Township of Lakewood

COUNTY OF OCEAN
STATE OF NEW JERSEY

Chapter XVIII

UNIFIED DEVELOPMENT ORDINANCE

Current to December 31, 2013

CODED SYSTEMS LLC
608 HIGHWAY 71
SPRING LAKE HEIGHTS, NEW JERSEY 07762

PUBLISHED 2014
By
CODED SYSTEMS LLC

FILING INSTRUCTION SHEET

TOWNSHIP OF LAKEWOOD

CHAPTER XVIII UNIFIED DEVELOPMENT ORDINANCE

SUPPLEMENT NO. 11

Following are filing instructions for Supplement No. 11 of Chapter XVIII Unified Development Ordinance of the Township of Lakewood. When filed, this Chapter XVIII will be current to December 31, 2013.

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Township of Lakewood

COUNTY OF OCEAN
STATE OF NEW JERSEY

Chapter XVIII

UNIFIED DEVELOPMENT ORDINANCE

Adopted by Ordinance No. 2005-59, July 14, 2005

Amended by: **Ordinance No. 2005-77, August 11, 2005**
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Ordinance No. 2006-3, February 9, 2006
Ordinance No. 2006-16, March 9, 2006
Ordinance No. 2006-22, March 23, 2006
Ordinance No. 2006-29, May 4, 2006
Ordinance No. 2006-30, April 6, 2006
Ordinance No. 2006-31, April 6, 2006
Ordinance No. 2006-38, June 8, 2006
Ordinance No. 2006-39, June 8, 2006
Ordinance No. 2007-1, February 1, 2007
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Ordinance No. 2008-12, February 28, 2008
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Ordinance No. 2013-46, July 11, 2013
Ordinance No. 2013-49, July 25, 2013
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Ordinance No. 2013-60, September 12, 2013
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Ordinance No. 2013-70, November 7, 2013
Ordinance No. 2013-74, November 21, 2013
Ordinance No. 2013-76, November 21, 2013
Ordinance No. 2013-79, December 5, 2013

ADOPTING ORDINANCE NO. 2005-59

SUMMARY

CHAPTER XVIII
UNIFIED DEVELOPMENT ORDINANCE

Lakewood Township
Ocean County

Article I. Purpose Scope Interpretation. As titled, this article contains the purpose and scope of this chapter.

Article II. Definitions. This article contains the definitions of various terms used throughout Chapter XVIII.

Article III. Planning Board and Zoning Board of Adjustment. The powers and jurisdiction of both the Planning and Zoning Boards are contained in Article III. Membership provisions are also included.

Article IV. Improvement Guarantees. To insure the installation of improvements by developers in accordance with the requirements of Chapter XVIII, Article IV provides the requirements for the posting of the performance and maintenance guarantees.

Article V. Off-Tract Improvements. This article is intended to ensure the pro-rata allocation of the costs for off-tract improvements necessitated by new development.

Article VI. Subdivisions and Site Plans. This article contains the rules for the review and approval of minor and major subdivisions and minor and major site plans.

Article VII. Provisions Applicable to Site Plans and Subdivisions. This article addresses procedural requirements for subdivision and site plan review by the Planning and Zoning Boards.

Article VIII. Design Standards. Performance standards for subdivisions and site plans are outlined in this article. The standards address landscaping, lighting, parking, sanitary sewers, signs, streets, stormwater management, water supply and environmental impact statement requirements and other improvements.

Article IX. Zoning Districts and Regulations. This article establishes zoning districts in the Township. Permitted uses, conditional uses and accessory uses are listed for each zone district. In addition, design regulations such as lot area, lot width, building setbacks, building coverage and building height are also listed for each zone.

Article X. Conditional Use Requirements. Conditional uses are certain land uses which are permitted in a zone district only if specific requirements are met. This article

outlines the specific standards which must be addressed for the conditional uses permitted under Chapter XVIII.

Article XI. Administration. Article XI contains provisions concerning enforcement, resolution compliance and fees.

Chapter XVIII also contains a Submission Checklist for the completeness determination. A Zoning Schedule is included to summarize the bulk requirements of each zone district.

1st hearing: May 19, 2005
2nd hearing: July 14, 2005

/s/
BERNADETTE STANDOWSKI, RMC/CMC
TOWNSHIP CLERK
TOWNSHIP OF LAKEWOOD

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Chapter XVIII

UNIFIED DEVELOPMENT

ORDINANCE*

ARTICLE I PURPOSES; SCOPE; INTERPRETATION; SHORT TITLE

18-100 Purpose

The purpose of this chapter is to regulate the nature and extent of the uses of land and of buildings and structures thereon for the purposes set forth in the Municipal Land Use Law (N.J.S.A. 40:55D et seq.) and to exercise the power to zone and regulate land development granted to municipalities of the State of New Jersey.

18-101 Scope

From and after the effective date of this chapter the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Township of Lakewood, shall be in conformity with the provisions of this chapter.

18-102 Interpretation

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this chapter shall be controlling.

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*__Editor's Note:__ The Unified Development Ordinance was adopted on July 14, 2005 by Ordinance No. 2005-59. Ordinance source histories for subsequent amendments are noted in the text.

Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

18-103 Short Title

This chapter shall be known and may be cited as "The Lakewood Township Unified Development Ordinance of 2005."

ARTICLE II DEFINITIONS

18-200 Definitions of Terms

A. For the purpose of this chapter any words used in the present tense include the future. The singular number includes the plural and the plural the singular; the word "lot" includes the word "Plot; the word "zone" includes the word "district"; the word "occupied" includes the word "designed" and the phrase "intended to be occupied"; the word "use" includes the words "arranged," "designed" and the phrase "intended to be used"; and the word "shall" is always mandatory.

B. The term "such as", where used herein, shall be considered as introducing a typical or illustrative rather than an entirely exclusive designation of permitted or prohibited uses, activities, establishments or structures. As used in this chapter, the following words, terms and phrases shall have the meaning indicated:

Abandonment: The deliberate relinquishment of property or a cessation of the use of a property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Abut: To physically touch or border upon; or to share a common property line but not overlap. See Adjoining Lot or Land; Contiguous.

Accessory Use, Structure or Building: A use, structure or building that is customarily incidental and subordinate to that of the principal and on the same lot. No accessory use shall form the basis for a claim of right to a principal or main use.

Accessory Structure, Temporary: A building the use of which is incidental to that of the main building and which is located on the same lot or adjoining lot under the same ownership and shall include but not be limited to tents and canopies used for promotions, religious, educational, church, charity, political and social events, sukkos, greenhouses, etc. as defined and permitted under New Jersey State Uniform Construction Code and local zoning ordinances.

Active Recreation: Recreational activities which require physical participation including but not limited to sports such as soccer, baseball, softball, tennis, basketball, field hockey, football, lacrosse and street hockey; and facilities including but not limited to playground equipment of all types.

Acute Care Facility: A facility providing nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board or health-related service, or any combination of the foregoing.

Addition: As applied to a building or structure shall mean an enlargement of the original structure by an extension of any side and the original foundation, or by increasing the height. An addition must be served by the same mutual main entrance and be served by the electric, water and sewer of the original building.

Adjoining Lot or Land: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. See Abut; Contiguous.

Administrative Officer: The Clerk of Lakewood Township, or any other municipal official designated by ordinance.

Adult: Persons over the age of eighteen (18).

Adverse Effect: Conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdivided property, property subject to development or off tract property such as, but not limited to; improper circulation and drainage rights of way inadequate drainage facilities; insufficient street widths; unsuitable street grades; unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient system; locating lots in a manner not adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace; and, providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of the lot or for other facilities required by this chapter.

Affordable: A dwelling unit for which a household pays, with regard to a sale unit, not more than twenty-eight (28%) percent of the eligible gross monthly income for mortgage payments, property taxes, insurance, and condominium or homeowners' association fees, if any, and with regard to a rental unit, not more than thirty (30%) percent of eligible gross monthly income for all shelter costs including utilities.

Affordable Housing Plan: The document required to be submitted to and approved by the Planning Board on an application for inclusionary development. The plan should include, at a minimum, the number of low- and/or moderate-income units within the development, their location within the development and their phasing within the development and their adherence to all appropriate regulations of Lakewood Township and the Council On Affordable Housing.

Affordable Unit: A housing unit in the Township, the sales or rental of which is established in accordance with this chapter and which shall be occupied by a low- or moderate-income household in accordance with this chapter.

Agent: One or more persons designated to represent the applicant before either the Planning Board or Zoning Board.

Airport: Any area of land or water, or both, designed and set aside for the landing and taking off of fixed and rotary wing aircraft, utilized or to be utilized by the general public for such purposes, publicly or privately owned, and licensed by the Commissioner of Transportation as a public use airport or landing strip.

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

Alteration: As applied to a building or a structure shall be a change or rearrangement of the original rooms, facilities, or exterior changes of the original building or structure, which does not increase the footprint of the structure. No Board approval shall be required for any alteration which does not entail a change of use.

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Applicant: Any person or entity submitting an application for any permit or approval pursuant to Article VI. An applicant shall be required to have a legal or equitable ownership interest in the property, this includes a contract purchaser, which is the subject of the application.

Application for Development: The application form and all accompanying documents required by ordinance for approval of a subdivision, plan, site plan, planned development, conditional use, zoning variance, permit to build in a mapped area or for a structure not related to a street, or any other use or approval permitted under Article VI.

Approving Authority: The Planning Board, Zoning Board or Governing Body of the municipality, unless a different agency is designated by ordinance, when acting pursuant to the authority of this chapter.

Area, Building: See Floor Area.

Assisted Living Unit (ALU): A dwelling unit varying in square feet from two hundred (200) to five hundred (500) square feet that provides a residential living environment assisted by congregate meals, housekeeping and personal services, for persons fifty-five (55) years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility. ALU's shall be located in a facility that may include accessory uses including dining rooms, bathing areas, common areas, offices and other space necessary to provide above services. The definition of ALU shall include any partially assisted and fully assisted living units.

Automobile Repair Services: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, painting service and upholstering service.

Automobile Trailer, Mobile Home, Trailer Coach or Trailer: Any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one (1) or more persons or the conduct of any business or profession, occupation or trade (or use as a selling or advertising device), and designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other motive power, excepting devices used exclusively upon stationary rails or tracks.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding an entrance, walkway, doorway or window from the elements. For purposes of determining if setback requirements are met, setbacks are measured from the end of the awning. Retractable awnings are exempt from the setback requirements.

Backhaul Network: The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Basement: That portion of a building that is partly or completely below grade. A basement may contain bedrooms if it is constructed in accordance with the requirements of all applicable construction codes.

Bedroom: A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Bicycle-Compatible Roadway: Means a road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

Bicycle Path: Means bikeway physically separated from motorized vehicular traffic by an open space or barrier, and either within the highway right-of-way or within an independent right-of-way or easement.

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

Block: An area bounded by streets.

Board: For the purpose of this chapter the term Board shall mean both the Planning Board and Zoning Board of Adjustment.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of trees, shrubs or other landscaping and/or berms, designed to continuously limit the view or control other impacts of the site from adjacent site, properties or roadways.

Buffer Landscaping: Landscaping, including permitted fencing, placed within designated buffers.

Buildable Area: The central portion of any lot lying inward from all required setback lines.

Building: Any structure having a roof supported by columns, piers or walls including trailers permitted by ordinance, or having other supports and any unroofed platform, terrace, porch or deck having a vertical face higher than three (3) feet above the level of the ground from which the height of the building is measured.

Building Area: The area covered by a building and defined by the intersection of a horizontal plane at average grade level and the vertical planes which coincide with the exterior surfaces of the building. In case of a section of a building which is cantilevered, the exterior surface of the most projected area is used to determine the area. This area does not include steps.

Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof deck, to the deckline of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Building Inspector: The individual designated by the appointing authority to enforce the provisions of the building code. Also referred to as the construction official.

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

Building Separation: The distance between two (2) buildings measured from the face of the outer walls. Minor architectural features such as chimneys, roofs, overhangs, decks and window bays shall not be considered the face of a building, provided that such features do not extend more than six (6) feet into the minimum building separation area (measured from the face of the foundation wall). Overhangs and window bays shall not be considered the face of a building, provided that such features do not extend more than thirty (30) inches into the minimum building separation area (measured from the face of the foundation wall).

Business, Retail: An establishment with the set purpose of selling commodities or goods in typically to the public.

Business, Wholesale: An establishment with the set purpose of selling commodities or goods in large quantities typically for resale.

Canopy: See Awnings.

Capital Improvement: A governmental acquisition of real property or major construction project.

Cartway: That area of a street within which vehicles are permitted, including travel lanes and parking areas but not including , curbs, sidewalks or swales.

Certificate of Occupancy: A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

Certificate of Occupancy (Temporary): A certificate of occupancy issued for a temporary and specified period of time.

Church or any House of Worship: A building or group of buildings including customary accessory buildings, parish houses, mikvah and Sunday school buildings designed or intended for public worship, or religious services. For the purpose of this chapter, the words "Church, or and house of worship" shall include chapels, synagogues, cathedrals, temples and similar designations as well as parish houses, and such accessory uses.

Circulation: Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

Clear Sight Distance: A line of unobstructed vision from a point three and three quarters (3 3/4) feet above the centerline of a street to a point six (6) inches above the same centerline.

Clear Sight Triangle: A triangular area at a street intersection with another street, alley, or driveway where vision from an automobile is unobstructed, formed by the intersecting street lines and a line drawn between points on the street centerlines located a required distance in feet from the intersection of the centerlines.

Cluster or Clustering: Cluster or clustering refers to a more compact form of development that would otherwise not be permitted under conventional zoning standards. Under the clustering provision, traditional bulk and area requirements are relaxed to allow a concentration of dwelling units on a portion of the site while preserving undeveloped space elsewhere on the site as long as the density of dwelling units number of dwelling units constructed is not increased from what would have otherwise been permitted on the site. All Cluster Development shall be designed in accordance with Section 18-904.

Commercial Billboard: An advertising sign, structure or symbol erected and maintained by an individual or corporation engaged in the sale or rental of space thereon to a clientele of manufacturing, service or commercial enterprises, upon which space is displayed, by means of painting, posting or other means, advertising copy describing products or services which are not made, produced, assembled or sold from the premises on which the advertisement is displayed.

Commercial Office Park: An integrated development of retail commercial buildings and office buildings on four or more lots under common ownership of control, together with such other primary.

Completed Application: Where required, all application fees, all escrow deposits shall be paid in full, and all checklist requirements shall have been complied with, unless waived by the reviewing board, in order for an application to be deemed complete.

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 and enjoyment shared by the residents and owners of a development. Common property may contain such complementary structures and improvements as are necessary and appropriate for the benefit of the residents and owners of the development.

Community Based Health Care Facilities: Any facility operated by a public or non-profit entity whose purpose is to provide health related services such as medical care, health and social service counseling, medical testing or similar services.

Community Residence for the Developmentally Disabled: Any community residential facility licensed pursuant to N.J.S.A. 30:11B-1 et seq., providing food, shelter, and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" N.J.S.A. 26:2H-1 et seq. In the case of such community residence housing mentally ill persons, such a residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the New Jersey Department of Human Services. See Developmentally Disabled Person and Mentally Ill Person.

Community Residence for Persons with Head Injuries: means a community residential facility licensed pursuant to P.L.1977, c.448 (C.30:IIB 1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c. 136 (C.26:2H 1 et seq.).

Community Residence for the Terminally Ill: Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than fifteen (15) terminally ill persons.

Community Shelter for Victims of Domestic Violence: Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by the New Jersey Department of Human Services, pursuant to N.J.S.A 30:40-1-14, providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been the victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Conditional Use: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter, and upon the issuance of an authorization by the Planning Board.

Congregate Care Facilities: A congregate care facility may include residential units and common dining facilities, recreational activities, and other accessory uses for the exclusive benefit of its residents, regulated by N.J.A.C. 8:33H and 8:36-1 et seq.

Construction Official: See Building Inspector

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. See Abut; Adjoining Lot or Land.

Conservation Area or Conservation Easement: A designated area of land or water which is intended to be preserved and managed for the protection of its natural resources, and where appropriate, opened to the public for passive enjoyment of natural resources.

