

RULS-AD-1980-270

6/1980

Land Development Ordinance - Bedminster

pgs. 139

LAND DEVELOPMENT ORDINANCE

**Township of Bedminster
Somerset County
New Jersey**

RUIS - AD - 1980 - 270

JUNE, 1980

Draft For Discussion Purposes

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Section 100

Title and Purpose

SECTION 100

TITLE AND PURPOSE

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 restricting the density of population; dividing the Township of Bedminster into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land within the Township; establishing a Planning Board and a Zoning Board of Adjustment; and prescribing penalties for the violation of its provisions.

102

SHORT TITLE

The short form by which this Ordinance may be known shall be "THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BEDMINSTER."

103

PURPOSE

The Ordinance is adopted pursuant to N.J.S.A. 40:55D-1, et seq., in order to promote and protect the public health, safety, morals and general welfare, and in furtherance of the following related and more specific objectives:

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

To provide adequate light, air and open space;

To ensure that the development of the Township of Bedminster does not conflict with the development and general welfare of neighboring municipalities, the county and state as a whole;

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

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

To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational and commercial 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.

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

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

To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land;

To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial and recreational development to the particular site;

To encourage senior citizen community housing construction;

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

104 INTERPRETATION OF STANDARDS

The provisions of this Ordinance shall be held to the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Ordinance shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

105 PROHIBITED USES

All uses not expressly permitted in this Ordinance are prohibited.

106 COMPLIANCE

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

Section 200

Definitions and Descriptions

SECTION 200

DEFINITIONS AND DESCRIPTIONS

DEFINITIONS

For the purpose of this Ordinance, certain phrases and words are herein defined as follows: Words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "lot" includes the word "plot" and "premises"; the word "building" includes the words "structure", "dwelling" or "residence"; the word "shall" is mandatory and not discretionary. Any word or term not defined herein shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or latest edition). Moreover, whenever a term is used in the Ordinance which is defined in N.J.S.A. 40:55D-1, et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specifically defined to the contrary in this Ordinance.

Accessory Building, Structure or Use: A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith, including, but not limited to, garages, carports, barns, kennels, sheds, non-portable swimming pools, guest houses and all roofed structures. Any accessory building attached to the principal building shall be considered part of the principal building.

Administrative Officer: The Township Clerk of the Township of Bedminster, Somerset County, New Jersey, unless a different municipal official is designated by this Ordinance to administer certain of the responsibilities and authorities specified for the Administrative Officer in N.J.S.A. 40:55D-1 et seq.

Adverse Effect: Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on surrounding properties such as inadequate drainage facilities, unsuitable street grades, street locations that fail to compose a convenient system, and failure to provide or make future allowance for access to the interior portion of adjoining lots or for other facilities required by this Ordinance.

Alterations or Additions, Structural: Any change in or additions to the supporting members of a building such as walls, columns, beams, girders, posts or tiers.

Applicant: The landowner or the agent, optionee, contract purchaser or other person authorized to act for and acting for the landowner submitting an application under this Ordinance.

Application for Development: The application or appeal forms and all accompanying documents required by this Ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to N.J.S.A. 40:44D-34 or N.J.S.A. D-36.

Basement: That portion of a building partly below and partly above grade, where the ceiling averages four (4) feet or more than four (4) feet above the finished grade where such grade meets the outside walls of the building.

Bedroom: A room planned or used primarily for sleeping.

Billboard: Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than on a building or the grounds to which the advertising applies.

Building: Any structure or extension thereof or addition thereto having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

Building Height: The vertical distance measured to the highest point from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a street or to the street line if the street line is within ten (10) feet distance from the foundation. In all cases where this Ordinance provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within said footage.

Cartway: The hard or paved surface portion of a street customarily used for vehicles in the regular course of travel. Where there are curbs, the cartway is that portion between the curbs. Where there are no curbs, the cartway is that portion between the edges of the paved or graded width.

Cellar: That portion of a building partly below and partly above grade, where the ceiling averages less than four (4) feet above the finished grade and where such grade meets the outside walls of the building.

Club, Open Air: A private organization principally for the enjoyment of quiet sports in open space such as golf, tennis, swimming, riding, hiking and fishing. Accessory facilities may be included if clearly subordinate to the open air use such as covered tennis courts fewer in number than open courts, year-round pools, locker and incidental eating and social functions.

Club, Social: A private organization for social purposes in which the principal use is in enclosed buildings and no outdoor sports are involved.

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

Complete Application: An application form completed as specified by this Ordinance and the rules and regulations of Bedminster Township and all accompanying documents required by this 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 may require such additional information not specified in this Ordinance or revisions to the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of such additional information or any revisions to 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 this Ordinance and in the rules and regulations of Bedminster Township, and shall be deemed complete as of the day it is so certified by the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, for the purposes of the commencement of the time period for action by the municipal agency.

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

Construction Official: The Township Engineer of the Township of Bedminster, Somerset County, New Jersey, or such other individual designated by the Township Committee.

Coverage, Building: The square footage or other area measurement by which all buildings occupy a lot as measured in a horizontal plane around the periphery of the facades and including the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outermost extremities of the roof above the columns.

Coverage, Lot: The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s). All surfaced parking areas and all required parking areas which are permitted to remain unsurfaced shall be included in the computation of lot coverage.

Critical Area: For purposes of this Ordinance, critical areas are any land which has a topographic slope in excess of fifteen percent (15%) grade or any land which lies within a flood plain in accordance with criteria promulgated by the State Department of Environmental Protection.

Development: The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, and any use or change in use of any building or other structure or land or extension of use of land, for which permission may be required.

Drainage and Utility Right-of-Way: The lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Dwelling Unit: A room or series of connected rooms designed for permanent residency containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling unit shall be self-contained and shall not require the use of outside stairs for primary access to the dwelling unit, passing through another dwelling unit or other indirect route(s) to get to any portion of the dwelling unit, nor shall there be shared facilities with another housekeeping unit.

Detached Single-Family: A building physically detached from other buildings or

portions of buildings which is occupied or intended to be occupied for residence purposes by one housekeeping unit which has its own sleeping, sanitary and general living facilities.

Garden Apartment: A building containing a minimum of three (3) dwelling units and not exceeding three and one-half (3½) stories and forty (40) feet in height.

Semi-Detached Single-Family: Two (2) buildings on two (2) adjacent lots joined by a party wall, each containing one (1) dwelling unit with its own sleeping, cooking and sanitary facilities, which is occupied or intended to be occupied for residence purposes by one housekeeping unit.

Two-Family: A building on one lot containing two (2) dwelling units only, each having entrances on the first floor, intended for the residential occupancy by two housekeeping units, each living independently of each other and each with its own sleeping, cooking and sanitary facilities. The dwelling units shall be entirely separated from one another by vertical walls or horizontal floors, unpierced except for access to the outside or to a common basement.

Townhouse: One building containing at least two (2) connected dwelling units, where each dwelling unit is compatibly designed in relation to all other units, but is distinct by such design features as width, setback, roof design, color, exterior materials, and other features, singularly or in combination. Each dwelling unit may be a maximum of three and one-half (3½) stories and thirty-five (35) feet in height, but nothing in the definition shall be construed to allow one (1) dwelling unit over another.

Easement: A use or burden imposed on real estate by deed or other legal means to permit the use of land by the municipality, public, a corporation, or particular persons for specific uses.

Farm:

Principal Uses: A lot of at least five (5) acres used for the growing and harvesting of crops and/or the raising and/or breeding of animals, including truck farms, fruit farms, nurseries and greenhouses, silva culture operations, dairies and livestock produce.

Accessory Uses: Buildings incidental to farms such as barns and packing, grading and storage buildings for produce raised on the premises; buildings for keeping of poultry and livestock; and garages for the keeping of trucks used in farm operations.

Flood Plain: The relatively flat area adjoining a water channel which has been or may be covered by flood water of the channel, including the following components (See Diagram 1 following Zoning Map):

Floodway: The river or other watercourse and the adjacent land area that must be reserved in order to discharge the design flood without cumulatively increasing the water surface elevation more than one (1) foot.

Flood Hazard Area: Land in the flood plain subject to a one percent (1%) or greater chance of flood in any given year.

Flood Fringe Area: That portion of the flood hazard area outside of the floodway.

Floor Area, Gross (G.F.A.): The plan projection of all roofed areas on a lot multiplied by the number of full stories under each roof section provided that the area under any roof overhang of four (4) feet or less shall not be included in the G.F.A. calculation. Basements which satisfy applicable construction definitions of habitable space are included in the G.F.A. for residential uses.

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

Floor Area Ratio (F.A.R.): The ratio of the Gross Floor Area to the area of the lot or tract.

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

Home Occupation: An occupation including, but not limited to, any licensed profession, conducted in a dwelling unit, subordinate to its residential use, provided that:

- a. No person other than members of the household residing on the premises plus one secretary or other assistant shall be engaged in such occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of all structures on the lot, except those used for farm purposes, shall be used in the conduct of the home occupation.
- c. Such occupation may be pursued in the principal dwelling structure or in a secondary building which is accessory to such principal structure, but the occupation shall give no external evidence of non-residential use and shall not generate traffic, vehicular or pedestrian, or related parking in excess of three (3) passenger automobiles, which must be parked off-street.
- d. No traffic or parking shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood and no truck traffic shall be generated.
- e. No sounds, vibrations, glare, fumes, odors or such other nuisances shall be discernible outside the structure within which the home occupation is located and no equipment

shall be used which will cause interference with radio and television reception in neighboring residences.

f. The retail sale of goods and services in structures designed or altered to make such activities the primary use of any structure shall not be construed to be a "home occupation" under the terms of this Ordinance.

Hotels and Motels: A building or group of buildings consisting of individual sleeping units designed for transient travellers and not for permanent residency, except that up to three percent (3%) of the total units may be provided for the sole use of resident employees.

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

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

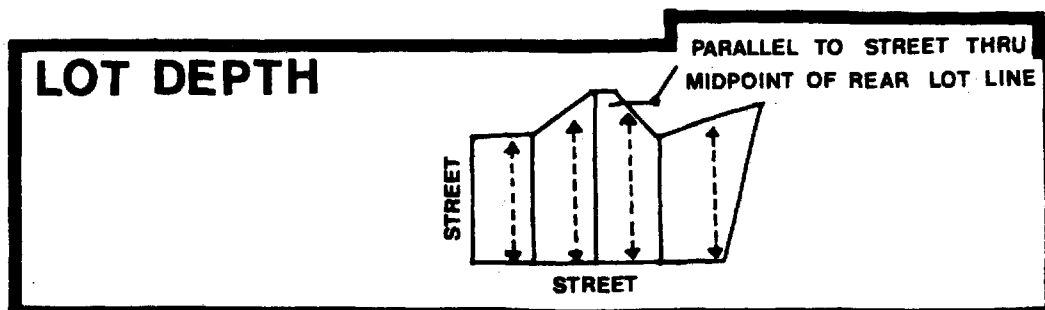
Loading Space: An off-street parking space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading.

Lot: Any parcel of land separated from other parcels or portions as by a subdivision plat or deed record, survey map or by metes and bounds, except that for purposes of this Ordinance, contiguous undersized lots under one ownership shall be considered one lot and further that no portion of an existing public street shall be included in calculating a lot boundary or lot area.

Lot Area: The area contained within the lot lines of a lot not including any portion of a street right-of-way, except that the lot area for lots within the "R-3%" District shall be defined by the diameter of the circle which can be inscribed within the lot lines.

Lot Corner: A lot on the junction of land abutting two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. Each corner lot shall have two (2) front yards, one (1) side yard and one (1) rear yard, the side and rear yard to be designated at the time of application for a construction permit.

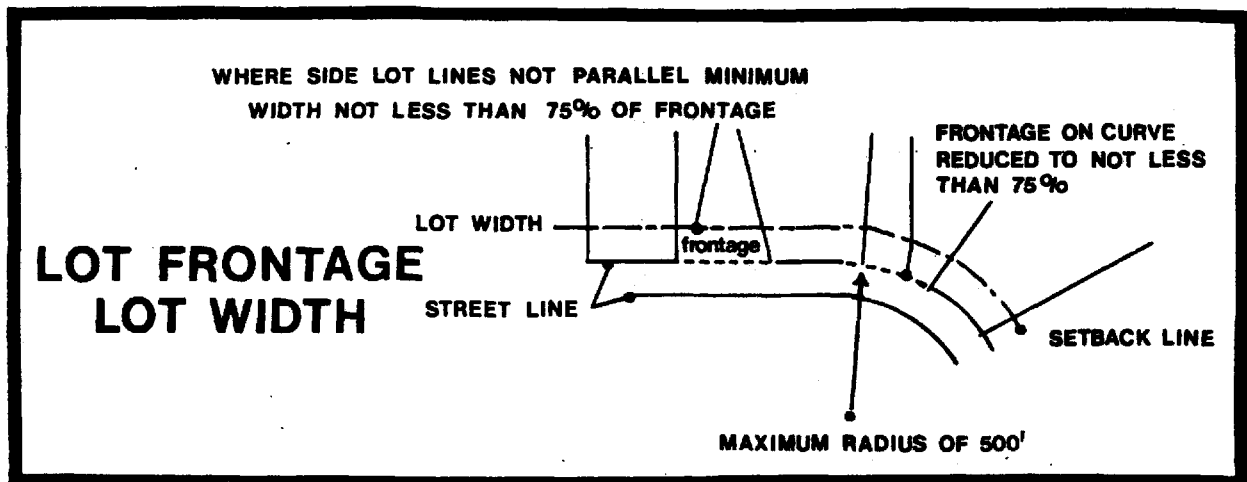
Lot Depth: The shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line.



Lot Frontage: The horizontal distance between the side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy-five percent (75%) of the required minimum lot width. In the case of a corner lot, either street frontage which meets the required minimum frontage for that zone may be considered the lot frontage.

Lot, Interior: A lot other than a corner lot.

Lot, Width: The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance from the street line. The minimum lot width shall be measured at the minimum required building setback line. When side lot lines are not parallel, the minimum lot width at the setback line shall not be less than seventy-five percent (75%) of the minimum lot frontage for the zoning district in which the lot is located.



Maintenance Bond: Any security acceptable to the governing body to assure the maintenance of duly approved improvements installed by the developer after the final inspection of the improvements and in accordance with this Ordinance.

Master Plan: A composite of the mapped and written proposals recommending the physical development of the municipality which shall have been adopted by the Planning Board.

Mean Elevation: The average of the ground level measurements computed at the four (4) extreme corner points of any proposed or existing building.

Municipal Agency: The Planning Board, Board of Adjustment or Township Committee, or any agency created by or responsible to one or more municipalities, when acting pursuant to N.J.S.A. 40:55D-1 et seq.

Non-Conforming Building or Structures: A building or structure which in its location upon a lot or in its size, does not conform to the regulations of this Ordinance for the zone in which it is located.

Non-Conforming Lot: A lot of record which does not have the minimum width, frontage or depth or contain the minimum area for the zone in which it is located.

Non-Conforming Use: A use occupying a building, structure or lot which does not conform with the use regulations for the zone in which it is located.

Nursing Home: Any building in which more than one (1) room or an area exceeding four hundred (400) square feet is used for the accommodation, reception or treatment of the aged or sick who are residents therein, excluding members of the resident family, and who are not related to the owner or lessee of such building.

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

On-Site: Located on the lot in question.

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

Open Space Organization: An incorporated, non-profit organization operating in a Planned Development under recorded land agreement through which (a) each owner is automatically a member; (b) each occupied dwelling unit is automatically subject to a charge for proportionate share of expenses for the organization's activities and maintenance, including any maintenance costs levied against the organization by the Township; and (c) each owner and tenant has the right to use the common property.

Parking Space: An area of not less than nine (9) feet wide by nineteen (19) feet in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for detached dwelling units from being considered off-street parking areas provided that no portion of such private driveway within the right-of-way line of the street intersected by such driveway shall be considered off-street parking space. The area is intended to be sufficient to accommodate the exterior extremities of the vehicles, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from over-hanging one end of the parking space. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway.

PARKING SPACE



Performance Guarantee: Any security, in accordance with the requirements of this Ordinance, which may be accepted in lieu of a requirement that certain improvements be completed prior to final approval of a development application including performance bonds, escrow agreements and other similar collateral or surety agreements.

Permitted Use: Any use of land or buildings as permitted by this Ordinance.

Planned Developments:

Residential Clusters: 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.

Planned Residential Developments: An area to be developed as a single entity according to a plan containing residential clusters and including appropriate public or quasi-public uses, all primarily for the benefit of the development.

Planned Unit Developments: An area to be developed as a single entity according to a plan containing one or more planned residential developments and which may include a commercial area as specified in this Ordinance.

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

Public Purpose Uses: The use of land or buildings by the governing body of the Township or any officially created authority or agency thereof.

Residential Agriculture: The growing and harvesting of plant life and keeping of domestic animals for the enjoyment of the residents on the property and not primarily for commercial purposes.

Restaurant: Any establishment, however designated, at which food is sold primarily for consumption on the premises. However, a snack bar or refreshment stand at a public or community swimming pool, playground, playfield or park, operated solely by the agency or group operating the residential facility and for the convenience of patrons of the facility, shall not be deemed a restaurant.

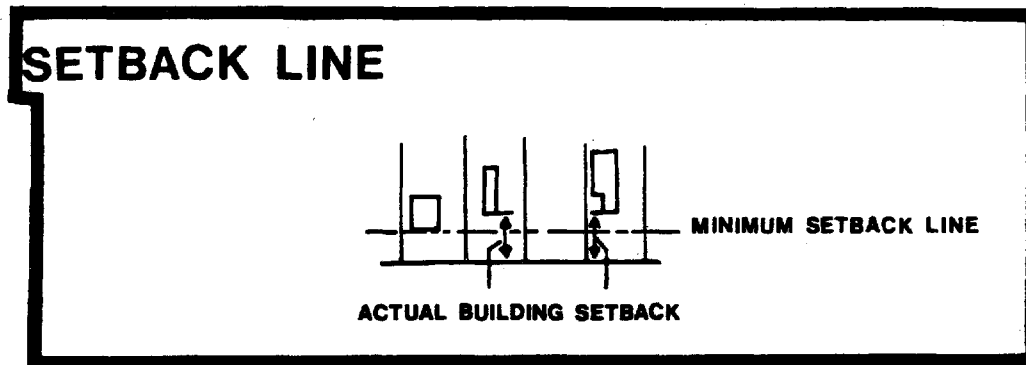
Restaurant, Drive-In: Any restaurant, refreshment stand, snack bar, dairy bar, hamburger stand or hot dog stand where food is served primarily for consumption at counters, stools or bars outside the building or primarily for consumption in automobiles parked on the premises whether brought to said automobiles by the customers or employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building. All such drive-in restaurant stands are specifically prohibited in all districts.

Resubdivision: The further division of a lot or the adjustment of a lot line or lot lines.

Service Station: Lands and buildings providing for the sale of fuel, lubricants and automotive accessories. Maintenance and minor repairs for motor vehicles may be provided, but no body repairs or painting or the extended storage of inoperable or wrecked vehicles shall be permitted.

Additionally, no car wash operation, car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted.

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



Sight Easement at Intersection: A triangular area established in accordance with the requirements of this Ordinance in which no grading, planting or structure shall be erected or maintained more than thirty (30) inches above the street centerline except for street signs, fire hydrants and light standards.

Sign: Any building or structure or portion thereof on which any announcement, declaration, demonstration, display, illumination or insignia is used to advertise or promote the interest of any person or products when the same is placed in view of the general public.

Site Plan: A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, marshes and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and (3) any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this Ordinance.

Minor Site Plan: Any development plan which is limited to the proposed construction of any permitted accessory use(s), such as a sign, a barn or off-street parking area, as such accessory uses are specifically permitted in Section 400 of this Ordinance, or any development plan consisting of an expansion of, or addition to, an existing conforming structure and use; providing that such development plan does not involve planned development, the installation of any road improvements or the expansion of public facilities and does not adversely affect the development of an adjoining property or properties.

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

Site Plan Committee: A committee of at least three (3) Planning Board Members, appointed by the Planning Board Chairman, with the approval of the Board, for the purpose of reviewing site plan applications prior to action by the Board to determine whether such applications comply with all Ordinance provisions and with other requirements relating to site plans as may be conferred on the committee by the Board through a motion duly adopted and recorded.

Site Plan Review: The examination of the specific development plans for a lot or tract of land. Whenever the term "Site Plan Approval" is used in this Ordinance, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Board.

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

Street: Any street, avenue, boulevard, road, parkway, viaduct, drive or other way (1) which is an existing state, county or municipal roadway or (2) which is shown on a plat heretofore approved, pursuant to law, or (3) which is approved by N.J.S.A. 40:55D-1 et seq., or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, parking areas and other areas within the street line except for the purposes of the setback, buffer and yard requirements of this Ordinance, Interstate Highways I-287 and I-78 shall not be considered streets and their rights-of-way lines shall be considered lot lines.

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

Structure: Anything constructed, assembled or erected which requires location on the ground or attachment to something having such location on or in the ground, including buildings, fences, tennis courts, tanks, towers, signs, advertising devices and swimming pools.

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. 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 or Subdivision Committee thereof to be for agricultural purposes where all resulting parcels are five acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order including, but not limited to, judgements of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one 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".

Minor Subdivision: Any division of land containing an aggregate of not more than two (2) lots (one (1) new lot and the remaining parcel), each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of Township facilities; not involving any streets requiring additional right-of-way width as specified in the Master Plan or Official Map and/or the street requirements of this Ordinance, unless such additional right-of-way width, either along one (1) or both sides of said street(s), as applicable, shall be deeded to the Township or to the appropriate governmental authority prior to classification as a minor subdivision; not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provisions of the Master Plan, Official Map, or this Ordinance; not being a further division of an original tract of land for which previous minor subdivision(s) have been approved by the Township within the current calendar year and where the combination of the proposed and approved minor subdivision(s) constitutes a major subdivision; and not being deficient in those details and specifications required of minor subdivisions as specified in this Ordinance. The original tract of land shall be considered any tract in existence at the time of the adoption of the Ordinance of which this is a revision as shown on the Township tax maps. Any re-adjustment of lot lines resulting in no new lots shall be classified as a minor subdivision.

Major Subdivision: Any division of land not classified as a minor subdivision.

Subdivision Committee: A committee of at least three (3) Planning Board Members, appointed by the Planning Board Chairman, with the approval of the Board, for the purpose of reviewing subdivision applications prior to action by the Board to determine whether such applications comply with all Ordinance provisions and with other requirements relating to subdivisions as may be conferred on the committee by the Board through a motion duly adopted and recorded.

Subdivision Review: The examination of the specific subdivision plat for a lot or tract of land. Wherever the term "Subdivision Approval" is used in this Ordinance, it shall be understood to mean a requirement that the subdivision plat be reviewed and approved by the Board.

Swimming Pool, Portable: Portable pools shall not be subject to the requirements of this Ordinance and are those pools which are not otherwise permanently installed; do not require water filtration, circulation and purification; do not exceed a water surface of one hundred (100) square feet; and do not require braces or supports.

Swimming Pool, Private Residential: Private residential swimming pools shall mean and include artificially constructed pools, whether located above or below the ground, having a depth of more than eighteen (18) inches and/or a water surface of one hundred (100) square feet or more; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests and which is located on a lot as an accessory use to a residential dwelling and shall include all building, structures, equipment and appurtenances thereto.

Swimming Pool, Commercial: Commercial swimming pools shall mean and include all pools associated with other than detached single-family and two-family dwellings. Commercial swimming pools shall be further classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute.

Township: Township of Bedminster, Somerset County, New Jersey.

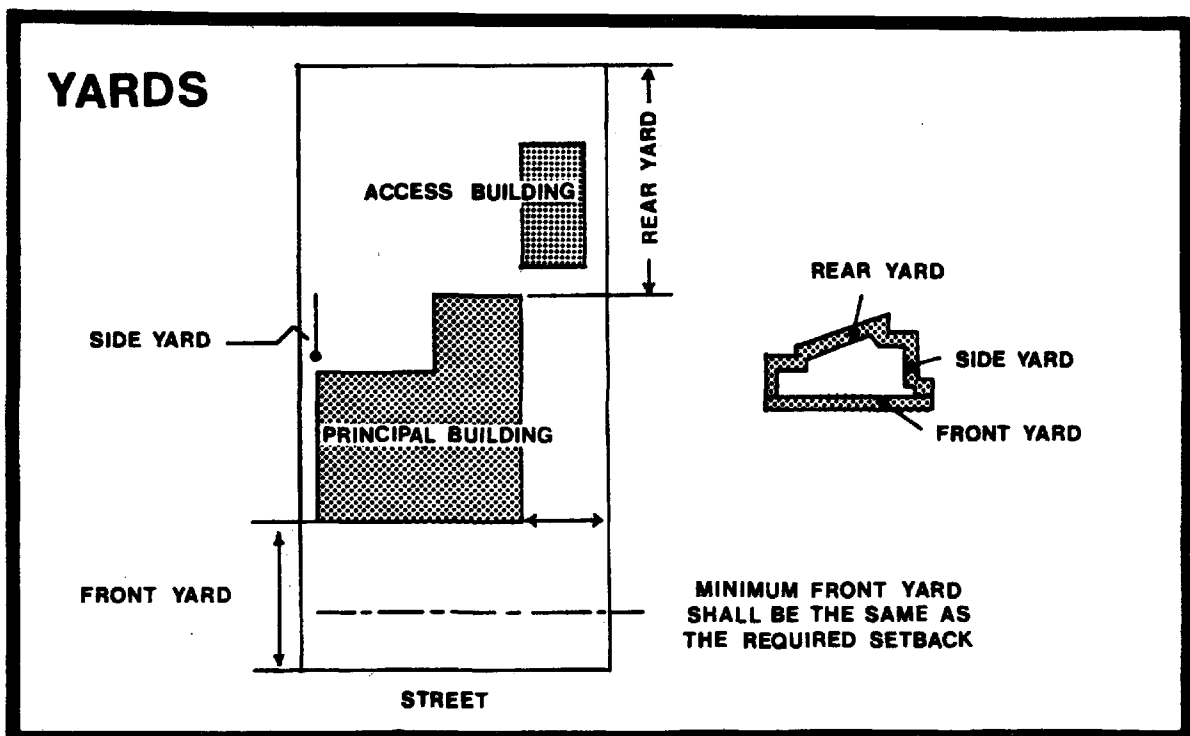
Tract: An area of land composed of one or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this Ordinance for the use(s) intended. The original land area may be divided by one existing public street and still be considered one tract provided that the street is not an arterial road and that a linear distance equal to more than seventy-five percent (75%) of the frontage of the side of the street having the larger street frontage lies opposite an equivalent linear distance of street frontage on the other side of the street.

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

Yard, Front: An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the front yard shall be measured horizontally from a line drawn parallel to the centerline of the street, said line being no closer at any point than thirty-three (33) feet from the centerline of an arterial street; thirty (30) feet from the centerline of a collector street; and twenty-five (25) feet from the centerline of a local street.

