.A. 40:55D-1;* a return receipt is not required to be obtained. Notice shall be deemed complete upon mailing. The following shall constitute interested parties that require notice:
      a. Property Owners. All owners of real property, as shown on the current tax record located in the State and within two hundred (200') feet in all directions of the property, which is the subject of the hearing; and
      b. Partnership. A partnership owner or corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation, as shown on the current tax record located in the State, within two hundred (200') feet of the subject property of the hearing; and
      c. Condominium Association. A condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by serving a copy on the property owner, as shown on the current tax record, or his or her agent in charge of the property; or by mailing a copy thereof by certified mail to the property owner at his or her address as shown on the current tax record, within two hundred (200') feet of the subject property of the hearing; and
      d. Surrounding Municipalities. The clerk of any adjoining municipality or municipalities when the property involved is located within two hundred (200') feet of said adjoining municipality or municipalities; and
      e. Camden County Planning Board. The Camden County Planning Board when the application for development involves property adjacent to an existing county road or proposed road shown on the county official map or the Camden County master plan or adjoins other county land, or is situated within two hundred (200') feet of a municipal boundary; and
      f. NJDOT. The Commissioner of the New Jersey Department of Transportation (NJDOT) when the property abuts a State highway; and
      g. State Plan. The State Planning Commission when the hearing involves an application for development of property that exceeds one hundred and fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Administrative Officer; and

h. Utilities. The public utilities, local utilities, and cable television companies when such entity possesses a right-of-way or easement within the municipality and has registered with the municipality (pursuant to *N.J.S.A. 40:55D-12.1*) ; and
i. Additionally, the applicant shall be responsible for giving proper notice to all property owners who do not reside within the municipality.

D. Property List. Upon the written request, the Department of Community Development shall, within seven (7) days, make and certify a list from current tax records of names and addresses of owners within the municipality. A cost for the list in accordance with §901.A shall apply. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner (as listed in §705.C.2) not on the list shall not invalidate any hearing or proceeding.
E. Proof of Service. The applicant shall file an affidavit or proof of service with the Planning Board or Zoning Board of Adjustment, as the case may be, a minimum of three (3) days before the subject hearing.
F. Contents of Notice. The notice shall state, at a minimum, the following items:
1. The date, time and place of the hearing, and
2. The nature of the matters to be considered, and
3. The specificity of all known variances, and
4. An identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax records, and
5. The location and times at which any maps or documents for which approval is sought are available for inspection, including any referencing application number.

SECTION 706. STANDARDS FOR REVIEW OF APPLICATIONS.

Development plans shall be so designed consistent with the Master Plan and subsequent Reexamination Reports, as to enhance the general appearance of the Township and to promote the harmonious use of land; to lessen congestion in the streets; to secure safety from fire, panic, or other dangers; to promote the general health, safety, and welfare; to provide adequate light and air; to prevent the overcrowding of land, buildings and roadways by an undue concentration of population; to encourage development which would facilitate pedestrian access and the use of mass transit; to encourage creative development and design consistent with the policies of the Master Plan of the Township of Cherry Hill, and the regulations promulgated herein. Applications for development shall be reviewed so as to the standards for development contained within this Ordinance and more particularly the following specific objectives:

A. Development Compatibility. All development shall permit and encourage only those uses of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, the drainage system, soil capabilities, groundwater and aquifer recharge quality, and to include only those uses that are compatible with allowed uses in the zone and existing uses on adjacent lands. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or human-made barriers, existing or planned, between different uses both within and adjacent to the proposed development, and sufficient information to determine the effect of such development upon the quality of life in the Township of Cherry Hill.
B. Relationship to Master/Reexamination Plan. All development shall be planned and designed to achieve the goals and objectives for land development as are or may be set forth in the Cherry Hill Township Master Plan and subsequent reexaminations duly adopted by the Planning Board with regard to conservation, historic preservation, community facilities, recreation, open space, recycling, affordable housing, circulation, land use, fiscal impact, economic development, and the goals for development of adjacent municipalities, Camden County, and the State.

C. Relationship to Development Patterns. All development shall be planned and designed to achieve the Township goals of permitting and encouraging a population density and a development pattern in the municipality that facilitates the provision of public utilities and services, including public water and public sewerage, storm drainage systems, emergency services, public services, recreation areas, public schools, state, county, and local roads, in an orderly, functional and economical manner.

D. Conservation of Open Space. Common open space and adequate recreation areas shall be set aside in suitable locations to provide for the recreation needs of the residents and the owners of the development and those portions of the project that, because of their natural features, constitute important visual amenities and environmental resources. Development is intended to create after completion a continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas in accordance with the goals and objectives of the Master Plan and subsequent reexaminations.

E. Appearance & Aesthetic Control. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to various land uses. The creation and promotion of such aesthetic conditions shall strengthen and preserve the Township's unique environmental heritage and promote the civic pride, prosperity, and general welfare of the residents of the development, the municipality, and visitors thereto.

F. Review Guidelines. The following guidelines shall be used in the review of any application for development or conditional use:

1. Natural Features. All residential and non-residential uses shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account. Special consideration shall be given to the preservation of natural features, including large trees, stands of specimen vegetation, groves, waterways, aquifer recharge areas, scenic, paleontological, archaeological, cultural, and historic sites and other community assets within the site area, and the reduction of impacts on wildlife. The development shall be designed and programmed so as to minimize tree clearance and the destruction of natural amenities associated with the same.
2. Site Layout. All housing and supporting uses shall be sited so as to enhance privacy for residential uses, ensure natural light for all principal residential rooms, and to the greatest extent possible be designed to promote passive solar energy technology. Building layout shall be reviewed for arrangement, efficiency and aesthetic quality.
3. Community Facilities. Housing shall be conveniently served by community facilities and open space.
4. Circulation. The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, the movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. In particular the applicable Board shall ensure compliance in site design with the *Americans with Disabilities Act* (A.D.A.), as it may be amended or superseded. The Planning and Zoning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site. The circulation shall be consistent with Township, County, and State requirements.
5. Open Space. Open space within all developments shall be planned and designed to achieve the Township goal of insuring that adequate recreation areas are set aside in suitable locations to provide for the recreation needs of the residents and owners of the development. Those portions of the Township that, because of their natural features, constitute important visual amenities and environmental resources are maintained in accordance with sound conservation practice.
6. Sustainability. Development that furthers the goals of climate protection, increased energy efficiency, reduced emissions, and utilization of green building methods shall be encouraged.

7. Landscaping. Landscaping shall be reviewed for the ability to integrate the site elements of topography, water, buildings, parking and loading areas, and the buffering of incompatible uses, as well as sustainability, diversity, including species, function, sculpture, fencing, walls, and other landscaping elements.
8. Lighting. Adequate lighting for the function of the site shall be reviewed for the safe movement and security of persons and vehicles. Particular attention shall be made to the minimization of glare and impact upon adjacent property, as well as minimizing upward light pollution.
9. Signs. Signs shall be for identification purposes only, and shall be evaluated for the aesthetics of their design and their harmony with other signs on- and off-site, the architectural design of the building or buildings to which they relate and the type of development or pattern of the built environment surrounding the location of the sign or signs. The location of signs shall be reviewed, in part, for the purpose of removing any hazard to pedestrians, cyclists, or motorists.
10. Utilities, Solid Waste & Recycling. Storm drainage, sanitary and solid waste disposal including recycling, water supply, electricity supply, telephone and cable television service shall be reviewed and considered. Emphasis shall be given on the adequacy of existing systems and the need for improvements, both on- and off-site to adequately provide for the development's needs. The application of stormwater non-structural strategies and best management practices are best.
11. Compatibility. Applications for development and conditional uses shall be designed to assure the compatibility of residential and non-residential uses by:
    a. Providing commercial uses with appropriate space and, in particular, sufficient depth from a street to satisfy the needs of contemporary uses including the provision of adequately landscaped off-street parking, buffer areas between commercial and residential use areas, pedestrian and bicycle circulation systems connecting the commercial uses to office, residential and open space uses;
    b. Protecting non-residential development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
    c. Protect residential and non-residential development from the noise; exhaust emissions, and other negative aspects of congestion of vehicular traffic.

SECTION 707. STANDARDS FOR VARIANCE RELIEF.

A. No variance or other relief may be granted under the terms of this Article, including a variance or other relief involving an inherently beneficial use, 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 Master Plan, subsequent Reexamination Report, and Zoning Ordinance.

B. The applicant bears the burden of proving both the positive and negative criteria made in all variance applications

C. Case law recognizes three categories of circumstances in which 'special reason' for a use variance may be found:
    1. The proposed use inherently serves the public good, such as a school, hospital or public housing facility; or
    2. The property owner would suffer 'undue hardship' if compelled to use the property in conformity with the permitted uses in the zone.
    3. The use would serve the general welfare because, the "proposed site is particularly suitable for the proposed use."

SECTION 708. APPEALS & APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT.

A. Appeals. Appeals to the Zoning Board of Adjustment may be taken by an interested party affected by any decision of the Administrative Officer of the municipality based on or made in the enforcement of the zoning provisions of this Ordinance or Zoning Map. Such appeal shall be made within twenty (20) days by filing a written notice of appeal to the Administrative Officer from whom the appeal was taken, specifying the grounds of such appeal. The official from whom the appeal is taken shall immediately transmit to the Board and professionals all the papers constituting the record upon which the action appealed from was taken.

B. Applications. A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to the Administrative Officer.

1. Whenever an application for development requests relief pursuant to *N.J.S.A. 40:55D-70d*, the Zoning Board of Adjustment shall grant or deny approval of the application within one hundred and twenty (120) days after submission by an applicant of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant.

2. In the event that the applicant elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance.

3. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance.

4. Failure of the Zoning Board of Adjustment to act within the period prescribed shall constitute approval of the application. Upon which, a certificate of the Administrative Officer as to the failure of the Zoning Board of Adjustment to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

SECTION 709. APPEAL OF A ZONING BOARD DECISION.

A. Right of Appeal. Any interested party may appeal to the Township Council any final decision of the Zoning Board of Adjustment approving an application for a use (d) variance (*N.J.S.A. 40:55D-70d*). All other appeals of such decisions shall appeal to Superior Court, as provided for by law.

B. Time for Appeal. Such appeal shall be made within ten (10) days after the date of publication of the decision pursuant to §611 by serving upon the Municipal Clerk personally or by certified mail a written notice of appeal specifying the grounds thereof and the name and address of the appellant, and, if represented, his or her attorney. A copy of such notice shall also be filed by the appellant with the Zoning Board of Adjustment. The notice served upon the Municipal Clerk shall be accompanied by a payment to the municipality of a fee in accordance with §901.A.

C. Stay of Proceedings. An appeal to the Township Council shall stay all proceedings in furtherance of the action in respect of which the decision appealed from was made. However, unless the Zoning Board of Adjustment certifies to the Township Council after the notice of appeal has been filed with such Board, that by reasons of facts stated in the certificate a stay would (in the Zoning Board's opinion) cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by order of the Superior Court on application upon notice to such Board and on good cause shown.

D. Basis of Appeal. An appeal shall be decided by the Township Council only upon the record established before the Zoning Board of Adjustment.

E. Appellant Requirements. The appellant shall, within five (5) days of service of the notice of appeal pursuant to §709.B, arrange for a transcript for use by the Township Council and pay a deposit of $50.00 or the estimated cost of the transcript, whichever is less; or within thirty-five (35) days of service of the notice of appeal, submit a transcript as otherwise arranged to the Municipal Clerk. Otherwise, the appeal may be dismissed for failure to prosecute.

F. Notice. Notice of the hearing to review the record below shall be given by the Township Council by personal service or certified mail to the appellant, to those entitled to notice of the Zoning Board of Adjustment's decision, pursuant to §711, and to the Zoning Board of Adjustment, at least ten (10) days prior to the date of the hearing.

G. Decision of the Governing Body. Township Council may affirm, with or without the imposition of conditions, reverse or remand the final decision appealed from the Zoning Board of Adjustment. The affirmative vote of a majority of the full authorized membership of Township Council shall be necessary to reverse, remand, or affirm, with or without conditions the same. A tie vote shall constitute affirmance.

SECTION 710. TIME LIMITS FOR DECISIONS.

A. Effect of Variance Request. Whenever an application to the Planning Board or Zoning Board of Adjustment, as the case may be, for approval of a subdivision plan, site plan, or conditional use includes a request for a hardship variance or special permit, the Planning Board shall grant or deny approval of the application within one hundred and twenty (120) days after the date of submission by a developer of the complete application to the Administrative Officer or within such further time as may be consented to by the applicant. For all site plan and subdivision applications only, once the determination of completeness is made and certified, the Planning Board or Zoning Board of Adjustment, as the case may be, then has the following time period to act:

1. 45 days for a subdivision of ten or fewer lots (per *N.J.S.A 40:55D-48*)
2. 95 days for subdivision of more than ten (10) lots (per *N.J.S.A. 40:55D-48*);
3. 45 days for approval of a minor site plan or minor subdivision (per *N.J.S.A. 40:55D-46.1* and *40:55D-47*, respectively);
4. 45 days for the approval of a site plan of ten (10) acres of land or less and ten or fewer dwelling units (per *N.J.S.A. 40:55D-46*);
5. 95 days for a site plan of more than ten (10) acres or more than ten dwelling units (per *N.J.S.A. 40:55D-46*); and
6. 95 days for approval of a conditional use (per *N.J.S.A. 40:55D-61*).
7. 95 days to grant or deny a general development plan (per *N.J.S.A. 40:55D-45.3*)

B. Variance Bifurcation. In the event that an applicant elects to submit separate consecutive applications, the one hundred and twenty (120) day limitation shall apply to the application requesting approval of a variance or special permit. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance.

SECTION 711. NOTICE OF DECISIONS.

Notice of any decision of the Planning Board or Zoning Board of Adjustment when acting upon an application for development, as well as any decisions of Township Council when acting upon an appeal shall be given notice in the following manner:

A. Mailing of Decision. A copy of the decision shall be sent to the applicant and to the appellant (if the appellant is a differing interested party) or, if either or both is represented, then to the respective attorney(s) without charge, and for a reasonable charge to any other interested person who has requested it, within ten (10) days after the date of the memorialization of the resolution.

B. Newspaper Notice of Decision. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publications shall be arranged by the administrative officer. The notice shall be sent to the official newspaper for publication within ten (10) days after the resolution is memorialized.

C. Filing of Decision. A copy of the decision and all submitted documents of record shall be filed with the Administrative Officer.

SECTION 712. EXPIRATION OF APPROVALS.

A. Variances. Any bulk (c) and/or use (d) variance hereafter granted by the Planning Board or Zoning Board of Adjustment, as the case may be, shall be subject to the following:

1. Any variance hereafter granted by the Planning Board or Zoning Board of Adjustment, which permits the construction or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on ever structure permitted by variance, or unless such permitted use has actually commenced, within one year from the date of the adoption of the Planning Board or Zoning Board of Adjustment resolution. The determination as to whether construction has actually commenced shall be made by the Administrative Official. The running of the period of limitation hereby established shall be tolled from the date of the filing of an appeal from the decision of either the Planning Board or the Zoning Board of Adjustment to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

2. Whenever any variance hereafter is granted by the Zoning Board of Adjustment or the Planning Board is related to subdivision or site plan approval, such variance shall remain in effect so long as the related subdivision or site plan approval remains in effect.

3. An applicant may apply for, and the Planning Board or the Zoning Board of Adjustment may grant, extensions on such variance approval for additional periods of one year but not to exceed a total extension of three years from what would otherwise be the expiration date, if the applicant proves to the reasonable satisfaction of the appropriate Board that the applicant was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the applicant applied promptly for and diligently pursued the required approvals. The applicant may apply for the extension either before or after what would otherwise be the expiration date of the variance approval. The extension shall begin on what would otherwise be the expiration date.

B. Preliminary Approval. Preliminary approval of a major subdivision or site plan shall expire simultaneously with expiration of the rights conferred on the applicant three (3) years from the date on which the resolution of preliminary approval is adopted, unless (a) prior to expiration of those rights, the applicant has submitted an application for final approval, and (b) final approval is granted within one (1) year after the date on which the application for final approval is submitted; provided, that the Board with which the application for final approval is filed may extend the one (1) year period for good cause shown as set forth above in §712.A.3. Nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as it relates to public health and safety.

C. Final Approval. Final approval of a major subdivision or site plan shall expire simultaneously with expiration of the rights conferred on the developer two years after the date on which the resolution of final approval is adopted unless, prior to expiration of those rights, construction of the project has substantially commenced pursuant to a validly issued construction permit or other necessary approval. In the event of a dispute as to whether any construction has substantially commenced, the Administrative Official may refer the matter to the Board that granted the underlying approval for a determination for good cause shown as set forth above in §712.A.3. In the case of a major subdivision, the rights conferred by this section shall expire if the plan has not been duly recorded within 95 days from signing, unless within said period the plan was recorded in the Camden County Clerk's Office.

ARTICLE VIII
APPLICATION SUBMISSION REQUIREMENTS

SECTION 801. SITE & SUBDIVISION PLAN REQUIRED.

A. Site Plan.

1. Except as may be exempted by law under the provision of *N.J.S.A. 40:55D-37a* or waived by the appropriate authority, site plan approval by resolution of the Planning Board (or by the Zoning Board of Adjustment whenever a Zoning Board of Adjustment has jurisdiction over a site plan pursuant to §604) shall be required as a condition for the issuing of a zoning permit, building permit, or certificate of occupancy for any development and particularly including any use, change of use, extension of non-conforming use, for which a zoning permit is required under the provisions of §1102.B.

2. Site plan approval is specifically not required to permit a change of use that involves an existing structure; does not necessitate any new construction with the exception of minor interior renovations; does not require any site improvements effecting bulk regulations or revision to adopted design standards; and does not require use variance approval under the provisions of *N.J.S.A. 40:55D-70d.*

3. The Planning or Zoning Board may waive the requirement of site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, in accordance with §804.

4. A land use development shall be considered a minor site plan, if the proposed development meets the following criteria:
   a. The proposed development is not a new structure, regardless of size; and
   b. The proposed development or alterations to structures, not otherwise exempt from site plan review and approval, involving grading, clearing or disturbance of less than five thousand (5,000) square feet of land area and that the proposed building addition of an existing structure shall not exceed ten (10%) percent of the total gross floor area of the overall structure; and
   c. The proposed development does not involve the construction of more than twenty (20) parking spaces; and
   d. The proposed development does not involve any planned development, any new street extension of off-tract improvement which is prorated pursuant to Section 30 of the Municipal Land Use Law (*N.J.S.A. 40:55D-42*).

B. Subdivision Plan. Approval of subdivision plans by resolution of the Planning or Zoning Board shall be required as a condition for the filing of such plans with the County Clerk for recording of deed or plat. A minor subdivision shall be any division of land meeting the following criteria:
   1. Contains an aggregate of not more than four (4) lots, including three (3) new lots and the remaining parcel; or
   2. The subdivision does not involve any planned development, any new street extension of off-tract improvement which is prorated pursuant to Section 30 of the Municipal Land Use Law (*N.J.S.A. 40:55D-42*).

SECTION 802. GENERAL SUBMISSION REQUIREMENTS.

A. Pre-Application Consultation. This ordinance shall be electronically on-line, or available in hard copy upon request with payment of escrow covering cost of preparation to any person desiring to

subdivide a parcel of land or obtain site plan approval. It shall be the right of any applicant to request a meeting with the Planning Board to review their development concept and/or the applicability of the regulations of this Ordinance, per §803.

B. Approvals of Other Agencies. Unless specifically provided otherwise by statute, any approval granted by the Planning or Zoning Board shall be conditioned upon timely receipt of the required approval from any other reviewing agency having jurisdiction, regardless of whether such condition is expressed in a resolution of approval.

C. Submission Deadline. In exceptional circumstances when warranted, considering the size of the project, the agenda of the Planning or Zoning Board and the applicant's factual circumstances, the deadline for the submission of a new application may be reduced by the Administrative Officer. Exceptional circumstances being a threat to protection of the public health, safety, and welfare.

D. Staff Review. The Administrative Officer shall transmit the land use development application to the professional staff of the applicable Board and other Township departments or agencies for review and report to the Board. In accordance with §802.B., the Planning Board Secretary shall distribute all documents to appropriate entities, including but not limited to the following:
   1. Fire Department
   2. Traffic Division of the Police Department
   3. Engineering/Public Works
   4. Recreation Department, if adjacent to a municipal park
   5. Water Service Provider
   6. Camden County Parks Department, if adjacent to a County Park
   7. Camden County Planning Board, if adjacent to a County Highway and any other County infrastructure in accordance with the New Jersey County Planning Act, *N.J.S.A. 40:27-1 et seq.*
   8. Any other agency, as deemed necessary by the Administrative Officer.

E. Amended Applications. Whenever a land use development application that has been the subject of a public hearing, has been substantially amended for the layout of improvements or impact on adjoining properties, it shall be proceeded upon as a new application.

F. Sensitive Environmental Land. No application for development will be considered complete until the applicant has calculated and delineated the area for the following:
   1. Wetlands. The area of wetlands shall be based upon a wetlands delineation approved by the New Jersey Department of Environmental Protection (NJDEP).
   2. Flood Plain. The area of floodplains shall be based upon *Flood Insurance Rate Map* (*FIRM*), issued by the *Federal Emergency Management Agency* (*FEMA*), dated September 28, 2007 or more recent.

G. County Planning Board. Each application for subdivision approval, where required pursuant to §5 of *P.L. 1968, c 285*, and each application for site plan approval, where required pursuant to §8 of *P.L. 1968, c. 285,* shall be submitted to the Township for certification, which will then be forwarded to the Camden County Planning Board for review and approval, as required by the aforesaid sections. The applicable Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Camden County Planning Board by its failure to report thereon within the required time period.

H. Minimum Requirements. Each application for subdivision and/or site plan approval shall meet the requirements of this Article and shall contain where applicable the following provisions pursuant to *N.J.S.A. 40:55D-38:*
   1. Streets in the subdivision or land development shall meet all Township standards and be of sufficient width, suitable grade, and suitably located to accommodate prospective traffic and to provide access for emergency services to buildings. Streets shall be coordinated so as to compose a convenient connected system consistent with the official map, if any, and the circulation element of the Master Plan, if any, and so oriented as to permit, with the limits of practicality and

feasibility the buildings constructed thereon to maximize solar gain. No street width greater than fifty (50') feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width or already has been shown on the Master Plan at the greater width, or already has been shown in greater width on the Official Map. Residential streets shall be under the jurisdiction of the New Jersey *Residential Site Improvement Standards* (R.S.I.S.).

2. Protection and conservation of soils from erosion by wind or water or from excavating or grading.
3. Consistency of the layout or arrangement of the subdivision or land development with the requirements of Article V of this Ordinance.
4. Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants.
5. Suitable size, shape and location for any area reserved for public use, pursuant to *N.J.S.A. 40:55D-44*.
6. Reservation pursuant to *N.J.S.A. 40:55D-43* of any open space to be set aside for the use and benefit of the residents of planned development resulting from application of standards of density or intensity of land use contained in Article V of this Ordinance, pursuant to *N.J.S.A. 40:55D-65C*.
7. Provisions for off-tract water, sewer, drainage, and street improvements, which are necessitated by a subdivision or land development, subject to the provisions of *N.J.S.A. 40:55D-42*.

I. Simultaneous Review. The applicable Board shall have the power to act upon subdivision, conditional use, or variance applications simultaneously without the applicant making further application or Planning or Zoning Board holding further hearing. The longest time period for action by a Board, whether it is for subdivision, conditional use, site plan or use variance approval, shall apply. Whenever, approval of a conditional use or variance is requested by the applicant in conjunction with a site plan or subdivision application, notice of the hearing on the plan shall include specific reference to the request for conditional use or variance.

The intent and purpose of this Ordinance that the subdivision and/or site plan application be made at the same time as the variance application, in which case the applicant shall further submit the data required, where applicable. If, however, the applicant desires to obtain a decision on the variance application without undergoing the expense of a detailed subdivision or site plan application, the applicant may submit all required data and obtain a decision within the time prescribed by *N.J.S.A. 40:55D-73*. However, any approval of a variance application that shall require either a major or minor subdivision and/or site plan approval shall provide, as a condition of approval, that the variance granted shall be null, void and of no legal effect, unless the required major or minor subdivision and/or site plan approval is obtained within one hundred and eighty (180) days of the date of the resolution approving said variance.

J. Plan Preparation. All drawings and documents submitted for consideration shall be signed and sealed in accordance with *N.J.A.C. 13:41-4*.

K. Electronic Submission. All drawings and supporting documents submitted for consideration shall also be submitted electronically on either CD, via e-mail, or on FTP site.

SECTION 803. CONCEPT PLAN INFORMAL REVIEW.

A. Purpose. The submission of a Concept Plan for a site or subdivision plan is optional. The purpose shall be to review concepts to assist the applicant in the preparation of subsequent plans. No decision shall be made and no formal action shall be taken on a Concept Plan. The data to be included for an informal review shall be sufficient to enable the applicable Board and the applicant

to comment upon:

1. Design concepts such as building location, ingress and egress, parking, major natural features that shall have to recognize or may influence certain design criteria, and the applicant's basic intent for water, sewage, and storm drainage facilities, and:
2. The effect on environmentally sensitive areas based upon a map of the site indicating all "ecologically sensitive areas" as derived from the applicants or their representatives' knowledge of the site and ecologically sensitive lands as indicated in existing sources of information such as the Cherry Hill Township Master Plan, Natural Resource Inventory, FEMA FIRM maps, NJDEP Quad maps, FIRM, U.S.G.S. Maps, and Camden County Soil Conservation Service.

B. Submission Requirements. Three (3) copies of a Concept Plan shall be filed with the Administrative Officer at least seven (7) days prior to scheduling a workshop or presentation before Planning or Zoning Board:

1. Administrative Items. The following must be submitted in preparation for an informal workshop:
   a. Two (2) copies of the Land Use Development Application.
   b. Application fees and escrow, in accordance with §901.
   c. A completed and signed escrow agreement and W-9 tax form.
   d. A written summary outlining the development plans.

2. Concept Plan. Three (3) copies of a Concept Plan should be submitted with the following information:
   a. Clearly and legibly drawn and prepared, in accordance with §802.J.
   b. Titled as "Concept Plan for Review".
   c. Title block containing block and lot number and signature of Plan preparer.
   d. Name and address of the applicant and of the owner.
   e. Name, address, telephone number and signature of Plan preparer.
   f. North arrow.
   g. Scale not less than one (1") inch equals one hundred (100') feet.
   h. The date of the original drawing.
   i. Area for the date and substance of each revision.
   j. All adjacent block and lot numbers.
   k. Surrounding zones.
   l. A key map with north arrow showing the entire development and its relation to surrounding areas.
   m. Area of original tract to nearest tenth of an acre.
   n. Existing lot lines to be eliminated.
   o. Existing and proposed street and lot layout, with dimensions, showing that portion proposed for development in relation to the entire tract.
   p. Area of each proposed lot.
   q. Existing structures and uses including the shortest distance between any existing building and proposed or existing lot lines.
   r. All setback lines.
   s. Intent for water supply and sewage treatment.
   t. Existing contours based on U.S.G.S. Datum where appropriate.
   u. Approximate location of wooded areas.
   v. Existing and proposed rights of way and easements within and adjoining tract.
   w. Proposed access points and parking area on site plans.
   x. All streams, lakes, bodies of water, and flood plains based on Soil Conservation Service data including direction of flow, location of all drainage structures, flood plain limits, wetlands, swamps.

SECTION 804. SITE PLAN WAIVER.

A. Standards for Review. Where site plans are required, the Administrative Officer may determine that the purposes of this Ordinance and the public interest can be served by approval of a site plan waiver. A site plan waiver may be requested provided that such change in use or modification of an existing conforming use would not involve any of one or more of the following:
   1. A significant structural improvement that would alter the exterior of the building.
   2. Drainage modifications, including but not limited to:
      a. Major storm drainage installations
      b. An increase of stormwater runoff of more than one cubic foot per second during a twenty-five-year rainfall event.
      c. Redirecting of stormwater runoff.
   3. Any change in vehicular traffic circulation patterns or intensity of use.
   4. No approval for the proposal is required by outside agencies, such as the County or State.
   5. The requirement for a major or minor site plan would not forward the purposes of this Ordinance or otherwise serve the public interest.

B. Submission Requirements. The applicant shall file with the Administrative Officer at least twenty (20) days prior to the meeting of the Planning or Zoning Board:
   1. Administrative Items. The following must be submitted in preparation for a site plan waiver:
      a. Two (2) copies of the Land Use Development Application.
      b. Application fees and escrow, in accordance with §901.
      c. A completed and signed escrow agreement and W-9 tax form.
      d. Certification that all taxes are paid to date.
      e. Twelve copies of color photographs of the property.
      f. Waiver Justification. Any applicant desiring a waiver from a site plan waiver shall present sufficient credible evidence to allow the Board to reach such conclusions as would permit a waiver, in accordance with §804.A. Such evidence may consist of sketches, property descriptions, methods of operation, photographs, testimony, or other documentation or information. The reviewing Board shall render a decision based on such evidence and may attach conditions to any waiver.
   2. Property Survey. One original signed and sealed and two (2) scaled copies with the following information conveyed on this survey:
      a. Dimensions and distances to adjacent structures and property lines.
      b. All existing and proposed uses on the property.
      c. Zoning district(s).
      d. Zoning schedule that includes lot frontage, lot depth, setbacks, height, buffers, open space, impervious cover, and any other applicable measurements.
      e. A key map with the 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.
      f. List of any pre-existing or created variances and design waivers/exemptions.
      g. List of all required regulatory approvals and status of such approvals.
      h. Wetlands and Flood Plain determination, in accordance with §802.
      i. A copy of the deed of the property and any deed restrictions, easements and/or covenants

SECTION 805. GENERAL DEVELOPMENT PLAN.

A. Statement of Purpose. The purpose of developing a general development plan is to promote mutual agreement between the applicant and the Planning Board concerning planned developments. This provision for general development plans seeks to encourage a formal basis for clearly establishing

the expectations of the applicant by the Planning Board and what the applicant can expect from the Planning Board. A general development by its nature requires flexibility and is intended to establish standards to ensure that such developments are successful and meet the needs of the community.

B. Submission. An applicant may elect to submit an application for development under these provisions for any planned unit development, planned residential development, residential cluster, planned commercial development or planned industrial development on any tract of land one hundred (100) acres or larger.

C. General Requirements.
   1. A general development plan shall set forth the permitted number of dwelling units, the amount of non-residential floor space, the residential density, and the non-residential floor area ratio for the planned development, in its entirety, according to a schedule that sets forth the timing of the various sections of the development. The planned development shall be developed in accordance with the general development plan approved by the Planning Board, or an ordinance or regulation adopted pursuant thereto after the effective date of the approval.
   2. A general development plan, as authorized by *N.J.S.A. 40:55D-45.1 et. seq.* and containing all of the requirements set forth therein, shall be submitted to the Planning Board prior to the granting of preliminary approval. The applicant may not submit a joint application to the Planning Board that combines the general development plan with the preliminary plan application for the first phase of the planned development.
   3. The Planning Board shall grant or deny general development plan approval within ninety-five (95) days after submission of a complete application to the Board, or within such additional time as may be consented to by the applicant. Failure of the Planning Board to act within the prescribed period may constitute general plan approval of the planned development.
   4. The required application and escrow fees for general development plan review, pursuant to §901, shall be posted.

D. Pre-Application Conference. The applicant may request an informal pre-application conference with Planning Board staff and professionals, in accordance with §803, prior to the filing of a formal application for the purpose of clarifying standards and regulations that will be applicable to its proposal.

E. Contents. A General Development Plan shall include the following submission items:
   1. General Land Use Plan. A general land use plan, at a scale indicating the tract area and general locations of the land uses to be included in the planned development. The total number and types of dwelling units, the amount of non-residential floor area to be provided, and proposed land areas to be devoted to residential, non-residential and open space uses shall be set forth. In addition, the proposed types of non-residential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth and a residential density and a non-residential floor area ratio shall be provided, according to a schedule that sets forth the timing of the various sections of the development; and
   2. Circulation Plan. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian, bicycle, and mass transit within the planned development and any proposed improvements to the existing transportation system outside the planned development; and
   3. Open Space Plan. An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conservation, recreational, or agricultural purposes, and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks, recreational or agricultural lands; and
   4. Utility Plan. A utility plan indicating the need for and showing the proposed location of sewerage and water lines, any drainage facilities necessitated by the physical characteristics of the site,

proposed methods of handling solid waste disposal and a plan for the operation and maintenance of proposed utilities; and

5. Stormwater Management Plan. A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site; and
6. Environmental Inventory. An environmental inventory including a general description of the vegetation, soils, topography, steep slopes, geology, surface hydrology, wetlands, flood plains, climate and cultural resources of the site, existing man-made structures or features, and the probable impact of the development on the environmental attributes of the site; and
7. Community Facility Plan. A community facility plan indicating the scope and type of supporting community facilities which may include but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, fire-houses, and police stations; and
8. Affordable Housing Plan. An affordable housing plan, incorporating and describing the steps to be taken by the applicant and officials of Cherry Hill Township, shall be approved by the Planning Board in conjunction with the general plan approval, if required. In addition, the affordable housing plan shall outline the number of affordable housing units to be provided and the extent to which any housing obligation assigned to the municipality resulting from the GDP will be fulfilled by the development; and
9. Utility Plan. A local utility service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal; and
10. Landscaping Plan. A landscaping plan detailing the location, type, size, and extent of vegetative cover and plantings to be utilized in the planned development; and
11. Fiscal Report. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality, and school district according to the timing schedule provided under §805.E.12 and following the completion of the planned development in its entirety; and
12. Schedule. A proposed timing schedule, in the case that the planned development construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interest of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety; and
13. Development Agreement. A municipal development agreement, which shall mean a written agreement between a municipality and an applicant relating to the planned development.