Continuing Care Retirement Community (CCRC): A facility which has a primary purpose of providing housing and continuing care for people fifty-five (55) years of age or older or where either the husband or wife is fifty-five (55) years of age or older, and consists of independent apartment units, assisted living units, skilled care nursing units and/or CCRC Accessory Uses all as defined herein and as regulated by N.J.S.A. 52:27D-330 through 357, known as the Continuing Care Retirement Community Regulation and Financial Disclosure Act. For purposes of this chapter, "continuing care" means the provision of lodging, nursing, medical or other health related services at the

same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one (1) year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges to an individual who is fifty-five (55) years of age or older or where either the husband or wife is fifty-five (55) years of age or older.

Convenience Commercial: Uses and facilities designed to serve residents in its immediate vicinity.

Convenience Store: A retail establishment typically offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

Conventional Development: A development other than planned development.

Coverage:

a. **Building Coverage**: The building area covered by all permanent buildings on a lot, expressed as a percentage of the total lot area.

b. **Impervious Lot Coverage**: The building coverage plus the area of paved surfaces which cover a lot such as: required parking spaces and necessary maneuvering areas, passageways/driveways giving access thereto, services areas, access ways, streets, walkways, patios, pools and plazas.

Cul de sac: A residential street with access closed at one (1) end by a vehicular turn around.

Curb Level: The average level of the curb in front of the lot.

Day Care Center: A licensed, principle use for the purpose of providing custodial care of persons, for a period not to exceed eighteen (18) hours within a single day in return for the payment of tuition, fees, or other compensation. Day care may include care of either children or adults who are unable to care for themselves because of diminished capabilities. See Family Day Care Home.

Days: Calendar days.

Deck: A permanent construction, usually of wood, raised off the ground and connected to the primary building, having no roof or walls more than four (4) feet, but with railings, and which may have direct access to the ground surface and the primary building.

Density, Gross: The permitted number of dwelling units per gross acre of land on a particular tract.

Detention Basin: A man-made or natural storm water management collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

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

Development: The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this chapter.

Development Regulation: A Zoning, Subdivision, Plan, Unified Development Ordinance, or other Township regulation of the use and development of land, or amendment thereto.

Drainage: The removal of surface water or ground water from land by drains, grading or other means as retention or detention basins and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage Right of Way: The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter One of Title 58 of the New Jersey Statutes Annotated.

Dwelling: A building having one (1) or more rooms providing living and sanitary facilities for one (1) family including equipment for cooking or provisions for the same; provided, however, that trailers or campers as defined

herein shall not be or be considered as buildings or dwellings within the scope of this chapter. Dwellings shall include but not be limited to the following types:

a. **Garden Apartment**: A dwelling unit which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit. Garden apartments may have other dwellings intended for occupancy by one (1) housekeeping unit above or below, or adjacent to them in the same building.

b. **Multi-family dwelling**: Two (2) or more dwelling units located within a single building, with a private entrance to each dwelling unit.

c. **Single-family detached dwelling**: A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

d. **Townhouse**: A dwelling which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit. That is attached by means of one (1) or more common fire walls to two (2) or more other townhouse dwellings in the same building and each townhouse is intended for occupancy by one (1) housekeeping unit. Townhouse dwellings may not have any other dwellings above or below them within the same building. Townhouse buildings must exclusively consist of units that do not have any other dwellings above or below any of the individual units. Any unit in excess of two units that does not meet the "Townhouse" definition shall be considered a multi-family dwelling.

e. **Two-family dwelling:** A building on a single lot containing two (2) dwelling units, one (1) unit above the other, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall with a common stairwell exterior to both dwelling units and having separate private entrances to each dwelling unit.

f. **Duplex:** A building on a single lot containing two (2) side-by-side only dwelling units with fronts staggered by not more than three (3) feet, each of which is totally separated from the other by an unpierced wall extending from ground to roof with both dwelling units and having separate private entrances to each dwelling unit. The entrances for both dwelling units must face a public street. Front-to-back dwelling units are not considered to be a duplex.

Easement: A grant of one (1) or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Environmental Commission: A municipal advisory body created pursuant to P.L. 1968, c. 245 (C. 40:56A-1 et seq.).

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

Essential Services: Underground gas, electrical, telephone, telegraph, sanitary sewer collection systems, or water transmission or distribution systems, including mains, drains, sewers, pipes, conduits, cables, and normal above ground appurtenances such as fire alarm boxes, police call boxes, light standards, poles, traffic signals, and hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utilities or municipal or other government agencies for the public health or safety or general welfare. Essential services shall not be deemed to include wireless telecommunications towers and antennas.

FAA: The Federal Aviation Administration.

Facade: The total wall surface, including door and window area, of a building's principal face.

Family: One (1) or more persons living as a single non-profit housekeeping unit, doing their own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

Family Day Care Home: An accessory use provided in a private residence approved by the New Jersey Division of Youth and Family Services or an organization with which the Division contracts for family day care in which child care services are regularly provided to no less than three (3) nor more than five (5) children for a period of time no less than fifteen (15) hours per week nor more than eighteen (18) hours within a single day. The limitation on the number of children for whom day care services is provided shall not include children who are (a) Legally related to the service provider or (b) Who are being cared for as part of a cooperative agreement between parents for the care of their children by one (1) or more of the parents where no payment for the care is being provided. See Day Care Centers.

Farm: A tract of land at least five (5) acres in size used for the growing and harvesting of crops and the raising and breeding of certain animals, including truck farms, fruit farms, nurseries and greenhouses, dairies and livestock fodder.

Farming: Agricultural activity or the raising of livestock, poultry or small animals as a major source of income.

Farmhouse: Dwelling on farm property qualifying for farm land assessment and housing the owner or operator of said farm.

Fast Food Operations: A business establishment where food and drink are sold ready for consumption and where customers consume the food and drink either inside or outside the confines of the establishment.

Fence: A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without and to provide visual screening or privacy.

Final Approval: The official action of the Reviewing Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and

the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

Final Plat: The final map of all or a portion of the subdivision that is presented to the Planning/Zoning Board of Adjustment Board for final approval in accordance with this chapter and which if approved shall be filed with the proper County Recording Officer.

Financial Institutions: Any establishment wherein business of primarily a financial nature is transacted, such as; banks, savings and loans, mortgage companies and similar institutions.

Flag Lot: A lot with building area which fronts upon an access strip rather than on or abutting a public street or road, and with access thereto over, upon and across a private access drive within the access strip.

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

Flood Hazard Area: Land in the flood plain subject to a one (1.0%) percent or greater chance of flood in any given year.

Floodplain: The area adjoining any natural stream and including any water or drainage course or body of water subject to periodic flooding or overflow based on the one hundred (100) year or one (1%) percent flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

Floor Area: The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. In particular, the floor area of a building shall include:

a. Basement and cellar space (whether or not a floor has actually been laid; however, just the area directly under a headroom of seven feet or more).

b. Stairwells.

c. Attic space which may be considered a floor/inhabitable as per appropriate state/federal regulations.

d. Enclosed porches.

e. Garage Spaces.

However, the floor area of a building shall not include uncovered steps/porches, terraces, breeze ways and open spaces.

Floor Area Ratio: The sum of the area of all floors of buildings or structures, as defined under floor area above, compared to the total area of the site.

Garage, Private: A building or space used as an accessory to the main building which provides the storage of motor vehicles or other personal property and in which no occupation, business or service for profit is carried on.

Garage, Public or Commercial: A building or space other than a private garage, for the storage of motor vehicles exclusively or for the storage of motor vehicles at which filling station service, sales of accessories or repairs, other than body or collision repairs and appointing and refinishing, are permitted. This term does not include motor vehicle show rooms for new or used motor vehicles.

General Development Plan: A comprehensive plan for the development of a planned development as provided in N.J.S.A. 40:55D - 45.1 et seq.

Golf Course: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Government Agency: Any department, commission, independent agency or instrumentality of the United States of America, of a State, County, incorporated or unincorporated municipality, township, authority, district or other governmental unit.

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

Gross Residential Area: Land devoted to residential buildings and accessory uses on the same lot, such as informal open space, drives and service areas and including land for streets, parks, playgrounds and non-residential buildings incidental to the residential area as a whole.

Gross Residential Density: The number of dwelling units per gross residential acre.

Historic Site: Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

Home Occupation: A business, including child care, profession, occupation, or trade, conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for a dwelling and does not change the essential residential character or appearance of such building.

Hospital: An institution in a building or a series of buildings providing in-patient public health services primarily for medical or surgical care of the sick or injured and including related facilities, such as out-patient and emergency departments, conference, training, diagnostic and central service facilities, cafeteria, gift shop, pharmacies, administrative and staff offices and employee day care, which are integrated with the hospital facilities or complex,

Hotel or Resort Hotel: A building having sleeping rooms for the temporary occupancy of guests and in which there is located a lobby or recreational area with interior hallways.

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

Housekeeping Unit: One (1) or more persons living together in one (1) dwelling unit on a non-seasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

Impervious Surface: A surface that has been covered by buildings, structures or compacted or covered with a layer of materials so that it is highly resistant to infiltration by water.

Interested Party: Any person, whether residing within or outside the Township, whose right to use, acquire, or enjoy property is, or may be, affected by actions taken under this chapter or whose rights to use, acquire, or enjoy property under this chapter have been denied, violated or infringed by an action or a failure to act under this chapter.

Junk: The term junk shall mean any one (1) or more or accumulation of one (1) or more of the following items:

a. Old iron, glass, paper or cordage in such a state of disrepair, uselessness, age and condition as to be not readily usable for the purpose for which it was originally intended, or not usable after further treatment or processing so as to form or structure or in such condition

as to be considered worthless trash or not reasonably restorable to its original use because the cost of restoration would greatly exceed the market value of the item when restored.

b. An automobile which because of age, lack of maintenance, general condition or partial or complete demolition is in such condition as to be inoperable, unfit to be reasonably restored for highway transportation because of the degree of damage or the fact that the cost of restoration would greatly exceed the market value therefor or motor vehicles which are unfit for reconditioning for registration and use for highway transportation.

c. Used, damaged or broken parts of motor vehicles or materials from motor vehicles, the sum of which parts or materials shall be equal in bulk to one (1) or more motor vehicles.

d. Household appliances, motors, furniture or furnishings or pieces of industrial or manufacturing equipment, which are broken or in such state of disrepair as to be unusable without additional work being performed or additional parts being provided or added, except as located within a store or shop specifically engaged in the repair of such items.

e. One (1) or more used automobile tires that are in such condition as to be unsafe for use on a motor vehicle or for resale as used automobile tires capable of being placed upon and used on motor vehicles for highway transportation.

f. One (1) or more items of machinery, equipment or parts thereof that are unusable for the purpose for which they were originally intended without repairing, reconditioning or re-manufacturing to such extent as to be in excess of the reasonable market value of the equipment, machinery or parts.

g. Used building materials, parts of building, piping, electrical wiring or other materials of any nature whatsoever that are not reasonably marketable for use or re-use for the purpose for which they were originally processed or manufactured or not readily adaptable for any other use due to their condition, state of disrepair or due to the fact that reconditioning or reuse or use of the items would exceed the reasonable value of the item.

If the condition of any item is such that it is inoperable or dismantled, broken, in a state of disrepair or not readily adaptable for other use, the burden of proof of market value shall be on the owner.

Junk Yard: Shall mean and include the business of buying, selling or storing junk; keeping a place for the storage or deposit of junk; possession of junk for sale or re-sale of junk or parts therefrom. This definition shall also apply to and include yards and portions of yards used for the storing of motor vehicles or machinery or parts of either for the purpose of obtaining parts therefrom for the repair or replacement on motor vehicles.

Junk yard shall also apply to the entire area of the premise on which junk is kept or any warehouse, garage or storage building on the premises except that portion specifically designated on the application for license as for use other than for storage of junk.

Junk yard shall also be inclusive of any place where automobile demolition is carried on as a business, or where dismantling of automobiles or removal of parts therefrom other than for the purpose of replacement or repair of the part removed is carried on. If an automobile is dismantled or a part removed for replacement or repair, the automobile shall, if not repaired and restored to operative condition within fifteen (15) days, be classified for the purpose of this chapter as a junk automobile and must be removed to and stored upon the premises of a licenses junk yard or within an enclosed garage until proper parts area available for complete restoration and repair.

Kennel: Any structure, premises, or refuge wherein or whereon the business of boarding or selling, or breeding of animals is carried on; included shall be such establishments as animal shelters and animal hospitals.

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

Landowner: The legal or beneficial owner(s) of land, the holder(s) of an option or contract to purchase or other person(s) having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this chapter.

Landscape Area: An area of land restricted to landscape items which may also include such elements as natural features, earth berms, sculpture and furniture, signs, lighting, access ways, bikeways and pedestrian walkways, but not

including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

Living Space: A potentially habitable area within a dwelling unit.

Loading Space: A 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, with fifteen (15) feet of vertical clearance.

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

Lot Area: An area which is determined by the limits of the lot lines bounding that area, and is always expressed in terms of square feet or acres. Any portion of a lot included in a public or private right of way shall not be included in calculating lot area.

Lot, Corner: A lot or parcel of land abutting on two or (2) more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. Each corner lot shall have two (2) front yards, a minimum of one (1) side yard and one (1) rear yard.

Lot Depth: The mean distance measured from the front lot line to the rear lot line.

Lot Frontage: That side of a lot abutting on a street; the front lot line. This definition shall apply to all lots, including, but not limited to, odd shaped lots, triangular lots and lots having curved or irregular front lines.

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

Lot Size: The total horizontal area included within the lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as a right-of-way.

Lot Width: The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however; the mean width shall not be less than the required lot width.

Low-Income Household: A household earning between zero (0%) percent and fifty (50%) percent of the regional median income established by the Council on Affordable Housing for the geographic area in which Lakewood Township is located, as adjusted for household size.

Low-Income Unit: Housing affordable, according to Federal Department of Housing and Urban Development or other recognized standards, for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income set by applicable state and federal standards.

Maintenance Guaranty: Any security which may be accepted by a municipality for the maintenance of any improvements required by this chapter, including but not limited to surety bonds, letters of credit and cash, as more specifically addressed in Section 18-401 of this chapter.

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

Manufacturing: The treatment or processing of raw materials and the production of articles of finished products from raw or prepared materials by giving them new forms or qualities. Also, an activity which involves the fabrication, reshaping, reworking, assembly or combining of products from previously prepared materials and the synthesis of chemical or chemical products or the processing of any raw materials. Light manufacturing includes light industrial operations such as electronic, machine parts and small component assembly, as opposed to heavy industrial operations such as automobile assembly, milling or forge activities.

Master Plan: The Master Plan for the Township of Lakewood as adopted by the Lakewood Township Planning Board in accordance with N.J.S.A. 40:55D-28.

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

Mikvah: A ritual bathhouse used in accordance with religious ceremonies.

Minimum Tract Size: The minimum amount of the gross acreage of the entire tract prior to any subdivision or development.

Minor Site Plan: A minor plan shall be as specified herein and an applicant may prepare a minor plan application drawn according to the standards and conditions specified in this chapter. A minor site plan shall be a site plan which

entails an addition of less than one thousand five hundred (1,500) square feet. Additions on houses of worship measuring less than one thousand five hundred (1,500) square feet shall be exempt from the site plan requirements as long as all applicable bulk, setback, parking and buffering requirements are met.

Mixed-Use Development: A grouping of retail and commercial businesses, hotels, financial institutions and personal service establishments, and residential uses on a single site; planned and constructed as an integrated entity with on-site customer, employee, and residential parking. Such developments must be designed for goods delivery separated from customer and residential access with aesthetic considerations, as well as provide adequate traffic calming and address other vehicular and pedestrian design considerations necessary for the proposed uses. Mixed-use development shall include multiple uses, including both residential and commercial uses, but may include individual buildings as part of the overall mixed-use development that contain solely commercial uses, mixed-use buildings consisting of residential and commercial uses, and residential buildings consisting solely of residential uses.

Mixed-Use Mid-Rise Development: A grouping of retail business, office buildings, personal service establishments, and residential uses on a single site planned and constructed as a total entity with on-site customer, employee, and resident parking designed for goods delivery separated from customer and residential access with aesthetic considerations.