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

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



Section 300

Zoning Districts and Zoning Map

SECTION 300

ZONING DISTRICTS AND ZONING MAP

301 ZONING DISTRICTS

For the purpose of this Ordinance, the Township of Bedminster is hereby divided into districts as follows:

<u>Symbol</u>	<u>Name</u>
"R-3% "	Rural Residential
"R-1"	Low Density Residential
"R-1/2 "	Medium Density Residential
"R-1/4 "	Medium Density Residential
"MF"	High Density Multiple Family Residential
"VN"	Village Neighborhood
"OR"	Office Research

302 OPTIONAL DEVELOPMENT ALTERNATIVES

In addition to the permitted uses within each of the designated zoning districts, four (4) types of planned developments are permitted as of right in accordance with the requirements of this Ordinance on certain lands as follows:

<u>Name</u>	<u>Where Permitted</u>
Residential Clusters	Within the "R-1/2 " and "R-1/4 " Districts
Planned Residential Developments (6 dwellings/acre)	Where indicated on the Zoning Map
Planned Residential Developments (8 dwellings/acre)	Where indicated on the Zoning Map
Planned Unit Developments (10 dwellings/acre)	Where indicated on the Zoning Map

303 ZONING MAP

The boundaries of these zoning districts and the areas designated for the optional development alternatives are established on the map entitled "Zoning Map of the Township of Bedminster", dated June 1980 , which accompanies and is hereby made a part of this Ordinance. The specific boundaries and extent of the underlying "Critical Areas" will be more particularly determined at the time of site plan and/or subdivision review in accordance with Section 407 of this Ordinance.

304 INTERPRETATION OF BOUNDARIES

- A. Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot 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.
- B. Any dimensions shown on the Zoning Map are in feet and are measured horizontally and, when measured from a street, are measured from the street right-of-way line even if the centerline of that street is used for the location of the zoning district line.
- C. The exact location of any disputed zoning district boundary line shall be determined by the Zoning Board of Adjustment.
- D. The zoning standards, controls and designations apply to every structure, lot and use within each district and the district lines extend vertically in both directions from ground level.

Section 400

District Regulations

SECTION 400

DISTRICT REGULATIONS

401 Unless otherwise specified in this Ordinance, no more than one (1) principal dwelling or building shall be permitted on one lot. No buildings shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any land be designed, used or physically altered for any purpose or in any manner except in conformity with this Ordinance. Where a lot is formed from part of a lot already occupied by a building, any subdivision shall be effected in such a manner as not to impair any of the requirements of this Ordinance with respect to the existing building and all yard and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located and so that all lots have frontage on a street. No open space provided around any principal building for the purpose of complying with front, side, rear or other yard provisions of this Ordinance shall be considered as providing the yard provisions for another principal building.

402 "R-3%" RURAL RESIDENTIAL

A. Principal Permitted Uses On The Land And In Buildings

1. Farms.
2. Detached dwelling units.
3. Public playgrounds, conservation areas, parks and public purpose uses.
4. Churches.
5. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey.
6. Open Air Clubs.

B. Accessory Uses Permitted.

1. Private residential swimming pools in rear and/or side yard areas (see Section 515).
2. Private residential tool sheds and storage buildings not to exceed twenty (20) feet in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, they shall be adequately screened from adjacent properties, and they shall not be used for temporary or permanent living quarters while situated on a lot.
4. Tennis courts and other usual recreational facilities.
5. Off-street parking and private garages.

- 6. Fences and walls not exceeding seven (7) feet in height except that tennis courts may have fencing a maximum of fifteen (15) feet in height (see Section 503).
- 7. Signs.
- 8. Residential agriculture.
- 9. Home occupations.

C. Maximum Building Height

No building shall exceed thirty-five (35) feet in height and 2.5 stories except that churches shall not exceed fifty (50) feet in height and except further as provided in Section 602 of this Ordinance.

D. Area and Yard Requirements

	<u>Detached Dwellings</u>	<u>Churches, Schools & Open Air Clubs</u>
<u>Principal Building Minimum</u>		
Lot area (1)	350'	5 ac.
Lot frontage	50'	300'
Lot width	350'	300'
Lot depth	350'	600'
Side yard (each)	50'	100'
Front yard	75'	100'
Rear yard	75'	100'
<u>Accessory Building Minimum</u>		
Distance to side line	50'	50'
Distance to rear line	50'	50'
Distance to other building	15'	50'
<u>Maximum</u>		
Building coverage of principal building	N.A.	8%
Building coverage of accessory building (s)	N.A.	2%
Floor area ratio	3%	N.A.

(1) The lot area for lots within the "R-3%" District is defined by the diameter of the circle which can be inscribed within the lot lines.

E. Minimum Off-Street Parking

Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within fifteen (15) feet of any property line.

1. Dwelling units shall provide two (2) spaces per dwelling unit.
2. Churches shall provide one (1) space per every five (5) permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches).
3. Schools shall provide one (1) space per employee for grades kindergarten through tenth grades, two and one-half (2.5) spaces per employee for grades eleven and twelve, and in all cases sufficient space for school bus loading and unloading.
4. See Section 508 for additional standards.

F. Permitted Signs

1. Detached dwellings: Information and direction signs as defined in Section 513 A.5.
2. Churches, schools and open air clubs: One (1) free-standing sign not exceeding twenty (20) square feet in area and ten (10) feet in height and set back at least twenty-five (25) feet from all street rights-of-way and lot lines plus one (1) attached sign not exceeding twenty-five (25) square feet in area.
3. See Section 513 for additional standards.

403

"R-1" LOW DENSITY RESIDENTIAL
"R- $\frac{1}{2}$ " MEDIUM DENSITY RESIDENTIAL
"R- $\frac{1}{4}$ " MEDIUM DENSITY RESIDENTIAL

A. Principal Permitted Uses On The Land And In Buildings

1. Farms.
2. Detached dwelling units.
3. Public playgrounds, conservation areas, parks and public purpose uses.
4. Churches.
5. Public and private day schools of elementary and/or high school grade licensed by the State of New Jersey.
6. Residential Clusters in the "R- $\frac{1}{2}$ " and "R- $\frac{1}{4}$ " Districts in accordance with the provisions specified in Section 606 of this Ordinance.
7. Planned Residential Developments, where indicated on the Zoning Map, in accordance with the provisions specified in Section 606 of this Ordinance.
8. Planned Unit Developments, where indicated on the Zoning Map, in accordance with the provisions specified in Section 606 of this Ordinance.

B. Accessory Uses Permitted

1. Private residential swimming pools in rear yard areas only (see Section 513).
2. Private residential tool sheds not to exceed fifteen (15) feet in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
4. Tennis courts and other usual recreational facilities.
5. Off-street parking and private garages.
6. Fences and walls not exceeding six (6) feet in height in rear and side yard areas and three (3) feet in front yard areas except that tennis courts may have fencing a maximum of fifteen (15) feet in height (see Section 503).
7. Signs.
8. Residential agriculture.
9. Home occupations.

C. Maximum Building Height

No building shall exceed thirty-five (35) feet in height and 2.5 stories except that churches shall not exceed fifty (50) feet in height and except further as provided in Section 602 of this Ordinance.

D. Area and Yard Requirements

	Detached Dwellings "R-1" District	Detached Dwellings "R-2" District	Detached Dwellings "R-3" District	Churches	Schools
<u>Principal Building Minimum</u>					
Lot area	1 ac.	½ ac.	¼ ac.	2 ac.	5 ac.
Lot frontage	150'	110'	90'	200'	300'
Lot width	150'	110'	90'	200'	300'
Lot depth	200'	150'	100'	300'	600'
Side yard (each)	30'	20'	15'	75'	100'
Front yard	50'	40'	25'	75'	100'
Rear yard	50'	45'	30'	75'	100'
<u>Accessory Building Minimum</u>					
Distance to side line	15'	10'	10'	50'	50'
Distance to rear line	15'	10'	10'	50'	50'
Distance to other building	15'	10'	10'	50'	50'
<u>Maximum</u>					
Building coverage of principal building	10%	15%	20%	8%	8%
Lot Coverage	15%	25%	35%	20%	20%

E. Minimum Off-Street Parking

Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within six (6) feet of any property line.

1. Dwelling units shall each provide two (2) spaces per dwelling unit.
2. Churches shall provide one (1) space per every five (5) permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches).
3. Schools shall provide one (1) space per employee for grades kindergarten through tenth grades, two and one-half (2½) spaces per employee for grades eleven and twelve, and in all cases sufficient space for school bus loading and unloading.
4. See Section 508 for additional standards.

F. Permitted Signs

1. Detached dwellings: Information and direction signs as defined in Section 513 A.5.
2. Churches and schools: One (1) free-standing sign not exceeding twenty (20) square feet in area and ten (10) feet in height and set back at least twenty-five (25) feet from all street rights-of-way and lot lines plus one (1) attached sign not exceeding twenty-five (25) square feet in area.
3. See Section 513 for additional standards.

404 "MF" HIGH DENSITY MULTIPLE FAMILY DEVELOPMENT

A. Principal Permitted Uses On The Land And In Buildings

1. Detached dwelling units.
2. Two-family dwelling units.
3. Garden Apartments (see Section 603 for additional standards).
4. Townhouses (see Section 604 for additional standards).
5. Public playgrounds, conservation areas, parks and public purpose uses.
6. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards).
7. Semi-detached dwelling units.

B. Accessory Uses Permitted

1. Private residential swimming pools in rear yard areas only (see Section 515).
2. Private residential tool sheds not to exceed fifteen (15) feet in height.
3. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
4. Usual recreational facilities.
5. Off-street parking and private garages.
6. Fences and walls not exceeding six (6) feet in height in rear and side yard areas and three (3) feet in height in front yard areas (see Section 503).
7. Signs.
8. Residential agriculture.
9. Home occupations.

C. Maximum Building Height

No detached, semi-detached, or two-family dwelling shall exceed thirty-five (35) feet and two and one-half ($2\frac{1}{2}$) stories in height; no townhouse building shall exceed thirty-five (35) feet and three and one-half ($3\frac{1}{2}$) stories in height; and no garden apartment building shall exceed forty (40) feet and three and one-half ($3\frac{1}{2}$) stories in height. The height limitation exceptions in Section 602 of this Ordinance shall apply to all buildings other than garden apartments.

D. Area and Yard Requirements

<u>Principal Building Minimum</u>	<u>Detached Dwelling Units</u>	<u>Semi-detached Dwelling Units</u>	<u>Two-family Dwelling Units</u>	<u>Garden Apartments and/or Townhouses</u>
Lot area	6,000 sq. ft.	3,750 sq. ft.	7,500 sq. ft.	3 ac.
Lot frontage	60'	20'	75'	150'
Lot width	60'	37.5'	75'	150'
Lot depth	80'	90'	90'	600'
Side yard (each)	10'	10'	10'	15'
Front yard	15'	15'	15'	15'
Rear yard	30'	30'	30'	30'
<u>Accessory Building Minimum</u>				
Distance to side line	10'	10'	10'	10'
Distance to rear line	10'	10'	10'	10'
Distance to other bldg.	10'	10'	10'	10'
<u>Maximum</u>				
Building coverage of principal building	30%	30%	30%	25%
Lot coverage	50%	50%	50%	50%
Density	N.A.	N.A.	N.A.	12 units/acre

E. Minimum Off-Street Parking

Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within six (6) feet of any property line.

1. Detached, semi-detached and two-family dwelling units shall each provide two (2) spaces per dwelling unit.
2. Garden apartments and/or townhouses shall provide one and one-half (1½) spaces for each unit consisting of two (2) bedrooms or less and two (2) spaces for each unit consisting of more than two (2) bedrooms.
3. See Section 508 for additional standards.

F. Permitted Signs

1. Detached, semi-detached and two-family dwellings: Information and direction signs as defined in Section 513 A.5.
2. Garden apartments and/or townhouses: One (1) free-standing sign not exceeding twenty (20) square feet in area and ten (10) feet in height set back at least twenty-five (25) feet from all street rights-of-way and lot lines.
3. See Section 513 for additional standards.

"VN" VILLAGE NEIGHBORHOOD**A. Principal Permitted Uses On The Land And In Buildings**

1. Detached dwelling units and two-family dwelling units.
2. Restaurants.
3. Local retail activities such as grocery stores, meat markets, seafood markets, supermarkets, delicatessens, bakeries, drug stores, furniture stores, sporting goods shops, gift shops, hobby shops, book stores, clothing stores, shoe stores, hardware stores, packaged liquor stores, pet shops, stationery stores, fabric stores and florists.
4. Local service activities such as barber and beauty shops, tailors, dry cleaning and laundering operations, appliance repair shops, shoe repair shops and upholsterers.
5. Banks, including drive-in facilities.
6. Professional offices limited to doctors, dentists, architects, engineers, lawyers, real estate agents, insurance brokers or similar professional uses.

B. Accessory Uses Permitted

1. Private residential swimming pools in rear yards only (see Section 515).
2. Private residential tool sheds not to exceed fifteen (15) feet in height.
3. Usual recreational facilities associated with the residential uses.
4. Off-street parking and private garages.
5. Fences and walls not exceeding six (6) feet in height in rear and side yard areas and three (3) feet in height in front yard areas.
6. Signs.
7. Home occupations.

C. Maximum Building Height

No building shall exceed thirty-five (35) feet in height and 2.5 stories except as provided in Section 602 of this Ordinance.

D. Area And Yard Requirements

	Detached Dwelling Units	Two-Family Dwelling Units	Non-Residential Uses
<u>Principal Building Minimum</u>			
Lot area	6,000 sq. ft.	7,500 sq. ft.	¼ ac.
Lot frontage	60'	75'	100'
Lot width	60'	75'	100'
Lot depth	80'	90'	100'
Side yard (each)	10'	10'	15'
Front yard	15'	15'	30'
Rear yard	30'	30'	35'
<u>Accessory Building Minimum</u>			
Distance to side line	10'	10'	10'
Distance to rear line	10'	10'	10'
Distance to other building	10'	10'	10'
<u>Maximum</u>			
Building coverage of principal building	30%	30%	N.A.
Floor Area Ratio	N.A.	N.A.	35%
Lot Coverage	50%	50%	65%

E. General Requirements For Non-Residential Uses

1. One (1) building may contain more than one (1) use provided that the total Floor Area Ratio and Lot Coverage of the combined uses does not exceed the maximums specified for this district and, further, that each use occupies a minimum gross floor area of 750 square feet.
2. At least the first twenty (20) feet adjacent to any street line shall not be used for parking and shall be planted and maintained in lawn area, ground cover or landscaped with green shrubbery.
3. No merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside.
4. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition.
5. A minimum buffer area of twenty (20) feet in width shall be provided along any common property line with a residential district or residential use (see Section 804 B.20).

F. Minimum Off-Street Parking

Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within six (6) feet of any property line.

1. Detached and two-family dwelling units shall each provide two (2) spaces per dwelling unit.
2. Local retail and service activities, banks and professional offices and shall provide parking at the ratio of one (1) parking space per two hundred fifty (250) square feet of net habitable floor area or part thereof.
3. Restaurants shall provide one (1) parking space for every three (3) seats.
4. Parking areas for individual uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s), where feasible, to minimize access points to the street.
5. See Section 508 for additional standards.

G. Minimum Off-Street Loading For Non-Residential Uses

1. Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering and shall provide such area at the side or rear of the building. Each space shall be at least 15 x 40 feet and a minimum of one (1) space shall be provided for each building. Additional spaces may be necessary and required dependent upon the specific activity. There shall be no loading or unloading from the street.
2. There shall be at least one trash and garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pick-up location outside the building which shall be a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general-loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

H. Permitted Signs

1. Detached and two-family dwellings: Information and direction signs as defined in Section 513 A.5.
2. Each permitted use may have one (1) sign either free-standing or attached, not exceeding an area equivalent to five (5) percent of the first floor portion of the

front facade or fifty (50) square feet, whichever is smaller. Free-standing signs shall be set back at least thirty (30) feet from all street and lot lines and shall not exceed ten (10) feet in height. Where an individual activity has direct access from the outside, a sign not exceeding four (4) square feet identifying the name of the activity may also be attached to the building at the entrance to the activity.

3. See Section 513 for additional standards.

406

"OR" OFFICE RESEARCH

A. Permitted Principal Uses On The Land And In Buildings

1. Public playgrounds, conservation areas, parks and public purpose uses.
2. Office buildings.
3. Research and engineering activities involving scientific investigation, engineering study, product development and similar activities not involving the manufacturing, sale, processing, warehousing, distribution or fabrication of material, products or goods except as incidental to the principal permitted uses.
4. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67. (see Section 601 for standards).

B. Accessory Uses Permitted

1. Off-street parking.
2. Fences and walls not exceeding six (6) feet in height in rear yard areas (see Section 503).
3. Signs.
4. Garages, storage buildings and tool sheds.
5. Temporary construction trailers and one (1) sign not exceeding one hundred (100) square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a Certificate of Occupancy or one (1) year, whichever is less, provided said trailer(s) and sign are on the site where construction is taking place and are set back at least thirty (30) feet from all street and lot lines.
6. Employee cafeterias as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees of the principal use designated on the site plan as approved by the Board.

- C. Maximum Building Height
 No building shall exceed forty (40) feet and three (3) stories in height except as provided in Section 602 of this Ordinance.

D. Area And Yard Requirements

<u>Principal Building Minimum</u>	
Lot area	5 ac.
Lot frontage	400'
Lot width	400'
Lot depth	400'
Side yard (each)	50' (1)
Front yard	50' (2)
Rear yard	75'
<u>Accessory Building Minimum</u>	
Distance to side line	75'
Distance to rear line	75'
Distance to other building	50'
<u>Maximum</u>	
Floor area ratio	20%
Lot coverage	65%

(1) Or not less than twice the height of the building where su building abuts a residential district.

(2) Or not less than two (2) times the height of the building.

E. General Requirements

1. Within the required front yard area and at least fifty (50) feet adjacent to any lot line, there shall be no parking and, except for access driveways, the area shall be planted and maintained in lawn area, ground cover, or landscaped with ever-green shrubbery.
2. No merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside.
3. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition.
4. A minimum buffer area of twenty-five (25) feet in width shall be provided along any common property line with a residential district or residential use (see Section 804 B.20).

F. Minimum Off-Street Parking

1. One (1) space for every one thousand (1,000) square feet or fraction thereof of net habitable floor area used for inside storage plus one (1) space for every seven hundred (700) square feet or fraction thereof of net habitable floor area used for re-search or engineering plus one (1) space for every two hundred (200) square feet or fraction thereof of net habitable floor area used for offices.

2. See Section 508 for additional standards.

G. Minimum Off-Street Loading

1. Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering and shall provide such area at the side or rear of the building. Each space shall be at least 15 x 40 feet and a minimum of one (1) space shall be provided for each building. Additional spaces may be necessary and required dependent upon the specific activity. There shall be no loading or unloading from the street.
2. There shall be at least one trash and garbage pick-up location provided by each building which shall be separated from the parking spaces by either a location within the building or in a pick-up location outside the building which shall be a durable totally enclosed container located in a manner to be obscured from view from parking areas, street and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general-loading area(s) provided the container in no way interferes with or restricts loading and unloading functions.

H. Signs

1. Office buildings, research and engineering activities shall be permitted one (1) sign not larger than the equivalent of five (5) percent of the area of the front wall of the building or seventy-five (75) square feet, whichever is smaller. If attached, the sign shall be attached flat against the building and shall not be higher than the roof line; if free-standing, the sign shall not exceed ten (10) feet in height and shall be set back from all street rights-of-way and lot lines at least forty (40) feet.
2. See Section 513 for additional standards.

Section 500

General Provisions and Design Standards

SECTION 500

GENERAL PROVISIONS AND DESIGN STANDARDS

501 ACCESSORY BUILDINGS

- A. Accessory Buildings as Part of Principal Buildings
Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.
- B. Accessory Buildings Not to be Constructed Prior to Principal Building
No construction permit shall be issued for the construction of an accessory building, other than construction trailers or storage sheds, prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the Construction Official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.
- C. Distance Between Adjacent Buildings
The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Sections 400 and 600.
- D. Height of Accessory Buildings
The height of accessory buildings shall be a maximum of twenty-five (25) feet unless otherwise specified in Sections 400 and 600.
- E. Location
An accessory building may not be erected in required front yards and shall be set back from side and rear lot lines as prescribed in Section 400 except that if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street.

502 DRAINAGE

All streets shall be provided with manholes, catch basins and pipes where the same may be necessary for proper drainage, provided that where non-structural means of controlling surface runoff is feasible and adequate, such non-structural means shall be preferred. The requirements of this section shall not be satisfied by the construction of dry wells.

- A. The system shall be adequate to carry off the storm water and natural drainage water which originates not only within the lot or tract boundaries, but also that which originates beyond the lot or tract boundaries in their current state of development. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved

provisions being made for taking care of these conditions. Over the sidewalk, under the sidewalk and/or through the curb drains for the purpose of disposing of sump pump and/or roof leader runoff is prohibited. These facilities must outlet into an adequate watercourse or drainage system.

B. Techniques for computing water runoff shall be as follows:

1. Collection Systems: Rational Method
2. Detention Systems: "Handbook For Storm Water Detention Basins," Somerset County, New Jersey, latest edition, and the routing procedure of computation shall be used.

Determination of the "Q" factors shall be as contained in the ACE Manual #37, latest edition.

C. Storm sewers, open channels, bridges and culverts shall be designed for minimum flow capacities as follows:

	<u>Design Capacity</u>
Collection systems	15 years
Culverts	25 years
Detention systems	100 years

- D. All materials used in the construction of storm sewers, bridges and other drainage structures shall be in accordance with the specifications of the "Standard Specifications for Road and Bridge Construction of the New Jersey Highway Department," current edition, and any supplements, addenda and modifications thereof unless otherwise specified by the reviewing municipal agency. Modifications or changes of these specifications may be requested by the applicant but may be implemented only with the knowledge and written consent of the Township Engineer after discussion with the reviewing municipal agency.
- E. Lots shall be graded to secure proper drainage away from buildings. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow and, to the extent possible, water shall not flow across adjacent property lines.
- F. Detention or retention basins shall be required to hold stormwater runoff such that discharge from the well will not exceed pre-development rates. A waiver of this provision may be granted only when the applicant shows that the additional runoff resulting from the proposed development will be negligible. Where detention or retention basins are required, they shall be designed in accordance with the "Handbook For Storm Water Detention Basins," Somerset County, N. J., latest edition, using the routing procedure, and where feasible, the outlet from the detention facility must require that ninety percent (90%) of the runoff from $1\frac{1}{2}$ inches of rainfall, falling in two (2) hours, be retained so that not over ninety percent (90%) will be evacuated prior to thirty-six (36) hours. The following exceptions to this provision will be acceptable in any case:

1. Retention will not be required to an extent which would reduce the outlet size to a diameter less than three (3) inches;
 2. Dry basins serving residential projects may allow evacuation of ninety percent (90%) in eighteen (18) hours;
 3. In cases where runoff is from single family housing and unimproved areas only, and where the runoff enters detention basins after moving by sheet flow over at least thirty (30) feet of lawn or leaf mulch areas, outlets shall be designed so that retention storage, when full, will be ninety percent (90%) evacuated over twelve (12) hours.
- G. Approval of drainage structures shall be obtained from the appropriate municipal, county, state and federal agencies and offices. Each applicant shall make application to the State Division of Water Policy and Supply of the Department of Environmental Protection, the Somerset County Engineering Department and the Township Engineer. Final approval shall not be effective until letters of approval from the proper governmental authorities shall be furnished to the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, with a copy of each letter forwarded to the Township Engineer.
- H. Where required by the Township and as indicated on an approved development plan, a drainage right-of-way easement shall be provided to the Township where a tract or lot is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream. The drainage right-of-way easement shall conform substantially with the lines of such watercourse and, in any event, shall meet any minimum widths and locations as shown on any adopted Official Map or Master Plan. Such easement shall be expressed on the plat as follows: "Drainage easement granted for the purposes provided and expressed in the Land Development Ordinance of Bedminster Township".

503 FENCES, WALLS AND SIGHT TRIANGLES

- A. All permitted fences shall be situated on a lot in such a manner that the finished side of such fences shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, nor constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms.
1. A tennis court area, where permitted, may be surrounded by a fence a maximum of fifteen (15) feet in height, said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in Section 400.
 2. Buffer areas shall meet the requirements specified in Section 804 B.20.
 3. Off-street parking, loading and driveway areas shall meet the requirements specified in Section 508.

- B. Sight triangle easements shall be required at intersections, in addition to the specified right-of-way widths, in which no grading, planting or structure shall be erected or maintained more than thirty (30) inches above the street centerline except for street signs, fire hydrants and light standards. The sight triangle is defined as that area outside of the street right-of-way which is bounded by the intersecting street lines and the straight line connecting "sight points," one each located on the two intersecting street center lines; arterial streets at three hundred (300) feet; collector streets at two hundred (200) feet; and local streets at ninety (90) feet. Where the intersecting streets are both arterials, both collectors, or one arterial and one collector, two overlapping sight triangles shall be required, formed by connecting the "sight point" noted above with a "sight point" ninety (90) feet on the intersecting street (see PLATE 2 attached). Such easement dedication shall be expressed on the plat or plan as follows: "Sight triangle easement deeded for the purposes provided for and expressed in the Land Development Ordinance of Bedminster Township."

504 LIGHTING

- A. Street lighting of a type supplied by the utility and of a type and number approved by the Township Engineer shall be provided for all street intersections and along all arterial, collector and local streets and anywhere else deemed necessary for safety reasons. Wherever electric utility installations are required to be underground, the applicant shall provide for underground service for street lighting.
- B. All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, multiple family or other uses having common off-street parking and/or loading areas shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare lights focused downward. The light intensity provided at ground level shall be indicated in foot candles on the submitted site plans. Lighting shall be provided by fixtures with a mounting height not more than twenty-five (25) feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source, spaced a distance not to exceed five (5) times the mounting height.

Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objectives of these specifications is to minimize undesirable off-premises effects. No light shall shine into windows or onto streets and driveways in such a manner as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval.

505 LOT CONFIGURATION

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

- B. Each lot must front upon an approved street.
- C. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions or flood conditions, percolation tests or test borings indicating the ground conditions to be inadequate for proper sewage disposal for on-lot sewage treatment or similar circumstances, the Board, after adequate investigation, may withhold approval of such lots. If approval is withheld, the Board shall give reasons and notify the applicant and enter the same in the minutes.
- D. Concrete monuments shall be installed in accordance with the requirements of the New Jersey Map Filing Act.

506 NATURAL FEATURES

- A. Natural features such as trees, hilltops and views, natural terrain, open waters and natural drainage ridge lines shall be preserved wherever possible in designing any development containing such features.
- B. No top soil shall be removed from areas intended for lawn and open space. Top soil moved during the course of construction shall be redistributed so as to provide at least four (4) inches of cover to all areas, which cover shall be stabilized by approved seeding and/or planting.
- C. A conscious effort shall be made to preserve the existing vegetation on the site. In any case, a sufficient number of shade trees shall be provided and planted on the site to insure a minimum of eight (8) trees per acre for each lot or tract. The proposed location of the trees shall be indicated on the site plan and/or subdivision submission. All newly planted shade trees shall be of nursery stock, shall have a minimum caliper of two (2) inches and shall be of a species indigenous to the area.