F. Major Site or Subdivision Plan Approval Required.
   1. Preliminary Approval. The planned development shall be subject to the development review procedures specified in Article VII and Article VIII, which shall require preliminary approval of a subdivision plan and/or site plan. A combined preliminary and final application for subdivision and site plan approvals shall be permitted for an individual phase of the planned development.
   2. Final Approval. The planned development shall require final approval of a subdivision plan and/or site plan, in accordance with Article VII and Article VIII.

G. Effect of General Development Plan Approval.
   1. The term of the effect of the general development plan approval shall be determined by the Planning Board, which shall take into consideration the following factors in making its determination:
      a. The number of dwelling units and size of the land area;
      b. The prevailing economic conditions and market;
      c. The proposed phasing schedule for the project and likelihood of its fulfillment;
      d. The applicant's capability of completing the proposed development;

e. The specific contents of the general development plan; and
f. Any conditions which the Planning Board attached to its approval.

2. The term of the effect of the general development plan approval shall not exceed twenty (20) years from the date of final approval of the first section of the planned development.
3. Should an applicant, having general development plan approval, fail to apply for preliminary approval for the planned development that is the subject of that general development plan approval within five (5) years of the date upon which the general development plan has been approved by the Planning Board, the general development plan approval shall lapse.

H. Modification of Timing Schedule. In the event that the applicant seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and non-residential space within the Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.

I. Variation Approval.

1. After approval of the general development plan, Planning Board approval is required if the applicant wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of non-residential development in any section of the planned development.

2. Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval imposed by the New Jersey Department of Environmental Protection (NJDEP) pursuant to *P.L. 1973, c. 185 (C. 13:19-1 et seq.)* shall be approved by the Planning Board if the applicant can demonstrate, to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the NJDEP, as the case may be.

J. Revision of General Development Plan.

1. Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon formal application by the applicant and approval by the Planning Board.
2. A applicant may, without violating the terms of the General Development Plan approval, reduce the number of residential units or amounts of non-residential floor space by no more than fifteen (15%) percent or reduce the residential density or non-residential floor area ratio by no more than fifteen (15%) percent; provided; however, the number of residential units to be provided may not be reduced pursuant to *P.L.1985, c. 222 (N.J.S.A.. 52:27D-301 et al.),* without prior Board approval.

K. Notification of Completion.

1. Upon the completion of each phase, as set forth in the approved general development plan, the applicant shall notify the Administrative Officer, by certified mail, as evidence that the applicant is fulfilling the obligations under the approved plan. For the purposes of this section, "completion" of any section of the development shall mean that the applicant has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to §15 of *P.L.1975, c.217 (N.J.S.A. 52:27D-133)*. If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the applicant, by certified mail, in order to determine whether or not the terms of the approved plan are in compliance.
2. If an applicant does not complete any section of the development within eight (8) months of the date provided for in the approved plan, or if at any time the municipality has cause to believe

that the applicant is not fulfilling the obligations pursuant to the approved plan, the municipality shall notify the applicant, by certified mail, and the applicant shall have ten (10) days within which to give evidence that the obligations are being fulfilled pursuant to the approved plan. The municipality thereafter shall schedule the matter to the next available Planning Board hearing to determine whether or not the applicant is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the applicant and the approval shall be terminated thirty (30) days thereafter.

L. Approval Terminated Upon Completion. In the event that a development subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or non-residential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the applicant has fulfilled all of the obligations pursuant to the approval.

SECTION 806. MINOR SUBDIVISION PLAN.

A. Standards for Review. The data to be included for a minor subdivision plan shall be sufficient to enable the Planning or Zoning Board to determine that the proposed lots shall be buildable lots within the standards established by this Ordinance.

B. Submission Requirements. Three (3) full size and twelve (12) reduced size copies (15" x 21") of all plans shall be filed with the Administrative Officer a minimum of fifteen (15) days prior to the scheduled Planning or Zoning Board hearing:

1. Administrative Items.
   a. Two (2) copies of the Land Use Development Application.
   b. Application fees and escrow, in accordance with §901.
   c. A completed and signed escrow agreement and W-9 tax form.
   d. Certification that all taxes are paid to date.
   e. Twelve copies of color photographs of the property.
   f. Two (2) completed site and subdivision plan checklists.
   g. Letter indicating connection, supply, and capacity is available from the water and sewer utilities servicing the site.

2. General Information. The following information should be shown on all plans:
   a. Clearly and legibly drawn and prepared, in accordance with §802.J.
   b. Title block containing property address, block & lot number, municipality and county for the tract.
   c. Name and address of the applicant and the owner.
   d. Name, address, telephone number, email, and signature of Plan preparer.
   e. North arrow.
   f. Written and graphic scale, not less than one (1") inch equals one hundred (100') feet.
   g. The date of the original drawing.
   h. Area for the date and substance of each revision.
   i. All adjacent block and lot number.
   j. Existing and proposed rights-of-way and easements within and adjoining the tract.
   k. Deed restricted buffer, if required.

3. Minor Subdivision Plan. The following information should be shown on minor subdivision plans:
   a. Titled as "Minor Subdivision Plan"

b. A key map with the 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.
c. Area of original tract to nearest tenth of an acre.
d. Area of each proposed lot.
e. Existing lot lines to be eliminated.
f. Existing and proposed street and lot layout, with dimensions showing that portion proposed for development in relation to the entire tract, together with new block and lot numbers and street addresses issued by the Tax Assessor.
g. Monuments, metes and bounds, and requirements of Map Filing Law.
h. Existing structures, sizes, and uses including the shortest distance between any existing building and proposed or existing lot lines.
i. Building envelope with all setback lines.
j. Zoning schedule that includes lot frontage, lot depth, setbacks, height, impervious cover, and any other applicable measurements.
k. List of any pre-existing or created variances and design waivers/exemptions.
l. List of all required regulatory approvals and status of such approvals.
m. Appropriate places for the signature lines for the Board Chair, Board Engineer, and Board Secretary of the respective Board, the dates of Board reviews or actions and dates of the signatures.

4. Grading Plan. Grading plans should show two foot (2') contours based on U.S.G.S. Datum and topography around the adjacent fifty (50') feet of the property, proposed contours, stormwater facilities, spot elevations, drainage easements, finished floor elevations, in accordance with the Township Grading Checklist and §506, as well as the following information:
   a. Intent for water and sewer treatment. Water and sewer utility connections should be shown:
      i. When septic systems are proposed, supply boring and percolation test results for each lot taken.
      ii. When public sewer is proposed, supply boring for each lot if soils maps indicate that the seasonal high water table may exceed ordinance standards for a buildable lot.
   b. Approximate location of wooded area.
   c. Location, diameter and species of trees proposed for removal and planting.
   d. All streams, lakes, water and flood plains based on Soil Conservation Service data including:
      i. direction of flow;
      ii. location of all drainage structures;
      iii. flood plain limits;
      iv. wetlands;
      v. swamps.
   e. When a common drive is proposed, show:
      i. sight triangle easement;
      ii. limits for cross easements;
      iii. any deed restrictions;
      iv. materials to be used for the construction of the common drive.

5. Property Survey. Three (3) boundary surveys signed and sealed by a licensed New Jersey Professional Land Surveyor (P.L.S.), certified on a date within one year of the date of submission.

6. Construction Details. All relevant construction details.

7. Architectural Plans. Six (6) copies of building elevations and floor plans, signed and sealed by a New Jersey Registered Architect.

SECTION 807. PRELIMINARY MAJOR SUBDIVISION PLAN.

A. Standards for Review. In reviewing major subdivisions, the Board shall take into consideration conformity with the adopted Master Plan and subsequent reexaminations, the natural features of the Township and the site, and the ecological systems of the Township, retention of trees, efficient use of land, preservation of historic areas, alleviation of existing problems and reasonably anticipated problems worsened or caused by the subdivision relating to water systems and resources, drainage, sewerage, traffic hazards and pedestrian travel, fire and police protection health and sanitation, and erosion and siltation. In reviewing major subdivisions for fifty (50) or more units of single-family housing or twenty-five (25) or more units of multi-residential housing, the reviewing body shall take into consideration methods of addressing the recycling requirements of the Township.

B. Submission Requirements. Three (3) full size and twelve (12) reduced size copies (15" x 21") of all plans shall be filed with the Administrative Officer a minimum of thirty-five (35) days prior to the scheduled Planning or Zoning Board hearing:

1. Administrative Items.
   a. Two (2) copies of the Land Use Development Application.
   b. Application fees and escrow, in accordance with §901.
   c. A completed and signed escrow agreement and W-9 tax form.
   d. Certification that all taxes are paid to date.
   e. Twelve copies of color photographs of the property.
   f. Two (2) completed site and subdivision plan checklists.
   g. Density. The applicant should demonstrate that the number of proposed dwelling units on the tract or parcel of land are in accordance with the definition of DENSITY in Article II.
   h. Letter indicating connection, supply, and capacity is available from the water and sewer utilities servicing the site.

2. General Information. Plans shall consist of as many separate maps as necessary to properly evaluate the subdivision and the proposed work. If more than one sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision and the sheets on which the various sections are shown, and each detail sheet shall include a key map showing its relation to the whole tract. The following information should be shown on all plans:
   a. Clearly and legibly drawn and prepared, in accordance with §802.J.
   b. Title block containing property address, block & lot number, municipality and county for the tract.
   c. Name and address of the applicant and the owner.
   d. Name, address, telephone number, email, and signature of Plan preparer.
   e. North arrow.
   f. Written and graphic scale, not less than one (1") inch equals one hundred (100') feet.
   g. The date of the original drawing.
   h. Area for the date and substance of each revision.
   i. All adjacent block and lot numbers.
   j. Existing and proposed rights-of-way and easements within and adjoining the tract.
   k. Deed restricted buffer, if required.

3. Preliminary Subdivision Plan. The following information should be shown on Preliminary Subdivision Plans:
   a. Titled as "Preliminary Major Subdivision Plan" for [*name of development*].
   b. A key map with the 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.
   c. Adjacent Property Owners. The names, addresses, block and lot numbers of all property owners within two hundred (200') feet of the subdivision.
   d. Area of original tract to nearest one-hundredth (1/100) of an acre.

e. Area of each proposed lot correct to one-tenth (1/10) of an acre.
f. Existing lot lines to be eliminated.
g. Existing structures, with square footage and uses, on the tract. An indication of those to be retained and those to be removed.
h. The names, location, right-of-way in the subdivision.
i. The location and description of all existing or proposed boundary control monuments and pipes.
j. The number of lots being created.
k. Each block shall be numbered, and the lots within each block shall be numbered consecutively as acceptable to the Township Tax Assessor.
l. Monuments, metes and bounds, and requirements of Map Filing Law.
m. The shortest distance between any existing building and proposed or existing lot lines.
n. Building envelope with all side, rear and front set back lines with dimensions.
o. Existing and proposed street and lot layout, with dimensions showing that portion proposed for development in relation to the entire tract, together with new block and lot numbers and street addresses issued by the Tax Assessor.
p. Locations of all existing structures and their uses within two hundred (200') feet of the tract.
q. Surrounding zones.
r. Zoning schedule that includes lot frontage, lot depth, setbacks, height, impervious cover, and any other applicable measurements.
s. List of any pre-existing or created variances and design waivers/exemptions.
t. List of all required regulatory approvals and status of such approvals.
u. Appropriate places for the signature lines for the Board Chair, Board Engineer, and Board Secretary of the approving authority, the dates of the Board actions and dates of the signatures.
v. Area for storage and pickup of recyclables.
w. Construction Details. All relevant construction details.

4. Circulation & Utilities. Circulation and utility information should be provided within two hundred (200') feet of the proposed subdivision showing the following information:
   a. existing driveways
   b. names, locations and dimensions of all existing streets;
   c. any connections by the subdivision to existing streets, streets, sidewalks, bike routes, trails, and water, sewer, and gas mains.
   d. Transit facilities including light rail and bus routes, as well as transit stops, signage, shelters, etc.
   e. Proposed streets or road improvements, whether on-site, off-site, or off-tract indicating:
      i. sight triangle easements at intersections;
      ii. radii of curb lines;
      iii. location of street name signs, traffic control devices, pavement markings, and street lights.
      iv. cross sections;
      v. proposed grades;
      vi. center line profiles at horizontal scale not less than one (1") inch = fifty (50') feet;
      vii. standard details for curbing, sidewalks, and bicycle paths.
   f. Plans and profiles of water and sewer layouts whether on-site, off-site, or off-tract showing:
      i. size of pipes and mains;
      ii. slope;
      iii. pumping stations;
      iv. fire hydrants;
      v. standard details.

g. If private utilities are proposed, they shall comply fully with all Township, County and State regulations.
h. If service is to be provided by an existing water or sewer utility company, a letter from that company shall be submitted, stating that service shall be available before occupancy of any proposed structures.
i. When on-lot water or sewage disposal is proposed, the utility plan shall be submitted, stating that service shall be available before occupancy of any proposed structure.

6. Grading Plan. Grading plans that include existing and proposed contours, stormwater facilities, spot elevations, drainage easements, finished floor elevations, and other items around the adjacent two hundred (200') feet of the property, in accordance with the Township Grading Checklist, as well as the following information:
   a. Two (2) permanent bench marks based on U.S.G.S. Datum. All elevations to relate to bench marks.
   b. Existing elevations and contour lines over the entire area and two hundred (200') feet around the proposed subdivision. Contours shall be shown at not more than two-foot (2') intervals for area with less than twenty (20%) percent slope, five-foot (5') intervals for areas with slopes in excess of twenty (20%) percent.
   c. Any proposed stormwater facilities.
   d. Spot and finished floor elevations.
   e. Existing and proposed artificial features including railroad right-of-ways, bridges, dams, and similar infrastructure.
   f. Existing and proposed natural features including soil types, wooded areas, and individual trees in excess of eight (8") inch at Diameter Breast Height (D.B.H.).
   g. Locations of all existing and proposed watercourses, including lakes, streams, ponds, swamp or marsh areas; and under-drains.
   h. Flood plain limits and wetlands delineation, in accordance with §802.F.
   i. When a running stream is proposed for alteration, improvement or relocation, or when a structure or fill is proposed over, under, in or along such a running stream, evidence of result of pre-application meeting with *New Jersey Division of Water Resources* or such agency having jurisdiction shall accompany the application.
   j. The total upstream acreage in the drainage basin of any watercourse running through or adjacent to a subdivision; including the distance and average slope upstream to the basin.
   k. The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage of that portion of the subdivision which drains to the structure, including the distance and average slope downstream to the structure and final disposition of the surface waters.
   l. For all existing or proposed lakes or ponds on or within five hundred (500') feet of the subdivision, indicate the location and water level elevation;
   m. For any storm drainage system, indicate computations and any connection by the subdivision to the existing storm drainage systems.

SOIL BORINGS	
SITE SIZE (acres)	TEST HOLES
5-10	8
11-40	10
41-100	16
Over 100	20

7. Soil Borings. Test boring, percolation rates and water levels shall be obtained by a licensed engineer, distributed over the tract to adequately represent site conditions and shall be to a minimum depth of ten (10') feet, in accordance with the following standards:

8. Landscape Plan. Landscaping, recreational facilities and areas of public use should be shown, including the following:
   a. Public Use. Any lot or area to be reserved or dedicated to public use shall be identified and shall show all improvements, including:
      i. landscaping;
      ii. grading;
      iii. walkways and bike paths;
      iv. recreational facilities.
   b. Recreation. Recreational facilities shall be provided per Ordinance. Full construction details shall be supplied, including:
      i. grading;
      ii. paving;
      iii. seeding.
   c. Landscape. The following items should be shown on landscaping plans:
      i. street trees;
      ii. location of existing and proposed plantings;
      iii. vegetation around utilities;
      iv. required buffers;
      v. screening of drainage basins;
      vi. entry plantings;
      vii. recreational planting;
      viii. a standard for individual lots in un-forested tracts (subdivisions);
      ix. parking and loading areas
      x. recycling areas;
      xi. plant schedule;
      v. All artificial improvements shall be shown;
      vi. All areas to be sodded or seeded shall be shown.
9. Property Survey. Three (3) boundary surveys signed and sealed by a licensed New Jersey Professional Land Surveyor (P.L.S.), certified on a date within one year of the date of submission.
10. Architectural Plan. Six (6) copies of building elevations and floor plans, signed and sealed by a New Jersey Registered Architect.
11. Traffic Impact Study. Three (3) copies of a traffic impact study, in accordance with §817.
12. Environmental Impact Statement (E.I.S.). Three (3) copies of an environmental impact statement, in accordance with §818.
13. Environmental Assessment. Three (3) copies of an environmental assessment, in accordance with §819.
14. Drainage Report. Three (3) copies of the drainage calculations and engineer's report.

15. Recycling Report. Three (3) copies of a recycling report, addressing the means of recycling and waste system for the proposed subdivision including:
    a. Materials to be collected.
    b. Location of materials to be stored.
    c. Method for collection of materials.
    d. Who shall pick up the materials
    e. Frequency that the materials shall be collected.
    f. Quantity of materials to be generated.
    g. Amount of storage area required for each material.
16. Three (3) copies of any additional reports or supporting data not included on the preliminary plan.

SECTION 808. FINAL MAJOR SUBDIVISION PLAN.

A. Standards for Review. In reviewing final plans, the applicable Board shall ensure that the subdivision is in conformity with the preliminary plan approval. In the case of residential clusters, the applicable Board may permit minimal deviations from the conditions of preliminary approval, necessitated by change of conditions beyond the control of the applicant since the date of preliminary approval, without the applicant being required to submit another application for development for preliminary approval.

B. Submission Requirements. Three (3) full size and twelve (12) reduced size copies (15" x 21") of all plans shall be filed with the Administrative Officer a minimum of fifteen (15) days prior to the scheduled Planning or Zoning Board hearing:
    1. Administrative Items.
        a. Two (2) copies of the Land Use Development Application.
        b. Application fees and escrow, in accordance with §901.
        c. A completed and signed escrow agreement and W-9 tax form.
        d. Certification that all taxes are paid to date.
        e. Twelve copies of color photographs of the property.
        f. Two (2) completed site and subdivision plan checklists.
    2. Preliminary Plan. Approved and signed preliminary plans in conformance with the resolution of approval are required prior to the submission of final subdivision plans.
    3. Final Plan. Final subdivision plans should show all utilities and other improvements (both in the development and off-tract) in exact location and elevation that includes the information required to be submitted for a preliminary major subdivision application (§807), excepting a traffic impact report and an environmental impact report, as well as the following:
        a. Clearly and legibly drawn and prepared in accordance with §802.J.
        b. Written and graphic scale, not less than one (1") inch equals fifty (50') feet.
        c. Titled as "Final Subdivision Plan for [name of development]" and showing block and lot, municipality, and county.
        d. Plans shall be presented on sheets of one of the following dimensions: 30"x42"; 24"x36"; 15"x21".
        e. Signature blocks, as required by the Map Filing Law.
        f. Tract boundary lines.
        g. Municipal boundary lines if within two hundred (200') feet of the tract being subdivided.
        h. All street names and addresses approved by the Township Tax Assessor.
        i. All lot lines and other site lines with accurate dimension, bearings, central angles, radii, and lengths of all curves.
        j. Minimum building setback lines.

k. The area of each lot shown to the nearest square foot and the nearest one thousandth of an acre.
l. All dimensions, both linear and angular, shall be based on Tax Assessor.

4. Schedule. A construction schedule, in accordance with §805.E.12, for all improvements yet to be installed.

5. Address Plan. A street numbering plan approved by the Township Tax Assessor.

C. Certification. The Township Engineer or designee shall prepare a statement that she or he has examined the street, drainage, utility, erosion, storm water control, and grading plans, and found that they substantially conform to the provisions of this Ordinance. She or he shall also identify those portions of any improvements already installed and indicate that the applicant has either:
1. Installed all improvements in accordance with the requirements of this Ordinance and the preliminary plan approval with a maintenance guarantee accompanying the final plan; or
2. Posted a performance guarantee that has been approved by the Municipal Solicitor or designee.

SECTION 809. MINOR SITE PLAN.

A. Standards for Review. The data to be included for a minor site plan shall be sufficient to enable the Planning or Zoning Board to determine if the proposed site design shall not have a deleterious effect upon the neighborhood and that it is designed in conformance with the standards of this Ordinance.

B. Submission Requirements. Three (3) full size and twelve (12) reduced size copies (15" x 21") of all plans shall be filed with the Administrative Officer a minimum of thirty (30) days prior to the scheduled Planning or Zoning Board hearing:

1. Administrative Items.
a. Two (2) copies of the Land Use Development Application.
b. Application fees and escrow, in accordance with §901.
c. A completed and signed escrow agreement and W-9 tax form.
d. Certification that all taxes are paid to date.
e. Twelve copies of color photographs of the property.
f. Two (2) completed site and subdivision plan checklists.
h. Letter indicating connection, supply, and capacity is available from the water and sewer utilities servicing the site.

2. General. The following information should be shown on all plans:
a. Clearly and legibly drawn and prepared, in accordance with §802.J.
b. Title block containing property address, block & lot number, municipality and county for the tract.
c. Name and address of the applicant and the owner.
d. Name, address, telephone number, email, and signature of Plan preparer.
e. North arrow.
f. Written and graphic scale, not less than one (1") inch equals one hundred (100') feet.
g. The date of the original drawing.
h. Area for the date and substance of each revision.
i. All adjacent block and lot number.
j. Existing and proposed rights-of-way and easements within and adjoining the tract.
k. Deed restricted buffer, if required.

3. Minor Site Plan. The following information should be shown on minor site plans:
a. Titled as "Minor Site Plan" for [*name of the development*].
b. Appropriate places for the signature lines for the Board Chair, Board Engineer, and Board Secretary, the dates of the Official approving authority actions, and dates of the signatures.

c. Surrounding zones.
d. Zoning schedule that includes lot frontage, lot depth, setbacks, height, buffers, open space, impervious cover, and any other applicable measurements.
e. A key map with north arrow showing the entire development and its relation to surrounding areas.
f. Area of tract to nearest tenth of an acre.
g. Building envelope and all setback lines. Existing and proposed structures and uses including the shortest distances between buildings and lot lines.
h. An indication of those buildings to remain and those to be removed and the size of such buildings.
i. Existing and proposed street and lot layout with dimensions showing that portion proposed for development in relation to the entire tract.
j. List of any pre-existing or created variances and design waivers/exemptions.
k. List of all required regulatory approvals and status of such approvals.
l. All relevant construction details.

4. Circulation. Circulation and parking details, in accordance with the ordinance, including the following should be shown on minor site plans:
   a. Sight triangles at intersections
   b. Driveways and aisles
   c. Parking spaces
   d. Ingress and egress
   e. Loading areas
   f. Sidewalks
   g. Curbs
   h. Railroad ties
   i. ADA parking and curb cuts
   j. Improvement details for the above.
   k. Transit facilities including light rail and bus routes, as well as transit stops, signage, shelters, etc.

5. Grading Plan. A grading plan that includes existing and proposed contours, stormwater facilities, spot elevations, drainage easements, finished floor elevations, and other items around the adjacent fifty (50') feet of the property, in accordance with the Township Grading Checklist, to illustrate the locations and dimensions of artificial and/or natural features including:
   a. Two (2) permanent bench marks based on U.S.G.S. Datum. All elevations to relate to bench marks.
   b. Existing elevations and contour lines over the entire area and fifty (50') feet around the proposed subdivision. Contours shall be shown at not more than two-foot (2') intervals for area with less than twenty (20%) percent slope, five-foot (5') intervals for areas with slopes in excess of twenty (20%) percent.
   c. Any proposed stormwater facilities.
   d. Spot and finished floor elevations.
   e. Spot elevations at the four corners of ADA parking, ensuring less than two (2%) percent slope.
   f. Existing and proposed artificial features including railroad right-of-ways, bridges, dams, and similar infrastructure.
   g. Existing and proposed natural features including soil types, wooded areas, and individual trees in excess of eight (8") inch diameter breast height (DBH) outside of wooded areas.
   h. Locations of all existing and proposed watercourses, including lakes, streams, ponds, swamp or marsh areas; and under-drains.

i. Flood plain limits and wetlands delineation, in accordance with §802.F.
j. Location, diameter and species of trees proposed for removal.
k. Building coverage and impervious coverage in acres/square feet and percentage of lot coverage.
m. Intent for water and sewer treatment.
   i. Show any existing wells and/or septic systems.
   ii. Show proposed septic systems and/or well locations.
   iii. Show proposed public water and/or sewer connections.
   iv. When septic systems are proposed supply boring and percolation test results per §807.B.7.
   v. When public sewer is proposed, supply one boring for each acre if soil maps indicate that the seasonal high water table may exceed ordinance standard for buildable lot.
n. Existing and proposed right-of-way and easements within the adjoining tract.

6. Drainage. Drainage provisions, in accordance with the standards of the Ordinance, including:
   a. Existing contours and proposed grades based on U.S.G.S. datum where appropriate.
   b. All streams, lakes and drainage rights of way based on Soil Conservation Service data including:
      i. Direction of flow;
      ii. Location of all drainage structure;
      iii. Flood plain limits;
      iv. Wetlands;
      v. Swamps.
   c. Drainage calculations.
   d. Any proposed drainage improvements.

7. Landscape Plan. A landscape plan shall be submitted, which includes:
   a. location of existing and proposed plantings;
   b. Location of wooded areas.
   c. Location and identifications of existing vegetation outside of wooded areas.
   d. An indication as to whether existing vegetation is to remain or to be removed.
   e. street trees;
   f. required buffers;
   g. parking and loading areas;
   h. plant schedule;
   i. All artificial improvements shall be shown.
   j. All areas to be sodded or seeded shall be shown.

8. Lighting Plan. A lighting plan, showing footcandles, photometric patterns, isolux lines, details, etc.

9. Signs. Freestanding, façade, functional and all other sign details showing location and dimensions, in accordance with §517.

10. Property Survey. Three (3) boundary surveys signed and sealed by a licensed New Jersey Professional Land Surveyor (P.L.S.), certified on a date within one year of the date of submission.

11. Soil Erosion & Sediment Control Plan. Three (3) copies of the Soil Erosion and Sediment Control Plan, in accordance with Camden County Soil Conservation standards.

12. Architectural Plans. Six (6) copies of building elevations and floor plans, signed and sealed by a registered architect. A listing of the proposed materials to be utilized shall be provided on plans.

SECTION 810. PRELIMINARY MAJOR SITE PLAN.

A. General Purposes. Site plan review shall be for the general purpose of enhancing the neighborhood, providing adequate access to off-street parking and loading facilities for employees, visitors and residents; providing buffering techniques for safety and/or aesthetic purposes; preventing uses that violate applicable state and federal safety and environmental regulations; preserving flood ways and flood hazard areas, and requiring that all raw materials, fuel, goods in process, finished goods, machinery and equipment shall be appropriately housed and/or screened, and for the protection and promotion of public health, safety, morals and welfare.

B. Standards for Review. In reviewing major site plans, the Board shall take into consideration conformity with the adopted Master Plan and subsequent reexamination reports, the natural features of the area and the site, and the ecological systems of the Township, retention of trees, preservation of natural vegetation and scenic beauty, preservation of historic areas, problems worsened or caused by the site development relating to water systems and resources, drainage, sewerage, traffic hazards and pedestrian travel, fire and police protection, health and sanitation, and erosion and siltation.

C. Submission Requirements. Three (3) full size and twelve (12) reduced size copies (15" x 21") of all plans shall be filed with the Administrative Officer a minimum of thirty-five (35) days prior to the scheduled Planning or Zoning Board hearing:

1. Administrative Items.
   a. Two (2) copies of the Land Use Development Application.
   b. Application fees and escrow, in accordance with §901.
   c. A completed and signed escrow agreement and W-9 tax form.
   d. Certification that all taxes are paid to date.
   e. Twelve copies of color photographs of the property.
   f. Two (2) completed site and subdivision plan checklists.
   g. Letter indicating connection, supply, and capacity is available from the water and sewer utilities servicing the site.
   h. A written description of the proposed use(s) and operation(s) of the building(s) including:
      i. the number of employees or users of non-residential buildings;
      ii. the proposed number of shifts to be worked and maximum number of employees on each shift;
      iii. expected truck and tractor-trailer traffic;
      iv. emission of noise, glare, variation, heat, odor, air, and water pollution;
      v. safety hazards.
   i. Density. The applicant should demonstrate that the number of proposed dwelling units on the tract or parcel of land is in accordance with the definition of DENSITY in Article II.

2. General Information. Plans shall consist of as many separate maps as necessary to properly evaluate the site and the proposed work. If more than one sheet is required to show the entire site, a separate composite map shall be drawn showing the entire site and the sheets on which the various sections are shown, and each detail sheet shall include a key map showing its relation to the whole tract. General Information to be shown on all plans:
   a. Clearly and legibly drawn and prepared, in accordance with §802.J.
   b. Title block containing property address, block & lot number, municipality and county for the tract.
   c. Name and address of the applicant and the owner.
   d. Name, address, telephone number, email, and signature of Plan preparer.
   e. North arrow.
   f. Written and graphic scale, not less than one (1") inch equals one hundred (100') feet.
   g. The date of the original drawing.
   h. Revision Block. Area for the date and substance of each revision.

i. All adjacent block and lot number.
j. Existing and proposed rights-of-way and easements within and adjoining the tract.
k. Deed restricted buffer, if required.

3. Property Survey. Three (3) boundary surveys signed and sealed by a licensed New Jersey Professional Land Surveyor (P.L.S.), certified on a date within one year of the date of submission.

4. Preliminary Site Plan. The following should be shown on preliminary site plans:
   a. Titled as "Preliminary Site Plan for [*name of development*]".
   b. A key map with the 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.
   c. Locations of all existing structures and their uses within two hundred (200') feet of the tract.
   d. The names, addresses and block and lot numbers of all property owners within two hundred (200') feet of the tract.
   e. Surrounding zones.
   f. Area of original tract to nearest one-hundredth (1/100) of an acre.
   g. Existing and proposed street and lot layout with dimensions correct to scale accuracy, showing that portion proposed for development in relation to the entire tract.
   h. The names, locations, rights-of-way widths and purposes of existing and proposed easements and other right-of-way on the tract, as shown in a recent title search. Legal documentation that supports the granting of an easement by an adjoining property owner shall be included where necessary.
   i. Existing and proposed building coverage in square feet and as a percentage of the lot area.
   j. Building envelope with all side, rear and front setback lines with dimensions.
   k. List of any pre-existing or created variances and design waivers/exemptions.
   l. List of all required regulatory approvals and status of such approvals.
   m. Appropriate places for the signature lines for the Board Chair, Board Engineer, and Board Secretary of the approving authority, the dates of the Official approving authority actions and dates of the signatures.
   n. Existing structures and uses on the tract, including:
      i. size;
      ii. height;
      iii. location;
      iv. arrangement;
      v. the shortest distance between any existing building and existing lot lines;
      vi. an indication of those to be retained and those to be removed.
   o. Proposed structures and uses on the tract including:
      i. size;
      ii. height;
      iii. location;
      iv. arrangement;
      v. area storage of recyclables.