Mixed-Use Multifamily Development: A grouping of retail and commercial businesses, financial institutions and personal service establishments, and residential uses on a single site; planned and constructed as an integrated entity with on-site customer, employee and residential parking. Such developments must be designed for goods delivery separated from customer and residential access with aesthetic considerations, as well as provide adequate traffic calming and address other vehicular and pedestrian design considerations necessary for the proposed uses.

Mixed-Use Townhouse Development: A grouping of retail and commercial businesses, hotels, financial institutions and personal service establishments, and residential uses on a single site; planned and constructed as an integrated entity with on-site customer, employee, and residential parking. Such developments must be designed for goods delivery separated from customer and residential access with aesthetic considerations, as well as provide adequate traffic calming and address other vehicular and pedestrian design considerations necessary for the proposed uses.

Mobile Home Park: Any park, trailer park, trailer court, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked, and includes all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the mobile home park and its facilities or not. Mobile home parks shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Moderate-Income Household: A household earning between fifty percent (50%) and eighty percent (80%) of the regional median income established by Council on Affordable Housing for the geographic area in which Lakewood Township is located, as adjusted for household size.

Moderate-Income Unit: Housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income as defined by applicable state and federal regulations.

Motel: A structure or group of structures which provide sleeping rental units for temporary occupancy, in which each rental unit has a private entrance direct to the outside and in which each rental unit has its own sanitary facilities.

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

Municipal Resident: A person who is domiciled in the municipality.

Nonconforming Lot: A lot which in its area, dimension, or location of, does not conform to the regulations of the chapter for the district in which it is located.

Nonconforming Structure: A structure which in its size, design, or location upon a lot does not conform to the regulations of the chapter for the district in which it is located.

Nonconforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district by which it is located by reasons of such adoption, revision or amendment.

Nursing Home: An extended or intermediate care facility licensed or approved in accordance with the requirements of the State of New Jersey to provide full time convalescent or nursing care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Obligor: One that places himself under a legal obligation.

Occupancy: Shall mean any one or more of the following:

a. The actual physical occupancy by living thereon or therein by any person.

b. Placing on or storage therein of any furniture, furnishings, personal belongings, merchandise, tools or equipment used in a person's trade, business or profession or any other indicia or intent to occupy or use the lands or building in question as contrary to merely permitting the land or building to exist in a totally unused state.

Official Map: A map adopted by ordinance pursuant to Article 5 of the Municipal Land Use Law.

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

Off-Street Parking Space: An interior or exterior storage area for a motor vehicle that is accessible from an access aisle and that is not located on a dedicated street right-of-way.

Off-Tract: Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

On-Site: Located on the lot in question and excluding any abutting street or right-of-way.

On-Tract: Located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

On-Street Parking Space: A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

Open Space: An unoccupied space on the same lot with a principal or accessory building.

Open Space, Common: A parcel or parcels of land or an area of water, or a combination of land and water within the site designated, designed and intended for the use or enjoyment of residents and owners of a development. Common open space excludes land areas within the rights of way of streets to be located within a Development unless exclusively designed for access to open space. A legally constituted organization of the property owners with authority to place liens on property shall be formed for the maintenance of the common areas and facilities, or this common open space may be deeded to the Township if accepted by the Township for use by all residents of the Township.

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

Owner: Any individual, firm, association, syndicate, co-partnership or corporation having a proprietary interest in the land sought to be subdivided.

Parking Space: An area provided for the parking of one (1) motor vehicle.

Passive Open Space or Passive Recreation Areas: An unimproved area of land which may include: water set aside, dedicated, designated, or reserved for public or private use and enjoyment which utilizes and depends on the natural environment and requires no modifications of the environment other than to provide access or reserved for public or private use and enjoyment which utilizes and depends on the natural environment and requires no modifications of the environment other than to allow access. It permits such low impact uses as hiking, fishing, canoeing, nature study, horseback riding, and bicycling. Passive open space typically includes wooded areas, streams, lakes, and other varieties of natural vegetative areas.

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

Pervious Surface: Any surface that permits a significant portion of surface water to be absorbed.

Plat: The map of a subdivision.

Performance Guaranty: Any security which may be accepted by a municipality, including cash, provided that the municipality shall not require more than ten (10%) percent of the total performance guaranty in cash in accordance with N.J.S.A. 40:55D-53 et seq.

Person: Includes persons, partnership, firm, company, corporation, tenant, owner, lessee or licensee, their agents, heirs or assigns.

Phase: A portion of a site plan or subdivision as shown on the plans and application.

Planned Affordable Residential Development: A private residential community developed by a nonprofit housing development entity and comprised of various housing types and accessory uses, intended for and restricted to low and moderate-income households. The form of ownership for the dwelling units in a residential development may be fee simple, condominium, cooperative, rental or any combination thereof.

Planned Development: A Planned Unit Development (PUD), Planned Unit Residential Development or residential cluster, or Planned Commercial Development as those terms are defined in N.J.S.A. 40:55D-6 of the Municipal Land Use Law, but only to the extent not inconsistent with the provisions of this chapter.

Planned Educational Campus: An educational campus of an institution of higher education that offers a regular educational program that is substantially equivalent to that of an accredited institution and that contains housing and accessory uses proportionate to the educational facilities intended for faculty and students who will attend or staff the institution's educational facilities and that is adjoining to or within five hundred (500) feet of faculty and student housing so as to create a unified campus setting. The land and all structures including dwelling units shall be owned by the educational institution or a wholly owned educational entity.

The occupancy of the residential uses in the facility should be limited to by students, faculty or staff of the educational institution, by persons directly associated with the educational institution, and or by their immediate families.

Planned Industrial Development: An area of minimum contiguous or non-contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

Planning Board: The Planning Board of Lakewood Township.

Preliminary Floor Plans and Elevations: Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

Preliminary Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

Preliminary Plat: The preliminary map indicating the proposed layout of the subdivision and site improvements that is submitted to the Township for consideration and preliminary approval and meeting the requirements of Section 18-604 of this chapter.

Principal Building or Use: A building or buildings in which is conducted the main or principal use of the lot on which said building is situated or the open land of which such use is made or upon which such activity is carried out.

Professional: The term professional means any person or entity whose principals are required to be licensed by New Jersey law and who supply legal representation, engineering services, planning services, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which such individuals practice.

Professional Office: The office of a member of a recognized profession or occupation, including architects, artists, authors, counselors, social workers, dentists, doctors, lawyers, planners, veterinarians, clergy, musicians, optometrists, engineers, realtors and similar professions and occupations.

Public Areas: Public parks, playgrounds, trails, paths and other recreational areas; and other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

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

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

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

Public Street: Any improved street located within an existing, proposed or former Township Right of Way, comprised of pavement and may include gutters, curbs and sidewalks.

Public Water and Public Sewerage: Centralized municipal or municipally operated water and sewerage system, or water and sewerage system franchised or approved by the Township in accordance with the Township sewer and water plan. "With sewer and water" as used in this chapter means that public water and public sewerage shall be provided in order for the use to be permitted in the zone district.

Quorum: The majority of the full authorized membership of any agency.

Regional Shopping Center: A unified development of stores, shops or other commercial establishments, together with areas for internal circulation, parking and other accessory uses consisting of one (1) or more lots under the same or separate ownership, and having therein a building or group of buildings containing not less than six hundred thousand (600,000) square feet of net floor area.

Research Laboratory: A building or group of buildings in which are facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential Site Improvement Standards (RSIS): As promulgated by the New Jersey Department of Community Affairs in N.J.A.C. 5:21-1 through 8.

Restaurant: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, or in non disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

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, tables or bars outside the building or primarily for consumption in automobiles parking on the premises whether brought to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building.

Restaurant, Fast-Food: An establishment which may have a drive-in/walk up window that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Resubdivision: (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made or approved or recorded according to law, but does not include conveyances as to combine existing lots by deed or other instrument.

Retention Basin: A man-made or natural stormwater management collector facility designed to collect surface water and to retain some or all of the water that drains into it.

Reverse Frontage Lot: A lot which fronts upon two (2) parallel streets, and is not accessible from one (1) of the parallel streets. Reverse frontage lots shall have one (1) front yard, one (1) rear yard and two (two) side yards. (See Section 18-805-G)

Reviewing Board: The Planning Board or Board of Adjustment, whichever Board has jurisdiction over the particular application.

Right-of-Way: The land and space required on the surface, subsurface and overhead for the construction and installation of materials necessary to provide passageway for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, hydrants, trees and shrubbery.

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

Self-Service Storage: A warehouse type structure containing relatively small storage spaces usually of varying sizes, which are leased or rented individually. Individuals are typically permitted to access their storage spaces directly without appointment during business hours. Also known as mini-warehouses.

Senior Citizen: A person fifty-five (55) years of age or older. For the purposes of this chapter a senior citizen is considered a person forty-eight (48) years of age or older.

Setback: The required minimum horizontal distance between the building line and the related front, side or rear property line.

Shade Tree Commission: An advisory commission established pursuant to applicable law, which among its duly authorized responsibilities is the review of Tree Protection Management Plans submitted to the Reviewing Board in accordance with Section 18-803H of this chapter.

Shed: An accessory structure or building used primarily for storage purposes and the location of which to be restricted to rear yards and side yards.

Shopping Center: A grouping of retail business, service uses, houses of worship or offices on a single site planned, constructed and managed as a total entity with customer and employee parking provided on site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sight Easement at Intersection: A triangular shaped area established at intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

Sign: Any object, device, display or structure or part thereof, situated outdoors or indoors, visible from the street, public right-of-way or other public facility, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign Area: That area defined by the frame or edge of a sign. Where no frame or edge exists, the area shall be defined by a projected enclosed four sided (straight sides) geometric shape which most closely outlines said sign. Where a sign has more than one (1) side, sign area shall be construed to include the total area used for advertisement or identification.

Sign, Commercial: Any sign which is owned or operated by any person engaged in the business of outdoor advertising for direct profit gained from the rental of signs, or any sign advertising a commodity not sold or produced on the premises.

Sign Functions: These may include, but not be limited to, the following:

a. "Advertising" shall mean a sign directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

b. "Business" shall mean a sign directing attention to a business, commodity, service, or entertainment conducted, sold or offered upon the same premises as those upon which the sign is located.

c. "Directory" shall mean a sign of permanent character, but with interchangeable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises whereon a sign is maintained.

d. "Instructional" shall mean a sign conveying instructions with respect to the premises on which it is maintained, such as parking lot entrance or exit signs, and danger signs.

e. "Nameplate" shall mean a sign indicating the name, address and/or profession or occupation of a person.

f. "Public" shall mean signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his duty, such as safety signs, danger signs, memorial plaques or citations, official court and public notices, signs of historical interest, and the like. Public shall also include non-for-profit organizations, houses of worship and educational institutions. As long as erected for non-profit organization.

g. "Temporary" shall mean a sign which is designed to advertise or announce, for a limited period, a particular event or series of events, to solicit political support, or to announce the availability for sale of a particular item or items.

h. "Identification" shall mean any structure or part thereof or thereto or painted or represented displays any letter, symbol, trademark, word or similar device used to identify the product made or the activity being pursued by any individual, business, service, commercial or industrial enterprise, which is displayed upon the lot or premises occupied by such an enterprise for the purpose of appraising the public of the location of such enterprise for the type of activity in which it is managed.

i. "Interior" shall mean any sign that is affixed to or painted on the interior of a window or any sign located inside and within three (3) feet of the face of the window which is designed to be visible from the windows exterior.

j. "Official" shall mean any sign, symbol or device, erected and maintained by a Federal, State, County or local governmental agency for the purpose of informing or guiding the public or for the protection and promotion of health, safety, convenience and general welfare.

Sign Height: The greatest vertical dimension between the top of a sign and the ground.

Sign Types: These may include, but not be limited to, the following types;

a. "Ground" shall mean a freestanding sign supported by uprights or braces in or upon the ground and not attached to any part of a building.

b. "Hanging" shall mean a sign designed to project beyond the front face and perpendicular to it over a public walkway.

c. "Integral" shall mean a sign carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

d. "Marquee" shall mean a sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.

e. "Roof" shall mean a sign which is erected, constructed or maintained on, above or as part of the roof of any building.

f. "Wall" shall mean a sign which is attached directly to the building and is parallel to the building.

g. "Freestanding" shall mean a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structures.

h. "Street Signs" shall mean a sign used to identify street names along public rights-of-way and designed in accordance with Section 18-814.

i. "Digital Billboard" shall mean an advertising sign upon which space images are displayed, by means of a digital display of information that is capable of displaying multiple static images sequentially and is controlled by remote electronic communications; provided that a digital billboard may include a static, illuminated non-digital sign advertising the businesses operated at the property on which the digital billboard is situated; provided that such signage does not exceed the length or width, or extend more than five (5) feet above, the digital billboard, Digital billboards are conditionally permitted in the B-1, B-3, B-4, HD-6, HD-7, and M-1 zones, and are a separate and distinct use from changeable copy signs.

Site Plan or Plan: a development plan of one (1) or more lots on which is shown: (1) the existing and proposed conditions of the lot; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress/egress, drainage facilities, utility services, landscaping, signage, lighting etc., (3) any other information that may be reasonably required in order to make an informed decision pursuant to an ordinance requiring review and approval of site plans.

Site Plan/Plan Review: Examination of the specific development plans for a lot. Wherever the term "Plan Approval" is used herein, it shall be understood to mean a requirement that the plan be reviewed and approved by the appropriate Board.

Sketch Plat: The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of Article VI of this chapter.

Skilled Care Nursing Unit: A nursing bed or individual room which provides board, shelter and 24-hour skilled nursing and medical care to chronic or convalescent patients. Skilled Care Nursing Units shall be in a facility that may include accessory uses including dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services.

Street Line: That line determining the limit of the road, street or highway rights of the public, either existing or contemplated.

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 upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by this act, or (4) 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, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

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

Subdivision: The division of a lot, tract or parcel of land into two (2) 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 act, if no new streets are created: (1) divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order, including but not limited to judgments of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one (1) 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."

Subdivision, Major: All subdivisions not classified as Industrial or Minor Subdivisions. Major subdivisions shall however also include any proposed subdivision which would otherwise qualify as a minor subdivision if the subdivision under consideration represents a further subdivision of an original tract of land for which a previous minor subdivision or subdivisions, or a major subdivision had been approved by the Planning Board within three years prior to the filing of the application, and the combination of the proposed subdivision and the previous subdivisions of said original tract would constitute, if considered together as a whole, a major subdivision.

Subdivision, Minor: A subdivision of land that does not involve (a) the creation of more than three (3) additional lots, in addition to any one (1) retained parcel, including the relocation or adjustment of existing lot lines provided such relocation or adjustment does not result in the creation of more than three (3) additional lots, in addition to any one (1) retained parcel (b) planned development, (c) any new street, or (d) extension of any off tract improvement. In counting lots to determine whether or not a proposed subdivision is a minor subdivision, the Township tax maps dated January 1, 2004 shall be used.

Sukkah: A temporary structure constructed for religious reasons on or about the sukkos holiday.

Swimming Pool: A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an aboveground pool, having a depth of more than twenty-four (24) inches, designed, used and maintained for swimming and bathing.

Swimming Pool, Commercial: Commercial swimming pools shall mean and include all pools associated with commercial land uses. 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.

Swimming Pool, Portable: Portable pools shall not be subject to the requirement of this chapter 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 detached dwelling and shall include all buildings, structures, equipment and appurtenances thereto.

Private residential 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.

Thru-Lot: A lot which fronts upon two (2) parallel streets.

Tower: See "Wireless Telecommunications Tower."

Tower Height: When referring to a wireless telecommunications tower or other structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna. (See also the definition of "building height.")

Township: Township of Lakewood, Ocean County, New Jersey.

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application.

Trellis: A structure of open latticework, especially one used as a support for vines and other creeping plants.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Use, Principal: The main use(s) of land or structures, as distinguished from a secondary or accessory use(s).