507 NON-CONFORMING LOTS, STRUCTURES AND USES

- A. Any lawful non-conforming use which existed at the time of the passage of this Ordinance may be continued and any existing structure devoted to a non-conforming use may be structurally altered to the following regulations:
 - 1. A non-conforming use shall not be enlarged unless the use is changed to a conforming use. However, where a building meets the use requirements of this Ordinance but is non-conforming because of height, area or yard requirements, said use may be enlarged provided the height, area or yard regulations are not further violated. (Illustrative example: If a front yard is made non-conforming by a street widening, this does not preclude a conforming addition to the rear within the rear set back line.)
 - 2. A non-conforming use, once changed to a conforming use, shall not thereafter be changed back to a non-conforming use.

3. A non-conforming use in existence at the time of the passage of this Ordinance shall not be permitted to be changed to another non-conforming use.
- B. Nothing in this Ordinance shall prevent the restoration of a non-conforming building partially destroyed by fire, explosion, act of God or act of public enemy, provided that any non-conforming building that is partially destroyed in the manner aforesaid may be reconstructed and thereafter used only in such manner as not to further violate the reasons for non-conformity. Any building that is non-conforming because of use, that is totally destroyed in the manner aforesaid, may be rebuilt only as a conforming use. Any building that is non-conforming because of height, area or yard requirements that is totally destroyed, may be rebuilt only if the height, area or yard requirements of this Ordinance are met. In the event that it is physically impossible to meet the height and area and yard requirements of this Ordinance, said building may be rebuilt provided the non-conforming height and area or yard requirements are not further violated. Any non-conforming use that is partially destroyed must be the subject of an application for a construction permit to rebuild the non-conforming use within twelve (12) months from the time of destruction. If the application to rebuild the non-conforming use is filed after the last mentioned twelve (12) month period, a construction permit will be issued for a conforming use only. Nothing in this Ordinance shall prevent the restoration of a wall or other structural element declared unsafe by the Construction Official
 - C. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure in violation of zoning regulations heretofore in effect.
 - D. The foregoing provisions of this Section shall also apply to structures, land or uses, which hereafter become non-conforming due to any reclassification of zone districts under this Ordinance, or any subsequent change in the regulations of this Ordinance.
 - E. No non-conforming use shall be extended to displace a conforming use.
 - F. Whenever a non-conforming use has been discontinued for a period of one (1) year or more there shall be a prima facie presumption that such use was abandoned.

508

OFF-STREET PARKING, LOADING AREAS AND DRIVEWAYS

A. Landscaping

1. Except for detached single-family, two-family and semi-detached dwelling units, a screen planting, berm, fence, wall or combination thereof, not less than four (4) feet in height, shall be provided between the off-street parking areas and any lot line or street line except where a building intervenes or where the distance between such areas and the lot line or street line is greater than one hundred fifty (150) feet.
2. All loading areas shall be landscaped and screened sufficiently to obscure the view of the parked vehicles and loading platforms from any public street throughout the year. Such screening shall be by an extension of a building, a fence,

berm, wall, planting or combination thereof and shall not be less than four (4) feet in height.

3. Each off-street parking area shall have a minimum area equivalent to one (1) parking space every thirty (30) spaces landscaped with approximately one-half said area having shrubs no higher than three (3) feet and the other half having trees with branches no lower than seven (7) feet. Such landscaped areas shall be distributed throughout the parking area in order to break the view of parked cars in a manner not impairing visibility.

B. Lighting

Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and public streets and shall be in accordance with Section 504.

C. Surfacing and Curbing

1. All parking and loading areas and access drives shall be paved as provided below except that the Board, at the request of the applicant and in consideration of the specific parking needs of the applicant, may permit a reduction in the paved area devoted to parking provided:
 - a. The submitted plan shall include all the parking spaces required by this Ordinance and shall indicate those spaces to be paved and those requested not to be paved;
 - b. All parking areas not to be paved shall be suitably landscaped and such landscaping shall be indicated on the submitted plat and be in addition to landscaping otherwise required or necessary; and
 - c. The applicant shall agree in writing on the submitted plan to pave any or all of the non-paved parking areas should the paved parking areas prove to be inadequate to accommodate the on-site parking needs of the premises.
2. All paved parking and loading areas and access drives shall be paved as outlined below unless otherwise specified by the appropriate municipal agency and approved as part of the development application approval. All parking areas, regardless of size and location, shall be suitably drained and maintained.
 - a. Areas of ingress and egress, parking stall areas and other areas likely to experience similar light traffic shall be paved with not less than three (3) inches of compacted base course of plant-mixed bituminous, stabilized base course, prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey State Highway Department Standard Specifications for Road and Bridge Construction (1961) and amendments thereto. A minimum two (2) inch thick wearing surface of bituminous concrete (FABC) shall be constructed thereon in accordance with Division 3, Section 10, of the aforesaid New Jersey Highway Department Specifications and amendments thereto.

- b. Where subbase conditions of proposed parking and loading areas are wet, springy or of such a nature that surfacing would be inadvisable without first treating the subbase, the treatment of the subbase shall be made in the following manner: The areas shall be excavated to a suitable depth below the proposed finished grade and filled with suitable subbase material as reasonably determined by the Township Engineer. Where required by the Township Engineer, a system of porous concrete pipe subsurface drains or an alternate solution approved by the Township shall be constructed beneath the surface of the parking area and connected to a suitable drain. After the subbase material has been properly placed and compacted, the parking area surfacing material, as described heretofore, shall be spread thereon.
3. All off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces.

D. Access

The centerlines of any separate access points shall be spaced at least sixty-five (65) feet apart, shall handle no more than two (2) lanes of traffic; shall be at least twenty (20) feet from any property lines; and shall be set back from the street line of any intersecting street at least fifty (50) feet or one-half the lot frontage, whichever is greater, except that in no case need the setback distance exceed two hundred (200) feet. Continuous open driveways in excess of sixteen (16) feet at the street line shall be prohibited except that two-way driveways serving non-residential uses and multiple-family developments shall be at least twenty-four (24) feet wide. In all instances, due consideration to the proposed width, curbing, direction of traffic flow, radii of curves and method of dividing traffic lanes shall be given. Curbing shall be depressed at the driveway or the curbing may be rounded at the corners and the driveway connected with the street in the same manner as another street.

E. Location of Parking and Loading

Required off-street parking and loading spaces shall be located on the same lot or premises as the use served, regardless of the number of spaces required by this Ordinance. No parking of vehicles shall be permitted in fire lanes, streets, driveways, landscaped areas, aisles, buffer areas, sidewalks or turning areas.

F. Type of Facility

1. Parking spaces may be on, above or below the surface of the ground. When parking spaces are provided within a garage or other structure, said structure shall adhere to the proper accessory or principal building setbacks, as applicable.
2. The provision of parking spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Aisles providing access to parking areas shall have the following

minimum dimensions:

<u>Angle of Parking Space</u>	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>
90°	22'	24'
60°	18'	20'
45°	15'	20'
30°	12'	18'
parallel	12'	18'

Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

509 PERFORMANCE STANDARDS FOR ALL USES

An application for a construction permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a construction permit may be issued with the condition that no Certificate of Occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant. These provisions shall not apply to any sewage treatment plant which has received approval by the State Department of Environmental Protection.

A. Electrical and/or Electronic Devices

All electric 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." Radiation products, as defined in DHEW Publication No. (FDA) 75-8003, shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property boundaries. The applicant, upon request, shall produce certified data wherein measurements made in accordance with the procedure and standards set forth in the DHEW Publication No. (FDA) 75-8003 adequately demonstrate compliance with the minimum standards established by the Act. All other forms of electromagnetic radiation lying between 100KHz and 10GHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations. Additionally, electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multi-family dwellings) as the result of the operation of such equipment.

B. Glare

No use shall produce a strong, dazzling light or reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining units, adjoining districts or streets.

- C. Heat
No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which could cause the temperature to rise or fall in any body of water, except that this provision shall not apply to any sewage treatment plant which has received approval by the State Department of Environmental Protection.
- D. Noise
Noise levels shall be designated and operated in accordance with local regulations and those rules established by the New Jersey State Department of Environmental Protection as they are adopted and amended.
- E. Odor
Odors shall not be discernible at the lot line or beyond.
- F. Storage and Waste Disposal
No provision shall be made for the depositing of materials or waste upon a lot where they may be transferred off the lot by natural causes or forces or where they can contaminate an underground aquifer or otherwise render such an underground aquifer undesirable as a source of water supply or recreation or where they will destroy aquatic life. Provision shall be made for all material or waste which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents and insects to be enclosed in appropriate containers adequate to eliminate such hazards.
- G. Ventilation
No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines ten (10) feet or equipped with baffles to deflect the discharged air away from the adjacent use.
- H. Vibration
There shall be no vibration which is discernible to the human senses of feeling beyond the immediate lot.

510 PRINCIPAL USE
Unless otherwise specified in this Ordinance, no more than one (1) principal dwelling or building shall be permitted on one lot.

511 PUBLIC UTILITIES

- A. All public services shall be connected to an approved public utilities system where one exists. The developer shall arrange with the servicing utility for the underground installation of the distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as part of its tariff as the same are then on file with the New Jersey State Board of Public

Utility Commissioners and the developer shall provide the Township with four (4) copies of a final plan showing the installed location of the utilities. The developer shall submit to the Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this paragraph: provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from these overhead lines, but any new service connections from the utilities' overhead lines shall be installed underground. In cases where extensions of service are needed to existing or new buildings in established subdivisions or developments, the present method of service may be continued. In the case of existing overhead utilities, however, should a road widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement or relocation of such utilities, the applicant and the Township, together, shall attempt to cause such replacement or relocation to be underground.

- B. Easements along property lines or elsewhere for utility installation may be required. Such easements shall be at least twenty (20) feet wide and located in consultation with the companies or Township departments concerned and, to the fullest extent possible, be centered on or adjacent to lot lines. Such easement dedication shall be expressed on the plat or plan as follows: "Utility right-of-way easement granted for the purposes provided for and expressed in the Land Development Ordinance of Bedminster Township."

512 SANITARY SEWERS AND SEPTIC SYSTEMS

- A. Where required and where a public or private treatment and collection system is provided, the developer shall construct such facilities in accordance with the N.J.D.E.P. permit requirements and in such a manner as to make adequate sewage treatment available to each lot and structure within the development from said treatment and collection system. If a public or private treatment and collection system is included as part of a development application, the developer shall install dry sewers, including connections to each home to be constructed.
- B. Any individual on-lot septic system shall be designed in accordance with the requirements of the State Health Department or Township ordinances enforced by the Township Board of Health, whichever is more restrictive, and shall be subject to approval by the Township Board of Health.

513 SIGNS

- A. General Provisions
No signs may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use connected on the same premises unless specifically permitted herein. No billboards shall be erected or replaced. No signs shall be erected, altered or replaced which are not in accordance with the standards established in this Ordinance. The erection of any sign shall require a construction permit unless specifically exempted herein. No sign of any type shall

be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, other signs or windows of the building on which they are located.

1. Animated, Flashing and Illusionary Signs

Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement are prohibited.

2. Height

No free-standing or attached sign shall be higher than twenty (20) feet, except that no sign shall exceed any lesser height if particularly specified.

3. Free-Standing Signs

Free-standing signs shall be supported by one or more columns or uprights which are firmly embedded in the ground. Exposed guy wires, chains or other connections shall not be a support of a free-standing sign.

4. Illuminated Signs

Illuminated signs shall be arranged to reflect the light and glare away from adjoining premises and away from adjoining streets. No sign with red, green, blue or amber illumination in a beam, beacon or flashing form resembling an emergency light shall be erected in any location.

5. Information and Direction Signs

Street number designations, postal boxes, "private property", "no hunting", on-site directional and parking signs and warning signs are permitted in all zones but are not to be considered in calculating sign area. No such signs shall exceed two (2) square feet in area nor do such signs require a construction permit.

6. Maintenance

Signs and, in the case of permitted free-standing signs, the mounting area on the ground level beneath the sign, must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated or unsightly.

7. Real Estate Signs

Real estate signs temporarily advertising the sale, rental or lease of the premises or portion thereof shall be, if not attached to the building, set back from all street and property lines a distance equivalent to one and one-half ($1\frac{1}{2}$) linear feet for each one (1) square foot of sign area, provided the required set back shall in no case be less than ten (10) feet. Such signs shall not require a construction permit and shall not exceed six (6) sq. ft. in area on lots or tracts less than three acres in area or 32 sq. ft. for lots or tracts more than three acres in area.

8. Sign Area

The area of a sign shall be measured around the outside edges of a framed or enclosed sign by the area utilized by isolated words and/or symbols, including the background, whether open or enclosed, but said area shall not include any supporting framework and bracing incidental to the display itself.

9. Signs With Two Exposures
Such signs shall be measured for area by using the surface of one side of the sign only. Both sides may be used.
10. Wall Fascia or Attached Signs
Wall fascia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than six (6) inches from the building.
11. Window Signs
Interior window signs shall not be considered in computing the allowable signs provided, however, that such interior signs shall not exceed twenty (20) percent of the total window area.

B. Street Signs

Street signs shall be of the type, design and standard approved by the Township during site plan and/or subdivision review. The location of the street signs shall be determined by the Township, but there shall be at least two (2) street signs furnished at each intersection. All signs shall be installed free of visual obstruction.

514 STREETS, CURBS AND SIDEWALKS

A. Streets

1. All developments shall be served by paved streets in accordance with the approved subdivision and/or site plan and all such streets shall have an adequate crown. The arrangement of streets not shown on the Master Plan or Official Map, as adopted by the Township, shall be such as to provide for the appropriate extension of existing streets and should conform with the topography as far as practicable.
2. When a new development adjoins lands susceptible of being subdivided or developed, suitable provisions shall be made for access to the adjoining lands.
3. Local streets shall be so planned and identified with appropriate signs so as to discourage through traffic.
4. In the event that a development adjoins or includes existing streets that do not conform to widths as shown on the adopted Master Plan and/or Official Map or the street width requirements of this Ordinance, additional land along either or both sides of said street, sufficient to conform to the right-of-way requirements, shall be dedicated for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way. The necessary deeds of ownership shall be furnished and the dedication shall be expressed as follows: "Street right-of-way granted for the purposes provided for and expressed in the Land Development Ordinance of Bedminster Township." If the development is along one (1) side only, one-half ($\frac{1}{2}$) of the required extra width shall be dedicated and shall be improved, including excavation, base courses and surfacing in accordance with the approved application.
5. In all developments, the minimum public street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule,

but in no case shall a new street that is a continuation of an existing street be continued at a width less than the existing street although a greater width may be required in accordance with the following schedule:

	<u>ROW Width</u>	<u>Traffic No.</u>	<u>Lanes Width</u>	<u>Shoulder Width Within Gutters</u>	<u>Utility ROW and Outside Gutters On Each Side⁽¹⁾</u>	<u>Width Between Gutters</u>
Arterial	66'	2	@ 13'	10'	10'	46'
Collector	60'	2	@ 12'	8'	10'	40'
Local with Parking	50'	2	@ 15' (2)	-	10'	30'
Local without Parking	40'	2	@ 10'	-	10'	20'

(1) Shall be grass stabilized topsoil, minimum 4" thick.

(2) Area adjacent to curb available as parking area.

6. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than eighty degrees (80°) and approaches to all intersections shall follow a straight line for at least one hundred (100) feet or a curve with a radius of not less than seven hundred (700) feet. No more than two streets shall meet or intersect at any one point and the centerlines of both intersecting streets shall pass through a common point.

Any development abutting an existing street classified as an arterial or collector shall be permitted only one new street connecting with the same side of the existing street except where the frontage is sufficient, more than one street may intersect the arterial or collector street provided the streets shall not intersect with the same side of the existing street at intervals of less than eight hundred (800) feet. The block corners at intersections shall be rounded at the curblines with the street having the highest radius requirement as outlined below determining the minimum standard for all curblines: arterials - 40 feet; collectors - 35 feet; and local streets - 25 feet.

7. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial or collector streets. When connecting street lines deflect from each other at any one (1) point, they shall be connected by a curve with a radius conforming to standard engineering practice as contained in "Transportation & Traffic Engineering Handbook," ITE, latest edition. Private roads in planned developments, to the extent that they are planned to lower design speeds than 20 MPH, shall conform to standards extrapolated from the design criteria contained in the technical handbook referenced herein.
8. Cul-de-sacs shall be no more than twelve hundred fifty (1250) feet in length but, in any case, shall provide access to no more than twenty-five (25) dwelling units

where such access is to single family detached dwellings only or to no more than eighty (80) dwelling units where access is to other than single-family detached dwellings. A turn-around shall be provided at the end of the cul-de-sac with a radius of fifty (50) feet. The center point for the radius shall be the centerline of the associated street or if off-set, off-set to a point where the radius becomes tangent to the right curbline of the associated street. (see PLATE 3 attached).

9. No street shall have a name which will duplicate or so nearly duplicate the name of an existing street that confusion results. The continuation of an existing street shall have the same name. Curvilinear streets shall change their names only at street intersections. The Board shall reserve the right to approve or name streets within a proposed development.
10. The pavement width of streets and the quality of surfacing and base materials shall adhere to the minimum standards set forth by the County or State Engineers when said paving concerns roads under their jurisdiction and where such standards exist. Concerning streets under the jurisdiction of the Township, the following standards shall apply:
 - a. On all Township local roads, the base course shall be three (3) inches of Bituminous Stabilized Base, Stone Mix No. 1, placed on a compacted, unyielding subgrade. If and where directed by the Township Engineer due to unsuitable base conditions, a minimum of six (6) inches of graded quarry blend (Mix #5) shall be provided.
 - b. On all Township collector streets, the base course shall be five (5) inches of Bituminous Stabilized Base, Stone Mix No. 1, applied upon a compacted unyielding subgrade consisting of a minimum of three (3) inches of graded quarry blend (Mix #5) which has been inspected and approved by the Township Engineer.
 - c. The surface courses for all classes of Township streets shall consist of two (2) inches of Bituminous Concrete, Type F.A.B.C.-1, Mix #5, applied according to state highway specifications. In all cases, a tack coat shall be applied between the surface course and the base course in accordance with the New Jersey State Highway specifications.
 - d. Paving of private streets in Planned Developments shall be in accordance with Section 508 C.2.a. of this Ordinance.
 - e. Gravel roads shall consist of Type 2, Class A or B gravel, minimum thickness three (3) inches.

B.

Curbs

Curbing, either Belgian block or concrete, shall be installed at all street intersections, where storm water velocities exceed the erosion velocities specified in the "New Jersey Soil Erosion Sedimentation" standards, and/or bordering streets or other areas where on-street parking is permitted and/or likely to occur. All curbing shall be laid in the manner approved by the Township or other appropriate governmental authority.

Curbs on Township roads shall adhere to the following specifications, unless otherwise specified by the Township Engineer:

1. If concrete, the curbing shall meet the following specifications:
 - a. The concrete to be used for curbs shall be Class "B" air entrained concrete (minimum 4,000 p.s.i.) as specified in the New Jersey State Highway Specifications for Curbs and Gutters.
 - b. Curbs shall be constructed using ten (10) foot plates. Expansion joints shall be provided at maximum intervals of twenty (20) feet and shall be of a pre-molded bituminous fiber one-half ($\frac{1}{2}$) inch thick.
 - c. Openings for driveways shall be a minimum of fourteen (14) feet and shall be in accordance with Section 508 D. of this Ordinance. The curb at such openings shall be depressed to the extent that one and one-half ($1\frac{1}{2}$) inches extend above the finished pavement. The rear top corner of this curb shall have a radius of one-fourth ($\frac{1}{4}$) inch and the top corner shall have a radius of one and one-half ($1\frac{1}{2}$) inches.
 - d. Concrete curbs for the Township local roads shall be eight (8) inches wide at their base and not less than six (6) inches wide at their top. Their height shall not be less than eighteen (18) inches and be constructed to show a vertical face above the roadway pavement of six (6) inches. The rear top corner of this curb shall have a radius of one-fourth ($\frac{1}{4}$) inch, and the front top corner shall have a radius of one and one-half ($1\frac{1}{2}$) inches. (see PLATE 4 attached). Curbs at driveway openings shall be constructed to the full depth of eighteen (18) inches which depth shall extend a minimum of six (6) inches on either side of the depression.
 - e. Concrete curbs for Township collector roads shall be ten (10) inches wide at their base and not less than eight (8) inches wide at their top. Their height shall not be less than twenty (20) inches and shall be constructed to show a vertical face above the roadway pavement of eight (8) inches. The rear top corner of this curb shall have a radius of one-fourth ($\frac{1}{4}$) inch, and the front top corner shall have a radius of one and one-half ($1\frac{1}{2}$) inches. (see PLATE 4 attached).
2. If Belgian block, the construction detail shall be as specified on PLATE 4. Stones used for local roads shall not be less than ten (10) inches in height and shall be constructed to show a vertical face above the roadway pavement of six (6) inches. Stones used for collector roads shall not be less than twelve (12) inches in height and shall be constructed to show a vertical face above the roadway pavement of eight (8) inches.
3. Depressed curb ramps for the handicapped shall be installed at all radii in accordance with the laws of the State of New Jersey.

C. Sidewalks and Aprons

1. Sidewalks and aprons shall be required, at the Board's discretion, depending upon the probable volume of pedestrian traffic, the development's location and relation to populated areas, and the general type of development intended.
2. Where required, sidewalks shall be at least four (4) feet wide and four (4) inches thick on a gravel bed at least four (4) inches thick and located as approved by the Board. Sidewalks, aprons and sidewalks at aprons shall be concrete.

515 SWIMMING POOLS

- A. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residence building. Pools shall occupy no more than fifty percent (50%) of the yard area in which it is located and shall meet the setback distances for accessory buildings as specified in Section 400 or Section 600 of this Ordinance, as the case may be, except that in no case may a swimming pool be located closer than fifteen (15) feet to any lot line.
- B. No commercial swimming pool shall be constructed or installed unless approved by the Board as part of a site plan approval. Commercial swimming pools shall be classified into types in accordance with their particular use and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute.

516 WATER SUPPLY

- A. Where public water is accessible, water mains shall be constructed in such a manner as to make adequate water service available to each lot or building within the development. The entire system shall be designed in accordance with the requirements and standards of the local and/or state agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure and in a looped system with no dead-end lines, whenever possible.
- B. Where no water is accessible, water shall be furnished on an individual lot basis. If wells are installed on each lot and the lot also contains its own sewage disposal facilities, the well shall be of the drilled type with a minimum of fifty (50) feet of casing. Well installation, sealing and testing shall be in accordance with the New Jersey Standards for Construction of Water Supply Systems in Realty Improvements (Chapter 199 of the Public Laws of 1954), as amended. The well will be required to have a production of not less than six (6) gallons per minute as established by bailor tests, and certified by the well driller. Before being placed in consumer use, it shall be disinfected by the use of sodium hypochlorite or other acceptable solutions and a sample collected by a local or State Health Department representative for bacterio-

logical examination. A copy of the result of the above referred to bailor tests and bacteriological examination and a certificate from the local or State Health Officer that the owner has complied with the applicable local or State Health regulations shall be submitted to the Township before the issuance of construction permits in connection with each individual lot.

Section 600

Exceptions, Modifications and Development Alternatives

SECTION 600

EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES

601

CONDITIONAL USES

Before a construction permit or Certificate of Occupancy shall be issued for any conditional use as permitted by this Ordinance, application shall be made to the Planning Board. The review by the Planning Board of a conditional use shall include any required site plan review pursuant to this Ordinance. Public notice and a hearing shall be required as stipulated in this Ordinance.

A. Public Utility Uses

1. For purposes of this Ordinance, the term "public utility uses" shall include such uses as telephone dial equipment centers, power substations and other utilities serving the public, such as sewage treatment plant, but shall exclude dumps and sanitary landfills.
2. 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.
3. The design of any building in connection with such facilities must not adversely affect the safe, comfortable enjoyment of property rights in the surrounding area.
4. Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Safety Code in effect at the time of the construction.
5. Landscaping, including shrubs, trees and lawns, shall be provided and maintained.
6. Off-street parking shall be provided as determined by the Planning Board during site plan review.

B. Senior Citizen Housing

1. No dwelling unit shall contain more than two (2) bedrooms except that a dwelling unit for a resident manager of the building may contain more than two (2) bedrooms.
2. Individual dwelling units shall meet the minimum design requirements specified by the New Jersey Housing Finance Agency.
3. The maximum building height shall not exceed sixty (60) feet and six (6) stories.
4. A minimum 1.0 parking spaces shall be provided for each dwelling unit except that a lesser number, as determined by the subsidizing governmental authority, can be paved.
5. A land area or areas equal in aggregate to at least two hundred fifty (250) square feet per dwelling unit shall be designated on the Site Plan for the recreational use of the residents of the project; except that where a project is located within three hundred (300) feet of any existing or previously approved park or recreational area, the Planning Board may waive this requirement at the time of site plan review.
6. Prior to any Township site plan approval, the following prerequisites shall have been accomplished:
 - a. Verification that there are or will be adequate utility services and support facilities for the project, including transportation facilities and commercial establishments serving everyday needs, within a one (1) mile walking distance of the proposed site.
 - b. Assurance that the occupancy of such housing will be limited to households, the single member of which, or the husband and/or wife of which, or any of a number of siblings or unrelated individuals of which, or a parent of children of which, is/are 62 years of age or older, or as otherwise defined by the Social Security Act, as amended, except that this provision shall not apply to any resident manager and family resident on the premises.
 - c. Verification of conceptual approval of the project by any state or federal agency which finances or assists the financing or operation of such housing.
 - d. A bona fide non-profit or limited dividend sponsor shall have been established and approved by the subsidizing governmental authority to develop the project.

602 **GENERAL EXCEPTIONS AND MODIFICATIONS**

- A. **Height Limits:** Excepting for detached, semi-detached and two-family dwellings and garden apartment buildings as permitted in this Ordinance, penthouses or roof structures for the housing of stairways, tanks, ventilating

fans, air conditioning equipment or similar equipment required to operate and maintain the building, skylights, chimneys and similar structures may be erected above the height limits prescribed by this Ordinance but in no case by more than fifteen percent (15%) above the maximum height permitted for the use except that farm silos, spires, cupolas and flagpoles shall have no height restrictions.

- B. Parking of Commercial Vehicles in Residential Zones: One commercial vehicle of a rated capacity not exceeding three-quarter ton on four wheels, owned or used by a resident on the premises, shall be permitted to be regularly parked or garaged on a lot in any residential district. The provisions of this Ordinance must be met on the single lot for which the use is accessory to the main use of the premises. This provision shall not be deemed to limit the number of commercial trucks or cars used upon a farm or construction equipment which is being used on the site for construction purposes.
- C. Public Election Voting Places: The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- D. Public Utility Lines: Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications, and their supporting members, other than buildings or structures, shall not be required to be located on a lot nor shall this Ordinance be interpreted as to prohibit the use of a property in any zone for the above uses.

603

GARDEN APARTMENTS

No garden apartment dwelling shall be constructed in the Township unless the dwelling is part of an approved site plan and unless the following minimum standards are met in addition to other applicable requirements of this Ordinance.