5. Circulation & Utility Plan. Circulation and utilities should be provided around the adjacent two hundred (200') feet of the property, in accordance with the ordinance, including the following:
   a. Existing facilities:
      i. Names, locations, and dimensions of all existing streets.
      ii. Existing driveways.
      iii. Any connections by site to existing:
         (a) streets;
         (b) sidewalks;

(c) bike routes;
(d) Transit facilities including light rail and bus routes and stops;
(e) parking lots; and
(f) water, sewer, or gas mains.

b. Proposed facilities:
i. acceleration/deceleration lanes;
ii. traffic channelization;
iii. fire lanes;
iv. driveways and aisles with dimensions;
v. parking spaces including:
(a) size;
(b) number;
(c) location; and
(d) ADA spaces.
vi. Loading areas and number;
vii. Curbs;
viii. ADA Ramps;
ix. Sidewalks and bike routes;
x. Any related facility for the movement and storage of goods, vehicles and persons;
xi. Directional signs with scaled drawings;
xii. Sight triangle easements at intersections;
xiii. Radii of curblines;
xiv. Street names;
xv. Traffic control devices;
xvi. Street lights;
xvii. Site lighting;
xviii. Fencing, railroad ties, bollards and parking bumpers;
xix. Any expansion plans for the proposed use shall show feasible parking and loading expansion plans to accompany building expansion.
xx. Cross sections.
xxi. Proposed grades.
xxii. For roads provide center line profiles at horizontal scale of not less one (1") inch equals fifty (50') feet.
xxiii. Standard details for:
(a) curbing;
(b) sidewalks, bike paths;
(c) paving;
(d) stoned or graveled surfaces; and
(e) bollards, railroad ties, fences.

c. Utilities specifications. Plans of all proposed improvements, whether on-site, or off-site or off-tract, should be provided, including the following:
i. Plans and profiles of water and sewer systems whether on-site, off-site or off-tract showing:
(a) Size pipes and mains;
(b) Slope;
(c) Pumping stations;
(d) Fire hydrants; and
(e) Standard details.

ii. If private utilities are proposed, they shall comply fully with all township, county, and state regulations.
iii. If service is to be provided by an existing water or sewer company, a letter from the company shall be submitted, stating that service shall be available before occupancy of any proposed structures.
iv. When on-lot water supply or sewerage disposal is proposed, the concept for such system shall be reviewed by the appropriate township, county and state agencies.
(a) Plans for individual water supply shall be submitted.
(b) Plans for individual sewerage disposal system shall be submitted.
v. Location of proposed electric, telephone and cable lines.

d. All relevant construction details.

6. Grading Plan. Provide grading plans that include existing and proposed contours, stormwater facilities, spot elevations, drainage easements, finished floor elevations, and other items around the adjacent two hundred (200') feet of the property, in accordance with the Township Grading Checklist, as well as the following information:
a. Two (2) permanent bench marks based on U.S.G.S. Datum. All elevations to relate to bench marks.
b. Existing elevations and contour lines over the entire area and two hundred (200') feet around the proposed subdivision. Contours shall be shown at not more than two-foot (2') intervals for area with less than twenty (20%) percent slope, five-foot (5') intervals for areas with slopes in excess of twenty (20%) percent.
c. Any proposed stormwater facilities.
d. Spot and finished floor elevations.
e. Spot elevations at the four corners of ADA parking, ensuring less than two (2%) percent slope.
f. Existing and proposed artificial features including railroad right-of-ways, bridges, dams, and similar infrastructure.
g. Existing and proposed natural features including soil types, wooded areas, and individual trees in excess of eight (8") inch at Diameter Breast Height (D.B.H.).
h. Locations of all existing and proposed watercourses, including lakes, streams, ponds, swamp or marsh areas; and under-drains.
i. Flood plain limits and wetlands delineation, in accordance with §802.F.
j. When a running stream is proposed for alteration, improvement or relocation, or when a structure or fill is proposed over, under, in or along such a running stream, evidence of result of pre-application meeting with *New Jersey Division of Water Resources* or such agency having jurisdiction shall accompany the application.
k. The total upstream acreage in the drainage basin of any watercourse running through or adjacent to a subdivision; including the distance and average slope upstream to the basin.
l. The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage of that portion of the subdivision which drains to the structure, including the distance and average slope downstream to the structure and final disposition of the surface waters.
m. For all existing or proposed lakes or ponds on or within five hundred (500') feet of the subdivision, indicate the location and water level elevation;
n. For any storm drainage system, indicate computations and any connection by the subdivision to the existing storm drainage systems.

7. Drainage. Drainage provisions, including the following items:
a. Existing contours and proposed grades based on U.S.G.S. datum where appropriate.
b. All streams, lakes and drainage rights of way based on Soil Conservation Service data

including:
i. Direction of flow;
ii. Location of all drainage structure;
iii. Flood plain limits;
iv. Wetlands;
v. Swamps.

c. Drainage calculations.
d. Any proposed drainage improvements.

8. Soil Borings. Test boring, percolation rates and water levels shall be obtained by a licensed engineer, distributed over the tract to adequately represent site conditions and shall be to a minimum depth of ten (10') feet, in accordance with the following standards:

SOIL BORINGS	
SITE SIZE (acres)	TEST HOLES
Less than 1	1
1-2	3
3	6
5-10	8
11-40	10
41-100	16
Over 100	20

9. Landscape Plan. Landscaping, recreational facilities and areas of public use should be shown, as listed in §807.B.5, shall be shown on landscaping plans.

10. Lighting Plan. A lighting plan, showing footcandles, photometric patterns, isolux lines, details, etc.

11. Architectural Plan. Six (6) copies of building elevations and floor plans, signed and sealed by a registered architect, shall include the following items:
a. an architects scaled elevations of the front, side, and rear of any structure to be erected or modified;
b. list of proposed materials to be utilized
c. building mounted lighting and details;
d. Expansion plans incorporated into the building design;
e. Floor plans where multiple dwelling units or more than one use is proposed that have different parking standards.

12. Signs. Freestanding, façade, functional and all other sign details showing location and dimensions, in accordance with Article XXIII. Sign plans should show the following:
a. location;
b. size;
c. height;
d. and for proposed signs, scaled elevations of the front, side and rear of any sign to be erected or modified including sign lighting details.

13. Traffic Impact Study. Three (3) copies of a traffic impact study, in accordance with §817.

14. Environmental Impact Statement (E.I.S.). Three (3) copies of an environmental impact statement, in accordance with §818.

15. Environmental Assessment. Three (3) copies of an environmental assessment, in accordance with §819.

16. Drainage Reports. Three (3) copies of the drainage calculations and engineer's report.

17. Soil Erosion & Sediment Control Plan. Three (3) copies of the Soil Erosion and Sediment Control Plan, in accordance with Camden County Soil Conservation standards.

18. Recycling Report. Three (3) copies of a recycling report, addressing waste management, including recycling, for the proposed development including:
a. Materials to be collected.

b. Location of materials to be stored.
c. Method for collection of materials.
d. Who shall pick up the materials
e. Frequency that the materials shall be collected.
f. Quantity of materials to be generated.
g. Amount of storage area required for each material.

19. Three (3) copies of any additional reports or supporting data not included on the preliminary plan.

SECTION 811. FINAL MAJOR SITE PLAN.

A. Standards for Review. In reviewing final site plans, the Board shall ensure that the drawing specifications and estimates of the application for final approval conform to the preliminary site plan approval. In the case of residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval, without the applicant being required to submit another application for development for preliminary approval.

B. Submission Requirements. Three (3) full size and twelve (12) reduced size copies (15" x 21") of all plans shall be filed with the Administrative Officer a minimum of twenty (20) days prior to the scheduled Planning or Zoning Board hearing:

1. Administrative Items.
   a. Two (2) copies of the Land Use Development Application.
   b. Application fees and escrow, in accordance with §901.
   c. A completed and signed escrow agreement and W-9 tax form.
   d. Certification that all taxes are paid to date.
   e. Twelve copies of color photographs of the property.
   f. Two (2) completed site and subdivision plan checklists.

2. Preliminary Plan. Approved and signed preliminary plans in conformance with the resolution of approval are required prior to the submission of final site plans.

3. Final Plan. Final site plans shall be at a scale of one (1") equals fifty (50') feet, showing all utilities and other improvements (both in the development and off-tract) in exact location and elevation that includes the information required to be submitted for a preliminary major site application (§810), excepting a traffic impact report and an environmental impact report, as well as the following:
   a. Clearly and legibly drawn and prepared in accordance with §802.J.
   b. Titled as "Final Site Plan for *[name of development]*" and showing block and lot, municipality, and county.
   c. Plans shall be presented on sheets of one of the following dimensions: 30"x 42"; 24"x 36"; 15"X21".
   d. Signature blocks, as required by the Map Filing Law.
   e. Tract boundary lines.
   f. Municipal boundary lines if within two hundred (200') feet of the tract being subdivided.
   g. All street names and addresses approved by the Township Tax Assessor.
   h. All lot lines and other site lines with accurate dimension, bearings, central angles, radii, and lengths of all curves.
   i. Minimum building setback lines.
   j. The area of each lot shown to the nearest square foot and the nearest one thousandth of an acre.
   k. All dimensions, both linear and angular, shall be based on Tax Assessor.

4. Schedule. A construction schedule, in accordance with §805.E.12, for all improvements yet to be

installed.

5. Address Plan. A street numbering plan approved by the Township Tax Assessor.

C. Certification. The Township Engineer or designee shall prepare a statement that she or he has examined the street, drainage, utility, erosion, storm water control, and grading plans, and found that they substantially conform to the provisions of this Ordinance. She or he shall also identify those portions of any improvements already installed and indicate that the applicant has either:
   1. Installed all improvements in accordance with the requirements of this Ordinance and the preliminary plan approval with a maintenance guarantee accompanying the final plan; or
   2. Posted a performance guarantee that has been approved by the Municipal Solicitor or designee.

SECTION 812. VARIANCES.

A. Standards for Review. In reviewing variance applications, the Planning or Zoning Board shall determine that sufficient information has been submitted for the reviewing authority to fully evaluate the prerequisites of *N.J.S.A. 40:50D-70c* or *-d* or *40:55D-60* as appropriate are present and may request the submission of any information to that end.

B. Bulk (c) Variance. An applicant for bulk variance or variances pursuant to *N.J.S.A. 40:55D-70(c)* and *N.J.S.A. 40:55D-60(a)* shall submit the following:
   1. Administrative Items.
      a. Two (2) copies of the Land Use Development Application.
      b. Application fees and escrow, in accordance with §901.
      c. A completed and signed escrow agreement and W-9 tax form.
      d. Certification that all taxes are paid to date.
      e. Twelve copies of color photographs of the property.
      f. Two (2) completed variance checklists.
   2. Three (3) boundary surveys signed and sealed by a licensed New Jersey Professional Land Surveyor (P.L.S.), certified on a date within one year of the date of submission.
   3. A sketch plan outlining the location, nature and extent of any variance or variances requested.
   4. A sketch of the proposed addition or new construction for which a variance is sought, demonstrating architectural consistency with the existing structure or an improvement thereof.

C. Use (d) Variance. An applicant for a variance pursuant to *N.J.S.A. 40:55D-70(d)* in conjunction with a minor subdivision or minor site plan shall submit the following information:
   1. All items listed for a bulk (c) variance, in accordance with §812.B, hereinabove.
   2. A written statement delineating the exact use(s), operation(s), and anticipated impact of the proposal.

D. Variances (with Major Subdivision and/or Major Site Plan). An applicant for a variance pursuant to *N.J.S.A. 40:55D-70(c)* or *(d),* including use variances, which shall also require major subdivision and/or major site plan approval shall submit the following information:
   1. Administrative Items.
      a. Two (2) copies of the Land Use Development Application.
      b. Application fees and escrow, in accordance with §901.
      c. A completed and signed escrow agreement and W-9 tax form.
      d. Certification that all taxes are paid to date.
      e. Twelve copies of color photographs of the property.
      f. Two (2) completed variance checklists.
      g. A written statement delineating the exact use(s) and operation(s) of the proposal.

2. Property Survey. Three (3) boundary surveys signed and sealed by a licensed New Jersey Land Surveyor, certified on a date within six (6) months of the date of submission.
3. Architectural Plan. Architectural renderings and an informal plan including, at a minimum, the data required under §803, which the applicant shall accept as binding as a condition of approval of any subsequent application for major site plan and/or major subdivision approval.
4. Traffic Impact Study. Three (3) copies of a traffic impact study, in accordance with §817.
5. Environmental Impact Statement (E.I.S.). Three (3) copies of an environmental impact statement, in accordance with §818.
6. Environmental Assessment. Three (3) copies of an environmental assessment, in accordance with §819.

SECTION 813. REQUEST FOR ZONE CHANGE.

A. Review. Every property owner in the Township of Cherry Hill is permitted by the Municipal Land Use Law (*N.J.S.A. 40:55d-1 et seq.*) to request a review of the appropriateness of the zoning designation.

B. Application Process. All requests for rezoning shall be in writing and shall be addressed to the Township Clerk. All requests shall include the following information:
   1. Name and address of the property owner and consent to the request for rezoning;
   2. Block and lot number;
   3. Present zoning;
   4. Requested zoning;
   5. Survey of the property;
   6. Disclosure statement of all share holders of ten percent (10%) or more;
   7. Any other supporting materials deemed appropriate by the applicant.
   8. The Township Clerk shall acknowledge receipt of the request and send a copy of the request to Township Council. Upon receipt of a re-zoning request the Township Council shall:
      a. Hold a work session on all such requests a maximum of two times per year, unless it is determined by Township Council that a rezoning request will have significant benefits to the public good. If a rezoning is determined to benefit the public good Township Council may hear such a request at anytime.
      b. Township Council shall determine at the aforementioned work session if the re-zoning request should be sent to the Planning Board for review and recommendation.
   9. Once the Township Council sends a rezoning to the Planning Board for review, the Administrative Officer shall provide all materials submitted by the applicant to the Planning Board for review and comments. Additional administrative items will be required, including but not limited to the following:
      a. Two (2) copies of the Land Use Development Application.
      b. Application fees and escrow, in accordance with §901.
      c. A completed and signed escrow agreement and W-9 tax form.

C. Hearing Process. The consideration of rezoning a property shall proceed through the following process:
   1. The Administrative Officer may determine that the request for rezoning is of such impact to the Master Plan and/or surrounding property owners that a planning report by a professional planner, justifying the zone change, shall be submitted by the applicant. The reason(s) for this determination shall be provided to the applicant in writing.
   2. The Planning Board may hold a work session to review the request for the change with the Administrative Officer; however, no action shall be taken except at a public hearing.
   3. The Administrative Officer shall notify the Planning Board Secretary to schedule a request for a

zone change for a public hearing.

4. Public Notice. The Planning Board Secretary shall notify all property owners, as follows:
   a. In the case of a classification change, within the zone and within the state within two hundred (200') feet in all directions of the boundaries of the zone.
   b. In the case of a boundary change in the state within two hundred (200') feet in all directions of the proposed new boundaries of the zone which is the subject of the hearing.
   c. Notices shall contain the information required in §605.
   d. In addition, an affidavit of service shall be completed by the Planning Board Secretary affirming compliance with the above notice requirements
   e. The Applicant shall bear the cost of the posting of the notice by regular mail.

5. The Planning Board shall conduct a public hearing to consider the merits of the request for zone change.
6. The Planning Board shall, based upon the reports, comments and testimony at the public hearing, either recommend the requested zone change be adopted by Township Council or not recommend the requested zone change be adopted by Township Council.
7. The Planning Board Secretary shall send to the Township Clerk a copy of the resolution for each request for zone change. Any zone change that the Planning Board recommends for adoption by Township Council, shall be placed on an agenda for consideration. Any requests for zone change that the Planning Board does not recommend for adoption by Township Council may or may not be placed on an agenda for consideration by Council. All ordinances shall be adopted in conformance with *N.J.S.A. 40:55D-62*.
8. Township Council shall have the Township Clerk provide for public notice in the same manner as §813.C.4.
9. In the event that Township Council should adopt a request for zone change the Zoning Map adopted pursuant to §302 shall be revised by the Administrative Officer accordingly.

SECTION 814. PUBLIC RIGHT-OF-WAY (ROW) VACATION.

A. Standards for Review. When deemed to be in the public interest, where no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, may be vacated.

B. Submission Requirements. All requests for vacating a public right-of-way shall be in writing and addressed to the Township Clerk for review by Township Council. All requests shall include the following information:
   1. Name and address of the Applicant.
   2. Adjacent block and lot number.
   3. Tax Map, identifying the area to be vacated.
   4. Zoning of area.
   5. Any other supporting materials deemed appropriate by the applicant.

C. Application Requirements. After initial review by Township Council, the request shall be forwarded to the Planning Board Secretary, which will require the following items:
   1. Administrative Items.
      a. Two (2) copies of the Land Use Development Application.
      b. Application fees and escrow, in accordance with §901.
      c. A completed and signed escrow agreement and W-9 tax form.
      d. Twelve copies of color photographs of the property.
      e. Two (2) completed variance checklists.

2. Property Survey. Three (3) boundary surveys signed and sealed by a licensed New Jersey Professional Land Surveyor (P.L.S.), certified on a date within one year of the date of submission, as well as signed and sealed lot description(s), which include the following items:
   a. Clearly and legibly drawn and prepared, in accordance with §802.J.
   b. Title block containing property address, block & lot number, municipality and county for the tract.
   c. Name and address of the applicant and the owner.
   d. Name, address, telephone number, email, and signature of Plan preparer.
   e. North arrow.
   f. Written and graphic scale, not less than one (1") inch equals one hundred (100') feet.
   g. The date of the original drawing.
   h. Revision Block. Area for the date and substance of each revision.
   i. All adjacent block and lot number.
   j. Surrounding zones.
   k. A key map with north arrow showing the entire development and its relation to surrounding areas.
   l. Area of tract to nearest tenth of an acre.
   m. Existing and proposed lot lines.
   n. Existing and proposed street and lot layout with dimensions showing that portion proposed for development in relation to the entire tract.
   o. Existing and proposed structure and uses including the shortest distances between buildings and lot lines.
   p. An indication of those buildings to remain and those to be removed and the size of such buildings.
   q. All existing and proposed easements, as determined by a title search
   r. All existing and proposed utilities, including water, sewer, gas, etc.
   s. Intent for water and sewer treatment.
   t. Existing contours and proposed grades based on U.S.G.S. datum where appropriate.
   u. All streams, lakes and drainage rights of way based on Soil Conservation Service data including:
      i. Direction of flow;
      ii. Location of all drainage structure;
      iii. Flood plain limits;
      iv. Wetlands;
      v. Swamps.

L. Review. In accordance with §802.B., the Planning Board Secretary shall distribute all documents to appropriate entities, including but not limited to the following:
   1. Fire Department
   2. Traffic Division of the Police Department
   3. Engineering/Public Works
   4. Recreation Department, if adjacent to a municipal park
   5. Water Service Provider
   6. Camden County Parks Department, if adjacent to a County Park
   7. Camden County Planning Board, if adjacent to a County Highway and any other County infrastructure in accordance with the New Jersey County Planning Act, N.J.S.A. 40:27-1 et seq.
   8. Any other agency, as deemed necessary by the Administrative Officer.

D. Approval Process. Township Council approval is required to vacate a public right-of-way, by completion of the following:

1. Reservation of Easements. In vacating any public right-of-way (street, alley or public reservation), or portion thereof, by ordinance, the Township may reserve to itself and public utilities such rights-of-way and other easements, as necessary or desirable for public service.
2. Notification of adjacent property owners by the Planning Board Secretary.
3. Planning Board Resolution of Recommendation to Township Council, based on §813.A.
4. The Planning Board Secretary will prepare an ordinance for Council consideration with the provided detailed description and survey of the area to be vacated.
5. Streets, alleys or other public reservations that have been vacated shall revert to the owners of adjoining properties.
6. A tax map amendment that references the ordinance, in accordance with §905.A.4.

SECTION 815. APPLICATIONS FOR SPECIAL CONSIDERATION.

The administrative items outlined in §812.B shall be required with the following applications to be processed in accordance with the requirements of the Municipal Land Use Law:

A. Conditional Use.
B. Building Permit in the Bed of a Mapped Street, pursuant to *N.J.S.A. 40:55D-60(c)* and *40:55D-32*.
C. Permit for a Structure Unrelated to a Street, pursuant to *N.J.S.A. 40:55D-60(c)* and *40:55D-36*.
D. Appeal to the Governing Body, pursuant *to N.J.S.A. 40:55D-17*.
E. Request for a Certificate of Approval, pursuant to *N.J.S.A. 40:55D-68*.
F. Appeals from the Decision of the Zoning Officer and the Administrative Officer, pursuant to *N.J.S.A. 40:55D-72 (a)* and *40:55D-70(a)*.
G. Exceptions to Requirements, pursuant to *N.J.S.A. 40:55D-51(a), (b), (c)*.
H. Interpretation, pursuant to *N.J.S.A. 40:55D-70(b)* to the Zoning Board.

SECTION 816 . GRADING PLAN APPROVAL.

A. Grading Plan Required. A grading plan, prepared and sealed by a licensed professional engineer, shall be submitted for all proposed development requiring site plan and/or subdivision review; further providing said plan shall also be required in conjunction with residential in-fill construction on established lots, and for the installation of pools, accessory structures, or other improvements thereon resulting in a disturbance of greater than five hundred (500) square feet.
B. Construction. No construction permits shall be issued absent the approval of a grading plan by the approving agency, nor shall any Certificate of Occupancy be issued until and unless all conditions relating to the approved grading plan have been satisfied.
C. Provisions. The provisions of this Section may not be applicable to the following types of development applications, subject to the discretion of the applicable Board:
   1. Minor subdivisions, i.e., not exceeding three (3) lots and not involving the installation of a new street or the extension of any off-tract improvements. A grading plan shall be required when any of the lots are developed.
   2. Site plans resulting in no change in impervious coverage or the topography of the site, which does not change existing drainage patterns.

D. Grading Plan Details. The grading plan shall be of sufficient detail to demonstrate positive stormwater runoff without adverse impact to surrounding property. The plan shall provide, at a minimum, the following details:
   1. Existing and proposed grades. For major subdivisions and major site plans, grades shall be based on the 1929 N.G.V.D. Datum.
   2. Contours should extend a sufficient distance beyond property lines or the site of the work to demonstrate runoff patterns and the relation to adjacent topographical features.
   3. Contours are to be clearly shown and labeled and shall be at one or two foot intervals, as

appropriate. The scale of the drawing shall not be less than one (1") inch equals fifty (50') feet.
4. Property lines and dimensions.
5. Location, dimensions, setbacks, and first floor elevations of principal and accessory structures on-site and adjacent to the site.
6. Existing and proposed drainage facilities.
7. Existing and proposed spot elevations at all property corners, building corners, adjoining roadways, four corners of ADA parking, and intermediate elevations and/or off-site spot elevations as may be necessary to determine the proposed drainage pattern.
8. Adequate provisions to minimize erosion during construction.

SECTION 817. TRAFFIC IMPACT STUDY.

A. Applicability. The impact of traffic generated by land development projects necessitates a comprehensive analysis of the variety of issues that may result and the actions that can be taken to minimize these problems. The level of detail required for various types of applications shall vary depending on the size of the project, the nature of the site and the location of the project. Therefore, having determined that flexibility may be needed in preparing the environment impact statement, the following type of development applications shall require a traffic impact study:
   1. All preliminary major subdivision and preliminary major site plan applications.
   2. Notwithstanding the categories of development that are excluded from the requirement to submit a traffic impact study, the Board may require the submission of information for various applications to be included that is reasonably necessary to make an informed decision.

B. Submission Format. The applicant shall submit three (3) copies of the traffic impact report to the Secretary of the Board having jurisdiction. Each submission shall be double-side copied with applicable maps and photos in color. An electronic version of the report should be submitted in .PDF format.

C. Exceptions & Waiver. The following exceptions and/or waivers may be requested:
   1. Exceptions. A Traffic Assessment may be submitted for major site and/or subdivision applications in place of a Traffic Impact Study, provided that it can be demonstrated that the development is minor in nature. A Traffic Assessment shall present a brief summary of existing conditions and expected impacts, which includes, but not limited to the following: nature of proposal; number of existing and proposed trips; number of existing and proposed parking spaces; highest number of residents, households, customers, clients, or the like at one time; any expected deliveries (frequency, truck type, etc.); trash/recycling pick up or delivery; and any additional information unique to the development.

   2. Waivers. All requests for waiver of requirements of the traffic impact report shall be forwarded to the Board Secretary of jurisdiction of the application. The request for waiver shall provide sufficient justification for relieving the standards.

D. Contents. Preparers of a Traffic Impact Study shall be a licensed Professional Engineer (PE), Professional Traffic Operations Engineer (PTOE), Professional Transportation Planner (PTP), or similar qualifications. All traffic impact reports shall consist of written and graphic materials that clearly present the various traffic-generating characteristics of uses in the planned development and the interface of traffic from the proposed uses and the existing uses in the area to assure that there will not be a significant degradation in the level of service in the area and that there will not be any traffic hazards created in the area by traffic generated by the planned development. The traffic study shall address the various concerns noted below using the standards outlined.
   1. Overview. A description of the project phasing, access points, and connection to other existing or proposed developments.

   2. Existing Conditions. An analysis of existing conditions, conducted within twelve (12) months

preceding the date of the application, shall be done that includes the following:

a. A description of the study area and the rationale behind choosing this area;
b. A description of the study area's roadway facilities, including number of lanes, functional classification, condition, direction, type of traffic control device (traffic signals or other traffic control devices);
c. The location of transit routes and stops and any transit facilities (bus, rail ,etc.), including on-street, off-street, and private facilities, and service frequency;
d. The location of school bus routes and stops;
e. The location of pedestrian crosswalks, sidewalks, and bicycle pathways;
f. Turning movement counts at key intersections;
g. Twenty-four-hour machine traffic counts of critical arterials affected by the proposed development, which shall be summarized by hour and by direction. Pedestrian counts and transit passenger counts may be requested.
h. Average Annual Daily Traffic (AADT) of affected roadways;
i. Capacity Analysis of the existing peak hour traffic conditions at the critical intersections impacted by the proposed development, utilizing the latest software developed by *McTrans* or other software approved by the New Jersey Department of Transportation (NJDOT).

3. Future Demand. Future demands on the transportation system, including the following shall be provided:
   a. Background Traffic Volume. Future traffic volumes shall be calculated by multiplying the peak hour traffic volumes (existing conditions) by the growth rates provided on the most recent Annual Background Growth Rate Table by *New Jersey Department of Transportation* (NJDOT). The growth rate shall be compounded by the number of years until the full build out of the development. These factored traffic volumes will be surcharged with traffic volumes expected to be generated by impending development. Impending development shall include traffic from developments that are expected to be completed in the immediate vicinity. This shall include projects presently approved by the Township, projects in adjacent municipalities and projects that are presently in the planning process and are expected to be approved in the near future.
   b. Traffic Generation. Future traffic expected to be generated by the proposed development, including site traffic, to the build-out year or years of the site, shall be calculated by utilizing the latest copy of the *Institute of Transportation Engineers (ITE)* reference, *Trip Generation*. The values developed by using the *Trip Generation* method shall be verified by typical counts when requested by the Township to verify results. If trip generation data is required by the Township because the *Trip Generation* methodology is not accurate due to local conditions or an inadequate data base in the *Trip Generation* text, the traffic data counts required to verify trip generation data shall be in the ITE format. Traffic generation shall include the amount of traffic to be generated for the projected twenty-four-hour period and during the peak hour trip generation by the proposed project.
   c. Build Traffic Volumes. Future background traffic volumes shall be surcharged by adding the traffic volumes that are anticipated to be generated by the proposed development to the future background traffic volumes.

4. Impact Analysis & Recommendations.
   a. Level of Service. It must be demonstrated that public traffic arteries have adequate capacities to accommodate the traffic to be generated by the proposed project at an acceptable level of service C or better for all approaches to signalized intersections and streets and that safe, convenient and adequate circulation and parking is provided for the

sites. Level of service analysis shall include:

i. Computation for each analysis year with and without the inclusion of site traffic;
ii. Comparison of levels of service conditions with site traffic, and, with site traffic after recommended improvements are constructed to obtain at minimum a LOS C on impacted intersections.

b. Trip Generation. Provide a trip distribution that will distribute traffic to the surrounding roadway system. All intersections that have over 25 p.m. peak hour trips shall be tabulated and listed with the amount of traffic from the proposed development and the total build traffic at that location. Of the percent of the p.m. traffic, the proposed development traffic will be of the future build traffic at each intersection by approach. If improvements are required on one approach of an intersection only as a result of a significant impact by the development, defined as an approach where the majority of the traffic on the approach (defined as over 50% of the total future build traffic) caused the need for the proposed improvement on that approach to maintain an adequate level of service, the applicant's pro-rata share of the intersection improvement shall be calculated by using the cost of the improvement and multiplied by a factor consisting of the applicant's traffic volume for that leg of the intersection alone divided by the traffic volume at build-out for that leg of the intersection alone.

c. Capacity Analysis. Roadways and intersections shall be analyzed using a capacity analysis, utilizing the latest approved highway capacity programs. Traffic shall be analyzed for the existing traffic conditions, future background traffic and future build traffic conditions. Traffic analysis shall optimize traffic signals so that the existing traffic conditions show traffic conditions as they exist and with optimization of traffic signal timing. The future background traffic conditions shall require the optimization of the traffic signal timings prior to the addition of the proposed traffic from the proposed development. After the addition of the future background traffic and the optimization of the traffic on the roadways, future traffic shall be added and the traffic signal timings shall be optimized for a final product.

d. Accident Analysis. Accident data of critical intersections and roadways affected shall be analyzed.

e. Speed & Delay Analysis. Speed and delay analysis of critical roadways shall be provided.

f. Gap Analysis. Gap studies of critical intersections and drives shall be provided.

g. Safety Analysis. Analysis shall be made of all entrances and exits to determine if left-turn lanes are warranted in accordance with *Highway Research Record 211*. In addition, deceleration and acceleration lanes shall be analyzed to determine if they are needed, in accordance with *Transportation Research Record 855*.

h. Recommendations.
   i. Recommendations for automobile reduction techniques;
   ii. Schematic plan of any recommended improvements;

5. Site Plan Analysis. An analysis of the specific site, if applicable, shall include the following.
   a. Location of access points;
   b. Demand for parking and loading;
   c. Sight distance analysis;
   d. Truck/emergency services circulation plan.

E. Traffic Impact Fees.

1. Intent. The intent of traffic impact fees are to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development.

2. Requirement. As a condition of major final subdivision or site plan approval, the applicable Board may require the applicant to pay its pro rata share of the cost of providing reasonable and necessary circulation improvements located off-tract of the property limits of the subdivision or site development, but necessitated or required by the development, in accordance with *N.J.S.A. 40:55D-42*. "Reasonable and necessary" improvements are those which bear a rational nexus to the needs created by, and benefits conferred upon, clearly, directly, and substantially related to the development in question. The Board shall provide in its resolution of approval the basis of the required improvements. The capacity and design of proposed improvements shall be based upon the circulation plan element and utility service plan element of the adopted master plan.

3. Methodology. The applicant's proportionate share of street improvements, alignment, channelization, barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets, and other associated street or traffic improvements, including, but not limited to the following:
   a. Traffic signal timing, as outlined in §817.D.4.c.;

   b. Intersection improvements, as outlined in §817.D.4.b; and

   c. Improvement projects, as outlined in §817.D.3, which shall be determined as follows:
      i. The applicant's engineer shall provide the Board with a traffic study depicting existing and reasonably anticipated future peak hour flows for the off-tract improvement; said study being subject of the approval of the Board Engineer.

      ii. The Board's professionals shall furnish a plan for the off-tract improvement that shall include the estimated peak hour traffic generated by the proposed development and the proportion thereof that is to be accommodated by the off-tract improvement. The basis of the proportionate share shall be allocated to the applicant by determining the ratio of the peak hour traffic generated by the proposed development that is to be accommodated by the off-tract improvement compared to the future additional peak hour traffic anticipated to impact the proposed off-tract improvement. The proportionate share shall then be computed as follows:

$$\frac{\text{Total cost of enlargements or improvement multiplied by development peak hour traffic to be accommodated by the enlargement or improvement}}{\text{divided by the total capacity of enlargement or improvement, i.e.: peak hour traffic.}}$$

4. Off-Tract Improvements. The Board may, as a condition of any approval, require the applicant to install a public improvement of greater size or capacity than required to service the applicant's project. Such approval shall provide that the applicant is entitled to reimbursement to a maximum amount equal to the difference between the amount of such cost and expense paid by the applicant and the applicant's pro rata share of the cost of such improvement.

   In such a case, the Township shall determine all property specially benefited by the improvement and of the value of the special benefit to each such property in accordance with the provision set forth hereinabove in §817.E.3. The Township shall then assess all properties, other than the property of the applicant, specially benefiting from installation of any off-tract improvement in a manner similar to that for local improvements. Principal amounts received by the Township from such assessments, together with interest from property owners who have elected to pay for said assessments over a period of years, shall be credited to the account of the applicant's property.

In the case where there has been an apportionment of cost against the Township for the required off-tract improvement then the Township shall pay its portion of costs to the applicant not more than four (4) months after the completed improvements have been approved by the Township Engineer. In the event of any default in payment of an assessment levied by the Township as set forth hereinabove, then the Township shall exercise its remedies as elsewhere provided; and, if thereafter the balance of principle and interest due upon the subject assessment has not been fully satisfied by payment to the Township and credit thereof given to the account of the applicant's property, then the Township shall forthwith pay said balance remaining due to the applicant, or successor in interest.

5. Responsibility for Construction. The Board shall determine as part of its approval process whether the off site improvement is to be constructed by the Township or the applicant. The Board shall not render such determination until it receives the decision of Township Council as to whether it will undertake construction of the improvement in issue.