Units, Dwellings:

a. For single-family detached or attached units - one (1) housekeeping unit equals one (1) unit.

b. For condominiums, cooperatives and apartments - one (1) housekeeping unit equals one (1) unit.

c. Assisted Living Facilities - one (1) housekeeping unit equals one (1) unit.

d. Skilled Nursing Care Facilities and Nursing Homes - one (1) bed equals one (1) unit.

Variance: A departure from the terms of this chapter authorized by the appropriate municipal agency in accordance with N.J.S.A. 40:55D-70, et seq.

Wetlands: Those areas meeting the definition of wetlands under N.J.A.C. 5:1-1 et seq. and enforced by the NJDEP.

Wireless Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio or similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Yard: The area that lies between the principal or accessory building or buildings and the nearest lot line.

Yard, Front: A yard on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of a building projected to the side lines of that lot.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot, or if the lot is not rectangular, then in the general direction of its side building lines.

Yard Side: A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the street or rear lot line as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

Zoning Board: The Zoning Board of Adjustment of Lakewood Township.

Zoning District: A finite area of land, as designated by its boundaries on the zoning map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

Zoning Officer, or Zoning Administration Officer: The official responsible for the administration of this chapter as hereinafter set forth.

Zoning Permit: A document signed by the Zoning Officer, (a) which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building and (b) which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and N.J.S.A. 40:55D-70.

Whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1 et seq., as amended, such term is intended to have the meaning set forth in the definition of such term found in such statute, unless a contrary intention is clearly expressed in the context of this chapter.
(Amended by Ord. No. 2005-77 § 3; Ord. No. 2006-3 § 2; Ord. No. 2008-12 § 1; Ord. No. 2009-53 § 3; Ord. No. 2010-11 § 1; Ord. No. 2010-32 § 1; Ord. No. 2010-65; Ord. No. 2011-17 § 1; Ord. No. 2012-4 § 1; Ord. No. 2012-16 § 1; Ord. No. 2012-52 § 1; Ord. No. 2013-31 § 1; Ord. No. 2013-51 § 1; Ord. No. 2013-70)

ARTICLE III PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT*

18-300 Establishment of the Board of Adjustment

A. The Zoning Board of Adjustment presently in existence pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-69 is hereby continued to consist of seven (7) regular members and two (2) alternates, who shall be residents of the Township. Regular members shall be appointed by the governing body for terms of four (4) years, each computed from January 1 of the year of their appointment, except full terms filled for the first time under this Section shall be so fixed (for four (4) or less years) and so arranged that to the greatest practicable extent the expiration of all terms will be distributed evenly over the first four (4) years after the initial appointment. Alternate members shall be appointed by the governing body for terms of two (2) years, each computed from January 1 of the year of their appointment, except full terms filled for the first time under this Section shall be so fixed (for two (2) or less years) and so arranged that to the greatest practicable extent the expiration of all terms will be distributed evenly over the first two (2) years after the initial appointment.

B. No member of the Zoning Board of Adjustment shall hold any elective position under the municipality.

C. 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 protection.

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*__Editor's Note:__ See Volume I Chapter II, Administration, Section 2-34 Planning Board and Section 2-35 Zoning Board of Adjustment of the Revised General Ordinances of the Township of Lakewood, 1999, for the establishment of these Boards.

D. Yearly, the Board of Adjustment shall organize by selecting from among its regular members a Chairman and Vice Chairman. The Board shall also select a Secretary who may or may not be a member of the Board or a municipal employee.

E. The governing body shall make provision in its budget and appropriate funds for the expenses of the Board of Adjustment.

F. The office of 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.

G. The 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 shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

H. The Board of Adjustment shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter.

18-301 Powers and Jurisdiction of the Board of Adjustment

The 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 error in any order, requirement decision or refusal made by an administrative officer based on or made in the enforcement of the Unified Development Ordinance.

B. Exceptions or Interpretations: Hear and decide, in accordance with the provisions of this chapter, requests for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass, by any ordinance or 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 physical features uniquely affecting a specific piece of property; or by reason of other extraordinary and exceptional situation or condition of such piece of property or the structures thereon, the

strict application of any regulation of this chapter would result in peculiar and exceptional practical difficulties or to 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 hardships; where in an application or appeal relating to a specific piece of property the purposes of this chapter would be advanced by a deviation from the ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from the zoning regulations; provided, however, that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this section and 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 this chapter.

D. Variance of Use Regulations: In particular cases and for special reasons grant a variance to permit (1) a structure or use in a district restricted against such structure or use; (2) an expansion of a nonconforming use; (3) deviation from a specification or standard pertaining solely to a conditional use; (4) an increase in the permitted floor area ratio; (5) an increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one (1) or two (2) dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or (6) a height of a principal structure which exceeds by ten (10') feet or ten (10%) percent the maximum height permitted in the district for a principal structure. A variance under this section shall be granted only by affirmative vote of two thirds (2/3) of the full authorized membership of the Board.

E. If an application for development requests one or more variances but not a variance for purpose enumerated in subsection D of this section, the decision on the requested variance or variances shall be rendered under subsection C of this Section.

F. General Provision: No variance or other relief may be granted under the terms of this section including a variance or other relief involving an inherently beneficial use, without showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and this chapter. Any application to the Board of Adjustment 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.

G. Other Powers: The Board of Adjustment shall have such other powers as prescribed by law, by affirmative vote of a majority of the full authorized membership of the Board, including but not limited to, the following:

1. By direct issuance of a building permit 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 Ordinance of the municipality whenever one or more parcels of land within said bed cannot yield a reasonable return to the owner unless a building permit is granted. The Board shall impose reasonable requirements as a condition of granting the building permit as to promote the health, morals, safety and general welfare of the public.

   The Board of Adjustment shall not exercise the power otherwise granted by this section if the proposed development requires approval by the Planning Board of a subdivision, plan or conditional use in conjunction with which the Planning Board has power to direct the issuance of permit pursuant to N.J.S.A. 40:55D-60.

2. Direct issuance of a building permit for 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 (1) an existing State, County or municipal street or highway; or (2) a street shown upon a plat approved by the Municipal Planning Board; or (3) a street on a plat duly filed in the office of the County Recording Officer. Before any such permit shall be issued, (1) such street shall have been certified to be suitably improved to the satisfaction of the Township Committee, or such suitable improvement shall have been assured by means of a performance guarantee, in accordance with standards and specifications for road improvements approved by the Township Committee, as adequate in respect to the public health, safety, and general welfare of the special circumstance of the particular street and (2) if applicable, it shall have been established that the proposed access conforms with the standards of the State Highway Access Management Code adopted pursuant to the State Highway Access Management Act of 1989. The Board may grant such relief only where enforcement of the statute requirement that a building lot abut a street would entail practical difficult or unnecessary hardship, or where circumstances of the case do not require the building or structure to abut a street. The Board shall impose requirements of conditions that will provide adequate access for

fire fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and will protect any future street layout shown on the Official Map or on the general circulation plan element of the Municipal Master Plan.

3. The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or plan approval or conditional use approval whenever the Board of Adjustment is reviewing an application for approval of a variance pursuant to Section 18-301 of this chapter; provided, however, that the exercise of subdivision and/or plan review by the Zoning Board of Adjustment shall be restricted to that lot (or lots) upon which the proposed variant use is to be situated.

H. Inquiries as to whether a proposed land use is permissible under this chapter shall be submitted in writing to the Board of Adjustment which shall issue a written response within forty-five (45) days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

18-302 Appeals and Applications to the Board of Adjustment

A. Appeals to the Board of Adjustment may be taken by an interested party affected by any decision of an officer of the municipality based on, or made in, the enforcement of this chapter or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal with the Administrative Officer from whom the appeal is taken specifying the grounds of such appeal. Three (3) copies of the notice shall simultaneously be submitted to the Board of Adjustment. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the Administrative Officer of the municipality. Fifteen (15) copies of such an application shall be filed with the Secretary of the Board of Adjustment. All plot plans, maps and/or other information required for review by the Zoning Board of Adjustment or this chapter shall be submitted to the Secretary to the Board of Adjustment at least ten (10) days prior to the date set by the Board of Adjustment for the public hearing on the application. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment.

C. The Board of Adjustment shall render a decision not later than one hundred twenty (120) days after the date that (1) an appeal is taken from the decision of an officer of the municipality or (2) a complete application for development is submitted to the Board by a developer. Failure of the Board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

D. Any appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the officer from whose action the appeal is taken certifies to the 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 officer from whom the appeal is taken and on due cause shown.

E. In acting on any appeal, the 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 the powers of the officer from whom the appeal is taken.

18-303 Establishment and Composition of the Planning Board

A. The Planning Board shall consist of nine (9) members of the following four (4) classes. All members of the Planning Board except for the Class II members set forth below, shall be municipal residents.

Class I — The Mayor, or in the Mayor's absence, the Mayor's designee.

Class II — One (1) of the officials of the municipality, other than a member of the governing body, to be appointed by the Mayor; provided that if there is an Environmental Committee, the member of the Environmental Committee who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members or alternate members.

Class III — A member of the Township governing body to be appointed by the Township governing body.

Class IV — Other citizens of the Township, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment except that one (1) member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission, if established pursuant to N.J.S.A. 40:55D-1 and one (1) member may be a member of the Board of Education. If there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV member unless there be among the Class IV or alternate members of the Planning board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member common to the Planning Board and Environmental Commission shall be deemed a Class II member of the Planning Board. For the purposes of this Section, membership on a Township board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of a Township office.

B. Terms

1. The term of the member composing Class I shall correspond with their official tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminated at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Committee shall be for three (3) years or terminate at the completion of their term of office as a member of the Environmental Committee, whichever comes first.

2. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever they are no longer a member of such other body or at the completion of his Class IV term, whichever comes first.

3. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four (4) years after their appointment and as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four (4) years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the terms of four (4)

years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

4. 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.

C. Two (2) Class IV alternate members, who shall be municipal residents, shall be appointed to the Planning Board by the Mayor, and shall meet the qualifications of Class IV members of the Planning Board. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the term of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of a term shall be filled by the Mayor for the unexpired term only. Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the Planning Board established by ordinance of the governing body pursuant to Section 14 of P.L. 1975, c.291 (C.40:55D-23). A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

D. The Planning Board shall elect a Chairman and Vice Chairman annually from the members of Class IV, select a Secretary who may or may not be a member or alternate member of the Planning Board or a municipal employee, and create and fill such other offices as established by ordinance. An alternate member shall not serve as Chairman or Vice Chairman. It may employ, or contract for, and fix the compensation of legal counsel, other than the Municipal Attorney, and experts, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The governing body shall make provision in its budget and appropriate funds for the expenses of the Planning Board.

E. 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 shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

F. The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter.

18-304 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. Prepare, maintain and administer the 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 this chapter.

C. Participate in the preparation and review of programs or plans required by State or Federal law or regulations.

D. Assemble data on a continuing basis as part of a continuous planning process.

E. Prepare a capital improvements program if authorized by the Township Committee.

F. Consider and make report to the governing body 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 governing body.

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 subdivisions, plans or conditions uses:

1. Variances pursuant to Section 18-301C of this chapter from lot area, lot dimension, setback and yard requirements; provided that relief pursuant to this subsection from lot area requirements shall not be granted if there is an increase in the permitted density requiring a variance pursuant to Section 18-301D.

2. Direction pursuant to Section 18-301G1 of this chapter 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 Section 18-301G2 of this chapter for issuance of a permit for a building or structure on a lot not abutting a street.

18-305 Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment

A. Conflicts of Interest: No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which they have either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify themselves from acting on a particular matter, they 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. Regular meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled for the entire calendar year and set for a certain time an place, no less often than once a month, and shall be held as scheduled unless canceled for lack of applications for development to process.

2. Special meetings may be scheduled at the call of the Chairman or on the request of any two (2) Board members, which 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 Board membership.

4. All actions shall be taken by majority vote of the members of the Board at the meeting except as otherwise required by N.J.S.A. 40:55-D et seq. A member of the Board who was absent for one (1) 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, provided, however, that such Board member certifies in writing to the Board that he or she has read a transcript or listened to a recording of all of the hearings from which he or she was absent.

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

C. 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 the persons appearing by attorney, the action taken by the Planning or Zoning Board, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Board Secretary. 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.

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 their expense. Each transcript shall be certified in writing by the transcriber to be accurate.

D. Public Hearing

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 Board Secretary. 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 hearing, or such person as they 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 Municipal 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. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made either by stenographic, mechanical or electrical means. The Township shall furnish a transcript or duplicate recording in lieu thereof on request to any interested at their expense, provided that the charge for a transcript shall not exceed the maximum permitted in N.J.S.A. 2A:11-15. Each transcript shall be certified in writing by the transcriber to be accurate.

6. If an applicant desires a certified court reporter, the costs of taking testimony and transcribing it and providing a copy of the transcript to the Township or court shall be at the expense of the applicant, who shall also arrange for the attendance by the reporter. All costs for transcription of the record before the applicable Board shall be entire and sole obligation of the applicant or appellant, whichever requests the transcript.

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

E. 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 the issuance of a permit to build within the bed of a mapped street or public drainageway or on a lot not abutting a street;

   d. Any request for major or minor plan approval involving one (1) or more of the aforesaid elements; and

   e. Any request for preliminary subdivision approval.

   f. Any request for preliminary major site plan approval.

2. Public notice of a hearing shall be given for an extension of approvals for five (5) or more years under subsection d. of Section 37 of P.L.1975, c.291 (C.40:55D-49) and subsection b. of Section 40 of P.L.1975, c. 291 (C.40:55D-52); for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice, and for any other applications for development, with the following exceptions: (1) conventional site plan review pursuant to Section 34 of P.L.1975, c.291 (C.40:55D-46), (2) minor subdivisions pursuant to Section 35 of P.L.1975, c.291 (C.40:55D-47) or (3) final approval pursuant to Section 38 of P.L.1975, c.291 (C.40:55D-50); notwithstanding the foregoing, the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance, for appeals of determinations of administrative officers pursuant to subsection a. of Section 57 of P.L.1975, c.291 (C.40:55D-70), and for requests for interpretation pursuant to subsection b. of Section 57 of P.L.1975, c.291(C. 40:55D-70). Public notice shall also be given in the event that relief is requested pursuant to Section 47 or 63 of P.L.1975, c.291 (C.40:55D-60 or C.40:55D-76) as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

3. Notice of a hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the Master Plan by the Planning Board pursuant to Section 76 of P.L.1975, c.291 (C.40:55D-89), shall be given at least ten (10) days prior to the hearing by the Administrative Officer to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within two hundred (200) feet in all directions of the boundaries of the district, and located, in the case of a boundary change, in the State within two-hundred (200) feet in all directions of the proposed new boundaries of the district which is the subject of the hearing.

4. A notice pursuant to this section shall state the date, time and place of the hearing, the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable

landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's Office.

5. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown on the said current tax duplicate.

6. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation, in addition to notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

7. The Administrative Officer shall execute affidavits of proof of service of the notices required by this Section, and shall keep the affidavits on file along with the proof of publication of the notice of the required public hearing on the proposed zoning ordinance change. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

8. 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 public 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 and necessary proof of notice shall be submitted to the Secretary at least two (2) days prior to the hearing in question:

   a. By publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

   b. To all owners of real property as shown on the current tax duplicate located within two hundred (200) feet in all directions of the property which is the subject of the hearing, which notice shall be given by serving a copy thereof on the property owner,

as shown on the current tax duplicate, or their agent in charge of the property; or by mailing a copy thereof by certified mail to the property owner at the address as shown on the said current tax duplicate. It is not required that a return receipt be 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 upon any partner; notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

d. To the Clerk of any adjoining municipality or municipalities when the property involved is located within two hundred (200) feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.

e. To the County Planning Board when the application for development involves property adjacent to an existing county road or proposed road shown on the County Official Map or the County Master Plan or adjoins other County land.

f. To the Commissioner of the Department of Transportation when the property abuts a state highway.

g. To the Director of the Office of State Planning when the hearing involves an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Board Secretary.

h. To the corporate secretary of all public utilities and the general manager of all cable television companies which have registered with the municipality in accordance with N.J.S.A. 40:55D-12.1, possess a right-of-way or easement within the municipality by personal service or certified mail.

i. In addition to any notification requirement otherwise imposed under this chapter, an applicant seeking approval of a development which does not require notice, as provided in Section 18-701, shall be required to provide public notice, by personal service or certified mail, to the corporate secretary of

any public utility and the general and the general manager of any cable television company that posses a right of way or easement situated within the property limits of the property which is the subject of the application for development approval under this Section.