- A. All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a Certificate of Occupancy.
- B. All parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parking along interior streets.
- C. In addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit two hundred (200) cubic feet of storage area in a convenient, centrally located area in the cellar, basement or ground floor of the building where personal belongings and effects may be stored without constituting a fire hazard and where said belongings and effects may be kept locked and separated from the belongings of other occupants.
- D. No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each building for the laundering and artificial drying of laundry of occupants of each building.

- E. Each apartment building shall contain a single master T.V. antenna system which shall serve all dwelling units within the building.
- F. Each garden apartment dwelling unit shall have the following minimum net habitable floor areas or those required by the New Jersey Housing Finance Agency, whichever may be less:
 1. Efficiency unit - 500 sq. ft.
 2. One-bedroom unit - 700 sq. ft.
 3. Two-bedroom unit - 900 sq. ft.
 4. Each additional bedroom shall require that a minimum of two hundred fifty (250) additional square feet be added to the net habitable floor area of the garden apartment dwelling.

604 TOWNHOUSES

No townhouse dwelling unit shall be constructed in the Township unless the dwelling is part of an approved site plan and unless the following minimum standards are met in addition to other applicable requirements of this Ordinance.

- A. Each building and complex of buildings shall have a compatible architectural theme with appropriate variations in design to provide attractiveness to the development. Such variations in design shall result from the use of landscaping and the orientation of buildings to the natural features of the site and to other buildings as well as from varying unit widths, using different exterior materials, changing roof lines and roof designs, varying building heights and changing window types, shutters, doors, porches and exterior colors. In no event shall more than two (2) adjacent dwelling units in any one building have the same setback.
- B. All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a Certificate of Occupancy.
- C. All parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parking along interior streets.
- D. No townhouse dwelling unit shall be less than sixteen (16) feet wide.
- E. No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each building for the laundering and artificial drying of laundry of occupants of each building.
- F. Each building shall contain a single master T.V. antenna system which shall serve all dwelling units within the building.

- G. Each townhouse dwelling unit shall have the following net habitable floor area or those required by the New Jersey Housing Finance Agency, whichever may be less:
1. One-bedroom unit - 800 sq. ft.
 2. Two-bedroom unit - 1,000 sq. ft.
 3. Three-bedroom unit - 1,200 sq. ft.
 4. Each additional bedroom shall require that a minimum of two hundred fifty (250) additional square feet be added to the net habitable floor area of the townhouse dwelling.

605

CRITICAL AREAS

A. Basis For Establishing Critical Areas

A mapping of the critical areas within Bedminster Township is indicated on the Zoning Map which is part of this Ordinance. However, other sources of information may be used to more definitely define the location and extent of the critical areas on any lot or tract at the time of subdivision and/or site plan review.

B. Permitted Uses in Floodways

Within any floodway area, structures may be erected, enlarged, expanded, and externally altered and fill, excavation or other improvements or changes may be permitted only in connection with stream improvements and stabilizing, which improvements or changes shall have the approval of the State Department of Environmental Protection, the Somerset County Planning Board and the Bedminster Township Planning Board. The accepted practices of soil husbandry and farming as well as recreational uses in the nature of parks and wildlife preserves shall be permitted, provided site plan approval is acquired from the Township. Material, equipment or vehicles related and used in conjunction with a permitted use shall not be parked or stored in the floodway area.

C. Permitted Uses In Flood Fringe Areas

Within any flood fringe area, the accepted practices of soil husbandry and farming as well as restricted uses in the nature of parks, wildlife preserves and undeveloped Common Open Space shall be permitted provided site plan approval is acquired from the Township. Additionally, detached dwellings may be constructed on lands within the flood fringe area provided that the lowest habitable floor is at a minimum of one (1) foot above the flood hazard design elevation and provided further that:

1. Each lot be a minimum of five (5) acres;
2. Each lot have direct access to a public street;
3. The floor area ratio not exceed $\frac{1}{2}\%$; and
4. The lot coverage not exceed $2\frac{1}{2}\%$.

D. Permitted Uses In Steep Slope Areas

Within any steep slope area, the accepted practices of floriculture, horticulture, silva culture as well as passive restricted uses in the nature of wildlife preserves, hiking trails and picnic areas and undeveloped Common Open Space shall be permitted, provided site plan approval is acquired from the Township. Additionally, detached dwellings may be constructed on lands within the steep slope area providing the following:

1. Each lot be a minimum of five (5) acres in area;
2. Each lot have direct access to a street;
3. The floor area ratio not exceed $1\frac{1}{2}\%$; and
4. The lot coverage not exceed $2\frac{1}{2}\%$.

606 PLANNED DEVELOPMENTS

A. TYPES AND LOCATIONS

1. Residential Clusters are permitted on tracts at least five (5) acres in area in the "R- $\frac{1}{4}$ " and "R- $\frac{1}{2}$ " Districts.
2. Planned Residential Developments (6 dwellings/acre) are permitted on tracts of land at least five (5) acres in area where indicated on the Zoning Map.
3. Planned Residential Developments (8 dwellings/acre) are permitted on tracts of land at least five (5) acres where indicated on the Zoning Map.
4. Planned Unit Developments (10 dwellings/acre) are permitted on tracts of land at least ten (10) acres in area where indicated on the Zoning Map.

B. RESIDENTIAL CLUSTERS

1. Principal Permitted Uses On The Land And In Buildings

- a. Detached dwelling units.
- b. Two-family dwelling units.
- c. Townhouses (see Section 604 for additional standards).
- d. Public playgrounds, conservation areas, parks and public purpose uses.
- e. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67 (See Section 601 for additional standards).
- f. Semi-detached dwelling units.

2. Accessory Uses Permitted

- a. Private residential swimming pools, accessory to detached, semi-detached or two-family dwellings, in rear yard areas only (see Section 515).
- b. Private residential tool sheds not to exceed fifteen (15) feet in height.
- c. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
- d. Usual recreational facilities.
- e. Off-street parking and private garages.
- f. Fences and walls not exceeding six (6) feet in height in rear and side yard areas and three (3) feet in height in front yard areas (see Section 503).
- g. Signs.
- h. Residential agriculture.
- i. Home occupations.

3. Maximum Building Height

No detached, semi-detached or two-family dwelling shall exceed thirty-five (35) feet and two and one-half ($2\frac{1}{2}$) stories in height and no townhouse building shall exceed thirty-five (35) feet and three and one-half ($3\frac{1}{2}$) stories in height, except as provided in Section 602 of this Ordinance.

4. Maximum Number of Dwelling Units Permitted

The number of dwelling units permitted within a Residential Cluster is equal to two (2) dwelling units per acre on non-critical land in the "R- $\frac{1}{2}$ " District or four (4) dwellings per acre on non-critical land in the "R- $\frac{1}{4}$ " District plus, in each instance, a transfer of an additional one-fifth dwelling unit per acre from the critical lands within the tract to the non-critical areas.

5. Area and Yard Requirements

- a. Detached dwelling units, two-family dwelling units and semi-detached dwelling units shall meet the requirements specified in Section 404 D. of this Ordinance, except that:
 - (a) The front yard requirements may be reduced to ten (10) feet where a dwelling unit fronts upon a private street;
 - (b) The frontage requirements of up to twenty-five percent (25%) of lots for detached dwelling units and/or two-family dwelling units within any cluster of said units may be reduced to a minimum of twenty (20) feet; and,

(c) In instances where no subdivision of individual lots is planned, the permitted dwelling units shall be situated on the land in a manner which makes it possible to subdivide lots in conformity with the appropriate minimum area and dimensional requirements specified in Section 404 D. of this Ordinance.

b. Minimum yards for townhouses shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between the buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be fifteen (15) feet for front yards on public streets and ten (10) feet for front yards on private streets, fifteen (15) feet for side yards and thirty (30) feet for rear yards. No portion of any building shall be closer to any portion of any other building than the combined distances of the abutting yard requirements for each building, providing that the corner of a building off-set more than a twenty degree (20°) angle from a line drawn parallel to another building shall be considered a side of a building. In addition, no building shall be located closer than fifty (50) feet from the right-of-way line of any arterial street, forty (40) feet from the right-of-way line of any collector street, twenty-five (25) feet from the right-of-way line of any local street or ten (10) feet from any private road or parking area.

6. Minimum Off-Street Parking

Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within six (6) feet of any property line.

a. Detached, semi-detached and two-family dwelling units shall each provide two (2) spaces per dwelling unit.

b. Townhouses shall provide one and one-half (1½) spaces for each unit consisting of two (2) bedrooms or less and two (2) spaces for each unit consisting of more than two (2) bedrooms.

c. See Section 508 for additional standards.

7. Permitted Signs

a. Detached, semi-detached and two-family dwellings: Information and direction signs as defined in Section 513 A.5.

b. See Section 513 for additional standards.

8. Open Space Requirements

See Section 606 E. hereinbelow.

C. PLANNED RESIDENTIAL DEVELOPMENTS

1. Principal Permitted Uses On The Land And In Buildings

- a. Detached dwelling units.
- b. Two-family dwelling units.
- c. Semi-detached dwelling units.
- d. Townhouses (see Section 604 for additional standards).
- e. Public Utility uses as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 601 for standards).
- f. Public playgrounds, conservation areas, parks and public purpose uses.
- g. Garden Apartments in the "Planned Residential Development (8dwellings/acre)" only (see Section 603 for additional standards).

2. Accessory Uses Permitted

- a. Private residential swimming pools in rear yard areas only (see Section 515).
- b. Private residential tool sheds not to exceed fifteen (15) feet in height.
- c. Boats on trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
- d. Usual recreational facilities.
- e. Off-street parking and private garages.
- f. Fences and walls not exceeding six (6) feet in height in rear and side yard areas and three (3) feet in height in front yard areas (see Section 503).
- g. Signs.
- h. Residential agriculture.
- i. Home occupations.

3. Maximum Building Height

No detached, semi-detached, or two-family dwelling shall exceed thirty-five (35) feet and two and one-half (2½) stories in height; no townhouse building shall exceed

thirty-five (35) feet and three and one-half ($3\frac{1}{2}$) stories in height; and no garden apartment building shall exceed forty (40) feet and three and one-half ($3\frac{1}{2}$) stories in height. The height limitation exceptions in Section 602 of this Ordinance shall apply to all buildings other than garden apartments.

4. Maximum Number of Dwelling Units Permitted

- a. Planned Residential Developments (6 dwelling units/acre) shall be developed at an overall gross density of six (6) dwelling units per acre.
- b. Planned Residential Developments (8 dwelling units/acre) shall be developed at an overall gross density of eight (8) dwelling units per acre.

5. Area and Yard Requirements

- a. Detached dwelling units, two-family dwelling units and semi-detached dwelling units shall meet the requirements specified in Section 404 D. of this Ordinance, except that:
 - (a) The front yard requirements may be reduced to ten (10) feet where a dwelling unit fronts upon a private street;
 - (b) The frontage requirements of up to twenty-five percent (25%) of lots for detached dwelling units and/or two-family dwelling units within any cluster of said units may be reduced to a minimum of twenty (20) feet; and,
 - (c) In instances where no subdivision of individual lots is planned, the permitted dwelling units shall be situated on the land in a manner which makes it possible to subdivide lots in conformity with the appropriate minimum area and dimension requirements specified in Section 404 D. of this Ordinance.
- b. Minimum yards for townhouses and garden apartments shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distance between the buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be fifteen (15) feet for front yards on public streets and ten (10) feet for front yards on private streets, fifteen (15) feet for side yards and thirty (30) feet for rear yards. No portion of any building shall be closer to any portion of any other building than the combined distances of the abutting yard requirements for each building, providing that the corner of a building off-set more than a twenty degree (20°) angle from a line drawn parallel to another building shall be considered a side of the building. In addition, no building shall be located closer than fifty (50) feet from the right-of-way line of any arterial street, forty (40) feet from the right-of-way of any collector street, twenty-five (25) feet from the right-of-way line of any local street or ten (10) feet from any private road or parking area.

6. Minimum Off-Street Parking

Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within six (6) feet of any property line.

- a. Detached, semi-detached and two-family dwelling units shall each provide two (2) spaces per dwelling unit.
- b. Townhouses and Garden Apartments, where permitted, shall provide one and one-half (1½) spaces for each unit consisting of two (2) bedrooms or less and two (2) spaces for each unit consisting of more than two (2) bedrooms.
- c. See Section 508 for additional standards.

7. Permitted Signs

- a. Detached, semi-detached and two-family dwellings: Information and direction signs as defined in Section 513 A.5.
- b. See Section 513 for additional standards.

8. Open Space Requirements

See Section 606 E. hereinbelow.

9. Subsidized and/or Least Cost Housing Requirements

At least twenty percent (20%) of the total number of residential units within a Planned Residential Development shall be subsidized and/or least cost housing in accordance with the following provisions:

- a. If rental units are provided within a Planned Residential Development, the residential units shall be used to fulfill the required twenty percent (20%) and the rents of said rental units shall be subsidized in accordance with available subsidy programs authorized and regulated by the Federal Department of Housing and Urban Development or the New Jersey Housing Finance Agency. If no subsidy programs are available, this fact shall be certified to the Planning Board, and the rental units shall be restricted in size to be no larger than fifteen percent (15%) greater in area than the minimum net habitable floor area specified for the dwelling units in this Ordinance. Moreover, if no subsidy programs are available, said rental units shall be rented at a cost not exceeding the Fair Market Rents established for Bedminster Township by the Department of Housing and Urban Development, provided that the rents may be subsequently increased in conformity with the most recent Consumer Price Index of "All Items" as published by the U. S. Department of Labor and Industry. In any case, not less than five percent (5%) of the units shall have four (4) bedrooms and not less than an additional twenty percent (20%) of the units shall have three (3) bedrooms.
- b. If enough rental units are not provided to fulfill the required twenty percent (20%), dwelling units for sale in the Planned Residential Development used to fulfill the

required twenty percent (20%) shall be sold at a cost not exceeding $2\frac{1}{2}$ times the median income (as published by the Somerset County Planning Board) if the dwelling units contain two (2) bedrooms or more, or at a cost not exceeding $2\frac{1}{2}$ times 80% the median income if the dwelling units contain less than two (2) bedrooms. Not less than five percent (5%) of these units shall have four (4) bedrooms and not less than an additional twenty percent (20%) shall have three (3) bedrooms.

D. PLANNED UNIT DEVELOPMENTS

1. Principal Permitted Uses On The Land And In Buildings

- a. All uses stipulated in Section 601 C.1. hereinabove, including garden apartments, are permitted within a Planned Unit Development.
- b. Commercial uses including the retail sales of goods and services, restaurants, banks, offices and office buildings and shopping centers comprised of these uses, provided that said commercial uses shall occupy no more than twenty percent (20%) of the total tract area.
- c. Public utility uses as Conditional Uses under N.J.S.A. 40:55D-67. (see Section 601 for standards).

2. Accessory Uses Permitted

All accessory uses stipulated in Section 606 C.2. hereinabove are permitted within a Planned Unit Development.

3. Maximum Building Height

No detached, semi-detached, or two-family dwelling shall exceed thirty-five (35) feet and two and one-half ($2\frac{1}{2}$) stories in height; no townhouse building shall exceed thirty-five (35) feet and three and one-half ($3\frac{1}{2}$) stories in height; no subsidized Senior Citizen Housing shall exceed sixty (60) feet and six (6) stories in height; and no garden apartment building shall exceed forty (40) feet and three and one-half ($3\frac{1}{2}$) stories in height. The height limitation exceptions in Section 602 of this Ordinance shall apply to all buildings other than garden apartments.

4. Maximum Number of Dwelling Units Permitted

Planned Unit Developments shall be developed at an overall gross density of ten (10) dwellings per acre, excluding any acreage devoted to the optional commercial uses.

5. Area and Yard Requirements

- a. Residential dwelling units shall meet the appropriate requirements specified in Section 606 C.5. hereinabove.
- b. Areas devoted to the permitted commercial uses shall meet the following requirements:

- (a) A maximum floor area ratio of 25% and a maximum lot coverage of 65% shall be provided.
- (b) At least the first twenty (20) feet adjacent to any street line and thirty (30) feet adjacent to any lot line shall not be used for parking and shall be planted and maintained in lawn area, ground cover, or landscaped with evergreen shrubbery.
- (c) No merchandise, products, waste, equipment or similar material or objects shall be displayed or stored outside.
- (d) All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition. In any case, no less than thirty-five percent (35%) of the total lot area shall be landscaped, including any permanent water area.
- (e) A minimum buffer area of twenty-five (25) feet in width shall be provided along any common property line with a residential district or residential use (see Section 804 B.20.).

6. Minimum Off-Street Parking

- a. Residential dwellings shall be provided with parking as stipulated in Section 606 C.6. hereinabove.
- b. Commercial uses shall provide parking as follows:
 - (a) Retail and service activities, banks and offices shall provide parking at the ratio of one (1) parking space per two hundred fifty (250) square feet of net habitable floor area or part thereof.
 - (b) Restaurants shall provide one (1) parking space for every three (3) seats.
 - (c) Parking areas for individual uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s) where feasible, to minimize access points to the street.
- c. See Section 508 for additional standards.

7. Minimum Off-Street Loading For Non-Residential Uses

The requirements in Section 406 G. of this Ordinance shall be met.

8. Permitted Signs

- a. Detached, semi-detached and two-family dwellings: Information and direction signs as defined in Section 513 A.5.

b. Free-standing commercial activities shall be permitted one (1) attached sign not larger than the equivalent of five percent (5%) of the area of the front wall of the building or seventy-five (75) square feet, whichever is smaller.

c. See Section 513 for additional standards.

9. Open Space Requirements
See Section 606 E. hereinbelow.

10. Subsidized and/or Least Cost Housing Requirements

At least twenty percent (20%) of the total number of residential dwellings within a Planned Unit Development shall be subsidized and/or least cost housing in accordance with the following provisions:

- a. At least twenty-five percent (25%) of the required twenty percent (20%) shall be subsidized Senior Citizen Housing units in accordance with Section 601 B. of this Ordinance. If no subsidy programs are available for Senior Citizen Housing, this fact shall be certified to the Planning Board and the required percentage of subsidized and least cost housing in the Planned Unit Development shall be provided in accordance with Sections 606 D.10.b. and 606 D.10.c. hereinbelow. The height, parking and other provisions specified for subsidized Senior Citizen Housing units in Section 601 B. of this Ordinance shall not be applied to any other housing within the Planned Unit Development.
- b. At least thirty-five percent (35%) of the required twenty percent (20%) shall be rental units subsidized in accordance with available subsidy programs authorized and regulated by the Federal Department of Housing and Urban Development or the New Jersey Housing Finance Agency. If no subsidy programs are available, this fact shall be certified to the Planning Board, and the rental units shall be restricted in size to be no larger than fifteen percent (15%) greater in area than the minimum net habitable floor area as specified in this Ordinance. Moreover, if no subsidy programs are available, said rental units shall be rented at a cost not exceeding the Fair Market Rents established for Bedminster Township by the Department of Housing and Urban Development, provided that rents may be subsequently increased in conformity with the most recent Consumer Price Index of "All Items" as published by the U.S. Department of Labor and Industry. In any case, not less than five percent (5%) of the units shall have four (4) bedrooms and not less than an additional twenty percent (20%) of the units shall have three (3) bedrooms.
- c. At least twenty percent (20%) of the required twenty percent (20%), or additional units if necessary to achieve the required twenty percent (20%) within the Planned Unit Development, shall be dwelling units for sale. Such dwelling units shall be sold at a cost not exceeding $2\frac{1}{2}$ times the median income (as published by the Somerset County Planning Board) if the dwelling units contain two (2) bedrooms or more, or at a cost not exceeding $2\frac{1}{2}$ times 80% of the median income if the dwelling units contain less than two (2) bedrooms. Not less than five percent (5%) of these units shall have four (4) bedrooms and not less than an additional twenty percent (20%) shall have three (3) bedrooms.

E. Open Space Requirement

1. Land area equal to a minimum of thirty (30) percent of the tract of land proposed for residential development shall not be included in lots and shall be set aside for conservation, open space, flood plain, school sites, recreation and/or other Common Open Space. Such land shall be optimally related to the overall plan and design of the development and improved to best suit the purpose(s) for which it is intended. Land utilized for street rights-of-way shall not be included as part of the above thirty (30) percent. Land situated within defined critical areas located on the tract in question or on an adjacent tract of land under the same ownership as the tract in question may be used to satisfy up to one-half ($\frac{1}{2}$) the minimum open space requirements regardless of any intervening zoning district boundary, provided such lands are in accordance with the approved development plan. In any case, at least one third ($\frac{1}{3}$) of the required thirty percent (30%) Common Open Space shall include appropriately located field areas, graded level and seeded, and of a size no less than a circle with a two hundred fifty foot (250') diameter.
2. All property owners and tenants of the planned development shall have the right to use the Common Open Space designated on the plan for the particular development stage. Should the proposed development consist of a number of stages, the Planning Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with the granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.
3. Common Open Space may be deeded to the Township or dedicated to an Open Space Organization or trust, with incorporation and by-laws to be approved by the Planning Board. If Common Open Space is not dedicated and accepted by the Township, the landowner shall provide for and establish an Open Space Organization or trust for the ownership and maintenance of the Common Open Space. Such organization or trust shall not be dissolved, nor shall it dispose of any Common Open Space by sale or otherwise, except to an organization conceived and established to own and maintain the common recreation areas and development open space, without first offering to dedicate the same to the Township.

 - a. If the applicant proposes that the Common Open Space shall be dedicated to the Township, then the Planning Board shall forward such request with its recommendation to the Township Committee prior to the granting of preliminary plan approval of any development application containing Common Open Space.
 - b. All lands not offered to and/or not accepted by the Township shall be owned and maintained by an Open Space Organization or trust as provided in N.J.S.A. 40:55D-43 and stipulated herein.
4. In the event that the organization created for Common Open Space management shall, at any time after the establishment of a planned unit development, fail to maintain any open space or recreation area in a reasonable order and condition in accordance with the plan, the Township may serve notice upon such organization or upon the owners of the development, setting forth the manner in which the organization has failed to maintain such areas in reasonable conditions, and said notice shall include a demand

that such deficiencies of maintenance be cured within thirty-five (35) days thereof and shall set the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time not to exceed sixty-five (65) days, within which time the deficiencies shall be cured.

- a. If the deficiencies set forth in the original notice or in modifications thereof shall not be cured within said thirty-five (35) days or any extension thereof, the Township, in order to preserve the Common Open Space and maintain the same for a period of one (1) year, may enter upon and maintain such land. Said entry and said maintenance shall not vest in the public any rights to use the open space and recreation areas except when the same is voluntarily dedicated to the public by the owners.
 - b. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of said areas, call a public hearing upon fifteen (15) days written notice to such organization and to the owners of the development to be held by the Township, at which hearing such organization and owners of the development shall show cause why such maintenance by the municipality shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain such open space and recreation areas in reasonable condition, the Township shall cease to maintain such open space and recreation areas at the end of said year. If the Township shall determine such organization is not ready and able to maintain said open space and recreation areas in a reasonable condition, the Township may, in its discretion, continue to maintain said open space and recreation areas during the next succeeding year and, subject to a similar hearing, a determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.
 - c. The cost of such maintenance by the Township shall be assessed pro rata against the properties within the development that have a right of enjoyment of the open space in accordance with the assessed value at the time of imposition of the lien, and shall become a lien and tax on said properties and be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the Township in the same manner as other taxes.
5. Any Open Space Organization or trust initially created by the developer shall clearly describe in its by-laws the rights and obligations of the homeowners and tenants in the planned development and the articles of incorporation of the organization shall be submitted for review by the Planning Board prior to the granting of final approval by the Township.

Section 700

Zoning Board of Adjustment and Planning Board

SECTION 700

ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

701 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

- A. A Zoning Board of Adjustment is hereby created pursuant to N.J.S.A. 40:55D-69 et seq. consisting of seven (7) regular members and two (2) alternate members, each of whom shall be residents of Bedminster Township and be appointed by the governing body. The members of the heretofore created Zoning Board of Adjustment are hereby reappointed to serve their respective terms. The terms of all new members appointed under this Ordinance shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed, in the case of regular members, evenly over the first four (4) years after their appointment and, in the case of alternate members, evenly over the first two (2) years after their appointment; provided, however, that the initial term of no regular member shall exceed four (4) years and that the initial term of no alternate member shall exceed two (2) years. Thereafter, the term of each regular member shall be four (4) years and the term of each alternate member shall be two (2) years.
- B. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2." Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
- C. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.
- D. Any vacancy on said Board occurring other than by expiration of term shall be filled by appointment by the governing body of the municipality to serve for the unexpired term of the member whose term shall become vacant. A member may be removed by the governing body for cause, but only after public hearing and other requested procedural due process protections.
- E. Yearly, the Zoning Board of Adjustment shall organize by selecting from among its regular members a Chairman and a Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee.
- F. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board of Adjustment.
- G. The Office of Zoning Board of Adjustment attorney is hereby created. The Board of Adjustment may annually appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey other than the municipal attorney.

- H. 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 governing body for its use.

702 POWERS AND JURISDICTION OF THE ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall have the power to:

- A. Error or Refusal
Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by a municipal official based on or made in the enforcement of the zoning provisions of this Ordinance.
- B. Exceptions or Interpretations
Hear and decide requests for interpretation of the Zoning Map or the zoning provisions of this Ordinance or for decisions upon other special questions upon which the Board is authorized to pass by any zoning provisions of this Ordinance or by any duly adopted Official Map.
- C. Variance of Area or Yard Requirements
Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions; or by reason of other extraordinary and exceptional situation or condition of such piece of property the strict application of any zoning regulation of this Ordinance would result in peculiar and exceptional practical difficulties or in exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve any difficulties or hardship, including a variance for a conditional use; provided, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; 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 shall review a request for a variance pursuant to N.J.S.A. 40:55 D-60a and the provisions of this Ordinance.
- D. Variance of Use Regulations
In particular cases and for special reasons, grant a variance to allow departure from the zoning provisions of this Ordinance including, but not limited to, allowing a structure or use in a district restricted against such structure or use, but only by affirmative vote of at least five (5) members of the Zoning Board of Adjustment.
- E. General Provision
No variance or other relief may be granted under the terms of this section unless such variances or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning provisions of this Ordinance. Any application under this section may be referred to any appropriate person or agency, including the Planning Board, for its report; provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

F. Other Powers

The Zoning Board of Adjustment shall have such other powers as prescribed by law, including but not limited to, the following:

1. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55D-34 for the construction of a building or structure within the bed of a mapped street or public drainageway, flood control basin or public area as shown on a duly adopted Official Map of the municipality whenever one or more parcels of land within said bed cannot yield a reasonable return to the owner unless a construction permit is granted. The Board may grant such relief only by an affirmative vote of a majority of the full authorized membership of the Zoning Board of Adjustment, ensuring that such relief will tend to cause a minimum change of the Official Map and will not significantly add to the cost of opening any proposed street. The Board shall impose reasonable requirements as a condition of granting the construction permit so as to promote the health, morals, safety and general welfare of the public.
2. Direct issuance of a construction permit pursuant to N.J.S.A. 40:55-D-36 for the construction of a building or structure on a lot not abutting a street which is shown on a duly adopted Official Map of the municipality or which is (a) an existing State, County or municipal street or highway; or (b) a street shown upon a plat approved by the municipal Planning Board; or (c) a street on a plat duly filed in the office of the County Recording Officer. The Board may grant such relief only when the enforcement of the statute requirement that a building lot abut a street would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to abut a street. The Board shall impose requirements or conditions that will provide adequate access for fire fighting equipment, ambulances and other emergency vehicles for the protection of the health and safety and that will protect any future street layout on the Official Map or on the general circulation plan element of the municipal Master Plan.
3. 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, subdivision, site plan or conditional use approval whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to subsection 702 D. of this Ordinance. The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditioned upon a grant of all required subsequent approvals by the Zoning Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and the zoning provisions of this Ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this Ordinance for the approval in question, and the special vote pursuant to subsection 702 D. of this Ordinance shall not be required.