6. Form of Payment. The Board shall determine as part of its approval process, with assistance from the Board professionals, as to whether the applicant's proportionate payment for the off-tract improvement shall be a cash deposit to the Township, or by another form of bond or guarantee. In the event the payment is in the form of a bond or other type guarantee, same must be in form acceptable to the Township Solicitor or designee.

7. Off-Tract Improvement Accounts. Where the proposed off-tract improvement is to be undertaken by the Township, the monies required for the improvements shall be deposited in a specially designated interest-bearing account established by the Controller of the Township. The Township Controller shall maintain a record indicating by whom and in what amount each contribution has been made for said off-tract improvement. The Township Controller shall apportion interest on the account to each specific contribution as its balance relates to the total balance. All construction costs related to the off-tract improvement shall be paid by the Controller from this account. In the event any balance remains subsequent to the completion of the improvement, any property owner who has contributed to the account for that specific improvement shall be entitled to a pro rata refund, provided that a written petition is made to the Township for such refund within one year of completion of the off -tract improvement. Any monies remaining following said one year time period that have not been refunded shall be applied in general to the Township's capital improvement budget account. If the off-tract improvement is not commenced within fifteen (15) years of deposit, all monies and interest earned shall be returned to the applicant and/or contributing property owner as the case may be.

8. Process. The applicant shall enter into a Developer's Agreement with the Township setting forth the terms and conditions for construction of the off-tract improvements required to service the applicant's project, as further set forth in the preliminary site and/or subdivision approval resolution of the applicable Board. Final approval shall not be issued to the applicant until such time as the Developer's Agreement has been executed by the applicant and the Township.

SECTION 818. ENVIRONMENTAL IMPACT STATEMENT.

A. Requirement. The impacts of the environment generated by land development projects necessitate a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. The level of detail required for various types of applications shall vary depending on the size of the project, the nature of the site and the location of the project. Therefore, having determined that flexibility may be needed in preparing the environment impact statement (EIS), the requirements for such a document pertaining to different types of development applications are listed below:

1. All agricultural operations conducted in accordance with a plan approved by the soil conservation

district and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the submission of an environmental impact statement.

2. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an environmental impact statement unless specifically requested by the Board. The Board may request an environmental impact statement where there exist significant critical areas or suspected environmental hazard on the site in question. The Zoning Board of Adjustment or its designee shall inform the applicant regarding the scope of the information that may be required.
3. Any minor subdivision and/or minor site plan applications to the Board shall not require an environmental impact statement, unless specifically requested by the Board. The Board may request an environmental impact statement where there exist significant critical areas or suspected environmental hazard on the site in question. The Board or its designee shall inform the applicant regarding any information that may be required.
4. All preliminary major subdivision and preliminary major site plan applications shall be accompanied by an environmental impact statement.
5. Notwithstanding the categories of development that are excluded from the requirement to submit an environmental impact statement, the Planning or Zoning Board, in its discretion, may require the submission of information to be included in the document that is reasonably necessary to make an informed decision.

B. Submission Format. The applicant shall submit three (3) copies of the environmental impact statement to the Secretary of the Board having jurisdiction. Each submission shall be double-side copied with applicable maps and photos in color. An electronic version of the report should be submitted in .PDF format.

C. Waiver. All requests for waiver of requirements of the environmental impact statement shall include justification for relieving the standards, which shall be forwarded to the Planning or Zoning Board Secretary.

D. Contents of Assessments. When an environmental impact statement is required, the applicant shall retain one or more competent professionals to perform the necessary work. All applicable material on file in the Department of Community Development pertinent to local conditions shall be consulted. Any additional material pertinent to the evaluation of regional impacts shall also be considered. Furthermore, as much original research as necessary shall be conducted to develop the environmental impact statement. All environmental impact statements shall consist of written and graphic materials which clearly present the required information addressing the following areas and utilizing the following format:

1. Project Description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended.
2. Demographics. The resident population, working population, and visitor population shall be estimated.
3. Master Plan. The compatibility or incompatibility of the proposed project shall be described in relation to the following documents:
   a. Municipal master plan and subsequent re-examination reports, especially the land use and open space elements.
   b. Master plan of adjacent municipalities, if within one thousand (1,000') feet of the subject property.
   c. Camden County master plan.
   d. State Development and Redevelopment Plan.

e. Other pertinent planning documents.

4. Site Description & Inventory. An inventory shall be provided of environmental conditions on the site which shall include the following items:
   a. Soils. A description of each soil type located on the site from the Soil Survey of Camden County Soil Conservation Service with percolation data shall be provided.
   b. Topography. Describe the topographic conditions of the site, with specific delineation of any lands with slopes exceeding twelve (12%) percent.
   c. Geology. A description of each geologic formation shall be provided. Depth to bedrock shall be delineated where it would interfere with proposed land improvements.
   d. Vegetation. A description of the existing vegetation on the site. The location of tree masses shall be depicted. Where woodlands are delineated, the forest type shall be indicated.
   e. Wildlife. Domestic or unique wildlife habitats shall be identified. Where applicable, other data assembled regarding wildlife activity on the site shall also be mapped or described.
   f. Surface Water. When the natural drainage pattern shall be altered, an analysis shall be conducted which shall investigate flow, depth, capacity and water quality of the receiving waters. Flood plains and wetlands shall be delineated.
   g. Subsurface Water. A description of subsurface water conditions shall be provided on the depth to ground water and the water supply capabilities of the site. Where existing conditions warrant, detailed information regarding existing wells within five hundred (500') feet of the site relative to depth, capacity and water quality shall be described.
   h. Historic Resources. The historic resources that would be affected by the proposed development shall be discussed if the site is included on the *Cherry Hill Local Historic Resources Inventory*.
   i. Existing Features. A description of any existing development improvements shall be provided.
   j. Air Quality. An analysis should be conducted of existing air quality and noise levels, as prescribed by the New Jersey Department of Environmental Protection.
5. Area & Regional Description. Provide a description of the surrounding environs. Describe the existing land use pattern, existing infrastructure in detail with respect to the drainage and transportation network, as well as any central sewerage and water supply facilities. Include an appropriate regional analysis relative to the proposed project.
6. Environmental Performance Controls. Describe in detail the measures to be employed during the construction and operation phases that minimize or eliminate negative impacts on and off site that could result from the proposed project. Of specific interest are:
   a. Sewage disposal techniques.
   b. Water supply and water conservation proposals.
   c. Energy conservation measures.
   d. Noise reduction techniques.
7. Impact. Discuss both the negative and positive impacts of on- and off-tract development. Indicate those negative impacts that may be unavoidable. Specific concerns that shall be considered include, but are not limited to, the following:
   a. Flooding and flood plain impact.
   b. Impact on surface water and groundwater quality.
   c. Impact on the capacity to supply groundwater.
   d. Sewage disposal impacts.
   e. Alteration to existing vegetation and its impact on wildlife and wildlife habitats.
   f. Destruction or disturbance of cultural resources.
   g. Noise level impacts.
   h. Climate impacts, including but not limited to greenhouse gases.
   i. Energy utilization.

j. Blighting or improving effects on neighborhoods.

8. Alternatives. Alternatives to the arrangement of the proposed development should be presented and discussed. The Board of jurisdiction shall reserve the right to require alternative arrangements of land, buildings, and infrastructure to determine a design of lesser impact.
9. Licenses, Permits & Approvals. All known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project should be listed. This list shall include, but shall not be limited to, approvals required by the Township, as well as agencies of the County, State and Federal governments. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.
10. Documentation. All publications, file reports, manuscripts or other written sources of information related to the project, the project site and the Township that were consulted and employed in compilation of the environmental impact statement shall be listed. A list of all agencies and individuals from whom pertinent information was obtained, written or oral, shall be listed separately. Dates and locations of all meetings shall be specified.

E. Disposition. The Board shall not approve a submission unless it determines that the proposed development:
1. Shall not result in appreciable harmful effects to the environment;
2. Has been designed and conceived with a view toward the protection of regional sources; and
3. Shall not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.

SECTION 819. ENVIRONMENTAL ASSESSMENT.

A. Purpose. The purpose of a preliminary assessment is to identify the presence of any potentially contaminated areas of concern, through a diligent inquiry into the current and historic use of the site. A preliminary assessment is the first step in the process to determine whether or not a site is contaminated. If any potentially contaminated areas of concern are identified, then there is a need for a site investigation pursuant to current NJDEP requirements (*N.J.A.C. 7:26E-3*).

B. Requirement. Environmental assessments should provide a history of the site, prior uses of the land, past and current owners, and the potential pollution-related effects of such uses on the property, in accordance with all NJDEP regulations (*N.J.A.C. 7:26E-3*) and guidance pertaining to preliminary assessments. Such assessments must be conducted or reviewed by a New Jersey Licensed Site Remediation Professional (LSRP). The level of detail required for various types of applications shall vary depending on the size of the project, the nature of the site, and the location of the project. The flexibility of requirements for such a document varies with the type of development, but required as outlined below:
1. All agricultural operations conducted in accordance with a plan approved by the Camden County Soil Conservation District and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the submission of an environmental assessment.
2. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an environmental assessment, unless specifically requested by the Board. The Board may request an environmental assessment, and the scope of information needed, where there is a likelihood environmental hazards on the site in question or if there are existing or future sensitive populations that could be affected by environmental hazards.
3. Any minor subdivision and/or minor site plan applications to the Board shall not require an environmental impact statement, unless specifically requested by the Board. The Board may request an environmental impact statement where there exist significant critical areas or suspected

environmental hazard on the site in question. The Board or its designee shall inform the applicant regarding any information that may be required.

4. All preliminary major subdivision and preliminary major site plan applications shall be accompanied by an environmental assessment as a completeness item.

5. All applications involving an existing or proposed child care center shall be accompanied by an environmental assessment, as a completeness item. All child care centers are required to obtain a No Further Action determination from NJDEP in order to obtain or maintain a license pursuant to *N.J.S.A. 52:27D-130.4* and *N.J.A.C. 10:122*.

6. Notwithstanding the categories of development that are excluded from the requirement to submit an environmental assessment, the Planning or Zoning Board may require the submission environmental assessment information that is reasonably necessary to make an informed decision concerning potential impacts from suspected or known environmental hazards.

C. Contents of Assessments. A preliminary assessment report presents a history of ownership and use of a property, from the time the site was naturally vegetated or utilized as farmland in accordance with *N.J.A.C. 7:26E-3.2*. Site history information can be obtained from records sources including, but not limited to the following: Sanborn Fire Insurance Maps; City or Industrial Directories; Title and Deed; Site plans and as-built drawings; and federal, state, county and local government files. Information necessary to make informed conclusions as to the environmental conditions of a property can be gained by interviewing persons knowledgeable of the site, such as owners and/or occupants, and by performing a site inspection.

Unless a preliminary assessment is required by NJDEP regulation, a Phase I Environmental Site Assessment prepared pursuant to ASTM International *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* may be submitted in lieu of a Preliminary Assessment provided that it generally satisfies the requirements of *N.J.A.C. 7:26E-3*.

Although not specifically required by *N.J.A.C. 7:26E-3*, the preliminary assessment shall also include a vapor encroachment screen prepared pursuant to ASTM International *Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions* (ASTM E2600-10 or as amended) and/or current NJDEP regulation or guidance. This screening must include an evaluation of potential vapor encroachment from the site in question and from potential off-site sources.

D. Submission Format. The applicant shall submit three (3) copies of the environmental assessment to the Secretary of the Board having jurisdiction. Each submission shall be double-side copied with applicable maps and photos in color. An electronic version of the report should be submitted in .PDF format.

Although the preliminary assessment is to be prepared by an LSRP, the preliminary assessment does not need to be submitted to the NJDEP through the LSRP program unless required pursuant to NJDEP regulations or other as a condition of any Planning or Zoning Board approval. If required to be submitted to the NJDEP, the Secretary of the applicable Board shall be copied on all correspondence and documents.

E. Waiver. All requests for waiver of requirements of the preliminary assessment shall include justification for relieving the standards, which shall be forwarded to the Planning or Zoning Board Secretary.

SECTION 820. SUBMISSION CHECKLIST.

Each application for development or variance shall be accompanied by the submission materials in the following checklist or a waiver requested from the requirement:

SITE & SUBDIVISION PLAN CHECKLIST

APPLICATION NO.: _____ BLOCK(s): _____ LOT(s): _____ ELECTRONIC SUBMISSION ☐

#	Submission Item No. and Description	Minor		Preliminary		Final		Variance	Waiver Requested	Submitted
		Site Plan	Sub-division	Site Plan	Sub-division	Site Plan	Sub-division			
1	Original, Completed Application, double-sided copy.	X	X	X	X	X	X	X	☐	☐
2	Fees & Escrow with original, completed Escrow Agmt & W-9.	X	X	X	X	X	X	X	☐	☐
3	Two (2) Completed Checklists, double-sided copy.	X	X	X	X	X	X	X	☐	☐
4	Three (3) copies of Traffic Impact Study (*see* §817).			X	X				☐	☐
5	Three (3) copies of Environmental Impact Report (*see* §818).			X	X				☐	☐
6	Three (3) copies of Environmental Assessment (*see* §819).	X		X	X				☐	☐
7	Three (3) copies of Drainage Calculations.			X	X				☐	☐
8	Three (3) copies of Stormwater Management Report.			X	X				☐	☐
9	Three (3) copies of Basin Maintenance Manual.			X	X				☐	☐
10	Three (3) copies of Recycling Report (see §807.B.15).			X	X				☐	☐
11	Three (3) copies of any additional reports.	X	X	X	X				☐	☐
12	Three (3) copies of Development Plans, clearly and legibly drawn in accordance with §802-J.	X	X	X	X	X	X	X	☐	☐
13	Three (3) copies of Half-Size Plans, no smaller than 11"x 17" (see 18.). More may be required once deemed complete.	X	X	X	X	X	X	X	☐	☐
14	*Photographs* of the site showing area in question.	X	X	X	X	X	X	X	☐	☐
15	*Required Approvals.* List and provide applications and permits of regulatory agencies (NJDOT, NJDEP, CCSC, etc.).	X	X	X	X	X	X	X	☐	☐
16	*Summary*. A written description of the proposed use(s) and operation(s) of the building(s), i.e., the number of employee or users of non-residential buildings, the proposed number of shifts to be worked, the maximum number of employees on each shift, expected truck traffic, noise, glare, radiation, heat, odor, safety hazards, air and water pollution.	X		X		X			☐	☐
17	Plan Title appropriately as follows:									
a	"Minor Site Plan for *[name of development]*"	X							☐	☐
b	"Minor Subdivision Plan for *[name of development)*"		X						☐	☐
c	"Preliminary Site Plan for *[name of development]*"			X					☐	☐
d	"Preliminary Subdivision Plan for *[name of development]*"				X				☐	☐
e	"Final Site Plan for *[name of development]*"					X			☐	☐
f	"Final Subdivision Plan for *[name of development]*"						X		☐	☐
18	*Plan Size*. Plans shall be presented on sheets of one of the following dimensions: 30"x48", 30"x42", 24"x36", 15"x21" or 11"x17". If site is larger than one acre, 15" x 21" reduced size required.	X	X	X	X	X	X	X	☐	☐

#	Submission Item No. and Description	Minor		Preliminary		Final		Variance	Waiver Requested	Submitted
		Site Plan	Sub-division	Site Plan	Sub-division	Site Plan	Sub-division			
19	*Key Map*. If more than one sheet is required to show the entire development, a separate composite map shall be drawn showing the entire development on the sheets of which various sections are shown, and each detail sheet shall include a key map showing its relationship.			X	X	X	X		☐	☐
20	*Survey*. Three (3) copies of a survey by a licensed NJ Land Surveyor (PLS), certified on a date within six (6) months of the date of submission.		X				X		☐	☐
21	*Title Block* containing block and lot number for the tract and the name of the Township.	X	X	X	X	X	X		☐	☐
22	*North Arrow*.	X	X	X	X	X	X	X	☐	☐
23	*Name & Address* of applicant and owner, with signed consent of latter, if different from applicant.	X	X	X	X	X	X	X	☐	☐
24	*Preparer*. Name, address, telephone number, email, website, and signature and seal of the Plan preparer.	X	X	X	X	X	X	X	☐	☐
25	*Scale* not less than 1"=50' with graphic and written scales shown.		X					X	☐	
26	*Scale* not less than 1"=100' with graphic and written scales shown.	X		X	X	X	X		☐	☐
27	*Date* of original drawing with subsequent revision dates.	X	X	X	X	X	X	X	☐	☐
28	*Area Map* with north arrow showing the entire development and its relation to surrounding areas at a scale of not less than 1"=2,000'.	X	X	X	X	X	X	X	☐	☐
29	*Surrounding Properties*. The names, addresses, block and lot numbers of all property owners within 200 feet of the development.	X	X	X	X				☐	☐
30	*Existing Structures*. Locations of all existing structures and their uses within 200 feet of the tract.	X		X	X				☐	☐
31	*Zones* in which property in question falls, zones of adjoining properties and all property within a 200' the property.	X	X	X	X				☐	☐
32	*Zoning Schedule* showing required, existing, and proposed lot & yard requirements for relevant zone(s) including, area, frontage, depth, setbacks, height, etc.	X	X	X	X	X	X	X	☐	☐
33	*Building Cover*. Existing and proposed building coverage in square feet and as a percentage of lot area.	X	X	X			X		☐	☐
34	*Open Space*. Existing and proposed open space in acres of square feet and as a percentage of lot area.	X		X		X			☐	☐
35	*Building Plans*. Proposed structures and uses on the tract, i.e., size, height, location, arrangement, an architect's scaled elevation of the front, side and rear of any structure to be modified, with building lighting details and attached signs.	X		X		X		X	☐	☐

#	Submission Item No. and Description	Minor		Preliminary		Final		Variance	Waiver Requested	Submitted
		Site Plan	Sub-division	Site Plan	Sub-division	Site Plan	Sub-division			
36	*Floor Plans* where multiple dwelling units or more than one use is proposed that have different parking standards.	X		X		X		X	☐	☐
37	*Signs*. Existing and proposed signs, including the location, size, height and necessary measurements and a Sign Location Plan.	X		X		X		X	☐	☐
38	*Streets*. Existing and proposed street and lot layout, with dimensions correct to scale, showing that portion proposed for development in relation to the entire tract.	X	X	X	X	X	X		☐	☐
39	*Easements & ROW*. Name, width, and location of existing and proposed easements, right-of-ways, deed restrictions or covenants with reference source. The plans should note if none exist.	X	X	X	X	X	X		☐	☐
40	*Monuments*. Location and descriptions of all existing or proposed boundary control monuments and pipes.		X		X		X		☐	☐
41	*Area* of original tract to the nearest one hundredth of an acre.	X	X		X				☐	☐
42	Existing lot lines to be eliminated.		X		X				☐	☐
43	Number of lots being created.		X		X		X		☐	☐
44	*Lot Area* of each proposed lot correct to one-tenth of an acre.		X		X		X		☐	☐
45	*Tax Map*. Each block and each lot shall be numbered, as approved by the Tax Assessor.		X		X		X		☐	☐
46	*Existing Structures & Uses* on the tract to include the shortest distance between any existing building and proposed or existing lot line, and as indication of those to be removed.	X	X	X	X	X			☐	☐
47	*Setbacks*. All side, rear, and front setback lines with dimensions.	X	X	X	X	X	X	X	☐	☐
48	*Phasing Plan* of staging of overall development.			X		X				
49	*Signatures*. Appropriate places for the signature of the Chair, Secretary, and various Professionals of the subject Board, the dates of the official Board actions, and dates of signatures.	X	X			X	X		☐	☐
50	Existing elevations and contour lines over the entire area of the proposed development and two (2) permanent bench marks based upon U.S.G.S. datum.	X		X	X	X	X		☐	☐
51	Contours shall be shown at not more than two (2) foot intervals for areas with less than twenty (20%) percent slope, five (5) foot intervals for areas in excess of twenty (20%) percent slope.	X	X	X		X			☐	☐
52	Proposed grades in sufficient numbers to illustrate the proposed grading scheme.	X	X	X		X			☐	☐
53	Locations and dimensions of artificial and/or natural features such as railroad rights-of-way, bridges, dams, soil types, wooded areas, etc.	X	X	X		X			☐	☐

#	Submission Item No. and Description	Minor		Preliminary		Final		Variance	Waiver Requested	Submitted
		Site Plan	Sub-division	Site Plan	Sub-division	Site Plan	Sub-division			
54	*Tree Location.* Location, species, and size of trees eight (8") inches or more at breast height diameter.		X	X		X			☐	☐
55	Locations of all existing and proposed water courses (i.e. lakes, streams, ponds, swamps or marsh areas, or underdrain) within 500 feet of the development, show the location and water level elevations.	X	X	X		X			☐	☐
56	*Flood Plain* limits as determined by most recent FEMA FIRM maps and onsite evaluations by a licensed professional engineer.	X	X	X	X				☐	☐
57	*Freshwater Wetlands* & transition area boundaries, and stream buffer with NJDEP or accepted reference.	X	X	X	X				☐	☐
58	*Landscaping Plan* showing number, size, species, and location.	X	X	X	X				☐	☐
59	*Design Calculations* showing proposed drainage facilities in accordance with the appropriate drainage runoff requirements. Calculations must be accompanied by pre- and post-development drainage shed maps, and soil types as shown by Soil Conservation Survey Map.			X	X	X	X		☐	☐
60	*Soil Borings.* Test boring, percolation rates and water levels shall be obtained by a licensed engineer.			X	X				☐	☐
61	*Utilities.* Plans and profiles for all storm lines, underdrains and ditches whether onsite or off-tract, affected by the development including:	X		X	X	X	X		☐	☐
a	Location of each inlet, manhole or other appurtenance.	X		X	X	X	X		☐	☐
b	Slope of line.	X		X	X	X	X		☐	☐
c	Pipe material type.	X		X	X	X	X		☐	☐
d	Strength, class or thickness.	X		X	X	X	X		☐	☐
e	Erosion control and soil stabilization methods.	X		X	X	X	X		☐	☐
62	Septic System infrastructure.	X	X	X		X			☐	☐
63	Names, locations and dimensions of all existing streets and existing driveways, and any connections by the development to existing streets, sidewalks, bike routes, water, sewer, or gas mains within 200'	X	X	X	X	X	X		☐	☐
64	Streets. Plans for all proposed streets or road improvements, whether onsite or off-tract, showing:			X	X	X	X		☐	☐
a	Acceleration/deceleration lanes.			X	X	X	X		☐	☐
b	Traffic channelization.			X					☐	☐
c	Fire lanes.	X		X		X			☐	☐
d	Driveway aisle widths and dimensions.	X		X		X			☐	☐
e	Parking spaces with size, number, location, and ADA spaces.	X		X		X			☐	☐

#	Submission Item No. and Description	Minor		Preliminary		Final		Variance	Waiver Requested	Submitted
		Site Plan	Sub-division	Site Plan	Sub-division	Site Plan	Sub-division			
f	Loading areas.	X		X		X			☐	☐
g	Curbs.	X		X	X	X	X		☐	☐
h	Radii of curb line.	X		X	X	X	X		☐	☐
i	ADA ramps, signage, striping, etc.	X		X	X	X	X		☐	☐
j	Sidewalks and bicycle routes.	X		X	X	X	X		☐	☐
k	Any related facility for the movement and storage of goods, vehicles, persons, etc.	X		X		X			☐	☐
l	Directional and traffic signs with scaled drawings.	X		X		X			☐	☐
m	Sight triangle easements at intersections and driveways.			X	X	X	X		☐	☐
n	Location of street names and signs.			X	X	X	X		☐	☐
o	Traffic control devices.			X	X	X	X		☐	☐
p	Street lights.			X	X	X	X		☐	☐
q	Fencing, railroad ties, bollards, and parking bumpers.	X		X		X			☐	☐
r	Cross sections.			X	X	X	X		☐	☐
s	Proposed grades.	X		X	X	X	X		☐	☐
t	Center line profiles at horizontal scale not less than 1"=50' for all existing adjoining streets and proposed streets.			X	X	X	X		☐	☐
u	Standard details for curbing, sidewalks, bike paths, paving, stoned or graveled surfaces, bollards, railroad ties and fences.	X		X	X	X	X		☐	☐
65	*Lighting Plan* showing photometric patterns, isolux, footcandles, etc.	X		X					☐	☐
66	Sewer & Water. Plans and profiles of water, and sewer layouts whether onsite, offsite or off-tract showing:			X	X	X	X		☐	☐
a	Size and types of pipes and mains.	X		X	X	X	X		☐	☐
b	Slope.			X	X	X	X		☐	☐
c	Pumping Stations.			X	X	X	X		☐	☐
d	Fire hydrants.			X	X	X	X		☐	☐
e	Standard details.			X	X	X	X		☐	☐
f	Trench repair details for street crossings.			X	X	X	X		☐	☐
67	If service is to be provided by an existing water or sewer utility company, a letter from that company shall be submitted, indicating that service shall be available before occupancy of any proposed structures.	X	X	X	X	X	X		☐	☐
68	Soil Erosion & Sediment Control Plan, per County Soil Conservation.			X	X				☐	☐

ARTICLE IX
FEES, GUARANTEES, INSPECTIONS & OFF-TRACT IMPROVEMENTS

SECTION 901. APPLICATION & ESCROW FEES.

A. Fee & Escrow Schedule. Every application shall be accompanied by a check or checks payable to the Township of Cherry Hill in accordance with the following schedule:

APPLICATION TYPE	FILING FEE	REVIEW ESCROW
VARIANCES		
"A" Variance (Appeal)		
Residential	$50.00	$1,000.00
Non-Residential	$100.00	$1,500.00
"B" Variance (Interpretation): Certificate of Non-Conformity, Bldg Permit in Mapped Street		
Residential	$50.00	$1,500.00
Non-Residential	$100.00	$2,000.00
"C" Variance (Bulk)		
Residential	$200.00	$1,500.00 (initial) $200.00 (each additional)
Non-Residential	$500.00	$2,000.00 (initial) $250.00 (each additional)
"D" Variance (Use)		
Residential	$300.00	$1,500.00 (initial) $200.00 (each additional)
Non-Reisdential	$500.00	$2,000.00 (initial) $250.00 (each additional)
SUBDIVISION PLANS		
Minor Subdivision Plan	$300.00 + ($50.00/lot)	$1,500.00/lot
Preliminary Major Subdivision Plan		
Up to 30 lots	$500.00 (+ $50.00/lot)	$2,000 + ($500.00/lot)
31 lots or more	$500.00 (+ $50.00/lot)	$10,000 + ($100.00/lot)
Final Major Subdivision Plan		
Up to 30 lots	$500.00 (+ $50.00/lot)	$1,000 + ($300.00/lot)
31 lots or more	$500.00 (+ $50.00/lot)	$5,000 + ($50.00/lot)
Preliminary & Final Major Subdivision Plan		
Up to 30 lots	$800.00 (+ $50.00/lot)	$3,000 + ($800.00/lot)
31 lots or more	$800.00 (+ $50.00/lot)	$15,000 + (150.00/lot)
Amended Subdivision Plan	$300.00	50% of preliminary escrow
SITE PLANS		
Site Plan Waiver	$100.00	$1,500.00
Minor Site Plan	$500.00	$5,000.00
Preliminary Site Plan		
Residential	$500.00	$4,000 + ($50.00/unit)
Non-Residential	$500.00	$5,000 + ($100.00/acre)
Final Site Plan		
Residential	$500.00	$4,000 + ($50.00/unit)
Non-Residential	$500.00	$5,000 + ($100.00/acre)
Preliminary & Final Site Plan		
Residential	$1,000.00	$4,000 + ($100/unit)
Non-Residential	$1,000.00	$5,000 + ($200.00/acre)

Amended Site Plan	$300.00	50% of preliminary escrow
General Development Plan	$1,000.00	$10,000.00

MISCELLANEOUS		
Concept Plan Workshop	$100.00	$1,500.00
Administrative Review	$100.00	$1,500.00
Conditional Use	$200.00	$300.00
Field Modification	-	$100.00
Grading Plan Checklist Review		
Associated with a Board Application	$100.00	$1,000.00
All others with 2,000 sf or less of disturbance	$750.00	-
All others with 2,000 sf or more of disturbance	$1,000.00	-
Inspection Escrow	-	5% of cost estimate
Maintenance Inspection Escrow	-	$500.00
Property Owners List	$0.25/name or $10.00, whichever is greater.	
Publication of Decision	$60.00	-
Redevelopment Plan as requested by private party (subject to escrow agreement for all costs related to preparation & adoption of a Redevelopment Plan)	$1,500.00	$10,000.00
Request for a Relief of Condition of Approval	$50.00	$200.00
Request for an Extension of Approval	$100.00	$500.00
Rezoning Request	$500.00	$2,500.00
Street Vacation	$500.00	$2,500.00
Submission and/or Design Waiver	-	$100.00
Zoning Verification Letter (Basic)	$50.00	
Zoning Verification Letter (Complex) (Requests requiring research, full recitation of Zoning history, or as otherwise determined by the Zoning Officer).	$100.00	
ADMINISTRATIVE AGENT SERVICES		
Affirmative Marketing	-	$50.00 per hour
Initial Application Processing	-	$50.00 per hour
Application Lottery	$100.00	
Lottery Outreach	-	$50.00 per hour
Income Certification	-	$50.00 per case
Application Review (Escrow)	$100.00 filing fee	$1,000.00 per application
PERMITS		
Sign Permit Application	$50.00	-
Sign Permit	$2.00/square foot or $50.00, whichever is greater.	

**Any and all municipal employee and/or consultant rates billed to the Township will be carried through to the developer and/or landlord*

***All direct expenses incurred by the Township, including but not limited to printing, overnight mailings, or photocopying, will be carried through to the developer and/or landlord, and shall be established at the rates designated by the Open Public Records Act*

****All Administrative Agent Services are subject to consent of the Township and require a contractual agreement between any relevant party*

Sign Permit Renewal	$20.00	-
Zoning Permit		
Residential	$50.00	-
Non-Residential	$100.00	-
Temporary Use Permit	$50.00 per day of use	

B. Purpose of Fees. The application charge is a flat fee to cover direct administrative expenses and is non-refundable. The escrow account is established to cover the costs of professional services including engineering, legal, planning and other expenses connected with the review of the submitted materials. In accordance with *N.J.S.A. 40:55D-53* and *N.J.S.A. 40:55D-53.1*, sums not utilized in the review process shall be returned to the applicant upon written request. If additional sums are deemed necessary, the applicant shall be notified in writing of the required additional amount and shall add such sum to the escrow. Payment shall be due from the applicant within fifteen (15) days of receipt of notice. If payment is not received within fifteen (15) days, the applicant shall be considered to be in default, and such default may be grounds for deeming the application incomplete.

C. More Than One Request. Where one application for development includes several approval requests, the sum of the individual required fees for each approval request shall be paid.

D. Costs of Review & Inspection. Each applicant submitting an application for review by the Planning or Zoning Board shall agree in writing to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree in writing to pay all reasonable costs for the municipal inspection of the constructed improvements. All such costs for review and inspection shall be paid upon request and prior to the issuance of any construction permits. All remaining costs must be paid in full upon request and before any certificate of occupancy is issued or bonds are released.

E. Court Reporter. If an applicant desires a court reporter, the cost of said reporter for taking testimony and transcribing it and providing a copy of the transcript to the municipality shall be at the expense of the applicant who shall arrange for the reporter's attendance. The municipality provides for the recording of the proceedings held before the Board.

F. Waiver of Fees for Affordable Housing. Notwithstanding any other provision of this ordinance, a waiver of all municipal subdivision and site plan escrow fees and building permit and certificate of occupancy fees shall be granted by the applicable Board for all housing units being provided by the applicant for low and moderate income families, in accordance with the Housing Element of the Master Plan.

SECTION 902. AFFORDABLE HOUSING FEES & PROCEDURES.

A. Purpose.

1. In *Holmdel Builder's Association V. Holmdel Township*, 121 NJ. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the *Fair Housing Act of 1985* (the Act), *N.J.S.A. 52:27d-301 et seq.*, and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

2. Pursuant to *P.L.2008, c.46 section 8* (*C.52:27D-329.2*) and the *Statewide Non-Residential Development Fee Act* (*C. 40:55D-8.l* through *8.7*), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the COAH or court of competent jurisdiction and have a Court-approved spending plan may retain fees collected from non-residential development.

3. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance *PL.2008, c.46, Sections 8* and *32-38*. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate- income housing consistent with COAH rules and regulations, statutes and ordinances. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at *N.J.A.C. 5:97-8*.