9. Upon an applicant's written request, the Tax Assessor shall, within seven (7) days, make and certify a list from said 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 ten (10.00) dollars for said list and shall be entitled to rely upon the information contained in such list, and failure to give notice to any 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 18-305E above who do not reside within the Township.

10. The applicant shall file an affidavit or proof of service with the Planning Board or Zoning Board of Adjustment, as the case may be.

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

18-306 Notice of Hearing on Change in Classification or Boundaries of Zoning Districts

Notice of the hearing on an amendment to this chapter proposing a change to the classification or boundaries of a zoning district, exclusive of classification or boundary changes recommended in a periodic general reexamination of the Master Plan by the Planning Board pursuant to Section 76 of P.L.1975, c.291 (C.40:55D-89), shall be given prior to adoption in accordance with the provisions of Section 2 of P.L.1995, c.249 (C.40:55D-62.1). A protest against any proposed amendment or revision of a zoning ordinance may be filed with the Municipal Clerk, signed by the owners of twenty (20) percent or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending two hundred (200) feet in all directions there from inclusive of street space, whether within or without the municipality. Such

amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds (2/3) of all the members of the governing body of the municipality.

18-307 Notice of Decisions

Notice of any decision of the Planning Board or Zoning Board of Adjustment when acting upon an application for development and any decision of the governing body when voting upon an appeal shall be given in the following manner:

A. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or appellant, or, if represented, to their 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 required fee.

B. A brief notice of the decision shall be published in the official newspaper of the Township. The cost for such publication shall be charged to the applicant and arranged by either the Secretary of the Planning Board or Zoning Board of Adjustment. The notice shall be sent to the official newspaper for publication within ten (10) days of the date of 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 and shall also make the copy of the decision available for public inspection during normal business hours.

ARTICLE IV IMPROVEMENT GUARANTEES

18-400 Performance Guarantees

As a condition of final development approval, the Reviewing Board shall require, for the purpose of assuring the installation of all improvements required under such approval, that the applicant furnish a performance guaranty in accordance with the following standards:

A. The performance guaranty must run in favor of the Township, and be in an amount not to exceed one hundred twenty (120%) percent, rounded to the nearest dollar, of the cost of installation of improvements the Township or Reviewing Board may deem necessary or appropriate, including, but not limited to, streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments (as shown on the final map and required by the Map Filing Law, (N.J.S.A. 46:23-9.9), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements and landscaping, provided that no more than ten (10%) percent of the total performance guaranty shall be in cash and the balance shall be in the form of a surety bond issued by a bonding company licensed to do business in the State of New Jersey and rated A+ or better by A.M. Best or a letter of credit issued by a banking institution licensed to do business in the State of New Jersey. Such bond or letter of credit must be approved and accepted by the Township governing body. The Township Engineer shall review the improvements required by the Reviewing Board which are to be bonded and itemize their cost. This itemization shall be the basis for determining the amount of the performance guaranty required by the Township and the inspection fees required by this Code. The Township Engineer shall forward his/her estimate of the cost of improvements to the applicant within thirty (30) days after the date of receipt of a request sent by certified mail for this estimate. Any performance guaranty delivered to the Township Clerk pursuant to this Section shall be for an initial term of not less than two (2) years, shall provide for automatic one (1) year renewals and shall only be terminable on the date of expiration, either of the original period or any renewal period, upon not less than sixty (60) days advanced written notice. In the event that any of the improvements to be installed are covered by a performance guaranty to another governmental agency, no performance guaranty shall be required from the Township for such improvements.

B. If at any time during the period of time between acceptance of the initial performance guaranty and the date of the Township Committee formally releases such performance guaranty, the Township Committee has reasonable cause to doubt the value, legality, enforceability or effectiveness of such guaranty, all development activity for which such guaranty was established shall be discontinued until such time as a substitute guaranty, in form and substance equivalent to the guaranty which was required to be in place at the time the status of the original guaranty was questioned, shall be delivered to and accepted by the Township Committee. By way of illustration and not limitation, the following shall be instances of reasonable cause to doubt the value, legality, enforceability or effectiveness of such guaranties:

1. The company issuing the bond shall cease to do business, declare insolvency or bankruptcy or be forced into involuntary bankruptcy.

2. The bank, savings and loan, credit union, mortgage banking company or other banking or banking-like entity issuing a letter of credit shall become insolvent, be taken over by any governmental or quasi-governmental agency or company or otherwise cease to do business.

3. The issuer of any performance guaranty shall serve on the Township, notice of termination or cancellation of such guaranty.

C. The amount of any performance guaranty may be reduced by the Township Committee, by resolution, when portions of the improvements have been certified by the Township Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Township Committee by resolution.

D. If the required improvements are not completed or corrected in accordance with the finally approved development plans and approvals, the obligor and surety shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township, either prior to or after the receipt of the proceeds of the performance guaranty, may complete such improvements.

E. When all of the required improvements have been completed, the obligor shall notify the administrative officer, in writing, by certified mail, with a copy to the Municipal Clerk, of the completion of such improvements and shall send a copy thereof to the Township Engineer. Upon receipt of this notice, the Township Engineer shall inspect all of the improvements and shall file a detailed report within forty-five (45) days, in writing, with the Administrative Officer, indicating

either approval, partial approval or rejection of the improvements with a statement of reasons for rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

F. The Township Committee shall either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer and shall notify the obligor, in writing, by certified mail, of the contents of the Township Engineer's report and the action of the Township Committee with relation thereto not later than forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to the performance guaranty except for that portion adequately sufficient to secure completion of the improvements not yet approved. Failure of the Township Committee to send or provide such notification to the obligor within forty-five (45) days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, subject to the requirements of Section 18-401 below, shall be released from all liability pursuant to such performance guaranty.

G. If any portion of the required improvements is rejected, the obligor shall complete such improvements, and, upon completion, the same procedure of notification as set forth in this Section shall be followed.

H. The obligor shall reimburse the Township for all reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements, pursuant to Section 18-401 below.

18-401 Maintenance Guarantees

A. As a condition of the final release of all performance guaranties posted by an applicant with respect to any development approval within the Township, the applicant shall deliver to the Township Clerk, for the purpose of assuring that all improvements installed in accordance with such development approval have been installed in a good and workmanlike manner and that all materials are fit for their intended purpose, a maintenance guarantee in accordance with the following standards:

1. The maintenance guarantee shall be for a period of two (2) years commencing on the date that the Township Committee finally accepts the improvements as being complete, in an amount not to exceed fifteen (15) percent of the total cost of the improvements as set forth on the Township Engineer's estimate for such improvements completed with Section 18-400A1. In the event that other governmental agencies or

public utilities automatically will own the utilities or improvements which are installed or the improvements are covered by a maintenance guaranty provided by the applicant to another governmental agency, no maintenance guaranty in favor of the Township shall be required for such utilities or improvements. Such maintenance guaranty shall be in the form of a surety bond issued by a surety licensed to do business in the State of New Jersey and rated A+ or better by A.M. Best, or a letter of credit issued by a banking institution licensed to do business in the State of New Jersey. Such maintenance guaranty shall be approved and accepted by the Township Committee.

2. If at any time prior to the expiration of the maintenance guaranty, the Township Committee has reasonable cause to doubt the value, legality, enforceability or effectiveness of such guaranty, the obligor must deliver to the Township Clerk a substitute guaranty, equivalent to the guaranty which was required to be in place at the time the status of the original guaranty was questioned. By way of illustration and not limitation, the following shall be instances of reasonable cause to doubt the value, legality, enforceability or effectiveness of such guaranties:

   a. The company issuing the bond shall cease to do business, declare insolvency or bankruptcy or be forced into involuntary bankruptcy.

   b. The bank, savings and loan, credit union, mortgage banking company or other banking or banking-like entity issuing a letter of credit shall become insolvent, be taken over by any governmental or quasi-governmental agency or company, or otherwise cease to do business.

B. If the Township determines that any improvements which are covered by such maintenance guaranty have not been completed in a good and workmanlike manner, or that any materials which were incorporated into such improvements are not fit for their intended purpose and the obligor, under such maintenance guaranty, has not corrected the improvements to the satisfaction of the Township Engineer within thirty (30) days after written notice of such defect, the obligor and the surety shall be liable on such guaranty to the Township for the reasonable cost of correcting and/or replacing such improvements, and the Township, either prior to or after the receipt of the proceeds of such guaranty, shall have the right, but not the obligation, to complete corrective work or replacements of such improvements which may be required.

18-402 Escrows

A. Application Escrow.

1. All fees other than application fees, inspection escrows and miscellaneous fees shall be escrow fees to pay the services of any professional personnel employed by the Reviewing Board or the Township Committee to process, review, inspect, study or make recommendations to such Reviewing Board or the Township Committee concerning the nature and substance of the applicants application and/or to pay the services of any such professional personnel and the costs and expenses incurred by such professional personnel, the Reviewing Board and/or the Township Committee to create, amend or modify, including, but not limited to, the costs and expenses to draft, finalize and publish, the official Tax Map and/or Zoning Map of the Township, which creation, amendment and/or modification is necessitated by the approval of the applicant's application.

2. If during the existence of this escrow account the balance of funds held by the Township shall be insufficient to cover vouchers submitted by the professionals, the applicant shall deposit additional sums with the Township to voucher the amount of the deficit and the anticipated amount to cover all remaining work within ten (10) days after receipt of written notice from the Township of the amounts owed. In the event that an applicant fails to deposit the additional escrow moneys as required within the time set forth in this subsection, the Township, through its agents and employees, shall take whatever action it deems necessary in order to compel the payment of the escrow amount. In addition, the professional personnel may take any action individually as they deem necessary to satisfy the vouchers submitted. Notwithstanding the foregoing, any applicant who does not deposit such additional escrow moneys within thirty (30) days after receipt of written notice from the Township of the amounts owed shall be charged a late fee equal to ten (10) percent times the amounts owed from the date such sums were due pursuant to such notice until paid in full (including all accrued late fees). No permit, approval or certificate shall be issued to any applicant or property owner by the Reviewing Board, Zoning Officer, Township Committee, Township Clerk or any other agency of the Township unless all amounts owed pursuant to this Section by such applicant or owner or with respect to the subject property are paid in full.

3. All excess moneys in the escrow account will be returned to the applicant after the approving authority has granted final approval and signed the subdivision plat or site plan in accordance with the procedures specified in N.J.S.A. 40:55D-53.2.d., with a statement of money expended against the account. If at any time prior to final approval the applicant elects to withdraw his request for approval and abandon the project, any moneys remaining in the escrow account, after all proper charges have been paid, will be returned to the applicant with a statement of money expended against the account.

B. Inspection Escrows

The cost of all inspections by the Township Engineer shall be the responsibility of the applicant, and the applicant shall deposit the necessary inspection fees with the Township prior to the issuance of a building permit or zoning permit. The inspection escrow shall be in addition to the amount of any required performance or maintenance guarantees, application fees and application escrows and shall consist of a sum equal to the greater of five hundred (500.00) dollars or five (5%) percent of the total cost of the improvements as determined pursuant Section 18-400 above. If the calculated amount of inspection escrows is ten thousand (10,000) dollars or greater, the applicant shall have the right to deliver the inspection escrows to the Township in four (4) installments, the initial amount deposited being not less than twenty-five (25%) percent of the calculated escrow amount. When the balance held in the escrow drops to ten (10%) percent of the calculated amount due to the fact that escrowed funds have been paid to the Township Engineer for invoiced inspections which have occurred, the applicant shall make additional deposits of twenty-five (25%) percent of the calculated amount. The Township Engineer shall not perform any inspection if insufficient funds to pay those inspections are not on deposit. Funds which are unexpended shall be returned to the applicant upon request, in writing, to the Reviewing Board in accordance with the procedures specified in N.J.S.A. 40:55D-53.2.d. The applicant shall immediately pay upon demand all additional site inspection costs as are necessary and reasonable.

18-403 Developers Agreements

A. As a condition to major subdivision or major site plan approval, the Township may require the developer enter into an agreement with the Township at resolution compliance, setting forth the implementation requirements for a development. The substance of the developer's agreement shall be consistent with the laws of the State of New Jersey, this Chapter XVIII and the conditions

and standards applicable to developments. The developer's agreement shall be in a form satisfactory to the Township Attorney and Township Committee and shall include, but may not be limited to, conditions of approval listed in the final resolution of approval and provisions relating to the following:

1. The disposition of lands required to be set aside for public, semipublic and/or open space and outdoor recreation uses.

2. The phasing, financing and extent of off-tract traffic improvements.

3. Public approvals and municipal and developer actions required to implement public infrastructure improvements, such as public sewers and stormwater control.

4. The developer's obligation to maintain the development and comply with site plan approval conditions dealing with signage, building exteriors, landscaping, drainage, retention/detention basins, security, buffer areas and open spaces, trash removal and internal roadways.

5. Cleanup of any environmentally contaminated area.

6. Consideration of municipal impacts.

7. The timing of the construction of recreational facilities including parks, playgrounds, clubhouses and pools.

8. Open space area. The amount of the gross acreage that shall be open space area, which areas shall not include paved roadways or parking areas.

9. Buffer areas as required by the development approval.
(Ord. No. 2010-28 § 1)

ARTICLE V OFF-TRACT IMPROVEMENTS

This Article is intended to ensure a pro-rata allocation of the costs for off-tract improvements necessitated by new development

18-500 Off-Tract Improvements Required

As a condition of final major subdivision or site plan approval, the Reviewing Board may require an applicant to pay his pro rata share of the cost of providing only reasonable and necessary off-tract improvements. These costs may include but, are not limited to, the costs of street improvements, water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the development but necessitated or required by construction or improvements within such development. The proportionate or pro rata amount of the cost of such facilities that shall be borne by each developer or owner within a related or common area shall be based on the criteria established herein.

18-501 Improvements to be Constructed at the Sole Expense of the Developer

Full Allocation: In cases where the reasonable and necessary off tract improvement or improvements are necessitated or required by the proposed development and where no other property owners receive a special benefit thereby, the applicant may be required, as a condition of approval, at the applicant's sole expense, to provide for and construct such improvements as if such were an on tract improvement in the manner provided hereafter and otherwise provided by law.

18-502 Other Improvements

In cases where the need for any off-tract improvement is necessitated by the proposed development application and where it is determined that properties outside of the development will also be specially benefited by the improvement, the following criteria shall be utilized in determining the proportionate share of such improvements to the developer.

A. Sanitary Sewers. Distribution facilities including the installation, relocation or replacement of collector, trunk and interceptor sewers, and the installation, relocation or replacement of other appurtenances associated therewith; the applicant's proportionate share shall be computed as follows:

1. The capacity and the design of the sanitary sewer system shall be based on "Rules and Regulations for the Preparation and Submission of Plans for Sewerage Systems," New Jersey Department of Environmental Protection, except where governed by the Residential Site Improvement Standards, N.J.A.C. 5:21-6, and all Lakewood Township sewer design standards including infiltration standards, and all other Township sanitary sewer standards.

2. The capacity of the existing system to service the entire improved drainage area shall be computed. If the system is able to carry the total developed drainage basin, no improvement or enlargement cost will be assigned to the developer. If the existing system does not have adequate capacity for the total developed drainage basin, the prorated enlargement or improvement share shall be computed as follows:

$$\frac{\text{Total enlargement or improved cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gpd.}}{\text{Development gpd.}}$$

If it is necessary to construct a new system or upgrade the existing system in order to service the proposed development, the prorated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Total project cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gpd. to new system}}{\text{Developer's tributary gpd.}}$$

The plans for the improved system or extended system shall be prepared by the developer's engineer. All work and costs shall be calculated by the developer and approved by the Township Engineer.