APPEALS AND APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT

- A. Appeals to the Zoning Board of Adjustment may be taken by any interested party affected by any decision of a municipal official of the municipality based on or made in the enforcement of the zoning provisions of this Ordinance or a duly adopted Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the official from whom the appeal is taken, with three (3) copies of the notice given to the Secretary of the Zoning Board of Adjustment. The notice shall specify the grounds for the appeal. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. The Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all powers of the municipal official from whom the appeal is taken.
- C. An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the municipal official from whose action the appeal is taken certifies to the Zoning Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the municipal official from whom the appeal is taken and on due cause shown.
- D. 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 a municipal official.
- E. The Zoning Board of Adjustment shall act upon any appeal or any application for development within one hundred twenty (120) days either from the date the appeal is taken from the decision of the municipal official or from the date the application is certified as a complete application by the Administrative Officer, as the case may be, or within such further time as may be consented to by the applicant, except that when an applicant elects to submit separate consecutive applications for use variance approval and site plan, subdivision or conditional use approval, the one hundred twenty (120) day time period for action shall apply to the application for approval of the use variance, and the time period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance.

ESTABLISHMENT OF THE PLANNING BOARD

- A. A Planning Board is hereby established consisting of seven (7) regular and two (2) alternate members of the following four (4) classes:

Class I The Mayor

Class II One of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor.

Class III A member of the Township Committee to be appointed by it.

Class IV Regular Members Four (4) other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member must be a member of the Environmental Commission as required by N.J.S.A. 40:56A-1; provided that if the designated alternate members of the Planning Board include both a member of the Zoning Board of Adjustment and a member of the Board of Education, then the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.

Class IV Members Two (2) other citizens of the municipality to be appointed by the Alternate Mayor. Alternate members shall have no other municipal office, except that one (1) member may be a member of the Zoning Board of Adjustment and/or one (1) member may be a member of the Board of Education.

- B.** The term of the member composing Class I shall correspond with his official tenure. The term of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class IV member who is also a member of the Environmental Commission. The term of a Class IV (or Class II) member who is also a member of the Environmental Commission shall be for three (3) years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.
- C.** All present Class IV members of the Planning Board shall continue in office until the completion of the terms for which they were appointed. The terms of Class IV regular members first appointed pursuant to this Ordinance shall be so determined that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four (4) years after their appointment; provided that the initial term shall not exceed four (4) years. Thereafter, the term of each Class IV regular member shall be four (4) years. All terms shall run from January 1 of the year in which the appointment is made.
- D.** The terms of the Class IV alternate members shall be two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire any one (1) year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. All terms shall run from January 1 of the year in which the appointment is made.

- E. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
- F. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Any member other than a Class I member may be removed by the governing body for cause but only after public hearing and other requested procedural due process protection.
- G. Yearly, the Planning Board shall organize by selecting from among its Class IV regular members a Chairman and a Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee.
- H. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.
- I. The office of Planning Board attorney is hereby created. The Planning Board may annually appoint to such office and fix compensation or rate of compensation of an attorney at law of New Jersey other than the municipal attorney.
- J. The Planning Board 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 governing body for its use.

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POWERS AND JURISDICTION OF THE PLANNING BOARD

The Planning Board shall have the powers listed below in addition to other powers established by law:

- A. Make, adopt, and, from time to time, amend a Master Plan for the physical development of the Township, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the Township.
- B. Administer the provisions of Land Subdivision and Site Plan Review in accordance with the applicable provisions of this Ordinance.
- C. Participate in the preparation and review of programs or plans required by state or federal law or regulation.
- D. Assemble data on a continuing basis as part of a continuous planning process.
- E. Annually, at the request of the Township Committee, prepare a program of municipal capital improvements projects projected over a term of six (6) years and recommend same to the Township Committee.

- F. Consider and make report to the Township Committee 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 Committee.
- G. The Planning Board shall have such other powers as prescribed by law, including, but not limited to, the power to grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plats, site plans or conditional uses:
 - 1. Variances pursuant to subsection 702 C. of this Ordinance;
 - 2. Direction pursuant to subsection 702 F. 1. of this Ordinance for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area; and
 - 3. Direction pursuant to subsection 702 F. 2. of this Ordinance for issuance of a permit for a building or structure on a lot not abutting a street.

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**PROVISIONS APPLICABLE TO BOTH THE PLANNING BOARD
AND ZONING BOARD OF ADJUSTMENT**

A. Conflicts of Interest

No regular or alternate member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

B. Meetings

- 1. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.
- 2. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which meetings shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- 3. No action shall be taken at any meeting without a quorum being present, said quorum to be the majority of the full authorized membership of the Board.
- 4. All actions shall be taken by majority vote of the members of the Board at the meeting except as otherwise required by a provision of N.J.S.A. 40:55D-1 et seq. 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 a matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him the transcript or recording of all of the hearing from which he was absent, and certifies in writing to the Board that he has read such transcript or listened to such recording.

5. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meeting Law C.231, Laws of New Jersey, 1975.

C. Public Hearings

1. The Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a hearing on each application for development. Each board shall make the rules governing such hearings.
2. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least ten (10) days before the date of the hearing during normal business hours in the office of the Administrative Officer. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
3. The officer presiding at the hearings, or such person as he may designate, 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 Municipality Investigations Law, " P.L. 1953, c.38 (C.2A:67A-1 et seq.) shall apply.
4. 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.
5. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

D. Public Notice of a Hearing

1. Public notice of a hearing shall be given for the following applications for development:
 - a. Any request for a variance;
 - b. Any request for conditional use approval;

- c. Any request for issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street (see Sections 702 F. 1. and 702 F. 2.);
 - d. Any request for site plan and/or subdivision approval involving one or more of the aforesaid elements;
 - e. Any request for preliminary approval of a major subdivision; and
 - f. Any request for approval of a planned development.
2. The Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, shall notify the applicant at least two (2) weeks prior to the public hearing at which the application will be discussed. Notice of a hearing requiring public notice shall be given by the applicant at least ten (10) days prior to the date of the hearing in the following manner:
- a. By publication in the official newspaper of the Township, if there is one, or in a newspaper of general circulation in the Township in the absence of an official newspaper.
 - b. To all owners of real property located in the State and within 200 feet in all directions of the property which is the subject of the hearing, as such owners are shown in the current tax duplicate. Notice shall be given by serving a copy on the property owner, as shown on the current tax duplicate, or his agent in charge of the property, or by mailing a copy thereof to the property owner at his address as shown on the current tax duplicate; provided that the above requirements shall be deemed satisfied where condominiums or horizontal property regimes are within 200 feet of applicant's property by making service in the following manner:
 - 1. If the applicant's property abuts a condominium and the owner of any unit is within 200 feet of the applicant's property, and said unit has a unit above or below it, by giving notice to the Condominium Association.
 - 2. If the applicant's property abuts a Horizontal Property Regime and an apartment of the co-owner is within 200 feet of the applicant's property and such apartment has an apartment above or below it, by giving notice to the Horizontal Property Regime.
 - 3. If the applicant is the owner of a condominium unit or co-owner of an apartment, notice shall be given to all other unit owners or apartment co-owners within 200 feet of the unit or apartment owned or co-owned by the applicant.

It is not required that a return receipt is obtained; notice is deemed complete upon mailing (N.J.S.A. 40:55D-14).

- c. Notice to a partnership owner may be made by service to any partner; notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.
 - d. To the Clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities. Notice shall be given by personal service or certified mail.
 - e. To the Somerset County Planning Board when the application for development involves property adjacent to an existing county road or proposed road as shown on the County Official Map or the County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary. Notice shall be given by personal service or certified mail.
 - f. To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway. Notice shall be given by personal service or certified mail.
 - g. To the Director of the Division of State and Regional Planning in the Department of Community Affairs when the hearing involves an application for the development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Administrative Officer. Notice shall be given by personal service or certified mail.
3. Upon the written request of an applicant, the Township Tax Assessor shall, within seven (7) days, make and certify a list from current tax duplicates of names and addresses of owners within the Township to whom the applicant is required to give notice. The applicant shall be charged twenty-five cents (\$0.25) per name or ten dollars (\$10.00), whichever is greater, for said list and shall be entitled to rely upon the information contained in such list, and failure to give notice to any lot owner not on the list shall not invalidate any hearing or proceeding. Additionally, the applicant shall be responsible for giving proper notice to all property owners pursuant to Section 706 D.2.b. above who do not reside within the Township.
 4. The applicant shall file an affidavit of proof of service with the Planning Board or Zoning Board of Adjustment, as the case may be.

5. The notice shall state the date, time and place of the hearing and the nature of the matters to be discussed, and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

E. Records

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 any persons appearing by attorney, the action taken by the Planning or Zoning Board, the findings, if any, made by it and the reasons therefor. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Administrative Officer. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a reasonable fee for the reproduction of the minutes.
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 expense, provided that the charge for a transcript shall not exceed the maximum amount permitted in N.J.S. 2A:11-15. Each transcript shall be certified in writing by the transcriber to be accurate.

F. Decisions

1. Each decision on any application for development shall be reduced to writing by the Board and shall include findings of facts and conclusions based thereon.
2. The Board may provide such written decision and findings and conclusions either on the date of the meeting at which the Board grants or denies approval, or, if the meeting at which such action is taken occurs within the final 45 days of the applicable time period for rendering a decision on the application for development, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions of the Board.
3. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, notwithstanding the time at which such action occurs within the applicable time period for rendering a decision on the application.

4. The adoption of a resolution of memorialization pursuant to this subsection shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of a majority of the members of the Board who voted for the action previously taken, and no other member shall vote thereon. The vote of such a resolution shall be deemed to be a memorialization of an action by the Board, and not to be an action of the Board; except that failure to adopt such a resolution within the 45 day period shall result in the approval of the application for development, notwithstanding any prior action taken thereon.
5. Whenever a memorialization is adopted, the date of such adoption shall constitute the date of the decision for purposes of the mailings and publications specified in Section 708 of this Ordinance.

707 APPEAL OF DECISIONS

- A. Any interested party desiring to appeal a final decision of the Zoning Board of Adjustment or Planning Board, as the case may be, shall appeal to the Township Committee.
- B. Such appeal shall be made within ten (10) days of the date of publication of such final decision pursuant to Section 708 of this Ordinance. The appeal to the Township Committee shall be made by serving the Township Clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and the name and address of his attorney, if represented.
- C. The appellant shall either: 1) Within five (5) days of serving notice of the appeal, arrange for a transcript for use by the Township Committee and pay a deposit of fifty dollars (\$50.00) or the estimated cost of such transcription, whichever is less; provided that the charge by the Township to the applicant for the transcript shall not exceed the maximum permitted in N.J.S. 2A:11-15; or 2) Within thirty-five (35) days of serving notice of the appeal, submit a transcript to the Township Clerk for use by the Township Committee. Should the appellant neither arrange for or submit a transcript as provided hereinabove, the Township Committee may dismiss the appeal for failure to prosecute. All transcripts shall be certified in writing by the transcriber to be accurate.
- D. Notice of the meeting to review the record below shall be given by the Township Committee by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to Section 708 of this Ordinance, and to the Zoning Board of Adjustment or Planning Board, as the case may be, at least ten (10) days prior to the date of the meeting. The appeal shall be decided by the Township Committee only upon the record established before the Zoning Board of Adjustment or Planning Board, as the case may be. The parties may submit oral and written arguments on the record at the Township Committee meeting, and the Township Committee shall provide for verbatim recording and transcripts of such meeting.

- E. The Township Committee shall conclude a review of the record below not later than ninety-five (95) days from the publication of the notice of the subject decision of the Zoning Board of Adjustment or Planning Board, as the case may be, unless the appellant consents in writing to an extension of such period. Failure of the Township Committee to hold a hearing and conclude a review of the record below and to render a decision within such specified period without such written consent of the appellant shall constitute a decision affirming the action of the Zoning Board of Adjustment or the Planning Board, as the case may be.
- F. The Township Committee may reverse, remand or affirm, wholly or in part, or may modify the final decision of the Zoning Board of Adjustment or Planning Board, as the case may be. The affirmative vote of a majority of the full authorized membership of the Township Committee shall be necessary to reverse, remand or modify any final action of either Board.
- G. An appeal to the Township Committee shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the Board from whose action the appeal is taken certifies to the Township Committee, after the notice of appeal shall have been filed with the Board, that by reasons of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board from whom the appeal is taken and on good cause shown.

708 NOTICE OF DECISIONS

Any decision of the Planning Board or Zoning Board of Adjustment when acting upon an application for development and any decision of the Township Committee when acting upon an appeal shall be given notice in the following manner:

- A. A copy of the decision shall be mailed by the appropriate municipal authority within ten (10) days of the date of decision to the applicant or appellant, or, if represented then to his attorney, without separate charge. A copy of the decision shall also be mailed within ten (10) days to any interested party who has requested it and who has paid the fee prescribed by the municipal authority for such service.
- B. A brief notice of every final decision shall be published in the official newspaper of the Township. Such publications shall be arranged by the Secretary of the Planning Board, the Secretary of the Zoning Board of Adjustment or the Township Clerk, as the case may be, without separate charge to the applicant. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.
- C. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Township.

Section 800

Development Application Review Procedures

SECTION 800

DEVELOPMENT APPLICATION REVIEW PROCEDURES

801 JURISDICTION OF RESPONSIBILITY DURING DEVELOPMENT APPLICATION REVIEW

The Planning Board and Zoning Board of Adjustment have certain overlapping powers to expedite the review process. Their respective responsibilities are outlined below:

A. Powers of the Planning Board

1. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.
2. The Planning Board shall have the power to act in lieu of the Zoning Board of Adjustment and subject to the same extent and restrictions of the Zoning Board of Adjustment on the following matters when the Planning Board is reviewing applications for approval of subdivision plats, site plans or conditional uses. Whenever relief is requested pursuant to this subsection, public notice shall be given and shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.
 - a. Grant variances pursuant to N.J.S.A. 40:55D-70c.
 - b. Direct, 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 drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-34.
 - c. Direct, pursuant to N.J.S.A. 40:55D-36, for issuance of a permit or structure not related to a street.

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 whenever the proposed development requires approval by the Zoning Board of Adjustment of a variance pursuant to N.J.S.A. 40:55D-70d.

802 APPLICATION OF REQUIREMENTS

A. Subdivision Review

All subdivisions, as defined under Section 200, are subject to the review procedures specified herein.

B. Site Plan Review

No construction permit shall be issued for any new structure or for an addition to an existing structure and no Certificate of Occupancy shall be issued for any change of use of an existing structure until the site plan has been reviewed and approved by the municipality except that: (a) site plan review shall not be required for a single-family and two-family detached dwelling units and/or their accessory building(s) on a lot; and, (b) any change of use from one permitted non-residential use to another permitted non-residential use shall not require site plan approval if both the Construction Official and Zoning Officer stipulate to the Board that the existing site development meets the requirement of this Ordinance for the new use.

C. Variance Relief

All applications for variance relief to the Board of Adjustment not involving any related site plan, subdivision or conditional use proposal shall be filed at least three (3) weeks prior to the meeting of the Board at which the discussion is desired. The filing shall include twenty (20) copies of any maps and related material; twenty (20) copies of the completed application form; and the fee in accordance with Section 900 of this Ordinance. The Board shall act upon the application as stipulated by Law.

D. Informal Review By The Planning Board

1. A concept plan of a proposed subdivision or site plan is not required but is encouraged for development proposals involving large acreage or complex planning and engineering details. A prospective applicant desiring to submit a concept plan shall so notify the Secretary of the Planning Board at least fourteen (14) days prior to the regularly scheduled monthly meeting of the Planning Board.
2. The submission of a concept plan affords the prospective applicant the opportunity to discuss the development proposal in its formative stages and receive the advice of the Board and its professional staff and consultants. The informal review of a concept plan is not binding upon the Township or the prospective applicant.
3. Fees will not be collected for the informal review of a concept plan.
4. A concept plan submission shall include sufficient detail to apprise the Planning Board of the nature of the proposed development.

**SUBMISSION OF MINOR SUBDIVISION
PLATS AND MINOR SITE PLANS**

A. Procedure for Submitting Minor Subdivision Plats and Minor Site Plans

1. Submit to the Administrative Officer at least ten (10) days prior to the regularly scheduled monthly meeting of the Planning Board or Zoning Board of Adjustment, as the case may be: twenty (20) copies each of the minor subdivision plat or minor site plan and the application; and a fee in accordance with Section 900 of this Ordinance. The Administrative Officer shall process the application and shall issue an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.

2. The Administrative Officer shall retain one (1) copy each of the minor subdivision plat or minor site plan and the completed application and shall forward the remaining copies to the Secretary of the Planning Board if the application has been submitted to the Planning Board or to the Secretary of the Zoning Board of Adjustment if the application has been submitted to the Zoning Board of Adjustment. Upon receipt of the material, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, shall distribute copies for review and comment in the following manner, and those who receive such copies shall furnish a written report to the Board within thirty (30) days:
 - a. Somerset County Planning Board (two (2) copies each of the minor plat or plan and the application);
 - b. Township Planner (one (1) copy each of the minor plat or plan and the application);
 - c. Township Engineer (one (1) copy each of the minor plat or plan and the application);
 - d. Secretary of the Township Board of Health (one (1) copy each of the minor plat or plan and the application);
 - e. Construction Official (one (1) copy each of the minor plat or plan and the application);
 - f. Zoning Officer (one (1) copy each of the minor plat or plan and the application);
 - g. Township Environmental Commission (one (1) copy each of the minor plat or plan and the application);

- h. Somerset/Union Soil Conservation District (one (1) copy each of the minor plat or plan and the application);
- i. At the direction of the Planning Board or Zoning Board of Adjustment, as the case may be, additional copies of the minor plat or plan shall be sent to other Township, County or State agencies and officials including a Subdivision or Site Plan Committee as may be designated by the Board.

B. Details Required for Minor Subdivision Plats and Minor Site Plans

Each minor plat or minor plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of the said professional engineer and/or land surveyor; provided however that all engineering data shall be signed and sealed by a professional engineer.

Each submission shall be at a scale of 1" equals 50' for a tract up to forty (40) acres in size; 1" equals 100' for a tract between forty (40) and one hundred fifty (150) acres and 1" equals 200' for a tract one hundred fifty (150) acres or more. Each submission shall be on one of four of the following standard sheet sizes (8½" x 13"; 15" x 21"; 24" x 36"; 30" x 42"). If one sheet is not sufficient to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets. Each minor plat or plan shall show the following information, as such information is applicable to the minor subdivision or minor site plan submission:

- 1. A key map showing the entire tract and its relation to the surrounding area, at a scale of one inch equals not more than 2,000 feet;
- 2. Title block:
 - a. Name of subdivision or development, Bedminster Township and Somerset County;
 - b. Name and address of subdivider or developer;
 - c. Name and address of the owner or owners of record;
 - d. Scale; and,
 - e. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
- 3. Acreage figures and north arrow;

4. Approval Signatures:
 - a. Chairman;
 - b. Secretary; and,
 - c. Township Engineer.
5. Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the municipal tax map;
6. Subdivision or development boundary line (heavy solid line);
7. The location of existing and proposed property lines, streets, buildings (with an indication as to whether existing buildings will be retained or removed), parking spaces, loading areas, driveways, water courses, railroads, bridges, culverts, drain pipes, and any natural features such as wetlands and treed areas, both within the tract and within two hundred (200) feet of its boundary;
8. The location and width of all existing and proposed utility easements;
9. Zoning districts affecting the tract including district names and requirements;
10. Proposed buffer and landscaped areas;
11. Delineation of flood plains including both floodway and flood fringe areas;
12. Contours as shown on the U.S.G.S. topographic sheets;
13. Marshes, ponds and land subject to flooding within the tract and within one hundred (100) feet thereof;
14. Concerning minor subdivisions only, existing and proposed monuments;
15. Concerning minor subdivision applications only and if the proposed lot(s) is (are) not served by a sanitary sewer, certification by a licensed professional engineer that the proposed lot(s) can adequately accommodate a septic system. The location(s) of the test hole(s), test results and compliance with the "Individual Sewage Disposal Code of New Jersey" shall be shown on the plat and certified by a licensed professional engineer;
16. No minor subdivision or minor site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this Ordinance shall be approved unless

such additional right-of-way, either along one (1) or both sides of said streets, as applicable, shall be deeded to the Township or other appropriate governmental agency;

17. No minor subdivision or minor site plan involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified in this Ordinance; and,
18. Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications.

C. Action by the Township

1. Within forty-five (45) days from the date of the submission of the application and at the direction of the Board or Township Engineer, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, either shall notify the applicant in writing that the application has been determined to be incomplete or shall certify that the submission is a complete application. If the application is determined to be incomplete, the reasons for such determination shall be specified to the applicant and an appropriately revised plan may thereafter be submitted to the Administrative Officer as in the first instance. If the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, neither certifies to the applicant that the application is complete nor notifies the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.
2. The Board shall take action on minor subdivision and minor site plan applications within forty-five (45) days after the application has been certified complete by the Administrative Officer or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
3. Any designated Subdivision Committee or Site Plan Committee, as the case may be, shall read any written report submitted concerning the application and shall itself review the submission to ascertain its conformity with the requirements of this Ordinance. The Subdivision Committee or Site Plan Committee, as the case may be, shall offer its recommendations to the Board at a regularly scheduled meeting of the Board within thirty (30) days after the application has been certified complete.
4. Any proposed subdivision or development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties, may be required to be revised to remove any adverse effect(s) prior to further review, classification or approval by the Board, or, where the remaining portion of the original tract is sufficient to be subdivided or developed further, the applicant may be required

to submit a sketch of the entire remaining portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose or aggravate or lead to any such adverse effect.

5. When a minor subdivision or minor site plan is approved by the Board, a notation to that effect, including the date of approval, shall be made on a master copy. At least six (6) prints of the plat or plan and any related deed descriptions to be filed with the County Recording Officer shall be signed by the Township Engineer and the Chairman and Secretary of the Board (or the Acting Chairman or Secretary where either or both may be absent) and returned to the applicant within one (1) week thereof. No further approval of the application shall be required. In the event the same is disapproved by the Board, the Secretary of the Board, within ten (10) days of such action, shall notify the applicant of such disapproval and forward the applicant a copy of the adopted resolution adopted in accordance with Section 706 F. of this Ordinance setting forth the reasons for the disapproval.
6. Within 190 days from the date of approval by the Board of a minor subdivision, a plat map drawn in compliance with the Map Filing Act, P. L. 190 c. 141 (C.46:29-9.9 et seq.) or deed description shall be filed by the subdivider with the County Recording Officer. Unless filed within 190 days, the approval shall expire and will require Board approval as in the first instance. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval by the Board, provided that the approved minor subdivision shall have been duly recorded.
7. Before the Secretary of the Board returns any approved minor subdivision or minor site plan to the applicant, the applicant shall provide additional copies of the plat or plan as may be necessary in order to furnish one (1) copy to each of the following:
 - a. Administrative Officer
 - b. Township Engineer
 - c. Construction Official
 - d. Zoning Officer
 - e. Township Tax Assessor
 - f. Secretary of the Township Board of Health
 - g. Such other Township, County or State agencies and officials as directed by the Board.

**SUBMISSION OF PRELIMINARY MAJOR SUBDIVISION
PLATS AND PRELIMINARY MAJOR SITE PLANS**

**A. Procedure for Submitting Preliminary Major
Subdivision Plats and Preliminary Major Site Plans**

1. Submit to the Administrative Officer at least ten (10) days prior to the first regularly scheduled monthly meeting of the Planning Board or Zoning Board of Adjustment, as the case may be: twenty (20) copies each of the preliminary major subdivision plat or preliminary major site plan and the application; five (5) copies of any protective covenants or deed restrictions applying to the land being subdivided or developed; and a fee in accordance with Section 900 of this Ordinance. The Administrative Officer shall process the application and shall issue an application number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.
2. The Administrative Officer shall retain one (1) copy each of the preliminary subdivision plat or site plan and the completed application and shall forward the remaining copies to the Secretary of the Planning Board if the application has been submitted to the Planning Board or to the Secretary of the Zoning Board of Adjustment if the application has been submitted to the Zoning Board of Adjustment. Upon receipt of the material, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, shall distribute copies for review and comment in the following manner, and those who receive such copies shall furnish a written report to the Board within thirty (30) days:
 - a. Somerset County Planning Board (two (2) copies each of the preliminary plat or plan and the application and one (1) copy of any protective covenants or deed restrictions);
 - b. Township Planner (one (1) copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions);
 - c. Township Engineer (one (1) copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions);
 - d. Secretary of the Township Board of Health (one (1) copy each of the preliminary plat or plan and the application);
 - e. Construction Official (one (1) copy each of the preliminary plat or plan and the application);
 - f. Zoning Officer (one (1) copy each of the preliminary plat or plan and the application);
 - g. Township Police Department (one (1) copy each of the preliminary plat or plan and the application);

- h. Township Fire Department (one (1) copy each of the preliminary plat or plan and the application);
- i. Township Environmental Commission (one (1) copy each of the preliminary plat or plan and the application);
- j. Somerset/Union Soil Conservation District (one (1) copy each of the preliminary plat or plan and the application);
- k. Township Tax Assessor (one (1) copy each of the preliminary plat or plan and the application);
- l. At the direction of the Planning Board or Zoning Board of Adjustment, as the case may be, additional copies of the preliminary plat or plan shall be sent to other Township, County or State agencies and officials including a Subdivision or Site Plan Committee as may be designated by the Board.

B. Details Required for Preliminary Major Subdivision Plats and Preliminary Major Site Plans

Each preliminary plat or preliminary plan shall be drawn by a professional engineer licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of the said professional engineer.

Each submission shall be at a scale of 1" equals 50' for a tract up to forty (40) acres in size; 1" equals 100' for a tract between forty (40) and one hundred fifty (150) acres and 1" equals 200' for a tract one hundred fifty (150) acres or more. Each submission shall be on one of four of the following standard sheet sizes (8½" x 13"; 15" x 21"; 24" x 36"; 30" x 42"). If one sheet is not sufficient to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with reference on each sheet to the adjoining sheets.