B. Basic Requirements.
   1. This ordinance shall not be effective until approved by a Court pursuant to *N.J.A.C 5:96-5.1*.
   2. Unless otherwise ordered by the Court, Cherry Hill Township shall not spend development fees until a Court has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

C. Definitions. Unless specifically defined in §202, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

D. Residential Development Fees.
   1. Imposed Fees.
      a. Within the residential zones of RA, RAPC, R1, R2, R3, R7, R10 and R20, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half (1.5%) percent of the equalized assessed value for residential development provided no increased density is permitted.

      b. When an increase in residential density pursuant to *N.J.S.A. 40:55D-70d(5)* (known as a 'd' variance) has been permitted, developers may be required to pay a development fee of one and one-half (1.5%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

         Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two- year period preceding the filing of such a variance application.

   2. Exactions. Eligible exactions, ineligible exactions and exemptions for residential development:
      a. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

      b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

      c. Developers of residential structures demolished and replaced as a result of a natural disaster, shall be exempt from paying a development fee.

E. Non-Residential Development Fees.
   1. Imposed Fees.

a. Within all zones, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

b. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2.5%) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure (i.e. land and improvement) at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Exactions. Eligible exactions, ineligible exactions and exemptions for non-residential development:
   a. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5%) percent development fee, unless otherwise exempted below.

   b. The two and a half (2.5%) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

   c. Non-residential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to *P.L.2008, c.46,* as specified in the Form N-RDF "*State of New Jersey Non-Residential Development Certification/Exemption*" or applicable form(s). Any exemption claimed by a developer shall be substantiated by that developer.

   d. A developer of a non-residential development exempted from the nonresidential development fee pursuant to *P.L.2008, c.46* shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three (3) years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

   e. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Cherry Hill Township as a lien against the real property of the owner.

F. Collection Procedures.
   1. Upon the granting of a preliminary, final or other applicable approval for a development, the Planning or Zoning Board shall notify the construction official responsible for the issuance of a building permit.

   2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "*State of New Jersey Non-Residential Development Certification/Exemption*" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer, as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the

instructions provided in Form N-RDF.

3. The Construction Official responsible for the issuance of a building permit shall notify the Department of Community Development and the Township Tax Assessor of the first building permit being issued for any development in order that a determination can be made as to whether it is eligible and that is subject to a development fee.
4. Within ninety (90) days of receipt of that notice, the Township Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
5. The Construction Official responsible for the issuance of a final certificate of occupancy (C.O.) will notify the Township Tax Assessor and the Department of Community Development of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
6. Within ten (10) business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee in writing.
7. Should the Township fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer is still obligated to pay the fee. The developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of *section 37* of *P.L.2008, c.46 (C.40:55D-8.6)*.
8. The payment of the development fees shall be collected prior to the issuance of a certificate of occupancy for such development, consistent with sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7).
9. Appeal of Development Fees.
   a. Residential. A developer may challenge residential development fees imposed by filing a challenge with the Camden County Board of Taxation. Pending a review and determination by such Board, collected fees shall be placed in an interest bearing escrow account by Cherry Hill Township. Appeals from a determination of this Board may be made to the tax court, in accordance with the provisions of the *State Tax Uniform Procedure Law*, *R.S.54:48-i et seq.*, within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

   b. Non-Residential. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Cherry Hill Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the *State Tax Uniform Procedure Law*, *R.S.54:48-I et seq.*, within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund.
1. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Township chief financial officer (CFO) for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
2. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at

all times be identifiable by source and amount:

a. payments in lieu of on-site construction of affordable units;
b. developer contributed funds to make ten (10%) percent of the adaptable entrances in a townhouse or other multistory attached development accessible;
c. net rental income from municipally operated affordable housing units;
d. repayments from affordable housing program loans;
e. recapture funds;
f. proceeds from the sale of affordable units; and
g. any other funds collected in connection with Cherry Hill Township's affordable housing program.

3. Within seven (7) days from the opening of the Affordable Housing Trust Fund, Cherry Hill Township shall provide COAH with written authorization, in the form of a third-party escrow agreement between the municipality, and COAH to permit COAH to direct the disbursement of the funds as provided for in *N.J.A.C. 5:97-8.13(b)*.

4. All interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by COAH or the court having jurisdiction.

H. Use of Funds.

1. The expenditure of all funds shall conform to a Spending Plan approved by the Court. Funds deposited in the Affordable Housing Trust Fund may he used for any activity approved by the Court to address the Cherry Hill Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to *N.J.A.C. 5:97-8.7* through *8.9* and specified in the approved spending plan.

2. Funds shall not be expended to reimburse Cherry Hill Township for past housing activities.

3. At least thirty (30%) percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the Township Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty (30%) percent or less of median income by region.
   a. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance. assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
   b. Affordability assistance to households earning thirty (30%) percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income. The use of development fees in this manner shall entitle Cherry Hill Township to bonus credits pursuant to *N.J.A.C. 5:97-3.7*.
   c. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

4. Cherry Hill Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with *N.J.A.C. 5:96-18*.

5. No more than twenty (20%) percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty (20%) percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring. Cherry Hill Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Cherry Hill Township's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

J. Ongoing Collection of Fees. The ability for Cherry Hill Township to impose, collect and expend development fees shall expire with its judgment of compliance unless Cherry Hill Township has filed an adopted Housing Element and Fair Share Plan with the Court, has petitioned for substantive certification, and has received Court's approval of its development fee ordinance. If Cherry Hill Township fails to renew its ability to impose and collect development fees prior to the expiration of judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "*New Jersey Affordable Housing Trust Fund*" established pursuant to *section 20 of P1.1985, c.222 (C.52:27D-320*). Cherry Hill Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Cherry Hill Township retroactively impose a development fee on such a development. Cherry Hill Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION 903. GUARANTEES & INSPECTIONS.

Before recording final subdivision plans, as a condition of final site plan approval, or as a condition of issuing a zoning permit pursuant to *N.J.S.A. 40:55D-65d*, the Administrative Official, for the purpose of assuring the installation and maintenance of on- and off-tract (pursuant to *N.J.S.A. 40:55D-42*) improvements, shall require and accept in accordance with the standards adopted by this Ordinance, the following:

A. Performance Guarantee. The furnishing of a performance guarantee in favor of the Township of Cherry Hill in an amount not to exceed one hundred and twenty (120%) percent of the cost of installation, of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer or applicable Board Engineer according to the method of calculation set forth in §904.B for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map

and required by Map Filing Law (*N.J.S.A. 46:23-9.9 et seq.* repealed by section 2 of P.L. 2011, c.217) or N.J.S.A. 46:26B-1 through N.J.S.A. 46:26B-8, water mains, sanitary sewer, community septic systems, drainage structures, public improvements of open space and any grading necessitated by the preceding improvements.

1. The Township Engineer or applicable Board Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.
2. Privately-Owned Perimeter Buffer Landscaping. The Performance Guarantee reference in §903.A shall also be required within an approved phase or section of a development that includes privately-owned perimeter buffer landscaping. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.
3. Temporary Certificate of Occupancy Guarantee. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to §903.A, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the Township Engineer or applicable Board Engineer. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the Director of Engineering or Administrative Officer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.
4. Safety and Stabilization Guarantee. A developer shall furnish to the Township a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

    a. Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure; and

    b. Work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

5. The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding $100,000.00 shall be $5,000.00. The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding $100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

   a. $5,000.00 for the first $100,000.00 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of $100,000.00 up to $1,000,000.00 or plus one percent of bonded improvement costs in excess of $1,000,000.

6. The Township shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required herein.

7. The Township shall release a "safety and stabilization guarantee" upon the Township Engineer's or applicable Board Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

B. Maintenance Guarantee. The developer shall post with the Township, prior to the release of a performance guarantee required herein, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

   1. Upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer or applicable Board Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set N.J.S.A 40:55D-53.4.

   2. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

C. In the event that other government agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another government agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

D. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the Township Council by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer or applicable Board Engineer according to the method of calculation set forth in §904.B as of the time of the passage of the resolution.

E. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the Local Public Contracts Law, P.L. 1971, c. 198 (N.J.S.A. 40A:11-1 et seq.).

F. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body, in writing, by certified mail addressed in care of the Township Clerk,

that the Township Engineer or applicable Board Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer or applicable Board Engineer and appended to the performance guarantee, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer or applicable Board Engineer shall inspect all bonded improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

G. The list prepared by the Township Engineer or applicable Board Engineer shall state, in detail with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer or applicable Board Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer or applicable Board Engineer and appended to the performance guarantee.

H. The Township Council, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer or applicable Board Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer or applicable Board Engineer. Upon adoption of the resolution by the Township Council, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the performance guarantee and Safety and Stabilization Guarantee posted may be retained to ensure completion and acceptability of all improvements. The Safety and Stabilization Guarantee shall be reduced by the same percentage as the performance guarantee is being reeducated at the time of each performance guarantee.

I. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70% of the total amount of the performance guarantee, then the municipality may retain 30% of the amount of the total performance guarantee and Safety and Stabilization Guarantee to ensure completion and acceptability of all bonded improvements, provided herein, except that any amount of the performance guarantee attributable to bonded improvement for which a Temporary Certificate of Occupancy Guarantee has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30%.

J. If the Township Engineer fails to send or provide the list and report as requested by the obligor within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time, and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

K. If the governing body fails to approve or reject the improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

L. In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a Safety and Stabilization Guarantee, the Township may retain cash equal to the amount of the remaining Safety and Stabilization Guarantee.

M. If any portion of the required bonded improvements is rejected, the Board may require the obligor to complete or correct such improvements, and, upon completion or correction, the same procedure of notification, as set forth in this section, shall be followed.

N. Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Township Council or the Township Engineer.

O. The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in §903.A and §903.A.2. The developer shall post the inspection fees in escrow in an amount not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of bonded improvements that are subject to a performance guarantee provided herein, and the cost of private site improvements that are not subject to a performance guarantee provided herein, which cost shall be determined pursuant to Section 15 of P.L. 1991, c. 256 (N.J.S.A. 40:55D-53.4). For those developments for which the inspection fees total less than $10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees. For those developments for which the inspection fees total $10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees. If the Township determines that the amount in escrow for the payment of inspection fees is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which informs the developer of the need of additional inspections, details the items or undertaking that require inspection, estimates the time required for those inspections and estimate the cost of performing those inspections. In the event that final approval is by stages or sections of development pursuant to Subsection (a) of Section 29 of P.L. 1975, c. 291 (N.J.S.A. 40:55D-38), the provisions of this section shall be applied by stage or section.

P. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance

guarantee required hereunder, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the Board, provided that such improvements have been inspected and have received final approval by the Township Engineer.

SECTION 904. CERTIFICATION OR GUARANTEE REQUIRED; ESTIMATE OF GUARANTEE.

A. Improvements to be Installed. No final plan shall be approved unconditionally by the Planning or Zoning Board until the satisfactory completion and performance of all such required bonded improvements have been certified to the Board by the Township Engineer, unless the owner shall have filed with the Township a performance guarantee sufficient in amount to cover the cost of all such improvements in uncompleted portions thereof as estimated by the Township Engineer, and assuring the installation of such uncompleted improvements on or before an agreed upon date.

B. Determination of Performance Guarantee Estimate.

1. Preparation of Estimate. A performance guarantee estimate shall be prepared by the Township Engineer or the developer's engineer and approved by the Township Engineer, setting forth all requirements for improvements as fixed by the Board and their estimated cost. The estimated cost of the installation of improvements determined by the Township Engineer shall be based on documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Township engineer's estimate to the Camden County Board of Appeals.

2. Improvements to be Guaranteed. Improvements shall be defined to include construction and installation costs of those items listed in §904. Any improvements installed prior to the application for final approval that do not meet Township or *Residential Site Improvement Standards* (*N.J.A.C. 5:21-1 et seq.*) shall be included in the performance guarantee.

3. Appeal of Determination. The developer may appeal the Township Engineer's estimate to Township Council. Township Council shall decide the appeal within forty-five (45) days of receipt of the appeal in writing by the Township Clerk. After the developer posts a guarantee with the Township based on the cost of the installation of improvements as determined by the Township Council, she or he may institute legal action within one year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.

C. Determination of Maintenance Guarantee Estimate. The approved performance guarantee estimate shall fix the maintenance requirements of the utilities and improvements to be installed and completed by the developer. An approved surety company licensed in the State of New Jersey or cash bond meeting the requirements herein may be furnished to secure the maintenance guarantee, or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

D. Performance & Maintenance Guarantee Approval.

1. The developer shall present two (2) copies of the performance and maintenance guarantees, in an amount equal to the total of the approved performance guarantee estimate, for approval as to form and execution by the Township Solicitor.

2. The Township Solicitor shall forward his or her approval of the form of the performance and maintenance guarantee for consideration for adoption by the governing body.

E. Bonding & Cash Requirements.

1. The performance guarantee shall be in the amount of the guarantee estimate as determined by the Municipal Engineer and a performance bond should be issued with the applicant as principal. The bond is to be provided by an acceptable surety company licensed in the State of New Jersey, an

irrevocable letter of credit drawn on a banking or savings and loan institution located in and licensed in the State of New Jersey, or such other form of security as may be approved by the Township Solicitor, or cash, or a certified check shall be deposited with the Township of Cherry Hill by payment to the Township Treasurer.

2. The performance guarantee in favor of the Township shall be in an amount not to exceed one hundred and twenty (120%) percent of the cost of the installation and bonded improvements. The Township Treasurer shall issue its receipt for such cash deposits and shall cause the same to be deposited in a bank named by the Township for this purpose to be retained as security for completion of all improvement requirements and to be returned to the developer on completion of all required work and expiration of the period of maintenance guarantee or, in the event of default on the part of the subdivider, to be used by the Township of Cherry Hill to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that the obligation shall remain in full force and effect until such time as certification is received from the Township Engineer that the principal has met and complied with all specifications and requirements for which said cash or surety bond has been posted.

3. Irrevocable letters of credit shall include, but not be limited to, the following provisions:
   a. An unconditional payment obligation of the issuer running solely to the Township for an express initial period of time in the amount determined pursuant to *N.J.S.A. 40:55D-53*; and

   b. Is for a period of time of at least two (2) years; and

   c. Permits the Township to draw upon the letter of credit if the developer fails to furnish another letter of credit which complies with the provisions of this subsection thirty (30) days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

F. Municipal Improvements. Sanitary sewerage improvements to be connected to the Township sanitary sewer system or to be owned or maintained by the Township shall be approved by said Township, in accordance with the design and performance standards set forth this ordinance and the requirements of the Township Department of Engineering. Performance and maintenance guarantees in favor of the Township Department of Engineering shall be required to assure proper construction and installation of such sanitary sewerage improvements and facilities and shall be posted with the Department of Engineering. All releases of Performance Guarantees posted for said sanitary improvements shall be secured from the Department of Engineering in accordance with its regulations and statute.

G. Public Utilities. No performance or maintenance guarantee shall be required for the installation of utilities when the improvements have been or will be installed by the utility company involved.

SECTION 905. PRE-CONDITIONS TO COMMENCEMENT OF CONSTRUCTION.

A. Required Pre-Conditions. Except as otherwise provided in §905.B below, no construction of buildings, structures, site improvements (whether on-site or off-site) or other work shall be commenced on any site for which an approval is required pursuant to this Ordinance, until all of the following conditions are met:

1. Approvals and Signatures. All required local, County and State approvals shall have been obtained, including both preliminary and final approval, if required, and all required signatures are obtained on the final plat and/or site plan, after review by the appropriate officials.

2. Notification of Construction Start. The Township Engineer shall be notified by the developer not less than three (3) business days (excluding Saturdays and Sundays), in advance of the starting or re-starting of site clearing, construction or other work.

3. Inspector to be Present. Except where prior permission has been granted by the Township Engineer, no construction or work shall be performed unless the Township Engineer's inspector is present to insure satisfactory progress and completion of the construction.

4. Tax Map Update for Subdivisions. A fee will be required in conjunction with updating the tax maps, under *N.J.S.A. 40:55D-8*.

Tax Map Update for Subdivisions			
MINOR SUBDIVISION PLAN		**MAJOR SUBDIVISION PLAN**	
Calculate, Protract & Apply to Maps	$150.00 / lot	Remove from Plat & Key Map	$75.00 / lot
All Lines Removed (dimensions)		Calculate Entire Tract (survey) Protraction	
Address Change		Match Plate Number	
Reduction of Maps (half size)		Surrounding Plate Changes	
Photocopies & Letters		Key Map Changes	
MISCELLANEOUS REVISIONS		Detail on Existing plate (i.e. 400'-scale)	
Street Name Change	$20.00 / street	Reduction of Maps (half size)	
Dimension Change	$20.00 / change	Photocopies & Letters	
Key Map Change	$20.00 fee		

B. Required Pre-Conditions Under Preliminary Approval. In the event that a developer elects to perform initial site construction of improvements based on a preliminary approval granted by the Planning and/or Zoning Board, construction may be commenced only after a revised preliminary plan has been submitted and signed, incorporating all conditions of approval required as a result of the public hearing and the resolution granting said preliminary approval. The developer shall still comply with §905.A as preconditions prior to the commencement of work.

1. Minor Subdivision. In the case of a minor subdivision, in the event that the developer elects to complete all improvements without posting the performance guarantee required by §904; no construction shall be commenced until a revised plan is submitted and signed, incorporating all conditions of approval as above. The developer shall still post the inspection escrow and notify the Township Engineer prior to commencement of work. Whether or not an inspection escrow is required, all site improvements under this subsection must be completed prior to the issuance of a Certificate of Occupancy, or within one hundred and twenty (120) days of a temporary Certificate of Occupancy if the performance guarantee covering the balance of the uncompleted improvements has been posted.

2. Relationship to UCC. The enforcement provisions of §1101 shall be in addition to any other requirements of the Uniform Construction Code (UCC), as it may be amended or superseded, and the regulations promulgated pursuant thereto, governing construction permits. Nothing in this Ordinance shall relieve the developer or the contractors performing the work and construction from complying with all of the Uniform Construction Code requirements as enforced by the Township Construction Official.

C. Stop Construction Orders. In the event that construction, including clearing, on any lands, buildings, structures, site improvements (whether on-site or off-site) or other work by any owner or developer of any site for which approval is required pursuant to this Ordinance, is commenced or continued contrary to the provisions of the Municipal Land Use Law, this Ordinance, or the conditions of any approval granted by any official, Board, or other entity pursuant to this Ordinance, or in violation of any denial of approval by said Official, Board, Mayor or his/her designees (including the Municipal Engineer and the Director of Community Development) may issue a written, dated stop construction order that shall

require that construction shall immediately cease and shall further include the conditions upon construction may be resumed. The order shall be served on the owner or developer of the site, or the holder of the approval, in person or by certified mail, return receipt requested. If the owner, developer, or holder of the approval is not known or cannot be located, the notice may be served on the person in charge of, or apparently in charge of, the construction. No construction or work shall continue after service of a stop construction order, and construction shall not be resumed without written, dated permission of the Administrative or Construction Official (or her or his designee) removing or lifting the stop construction order.

D. Staging & Completion of Improvements Installation.

1. Staging Schedule. In the case of major subdivisions, at the same time of granting final subdivision approval, the applicant shall submit a construction schedule to the Township Engineering Department for approval, establishing the scheduling and timing of installation of all improvements covered by the performance guarantee. The approved schedule shall be required for the protection of the interest of the public and of the residents, occupants and owners of the proposed development in the total completion of the project. The schedule shall be included in the resolution granting final approval and completion of the improvements in accordance with the schedule shall be a condition of approval.

2. Completion of Improvements. Unless otherwise approved by the Planning or Zoning Board, based on the size of the development, specific site conditions, or improvements proposed, said schedule shall provide for all improvements to be completed within two (2) year period. The schedule shall be based on the performance guarantee estimate, as prepared by the Township Engineer at the time of final approval, in relation to the proposed number of construction permits for the project, and shall require at a minimum that prior to the time that seventy-five (75%) percent of the construction permits are issued for the project, seventy-five (75%) percent of the improvements as set forth in the performance guarantee estimated shall be installed, inspected, and the performance guarantee reduced in that amount by the governing body.

3. Completion of Improvements by Plan Section. In the event that final approval is granted by sections, then the provisions of subsection §905.F, hereinabove, shall apply by sections. Prior to the granting of final approval for a subsequent section of the project, the Planning Board may require:
   a. A report from the Township Engineer certifying that the developer is in compliance with the schedule previously adopted for a prior section; and
   b. In the event that all of the certificates of occupancy have been issued for a prior section that all improvements have been completed for that section.

4. Failure to Meet Schedule. At any time that the developer is not in compliance with the schedule required pursuant to this subsection, the governing body, at the request of the Planning Board, or upon its own motion based on information submitted by the Township Engineer, may order that the issuance of any further construction permits be suspended until certain, specified improvements are completed and certified by the Township Engineer as complete. The suspension of permits may be pursued independently or in conjunction with a formal declaration of default and action against the developer's performance guarantee for projects that received final approval prior to the effective date of this Ordinance, but are still under construction at the time of adoption hereof, the provisions of this subparagraph shall apply and construction permits may be withheld and/or default declared if the Township Engineer reports that the developer has received final approval in new sections and the improvements have not been completed in prior sections in which certificates of occupancy have been issued.

5. Conveyance of Public Easements and Open Space. Prior to the approval by the governing body

of the final reduction and release of the performance guarantee, all easements and open space shall be conveyed to the Township, or such other guarantee, as specified on the final plan, by deed containing a metes and bounds legal description.

6. Extension of Time of Installation of Improvements. The time allowed for installation of the improvements for which a performance guarantee has been provided, may be extended by the governing body by resolution only upon written request of the developer. As a condition or part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed one hundred and twenty percent (120%) of the cost of the remaining construction and improvements to be installed as determined as of the time of the passage of the resolution.

E. As-Built Plans. After completion of construction of the improvements covered by the performance guarantee, and prior to final acceptance by the Township of any improvements, the developer shall have the approved, final development plans and profiles to be updated to show "as-built" conditions. An as-built plan shall be submitted that indicates the constructed conditions and/or location of:

1. Final grading;
2. Roads;
3. Curbing
4. Sidewalks, bicycle, or other pedestrian path;
5. Utilities;
6. Building location;
7. Driveways and parking lots;
8. Stormwater management facilities, including as-built topographic contours & volume calculations;
9. Walls and fences; and
10. Other structures deemed pertinent by the Township Engineer.

One electronic set and three (3) sets of record prints shall be furnished; two (2) to the Administrative Officer and one (1) to the Township Engineer. "As-built" plans shall be signed and sealed by a Professional Engineer or Land Surveyor, as the case may be, of the State of New Jersey.

F. Default by Developer of the Installation of Public Improvements.

1. If the required improvements are not completed or in accordance with the performance guarantee, the obligor and surety, if any, under the performance guarantee shall be liable thereon to the Township for the cost of the improvements not completed or corrected. The Township may either prior to or after receipt of the proceeds thereof, complete the improvements. For purposes of this subsection, "default" shall mean failure to install the improvements in accordance with Township standards of construction, including but not limited to, failure to install the improvements:
   a. Prior to the expiration of the performance guarantee;
   b. within the time schedule established pursuant to §905.D;
   c. in accordance with the terms and conditions of the Resolution granting approval; and/or
   d. in accordance with any applicable provision of *N.J.S.A. 40:55D-53*.

2. Basis for Action. The Township Engineer's certification that the developer has defaulted in compliance with the required standard of construction and installation of improvements shall be the basis for governing body action which rejects the improvement, withholds approval, withholds construction permits, or formally declares default and authorizes Township collection on the performance guarantee.

G. Acceptance of Improvements. The approval of any plan under this Ordinance or the reduction of any performance guarantee by the approving authority shall in no way be construed as acceptance of any street, drainage systems, or other improvements required by this Ordinance, nor shall such plan or

performance guarantee reduction obligate the Township in any way to maintain or exercise jurisdiction over such street, drainage system, or other improvements. Acceptance of any street, drainage system or the improvements shall be implemented only by favorable action of the governing body in accordance with the provisions set forth in N.J.S.A. 40:55D-53. No improvements shall be accepted by the governing body unless and until the following conditions have been met:

1. The Township Engineer shall have certified in writing to the governing body that all of the improvements are complete and that the improvements are complete and that the improvements fully comply with the requirements of this Ordinance and any approval granted pursuant thereto.
2. A maintenance guarantee has been posted and approved in accordance with §904.D.
3. As-built plans have been submitted in accordance with §905.E.

H. Acceptance of Publicly Dedicated Streets. A publicly dedicated street shall be deemed accepted by the municipality when Township Council grants full release of the performance guarantee and acceptance of the maintenance guarantee, and adopts the appropriate ordinance.

I. Acceptance of Street Lighting on Publicly Dedicated Streets. The Township shall accept responsibility for the costs of street lighting on publicly dedicated streets within thirty (30) days upon written notice when the following conditions have been fulfilled by the developer:

1. The street lights have been connected to a public utility;
2. The street lights have been installed and accepted for service by the public utility; and
3. Certificates of occupancy have been issued for at least fifty (50%) percent of the dwelling units and fifty (50%) percent of the floor area of the non-residential uses by section or phase of development.

Compliance by the Township with the provisions of this subsection shall not be deemed to constitute acceptance of the street by the Township.

J. Penalties. In addition to the penalties for violation of this Ordinance as set forth in §1103 of this Ordinance, the Township Engineer is specifically authorized to require the replacement and reconstruction of any construction, including clearing, of any land, buildings, structures, site improvements (whether on-site or off-site) or other work commenced or continued on any site for which an approval is required pursuant to this Ordinance in violation of any stop construction order pursuant to §905.C; the conditions as set forth in §905.A; or the standards for construction as established by the Township.

SECTION 906. OFF-TRACT IMPROVEMENTS RECAPTURE.

A. When Required. Whenever an application for development requires the construction of off-tract improvements that are clearly, directly, and substantially related to or necessitated by the proposed development, the Planning Board or Zoning Board of Adjustment, as the case may be, shall provide as a condition of final site plan or subdivision approval, that the applicant shall pay the *pro rata* share of such off-tract improvements. Off-tract improvements shall include water, sanitary sewer, drainage and street improvements, including such easements as are necessary; or as may otherwise be permitted by law. The applicant shall either install the off-tract improvements or pay the *pro rata* cost to the Township, at the sole discretion of the municipality.

B. Determination of Cost. When off-tract improvements are required, the Township Engineer shall calculate the cost of such improvements, in accordance with the procedures for determining performance guarantee amounts in §904. Such costs may include, but not be limited to, any or all costs of: planning, surveying, permit acquisition, design, specification, property and easement acquisition, bidding, construction, construction management, inspection, legal, and other common and necessary costs for the construction of improvements. The Township Engineer shall also determine the percentage of off-tract

improvements that are attributable to the applicant's development proposal and shall expeditiously report her or his findings to the approving authority and the applicant.

C. Improvements Required Solely for Applicant's Development. Where the need for an off-tract improvement is necessitated by the proposed development and no other property owners receive a special benefit thereby, where no planned capital improvement by a governmental entity is contemplated, or the improvement is required to meet the minimum standard of the approving authority, the applicant shall be solely responsible for the cost and installation of the required off-tract improvements.

D. Improvements Required for Applicant's Development and Benefiting Others. Where the off-tract improvement would provide capacity in infrastructure in excess of the requirements in subsection -C, above, the applicant shall be eligible for partial reimbursement of costs for providing such excess. The calculation of excess shall be based on an appropriate and recognized standard for the off-tract improvement being constructed, including, but not limited to, gallonage, cubic feet per second, and number of vehicles. Nothing herein shall be construed to prevent a different standard from being agreed to by the applicant and the Township Engineer. The process, procedures, and calculation used in the determination of off-tract costs shall be memorialized in a municipal developer's agreement to be reviewed and approved by the Township Solicitor who may request advice and assistance from the Planning Board Solicitor.

   Future developers benefiting from the excess capacity provided by the initial developer shall be assessed their pro rata share of off-tract improvement cost based on the same calculation used in the initial calculation. Such future developers shall pay their assessment plus a two percent (2%) administration fee to the Township, not to exceed two-thousand ($2,000.00) dollars, at the time of the signing of the final site and/or subdivision plan as a condition precedent to such signing. The Township shall forward the assessment payment to the initial developer within ninety (90) days of such payment.

E. Performance & Maintenance Guarantee. The applicant shall be required to provide, as a condition of final approval, a performance guarantee for the off-tract improvements in accordance with *N.J.S.A. 40:55D-53* and §904, hereinabove. After the performance guarantee release, a maintenance guarantee must be issued.

F. Certification of Costs. Once the required off-tract improvements are installed and the performance bond released, the developer shall provide a certification to the Township Engineer of the actual costs of the installation. The Township Engineer shall review the certification of costs and shall either accept them, reject them, or conditionally accept them. In the review of costs, the Township Engineer shall have the right to receive copies of invoices from the developer sufficient to substantiate the certification. Failure of the developer to provide such invoices within forty-five (45) days of the Township Engineer's request shall constitute forfeiture of the right of future reimbursement for improvements that benefit others.

G. Time Limit for Reimbursement. Notwithstanding any other provision to the contrary, no reimbursement for the construction of off-tract improvements providing excess capacity shall be made after ten (10) years has elapsed from the date of the acceptance of the certification of costs by the Township Engineer.

ARTICLE X
AFFORDABLE HOUSING PROCEDURAL & ELIGIBILITY REQUIREMENTS

SECTION 1001. INTENT.

The affordable housing ordinance of Cherry Hill Township sets forth regulations regarding the low- and moderate-income housing units in the Township consistent with the provisions known as the "*Substantive Rules of the New Jersey Council on Affordable Housing,*" as may be amended and supplemented, for the period beginning June 2, 2008 with amendments through April 6, 2009, *N.J.A.C. 5:97 et seq.*, the *Uniform Housing Affordability Controls ("UHAC")*, *N.J.A.C. 5:80-26.1 et seq.* and the Township's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this Ordinance applies requirements for very low-income housing as established in *P.L. 2008, c.46* (the *"Roberts bill"*). These regulations are also intended to provide assurances that low- and moderate-income units (the "affordable units") are created with controls on affordability over time and that low- and moderate-income people occupy these units. These regulations shall apply, except where inconsistent with applicable law.

SECTION 1002. OBLIGATION.

A. The Cherry Hill Planning Board has adopted a Housing Plan and Fair Share Plan pursuant to the Municipal Land Use Law at *N.J.S.A. 40:55D-1, et seq.* The Fair Share Plan has been endorsed by the governing body, Township Council. The Fair Share Plan describes how Cherry Hill Township shall address its fair share for low- and moderate-income housing, as determined by the Council on Affordable Housing (COAH) and documented in the Housing Plan.

B. The Township of Cherry Hill shall file monitoring reports with COAH in accordance with *N.J.A.C. 5:96*, tracking the status of the implementation of the Housing Plan and Fair Share Plan. Any plan evaluation report of the Housing and Fair Share Plan and monitoring prepared by COAH in accordance with *N.J.A.C. 5:96* shall be available to the public at the Township of Cherry Hill Municipal Building, Municipal Clerk's Office, 820 Mercer Street, New Jersey; on-line at www.cherryhill-nj.com; from COAH at 101 South Broad Street, Trenton, New Jersey; or COAH's website, www.nj.gov/dca/affiliates/coah.

SECTION 1003. DEFINITIONS.

All word uses of §201 and definitions of §202 in the Cherry Hill Zoning Ordinance shall apply.

SECTION 1004. PROGRAMS.

The Township of Cherry Hill will employ the following programs to satisfy its affordable housing obligations:

A. Rehabilitation Program.

1. Intent. The Township of Cherry Hill's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the *New Jersey State Housing Code* pursuant to *N.J.A.C. 5:28*.

2. Requirements.

   a. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.

   b. All rehabilitated units shall remain affordable to low- and moderate-income households for a control period of a minimum of ten (10) years. For owner occupied units, the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

   c. The Township of Cherry Hill shall dedicate a minimum of ten thousand ($10,000) dollars for

each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.

d. The Township shall adopt a resolution committing to fund any shortfall in the Cherry Hill 'Single-Family Rehabilitation Program' if necessary.

e. Cherry Hill shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with *N.J.A.C. 5:96* and *N.J.A.C. 5:97*. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection on-line, in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

3. Exemptions. Units in a rehabilitation program shall be exempt from *N.J.A.C. 5:97-9* and *Uniform Housing Affordability Controls* (UHAC), but shall be administered in accordance with the following:
   a. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to *N.J.A.C. 5:97-9* and UHAC.

   b. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to *N.J.A.C. 5:97-9* and UHAC.

   c. Rents in rehabilitated units may increase annually based on the standards in *N.J.A.C. 5:97-9*.

   d. Applicant and/or tenant households shall be certified as income-eligible in accordance with *N.J.A.C. 5:97-9* and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

B. Market to Affordable Program.
   1. Intent. The Cherry Hill 'Market to Affordable Program' is an affordable housing program established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of §1004.B.2.c (below), the 'Market to Affordable Program' may produce both low- and moderate-income units

   2. Requirements. The following provisions shall apply to market to affordable programs:
      a. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.

      b. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.

      c. Cherry Hill will provide a minimum of $10,000 per unit to subsidize each moderate-income unit and/or $30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.

SECTION 1005. INCLUSIONARY ZONING.