B. Roadways. Street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction or reconstruction of new or existing streets and other associated street or traffic improvements, the applicant's proportionate cost shall be computed as follows:

1. The Township Engineer or Planner shall provide the applicant with the existing and anticipated future peak hour flows for the off-tract improvement.

2. The applicant shall furnish a plan for the proposed off tract improvement which shall include the estimated peak hour traffic generated by the proposed development. The ratio of the peak hour traffic generated by the proposed development to the future additional peak hour traffic anticipated to impact the proposed off tract improvement shall form the basis of the proportionate share. The proportionate share shall be computed as follows:

$$\text{Developer's Cost} = \text{Total cost of the off-tract improvement} \times \frac{\text{Future peak hour traffic generated by the developer(\%)}}{\text{Future additional peak hour traffic}}$$

3. Where the property which is the subject matter of a development application falls within a designated transportation improvement district, as reflected in the circulation element of the Township's Master Plan, the standards to be applied shall be in accordance with Section 18-815 of this chapter.

C. Drainage improvements. Storm water and drainage improvements including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip rap or improved drainage ditches and appurtenances thereto and relocation or replacement of other storm drainage facility or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:

1. The capacity and the drainage system design to accommodate storm water runoff shall be based on a method described in "Urban Hydrology for Small Watershed Technical Release 55", Soil Conservation Service USDA, current issue, computed by the developer's engineer and approved by the Township Engineer.

2. The capacity of the enlarged, extended or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer subject to approval of the Township Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost or the enlarged system shall be calculated by the

Township Engineer. The prorated share for the proposed improvement shall be computed as follows:

$$\frac{\text{Total enlargement or improvement cost of drainage facilities Developer's cost}}{} = \frac{\text{Total tributary cfs}}{\text{Developer's cfs}}$$

18-503 Escrow Accounts for Future Improvements

Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited to the credit of the Township in a separate interest bearing account until such time as the improvement is constructed. If the off-tract improvement is not begun within five (5) years of deposit or term of approval, whichever is earlier, all monies and interest shall be returned to the applicant.

18-504 Computation of Pro Rata Share

In any case in which an applicant does not provide the approving authority with estimates from a traffic consultant and/or consulting engineer regarding estimated improvement costs and all other information necessary to proportion costs, the approving authority may rely on estimates of the Township Engineer and Planner to determine pro rata costs.

ARTICLE VI SUBDIVISION AND SITE PLANS

18-600 General Requirements

No development shall take place within the Township nor shall any land be significantly cleared or altered, nor any use or change in the use of any building or other structure nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, or access ways thereto, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structure, land or parking area, except in accordance with an approval of such development granted pursuant to this Section, unless exempted in Section 18-601 and related subsections.

18-601 Exceptions to Application Requirements

The rules, regulations and standards set forth in this Section shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township. However, if the applicant can clearly demonstrate that, because peculiar conditions pertaining to the subject parcel, the literal enforcement of this Section is impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable within the general purpose and intent of the rules, regulations and standards established by this Section.

18-601.01 Subdivision Exceptions:

A. A building permit or certificate of occupancy may be issued if all improvements have been installed or completed except the finish course of the road and the Township Engineer warrants that completion of the road is in the Township's interest after the subdivider has completed construction of dwellings and structures. The maintenance guaranty required shall not begin until the finish course has been installed.

B. The Construction Official may also authorize the issuance of a temporary certificate of occupancy if the following improvements have been bonded but not yet installed: landscaping, sidewalks, other similar improvements.

C. The Planning/Zoning Board when acting upon an application which includes provisions for low and moderate income housing, shall waive those portions of the design standards which create barriers to the construction of low or moderate income housing and which are not necessary to protect public health and safety.

D. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created:

1. Divisions of land found by the Planning Board, or Subdivision Committee thereof appointed by the Chairman, to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size;

2. Divisions of property by testamentary or intestate provisions;

3. Divisions of property upon court order; and,

4. Conveyances so as to combine existing lots by deed or other instrument.

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.

18-601.02 Site Plan Exceptions:

A. Single or two (2) family dwelling(s) including accessory uses and/or structures permitted as of right under applicable zoning districts, but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances.

B. Provided the change of use is not a change from a residential use to a nonresidential use or the addition to a residential lot of a nonresidential accessory use, the change of one permitted use to another permitted use, or the addition of a permitted accessory use shall be exempt from the site plan application requirements of this chapter provided that the change of use does not require any variances.

The change of a residential use to a nonresidential use shall specifically not be exempt from the site plan requirements of this chapter and any such change of use shall require the submission of a change of use application. The change of use application shall be submitted to the Zoning Officer. If the Zoning Officer determines that the requested change of use is from a residential to nonresidential use, then the applicant must submit the following to the Planning Board for administrative review:

1. A copy of the site plan;

2. An executed Site Plan Exemption Checklist, together with all the items listed in Section A "Administrative Data" of the Site Plan Exemption Checklist;

3. An application fee of two hundred fifty ($250.00) dollars; and

4. An escrow fee of one thousand nine hundred ($1,900.00) dollars.

The Planning Board Engineer will review the Site Plan Exemption Checklist to determine whether the application should be exempt from the full site plan review and approval process.

If the Planning Board Engineer determines that the application is exempt, the Planning Board will hold a hearing to give all property owners within two hundred (200) feet the opportunity to comment on the application. The applicant shall notify all property owners within two hundred (200) feet of the date of the hearing and the nature of the application.

If the Planning Board Engineer determines that the application is not exempt then the applicant will be required to apply to the Planning Board for formal site plan approval.

C. An addition of not more than one thousand five hundred (1,500) square feet to a previously approved site plan or minor site plan improvements and which meets the following requirements:

1. The use must be a permitted use.

2. The addition does not result in a variance from the parking requirements of this chapter.

3. There shall be no intrusion into any buffer area designated for that purpose on a previously approved site plan or as required by this chapter.

4. There shall be no substantial alterations of the existing drainage involving construction of new facilities, new grading or construction to be performed which would substantially change the path, direction of quantity of surface water flow except as may be approved by the Township Engineer.

5. The work involved shall not negate any condition of a previously approved site plan as created by the approving Board except as set forth above.

6. The proposed addition or alteration shall not violate any zoning ordinance requirements. The Administrative Officer may grant an administrative site plan approval to an applicant when there exists on the subject property preexisting conditions which would ordinarily require variances, so long as the addition or alteration sought does not itself violate any zoning ordinance or create the need for additional variances.

7. Other approvals and permits required by law or regulation shall be obtained and copies submitted to the Administrative Officer.

8. The property maintenance code and all other applicable ordinances of the Township of Lakewood shall be fully adhered to.

D. Accessory buildings that are four hundred (400) square feet or less, on commercial properties, provided that the accessory building meets all setback, height and impervious lot coverage requirements; and the building will not be used to store hazardous materials as regulated by the NJDEP for commercial and industrial land uses.

E. Customary agricultural buildings such as barns, silos, storage sheds and related structures on an approved farm.

F. Normal maintenance or replacement such as a new roof, painting, new siding or similar activity.

G. Temporary construction and/or temporary sales trailers if designed in accordance with Section 18-819.

H. All Sukkah and similar temporary structures used for religious purposes. (Ord. No. 2010-54)

18-602 Procedure for Approval

All subdivisions and/or site plans other than those exempted in Section 18-601 and related subsections, shall be formally reviewed except as noted herein in two stages, preliminary and final. Preliminary and final approval may be requested simultaneously or as individual applications.

At the request of the developer, the Planning Board shall grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. The amount of any fees for such an informal review shall be a credit toward fees for review of an application for development. The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review.

This section is adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and subsequent amendments and supplements thereto in order to establish rules, regulations, standards and procedures for approval of all development other than those which are exempted in Section 18-601 and related subsections.

A. Preserve existing natural resources and give proper consideration to the physical constraints of the land.

B. Provide for safe and efficient vehicular and pedestrian circulation.

C. Provide for screening, landscaping, signing and lighting.

D. Ensure efficient, safe and aesthetic land development.

E. Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property.

F. Develop proper safeguards to minimize the impact on the environment including but not limited to soil erosion and sedimentation and air and water pollution.

G. Ensure the provision of adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.

H. Provide for recreation, open space and public use areas.

I. The applicant or their agent shall appear at all regular and special meetings of the Planning Board or Zoning Board whenever the application is being considered. Failure to appear shall give the Planning Board or Zoning Board the right to postpone action on the application for that particular meeting or deny and dismiss the application without prejudice if applicant or his agent's absence deprives the Planning Board or Zoning Board of information necessary to make a decision

18-603 Filing, Referral, Classification and Completeness Procedures

A. Filing. The applicant shall initially submit two (2) copies of the required exhibits as set forth under the appropriate subdivision/site plan review stage of this article together with the application form, checklist, applicable ownership forms, and application and escrow fees to the Board Secretary. Upon receipt of the submission package an administrative and checklist compliance review letter will be prepared by the Board Secretary/professional staff within forty-five (45) days of the receipt of the application, with the exception of applications for schools and non-profit entity, for a not-for-profit use, which shall be prepared by the Board Secretary/professional staff within thirty (30) days of receipt of the application. The time for the Board's review shall not begin to run until the receipt of a certified complete application with the required fee is issued.

B. Classification. The Planning Board Secretary shall preliminarily determine whether the Planning Board or Zoning Board of Adjustments has approval jurisdiction on the application. The Board Secretary may confer with the Zoning Officer and/or appropriate Board Attorney or Township Attorney in making this determination. The Planning Board Secretary shall classify the application as either a minor or major subdivision. These determinations and classifications by the Secretary are subject to review and final decision by the respective Boards.

C. Submission Checklist. Section 18-1112 of this chapter shall constitute the official Submission Checklist of the Township, which specifies the information that must accompany all applications under this chapter. No application shall be deemed complete under N.J.S.A. 40:55D-10.3 unless these requirements have been met or waived from same requested by the applicant.

D. Waiver of Requested Information. The applicant may request a waiver of a Checklist item in appropriate cases. Request for such waivers shall accompany the initial submission of the development application, along with a brief narrative to justify the granting of the requested waiver.

After the Board or its designee approves/denies the waiver request, a revised submission package shall be submitted to the Board Secretary and shall include thirteen (13) sets of development plans. The package will be reviewed for compliance to the Administrative and Checklist Compliance within forty-five (45) days of receipt of the package or thirty (30) days as noted in Section 18-603 and related subsections.

E. Completeness. An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the above. In the event that the application is not certified to be complete within forty-five (45) days or thirty (30) days as noted in Section 18-603 and related subsections of the date of its submission, the application shall be deemed complete upon the expiration of the date of the forty-five (45) day or thirty (30) days period noted in Section 18-603 and related subsections, for purposes of commencing the applicable time period unless: (a) the application lacks information indicated on the official Submission Checklist as set forth in Section 18-1112 of this chapter and provided to the applicant; and (b) the municipal agency has notified the applicant, in writing, of the deficiencies in the application. The applicant must request that one (1) or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within forty-five (45) days or thirty (30) days as noted in Section 18-603 and related subsections.

Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that they are entitled to approval of the application. The municipal agency may subsequently require correction of information found to be in error and submission of additional information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have

been met. The application shall be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

F. Other information. The Board may require such additional information not specified in this section, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

G. Referral. The Board Secretary, upon receipt of a completed application, shall forward a copy of the application, development plans and pertinent data to the following:

- Board Engineer
- Board Planner
- Board Attorney
- Environmental Commission
- Board of Fire Commissioners
- Industrial Commission (where applicable)
- Shade Tree Commission (If the application requires the submission of a Tree Protection Management Plan pursuant to Section 18-803H)
- Board of Education

18-604 Requirements Common to Concept, Preliminary and/or Final Plat Stages

A. Map Details. All maps or other documents submitted for subdivision plat or site plan review shall contain the following information in addition to specific plat/plan details as required for each review stage noted herein and on the checklist:

1. Title and location of the property.

2. Name and address of landowner and applicant. If a corporation is a landowner or applicant, the principal office and name of president and secretary shall be included.

3. Name, address and professional license number and seal of the professional preparing documents and drawings. All plats or plans, except those prepared at the sketch stage, shall be signed and sealed

by either a licensed Professional Engineer, Architect, Planner, or Land Surveyor of the State of New Jersey.

4. Place for signature of the Chairman and Secretary of the Planning Board or their designee.

5. Date of plat and any modifications thereto.

B. Certifications Required on Plans. (If the plan is being submitted to the Zoning Board, substitute Zoning Board where applicable)

1. Minor Subdivisions

The undersigned hereby declares that they are the owner of the subject parcel delineated hereon and hereby consent to the filing of this map.

_____ _____

Owner Owner

_____ _____

Notary Public Date

APPROVED BY
LAKEWOOD TOWNSHIP PLANNING BOARD
On _____ By Resolution # _____

_____

Chairperson Date

_____

Secretary Date

_____

Engineer Date

I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of "The Map filing Law", resolution of approval and municipal ordinances and requirements applicable hereto.

_____

Municipal Engineer Date

This is to certify that the Lakewood Township Planning Board is the proper authority to approve, and has approved, this map, and that this map complies with all the provisions of N.J.S.A. 46:23-9.9 known as "The Map Filing Law". This map shall be filed in the Ocean County Clerk's Office on or before the _____ day of _____, (Insert Year), which is 190 days from the date the resolution is adopted.

_____ _____

Date Secretary

2. Preliminary Major Subdivision and Preliminary and Final Site Plan

APPROVED BY
LAKEWOOD TOWNSHIP PLANNING BOARD
On _____ By Resolution # _____

_____

Chairperson Date

_____

Secretary Date

_____

Engineer Date

3. Final Plat Major Subdivision

The undersigned hereby declares that they are the owner of the subject parcel delineated hereon and hereby consent to the filing of this map.

_____ _____

Owner Owner

_____ _____

Notary Public Date

APPROVED BY
LAKEWOOD TOWNSHIP PLANNING BOARD
On _____ By Resolution # _____

_____

Chairperson Date

_____

Secretary Date

_____

Engineer Date

I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of "The Map filing Law", resolution of approval and municipal ordinances and requirements applicable hereto.

_____

Municipal Engineer Date

I certify that the Lakewood Township Planning Board has approved this map for filing in the Ocean County Clerk's Office and that it complies with the provisions of the "Map Filing Law" provided that this map is filed in the Office of the County Clerk on or before _____ which date is ninety-five (95) days after the signing of the map.

_____ _____

Date Secretary

The monuments shown on this map shall be set within an appropriate time limit as provided for in the "Municipal Land Use Law," P.L. 1975, c.291 (C.40:55D-1 et seq.) or local ordinance. I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments shown on this map and so designated.

_____ _____

Municipal Clerk Date

I certify that the Lakewood Township Planning Board has approved the layout of the streets as shown on this map. However this approval does not constitute acceptance or in any way obligate the Township to maintain or exercise jurisdiction over the streets indicated thereon.

_____ _____

Municipal Clerk Date

C. EXPIRATION OF APPROVAL

1. Use variance: ten (10) years (as long as construction commences within ten (10) year period).

2. All other approvals, with the exception of General Development Plan approval as specified in Section 18-606D5, shall not expire provided that construction commences on the premises.

   Note: Deed to perfect a minor subdivision must be filed with County Clerk within one hundred ninety (190) days of date of adoption of resolutions of Board approval.

18-605 Compliance With Other Ordinances

A. Information and documents required for other Township codes and ordinances such as soil erosion and sedimentation plans or storm water management plans shall be submitted as part of an application for subdivision approval and may be used to comply with subdivision submission requirements for particular stages as applicable.

18-606 General Development Plan Requirements

A. Applicants of planned developments of at least one hundred (100) acres comprised of a minimum of seventy-five (75) dwelling units, or one hundred fifty thousand (150,000) square feet of nonresidential building area shall have the option of bifurcating preliminary approval into two (2) phases: Phase One General Development Plan and Phase Two - Preliminary Approval.

   An applicant may seek variances for density, nonresidential square footage or use at the time of Phase One submission. All other variances shall be sought at Phase Two.