Each preliminary plat or plan shall show the following information, as appropriate to a subdivision plat or site plan, unless the municipal agency determines and so notifies the applicant that such information either is unnecessary or inapplicable to the particular subdivision or development plan and except that applicants for major subdivision approval of any portion of a tract of land which has received Phase I preliminary approval for a Planned Development may attach by reference any required information which has been previously submitted and approved as part of the Phase I preliminary application.

- 1. A key map showing the entire tract and its relation to the surrounding areas, at a scale of one inch equals not more than 2,000 feet;
- 2. Title block;
 - a. Name of subdivision or development, Bedminster Township, Somerset County;
 - b. Name and address of subdivider or developer;
 - c. Name and address of the owner or owners of record;
 - d. Scale; and

- e. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
3. North arrow;
4. Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement;
5. Approval signatures:
 - a. Chairman;
 - b. Secretary; and,
 - c. Township Engineer.
6. Acreage to the nearest tenth of an acre;
7. The names and addresses of all property owners within two hundred (200) feet of the extreme limits of the tract as shown on the most recent tax list prepared by the Township Tax Assessor;
8. Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Township Tax Map, and proposed block and lot numbers as provided by the Township Tax Assessor upon written request;
9. Tract boundary line (heavy solid line);
10. Zoning districts including district names and requirements;
11. The locations and dimensions of existing and proposed bridges and the location of natural features such as wooded areas, and any extensive rock formations, both within the tract and within two hundred (200) feet of its boundaries;
12. The location and species associations of all existing trees or groups of trees having a caliper of eight (8) inches or more measured three (3) feet above the ground level shall be shown. The proposed location of all proposed plantings shall also be indicated and a legend provided listing the botanical and common names, the size at time of planting, the total quantity of each plant, and the location of each plant keyed to the plan or plat.
13. All existing and proposed water courses (including lakes and ponds) shall be shown and accompanied by the following information:

- a. When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by the New Jersey Department of Water Policy and Supply shall accompany the submission;
- b. Cross-sections of water courses and/or drainage swales at an approximate scale showing the extent of flood plain, top of bank, normal water levels and bottom elevations at the following locations, where appropriate:
 - 1) At any point where a water course crosses a boundary of the tract.
 - 2) At one hundred (100) foot intervals up to five hundred (500) feet upstream and downstream of any point of juncture of two or more water courses within the tract.
 - 3) At one hundred (100) foot intervals for a distance of five hundred (500) feet upstream and downstream of any proposed and/or existing culvert or bridge within the tract.
 - 4) At a maximum of one hundred (100) foot intervals, but not less than two (2) locations, along each water course which runs through or within five hundred (500) feet of the tract.
 - 5) When ditches, streams or water courses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch sections and profiles, shall be shown.
 - 6) The delineation of the floodways and flood fringe areas of all water courses within or adjacent to the tract.
- c. The total acreage in the drainage basin of any water course running through the tract;
- d. The location and extent of drainage and conservation easements and stream encroachment lines;
- e. The location, extent and water level elevation of all existing or proposed lakes or ponds within the tract and within two hundred (200) feet of the tract.

14. Existing contours with intervals of two (2) feet, where slopes are less than fifteen percent (15%); and five (5) feet when fifteen percent (15%) or more; referred to a known datum, and to be indicated by a dashed line. Where any changes in contours are proposed, finished grades should be shown as a solid line.
15. *Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.*
16. Locations of all existing structures showing existing and proposed front, rear and side yard setback distances, and an indication of whether the existing structures and uses will be retained or removed.
17. Size, height and location of all proposed buildings, structures, signs and lighting facilities.
18. All dimensions necessary to confirm conformity to this Ordinance such as structure setbacks, structure heights, yards and floor area ratios.
19. The proposed location, direction of illumination, power and type of proposed outdoor lighting including details of lighting poles and luminaries.
20. The proposed screening, buffering and landscaping including a landscaping plan:
 - a. Buffer areas are required along lot and street lines of all non-residential lots where said property lines or the centerline of adjacent streets abut residential uses or residential zoning district lines. Each permitted use shall provide landscaped grounds and suitable screening in order to safeguard the character of adjacent districts. The width of the buffer area for each particular district shall be as prescribed in Section 400. Buffer areas shall be measured horizontally and at right angles to either a straight lot or street line or the tangent lines of curved lot or street lines. Buffer areas shall be maintained and kept clear of all debris, rubbish, weeds and tall grass. No above surface structure or activity or the storage of materials or parking of vehicles shall be permitted in the buffer area and all buffer areas shall be planted and maintained with grass or ground cover together with a dense screen of trees, shrubs or other plant materials meeting the following requirements:
 - 1) Plant materials used in screen planting shall be at least six (6) feet in height when planted and shall be of such density as determined appropriate for the activities involved. The plant materials shall be of a species common to the area, be of nursery stock and shall be free of insect and disease.

- 2) Buffer areas shall be permanently maintained and plant material which does not live shall be replaced by the owner within one year or one growing season.
 - 3) The screen planting shall be so placed that at maturity the plant material will be no closer than three (3) feet from any street or property line.
 - 4) The buffer area shall not be broken unless specifically approved by the Board.
 - b. Landscaping in parking areas shall be specified in accordance with the provisions of Section 508A of this Ordinance.
 - c. The Board, at its discretion, may consult with a landscape architect regarding the appropriateness of the landscaping plan as it relates to the physical characteristics of the site.
21. The location and design of any off-street parking area, showing size and location of bays, aisles and barriers.
 22. All means of vehicular access and egress to and from the site onto public streets, showing the site and the location of driveways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width and other proposed devices necessary to prevent a difficult traffic situation.
 23. The application shall include plans and computations for any storm drainage systems including the following:
 - a. All existing or proposed storm sewer lines within or adjacent to the tract showing size and slope of the lines, direction of flow and the location of each catch basin, inlet, manhole, culvert and head-wall.
 - b. The location and extent of any proposed ground water recharge basins, retention basins or other water or soil conservation devices.
 24. The location of existing utility structures such as water and sewer mains, gas transmission lines and high tension power lines on the tract and within two hundred (200) feet of its boundaries.
 25. Plans of proposed improvements and utility layouts including sewers, storm drains and water lines and feasible connections to gas, telephone and electrical utility systems. If private utilities are proposed, they shall

comply fully with all Township, County and State regulations. If service will be provided by an existing utility company, a letter from that company stating that service will be available before occupancy will be sufficient. When individual on-lot water or sewage disposal is proposed, the plan for such system shall be approved by the appropriate Township and State agencies and the result of percolation tests and soil log data shall be submitted under conditions designated by the Township Board of Health.

26. Plans, typical cross sections and details, centerline profiles and tentative grades of all proposed streets and of existing streets abutting the tract based on U.S.G.S. vertical datum or a more specified datum supplied by the Township Engineer, including curbing, sidewalks, storm drains and drainage structures. Sight triangles, the radius of curblines and street sign locations shall be clearly indicated at the intersections.
27. Certification from the Township Tax Collector that all taxes are paid up to date.
28. A copy of any protective covenants or deed restrictions applying to the land being developed shall be submitted with the application.
29. The proposed permanent monuments shall be shown.
30. The Board reserves the right to acquire additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and surrounding area. Such information may include, but not be limited to, drainage calculations and traffic analyses, provided however that no application shall be declared incomplete for lack of such additional information.

C. Environmental Impact Statement

I. General Provisions

The impact on the environment generated by land development projects necessitates a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. It is further recognized that the level of detail required for various types of applications will vary depending on the size of the proposal, the nature of the site, the location of the project and the information already in the possession of the Township. Therefore, having determined that some flexibility is needed in preparing the Environmental Impact Statement, the requirements for such a document pertaining to different types of development applications are listed below:

- a. All agricultural operations conducted in accordance with a plan approved by the Soil Conservation District and all silva culture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the Environmental Impact Statement requirements.
- b. Any variance applications 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 Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.

- c. Any application for subdivision approval where ten (10) lots or less are involved and all applications for minor site plan approval, either to the Planning Board or to the Zoning Board of Adjustment, as the case may be, shall require an Environmental Impact Statement unless specifically exempted by the appropriate Board. The Planning Board or Zoning Board of Adjustment, as the case may be, shall inform the applicant regarding any information that may be required.
- d. All preliminary major subdivision and/or preliminary major site plan applications shall be accompanied by an Environmental Impact Statement.
- e. All applications for Phase I preliminary approval of a planned development, if submitted by an applicant as provided in Section 807 of this Ordinance, shall include an Environmental Impact Statement detailed only to the extent required by the elements of the plan for which approval is requested, it being understood that greater detail will be provided with the application for preliminary approval in accordance with Section 804 of this Ordinance.

2. Submission Format

When an Environmental Impact Statement is required, the applicant shall retain one or more competent professionals to perform the necessary work. All applicable material on file in the Township pertinent to local conditions shall be consulted. Any additional material pertinent to 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 utilizing the following format.

a. Project Description

Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. 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 and the uses intended. The resident population, working population and visitor population shall be estimated. The compatibility or incompatibility of the proposed project shall be described in relation to the following:

- 1) Township Master Plan.
- 2) Master Plan of Adjacent Municipalities.
- 3) Somerset County Master Plan.
- 4) Regional and State Planning Guides.
- 5) Other Pertinent Planning Documents.

b. Site Description and Inventory

Provide a description of environmental conditions on the site which shall include the following items:

1) Types of Soils

List and describe each soil type located on the site. If applicable, provide percolation data. Where the proposed area of land disturbance will involve soils with moderate or severe limitations relative to the type of project proposed, a complete mapping of all soil types shall be required, indicating where the moderate and severe limitations exist.

2) Topography

Describe the topographic conditions of the site.

3) Geology

Describe the geologic formations and features associated with the site as well as depth to bedrock conditions. Delineate those areas where bedrock is within two (2) feet of the surface as well as major rock outcroppings.

4) Vegetation

Describe the existing vegetation on the site. A map shall be prepared showing the location of major vegetative groupings such as woodlands, open fields and wetlands. Where woodlands are delineated, the forest types shall be indicated.

5) Wildlife

Identify and describe any unique habitats of endangered or protected species.

6) Subsurface Water

Describe the subsurface water conditions on the site both in terms of depth to ground water and water supply capabilities. The location, depth, capacity and water quality of all existing water wells on the site and within five hundred (500) feet of the site shall be indicated.

7) Distinctive Scenic and/or Historic Features

Describe and map those portions of the site that can be considered to have distinctive scenic and/or historic qualities.

8) Existing Development Features

Describe any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to roads, housing units, accessory structures, utility lines, etc.

9) Miscellaneous

When warranted, an analysis shall be conducted of existing air quality and noise levels as prescribed by the New Jersey State Department of Environmental Protection.

c. Environmental Performance Controls

Describe what measures will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts that could result from the proposed project. Of specific interest are:

- 1) Drainage plans which shall include soil erosion and sedimentation controls.
- 2) Sewage Disposal Techniques.
- 3) Water Supply and Water Conservation Proposals.
- 4) Energy Conservation Measures.
- 5) Noise Reduction Techniques.

d. Impact

Discuss both the negative and positive impacts during and after construction. Indicate those negative impacts that are unavoidable. The specific concerns that shall be considered include the following:

- 1) Soil erosion and sedimentation resulting from surface run-off.
- 2) Flooding and flood plain disruption.
- 3) Degradation of surface water quality.
- 4) Ground water pollution.
- 5) Reduction of ground water capabilities.
- 6) Sewage disposal.
- 7) Solid waste disposal.
- 8) Vegetation destruction.
- 9) Disruption of wildlife habitats of endangered and protected species.
- 10) Destruction of scenic and historic features.

- 11) Air quality degradation.
- 12) Noise levels.
- 13) Energy utilization.

e. Licenses, Permits and Other Approvals Required by Law

The applicant shall list all known licenses, permits and other forms of approval required by law for the development and operation of the proposed project. The list shall include 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.

f. Documentation

All publications, file reports, manuscripts or other written sources of information which were consulted and employed in compilation of the Environmental Impact Statement shall be listed. A list of all agencies and individuals from whom all pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.

4. Disposition by the Board

The Board shall review the information furnished in the Environmental Impact Statement in the context of the overall design of the proposed development and the relationship of the proposed development to the environment. The information is to be used solely to help insure that the proposed development will cause no reasonably avoidable damage to any environmental resource.

D. Community Impact Statement

All applications for preliminary major subdivision approval, where more than ten (10) lots are proposed, and all applications for preliminary site plan approval shall be accompanied by a Community Impact Statement analyzing the proposed development and its expected impact upon the existing facilities and services. The information furnished within the Community Impact Statement shall serve to influence the design of the proposed development so that the provision of necessary municipal facilities can be coordinated with the construction of the proposed development. If the appropriate municipal authorities fail to supply the applicant with the requested statements as set forth below, the requirement for such statements shall be waived.

1. Population Impact:
An analysis of the number of people expected to be added to the municipal population as a result of the proposed development according to the following age cohorts: pre-school aged children, school aged children, parents of family bearing age, middle aged adults and retired people.
2. School Impact:
An analysis of the anticipated number of pupils who will be added to the student population in the municipality and a statement by the relevant school authorities as to the ability of the existing public school facilities to absorb the expected student population during a ten (10) year time period and the expected cost of any required building additions and/or increased teaching staff.
3. Facilities Impact:
Statements by the relevant authorities as to the adequacy of the existing facilities available to serve the proposed development upon the facilities, including the adequacy of existing public water facilities; public sewerage facilities; recreational facilities and library facilities. Should such facilities be determined to be inadequate to serve the proposed development, the applicant shall indicate remedies, either expected from other sources or proposed by the applicant, along with the estimated costs for any additional facilities proposed by the applicant.
4. Services Impact:
Statements by the relevant authorities as to the adequacy of the existing services proposed by the Township to serve the proposed development and the impact of the development upon the services, including police protection; fire protection; solid waste disposal and street maintenance services.
5. Traffic Impact:
An analysis of the existing road network available to serve the proposed development as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development, including the capacity of the existing and proposed roadways, the anticipated traffic volumes as a result of the proposed development as well as the increase in traffic volumes expected from other developments within the area; and any problem spots in the overall road network including unsafe intersections, turns or grades.
6. Financial Impact:
An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality, the municipal school system and the county.

E. Action by the Township

1. Within forty-five (45) days from the date of submission of the application and at the direction of the Board, the Township Engineer, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be either shall notify the applicant in writing that the application has been determined to be incomplete or shall certify that the submission is a complete application. If the application is determined to be incomplete, the reasons for such determination shall be specified to the applicant and an appropriately revised plan may thereafter be submitted to the Administrative Officer as in the first instance. If the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, neither certifies to the applicant that the application is complete nor notices the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.
2. The Planning Board shall take action on a preliminary major site plan application involving ten (10) acres of land or less and ten (10) dwelling units or less and/or a preliminary major subdivision application involving ten (10) lots or less within forty-five (45) days after the application has been certified complete by the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application; provided that any preliminary application including a request for variance relief pursuant to Section 801 A. of this Ordinance shall be acted upon within ninety-five (95) days after the application has been certified complete or within such further time as may be consented to by the applicant.
3. The Planning Board shall take action on a preliminary major site plan application involving more than ten (10) acres of land or more than ten (10) dwellings and/or a preliminary major subdivision application involving more than ten (10) lots within ninety-five (95) days after the application has been certified complete by the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
4. The Zoning Board of Adjustment shall take action on a preliminary major site plan application and/or preliminary major subdivision application as prescribed in Sections 804 E.2. and 804 E.3. hereinabove unless said preliminary site plan and/or preliminary subdivision application is being considered by the Zoning Board of Adjustment simultaneously with an application for a "use" variance in accordance with Section 702 D. of this Ordinance, in which case

the Zoning Board of Adjustment shall act on all aspects of the application within one hundred twenty (120) days after the application has been certified complete by the Secretary of the Zoning Board of Adjustment or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.

5. Any designated Subdivision Committee or Site Plan Committee, as the case may be, shall read any written report submitted concerning the application and shall itself review the submission to ascertain its conformity with the requirements of this Ordinance. The Subdivision Committee or Site Plan Committee, as the case may be, shall offer its recommendations to the Board at a regularly scheduled meeting of the Board within thirty (30) days after the application has been certified complete.
6. Any proposed subdivision or development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties, may be required to be revised to mitigate any adverse effect(s) prior to further review, classification or approval by the Board, or, where the remaining portion of the original tract is sufficient to be subdivided or further developed, the applicant may be required to submit a sketch of the entire remaining portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose or aggravate or lead to any such adverse effect.
7. In the case of planned developments only, the Board shall find the following facts and conclusions prior to granting approval:
 - a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning provisions specified in Section 600 of this Ordinance pursuant to N.J.S.A. 40:55D-65c.
 - b. That the proposals for maintenance and conservation of the common space are reliable, and the amount, location and purpose of the common open space are adequate;
 - c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
 - d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;

- e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
8. All hearings held on applications for preliminary major subdivision approval (and in certain cases preliminary major site plan approval) shall require public notice of the hearing. The Board shall set the date, time and place for the public hearing and shall inform the applicant of this at least fourteen (14) days prior to said hearing date. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing (see Section 706 E.)
9. The recommendations of the Township Engineer and the recommendations of those other agencies and officials to whom the preliminary plat or plan was submitted shall be given careful consideration in the final decision on the development application. If the County Planning Board or the Township Engineer approve the preliminary submission, such approval shall be noted on the plat or plan. If the Board acts favorably on the preliminary plat or plan, the Township Engineer and the Chairman and Secretary of the Board (or the Acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least ten (10) copies of the plat or plan with the notification that it has been approved.
10. Should minor revisions or additions to the plan be deemed necessary, the Board may grant preliminary approval subject to specified conditions and receipt of revised plans within thirty (30) days from the date of said approval. Should major revisions be deemed necessary, the Board shall require that an amended plan be submitted and acted upon as in the case of the original application for preliminary approval.
11. If the Board, after consideration and discussion of the preliminary plat or plan, determines that it is unacceptable, a notation shall be made by the Chairman of the Board to that effect on the plat or plan and a resolution adopted setting forth the reasons for such rejection. One copy of the plat or plan and said resolution shall be returned to the applicant within ten (10) days of such determination.

F. Effect of Preliminary Approval

1. Preliminary approval shall confer upon the applicant the following rights for a three (3) year period from the date of preliminary approval:
 - a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to: use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements;

- b. That the applicant may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary plat or plan; and,
 - c. That the applicant may apply for and the Board may grant extensions on such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that if the design standards have been revised by Ordinance, such revised standards may govern.
2. In the case of a subdivision of or a site plan for an area fifty (50) acres or more, the Planning Board may grant the rights referred to in Section 804 F.1. hereinabove for such period of time, longer than three (3) years, as shall be determined by the Board to be reasonable taking into consideration:
- a. The number of dwelling units and nonresidential floor area permissible under preliminary approval;
 - b. Economic conditions; and,
 - c. The comprehensiveness of the development.

The applicant may apply for thereafter and the Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration:

- a. The number of dwelling units and nonresidential floor area permissible under preliminary approval;
- b. The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval;
- c. Economic conditions; and,
- d. The comprehensiveness of the development;
- e. Provided that if the design standards have been revised by Ordinance, such revised standards may govern.

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**SUBMISSION OF FINAL MAJOR SUBDIVISION
PLATS AND FINAL MAJOR SITE PLANS**

A. Procedure For Submitting Final Plats and Final Plans

1. A final plat or final plan shall be submitted to the Administrative Officer within three (3) years after the date of preliminary approval or any authorized extension thereof. The applicant shall submit to the Administrative Officer at least ten (10) days, prior to the first regularly scheduled monthly meeting of the Planning Board or Zoning Board of Adjustment, as the case may be: twenty (20) copies each of the final major subdivision plat or final major site plan and the application; and a fee in accordance with Section 900 of this Ordinance.
2. The Administrative Officer shall retain one (1) copy each of the final subdivision plat or site plan and the completed application and shall forward the remaining copies to the Secretary of the Planning Board if the application has been submitted to the Planning Board or to the Secretary of the Zoning Board of Adjustment if the application has been submitted to the Zoning Board of Adjustment. Upon receipt of the material, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, shall distribute copies for review and comment in the following manner and those who receive such copies shall furnish a written report to the Board within thirty (30) days:
 - a. Somerset County Planning Board (two (2) copies each of the final plat or plan and the application);
 - b. Township Planner (one (1) copy each of the final plat or plan and the application);
 - c. Township Engineer (one (1) copy each of the final plat or plan and the application);
 - d. Secretary of the Township Board of Health (one (1) copy each of the final plat or plan and the application);
 - e. Construction Official (one (1) copy each of the final plat or plan and the application);
 - f. Township Environmental Commission (one (1) copy each of the final plat or plan and the application);
 - g. Township Tax Assessor (one (1) copy each of the final plat or plan and the application);
 - h. At the direction of the Planning Board or Zoning Board of Adjustment, as the case may be, additional copies of the final plat or plan shall be sent to other Township, County or State agencies and officials including a Subdivision or Site Plan Committee as may be designated by the Board.

B. Details Required For Final Major Subdivision Plats and Final Major Site Plans

1. All details stipulated in Section 804 B. of this Ordinance.
2. All additional details required at the time of preliminary approval shall be submitted.
3. A section or staging plan, if proposed, indicating the portion of the tract to be considered for final approval as part of the current application and the relationship of the portion of the tract to the remaining land area, including all applicable comparisons such as parking spaces, building coverage, floor area, open space areas and number of lots.
4. Detailed architectural and engineering data including:
 - a. An architect's isometric design of each building and sign or a typical building and sign showing front, side and rear elevations.
 - b. Cross sections, profiles and established grades of all streets, aisles, lanes and driveways.
 - c. Plans and profiles of all storm and sanitary sewers and water mains.
 - d. All dimensions of the exterior boundaries of any subdivision shall be balanced and closed to a precision of one (1) to five thousand (5,000), and the dimensions of all lot lines to within one (1) to ten thousand (10,000). All dimensions, angles and bearings must be tied to at least two (2) permanent monuments not less than 300 feet apart and all information shall be indicated on the plat. At least one corner of the subdivision shall be tied horizontally to the New Jersey State Grid Coordinate System and vertically to U.S.G.S. benchmarks with the data on the plat as to how the bearings were determined.
5. The final submission shall be accompanied by the following documents:
 - a. Certification from the Township Tax Collector that all taxes are paid up to date;
 - b. Letters directed to the Chairman of the Board and signed by a responsible official of the lighting agency, water company, and of any other utility company or governmental authority or district which provides accessory utility service and has jurisdiction in the area, approving each proposed utility installation design and stating who will construct the facility so that service will be available prior to occupancy. The designing engineer(s) shall certify to the Board that the existing cross-section(s) and profile(s) have been run in the field and the field notes shall be forwarded to the Township Engineer.

c. The applicant shall certify in writing to the Board that he has:

- 1) Installed all improvements in accordance with the requirements of this Ordinance; and/or,
- 2) Posted a performance guarantee in accordance with Section 902 of this Ordinance.

d. A statement from the Township Engineer that all improvements installed prior to application have been inspected as provided in Section 902 of this Ordinance, and that such improvements meet the requirements of the Township. Any improvements installed prior to application for final approval that do not meet or exceed Township standards shall be factored into the required performance guarantee.

C. Action by the Township

1. Within forty-five (45) days from the date of the submission of the application and at the direction of the Board, the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, either shall notify the applicant in writing that the application has been determined to be incomplete or shall certify that the submission is a complete application. If the application is determined to be incomplete, the reasons for such determination shall be specified to the applicant and an appropriately revised plan may thereafter be submitted to the Administrative Officer as in the first instance. If the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, neither certifies to the applicant that the application is complete nor notices the applicant in writing that the application has been determined to be incomplete, then the application shall be considered certified complete and the period for action by the Board shall commence.
2. The Board shall take action on a final site plan and/or final subdivision application within forty-five (45) days after the application has been certified complete by the Secretary of the Planning Board or the Secretary of the Zoning Board of Adjustment, as the case may be, or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
3. Any designated Subdivision Committee or Site Plan Committee, as the case may be, shall read any written report submitted concerning the application and shall itself review the submission to ascertain its conformity with the requirements of this

Ordinance. The Subdivision Committee or Site Plan Committee, as the case may be, shall offer its recommendations to the Board at a regularly scheduled meeting of the Board within thirty (30) days after the application has been certified complete.

4. The recommendations of the Township Engineer and the recommendation of those other agencies and officials to whom the final plat or plan was submitted shall be given careful consideration in the final decision on the development application. If the County Planning Board or the Township Engineer approve the final submission, such approval shall be noted on the plat or plan. If the Board acts favorably on the final plat or plan, the Township Engineer and the Chairman and Secretary of the Board (or the Acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least ten (10) copies of the plat or plan with the notification that it has been approved. The applicant shall furnish such copies to the Board for signing. In the case of final subdivisions only, the applicant shall include at least five (5) mylar copies of the approved plat.
5. After approval of the final plat or plan by the Board, the Secretary of the Board shall retain one (1) copy (mylar, if applicable) of the signed plat or plan and shall furnish an additional copy to each of the following within ten (10) days from the date of such approval:
 - a. Administrative Officer;
 - b. Township Engineer (one (1) mylar, if applicable);
 - c. Construction Official;
 - d. Township Tax Assessor;
 - e. The Applicant (two (2) mylars, if applicable); and
 - f. Such other Township, County or State agencies and officials as directed by the Board.
6. Within ninety-five (95) days of the date of approval by the Board of a final subdivision plat, the subdivider shall file a copy of same with the Somerset County Clerk. In the event of failure to file within said ninety-five (95) days, the approval of the major subdivision shall expire and any further proceedings shall require the filing of a new application as in the first instance. The Board, for good cause shown, may extend the time for filing for an additional ninety-five (95) days.

7. If the Board, after consideration and discussion of the final plat or plan, disapproves the submission, a notation to that effect shall be made by the Chairman of the Board on the plat or plan. The Secretary of the Board, within ten (10) days of such action, shall notify the applicant of such disapproval and forward the applicant a copy of the adopted resolution setting forth the reasons for the disapproval.
8. In the case of Planned Developments only, final approval shall not be granted for any section of the development until the following ratio of subsidized units to non-subsidized units is constructed and/or committed:

<u>% of Subsidized Units</u>	<u>% of Non-Subsidized Units</u>
0%	Up to 25%
At least 25%	Up to 50%
At least 50%	Up to 75%
100%	More than 75%

D. Effect of Final Approval

1. Final approval of a subdivision or site plan shall confer upon the applicant the following rights for a period of two (2) years from the date of final approval:
 - a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed.
 - b. If the developer has followed the standards prescribed for final approval, the Board may extend the period of protection for extensions of one (1) year each, not exceeding three such extensions.
2. In the case of a subdivision or site plan for a planned unit development, planned unit residential development or residential cluster of 50 acres or more, or in the case of a conventional subdivision or site plan of 150 acres or more, the Board may grant the rights referred to in Section 805 D.1. hereinabove for such period of time, longer than two (2) years, as shall be determined by the Board to be reasonable taking into consideration:
 - a. The number of dwelling units and nonresidential floor area permissible under final approval;
 - b. Economic conditions; and
 - c. The comprehensiveness of the development.