A. Intent. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning allows minimum presumptive densities and presumptive maximum affordable housing set-asides as follows.

1. For Sale Developments.
   a. For every multi-family development in the Township, including but not limited to development in the R7, R10, and R20 zones, the Affordable Housing Overlay Zone, and any use (D) variance application for multi-family residential development, a minimum of twenty (20%) percent of the total number of units shall be set aside as Affordable Housing Units. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half (1/2) shall be rounded off to the lower whole unit and fractions of greater than one half (1/2) shall be rounded off to the higher whole unit.
2. Rental Developments.
   a. For every multi-family development in the Township, including but not limited to development in the R7, R10, and R20 zones, the Affordable Housing Overlay Zone, and any use (D) variance application for multi-family residential development, a minimum of fifteen (15%) percent of the total number of units shall be set aside as Affordable Housing Units. Where this requirement results in a fraction of a unit, the fraction shall be rounded to the nearest whole unit. Fractions of less than one half (1/2) shall be rounded off to the lower whole unit and fractions of greater than one half (1/2) shall be rounded off to the higher whole unit.

B. Phasing. In inclusionary developments, the schedule shall be in conformance with the following:

Minimum Percentage of LOW & MODERATE INCOME UNITS COMPLETED	Maximum Percentage of MARKET HOUSING UNITS COMPLETED
0%	25%
10	25 + 1 unit
50	50
75	75
100	90

C. Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

D. Payments-In-Lieu & Off-Site Construction. The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with *N.J.A.C. 5:97-6.4*.

E. Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

SECTION 1006. NEW CONSTRUCTION.

With the exception for affordable housing developments constructed pursuant to low income tax credit regulations, the following shall apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units:

A. Proportion.
   1. At least half of the "for sale" affordable units within each affordable housing development shall be affordable to low-income households.
   2. At least half of the "rental" affordable units within each affordable housing development shall be affordable to low income households. Of the total number of affordable rental units, thirteen (13%) percent shall be affordable to very low-income households.
   3. At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low-income households.

4. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

B. Bedroom Distribution. Affordable housing developments that are not limited to age-restricted households shall be structured in conjunction with realistic market demands so that:
   1. The combination of efficiency and one-bedroom units is no greater than twenty (20%) percent of the total number of affordable units;
   2. At least thirty (30%) percent of all affordable units shall be two-bedroom units.
   3. At least twenty (20%) percent of all affordable units shall be three-bedroom units.
   4. The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.

C. Age-Restricted. Affordable housing developments that are limited to age-restricted households shall at a minimum have a total number of bedrooms equal to the number of age-restricted affordable units within the affordable housing development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

D. Accessibility.
   1. The first floor of all townhouse dwelling units and of all other multi-story dwelling units that are affordable to low- or moderate-households shall be subject to the technical design standards of the *Barrier Free Subcode (N.J.A.C. 5:23-7*).
   2. Each affordable townhouse unit, or other affordable multi-story dwelling unit, that is attached to at least one other dwelling unit shall have the following features:
      a. An adaptable toilet and bathing facility on the first floor;
      b. An adaptable kitchen on the first floor;
      c. An accessible route of travel. An interior accessible route of travel shall not be required between stories.
      d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
      e. Accessible entranceways.
         i. The developer shall provide an accessible entranceway, as set forth at *N.J.A.C. 5:97-3.14,* for each affordable townhouse unit or other affordable multistory dwelling unit and is attached to at least one other dwelling unit; or
         ii. The developer shall provide funds sufficient to make ten (10%) percent of the adaptable entrances in the development accessible, as set forth at *N.J.A.C. 5:97-3.14*.
   3. The developer of the project shall submit a conversion plan indicating the steps necessary to convert the unit from being adaptable to accessible. Said plan shall be submitted at the time of issuance of a building permit.
   4. Where the developer will provide funds sufficient to make ten (10%) percent of the adaptable entrances in the development accessible, the developer of the project shall submit the following to the Township, at the time of issuance of a building permit, in order to determine the required funds:
      a. Funds sufficient to make ten (10%) percent of the adaptable entrances in the development accessible; and
      b. A cost estimate for conversion of ten (10%) percent of the adaptable entrances in the

development to accessible.

5. In the case of an affordable unit or units that are constructed with an adaptable entrance, upon the request of a physically challenged person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed by the Township.

E. Maximum Rent & Sale Prices.

1. Establishment. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
   a. In conjunction with realistic market information, the following shall be used to determine maximum rents and sales prices of the affordable units:
      i. Efficiency units shall be affordable to one-person households.
      ii. A one-bedroom unit shall be affordable to a one- and one-half person household.
      iii. A two-bedroom unit shall be affordable to a three-person household.
      iv. A three-bedroom unit shall be affordable to a four- and one-half person household.
      v. A four-bedroom unit shall be affordable to a six-person household.
   b. For assisted-living facilities, the following standards shall be used:
      i. A studio shall be affordable to a one-person household.
      ii. A one-bedroom unit shall be affordable to a one- and one-half person household.
      iii. A two-bedroom unit shall be affordable to a two-person household or to two, one-person households.

3. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

4. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the *Housing Consumer Price Index for the United States*. This increase shall not exceed nine (9%) percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

F. Median Income By Household Size. Median income by household size shall be established using a regional weighted average of the uncapped *Section 8* income limits published by HUD computed as set forth in *N.J.A.C. 5:97-9-2*.

G. Average Rents.

1. The maximum rent of affordable units within each affordable housing development shall be affordable to households earning no more than sixty (60%) percent of median income. The average rent for low- and moderate-income units shall be affordable to households earning no more than fifty-two (52%) percent of median income. Restricted rental units shall establish at least one rent for each bedroom type for all low- and moderate-income units provided at least thirteen (13%) percent of all low- and moderate-income units are affordable to households earning no more that thirty (30%) percent of median income. For low-income rental units established in a 'Market to Affordable Rental Program' only – the maximum rent for a low-income unit shall be affordable to households earning no more than forty-four (44%) percent of median income.

2. Low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development.

3. Gross rents including an allowance for utilities shall be established for the various size affordable

units at a rate not to exceed thirty (30%) percent of the gross monthly income of the appropriate household size as set forth in subsection §1006.C. above. The allowance for utilities shall be consistent with the utility allowance approved by *NJDCA* for use in its *Section 8* program.

4. No affordable rental units included in the COAH requirement shall be subject to a rent control ordinance which may be adopted or in place in the Township of Cherry Hill during the time period in which affordable housing COAH controls are effective.

H. Average Sale Prices.

1. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of median income. Each affordable development must achieve an affordability average of fifty-five (55%) percent for restricted ownership units. Moderate-income ownership units must be available for at least three different prices for each bedroom type and low-income ownership units must be available for at least two different prices for each bedroom type. For low-income sale units established in a 'Market to Affordable Sales Program' only – the maximum sales for a low-income unit shall be affordable to households earning no more than forty (40%) percent of median income.

2. Low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development.

3. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to ninety-five (95%) percent of the purchase price and the *Federal Reserve H.15* rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty eight (28%) percent of the eligible monthly income of an appropriate household size, as determined under *N.J.A.C. 5:80-26.4*; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*.

I. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its *Section 8* program.

SECTION 1007. OCCUPANCY STANDARDS.

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

A. provide an occupant for each unit bedroom;

B. provide children of different sex with separate bedrooms; and

C. prevent more than two persons from occupying a single bedroom.

SECTION 1008. RESERVATION OF UNITS.

A. Low-income housing units shall be reserved for households with a gross household income equal to or less than fifty (50%) percent of the median income approved by COAH.

B. Pending release of COAH's rules implementing- *PL. 2008, c.46*. Very low-income housing units shall be reserved for households with a gross household income equal to or less than thirty (30%) percent of the median income approved by COAH.

C. Moderate-income housing units shall be reserved for households with a gross household income in excess of fifty (50%) percent, but less than eighty (80%) percent of the median income approved by COAH.

SECTION 1009. CONDO & H.O.A. FEES; RESALE PRICES

A. If an affordable housing unit is part of a condominium association or homeowner's association, the Master Deed shall reflect that the assessed affordable homeowner's fee be established at one hundred (100%) percent of the market rate fee. This percentage assessment shall be recorded in the Master Deed.

B. Upon resale of an affordable unit, a certificate of reoccupancy shall be required, in accordance with *N.J.A.C. 5:80-26.10*.

SECTION 1010. BUYER INCOME ELIGIBILITY.

A. Buyer income eligibility for restricted ownership units shall be in accordance with *N.J.A.C. 5:80-26.1*, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty (80%) percent of median income.

B. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-three (33%) percent of the household's certified monthly income.

SECTION 1011. INDEBTEDNESS.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.

B. With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety-five (95%) percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with *N.J.A.C.5:80-26.6(b)*.

SECTION 1012. CONTROL PERIODS.

A. Any conveyance of a newly constructed low- or moderate-income sales unit shall contain the restrictive covenants and liens that are set forth in *N.J.A.C. 5:80-26 et seq.*

B. Time Period for Controls.

1. Newly constructed low- and moderate-income "rental" units shall remain affordable to low- and moderate-income households for a period of thirty (30) years.
2. Newly constructed low- and moderate-income "for sale" units shall remain affordable to low- and moderate-income households for a period of thirty (30) years.
3. Rehabilitated owner-occupied single family housing units that are improved to code standard shall be subject to affordability controls for ten (10) years.
4. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least ten (10) years.
5. Housing units created through conversion of a non-residential structure shall be considered a new housing unit and shall be subject to affordability controls for new housing units, as designated in items §1014.A and B.
6. Affordability controls on accessory apartments shall be for a period of ten (10) years.

7. Affordability controls for units in alternative living arrangements shall be for a period of thirty (30) years.
8. Affordability controls on market to affordable units shall be for a period of thirty (30) years.

C. Restricted Rental Units. A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure.

SECTION 1013. PRICE RESTRICTIONS FOR RENTAL UNITS; LEASES.

A. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

SECTION 1014. AFFIRMATIVE MARKETING PLAN.

A. In accordance with the regulations of COAH pursuant to *N.J.A.C. 5:96* and *5:97 et seq.* and the *New Jersey Uniform Housing Affordability Controls* (UHAC) pursuant to *N.J.A.C. 5:80-26 et seq.*, Cherry Hill Township adopted an Affirmative Marketing Plan.

B. All affordable housing units shall be marketed in accordance with the provisions therein.

C. The Township of Cherry Hill has a *Third Round Growth Share* obligation. This subsection shall apply to all developments that contain proposed low- and moderate-income units and any future developments that may occur.

D. In implementing the Affirmative Marketing Program, the Administrative Agent shall undertake all of the following strategies:
1. Publication of one advertisement in a newspaper of general circulation within the housing region.
2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
3. At least one additional regional marketing strategy using one of the other sources listed below.

E. The Affirmative Marketing Program is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Program is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the period of deed restriction. The Township of Cherry Hill is in the housing region consisting of Burlington, Camden and Gloucester Counties. The Affirmative

Marketing Program is a continuing program and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in the following daily regional newspaper/publication:
   a. New Jersey Courier-Post newspaper
   b. New Jersey Housing & Mortgage Finance Agency (HMFA) Housing Resource Center website.
2. The primary marketing shall take the form of at least one press release sent to the above publication and a paid display advertisement in the above newspaper. Additional advertising and publicity shall be on an "as needed" basis. The advertisement shall include a description of:
   a. Location of the units;
   b. Direction to the units;
   c. Range of prices for the units;
   d. Size, as measured in bedrooms, of units;
   e. Maximum income permitted to qualify for the units;
   f. Location of applications;
   g. Business hours when interested households may obtain an application; and
   h. Application fees, if any.
3. All newspaper articles, announcements and requests for applications for low- and moderate-income housing shall appear in neighborhood oriented weekly newspapers within the region.
4. The regional cable television station of Comcast of Burlington County, Garden State, Gloucester County, South Jersey, Wildwood (Maple Shade System) shall be used.
5. The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the Affirmative Marketing Program:
   a. Cherry Hill Township Calendar
   b. Cherry Hill Township Website
   c. Cherry Hill Township Municipal Building
6. The following is a listing of community contact person(s) and/or organizations(s) in Camden County that will aid in the Affirmative Marketing Program, with particular emphasis on contracts that will reach out to groups that are least likely to apply for housing within the region:

COMMUNITY CONTACT	ADDRESS
Burlington County College	601 Pemberton-Browns Mills Road, Pemberton, NJ 08068-1536
Our Lady of Lourdes Medical Center	218 Sunset Road, Willingboro, NJ 08046-1110
Masonic Home of New Jersey	902 Jacksonville Road, Burlington, NJ 08016-3814
Medford Leas Continuing Care	1 Medford Leas, Medford, NJ 08055
Virtua Geriatric Care Management	523 Fellowship Road, Mount Laurel, NJ 08054
Virtua West Jersey Hospital	90 Brick Road Marlton, NJ 08053-2177
Campbell Soup Company	Campbell Place, Camden, NJ 08103-1701
Lockheed Martin	1 Federal Street, Camden, NJ 08102
Bancroft Neurohealth	1000 Atlantic Avenue, Camden, NJ 08102
Cooper Health System	One Cooper Plaza, Camden, NJ 08102
L-3 Communications Systems	1 Federal Street, Camden, NJ, 08103
Towers Perrin	101 Woodcrest Road, Cherry Hill, NJ 08003
Arch Manufacturing & Sales Co.	1213 S 6th Street, Camden, NJ 08104
Cherry Hill Board of Education	45 Ranaldo Terrace, Cherry Hill, NJ 08034
TD Bank	1713 Route 70 East, Cherry Hill, NJ 08003

Melitta Coffee	1401 Berlin Road, Cherry Hill, NJ 08003
Kennedy Memorial Health Center	2201 Chapel Avenue West, Cherry Hill, NJ 08002
Camden County College	1889 Route 70 East, Cherry Hill, NJ 08003
Underwood Memorial Hospital	509 North Broad Street, Woodbury, NJ 08096
Rowan University	201 Mullica Hill Road, Glassboro, NJ 08028
Kennedy Memorial Hospital	435 Hurffville-Cross Keys Road, Turnersville, NJ 08012
U.S. Food Services	2255 High Hill Road, Swedesboro, NJ 08085
Direct Group	100 Berkeley Dr., Swedesboro, NJ & 800 Arlington Blvd., Swedesboro, NJ
CompuCom Systems, Inc.	1225 Forest Parkway #500, Paulsboro, NJ 08066
Missa Bay, LLC	101 Arlington Boulevard, Swedesboro, NJ; 2339 Center Square Road, Swedesboro, NJ; and 730 Veterans Drive, Swedesboro, NJ
Sony Music	400 North Woodbury Road, Pitman, NJ 08071
Delaware Valley Wholesale Florists	520 North Mantua Boulevard, Sewell, NJ 08080
Valero Refining Co.	800 Billingsport Road, Paulsboro, NJ 08066
Electric Mobility	591 Mantua Boulevard, Sewell, NJ 08080
Sunoco-Eagle Point Oil Refinery	US Highway 130 S & Highway 295, Westville, NJ 08093
Heritage's Dairy Stores	376 Jessup Road, Thorofare, NJ 08086
Cornell & Company	224 Cornell Lane, Westville, NJ 08093
Exxon Mobil Research & Engineering Co.	800 Billingsport Road, Paulsboro, NJ 08066

7. Quarterly flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:
   a. Cherry Hill quarterly newsletter (pink)
   b. Applications shall be mailed to prospective applicants upon request
   c. Additionally, quarterly informational circulars and applications shall be sent to the chief administrative employees of each of the following agencies in Camden County:
      i. Welfare or Social Service Board, including but not limited to the Camden County Board of Social Services; Burlington County Board of Social Services, and Gloucester County Board of Social Services.
      i. Rental Assistance Office (local office of DCA)
      ii. Office on Aging, including but not limited to the Camden County Division of Senior & Disabled Services; Burlington County Area Agency on Aging; and the Gloucester County Division of Senior Services.
      iii. Housing Agency or Authority
      iv. Library, including but not limited to the Cherry Hill Public Library; Camden County Library; Burlington County Library; and Gloucester County Library.
      v. Area Community Action Agencies
8. A random selection method to select occupants of low- and moderate-income housing will be used by the experienced Affordable Housing Administrator, in conformance with *N.J.A.C.5:80-26.16 (1)*.
   a. An experienced Affordable Housing Administrator will be selected to administer the program. The experienced Affordable Housing Administrator has the responsibility to income qualify low- and moderate-income households; to place income eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units which income qualified households; to continue to qualify households,

for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per *N.J.A.C 5:80-26*. The Township Administrator within the Township of Cherry Hill is the designated municipal housing liaison to act as liaison to the experienced Affordable Housing Administrator. The experienced Affordable Housing Administrator shall provide counseling services to low- and moderate-income applicants on subject such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law.

b. All developers of low- and moderate-income housing units shall be required to assist in the marketing of the affordable units in their respective developments.

c. The marketing program shall commence at least one hundred and twenty (120) days before the issuance of either temporary or permanent certificates of occupancy. The marketing program shall continue until all low-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or re-occupancy of units continues to be necessary.

d. The experienced Affordable Housing Administrator will comply with monitoring and reporting requirements, as per *N.J.A.C.5:80-26*.

SECTION 1015. TENANT INCOME ELIGIBILITY.

The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent, which is forty (40%) percent for age-restricted units, of the household's eligible monthly income as determined pursuant to *N.J.A.C. 5:80-26.16*, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

A. The household currently pays more than thirty-five (35%) percent, which is forty (40%) percent for age-restricted units, of its gross household income for rent, and the proposed rent will reduce its housing costs;

B. The household has consistently paid more than thirty-five (35%) percent, which is forty (40%) percent for age-restricted units, of eligible monthly income for rent in the past and has proven its ability to pay;

C. The household is currently in substandard or overcrowded living conditions;

D. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

E. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

SECTION 1016. SELECTION OF OCCUPANTS OF AFFORDABLE UNITS.

A. The Administrative Agent shall use a random selection process to select occupants of low- and moderate-income housing.

B. A waiting list of all eligible candidates will be maintained, in accordance with the provisions contained in *N.J.A.C. 5:80-26 et seq.*

SECTION 1017. ADMINISTRATION.

A. Cherry Hill Township is ultimately responsible for administering the Affordable Housing Program, including affordability controls and the Affirmative Marketing Plan in accordance with the regulations

of COAH pursuant to *N.J.A.C. 5:97 et seq.* and the Uniform Housing Affordable Controls (UHAC) pursuant to *N.J.A.C. 5:80-26 et seq.*

B. Cherry Hill Township has delegated to the Municipal Housing Liaison this responsibility for administering the Affordable Housing Program, including administering and enforcing the affordability controls and the Affirmative Marketing Plan of Cherry Hill Township in accordance with the provisions of this sub-chapter, the regulations of COAH pursuant to *N.J.A.C. 5:96* and *5:97* et seq. and the Uniform Housing Affordable Controls (UHAC) pursuant to *N.J.A.C. 5:80-26 et seq.* Cherry Hill Township shall by resolution appoint the Township Administrator as the Municipal Housing Liaison.

C. Subject to COAH approval, Cherry Hill Township may contract with one or more administrative agents to administer some or all of the affordability controls and/or the Affirmative Marketing Plan in accordance with this Article, the regulations of COAH pursuant to *N.J.A.C. 5:97* and *5:96 et seq.* and the Uniform Housing Affordable Controls (UHAC) pursuant to *N.J.A.C. 5:80-26 et seq.* If Cherry Hill Township enters into such a contract, the Municipal Housing Liaison shall supervise the contracting Administrative Agent(s) and shall serve as liaison to the contracting Administrative Agent(s).

D. The Township of Cherry Hill intends to contract with an experienced Affordable Housing Administrator to be the administrator of the sale and rental of all new affordable housing. The experienced Affordable Housing Administrator will also oversee and administer income qualification of low- and moderate-income households; place income eligible households in low- and moderate-income units upon initial occupancy; place income eligible households in low- and moderate-income units as they become available during the period of affordability controls and enforce the terms of the required deed restrictions and mortgage loans. The experienced Affordable Housing Administrator will specifically administer and implement:

1. An Administrative Plan and Program, and related monitoring and reporting requirements, as outlined in *N.J.A.C. 5:80-26.15 et seq.* and Article X of the Zoning Ordinances of the Township of Cherry Hill.
2. A plan for certifying and verifying the income of low- and moderate-income households as per *N.J.A.C. 5:80-26.16*
3. Procedures to assure that low- and moderate-income units are initially sold or rented to eligible households and are thereafter similarly re-sold and re-rented during the period while there are affordability controls, as per *N.J.A.C. 5:80-26 et seq.*
4. The requirement that all newly constructed low- and moderate-income sales or rental units contain deed restrictions with appropriate mortgage liens, as set forth in Appendices in *N.J.A.C. 5:80-26 et seq.*
5. The several sales/purchase options authorized under *N.J.A.C. 5.80-26 et seq.*, except that the Township retains the right to determine by resolution whether or not to prohibit, as authorized under *N.J.A.C.5:80-26 et seq.,* the exercise of the repayment option.
6. The regulations determining 1) whether installed capital improvements will authorize an increase in the maximum sales price; and 2) which items of property may be included in the sales price as per *N.J.A.C.5:80-26.9*.

E. The developers/owners of any inclusionary site shall be responsible for the experienced Affordable Housing Administrator's administrative fee, affirmative marketing and advertising and such shall be a condition of Planning or Zoning Board approval. Subsequent to the initial sale of an affordable sale unit, the seller of an affordable sale unit shall be responsible for the experienced Affordable Housing Administrator's administrative fee, affirmative marketing and advertising and such shall be a

condition of any affordable housing deed restriction governing the affordable unit.

F. Cherry Hill Township reserves the right to replace the experienced Affordable Housing Administrator with another municipal authority, or other agency authorized by COAH or the Superior Court, to carry out the administrative processes outlined in this Ordinance.

SECTION 1018. ENFORCEMENT.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of sixty (60) days after service of the written notice:
   1. The municipality may file a court action pursuant to *N.J.S.A. 2A:58-11* alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
      a. A fine of not more than $1,000.00 or imprisonment for a period not to exceed ninety (90) days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

      b. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Cherry Hill Township Affordable Housing Trust Fund of the gross amount of rent illegally collected;

      c. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

   2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

C. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

D. The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating

Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

E. Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

F. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

G. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

H. The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

SECTION 1019. APPEALS

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

ARTICLE XI
ENFORCEMENT, PERMITS, VIOLATIONS & PENALTIES

SECTION 1101. ENFORCEMENT.

A. Zoning Officer. The provisions of this Ordinance shall be administered and enforced by the Zoning Officer of the Township of Cherry Hill under the supervision of the Director of the Department of Community Development. The Zoning Officer shall be appointed by the Director of the Department of Community Development with the approval of the Mayor and shall receive such compensation as shall be fixed by the general salary ordinance.

B. Duties & Responsibilities of Zoning Officer. The Zoning Officer shall be responsible for the following:

1. Prepare all forms required for the administration and enforcement of this Article for approval of the Administrative Officer. The Zoning Officer shall keep a record of all applications for permits or certificates submitted to her or him, as well as any subsequent action. He or she shall keep and maintain proper files and other records pertaining to the administration and enforcement of this Article.

2. Receive, review, process and file all application and plans for Zoning Permits and shall issue permits and certificates only in accordance and conformance with the provisions and regulations of this Article.

3. Except as otherwise authorized under the terms and conditions of an order or decision of the Planning or Zoning Board, the Zoning Officer shall not permit, nor issue any permit or certificate for any use, change of use, extension of a non-conforming use, installation, construction, alteration, repair, remodeling or conversion of any building or structure, or portion thereof; removal or destruction of any building or structure for location, relocation, placement or erection on any lands in the Township of Cherry Hill, which does not conform to or comply with the terms and provisions of this Article or which would be in violation of any provision thereof.

4. Conduct and perform inspections, as may be necessary for the administration and enforcement of this Ordinance and for the proper issuance of Zoning Permits. She or he shall have the right to enter any building or premises during the daytime in the course of his or her duties. Such entry shall be kept in a log, kept for such purposes.

5. Any non-conforming uses, buildings, structures or signs found upon inspection by the Zoning Officer to be in violation of the terms and provisions of this Ordinance shall be logged and reported in writing to the Administrative Officer.

6. In the event any condition is found to exist in violation of any regulation, term or provision of this Article, the Zoning Officer shall confer with the Administrative Officer and thereafter issue a written order to immediately remedy or correct such violation or to stop work and/or prosecute the violation in the Municipal Court.

7. In the event the Zoning Officer shall receive a complaint or notice alleging the existence of a violation of the provisions of this Ordinance, she or he shall investigate the alleged violation. If a violation exists, action shall be taken as provided by this Ordinance. The source and identity of the person or persons making such complaint or providing such notice shall be held and maintained in confidence, but shall be subject to the provisions of the *New Jersey Open Public Records Request Act* (OPRA).

8. Upon request by the Administrative Official, attend hearings before the Township Council, Planning Board, Zoning Board of Adjustment for the purpose of responding to questions, giving

testimony or producing relevant records, if so required.

9. A copy of all Zoning Permits are maintained with the Construction Code Official.

SECTION 1102. PERMITS (GENERAL).

A. No Temporary Use Permit, Zoning Permit, Certificate of Temporary Occupancy or Certificate of Occupancy shall be issued for any parcel of land or structure that was sold or on which improvements where undertaken in violation of the provisions of this Ordinance or for the use of a lot that was created by subdivision after the effective date of, and not in conformity with the provisions of this Ordinance.

B. No site improvement such as, but not limited to, excavation or construction of improvements on public or private property shall be commenced except in conformance with this Ordinance in accordance with plan approvals and required permits.

C. No Certificate of Occupancy shall be issued, except in the case of residential lots within an approved subdivision, without the certification by the Administrative Officer that all requirements of this Ordinance have been met.

D. The Construction Code Official shall be responsible for the consideration of applications for and issuance of Certificate of Temporary Occupancy or Certificate of Occupancy with all other permits herein under the jurisdiction of the Zoning Officer.

SECTION 1103. ZONING PERMIT.

A. Permit Required. The issuance of a Zoning Permit shall be required prior to, and as a condition precedent to the commencement of any of the following:

1. Any use, change of use, change of occupancy, change of owner and/or extension of a non-conforming use of lands and premises within the Township of Cherry Hill.

2. The installation, construction, alteration, repair, remodeling or conversion of any building, structure, or any portion thereof, on any lands and premises within the Township of Cherry Hill.

3. The removal, demolition or destruction of any building or structure.

4. The moving of a building or structure of whatsoever kind or nature, or any portion thereof, into or within the Township for storage, location, relocation, placement or erection on any lands and premises within the Township of Cherry Hill. It shall be unlawful for any person to commence any of the foregoing without first having obtained a Zoning Permit therefore.

5. Replacement or repair of existing structure (involving no additional square footage added or enclosure of the same).

B. Prior Approval for Construction Permit. The issuance of a Zoning Permit shall be a required "prior approval" and condition precedent to the issuance, by the Construction Code Official, of a Construction Permit for the installation, construction, alteration, repair, remodeling, removal or destruction of any building, structure or portion thereof.

1. All Zoning Permit applications shall contain information of all existing and proposed uses of the lot, premises, and such other information as may be requested by the Zoning Officer and reasonably necessary for said official to ascertain whether the proposed use, change of use, erection, construction or alteration complies with the provisions of this Ordinance. Applications shall be fully completed and signed by the applicant or owner. The applicant shall certify as to the truth of the information submitted in the application and accompanying documents so that any willful misstatements shall be considered a violation of this provision and subject the offender to

the penalties provided herein.

2. All applications submitted to the Zoning Officer shall be numbered in sequence. Upon receipt, the Zoning Officer shall date each copy, maintain the original in the Township file and issue a copy to the applicant.

C. Application for Zoning Permit. Applications for Zoning Permits shall be made in writing on forms provided by the Township of Cherry Hill. The application shall be valid for thirty (30) days from submission. The following information is required with a Zoning Permit application:

1. Completed required application forms, identifying the existing or prior use and the specific proposed use on the lands and premises for which application is made.

2. Signed application by the property owner of which the improvement will be constructed upon, or an original letter from the authorizing applicant to submit a Zoning Permit application for subject property.

3. Three scaled copies of a survey and/or plot plan showing all existing and proposed buildings, structures, and/or improvements identifying all proposed front, rear and side yard setback distances, dimensions, height, depth, number of trees removed, and any other specific information unique to the property. Any wetlands and/or streams on site should be identified.

4. Any other information deemed necessary by the Zoning Officer, directly related, or reasonably relevant to the permit.

D. Issuance of Zoning Permit.

1. An application for a Zoning Permit shall be granted or denied by the Zoning Officer within ten (10) business days of the date of filing a complete application. If any application is granted or approved, a signed permit shall be issued by the Zoning Officer. Said permit shall be numbered in sequence, dated and signed by the issuing officer, and among other information, shall contain:
   a. a brief description of the use and/or work to be commenced or performed there under,
   b. the block and lot number and address of the property on which the use or work is to be commenced or performed,
   c. the names of the applicant and owner to who the permit is to be issued,
   d. notice of the date of expiration of the permit and notice that the use or work must be commenced, performed and completed in accordance with the application upon which the permit is issued, and
   e. all applicable approvals, laws, ordinances, rules, and regulations of the federal, state and local governments, boards, agencies or authorities.

   If an application for permit is denied or rejected by the Zoning Officer, she or he shall state the reason or reasons for such denial in writing and provide the applicant with a copy of same.

2. A Zoning Permit shall NOT be issued by the Zoning Officer in the following circumstances:
   a. for any use, change of use, extension of a non-conforming use, installation, construction, alteration or moving of a building or structure, or any activity that does not comply with or conform to their terms, provisions and regulations of this ordinance, statute or the order of decisions of an Planning, Zoning Board, or court of competent jurisdiction.
   b. for any use, change of use, extension of non-conforming use, installation, repair, remodeling, conversion, removal, destruction, replacement, relocation, construction, alteration or moving of a building or structure that an approval has been granted by the applicable Board if said

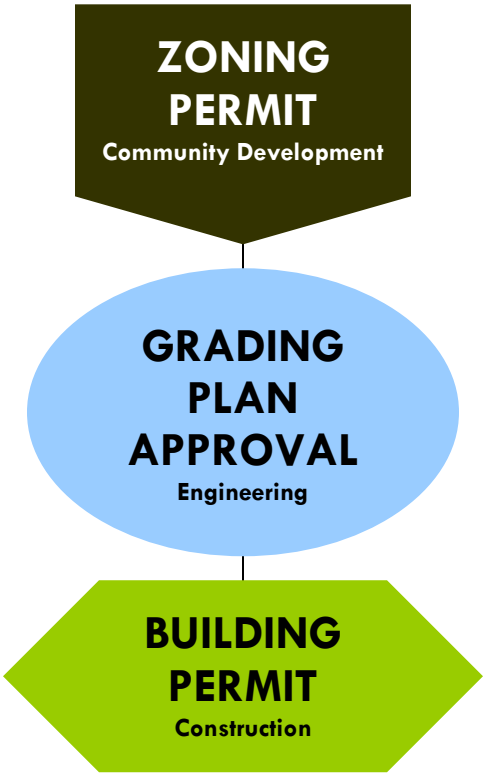
approval has expired, been revoked or determined to be invalid.

c. instances wherein subdivision or site plan approval is required, unless and until final subdivision or site plan approval has been secured and compliance with all the terms and conditions of such approval, resolution, terms and provisions of the applicable development regulation, including payment of required fees, escrow deposits and posting of guarantees.

d. if taxes or assessments for local improvements are due or delinquent on the property for which a Zoning Permit application is made. Submission of proof that no taxes or assessment for local improvements are due or delinquent shall be required as a condition precedent to the issuance of a Zoning Permit.

3. Appropriate required fees, including as required in §901, shall be submitted upon approval.

4. Subsequent Building Permits from the Construction Department and additional permits from the Engineering Department, and/or a pre-construction meeting may be required.



E. Expiration of Permits. A Zoning Permit shall be valid or effective for one (1) year from the date of issuance thereof, and shall thereafter be null and void. If the use, change of use, extension of non-conforming use, erection, construction, repair remodeling, conversion, removal, destruction or moving, alteration, or relocation of a building or structure authorized by such permit shall have been substantially commenced within one (1) year from the date of issuance and proceeded with due diligence the Zoning Officer may extend the Zoning Permit.

F. Exemptions.

1. Existing Residential Structures. Notwithstanding any provision in this Ordinance to the contrary and except as provided in §1103.F.3 (below), no Zoning Permit shall be required for the following work on existing residential structures:

a. Installation, replacement or repair of siding (involving no additional square footage added to

structure).

b. Replacement or repair of existing roof or existing roof shingles (involving no additional square footage added to structure).

c. Installation, replacement or repair of windows.

d. Replacement or repair of existing steps (involving no increase in size of steps, width or length).

e. Replacement or repair of existing sewer or septic lines. If this involves curb, sidewalks, or streets, a permit shall be secured from the Department of Engineering.

f. Service upgrades, repair, or replacements of panels, meter sockets, and related internal electrical work, not involving multi-meter devices, or condition or provisions of subsection §1103.F.3.

g. Interior renovation provided that such work does not involve a condition or change of use as indicated in subsection §1103.F.3. (below).