B. An applicant for Planned Unit Development (PUD), Planned Residential Development (PRD), or Planned Industrial Development (PID) approval shall first submit a General Development Plan (GDP), for approval by the Planning Board. The GDP shall follow generally the procedures and submission requirements contained in the New Jersey enabling statutes of the Municipal Land Use Law, and in this chapter. Fifteen (15) copies of the GDP shall be submitted to the Administrative Officer and shall contain the following information:

   1. A general land use plan at a scale not less than 1" = 200' indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be

devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth and the land area to be occupied by each proposed use shall be estimated. The density and intensity of the use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;

2. Circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development;

3. An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conversation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of said lands;

4. A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal and a plan for the operation and maintenance of proposed utilities;

5. A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site;

6. An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site existing man-made structures or features and the probable impact of the development on the environmental attributes of the site;

7. A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations; houses of worship and other religious facilities.

8. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, c. 222 will be fulfilled by the development;

9. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;

10. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipality or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection or property tax revenues which will accrue to the County, municipality and school districts according to the timing schedule provided under paragraph 11 of this subsection, and following the completion of the planned development in its entirety;

11. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any subsection of the planned development prior to the completion of the development in its entirety; and

12. A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.

C. General Development Plan (GDP) Approval Procedure

1. Any developer of a parcel of land greater than one hundred (100) acres in size for which the developer is seeking approval of a planned development shall submit a general development plan to the Planning Board prior to the granting of preliminary approval of that development by the Planning Board pursuant to Article VI.

2. The Planning Board shall grant or deny general development approval within ninety-five (95) days after submission of a complete application to the Administrative Officer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute GDP approval of the planned development.

D. General Development Plan; Timing Schedule; Modification:

1. If, after the approval of a GDP, the applicant wishes to revise the timing schedule, or wishes to make any variation in the location of land uses

within the development, or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the development, the applicant shall be required to gain the prior approval of the Reviewing Board, except that the applicant may reduce the number of residential units or amount of nonresidential floor space by no more than fifteen (15%) percent, or reduce the residential density or nonresidential floor area ratio by no more than fifteen (15%) percent provided, however, that a applicant may not reduce the number of low and moderate income residential units to be provided, if any, without the prior approval of the Reviewing Board, and provided further there shall be no reduction in the level of improvements, off-tract contributions, or similar conditions of the General Development Plan (GDP) without prior approval of the Board.

2. A revision to the timing schedule shall be reviewed by the Reviewing Board and the granting or denial of any extensions of time shall be based on the degree to which matters are judged to be, or to have been, within the reasonable control of the applicant, or the degree to which matters may have been beyond the control of the applicant.

3. Upon acquiring a certificate of occupancy for each section of the development as set forth in the approved GDP, the applicant shall notify the Administrative Officer, by certified mail, as evidence that the applicant is fulfilling his obligations under the approved GDP. If the Township does not receive such notification at the completion of any section of the development, the Township shall notify the applicant, by certified mail, in order to determine whether the terms of the approved plan are being complied with.

4. If the applicant does not complete any section of development within eight (8) months of the date provided for in the approved GDP, or if at any time the Township has cause to believe that the applicant is not fulfilling their obligations pursuant to the approved GDP, the Township shall notify the applicant, by certified mail, and the applicant shall have ten (10) days within which to give evidence that they are fulfilling their obligations pursuant to the approved GDP. The Township thereafter shall conduct a hearing to determine whether the applicant is in violation of the approved GDP. If after the hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the applicant and the approval shall be terminated thirty (30) days thereafter.

5. In the event that a applicant who has GDP approval does not apply for preliminary site plan or subdivision approval for the planned development which is the subject of the GDP approval within five (5) years of the date upon which the GDP has been approved by the Reviewing Board, the Township shall have cause to terminate the approval. For purposes of this article, the application for preliminary approval within the five (5) year period as required herein will be satisfied by submitting one (1) or more applications for one (1) or more sections of a phased development within this five (5) year period, and will remain in compliance provided subsequent preliminary plat submissions for further sections of the development are submitted in a timely manner consistent with the timing schedule approved as part of the General Development Plan (GDP).

6. In the event that a development which is the subject of an approved GDP is completed before the end of the term of the approval, the approval shall terminate and the development shall be considered complete on the date upon which the certificate of occupancy has been issued for the final residential and nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved GDP and the applicant has fulfilled all his obligations pursuant to the approval.

E. General Development Plan hearing on modifications required.

1. Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the GDP, the developer wishes to make any modification in the location of land uses within the planned development or to increase the density of residential development or the floor area ration of nonresidential development in any section of the planned development.

2. Any modification in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval by the New Jersey Department of Environmental Protection (NJDEP) shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board, that the modification being proposed is a direct result of such determination by the NJDEP.

F. General Development Plan (GDP) certification upon completion: General development plan failure to complete or comply: GDP termination of approval:

1. Upon the completion of each section of the development as set forth in the approved GDP, the developer shall notify the Board Secretary by certified mail as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved GDP. If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not terms of the approved plan are being complied with. If a developer does not complete any section of the development within eight (8) months of the date provided for in the approved plan, or if at any time the municipality has caused to believe that the developer is not fulfilling their obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail, and the developer shall have ten (10) days within which to give evidence that they are fulfilling their obligation pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.

2. In the event that a developer who has General Development Plan (GDP) approval does not apply for preliminary approval for the planned development which is subject of that GDP approval within five (5) years of the date upon which the GDP has been approved by the Planning Board, the municipality shall have cause to terminate the approval.

3. GDP satisfactory completion: In the event that a development which is the subject of an approved GDP is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purpose of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved GDP and the developer has fulfilled all of his obligations pursuant to the approval.

18-607 Concept Plans: Minor or Major Site Plans and Subdivisions

A. Objectives of Review. Applicants for preliminary approval may submit for review by the Planning or Zoning Board concept plans for informal discussions and recommendations. The concept plan shall be reviewed to determine the proposals compliance with applicable Township ordinances and the general site design concept, including but not limited use, location and bulk; buildings and improvements; density; open space; traffic and pedestrian patterns; and, other general design components.

B. Concept plans shall be used as a basis for changes and redesign so as to avoid undue expense and delay in preparing more detailed plans and specifications in subsequent review stages. The Planning or Zoning Board shall not be governed by any statutory time limits in its review of concept plans and it is expressly understood that compliance with the Board recommendations shall not bind the Board in subsequent deliberations.

C. The applicant should provide a set of informal plans and applicable escrow fees.

18-608 Minor Subdivision Plats

A. Minor Subdivision Plat. In addition to the information required for a zoning permit, all minor subdivision plans shall fulfill the information requirements of this section prior to review by the Reviewing Board, which shall be set forth in a Checklist and provided to each applicant. (See Section 18-603C) All minor subdivision plats shall be prepared by a New Jersey licensed land surveyor.

B. Distribution. See Section 18-603G.

C. Action. The Planning or Zoning Board shall act within forty-five (45) days, of the application being certified as a complete application for a minor subdivision or within such further time as may be consented to by the applicant. If a variance is required in conjunction with the minor subdivision, the Board shall act within one hundred twenty (120) days. Failure of the Reviewing Board to act within the prescribed time period shall constitute approval of the application.

The Board shall have the right to approve or change the classification of the subdivision by a majority vote.

D. If rejected, the reasons for rejection shall be noted in the resolution adopted by the Board. The Planning or Zoning Board may attach conditions of approval to any minor subdivision.

E. Filing with County Recording Officer. If approved as a minor subdivision, a plat drawn in compliance with Chapter 141 of the Laws of 1960 or a deed or map signed by the Planning Board or Zoning Board Chairperson and Secretary shall be filed by the subdivider with the County Recording Officer and Township Engineer within one hundred ninety (190) days from the date on which the Resolution of Approval was adopted. If not filed within this period said subdivision approval shall expire unless extended by the Board.

F. Approved Minor Subdivisions; Municipal Distribution. Before the Construction Official issues a building permit for the approved minor subdivision, the applicant shall provide the applicable Board Secretary with a certificate of filing from the County Clerk's office and eight (8) copies of the approved subdivision map reflecting the recording data from the Ocean County Clerk's Office. The Board Secretary shall distribute copies of the approved subdivision to each of the following:

Township Engineer	2 prints	Applicant	1 print
Tax Assessor	1 print	Planning Board File	1 print
Zoning Officer	1 print	Construction Official	1 print for each lot & block

G. Effect of Minor Subdivision Approval. The granting of minor subdivision approval shall guaranty 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 the adoption of Resolution of Approval; provided the minor subdivision shall have been duly recorded as provided herein. Applicants shall be responsible for necessary approvals prior to development as may be required by other Township codes and ordinances.

18-609 Preliminary Approval; Major Subdivision

A. Objectives of Review. The preliminary plat shall be reviewed to determine the acceptability of the detailed design concept and shall be in sufficient detail to enable the Board to ascertain compliance with the performance standards and other standards of this section as well as applicable Township ordinances.

All plans shall fulfill the information requirements of this section prior to review by the Reviewing Board, which shall be set fourth in a checklist and provided to each applicant.

Applications for Planned Unit Developments or major plans shall have the option of bifurcating preliminary approval into two (2) phases: Phase One - General Development Plan, and Phase Two - Preliminary Approval. An applicant may seek variances for density, nonresidential square footage or use along with Phase One. All other variances shall be sought at Phase Two.

B. Filing. See Section 18-603A.

C. Preliminary Plat Details. Pursuant to the Checklist requirements (See Section 18-603)

D. Preliminary Plat Review. Within forty-five (45) days of the submission to the Board Secretary of a certified complete subdivision plat application for ten (10) lots or less; within ninety-five (95) days of submission of a certified complete application for a subdivision application of more than ten (10) lots; within one hundred twenty (120) days if a variance is required; or within such further time as may be agreed upon by the developer that the Planning Board shall act upon the application.

E. Distribution. See Section 18-603G.

F. Preliminary Plat Hearing. All actions of the Planning Board on preliminary subdivision plats shall be after a public hearing. Public notice of an application as provided in this chapter shall be required for all major subdivision plats. Applicants for major subdivision plats requiring variances by the Planning Board shall also be required to provide public notice of application.

G. Effect of Preliminary Approval. Preliminary approval of a subdivision plat shall confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval:

1. 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 dimension and on-site and off tract improvements; and any requirements peculiar to the specific subdivision plat. The Township may modify by ordinance such general terms and conditions of preliminary approval as they relate to public health and safety.

2. That the applicant may submit for final approval on or before the expiration date of preliminary approval, the whole, or a section or sections of the preliminary subdivision plat or simultaneously with submission for preliminary approval.

H. Extension of Preliminary Approval. The applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years provided that if the design standards have been revised by ordinance, such revised standards may govern.

In the case of a subdivision plat for an area of fifty (50) acres or more, the Planning Board may grant the rights referred to above for such period of time, longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval; (2) economic conditions; and, (3) the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration: (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval; (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval; (3) economic conditions; and, (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

I. Approved Preliminary Plat: Municipal Distribution. The Board Secretary shall distribute copies of the approved preliminary plat with construction plans to each of the following:

Township Engineer	1 print	Applicant	1 print
Planning Board File	1 print	Lakewood Fire Co.	1 print

18-610 Preliminary Site Plan Approval

A. Filing. See Section 18-603A.

B. Preliminary Plan Details. Pursuant to Checklist requirements. (See Section 18-603C)

C. Preliminary Plan Review. Within forty-five (45) days of receipt by the Planning Board Secretary of a complete plan application for ten (10) acres of land or less and ten (10) dwelling units or less; or within ninety-five (95) days of receipt of a complete application for a plan of more than ten (10) acres or more than ten (10) dwelling units; within one hundred twenty (120) days if a variance is required; or within such further time as may be agreed upon by the developer, the Planning Board shall act upon the application.

D. Distribution. See Section 18-603G.

E. Preliminary Plan Hearing. All actions of the Planning Board on preliminary plans shall be at a public hearing. Public notice of an application as provided in Section 18-701 of this chapter shall be required.

F. Decisions of Planning Board. See Section 18-702 of this chapter for decisions on site plan applications under varying procedural conditions.

G. Effect of Preliminary Approval. Preliminary approval of a plan shall confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval:

1. 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 on site and off tract improvements; and any requirements peculiar to the specific plan. The Township Committee may modify by ordinance such general terms and conditions of preliminary approval as they relate to public health and safety provided such modifications are in accord with amendments adopted by ordinance subsequent to approval.

2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary plan.

H. Extension of Preliminary Approval. The applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years provided that if the design standards have been revised by ordinance, such revised standards may govern.

In the case of a plan for an area of fifty (50) acres or more, the Planning Board may grant the rights referred to above for such period of time, longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration: (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval; (2) economic conditions; and, (3) the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration: (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval; (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval; (3) economic conditions; and, (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

18-611 Final Plat Approval: Major Subdivision

A. Objectives of Review. The final plat shall be reviewed to determine whether it substantially conforms to the approved preliminary plat and to the conditions of preliminary approval and the Map Filing Law, and to assure proper posting of performance and maintenance bonds.

All plans shall fulfill the information requirements of this Section prior to review by the Reviewing Board, which shall be set fourth in a checklist and provided to each applicant.

B. Filing. See Section 18-603A.

C. Final Plat Details. Pursuant to checklist requirements. (See Section 18-603C)

D. Final Plat Review. Within forty-five (45) days after the final plat application has been certified as complete, within one hundred twenty (120) days if a variance is requested that was not approved under preliminary approval, or within such further time as may be agreed upon by the applicant, the Planning Board shall approve the application for final plat approval with or without conditions, provided the following requirements are met:

1. That the detailed drawings and specifications meet all applicable Township codes and ordinances;

2. That the final plats are substantially the same as the approved preliminary plats;

3. Reserved.

4. That the applicant agrees in writing to all conditions of final approval;

5. That proof has been submitted that all taxes and assessments for local improvements on the property have been paid.

E. Distribution. See Section 18-603G.

Submission of a major development subdivision application shall be reviewed and acted upon by the Planning Board according to Section 18-609.

F. Final Major Subdivision Hearing. Board action shall take place at a public meeting. No public notice of application shall be required (unless a variance is requested in conjunction with final approval).

G. Decision of Planning Board. As set forth in Section 18-609 of this chapter for decisions on subdivision applications under varying procedural conditions.

H. Effect of Final Approval. Final approval shall terminate the time period of preliminary approval for the section granted final approval and shall guaranty the applicant that the zoning requirements applicable to the preliminary approval and all other rights conferred upon applicant as part of preliminary approval shall not be changed for a period of two (2) years after the date of final approval, provided that these rights shall expire if the plat has not been duly recorded within the time prescribed in Section 18-611K herein.

I. Time Limit for Final Approval and Extensions. The Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly from proceeding with the development because of delays in legally obtaining the required approvals from governmental agencies and that the developer applied promptly and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of the final approval or (2) the ninety-first (91st) day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

J. County Planning Board Approval. Any plat, which requires County Planning Board approval, pursuant to N.J.S.A. 40:27 6.2, shall be forwarded to the County Planning Board for its action. The Planning or Zoning Board may grant final approval subject to approval by the County Planning Board.

K. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat. The Planning Board may extend the ninety-five (95) day or one hundred ninety (190) day period if the developer proves to the reasonable satisfaction of the Planning Board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The developer may apply for an extension either before or after the original expiration date.

No subdivision plat shall be accepted for filing by the County Recording Officer until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to sections 35, 38, 44, 48, 54 or 63 of P.L.1975, c.291 (C.40:55D-47, 40:55D-50, 40:55D-56, 40:55D-61, 40:55D-67, 40:55D-76). The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guarantees required pursuant to section 41 of P.L.1975, c.291 (C.40:55D-53). If the County Recording Officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

It shall be the duty of the County Recording Officer to notify the Planning Board in writing within (7) seven days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

L. Approved Final Plat; Municipal Distribution. Before the Board Secretary returns any approved final plat to the subdivider or the construction official issues a building permit for the subdivision, the applicant shall provide the Board Secretary with a certificate of filing from the County Clerk's office and ten (10) copies of the approved final subdivision map reflecting the recording data from the Ocean County Clerk's Office.