The developer may apply thereafter and the Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration:

- a. The number of dwelling units and nonresidential floor area permissible under final approval;
- b. The number of dwelling units and nonresidential floor area remaining to be developed;
- c. Economic conditions; and,
- d. The comprehensiveness of the development.

HISTORIC PRESERVATION OF STRUCTURES WITHIN THE "VN" DISTRICT**A. Purpose**

It is the expressed intent of these provisions to protect, enhance, perpetuate and preserve, structures and improvements of historic, aesthetic, cultural and architectural value within the "VN" Village Neighborhood District which are considered to be of national, state and local historic or architectural significance.

It is the further intent of these regulations to safeguard the heritage of Bedminster Township, maintain and improve property values and foster civic pride in the beauty and accomplishments of the past.

B. Review Requirements

1. Any new building or structure or any extension, addition or alteration to an existing building within the "VN" District shall require review and approval of the Planning Board in order to insure that all architectural design features are in keeping with the existing historic village atmosphere. The Board shall utilize an advisory committee of historians, architects or other disciplines in reaching a decision and shall be empowered to engage experts as deemed necessary and as permitted by budgetary considerations. The Planning Board and its advisory committee shall give consideration to the following:
 - a. The historical or architectural value and significance of the building or structure and its relationship to the historic value of the surrounding area; and
 - b. The general compatibility of exterior design, arrangement and materials proposed to be used.
2. The Planning Board shall not disapprove applications except in regard to considerations as set forth in Section 806 B.1. hereinabove.
3. It is the objective of the review process to insure that alterations, repairs and additions to historic and architecturally significant buildings and structures be made in the spirit of their architectural style. Criteria for evaluation of historic buildings and structures shall be those developed by the National Trust for Historic Preservation.

OPTIONAL PHASE I PRELIMINARY APPROVAL FOR PLANNED DEVELOPMENTS**A. Applicability**

In order to provide flexibility in the review of large Planned Developments within Bedminster Township, this Section prescribes requirements and procedures for a Phase I preliminary approval of permitted Planned Developments which exceed fifty (50) acres in area. An applicant is not required to submit a plan for Phase I preliminary review and approval in accordance with the provisions in this Section, but, instead, may immediately proceed to the preliminary review process as specified in Section 804 of this Ordinance.

B. Details Required For Phase I Preliminary Approval

1. The details specified for preliminary site plan submissions in Sections 804 B.1. through 804 B.11. of this Ordinance shall be required for Planned Development submissions under this Section.
2. A Land Use Plan shall be submitted, indicating the tract area and the specific land areas to be devoted to the proposed land uses. Each particular residential land area shall be documented as to acreage, the type of residential dwelling unit proposed and the number of dwelling units of each type to be situated within the defined areas. If permitted commercial uses are intended, the proposed floor area shall be indicated within a defined area and the floor area ratio shall be stipulated.
3. A Traffic Circulation Plan shall be submitted, indicating all existing and proposed collector streets, typical road cross-sections and critical elevations and grades. The plan shall indicate how the overall collector road network relates to the terrain, the overall design of the planned development and the road network of the municipality and neighboring municipalities.
4. A Utility Plan shall be submitted, indicating existing and proposed sewer and water lines, pump stations, wells and sewage treatment plants and connections to electric, gas and telephone facilities.
5. A Drainage Plan shall be submitted, indicating the proposed method of controlling and draining surficial water on and from the site and including supportive calculations. Additionally, a conceptual description of the intended Soil Erosion and Sediment Control Plan shall be submitted.
6. An Open Space and Recreation Plan shall be submitted, indicating the major areas to be devoted to open space, conservation and recreational purposes and a description of the intended improvements within said areas.
7. An Environmental Impact Statement shall be submitted, as stipulated in Section 804 C. of this Ordinance for the purposes indicated in Section 804 C.4.

8. A Community Impact Statement shall be submitted, as stipulated in Section 804 D. of this Ordinance for the purposes indicated therein.
9. A Staging Plan shall be submitted where the Planned Development is intended to be developed over a number of years, indicating the areas to be developed in each stage and the priority of each stage. The eventual development of each stage shall be specifically related to the Land Use Plan, Traffic Circulation Plan, Drainage Plan and Open Space and Recreation Plan to insure that a reasonable balance of the different components of the proposed development are maintained in each stage. The submitted staging plan shall specifically address the provision of the subsidized and least cost housing units required by this Ordinance.

C. Review And Action By The Township

The procedure for submitting Phase I preliminary plans shall be as provided for preliminary site plans in Section 804 A. of this Ordinance. The Township shall take action on the submitted Phase I preliminary plan as provided for preliminary site plans in Section 804 E. of this Ordinance. The submitted Environmental Impact Statement shall be reviewed and evaluated in relation to the Phase I preliminary application and any additional Environmental Impact Statement data to be required for Phase II preliminary approval shall be stipulated.

D. Effect of Phase I Preliminary Approval

Phase I preliminary approval shall confer upon the applicant the following rights for the period of time determined by the Planning Board in accordance with Section 804 F.2. of this Ordinance:

- a. That the submitted Land Use Plan shall not be changed with reference to the total number of dwelling units within the planned development, the number and type of dwelling units within each designated residential area, and the gross floor area within any designated commercial area;
- b. That the location and general specifications for the proposed collector roads shall not be changed;
- c. That no lands receiving Phase I preliminary approval for a Planned Development shall be conveyed unless the seller certifies that he has informed the buyer of and the buyer certifies to the Township that he is aware of all requirements and provisions of the approved Phase I preliminary plan and that all parties agree to be bound by all such requirements and provisions;
- d. That all required subsidized and/or least cost housing, as stipulated and defined in this Ordinance for the particular type of Planned Development, be provided;
- e. That preliminary approvals of a site plan for the Planned Development shall be submitted for review and approval by the Planning Board in accordance with Section 804 of this Ordinance within the time period specified by the Planning Board in accordance with Section 804 F.2. of this Ordinance.

Section 900

Fees, Guarantees and Inspections

SECTION 900

FEES, GUARANTEES, INSPECTIONS AND OFF-TRACT IMPROVEMENTS

901

FEES

A. Every application for development shall be accompanied by a check payable to the Township of Bedminster in accordance with the following schedule:

	<u>Application Charge</u>	plus	<u>Escrow Account</u>
1. <u>Subdivisions</u>			
a. Minor Plat	\$ 50		none required
b. Preliminary Plat	\$ 100		\$35 per lot
c. Final Plat	\$ 50		\$20 per lot
2. <u>Site Plans</u>			
a. Minor Plan	\$ 50		\$50
b. Preliminary Plan	\$ 100		\$50 per acre or part thereof and \$5 per dwelling, provided a minimum of \$500 shall be deposited.
c. Final Plan	\$ 50		\$25 per acre or part thereof and \$3 per dwelling, provided a minimum of \$250 shall be deposited.
d. Phase I Preliminary Plan	\$ 100		1/3 the amount specified in 901 A.2.b. hereinabove.
3. <u>Variances</u>			
a. Appeals (40:55D-70a)	\$ 50		none required
b. Interpretation (40:55D-70b)	\$ 25		none required
c. Hardship (40:55D-70c)	\$ 50		none required
d. Use (40:55D-70d)	\$200		none required
e. Permit (40:55D-34 & 35)	\$ 100		none required
4. <u>Appeals to Township Committee</u>			
See Section 707 of this Ordinance	\$ 100		none required

- B. 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. No additional sums shall be required unless the complexity and magnitude of the application require additional review, in which case the applicant shall be notified of the costs for such additional review and shall be required to add to the escrow one-half the required additional amount, provided that the applicant shall not be required to add more to the escrow account than an amount equal to 20% of the original escrow deposit.
- C. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.
- D. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant who shall arrange for the reporter's attendance.

902

GUARANTEES AND INSPECTIONS

A. Performance Guarantee Estimate

- 1. No final application for development (whether for an entire tract or a section thereof) shall be approved by the Board until the satisfactory completion and performance of all required public improvements have been certified to the Board by the Township Engineer unless the owner shall have filed with the Township a performance guarantee assuring the installation of said public improvements on or before an agreed date as hereinafter provided.
- 2. It is the intention of the Township Committee that residents living in each new section of a development be provided with a lot and/or dwelling unit and tract area that is as complete as possible with respect to tract and individual lot and/or dwelling unit improvements. In order to accomplish this objective, and except as hereafter provided, all remaining improvements shall be completed as to each category set forth in the performance guarantee to a percentage extent equal to the percent of lots and/or dwelling units which have been conveyed in any manner.

3. A performance guarantee estimate shall be prepared by the applicant's engineer and submitted to the Township Engineer for review and approval, setting forth all requirements for improvements, as fixed by the Board, and their estimated cost. The Township Committee shall pass a resolution either approving or adjusting this performance guarantee.

B. Approval by Township Attorney

1. The owner shall present two (2) copies of the performance guarantee, in an amount equal to one hundred twenty percent (120%) of the approved performance guarantee estimate, for approval by the Township Attorney as to form and execution.
2. The Township Attorney shall notify the Secretary of the Board that the performance guarantee is properly executed and can be added to the agenda of the Board's next meeting.

C. Bonding and Cash Requirements

1. The performance guarantee shall be made payable and deposited to Bedminster Township and shall be in the form of cash or certified check or a performance bond in which the owner shall be principal, the bond to be provided by an acceptable surety company licensed to do business in the State of New Jersey. The Township shall issue its receipts for such deposits and shall cause the same to be deposited in a bank named by the municipality in the name of the Township to be retained as security for completion of all requirements and to be returned to the owner upon completion of all required work, or in the event of default on the part of the owner, to be used by the Township to pay the cost and expense of obtaining completion of all requirements.
2. Ten percent (10%) of the amount of the approved performance guarantee estimate shall be deposited by the owner in cash with the Township. The remaining ninety percent (90%) may be in cash or surety bond. In the event of default, the ten percent (10%) fund herein mentioned shall be first applied to the completion of the requirements and the cash or surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond shall recite the foregoing provisions.

D. Inspection and Tests

1. All improvements and utility installations shall be inspected during the time of their installations under the supervision of the Township Engineer to insure satisfactory completion. The cost of said inspection shall be the responsibility of the owner who shall deposit with the Township Treasurer a sum in accordance with the following schedule to be applied to payment of the inspection costs:
 - a. 7% of the amount of the performance guarantee estimate up to \$50,000., plus
 - b. 5% of the amount of the performance guarantee estimate between \$50,000. and \$250,000., plus
 - c. 3% of the amount of the performance guarantee estimate between \$250,000. and \$1,000,000., plus
 - d. 1% of the amount of the performance guarantee estimate in excess of \$1,000,000.
2. In no case shall any paving work be done without permission from the Township Engineer. At least two (2) working days notice shall be given to the Township Engineer prior to any construction so that he or a qualified representative may be present at the time the work is to be done.
3. Streets shall not be paved with a wearing course until all heavy construction is completed. Shade trees shall not be planted until all grading and earth moving is completed. The seeding of grass and the placing of the surveyor's monuments shall be among the last operations.
4. The Township Engineer's office shall be notified after each of the following phases of the work has been completed so that he or a qualified representative may inspect the work:
 - a. Road subgrade.
 - b. Curb and gutter forms.
 - c. Curbs and gutters.
 - d. Road paving.
 - e. Sidewalk forms.
 - f. Sidewalks.
 - g. Drainage pipes and other drainage construction.
 - h. Street name signs.
 - i. Monuments.
 - j. Sanitary sewers.
 - k. Detention and/or retention basins.
 - l. Topsoil, seeding and plantings.

5. Inspection by the Township of the installation of improvements and utilities shall not operate to subject the Township of Bedminster to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the owner and his contractors, if any.
6. Upon the completion or substantial completion of all required appurtenant utility improvements, and the connection of same to the public system, the obligor may notify the Township Committee in writing, by certified mail in care of the Township Clerk, of the completion or substantial completion of the improvements and shall simultaneously send a certified copy thereof to the Township Engineer. Within ten (10) working days of receipt of the notice, the Township Engineer shall inspect all the improvements of which such notice has been given and file a detailed report, in writing, with the Township Committee, indicating either approval, partial approval or rejection of such improvements with a statement of the reasons for any rejection. The costs of the improvements as approved or rejected shall be set forth.

E. Release

The Township Committee shall approve, partially approve or reject the improvements, on the basis of the report from the Township Engineer, and shall notify the obligor, in writing, by certified mail, of the contents of the Engineer's report and the action of the Township Committee, not later than sixty-five (65) days after the receipt of the notice of the obligor of the completion or substantial completion of the improvements. Failure of the Township Committee to send or provide such notification to the obligor within the sixty-five (65) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to the performance guarantee for such improvements.

1. Where partial approval is granted, the obligor shall be released from all liability pursuant to the performance guarantee for such improvements, except for that portion adequately sufficient to secure provision of the improvements not yet approved; provided that thirty percent (30%) of the performance guarantee posted may be retained to ensure the completion of all improvements and that said thirty percent (30%) may be applied against all improvements, regardless of when completed.
2. If any portion of the required improvements is rejected, the obligor shall complete such improvements and, upon completion, shall notify the Township Committee as specified in Section 902 D.6. of this Ordinance and the same procedures shall be followed as in the first instance.

F. Conditions and Acceptance of Improvements

The approval of any application for development by the Township shall in no way be construed as acceptance of any street or drainage system, or any other improvement, nor shall such approval obligate the Township in any way to exercise jurisdiction over such street or drainage system or other improvement. No improvement shall be accepted by the governing body unless and until all of the following conditions have been met:

1. The Township Engineer shall have certified in writing that the improvements are complete and that they comply with the requirements of this Ordinance;
2. The final application for development shall have been approved by the Board;
3. The owner shall have filed with the Township Committee a maintenance guarantee in an amount equal to and not more than fifteen percent (15%) of the cost of installing the improvements. The maintenance guarantee shall run for a period of two (2) years. The procedures and requirements governing such maintenance guarantee shall be identical with the procedures and requirements for a performance guarantee set forth in this Ordinance. The requirements for a maintenance guarantee may be waived by the Township Committee only if the Township Engineer has certified that the improvements have been in continuous use for not less than two (2) years from the date the Township Engineer certified completion of such improvements and that during this period the owner has maintained the improvements in a satisfactory manner; and
4. An "as built" plan and profiles of all utilities and roads (three (3) black and white prints plus a mylar copy to be sent to the Township Engineer) with certification signed and sealed by a New Jersey licensed professional engineer as to the actual construction as approved by the Township Engineer, shall be provided.

OFF-TRACT IMPROVEMENTS**A. Improvements To Be Constructed At The Sole Expense of the Subdivider or Developer**

In cases where the need for an off-tract improvement is created by the proposed subdivision or site plan and where no other property owners receive a special benefit thereby, the Planning Board may recommend to the Township Committee that it require the subdivider or developer, as a condition for subdivision or site plan approval, at the subdivider's or developer's expense, to acquire lands outside the subdivision or tract and dedicate such lands to the Township or to the County, or, in lieu thereof, require the subdivider or developer to deposit with the Township a sum of money sufficient to allow the municipality to acquire and improve such lands.

B. Other Improvements

1. In cases where the need for any off-tract improvement is created by the proposed subdivision or site plan and where the Planning Board determines that properties outside the subdivision or tract will also be benefited by the improvement, the Planning Board shall forthwith forward to the Township Committee a list and description of all such improvements together with its request that the Township Committee determine and advise the Board of the procedure to be followed in the construction or installation thereof. The Planning Board shall defer final action upon the subdivision or site plan until receipt of the Township Committee's determination or until the expiration of ninety (90) days after the forwarding of such list and description to the Township Committee without such determination having been made, whichever comes sooner.
2. The Township Committee, within ninety (90) days after receipt of said list and description, shall determine and advise the Planning Board whether:
 - a. The improvement or improvements are to be constructed or installed by the municipality:
 - i. As a general improvement, the cost of which is to be borne at general expense (except as hereinafter otherwise provided as to a contribution thereto by the subdivider or developer); or
 - ii. As a local improvement, all or part of the cost which is to be specifically assessed against properties benefited thereby in proportion to benefits conferred by the improvements in accordance with Chapter 56 of Title 40 of the Revised Statutes (except as hereinafter otherwise provided as to a contribution thereto by the subdivider or developer); or

- b. The improvement or improvements are to be constructed or installed by the subdivider or developer under a formula for partial reimbursement as hereinafter set forth.
3. If the Township Committee shall determine that the improvement or improvements shall be constructed or installed under subparagraph 2.a.i., above, the Planning Board shall estimate with the aid of the Township Engineer or such other persons who have pertinent information or expertise the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subdivision or tract, will be specifically benefited thereby, and the subdivider or developer shall be liable to the municipality for such excess. Further, the Township Committee shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements in a manner consistent with the obligation of the subdivider or developer for any excess of total cost over total benefits conferred, as set forth above.
 4. If the Township Committee shall determine that the improvement or improvements shall be constructed or installed under subparagraph 2.a.ii., above, the Planning Board shall, as provided in subparagraph 3 of this Section, estimate the difference between the total costs to be incurred and the total amount by which all properties, including the subdivision property or tract, will be specially benefited by the improvement, and the subdivider shall be liable to the municipality therefor, as well for the amount of any special assessments against the subdivision property or tracts for benefits conferred by the improvement or improvements. Further the Township Committee shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements and the assessment of benefits arising therefor in a manner consistent with the obligation of the subdivider or developer with respect thereto, and proceedings under said ordinance shall be in accordance with Chapter 56 of Title 40 of the Revised Statutes, except to the extent modified by the obligation of the subdivider or developer for any excess of total costs over total benefits conferred, as set forth above.
 5. If the Township Committee shall determine the improvement or improvements to be constructed or installed by the subdivider or developer under subparagraph 2.b., above, the Planning Board shall in like manner estimate the amount of such excess, and the subdivider or developer shall be liable to the municipality therefor as well as for the amount of any special assessments against the subdivision property or tract for benefits conferred by the improvement or improvements. However, the subdivider or developer shall be entitled to be reimbursed by the municipality for the amount of any special assessments against the property other than subdivision property or tract for benefits conferred by the improvement or improvements, and proceedings under said ordinance shall be in accordance with Chapter 56 of Title 40 of the Revised Statutes. However, any such assessment against the subdivision property or tract shall be marked paid and satisfied in consideration of the construction or installation of the improvement or improvements by the subdivider or developer.

6. If the Township Committee shall not adopt such an ordinance or resolution within said time, the final subdivision layout or site plan shall be designed accordingly, and the Planning Board shall thereupon grant or deny final approval.

C. Performance Guarantee

The subdivider or developer shall be required to provide, as a condition for final approval of his subdivision or site plan application, a performance guarantee running to the municipality as follows:

1. If the improvement is to be constructed by the subdivider or developer under paragraph A or under paragraph B.2.b. of this Section, a performance bond with surety in an amount equal to the estimated cost of the improvement, or as to any part of said improvement that is to be acquired or installed by the municipality.
2. If the improvement is to be constructed by the municipality as a general improvement under paragraph B.2.1.i. of this Section, a cash deposit equal to the amount of the excess of the estimated cost of the improvement over the estimated total amount by which all properties, including the subdivision property or tract, will be specially benefited hereby; and
3. If the improvement is to be constructed by the municipality as a local improvement under paragraph B.2.a.ii. of this Section, a cash deposit equal to the amount referred to in the preceding paragraph plus the estimated amount by which the subdivision property or tract will be specially benefited by the improvement.

D. Refund of Deposit Where Improvements Are Not Authorized Within Five Years

In any case in which a subdivider or developer shall deposit money with the municipality for the completion of an improvement that is to be constructed pursuant to this Ordinance by the municipality, the subdivider or developer shall be entitled to a full refund of such deposit if the Township Committee of the municipality shall not have enacted an ordinance authorizing the improvements within five (5) years after the date all other improvements are completed.

E. Deposit of Funds

All monies paid by a subdivider or developer pursuant to this Ordinance shall be deposited with Bedminster Township and a suitable depository shall be established for said monies. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose.

F. Redetermination of Assessment Upon Completion of Improvement

Upon completion of off-tract improvements required pursuant to this Section, the subdivider's or developer's liability hereunder shall be recalculated in accordance with the actual, as compared with the estimated, cost of the improvements. To the extent that it shall decrease the amount thereof, the municipality shall forthwith refund the amount

of such decrease to the subdivider or developer. In cases where improvements are specially assessed against all benefited properties, recalculation shall be made by the municipal assessing authority in the course of the special assessment proceedings. In other cases, it shall be made by the Township Engineer.

G. Township Committee Approval Required

All estimates required to be made by the Planning Board herein shall be reviewed and approved by the Township Committee to final action thereon.

Section 1000

Administration, Enforcement, Violations and Penalties

SECTION 1000

ADMINISTRATION, ENFORCEMENT, VIOLATIONS AND PENALTIES

1001 ADMINISTRATION

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. Any action taken by the Township under the terms of this Ordinance shall give primary consideration to the above mentioned matters and to the welfare of the entire community. Moreover, if an applicant or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations within or referred to within Section 400 and/or Section 200 of this Ordinance is impracticable, will exact undue hardship, or will prevent an applicant for a permitted subsidized housing project from complying with the requirements of the subsidizing agency, the appropriate municipal agency may permit exception or exceptions as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this Ordinance.

1002 ENFORCEMENT

A. Construction Official and Zoning Officer

It shall be the duty of the Construction Official and Zoning Officer of the Township to administer and enforce the provisions of this Ordinance. No new structure and no improvement to the interior of an existing building exceeding two thousand dollars (\$2,000) in cash value shall be erected until a construction permit is obtained from the Construction Official and no structure or lot shall be used in violation of this Ordinance.

1. It shall be the duty of the Construction Official to keep a record of all applications and all construction permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the Township public records. A monthly report of construction permits shall be filed with the Tax Assessor and Township Committee.
2. It shall be the duty of the Zoning Officer to inspect the structures and land in the Township and order the owner in writing to remedy any condition found to exist in violation of any provision(s) of this Ordinance. The owner shall have thirty (30) days within which time to respond to the purported violations and indicate the remedies to be taken. Such response, or lack of response, shall be immediately communicated in writing by the Zoning Officer to the Township Attorney for appropriate referral and action.
3. Upon notice being served of any condition found to exist in violation of any provision(s) of this Ordinance with respect to any land use, the Certificate of Occupancy for such use thereupon, without further notice, be null and void and a new Certificate of Occupancy shall be required for any further use of such structure or land.

B. Construction Permits

1. Every application for a construction permit shall be accompanied by two (2) sets of plans drawn in ink or a blueprint showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of all existing and

proposed structures and substructures, all existing easements, the existing or intended use of each structure, the number of dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. All dimensions on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey of the lot by a licensed surveyor in the State of New Jersey.

2. A fee of ten dollars (\$10.00) shall be charged for each construction permit.
3. A construction permit shall be granted or denied in writing within ten (10) days of a complete application unless additional time is agreed upon in writing by the applicant. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved or denied by the Construction Official together with such permit as may be granted.
4. The lot and the location of the structure(s) thereon shall be staked out on the grounds before construction is started and a copy of the construction permit shall be posted conspicuously on the premises affected whenever construction work is being performed thereon.
5. No construction permit shall be issued for any structure until prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this Ordinance and until all review and inspection fees and all local taxes and assessments on the property have been paid.

C. Certificate of Occupancy

1. It should be unlawful to use or permit the use of any structure or part(s) thereof, either occupied by a new use or occupant or hereafter erected, altered, converted or enlarged wholly or in part, until a Certificate of Occupancy shall have been issued by the Construction Official. It shall be the duty of the Construction Official to issue a Certificate of Occupancy only when:
 - a. The structure or part(s) thereof and the proposed use conform to this Ordinance and all other applicable codes and ordinances of the Township;
 - b. Prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this Ordinance;
 - c. All local taxes and assessments on the property have been paid; and

- d. A letter from each utility company has been received by the Township stating that the utility has been inspected, has been installed in accordance with the approved plan and is ready for use.
2. A fee of ten dollars (\$10.00) shall be charged for each Certificate of Occupancy.
3. A Certificate of Occupancy shall be granted or denied in writing within twenty (20) days from the date that a written notification is filed with the Construction Official that the erection of the structure is completed, unless additional time is agreed upon by the applicant in writing.
4. With respect to any finally approved subdivision and/or site plan or subsection thereof, a Certificate of Occupancy shall be issued only upon completion of the following improvements as such improvements may be required as part of subdivision and/or site plan approval:
 - a. Curbs.
 - b. All utilities.
 - c. Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question.
 - d. Storm drainage facilities.
 - e. Rough grading of the property.
 - f. Base course of the street or streets serving the property.
 - g. Base course of driveways and parking areas.
5. With respect to any individual residential lot within a subdivision, a Certificate of Occupancy shall be issued only upon the completion of the following improvements, in addition to those listed in Section 1002 C.4. hereinabove, to the extent the same are required as part of a subdivision approval:
 - a. Sidewalks.
 - b. Driveway aprons.
 - c. Street names and traffic regulatory signs.
6. A copy of any issued Certificate of Occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.
7. Should the Construction Official decline to issue a Certificate of Occupancy, his reason for doing so shall be stated on two (2) copies of the application and one (1) copy shall be returned to the applicant.
8. A Temporary Certificate of Occupancy may be issued for any structure or use for which site approval has been granted although not all conditions of said approval have been complied with. Such Temporary Certificate of Occupancy shall be issued only in extenuating circumstances and only with the approval of the Construction Official who shall establish specific terms and conditions

including, but not limited to, a timetable for the installation of the incompletd improvements and the receipt of a performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan.

9. A monthly report of the Certificates of Occupancy issued shall be filed with the Tax Assessor. A record of all Certificates of Occupancy shall be kept in the office of the Construction Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be established by resolution of the Township Committee except that there shall be no charge to a municipal agency.

1003 SUBDIVISION APPROVAL CERTIFICATES

- A. A prospective purchaser, prospective mortgagee or any other person interested in any land in the Township which has been part of a subdivision since July 14, 1973 may apply in writing to the Administrative Officer for the issuance of a certificate certifying whether or not such subdivision has been duly approved by the Planning Board.
- B. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof. A fee of fifteen dollars (\$15.00) shall be paid to the Administrative Officer, on behalf of the Township, for the requested certificate.
- C. The Administrative Officer shall make and issue such certificate within fifteen (15) days after receipt of the written application and accompanying fee. The Administrative Officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee received, in a binder as a permanent record in his or her office.
- D. Each certificate shall be designated a "Certificate as to Approval of Subdivision of Land" and shall certify:
 1. Whether there exists a duly established Planning Board and whether there is a duly adopted ordinance controlling the subdivision of land;
 2. Whether the subdivision, as it relates to the land shown in the application, has been approved by the Planning Board and, if so, the date for such approval, any conditions attached to such approval and any extensions and terms thereof showing that the subdivision, of which the subject lands are a part, is a validly existing subdivision; and
 3. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirements of approval as provided in N.J.S.A. 40:55D-1, et seq. and as defined in this Ordinance.