2. Handicapped Exemptions. A Zoning Permit fee shall not be required for the construction, reconstruction, alteration, improvement or repair of a structure used for the sole purpose to promote accessibility by the Handicapped; Handicapped being defined under *N.J.S.A. 52:27D-126*e.
   a. Upon application for and at the discretion of the Zoning Officer, the construction, reconstruction, alteration, improvement and/or installation of ramps, lifts, etc. associated with the accessibility of handicapped persons may be permitted to infringe upon setback requirements of residential property, when it has been established to the Zoning Officer's satisfaction that no other feasible means of accessibility is available.

   b. Before granting the application that contains an infringement upon a setback requirement, the following conditions must be met:
      i. Just cause must be shown to the Zoning Officer why accessibility cannot be met under the current Zoning Code;

      ii. The requested infringement shall not exceed any further than the minimum building requirements of the current *N.J.A..C. 5:23.7 Barrier Free Code*, and subsequent amendments or additions thereto;

      iii. The applicant, owner, or occupant with owner permission, shall agree in writing to remove said ramp, lift, or other structure from the infringement area upon the death of the handicapped person, the relocation of the handicapped person, sale or rental of the property to a non-handicapped person or in the event that the disability no longer exists.

3. Exemption Restrictions. There shall be no exception from the requirement of a Zoning Permit for existing residential structures if the work involves any one or more of the following:
   a. Change in the front, rear or side yard setback;
   b. An increase in lot coverage;
   c. A change of use that increases the number of dwelling units;
   d. A change that results in the need for a variance or exception;
   e. An expansion of a nonconforming use; and
   f. Structural changes, addition of square footage to the structure or roof or the enclosure of existing open porch or patio.

4. Certification Statement. No exception shall be granted unless the applicant fully completes, signs, and files a *Certification Statement of Work* form provided by the Construction Code Official.

G. Relationship to Construction Permits. Nothing herein shall be construed to obviate the requirement for applying and obtaining required Construction permit, ROW permit, Tree Removal permit, or other applicable required approvals.

H. Non-Waiver. In no case shall the issuance or non-issuance of a Zoning Permit be construed as a waiver of the provision of this Ordinance or any other Ordinance of the Township of Cherry Hill; nor shall such be construed as a waiver of the terms or provisions of any state statute, rule, regulation, approval or decision of any approving agency.

SECTION 1104. TEMPORARY USE PERMITS.

A. Establishment. Application may be made to the Township Council for a permit for a temporary use, as defined in §202, inconsistent with the provisions of this Article for special events lasting for a period of thirty (30) days or less.

B. Request. Applications for Temporary Use Permits require the following information:
   1. Completed application form as provided by the Municipal Clerk, identifying the location by block and lot numbers, street address, proposed date and time of the use, estimated maximum attendance, and the specific proposed use on the lands and premises for which application is made.
   2. Signed application by the property owner of which the use or event will take place upon, or an original letter from the authorizing applicant to submit a Temporary Use Permit application for subject property.
   3. Payment of the required fee of $50.00 per day of the subject temporary use or event. The fee shall be waived for those tax-exempt organizations presenting proof of their tax-exempt number.
   4. Any other information deemed necessary, directly related, or reasonably relevant to the permit.

C. Review. A complete Temporary Use Permit application shall be distributed to applicable Township departments for review, recommendation, and any conditions before presented to Township Council:
   1. Tax Collector: to ensure all taxes and liens of subject property are current, as non-payment of taxes may be reason to rescind the application.
   2. Police Chief: to ensure adequate traffic control, public safety, and noise is provided.
   3. Construction Official: to ensure all construction code requirements are met.
   4. Zoning Officer: to ensure compliance with zoning and property maintenance ordinances, all sign permits are current, sufficient parking and access, proper location and performance standards met.

D. Standards. After review by all Departments listed under §1104.C., the Municipal Clerk shall forward the application to Township Council for review and approval. In the granting or denial of such temporary use permit the Township Council may consider the following:
   1. The adequacy of provisions for public safety, including, but not limited to, fire prevention, crowd control, and emergency medical services.
   2. The adequacy of provisions for vehicular and pedestrian traffic control, including ingress and egress, parking, attendants and temporary traffic signage.
   3. The adequacy of provisions for food handling, solid waste, and sanitary sewerage.
   4. The sufficiency of insurance for the event.
   5. Any other measures necessary to protect the public health, safety, and welfare.

   The Township Council may impose reasonable conditions on the issuance of any Temporary Use Permit including, but not limited to, the posting of adequate surety and the reimbursement of expenses

incurred by the Township.

E. Issuance. An approved Temporary Use Permit shall be dated, signed, and issued by the Municipal Clerk after action was taken by Township Council, provided any conditions imposed by Township Council have been met. If an application for a permit is denied or rejected, the Municipal Clerk shall state the reason(s) for such denial in writing. All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith within twenty-four (24) hours after the event or temporary use.

F. Extensions. The Temporary Use Permit may be extended for an additional consecutive thirty (30) days, following the above, which is the same as specified in this section for the approval of the original Temporary Use Permit.

SECTION 1105. SELLING BEFORE APPROVAL; VIOLATIONS.

A. Selling Before Approval. If, before favorable referral and final approval have been obtained, any person transfers or sells, as owner or agent, any land that forms a part of a subdivision on which by ordinance the Planning or Zoning Board is required to act, such person shall be subject to a fine not to exceed one thousand dollars ($1,000.00) and/or imprisonment for not more than thirty (30) days. Each parcel, plot or lot so disposed of shall be deemed a single and separate violation. In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision will meet requirements for a building permit under Section 3 of the *Official Map & Building Permit Act (1953)*, the Township may institute and maintain a civil action:

1. For injunctive relief.
2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the *Laws of 1953*, but only if the Township has a Planning Board or a committee thereof with power to act and which:
   a. Meets regularly on a monthly or more frequent basis; and
   b. Whose governing body has adopted standards and procedures in accordance with Section 20 of Chapter 433 of the *Laws of 1953*.
   c. Any action by the Township to set aside or invalidate such conveyance, the property owner shall be liable to the Township for all reasonable and expenses incurred by the Township including professional, legal and expert witness fees.

B. Liens. In any such action, the transfer, purchaser or grantee shall be entitled to a lien upon the remaining portion of the land from which the subdivision was made that remains in the possession of the subdivider or assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land, or within six (6) years that notice is provided if unrecorded.

SECTION 1106. FINES & PENALTIES.

Any person, firm, partnership, association or corporation who or which shall violate the provisions any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before the Cherry Hill Township Municipal Court, be subject to a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment not to exceed ninety (90) days or both such fine and imprisonment. All fines collected for the violation of this Ordinance shall be paid over to the Township Court Clerk. Whenever such person has been officially notified by the Zoning Officer or by the service of a summons in a prosecution, or in

any other official manner that he or she is committing a violation, then each day after that violation is continued said violation shall constitute a separate offense and shall be punishable by a like fine and penalty.

ARTICLE XII
AMENDMENT, SEVERABILITY, INTERPRETATION, REPEALER & ENACTMENT

SECTION 1201. AMENDMENTS.
This Ordinance may be amended from time to time by the governing body after appropriate referrals, notices, hearings and requirements of law.

SECTION 1202. SEVERABILITY OF ORDINANCE.
If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part, thereof.

SECTION 1203. INTERPRETATION.
If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Cherry Hill, County of Camden, then the restriction which imposes the greater limitation shall be enforced.

SECTION 1204. REPEALER.
All ordinances or parts of ordinances of the Township of Cherry Hill, County of Camden, that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 1205. ENACTMENT.
This Ordinance shall take effect on June 2, 2013 upon filing thereof with the Camden County Planning Board and after final passage, adoption and publication by the Township Council of the Township of Cherry Hill, County of Camden, in the manner prescribed by law.

APPENDIX A

CHERRY HILL Township

You couldn't pick a better place.

STANDARD CHECKLIST for GRADING PLAN REVIEW

In accordance with Township Ordinance 2013-18, as amended, a Grading Permit is required for all new grading and earthwork operations on residential lots that result in land disturbance of five hundred (500) square feet or more. Applications for Grading Permits may be obtained from the Department of Code Enforcement, Room 205 in the Municipal Building at 820 Mercer Street or on-line (www.cherryhill-nj.com). Applications must be accompanied by a grading plan, submitted in triplicate, conforming to the Standards Checklist below.

Applicants will be notified if their Grading Plan submission is complete or if additional information is needed within four (4) weeks of the submission date. If additional information is not submitted within this time period, the application will be considered incomplete and therefore denied by the Department of Code Enforcement.

Grading Plan approval will in no way affect or negate any approval required by other Federal, State, County or local agencies. Comments or questions concerning these standards should be directed to the Department of Engineering at (856) 424-3203. The following items must be provided on grading plans:

1. ALL PROFESSIONALLY PREPARED GRADING PLANS:

- ☐ A. Must have a title block indicating the address of the site, block and lot designation and be titled, "GRADING PLAN". The title block must contain the name, address and telephone number of the preparer and the applicant.
- ☐ B. The Existing Conditions Plan and Topographic Survey must be signed and sealed (embossed) by a Professional Land Surveyor (PLS) as required by state statute. The proposed design information must be signed and sealed by an Engineer (PE) or Architect licensed in the State of New Jersey. The plan with proposed drainage must be signed by Professional Engineer (PE).
- ☐ C. Must have note on the plan specifying that the vertical datum used is NGVD 1929. If an assumed datum is used, a conversion equation must be indicated on the plan.
- ☐ D. Must be legible and of sufficient scale and quality to be reproduced.
- ☐ E. Any increase in total impervious area will require applicants to maintain and manage the additional storm water on-site or provide for positive flow to a municipal street. Minimum grading standards (see #8) must be met. Grading plan or supplemental information must provide for storm-water management (runoff) calculations for a 10 year storm event. In most cases, storm water may be managed in infiltration trenches or dry wells. At the location of the storm management facility, the site soils must be tested for permeability and results utilized in consideration of the stormwater management design. All stormwater management must be endorsed by a Professional Engineer licensed in the State of New Jersey.

2. PROPERTY LINES, EASEMENTS AND SETBACKS:

- ☐ A. Must be clearly shown on the plan, abutting properties, and identified by block and lot numbers.
- ☐ B. Must have bearings and dimensions of property lines, width and purpose of the easements and building setback lines, in accordance with the Zoning Ordinance.

3. RIGHT-OF-WAY IMPROVEMENTS:

- ☐ A. Must be shown on the plan, including width of right-of-way and cartway, location of existing and proposed curb, driveway aprons and sidewalks along the frontage of the property as well as adjacent properties.

☐ B. Must have pertinent information related to the existing and proposed site improvements, such as elevation of centerline of roadway, top of curb and gutter, sidewalk and driveway apron. Where no curb exists, pavement edge elevation should be provided.

☐ C. All work to be performed within the Township right-of-way will require a Right-of-Way (ROW) permit. Applications for ROW permits may be obtained from the Department of Engineering, in the Public Works Building at 1 Perina Boulevard or on-line (www.cherryhill-nj.com). The Department of Engineering shall be notified twenty-four (24) hours in advance of any construction activity.

4. ALL GRADING PLANS:

☐ A. Must include contour lines at one (1') foot intervals and spot elevations of high and low points. Contour lines must clearly show existing characteristics of topography, such as swales, ditches, ridgelines and general pattern of drainage flow. Where grade changes and fill are involved, proposed conditions must be superimposed onto the existing. Existing contours shall be indicated as dashed lines and proposed contours as bold solid lines.

☐ B. Must show existing and proposed spot elevations of all property corners and intermediate points at intervals not exceeding fifty (50') feet along all property lines. Existing topography shall be extended a minimum of fifty (50') feet beyond the property lines in all directions. Spot elevations of adjacent building corners and finished floor must be shown.

☐ C. Must show lot layout including all structures and other site improvements with overall dimensions of structures, offset distances from property lines and location of driveways, fences, pools, decks, trees, and similar.

☐ D. Based on site inspection, conditions presented on the plan that are not consistent with actual field conditions.

5. WHERE A NEW STRUCTURE OR ADDITION IS PROPOSED:

☐ A. The lot shall be graded to direct surface runoff toward the lot frontage road or other defined drainage paths. Where it is intended to slope the lot toward the lot frontage road, finish floor of the proposed dwelling shall be set a minimum of three (3') feet above the maximum pavement gutter elevation occurring along the frontage of the lot. Finish grades at the foundation perimeter shall be a minimum of nine (9") inches below the first floor elevation. In no case shall the garage floor or any opening to the dwelling be less than one and one half (1½') feet above the lowest gutter elevation.

☐ B. Elevations of first floor and garage, as well as finished grades at all building openings and corners, must be shown.

☐ C. Location of existing and proposed utility service connections (sanitary and water) must be shown. Shuster/clean-out vent for sanitary lateral should be shown in the park strip between the curb and sidewalk, if it exists. Otherwise, the vent shall be shown within six (6') feet from the right-of-way line, as well as show the proposed invert of clean-out and invert at dwelling.

6. WHERE A SWIMMING POOL INSTALLATION IS PROPOSED:

☐ A. The lot shall be graded to direct surface runoff toward the lot frontage road or other defined drainage paths. Finished deck elevations shall be set above the natural grade occurring on the lot to prevent surface water from flowing into the pool.

☐ B. The plan must have pertinent information related to elevations of the existing and proposed site improvements, such as proposed pool deck, finished floor of the dwelling, finished grades at all building openings and corners, top of curb and gutter, sidewalk and driveway.

☐ C. The plan must show limits of fill and land disturbance. In no case shall fill be placed so as to interrupt existing drainage patterns, or within five (5') feet of the property or easement line.

7. WHERE A LOT ABUTS A STREAM CORRIDOR, FLOODPLAIN OR WETLANDS:

☐ A. Stream encroachment, flood boundary and/or wetland lines shall be shown with most recent source(s) of information noted on the plan.

☐ B. Must have bearing and distances with NJDEP permit number and date of approval for wetlands and wetlands buffer requirements.

☐ C. Plan must show all flood plain elevations as documented by all applicable resources.

☐ D. All construction and grading activities shall comply with the requirements of applicable NJDEP Regulations and Township ordinances. The Applicant is responsible for obtaining a jurisdictional determination from the appropriate authorities.

8. MINIMUM GRADING STANDARDS:

☐ A. Drainage for the total site shall be positive. Lawn areas with gradients of at least two (2%) percent shall be sloped away from building foundations. Grassed lawn swales, with a desirable slope of two (2%) percent (but in no case, less than one and one half (1 ½ %) percent shall direct surface runoff toward the lot frontage road or other defined drainage paths. Grading shall not impact adjacent properties by diversion of surface runoff.

☐ B. Proposed drainage patterns shall be denoted with flow arrows. Spot elevations shall be provided along major drainage paths. Dry well, French drains are permitted.

☐ C. Slopes shall not be steeper than three horizontal to one vertical (3:1). Slopes shall be well rounded at top and bottom to reduce the possibility of erosion. Steeper grade changes shall be confined by retaining structures or other acceptable methods. Terracing is permitted.

☐ D. Top of an excavation and/or toe of slope of a fill section shall not be closer than five (5') feet to an adjoining property line or structure.

☐ E. Proposed grading shall not extend beyond the property lines, unless the written consent of the adjacent owner is obtained.

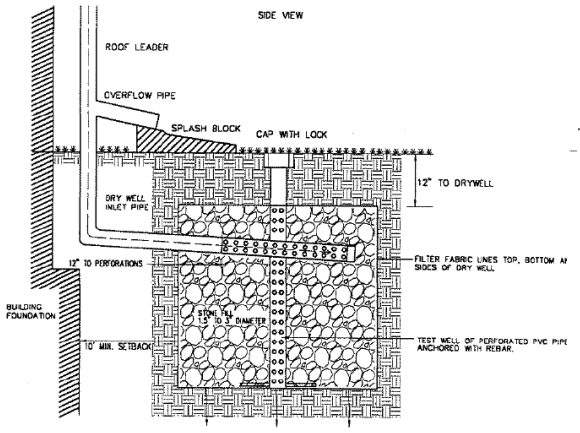
☐ F. Driveways shall not have a slope greater than twelve (12%) percent. Where site conditions require a greater slope, a design waiver may be requested.

9. SOIL EROSION AND SEDIMENT CONTROL:

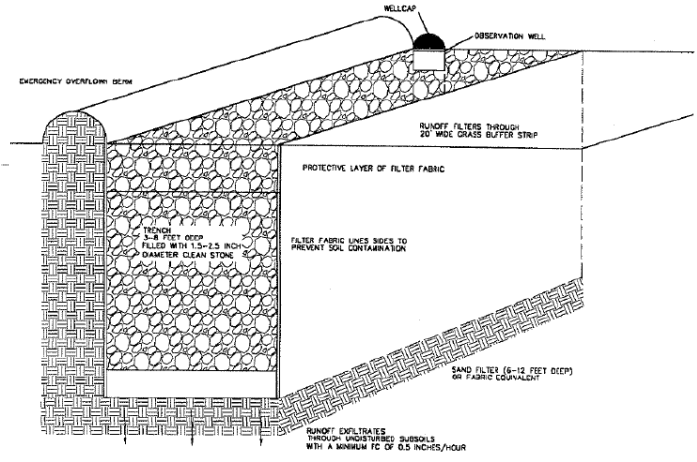
☐ A. All disturbed land within or adjacent to the work area, which is the result of the construction operation, shall be stabilized in accordance with the STANDARDS FOR SOIL EROSION & SEDIMENT CONTROL IN NEW JERSEY. All grading and soil stabilization shall be completed within thirty (30) days from the issuance of the permit. A note to this effect shall be added to the plan.

☐ B. Soil erosion and sediment control measures shall be provided (see below), and shall include silt fences at downslope perimeters of the disturbed area and a stabilized construction entrance, approximately ten (10') feet wide and twenty (20') feet long, consisting of a six (6") inch thick stone apron (2" aggregate - ASTM Size No. 2).

☐ C. Stockpiling of material and debris within the right-of-way area is not permitted. The roadway shall be swept clean of all earth and debris at all times.



DRY WELL
N.T.S



INFILTRATION TRENCH
N.T.S

10. WHERE RETAINING STRUCTURES OR OTHER SITE DETAILS ARE NEEDED:

☐ A. Retaining structures, which must retain more than four (4') feet of material or for rip-rap bank protection which is steeper than three horizontal to one vertical (3:1), must have calculations prepared by a licensed Professional Engineer (PE), certifying the stability of the structure.

☐ B. Details of all proposed site improvements, such as landscape or retaining structures, drainage facilities, etc. shall be submitted with and become part of the application. All proposed site improvements, which are subject to building codes, shall be submitted to the Construction Official for review to determine compliance with applicable standards.

☐ **11. AS-BUILT PLAN:** Mark up any change in the approved Grading Plan after construction completed.

12. OTHER COMMENTS:

☐ _____

_____

_____

☐ _____

_____

_____

☐ _____

_____

_____

☐ _____

_____

_____

☐ _____

_____

_____

☐ _____

_____

_____

(ORIGINAL ISSUE DATE NOVEMBER 1987, REVISED 2010, REVISED 2015)

APPENDIX B

PLANNING BOARD
BY-LAWS
Adopted on February 6, 2023

1. ORGANIZATION & ADMINISTRATION

1.1. Annual Organization; Elections; Meetings.

1.1-1. Organization Meeting. At the first meeting of the Cherry Hill Township Planning Board (Board) during the month of January in each year at 7:30 pm, the Board shall convene a meeting for the purpose of organizing the affairs of the Board for the calendar year. Such meeting shall be conducted in the presence of the Board Attorney who was appointed for and served through the preceding calendar year, and who shall serve *pro tem* until reappointment or replacement during said meeting until the election of the Chair. The Board shall not, however, conduct their Organization Meeting until after Township Council has conducted their annual Reorganization Meeting.

1.1-2. Election of Officers. At the Organization Meeting, the Board shall elect from its Class IV members a Chair and Vice-Chair.

1.1-3. Board Attorney. The Board shall annually appoint or reappoint an Attorney-At-Law of the State of New Jersey having recognized competence in the law of local governments, land use, and zoning. The Board Attorney shall be compensated pursuant to agreement and shall be the legal advisor and representative of the Board. The Board Attorney shall prosecute and defend litigation and appeals on behalf of the Board.

1.1-4. Board Engineer. The Board shall appoint or reappoint a licensed Professional Engineer (P.E.) of the State of New Jersey, who shall review and report on the engineering aspects of applications and other matters pending before the Board at the direction of the Board, and who shall attend the meetings of the Board unless otherwise restricted.

1.1-5. Board Traffic Engineer. The Board may appoint or reappoint a licensed Professional Engineer (P.E.) or Professional Planner (P.P.) of the State of New Jersey, who shall review and report on the traffic circulation and related matters of applications and other matters pending before the Board at the direction of the Board, and who shall attend the meetings of the Board unless otherwise restricted.

1.1-6. Board Planner. A municipal planner, who is a licensed Professional Planner (P.P.) in the state of New Jersey, shall review and report on land use and all other matters of applications pending before the Board, and shall attend all Board meetings.

1.1-7. Other Assistance. The Board may also appoint or engage such other officers and/or assistants and engage such additional experts or staff as it may be necessary from time to time.

1.2. Election to Office & Duties.

1.2-1. Vote to Elect; Term. A candidate receiving the majority vote of the entire membership of the Board shall be deemed elected to the office for which the vote was taken and shall serve for one (1) year or until he or she is re-elected or his or her successor shall take office. In the event an office shall become vacant in some factual manner, or by operation of law, the office shall be filled as soon as possible by the same election procedure and the term of such office shall be the unexpired term of the predecessor.

1.2-2. Chair. The Chair shall preside over all meetings and hearings of the board, decide all points of order and matters of procedure governing said meetings or hearings, and shall perform all the duties normally appertaining to his or her office, as required by law, ordinance these rules or prevailing parliamentary practice.

1.2-3. Vice-Chair. The Vice-Chair shall preside at all Board Meetings and hearings in the absence or upon disqualification of the Chair and shall have all of the powers of the Chair under such circumstances.

1.2-4. Acting Chair. Upon the absence or disqualification of the Chair and Vice-Chair, the Board shall elect from among its Regular Class IV Membership an Acting Chair to preside over the application or meeting, as the case may be, and shall have all the powers of the Chair under such circumstances.

1.2-5. Secretary. The Secretary shall generally perform the secretarial work of the Board, including, but not limited to the following:

a. Conduct all official correspondence, compile all required records, keep and maintain all necessary files and indexes with respect to the operation of the Board, cause all notices of meetings required to be given pursuant to the *Open Public Meeting Act (OPMA)*, *New Jersey Municipal Land Use Law (MLUL)*, or any other applicable law or ordinance;

b. Attend all meetings of the Board, take and have custody of all records and documents, maps, plans and evidence, and provide for the care and custody of items for which no other provision is made by statute or these rules; take or direct the taking of roll call votes, and insure the recordation of affirmative and negative votes as well as abstentions;

c. Make a transcription record of the proceedings of each hearing of the Board in accordance with these rules, keep minutes of the proceedings of each meeting

(including work sessions) held by the Board and enter therein such resolutions and orders as are adopted by the Board;

d. Cause to be mailed or otherwise delivered or made available to each member of the Board and the professional consultants to the Board true copies of the minutes and all other documents and materials pertaining to the business of the Board;

1.2-6. Alternate Secretary. The Board may appoint one or more individuals to the position of Alternate Secretary who shall generally perform the secretarial work of the Board in the absence, disqualification, or direction of the Secretary and shall have all of the powers of the Secretary under such circumstances.

1.3. Meetings.

1.3-1. Regular Meetings. Meetings of the Board shall generally be held at the Township of Cherry Hill Municipal Building located at 820 Mercer Street, Cherry Hill, NJ 08002, with caucus beginning at 7:00 pm and the regular meeting beginning at 7:30 pm, on the first and third Mondays of each month. If a regular meeting falls on a legal or Township holiday, such meeting may generally be held on the next succeeding secular day, such other day as the Board may select, or be cancelled.

1.3-2. Special Meeting. Special meetings of the Board may be called by the Chair or, in her or his absence, by the Vice-Chair, at any time or upon the written request of two (2) or more members of the Board, provided that notice thereof be mailed or e-mailed or given to each member of the Board and to the public as required by or allowed by law. An applicant may request, but shall not be entitled to a special meeting. Special meetings at the request of an applicant may be scheduled at the pleasure of the Board, provided the public interest is fairly and reasonably served. The applicant shall be responsible for all fees and costs related thereto, including but not limited to, all costs associated with public notice of said special meeting.

1.3-3. Quorum. At all meetings of the Board, a quorum to conduct any business of the Board shall consist of five (5) qualified members. In the absence of a quorum, the members present may convene a meeting only for the purpose of adjourning the same to another date. No hearing may proceed without a qualified quorum of the Board for that particular hearing.

1.3-4. Open Meetings. Except as otherwise provided in these rules and regulations, the meetings of the Board shall be open to the public at all times. Nothing herein shall be construed to limit the discretion of the Board to permit, prohibit, or regulate the active participation of the public at any meeting. The Board may exclude the public only from those portions of a meeting when the Board discusses matters within the exclusions provided under *N.J.S.A.* 10:4-12b and *N.J.S.A.* 40:55D-9b.

1.3-5. Order of Business. Subject to the discretion of the Chair to the contrary, the order of business for all regular sessions of the Board shall be as follows:

a. call to order;
b. statement of compliance with the *OPMA*;
c. roll call;
d. swearing in of professionals;
e. approval of minutes of prior meeting;
f. motions for adjournment of any scheduled applications and/or any other motions;
g. old business (continued hearings);
h. new business (new hearings);
i. adoption of resolutions;
j. adjournment.

1.3-6. Time Limitations. The Board shall be under no obligation to consider new matters after 10:30pm, and it will take no new testimony beyond 11:00pm. This rule may be waived by an affirmative vote by a majority of the Board members then present and qualified.

1.3-7. Parliamentary Procedure. *Roberts Rules of Order*, latest edition, shall be followed whenever a particular procedure or practice is not contemplated by these rules.

1.4. Standard Procedures and Requirements for Remote Meetings.

1.4-1. Remote Meetings. The Board shall convene in a setting that allows the public to fully participate, whether in-person, fully remote, or by hybrid means in accordance with the *OPMA*, the *MLUL*, any other applicable State laws or regulations, and/or relevant case law.

1.4-2. Technology. The technology utilized by the Board to conduct business remotely shall:

a. be routinely used in academic, profession or business settings, and can be accessed by the public at no cost;

b. include a telephonic option to allow members of the public with limited or no internet access to actively participate in a meeting;

c. allow the Board to mute all members of the public and allow members of the public to mute themselves;

d. afford members of the public the opportunity to participate via video and/or audio;

e. ensure that all presentations and documents made available to the public during an in-person meeting be made visible on the video broadcast of the remote public meeting or be made available through the website of the Board and/or Township of Cherry Hill;

f. require the identification of members of the public seeking to join a meeting remotely;

g. be replete with sufficient cybersecurity protections consistent with the FedRAMP Moderate Impact Level Authorized dedicated servers or cloud service; and

h. allow the remote meeting be recorded as any in-person meeting.

1.4-3. Executive/Closed Sessions. Should an executive or closed session be required, the Board shall ensure that any audio or video of the session cannot be accessed except for those individuals legally permitted to participate in the session.

1.4-4. Application Plans, Documents, and Exhibits. The Board shall ensure that all documents typically made available to the public in hard copy prior to and/or during an in-person meeting be made available in advance of the meeting for download from the website of Board and/or Township of Cherry Hill.

1.4-5. Public Comment.

a. Members of the public wishing to make a comment and/or cross-examine a witness related to an application being heard by the Board during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.

b. A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comment.

c. Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If such a member of the public becomes disruptive during the meeting, the individual chairing the meeting shall mute, or direct the muting of, the disruptive member and warn that any continued disruption may result in the member being prevented from speaking during the meeting or be removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behaviors such as shouting, interruption, and the use of profanity.

d. Any member who continues to be disruptive after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public are provided an opportunity to comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote meeting or removed from the meeting.

1.4-6. Notice. In addition to any other public notice required by law, the Board shall provide clear notice and instructions to the public detailing how the public may access, participate, and comment as part of a remote meeting.

2. PROCEDURES

2.1. Applications & Hearings.

2.1-1. Administration of Applications; Completeness. In accordance with the Zoning Ordinance of Cherry Hill (Zoning Ordinance), the Board shall consider applications for development. The Administrative Officer shall determine when the application is complete. Upon a determination of completeness, the Administrative Officer shall determine the hearing date and notify the applicant, the Board Attorney, Board Professionals, and the Board Chair.

2.1-2. Scheduling; Transmittals. Upon determination of completeness, the Board Secretary shall forward copies of the Board Professional's reports and all application materials to the applicant, the Board Attorney, Board Professionals, and the Board Chair.

2.1-3. Filings of Maps & Documents. At least ten (10) calendar days prior to the time appointed for the hearing, the applicant must submit the required maps and documents, as defined in the Zoning Ordinance, to the Board Secretary.

2.1-4. Transmittals; Hearing Materials. At least five (5) calendar days prior to the hearing, the meeting agenda, the Board Professional's reports, appropriate maps, exhibits, and documents for member viewing purposes including directions to and address of the site in question will be transmitted to Board members.

2.2. Hearing Procedure.

2.2-1. Appearance by Parties. At the time of the hearing on an application, the applicant or such legal representation shall appear in person, or such person may appear by an Attorney-At-Law admitted to practice in the State of New Jersey. No Corporation, Partnership, or other like entity, such as a Limited Liability Company, shall be heard except through an Attorney-At-Law admitted to practice in the State of New Jersey.

2.2-2. Testimony Under Oath. All persons giving testimony at a hearing shall be duly sworn by the Board Attorney.

2.2-3. Order of Presentation. Each application shall be considered in accordance with the following order of presentation:

a. The applicant shall enter an appearance on the record and be duly sworn. If the applicant is represented by counsel, the attorney shall enter his or her appearance,

identifying the name and location of his or her firm, identifying the client who is represented, and shall then proceed to make opening remarks.

b. The applicant shall then present testimony and such other evidence, depicted, documentary or otherwise, upon which the applicant intends to rely in order to establish a basis for the relief sought.

c. At the conclusion of a witness's testimony, the Chair shall allow the members and Board Professionals to ask questions of such witness. Cross examination of witnesses shall generally be limited to questions by the Board.

d. At the conclusion of the presentation of the application, any interested member of the public may make comments, ask questions, and/or present a case for or against the application in such order as may be recognized by the Chair. All such presentations shall be generally limited to five (5) minutes per presenter, except as allowed by the Chair. The Chair shall have the right to cause any interested party to be first duly sworn and shall do so whenever an interested party will offer facts on which the Board would be expected to rely. All rebuttal testimony or evidence shall be considered in such order as the Chair shall designate. Relevant objections shall be considered by the Board. Cross-examination of witnesses shall be permitted by the Chair subject to the above provisions.

e. Any member of the Board may place evidence before the Board as to any relevant matter of which he or she has a personal or official knowledge for the purpose of amplifying the record, including facts as ascertained from a viewing of premises in question subject to these rules.

f. The Board shall have the right to rely on the expertise of its legal, engineering, and planning consultants. The Board may also call as witnesses other municipal employees to testify as to particular facts pertinent to the application. The Board shall also have the power to acquire additional evidence consistent with these rules and the *MLUL*.

2.2-4. Continuances. All cases may be continued to another date certain, which generally shall be the next regularly scheduled meeting, unless otherwise determined by the Board. Generally, no further notice shall be needed to be given by the applicant in that event if announcement of the specific date of the continued hearing is provided, unless the Board Chair determines that notice be given.

2.2-5. Refusal to Consent to Continuance. Where an applicant has taken a substantial period of time to present his or her case and then refuses to consent to a continuance so that objectors can be heard or the Board has insufficient opportunity to consider the matter, such refusal by the applicant may be deemed "arbitrary and unreasonable" by the Board. Should the applicant move the board to consider the matter without affording such opportunity, the applicant shall be at

risk of a denial of the application for failure to sustain the burden of proof and failure to afford the Board an opportunity to reach an informed decision.

2.2-6. Testimony from Board-Employed & Other Expert Witnesses. The Board may require expert witnesses and reports. Experts shall be qualified to the satisfaction of the Chair or the Board. In addition to experts for the applicant and others, the Board shall have the power to engage its own independent experts to either corroborate or refute the testimony of experts produced by the applicant or other party. The Board shall not be bound to accept the testimony of any expert. Where there is conflicting testimony of experts, the Board shall decide which to accept. These rules shall not be construed to require expert testimony in all instances to sustain a board finding. The Board may require its consultants to confer with the experts of the applicant and, where appropriate, the experts hired by objectors or the Board in order to expedite consideration of the application. These communications shall be permitted outside the context of public meetings and the applicant shall reimburse the Township for expenses incurred in having the experts participate in such communications.