1004 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of, or contrary to, the provisions of this Ordinance, the Township may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing in this Ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

1005 PENALTIES

A. Fines

1. Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding five hundred dollars (\$500.00), as such court in its discretion may impose; or, if the party so convicted be a natural person, such person may be imprisoned for such term not exceeding ninety (90) days, as such court in its discretion may impose, or be fined a sum not exceeding five hundred dollars (\$500.00), as such court in its discretion may impose; or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.
2. The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment, or both, specified hereinabove.

B. Selling Land Before Final Subdivision Approval

1. If, before final subdivision approval has been granted, any person, as owner or agent, transfers or sells and agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this Ordinance, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed \$1,000.00, and each lot disposition so made may be deemed a separate violation.
2. In addition to the foregoing, the Township may institute and maintain a civil action:

- a. For injunctive relief.
 - b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.
3. In any such action, the transferee, purchaser or grantee shall be entitled to a lien under the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his 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 expenses, 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 if unrecorded.

Section 1100

District Changes and Ordinance Amendments

Section 1200

Validity of Ordinance

Section 1300

Appeals

Section 1400

Effective Date

SECTION 1100

DISTRICT CHANGES AND ORDINANCE AMENDMENTS

This Ordinance may be amended from time to time by the Township Committee after the appropriate referrals, notices, hearings and other requirements of law.

SECTION 1200

VALIDITY OF ORDINANCE

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

SECTION 1300

REPEALER

All sections of the Township Code which contain provisions contrary to the provisions of this Ordinance shall be and are hereby repealed, including but not limited to, the Zoning Ordinance of the Township of Bedminster as adopted September 18, 1978, and amendments thereto; the Land Development Ordinance of the Township of Bedminster as adopted October 16, 1978, and amendments thereto; and the Land Use Procedures Ordinance of the Township of Bedminster, as adopted December 20, 1976, and amendments thereto.

SECTION 1400

EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication, and a filing of a copy thereof with the Somerset County Planning Board, as provided by law.

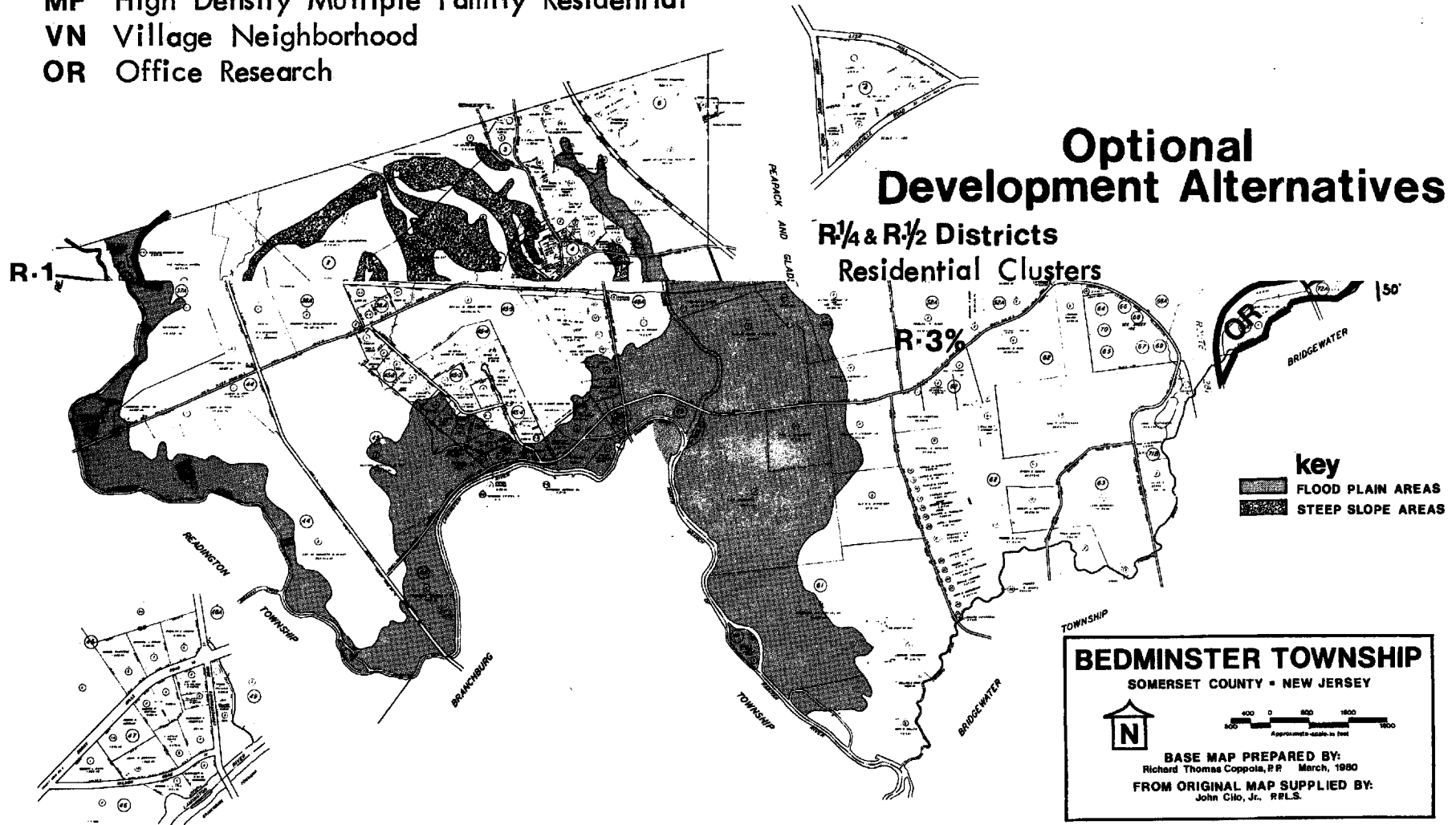
Zoning Districts

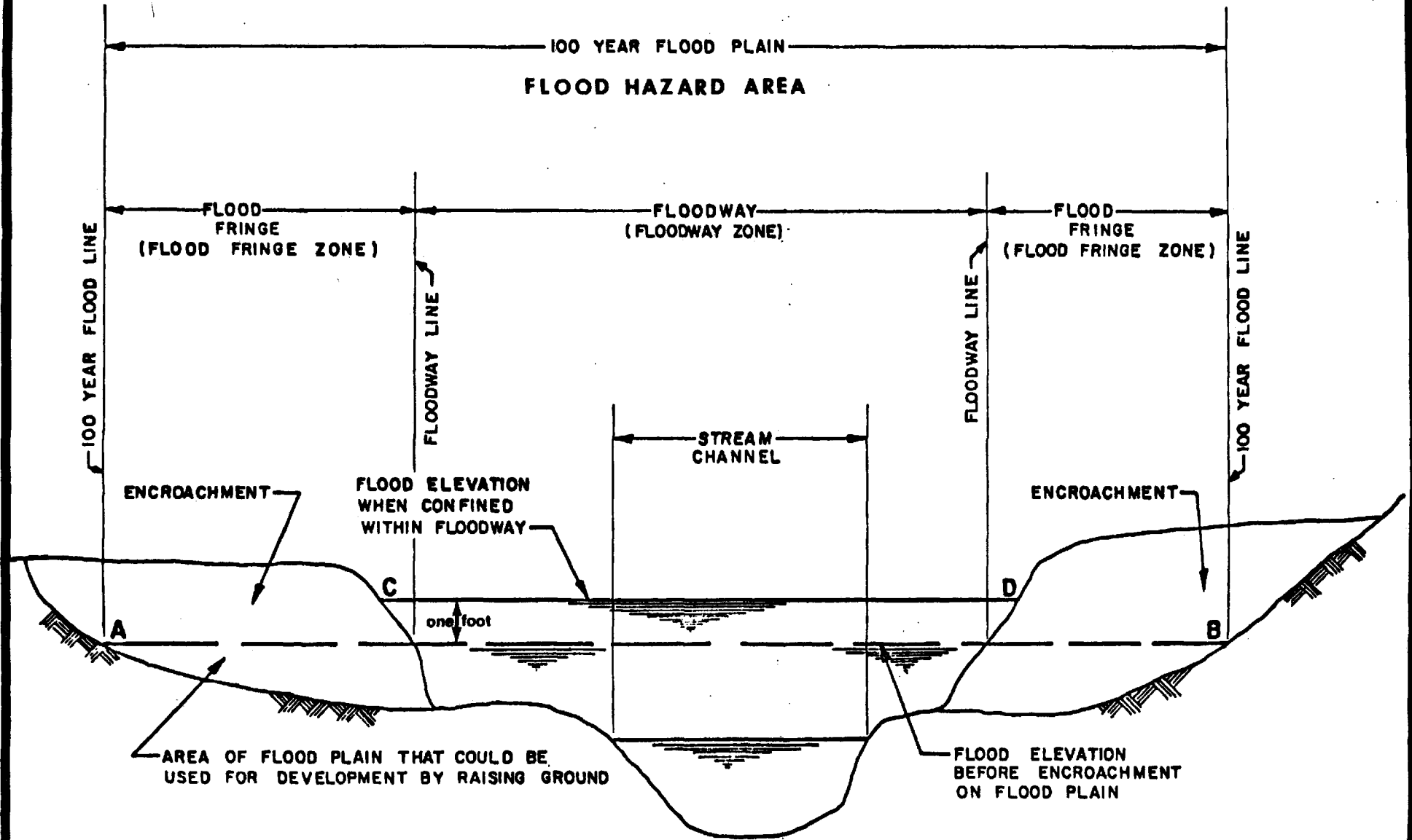
- R-3% Rural Residential
- R-1 Low Density Residential
- R-1/2 Medium Density Residential
- R-1/4 Medium Density Residential
- MF High Density Multiple Family Residential
- VN Village Neighborhood
- OR Office Research

ZONING MAP

JUNE, 1980

FOR DISCUSSION PURPOSES





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

FLOOD PLAIN DIAGRAM

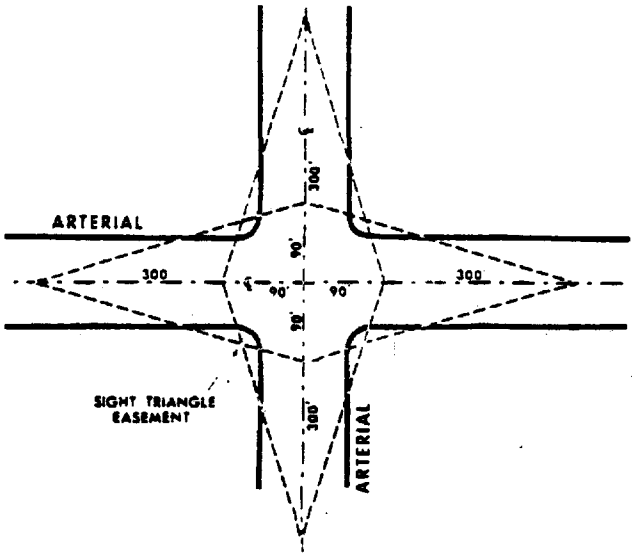
SIGHT TRIANGLE EASEMENTS

plate 2

INTERSECTION DIAGRAMS

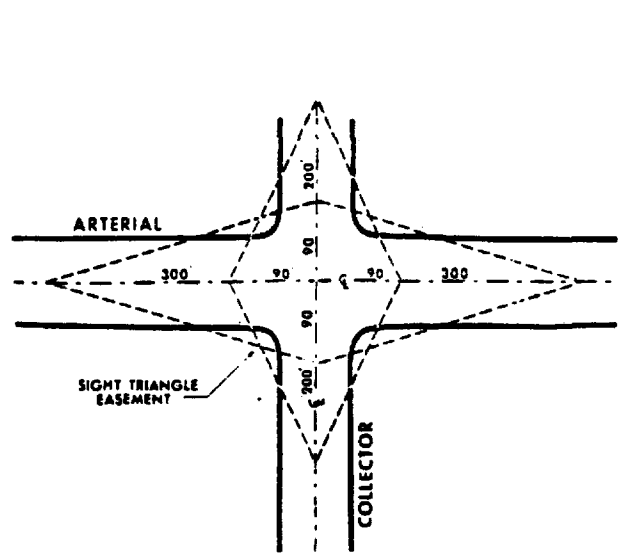
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ARTERIAL-ARTERIAL



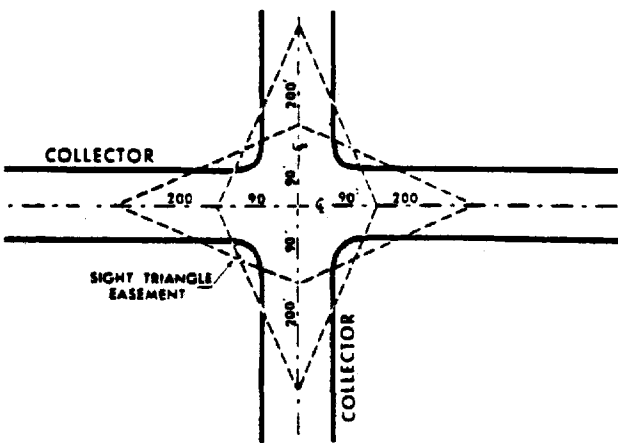
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ARTERIAL-COLLECTOR



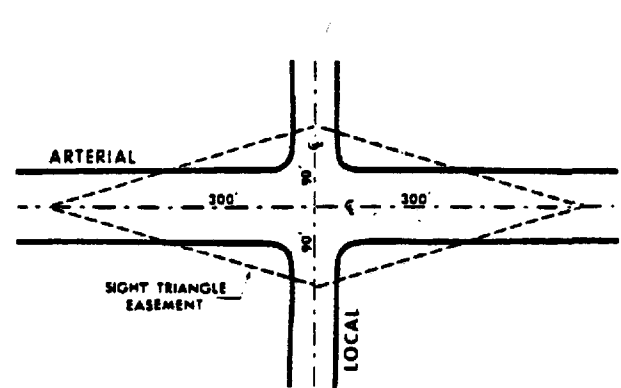
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COLLECTOR-COLLECTOR



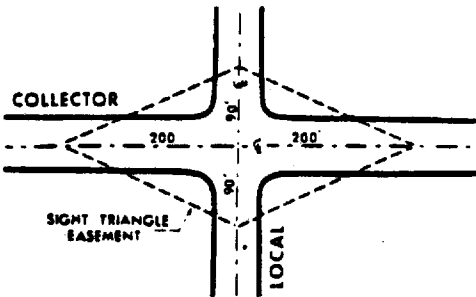
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ARTERIAL-LOCAL



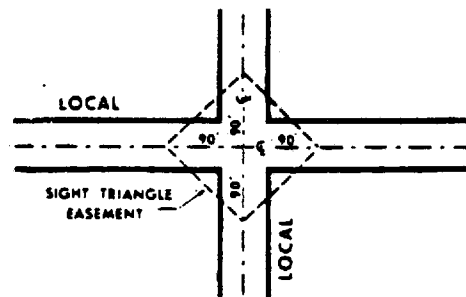
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COLLECTOR-LOCAL

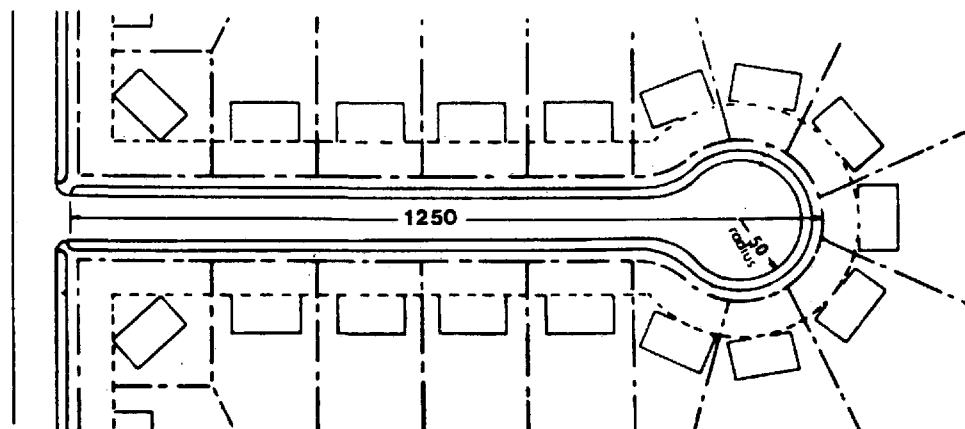
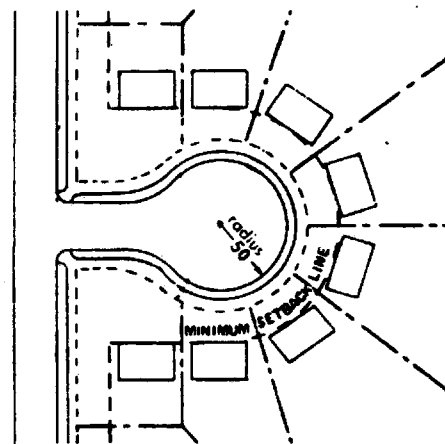
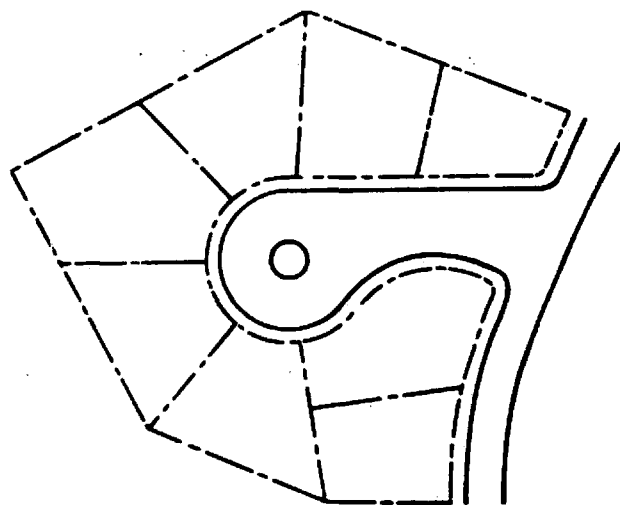


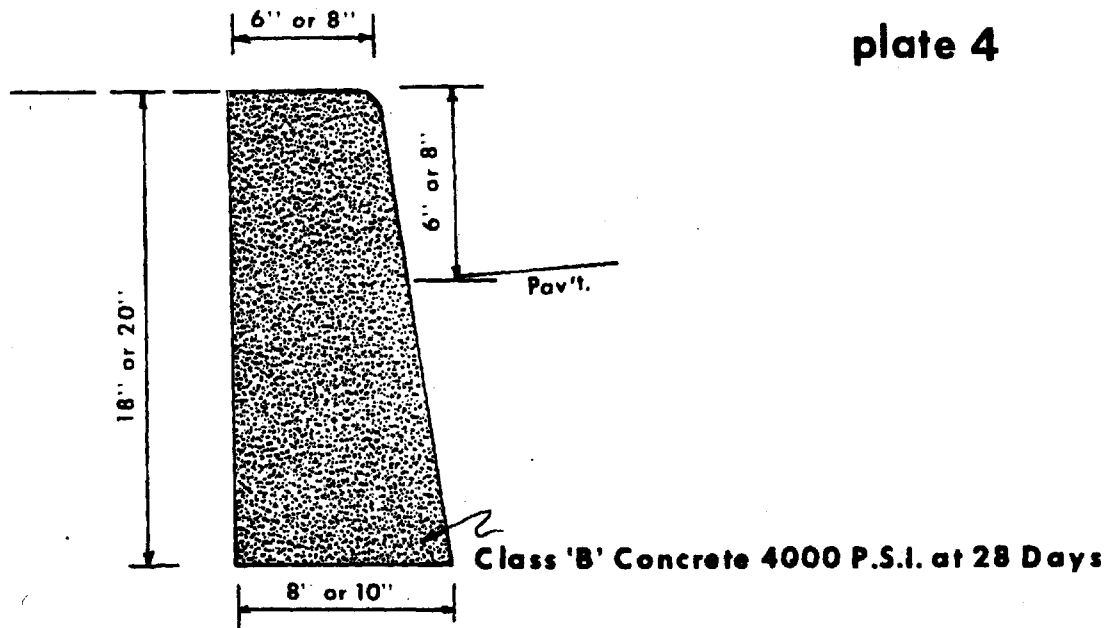
⑥

LOCAL-LOCAL



VARIATIONS OF CUL-DE-SAC DESIGNS

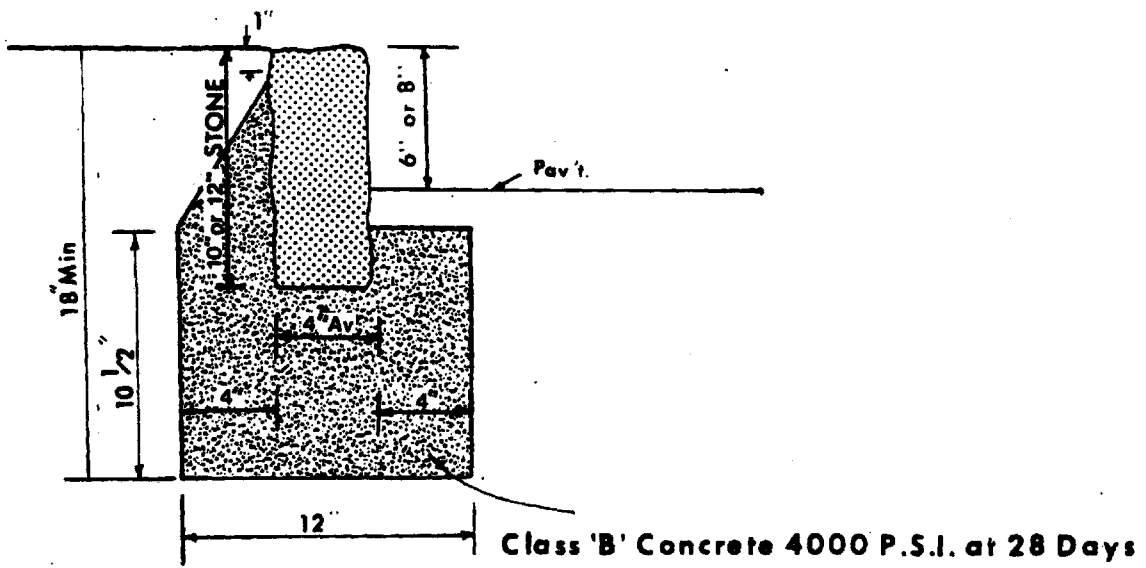




CURB DETAIL

Scale 1 1/2" = 1'-0"

CONSTRUCTION DETAILS



GRANITE or BELGIAN BLOCK CURB DETAIL

Scale 1 1/2" = 1' -0"

Zoning Districts

- R-3% Rural Residential
- R-1 Low Density Residential
- R-1/2 Medium Density Residential
- R-1/4 Medium Density Residential
- MF High Density Multiple Family Residential
- VN Village Neighborhood
- OR Office Research

ZONING MAP

JUNE, 1980
FOR DISCUSSION PURPOSES

Optional Development Alternatives

R-1/4 & R-1/2 Districts
Residential Clusters



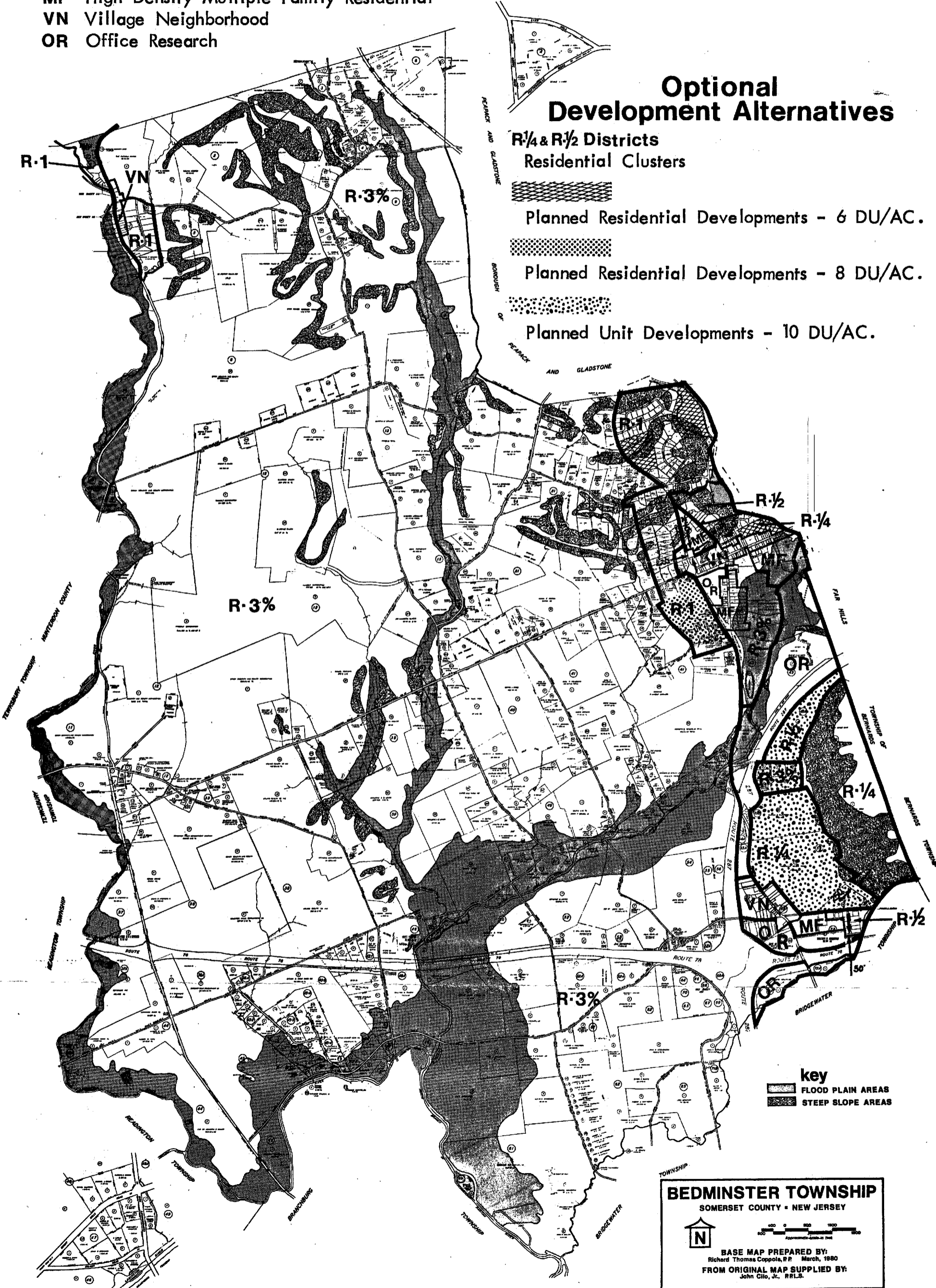
Planned Residential Developments - 6 DU/AC.



Planned Residential Developments - 8 DU/AC.



Planned Unit Developments - 10 DU/AC.



key
 FLOOD PLAIN AREAS
 STEEP SLOPE AREAS

BEDMINSTER TOWNSHIP
SOMERSET COUNTY • NEW JERSEY

N

BASE MAP PREPARED BY:
Richard Thomas Coppola, P.E. March, 1980
FROM ORIGINAL MAP SUPPLIED BY:
John Clio, Jr., R.E.L.S.