2.2-7. Viewing by Board; Personal Knowledge of Board Members. Viewing the property that is the subject of the application shall be permitted upon reasonable notice to and consent of the parties. Members should view the property prior to the hearing. In that event, or in the event that one or more members of the Board are well acquainted with the subject property, knowledge thereby acquired of any particular fact or facts may be used in making a decision if such member or members establishes such facts on the record at the time of the hearing.

2.2-8. Evidence; Exhibits. The formal rules of evidence adopted by the courts of the State of New Jersey shall not be enforced in the proceedings of the Board. However, no decision shall be based upon any facts not proved or on matters which are not on the record unless they be such items of which the Board is entitled to take judicial notice. The Board may limit irrelevant, immaterial, or redundant testimony.

2.2-9. Letters & Petitions of Objection. Letters of objection or support and petitions shall not be admissible, though the writer of a letter or the signer of a petition may appear and testify. If unable to attend, a licensed attorney in the State of New Jersey may appear on behalf of the absent public member.

2.2-10. Burden of Proof. The burden of proof is upon the applicant. It is the applicant's responsibility to supply competent and credible evidence in order that the Board might determine the nature and degree of the relief sought. The applicant must establish, to the Board's satisfaction, that pursuant to the legal, statutory, and ordinance criteria the applicant is entitled to the relief sought. In variance cases, the applicant bears the burden of proving both the positive and negative criteria as required by the *MLUL* and relevant case law.

2.3. Voting.

2.3-1. Voting Procedure. All motions shall require a second. The Chair shall allow discussion on any motion made and duly seconded. All votes shall be taken by roll call, and the vote and name of the member casting the vote shall be recorded in the minutes. Unless otherwise provided herein or under prevailing law, any action may be authorized by majority of vote of those members present at such meeting.

2.3-2. Voting Margin & Effect. If a motion to approve an application for development fails to receive the number of required affirmative votes, such failure shall be deemed an action denying the application. If the vote is a tie, no majority exists and the motion is denied.

2.3-3. Abstentions. Abstentions are disfavored without good cause. An abstention shall be regarded as an assent to the vote of the majority. Thus, if a majority of those voting would affirm a measure, abstentions would be counted for affirmation; if the majority would defeat a measure, abstentions will be counted for defeat. A disqualified member shall not be counted as an abstention and shall, instead, remove himself or herself from the panel and not be involved in the consideration of the application. If the Board is evenly split in its decision, no majority exists with whom an abstaining member can said to vote and accordingly abstentions shall not be construed to approve an application; nor shall abstentions be used to create a tie.

2.3-4. Voting Eligibility; Review of Record. When any hearing before the Board has been continued, a member of the Board who was absent for one or more hearing sessions shall be eligible to vote on the matter upon which hearing is conducted notwithstanding the members prior absence provided that such member certifies in writing to the Board that he or she has read a transcript or listened to a recording of the entire session for which he or she was absent. This rule shall not be construed as authorizing any hearing to be held whenever less than a quorum of the Board is present.

2.4. Other Hearing Requirements & Procedures.

2.4-1. Record of Proceedings. The "record" shall mean and include the application form, any documents submitted to the Board in support thereof, maps, reports, plans, exhibits, proper submissions by interested parties, and the verbatim record of the hearings. Also, the adopted minutes of the meeting shall be considered to be both a summary of the record and part thereof.

2.4-2. Transcripts. The Board shall furnish a transcript of the hearing to any interested party making the request in writing at his or her expense.

2.4-3. Inability to Make Verbatim Record. If, at the time set for hearing, a verbatim record cannot be made for good reason, as where the recording equipment is inoperable, the Board shall, if time is not a factor, continue the hearing to another date. However, if time is a factor and all interested parties agree, the Board may proceed with the hearing on the understanding that in the event of an appeal or further review, an agreed statement of facts will be supplied to the reviewing body. In the absence of such an agreement, where time is a factor, the Board shall be entitled to deny the relief sought in order to prevent a statutory approval by reason of the Board's failure to make a decision in the required time.

2.4-4. Subpoenas; Contempt. The Chair and the Board Attorney shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relative evidence, including witnesses and documents presented by the parties. The provisions of the *County & Municipal Investigations Law, N.J.S.A.* 2A:67A-1 *et seq.* shall apply.

2.4-5. Dismissal Without Prejudice. The Board, on its own motion, may dismiss any action without prejudice if neither the applicant nor anyone on his/her behalf appears at the time set for the hearing of said application. Further, the Board, on its own motion, may dismiss without prejudice any application for failure to comply with the provisions of the appropriate ordinances, these rules, for other good cause, and/or if an applicant fails to respond and/or supplement an application submission within one hundred and twenty (120) days following a determination of incompleteness by the Department of Community Development. Any applicant may, at any time before the commencement of the hearing, voluntarily withdraw his/her application in which event the application shall be dismissed without prejudice.

2.4-6. Amended Applications. An applicant may, prior to the commencement of a hearing, amend his or her application without leave of the Board and in all such cases new notice shall be given as in the case of the original application. After commencement of a hearing, application may be amended only with leave of the Board. If the amendment after commencement of hearing is for the purpose of reducing the nature or extent of the variance sought, no new notice will be required. Otherwise, new notice shall be given.

2.4-7. Time of Application Rule. Notwithstanding any provision of law to the contrary, those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development. Any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development.

2.4-8. Conditions. The Board shall have the plenary power and discretion to impose conditions of approval. The conditions shall be development-specific and predominantly aimed at mitigating specific concerns arising in connection with the proposed project. The right to impose conditions is an inherent power of the Board regardless of whether the ordinance grants such a right to the Board. To be enforceable, a condition must be part of the record. Conditions must not offend against any provision of the Zoning Ordinance, must be in the public interest, must be reasonably calculated to achieve a legitimate objective of the ordinance and shall not be unnecessarily burdensome to the applicant and/or owner.

2.4-9. Decision Based on Evidence.

a. Each case shall be decided strictly upon the basis of the competent and substantial evidence and relevant facts adduced at the hearing viewed in light of the statutory and ordinance requirements. The Board's function is to apply the facts adduced at the hearing, as determined by the Board, to the legal requirements of the statute and Zoning Ordinance and to decide on this basis whether or not the requested relief can be legally granted. The Board lacks the legal power to grant variances except in cases where the facts produced at the hearing demonstrate the applicant's right to the requested relief under the terms of the statute.

b. The Board shall include findings of facts and conclusions based thereon in each decision and shall reduce the decision to writing through a resolution adopted at a meeting held within the time period provide in the act for action on the application. A memorializing resolution can be 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. Only members of the Board who voted for the action taken may vote on the memorializing resolution.

c. In cases where a variance is requested, the board has jurisdiction to consider only those variances submitted pursuant to *N.J.S.A.* 40:55D-70(c)(1) & (2). In both cases, the applicant has the burden of proving the positive and negative criteria established the *MLUL* have been satisfied.

    i. In (c)(1) cases, the Board must determine whether there has been a showing of peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the applicant arising out of: 1) the exceptional narrowness, shallowness or shape of a specific piece of property, or 2) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

    ii. In (c)(2) cases, the Board must find that: 1) the purpose of the *MLUL* would be advanced by a deviation from the Zoning Ordinance

requirements, and 2) that the benefits of the deviation would substantially outweigh any detriment to the public good.

3. AVAILABILITY AND ELIGIBILITY OF MEMBERS

3.1. Attendance.

3.1-1. Determination of Vacancy for Excessive Absences. The position of any member or alternative member shall be deemed vacant whenever the member, without being excused by a majority of the authorized members of the Board, fails to attend and participate at meetings of the Board for a period of eight (8) consecutive weeks or for four (4) consecutive meetings (both regular and work sessions) whichever shall be of longer duration. The Board may refuse to excuse those absences which are not due to legitimate illness or appropriate reasons. Board members should notify the Department of Community Development a minimum of twenty four (24) hours in advance if they are unable to attend. At the conclusion of such period, the Board shall notify the appointing authority in writing of such determination.

APPENDIX C

ZONING BOARD OF ADJUSTMENT
BY-LAWS
Adopted on January 19, 2023

1. ORGANIZATION & ADMINISTRATION

1.1. Annual Organization; Elections; Meetings.

1.1-1. Organization Meeting. At the first meeting of the Cherry Hill Township Zoning Board of Adjustment (Board) during the month of January in each year at 7:30 pm, the Board shall convene a meeting for the purpose of organizing the affairs of the Board for the calendar year. Such meeting shall be conducted in the presence of the Board Attorney who was appointed for and served through the preceding calendar year, and who shall serve *pro tem* until reappointment or replacement during said meeting until the election of the Chair. The Board shall not, however, conduct their Organization Meeting until after Township Council has conducted their annual Reorganization Meeting.

1.1-2. Election of Officers. At the Organization Meeting, the Board shall elect from its Regular members a Chair and Vice-Chair.

1.1-3. Board Attorney. The Board shall annually appoint or reappoint an Attorney-At-Law of the State of New Jersey having recognized competence in the law of local governments, land use, and zoning. The Board Attorney shall be compensated pursuant to agreement and shall be the legal advisor and representative of the Board. The Board Attorney shall prosecute and defend litigation and appeals on behalf of the Board.

1.1-4. Board Engineer. The Board shall appoint or reappoint a licensed Professional Engineer (P.E.) of the State of New Jersey, who shall review and report on the engineering aspects of applications and other matters pending before the Board at the direction of the Board, and who shall attend the meetings of the Board unless otherwise restricted.

1.1-5. Board Traffic Engineer. The Board may appoint or reappoint a licensed Professional Engineer (P.E.) or Professional Planner (P.P.) of the State of New Jersey, who shall review and report on the traffic circulation and related matters of applications and other matters pending before the Board at the direction of the Board, and who shall attend the meetings of the Board unless otherwise restricted.

1.1-6. Board Planner. A municipal planner, who is a licensed Professional Planner (P.P.) in the state of New Jersey, shall review and report on land use and all other matters of applications pending before the Board, and shall attend all Board meetings.

1.1-7. Other Assistance. The Board may also appoint or engage such other officers and/or assistants and engage such additional experts or staff as it may be necessary from time to time.

1.2. Election to Office & Duties.

1.2-1. Vote to Elect; Term. A candidate receiving the majority vote of the entire membership of the Board shall be deemed elected to the office for which the vote was taken and shall serve for one (1) year or until he or she is re-elected or his or her successor shall take office. In the event an office shall become vacant in some factual manner, or by operation of law, the office shall be filled as soon as possible by the same election procedure and the term of such office shall be the unexpired term of the predecessor.

1.2-2. Chair. The Chair shall preside over all meetings and hearings of the board, decide all points of order and matters of procedure governing said meetings or hearings, and shall perform all the duties normally appertaining to his or her office, as required by law, ordinance these rules or prevailing parliamentary practice.

1.2-3. Vice-Chair. The Vice-Chair shall preside at all Board Meetings and hearings in the absence or upon disqualification of the Chair and shall have all of the powers of the Chair under such circumstances.

1.2-4. Acting Chair. Upon the absence or disqualification of the Chair and Vice-Chair, the Board shall elect from among its Regular Membership an Acting Chair to preside over the application or meeting, as the case may be, and shall have all the powers of the Chair under such circumstances.

1.2-5. Secretary. The Secretary shall generally perform the secretarial work of the Board, including, but not limited to the following:

a. Conduct all official correspondence, compile all required records, keep and maintain all necessary files and indexes with respect to the operation of the Board, cause all notices of meetings required to be given pursuant to the *Open Public Meeting Act (OPMA)*, *New Jersey Municipal Land Use Law (MLUL)*, or any other applicable law or ordinance;

b. Attend all meetings of the Board, take and have custody of all records and documents, maps, plans and evidence, and provide for the care and custody of items for which no other provision is made by statute or these rules; take or direct the taking of roll call votes, and insure the recordation of affirmative and negative votes as well as abstentions;

c. Make a transcription record of the proceedings of each hearing of the Board in accordance with these rules, keep minutes of the proceedings of each meeting

(including work sessions) held by the Board and enter therein such resolutions and orders as are adopted by the Board;

d. Cause to be mailed or otherwise delivered or made available to each member of the Board and the professional consultants to the Board true copies of the minutes and all other documents and materials pertaining to the business of the Board;

1.2-6. Alternate Secretary. The Board may appoint one or more individuals to the position of Alternate Secretary who shall generally perform the secretarial work of the Board in the absence, disqualification, or direction of the Secretary and shall have all of the powers of the Secretary under such circumstances.

1.3. Meetings.

1.3-1. Regular Meetings. Meetings of the Board shall convene in a setting that allows the public to fully participate, whether in-person, fully remote, or by hybrid means in accordance with the *OPMA*, the *MLUL*, any other applicable State laws or regulations, and/or relevant case law, with caucus beginning at 7:00 pm and the regular meeting beginning at 7:30 pm, on the first and third Thursdays of each month. If a regular meeting falls on a legal or Township holiday, such meeting may generally be held on the next succeeding secular day, such other day as the Board may select, or be cancelled.

1.3-2. Special Meeting. Special meetings of the Board may be called by the Chair or, in her or his absence, by the Vice-Chair, at any time or upon the written request of two (2) or more members of the Board, provided that notice thereof be mailed or e-mailed or given to each member of the Board and to the public as required by or allowed by law. An applicant may request, but shall not be entitled to a special meeting. Special meetings at the request of an applicant may be scheduled at the pleasure of the Board, provided the public interest is fairly and reasonably served. The applicant shall be responsible for all fees and costs related thereto, including but not limited to, all costs associated with public notice of said special meeting.

1.3-3. Quorum. At all meetings of the Board, a quorum to conduct any business of the Board not involving a variance request pursuant to *N.J.S.A.* 40:55D-70(d)1-6, shall consist of four (4) qualified members. A quorum to conduct any business of the Board involving a variance request pursuant to *N.J.S.A.* 40:55D-70(d)1-6 shall consist of five (5) qualified members. In the absence of a quorum, the members present may convene a meeting only for the purpose of adjourning the same to another date. No hearing may proceed without a qualified quorum of the Board for that particular hearing.

1.3-4. Open Meetings. Except as otherwise provided in these rules and regulations, the meetings of the Board shall be open to the public at all times. Nothing herein shall be construed to limit the discretion of the Board to permit, prohibit, or regulate the active participation of the public at any meeting. The Board may exclude the public

only from those portions of a meeting when the Board discusses matters within the exclusions provided under *N.J.S.A.* 10:4-12b and *N.J.S.A.* 40:55D-9b.

1.3-5. Order of Business. Subject to the discretion of the Chair to the contrary, the order of business for all regular sessions of the Board shall be as follows:

a. call to order;
b. statement of compliance with the *OPMA*;
c. roll call;
d. swearing in of professionals;
e. approval of minutes of prior meeting;
f. motions for adjournment of any scheduled applications and/or any other motions;
g. old business (continued hearings);
h. new business (new hearings);
i. adoption of resolutions;
j. adjournment.

1.3-6. Time Limitations. The Board shall be under no obligation to consider new matters after 10:30pm, and it will take no new testimony beyond 11:00pm. This rule may be waived by an affirmative vote by a majority of the Board members then present and qualified.

1.3-7. Parliamentary Procedure. *Roberts Rules of Order*, latest edition, shall be followed whenever a particular procedure or practice is not contemplated by these rules.

1.4. Procedures for Remote Meetings.

1.4-1. Technology. The technology utilized by the Board to conduct business remotely shall:

a. be routinely used in academic, profession or business settings, and can be accessed by the public at no cost;

b. include a telephonic option to allow members of the public with limited or no internet access to actively participate in a meeting;

c. allow the Board to mute all members of the public and allow members of the public to mute themselves;

d. afford members of the public the opportunity to participate via video and/or audio;

e. ensure that all presentations and documents made available to the public during an in-person meeting be made visible on the video broadcast of the remote public meeting or be made available through the website of the Board and/or Township of Cherry Hill;

f. require the identification of members of the public seeking to join a meeting remotely;

g. be replete with sufficient cybersecurity protections consistent with the FedRAMP Moderate Impact Level Authorized dedicated servers or cloud service; and

h. allow the remote meeting be recorded as any in-person meeting.

1.4-2. Executive/Closed Sessions. Should an executive or closed session be required, the Board shall ensure that any audio or video of the session cannot be accessed except for those individuals legally permitted to participate in the session.

1.4-3. Application Plans, Documents, and Exhibits. The Board shall ensure that all documents typically made available to the public in hard copy prior to and/or during an in-person meeting be made available in advance of the meeting for download from the website of Board and/or Township of Cherry Hill.

1.4-4. Public Comment.

a. Members of the public wishing to make a comment and/or cross-examine a witness related to an application being heard by the Board during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.

b. A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comment.

c. Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If such a member of the public becomes disruptive during the meeting, the individual chairing the meeting shall mute, or direct the muting of, the disruptive member and warn that any continued disruption may result in the member being prevented from speaking during the meeting or be removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behaviors such as shouting, interruption, and the use of profanity.

d. Any member who continues to be disruptive after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public are provided an opportunity to comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote meeting or removed from the meeting.

1.4-5. Notice. In addition to any other public notice required by law, the Board shall provide clear notice and instructions to the public detailing how the public may access, participate, and comment as part of a remote meeting.

2. PROCEDURES

2.1. Applications & Hearings.

2.1-1. Administration of Applications; Completeness. In accordance with the Zoning Ordinance of Cherry Hill (Zoning Ordinance), the Board shall consider applications for development. The Administrative Officer shall determine when the application is complete. Upon a determination of completeness, the Administrative Officer shall determine the hearing date and notify the applicant, the Board Attorney, Board Professionals, and the Board Chair.

2.1-2. Scheduling; Transmittals. Upon determination of completeness, the Board Secretary shall forward copies of the Board Professional's reports and all application materials to the applicant, the Board Attorney, Board Professionals, and the Board Chair.

2.1-3. Filings of Maps & Documents. At least ten (10) calendar days prior to the time appointed for the hearing, the applicant must submit the required maps and documents, as defined in the Zoning Ordinance, to the Board Secretary.

2.1-4. Transmittals; Hearing Materials. At least five (5) calendar days prior to the hearing, the meeting agenda, the Board Professional's reports, appropriate maps, exhibits, and documents for member viewing purposes including directions to and address of the site in question will be transmitted to Board members.

2.2. Hearing Procedure.

2.2-1. Appearance by Parties. At the time of the hearing on an application, the applicant or such legal representation shall appear in person, or such person may appear by an Attorney-At-Law admitted to practice in the State of New Jersey. No Corporation, Partnership, or other like entity, such as a Limited Liability Company, shall be heard except through an Attorney-At-Law admitted to practice in the State of New Jersey.

2.2-2. Testimony Under Oath. All persons giving testimony at a hearing shall be duly sworn by the Board Attorney.

2.2-3. Order of Presentation. Each application shall be considered in accordance with the following order of presentation:

a. The applicant shall enter an appearance on the record and be duly sworn. If the applicant is represented by counsel, the attorney shall enter his or her appearance,

identifying the name and location of his or her firm, identifying the client who is represented, and shall then proceed to make opening remarks.

b. The applicant shall then present testimony and such other evidence, depicted, documentary or otherwise, upon which the applicant intends to rely in order to establish a basis for the relief sought.

c. At the conclusion of a witness's testimony, the Chair shall allow the members and Board Professionals to ask questions of such witness. Cross examination of witnesses shall generally be limited to questions by the Board.

d. At the conclusion of the presentation of the application, any interested member of the public may make comments, ask questions, and/or present a case for or against the application in such order as may be recognized by the Chair. All such presentations shall be generally limited to five (5) minutes per presenter, except as allowed by the Chair. The Chair shall have the right to cause any interested party to be first duly sworn and shall do so whenever an interested party will offer facts on which the Board would be expected to rely. All rebuttal testimony or evidence shall be considered in such order as the Chair shall designate. Relevant objections shall be considered by the Board. Cross-examination of witnesses shall be permitted by the Chair subject to the above provisions.

e. Any member of the Board may place evidence before the Board as to any relevant matter of which he or she has a personal or official knowledge for the purpose of amplifying the record, including facts as ascertained from a viewing of premises in question subject to these rules.

f. The Board shall have the right to rely on the expertise of its legal, engineering, and planning consultants. The Board may also call as witnesses other municipal employees to testify as to particular facts pertinent to the application. The Board shall also have the power to acquire additional evidence consistent with these rules and the *MLUL*.

2.2-4. Continuances. All cases may be continued to another date certain, which generally shall be the next regularly scheduled meeting, unless otherwise determined by the Board. Generally, no further notice shall be needed to be given by the applicant in that event if announcement of the specific date of the continued hearing is provided, unless the Board Chair determines that notice be given.

2.2-5. Refusal to Consent to Continuance. Where an applicant has taken a substantial period of time to present his or her case and then refuses to consent to a continuance so that objectors can be heard or the Board has insufficient opportunity to consider the matter, such refusal by the applicant may be deemed "arbitrary and unreasonable" by the Board. Should the applicant move the board to consider the matter without affording such opportunity, the applicant shall be at

risk of a denial of the application for failure to sustain the burden of proof and failure to afford the Board an opportunity to reach an informed decision.

2.2-6. Testimony from Board-Employed & Other Expert Witnesses. The Board may require expert witnesses and reports. Experts shall be qualified to the satisfaction of the Chair or the Board. In addition to experts for the applicant and others, the Board shall have the power to engage its own independent experts to either corroborate or refute the testimony of experts produced by the applicant or other party. The Board shall not be bound to accept the testimony of any expert. Where there is conflicting testimony of experts, the Board shall decide which to accept. These rules shall not be construed to require expert testimony in all instances to sustain a board finding. The Board may require its consultants to confer with the experts of the applicant and, where appropriate, the experts hired by objectors or the Board in order to expedite consideration of the application. These communications shall be permitted outside the context of public meetings and the applicant shall reimburse the Township for expenses incurred in having the experts participate in such communications.

2.2-7. Viewing by Board; Personal Knowledge of Board Members. Viewing the property that is the subject of the application shall be permitted upon reasonable notice to and consent of the parties. Members should view the property prior to the hearing. In that event, or in the event that one or more members of the Board are well acquainted with the subject property, knowledge thereby acquired of any particular fact or facts may be used in making a decision if such member or members establishes such facts on the record at the time of the hearing.

2.2-8. Evidence; Exhibits. The formal rules of evidence adopted by the courts of the State of New Jersey shall not be enforced in the proceedings of the Board. However, no decision shall be based upon any facts not proved or on matters which are not on the record unless they be such items of which the Board is entitled to take judicial notice. The Board may limit irrelevant, immaterial, or redundant testimony.

2.2-9. Letters & Petitions of Objection. Letters of objection or support and petitions shall not be admissible, though the writer of a letter or the signer of a petition may appear and testify. If unable to attend, a licensed attorney in the State of New Jersey may appear on behalf of the absent public member.

2.2-10. Burden of Proof. The burden of proof is upon the applicant. It is the applicant's responsibility to supply competent and credible evidence in order that the Board might determine the nature and degree of the relief sought. The applicant must establish, to the Board's satisfaction, that pursuant to the legal, statutory, and ordinance criteria the applicant is entitled to the relief sought. In variance cases, the applicant bears the burden of proving both the positive and negative criteria as required by the *MLUL* and relevant case law.

2.3. Voting.

2.3-1. Voting Procedure. All motions shall require a second. The Chair shall allow discussion on any motion made and duly seconded. All votes shall be taken by roll call, and the vote and name of the member casting the vote shall be recorded in the minutes. Unless otherwise provided herein or under prevailing law, any action may be authorized by majority of vote of those members present at such meeting.

2.3-2. Voting Margin & Effect. If a motion to approve an application for development fails to receive the number of required affirmative votes, such failure shall be deemed an action denying the application. If the vote is a tie, no majority exists and the motion is denied.

2.3-3. Abstentions. Abstentions are disfavored without good cause. An abstention shall be regarded as an assent to the vote of the majority. Thus, if a majority of those voting would affirm a measure, abstentions would be counted for affirmation; if the majority would defeat a measure, abstentions will be counted for defeat. A disqualified member shall not be counted as an abstention and shall, instead, remove himself or herself from the panel and not be involved in the consideration of the application. If the Board is evenly split in its decision, no majority exists with whom an abstaining member can said to vote and accordingly abstentions shall not be construed to approve an application; nor shall abstentions be used to create a tie.

2.3-4. Voting Eligibility; Review of Record. When any hearing before the Board has been continued, a member of the Board who was absent for one or more hearing sessions shall be eligible to vote on the matter upon which hearing is conducted notwithstanding the members prior absence provided that such member certifies in writing to the Board that he or she has read a transcript or listened to a recording of the entire session for which he or she was absent. This rule shall not be construed as authorizing any hearing to be held whenever less than a quorum of the Board is present.

2.4. Other Hearing Requirements & Procedures.

2.4-1. Record of Proceedings. The "record" shall mean and include the application form, any documents submitted to the Board in support thereof, maps, reports, plans, exhibits, proper submissions by interested parties, and the verbatim record of the hearings. Also, the adopted minutes of the meeting shall be considered to be both a summary of the record and part thereof.

2.4-2. Transcripts. The Board shall furnish a transcript of the hearing to any interested party making the request in writing at his or her expense.

2.4-3. Inability to Make Verbatim Record. If, at the time set for hearing, a verbatim record cannot be made for good reason, as where the recording equipment is inoperable, the Board shall, if time is not a factor, continue the hearing to another date. However, if time is a factor and all interested parties agree, the Board may proceed with the hearing on the understanding that in the event of an appeal or further review, an agreed statement of facts will be supplied to the reviewing body. In the absence of such an agreement, where time is a factor, the Board shall be entitled to deny the relief sought in order to prevent a statutory approval by reason of the Board's failure to make a decision in the required time.

2.4-4. Subpoenas; Contempt. The Chair and the Board Attorney shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relative evidence, including witnesses and documents presented by the parties. The provisions of the *County & Municipal Investigations Law, N.J.S.A.* 2A:67A-1 *et seq.* shall apply.

2.4-5. Dismissal Without Prejudice. The Board, on its own motion, may dismiss any action without prejudice if neither the applicant nor anyone on his/her behalf appears at the time set for the hearing of said application. Further, the Board, on its own motion, may dismiss without prejudice any application for failure to comply with the provisions of the appropriate ordinances, these rules, for other good cause, and/or if an applicant fails to respond and/or supplement an application submission within one hundred and twenty (120) days following a determination of incompleteness by the Department of Community Development. Any applicant may, at any time before the commencement of the hearing, voluntarily withdraw his/her application in which event the application shall be dismissed without prejudice.

2.4-6. Amended Applications. An applicant may, prior to the commencement of a hearing, amend his or her application without leave of the Board and in all such cases new notice shall be given as in the case of the original application. After commencement of a hearing, application may be amended only with leave of the Board. If the amendment after commencement of hearing is for the purpose of reducing the nature or extent of the variance sought, no new notice will be required. Otherwise, new notice shall be given.

2.4-7. Time of Application Rule. Notwithstanding any provision of law to the contrary, those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development. Any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development.

2.4-8. Conditions. The Board shall have the plenary power and discretion to impose conditions of approval. The conditions shall be development-specific and predominantly aimed at mitigating specific concerns arising in connection with the proposed project. The right to impose conditions is an inherent power of the Board regardless of whether the ordinance grants such a right to the Board. To be enforceable, a condition must be part of the record. Conditions must not offend against any provision of the Zoning Ordinance, must be in the public interest, must be reasonably calculated to achieve a legitimate objective of the ordinance and shall not be unnecessarily burdensome to the applicant and/or owner.

2.4-9. Decision Based on Evidence.

a. Each case shall be decided strictly upon the basis of the competent and substantial evidence and relevant facts adduced at the hearing viewed in light of the statutory and ordinance requirements. The Board's function is to apply the facts adduced at the hearing, as determined by the Board, to the legal requirements of the statute and Zoning Ordinance and to decide on this basis whether or not the requested relief can be legally granted. The Board lacks the legal power to grant variances except in cases where the facts produced at the hearing demonstrate the applicant's right to the requested relief under the terms of the statute.

b. The Board shall include findings of facts and conclusions based thereon in each decision and shall reduce the decision to writing through a resolution adopted at a meeting held within the time period provide in the act for action on the application. A memorializing resolution can be 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. Only members of the Board who voted for the action taken may vote on the memorializing resolution.

c. In cases where a variance is requested, the board has jurisdiction to consider only those variances submitted pursuant to *N.J.S.A.* 40:55D-70(c)(1) & (2). In both cases, the applicant has the burden of proving the positive and negative criteria established the *MLUL* have been satisfied.

    i. In (c)(1) cases, the Board must determine whether there has been a showing of peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the applicant arising out of: 1) the exceptional narrowness, shallowness or shape of a specific piece of property, or 2) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

    ii. In (c)(2) cases, the Board must find that: 1) the purpose of the *MLUL* would be advanced by a deviation from the Zoning Ordinance

requirements, and 2) that the benefits of the deviation would substantially outweigh any detriment to the public good.

3. AVAILABILITY AND ELIGIBILITY OF MEMBERS

3.1. Attendance.

3.1-1. Determination of Vacancy for Excessive Absences. The position of any member or alternative member shall be deemed vacant whenever the member, without being excused by a majority of the authorized members of the Board, fails to attend and participate at meetings of the Board for a period of eight (8) consecutive weeks or for four (4) consecutive meetings (both regular and work sessions) whichever shall be of longer duration. The Board may refuse to excuse those absences which are not due to legitimate illness or appropriate reasons. Board members should notify the Department of Community Development a minimum of twenty four (24) hours in advance if they are unable to attend. At the conclusion of such period, the Board shall notify the appointing authority in writing of such determination.

APPENDIX D

ADOPTED ON DECEMBER 11, 2006 BY ORDINANCE NO. 2006-23

REVISION DATE	ORDINANCE/RESOLUTION NO.
March 26, 2007	O 2007-13
February 8, 2010	O 2010-2
November 8, 2012	O 2012-23
May 13, 2013	O 2013-18
November 14, 2013	R 2013-11-19
September 8, 2014	O 2014-11
April 13, 2015	R 2015-4-10
April 27, 2015	R 2015-4-20
February 22, 2016	O 2016-1
May 9, 2016	O 2016-7

REDEVELOPMENT/REHABILITATION AREAS
CHERRY HILL APARTMENTS REDEVELOPMENT AREA
RICKSHAW REDEVELOPMENT AREA
LANGSTON STEEL REDEVELOPMENT AREA
ROUTE 38 (AREA NO. 2)
I-295 REDEVELOPMENT AREA (AREA NO. 3)
ROUTE 70 WESTERN GATEWAY PHASE I (AREA NO. 4)
ROUTE 70 WESTERN GATEWAY PHASE II (AREA NO. 5)
VICTORY REFRIDGERATION REDEVELOPMENT AREA
KENNEDY UNIVERSITY HOSPITAL REHABILITATION AREA
PARK BOULEVARD REDEVELOPMENT AREA
HAMPTON ROAD REDEVELOPMENT AREA

PENNSAUKEN TOWNSHIP
MAPLE SHADE TOWNSHIP
HADDON TOWNSHIP
HADDONFIELD BOROUGH
MOUNT LAUREL TOWNSHIP
TAVISTOCK BOROUGH
LAWNSIDE BOROUGH
EVESHAM TOWNSHIP
VOORHEES TOWNSHIP

CUTHBERT BOULEVARD
ROUTE 38
HADDONFIELD ROAD
CHURCH ROAD
CHAPEL AVENUE
COOPER LANDING ROAD
KINGS HIGHWAY
KINGS
ROUTE 70
BRACE ROAD
OLD CUTHBERT ROAD
INTERSTATE 295
NEW JERSEY TURNPIKE
MARLKRESS ROAD
GREENTREE ROAD
KRESSON ROAD
SPRINGDALE ROAD
ROUTE 561
EVESHAM AVENUE
CROPWELL ROAD
EVESHAM ROAD

0 0.5 1 Miles

ZONING MAP

CHERRY HILL TOWNSHIP

RA	R10	O3	IR	SHO	BURLINGTON COUNTY
R1	R20	B1	IRB	SSH	CAMDEN COUNTY
R2	RAPC	B2	IN	PTOD	AREA IN NEED OF REDEVELOPMENT
R3	O1	B3	IR-RB	GTTOD	AREA IN NEED OF REHABILITATION
R7	O2	B4	RIPD	PARCELS	

CHERRY HILL Township
You couldn't pick a better place.

PREPARED BY:
LORISSA LUCIANI, PP, AICP, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT
LICENSE NO. 33LI00611500

820 Mercer Street
Cherry Hill, NJ 08002

CHERRY HILL
township

You couldn't pick a better place.