The Board Secretary shall distribute copies of the approved final plat as follows:

Township Engineer	2 prints
Tax Assessor	1 print
Construction Official	1 print
Township Clerk	1 print
Board File	1 print
Lakewood Fire Company	1 print
Zoning Officer	2 prints
BOE Transportation	1 print

18-612 Final Site Plan Approval

A. Objectives of Review. The final plan shall be reviewed to ascertain whether the construction documents to be utilized in construction of the project substantially conform to the approved preliminary plan.

All plans shall fulfill the information requirements of this section prior to review by the Reviewing Board, which shall be set fourth in a checklist and provided to each applicant.

B. Filing. See Section 18-603A.

C. Final Plan Details. Pursuant to checklist requirements. (See Section 18-603C and Section 18-1112)

D. Final Site Plan Review. Within forty-five (45) days from submission of a certified complete final plan application, within one hundred twenty (120) days if a variance is required which was not approved under preliminary approval, or within such further time as may be agreed upon by the applicant, the Planning Board shall approve the application for final plan approval with or without conditions, provided the following requirements are met:

1. That the detailed drawings and specifications meet all applicable codes and ordinances;

2. That the final plans are substantially the same as the approved preliminary plans;

3. Reserved.

4. That proof has been submitted that all taxes and assessments for local improvements on the property have been paid.

E. Distribution. See Section 18-603G.

F. Final Plan Hearing. Planning or Zoning Board action shall take place at a hearing. No public notice of application shall be required, unless a variance is required that was not granted under preliminary approval.

G. Decision of Planning or Zoning Board. As set forth in subsection J of this section for decisions on plan applications under varying procedural conditions.

H. Effect of Final Approval. Final approval shall terminate the time period of preliminary approval for the section granted final approval and shall guaranty the applicant that the zoning requirements applicable to the preliminary approval and all other rights conferred upon applicant as part of preliminary approval shall not be changed for a period of two (2) years after the date of final approval.

I. Time Limit for Final Approval and Extensions. Final approval shall expire two (2) years from the date of final approval unless the applicant has secured a building permit to commence construction. The Planning Board may extend final approval, and the protection offered under Section 18-611 paragraph I herein, for one (1) year.

J. Effect of final approval of a site plan or major subdivision.

1. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 37 of P.L.1975, c.291 (C.40:55D-49), whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date on which the resolution of final approval is adopted; provided that in the case of a major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 42 of P.L.1975, c.291 (C.40:55D-54). If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 42 of P.L.1975, c.291 (C.40:55D-54), the Planning Board may extend such period of protection for extensions of one (1) year but not to exceed three (3) extensions. Notwithstanding any other provisions of

this act, the granting of final approval terminates the time period of preliminary approval pursuant to section 37 of P.L.1975, c.291 (C.40:55D-49) for the section granted final approval.

2. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, conventional subdivision or site plan for one hundred fifty (150) acres or more, or site plan for development of a nonresidential floor area of two hundred thousand (200,000) square feet or more, the Planning Board may grant the rights referred to in subsection 1. of this section for such period of time, longer than two (2) years, as shall be determined by the Planning Board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

3. Whenever the Planning Board grants an extension of final approval pursuant to subsection 1. or 2. of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

The Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of final approval or (2) the 91st day after the developer receives the last legally required approval from other governmental

entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the Planning Board from granting an extension pursuant to paragraphs A or B of this section.

K. Conditions of Final Approval. The Planning or Zoning Board may as a condition of final approval:

1. Condition the granting of a certificate of occupancy subject to the applicant or developer or subsequent heirs or assignees meeting certain requirements within a designated period of time, not to exceed two (2) years, from the date of issuance of the certificate of occupancy. This may include, but is not limited to, such items as: the installation of landscaping, erection of signs, installation of improvements, or reevaluation of circulation patterns.

18-613 Certificates Showing Approval

A. Prospective purchasers or mortgagees, or any other person interested in any land which forms, or formed, part of a subdivision three (3) years preceding the effective date of this chapter, may apply in writing to the Board Secretary, for the issuance of a certificate stating whether such subdivision has been approved by the Board. 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.

B. The Board Secretary shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fees therefore. Said Secretary shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record in their office.

C. Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:

1. Whether there exists in said municipality a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of this article.

2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the Board, and, if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.

3. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided in this act.

D. The Administrative Officer shall be entitled to receive for such certificate issued, a fee as stipulated in the Township's Fee Ordinance.

ARTICLE VII PROVISIONS APPLICABLE TO SITE PLANS AND SUBDIVISIONS

18-700 Simultaneous Review

The Board shall have the power to review and either approve or deny conditional uses or plans simultaneously with review for subdivision approval without the developer being required to make further application to the Board, or the Board being required to hold further hearings. The longest time period for action by the Board, whether it be for subdivision, conditional use or plan approval, shall apply.

18-701 Hearings and Notices

A. Hearings shall be required as part of approval for all applications for development.

B. Maps and Documents and Exhibits on File. A complete set of maps, documents and exhibits shall be on file at the office of the Board at least ten (10) days prior to the date of the noticed hearing.

C. Public Notice of Application.

1. Public notice of a hearing shall be given for an extension of approvals for five (5) or more years under subsection d. of section 37 of P.L.1975, c.291 (C.40:55D-49) and subsection b. of section 40 of P.L.1975, c.291 (C.40:55D-52); for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice, and for any other applications for development, with the following exceptions: (1) minor site plan review , (2) minor subdivisions pursuant to section 35 of P.L.1975, c.291 (C.40:55D-47) or (3) final approval pursuant to section 38 of P.L.1975, c.291 (C.40:55D-50). Notice shall be required for all preliminary major site plan and subdivision applications, for appeals of determinations of administrative officers pursuant to subsection a. of section 57 of P.L.1975, c.291 (C.40:55D-70), and for requests for interpretation pursuant to subsection b. of section 57 of P.L.1975, c.291 (C.40:55D-70). Public notice shall also be given in the event that relief

is requested pursuant to section 47 or 63 of P.L.1975, c.291 (C.40:55D-60 or C.40:55D-76) as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the Township or in a newspaper of general circulation in the Township.

2. Notice of a hearing requiring public notice pursuant to paragraph 1 of this section shall be given to the owners of all real property as shown on the current tax duplicates, located in the State and within two hundred (200) feet in all directions of the property which is the subject of such hearing; provided that this requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

3. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within two hundred (200) feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

4. Upon the written request of an applicant, the administrative officer of a municipality shall, within seven (7) days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to paragraph 2 of this section. In addition, the administrative officer shall include on the list the names, addresses and positions of those persons who, not less than seven (7) days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to paragraph 9 of this section. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any

public utility, cable television company, or local utility not on the list shall not invalidate any hearing or proceeding. A sum not to exceed twenty-five ($0.25) cents per name, or ten ($10.00) dollars, whichever is greater, may be charged for such list.

5. Notice of hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality.

6. Notice shall be given by personal service or certified mail to the county Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary.

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

8. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. The notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk pursuant to subsection b of section 6 of P.L.1975, c.291 (C.40:55D-10).

9. Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under this act requiring public notice pursuant to subsection a. of this section shall be given, in the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the municipality and which has registered with the municipality in accordance with section 5 of P.L.1991, c.412 (C.40:55D-12.1), by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

10. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for development in the

event that the applicant is required to give notice pursuant to this section.

11. Notice pursuant to paragraphs 4, 5, 6, 7 and 8 of this section shall not be deemed to be required, unless public notice pursuant to paragraph 1 and notice pursuant to paragraph 2. of this section are required.

D. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at their expense; provided that the governing body may provide by ordinance for the municipality to assume the expense of any transcripts necessary for appeal to the governing body, pursuant to Article III, of decisions by the Zoning Board of Adjustment pursuant to said article, up to a maximum amount as specified by ordinance.

The municipal agency, in furnishing a transcript or tape of the proceedings to an interested party at his expense, shall not charge such interested party more than the actual cost of preparing the transcript or tape. Transcripts shall be certified in writing by the transcriber to be accurate.

18-702 Decisions on Applications for Development

A. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

1. A memorializing resolution adopted at a meeting held not later than forty-five (45) a days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. If only one (1) member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon the vote of that member. An action pursuant to Section 5 of the Act (C.40:55D-9) (resulting from failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency;

however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by Subsections h and i of P.L. 1975 C.40:55D-10. If the municipal agency fails to adopt a resolution or memorializing resolution as herein above specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.

B. County Planning Board Approval. Whenever review or approval of any application by the County Planning Board is required, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or upon County Planning Board approval by default for failure to report thereon within the required time period.

C. Developments Barred by Administrative or Judicial Order. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application for development in accordance with this article, and if such application complies with the requirements of this article, the Board shall approve such application conditioned on removal of such legal barrier to development.

D. Approval by Other Governmental Agencies. In the event that development proposed by an application for development requires an approval by a governmental agency other than the Board, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board may recommend that construction permits be issued consistent with the resolution of approval while outside agency approval is pending, so long as the applicant proceeds at their own risk.

E. Decisions to be furnished to Applicant and Others. A copy of each decision shall be mailed by the Board, within ten (10) days after the date of decision, to the applicant, or if represented then to their attorney, without separate charge, and to all others upon request for a fee as noted in this chapter.

F. Filing in Office of Board Secretary. A copy of each decision shall also be filed by the Board in the office of the Board Secretary who shall make a copy of the filed decision available to any interested party for a fee as noted in this chapter and available for public inspection at their office during reasonable hours.

G. Publication. A brief notice of each decision shall be published by the Board Secretary and the Township may make a reasonable charge for such publication. The applicant, also, may cause such publication to be made if they so desires. The time for appeal from the decision shall run from the first publication, whether made by the Board Secretary or the applicant.

H. Time for Decision on Applications to Board for Preliminary Approval of Site Plans and Major Subdivisions. Preliminary approval shall be granted or denied on applications to the Board for a plan of ten (10) acres or less or for a major subdivision of ten (10) or fewer lots within forty-five (45) days, and for a site plan of more than ten (10) acres or for a major subdivision of more than ten (10) lots within ninety-five (95) days, after the date of submission of a complete application to the Board Secretary except as otherwise provided in Sections 18-702J through M.

I. Time for Decision on Applications to Board for Minor Subdivision Approval and Final Approval of Plans and Major Subdivisions. Final approval of plans, major subdivisions, and approval of minor subdivisions shall be granted or denied on applications to the Board within forty-five (45) days after the date of submission of a complete application to the Board Secretary except as otherwise provided in Sections 18-702J through M.

J. Time for Decision When Board Reviews Conditional Uses or Plans Simultaneously with Subdivisions. Whenever the Board reviews conditional uses or plans simultaneously with subdivisions, the longer or longest period of time for action in any such case shall apply to all such cases.

K. Time for Decision When Board Reviews Applications for Subdivision, Plan or Conditional Use Approval That Includes Request for Variance. Whenever an application to the Board for approval of a subdivision plat, plan or conditional use includes a request for a variance pursuant to N.J.S.A. 40:55D-60, the Board shall grant or deny approval of the application within one hundred twenty (120) days after the date of submission of a certified complete application to the Board Secretary. In the event that the developer elects to submit separate consecutive applications, the aforesaid provision shall apply to the application for approval of the variance or direction for issuance of a permit. The period for granting or denying and subsequent approval shall be as otherwise provided in this chapter.

L. Time for Decision When Board Reviews Application for Conditional Use That Includes Request for Plan Approval. Whenever the Board reviews an application for conditional use that includes a request for plan approval, the

Board shall grant or deny approval of the application within ninety-five (95) days after the date of submission of a certified complete application to the Board Secretary.

M. Time for Decision When Board of Adjustment Reviews Subdivision, Plan or Conditional Use in Conjunction With Use Variance. Whenever an application is made to the Board of Adjustment for subdivision, plan or conditional use approval in conjunction with the Board's review of a use variance, the Board of Adjustment shall grant or deny approval of the application within one hundred twenty (120) days after the date of submission of a certified complete application to the Board Secretary.

N. Extension of Time for Decision. Any time period for action by the Board may be extended with the consent of the applicant or appellant.

O. Failure to Make Decision within Time. The failure of the Board to act within such time period or extension thereof shall constitute a decision favorable to the applicant or appellant. A certificate of the Board Secretary as to such failure shall be issued on request of the applicant or appellant, and it shall be sufficient in lieu of written endorsement or other evidence of approval required by this section and shall be accepted as such by the County Clerk for purposes of filing subdivision plats.

18-703 Application by Corporation, Partnership or Limited Liability Company

A. A corporation, partnership, or limited liability company (L.L.C.) applying to the Planning Board or the Board of Adjustment for approval to subdivide a parcel of land or for approval of a site to be used for commercial or industrial purposes shall be represented by an attorney, and shall list the names and addresses of all stockholders, members or individual partners owning at least ten (10%) percent of its stock of any class or at least ten (10%) percent of the interest in the partnership, as the case may be.

B. Disclosure of ten (10%) percent ownership interest of corporation or partnership which is ten (10%) percent of applying corporation or partnership. If a corporation or partnership owns ten (10%) percent or more of the stock of a corporation, or ten (10%) percent or greater interest in a partnership, subject to disclosure pursuant to Section 18-703A, that corporation or partnership shall list the names and addresses of its stockholders or members holding ten (10%) percent or more of its stock or of ten (10%) percent or greater interest in the partnership, as the case may be, and this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and

addresses of the non-corporate stockholders and individual partners, exceeding the ten (10%) percent ownership criterion established in this act, have been listed.

C. Disapproval of Application. The Planning Board, Board of Adjustment or governing body shall not approve the application of any corporation or partnership which does not comply with Sections 18-703A or 18-703B.

D. Penalty. Any corporation or partnership, which conceals the names of the stockholders owning ten (10%) percent or more of its stock, or of the individual partners owning a ten (10%) percent or greater interest in the partnership, as the case may be, shall be subject to a fine of one thousand ($1,000.00) dollars to ten thousand ($10,000.00) dollars, which shall be recovered in the name of the municipality in any court of record in the State in a summary manner pursuant to "The Penalty Enforcement Law" (N.J.S.A. 2A:58 1 et seq.).

18-704 Inspection and Escrows Fees

A. As a condition of final approval and prior to starting any construction of the required improvements, the developer must submit final detailed construction plans to the Township Engineer for their review and approval and shall pay to the Township Treasurer, by cash or certified check, the inspection escrow fee which shall be determined by the Township Municipal Engineer for both private and public improvements.

B. All of the required public improvements for a development, during and upon completion of their construction, shall be subject to inspection and approval by the Township Engineer or Township Planner, who shall be notified by the developer at least 24-hours prior to the start of construction. On site private improvements relating to drainage, landscaping and circulation as shown on an approved final development plan, shall also be subject to inspection and approval by the Township Engineer or Township Planner.

C. No underground installations shall be covered until inspected and approved by the Township Engineer or the relevant Township construction sub-code official. At a minimum, the Township Engineer or the relevant Township construction sub-code official will make the following inspections:

1. Roadway subgrade prior to placing subbase material and/or bituminous stabilized base course material.

2. The bituminous stabilized base course material after complete compaction and prior to applying bituminous material tack coat for the bituminous concrete surface course.

3. Bituminous concrete surface course materials while it is being laid.

4. Finished bituminous concrete surface course pavement.

5. Concrete curb and sidewalks, when the forms are laid and the subgrade is leveled and tamped prior to placing concrete, also during the placing and finishing of the concrete.

6. Such inspections as the Township Engineer or the relevant Township construction sub-code official shall deem necessary of the pipe drains, inlets, municipal utilities lines and appurtenances, etc. while pipes, etc. are being laid and prior to backfilling trenches, inlets and manholes while being constructed.

D. Approval or reasons for withholding approval for either public or private improvements shall be given promptly, and in any event within forty-five (45) days after inspection. If work proceeds without such approval or not in compliance therewith, the Township Engineer or the relevant Township construction sub-code official, in addition to any other remedies available to the municipality, may issue an order requiring immediate cessation of the affected work and prohibiting resumption thereof until approval is obtained or noncompliance corrected.

18-705 Acceptance of Streets and Improvements

A. Prior to the acceptance by the Township of any street or other improvement in a subdivision, or release of performance bond covering same, there shall be filed with the Township Engineer a deed of dedication containing a metes and bounds description of all easements, two (2) paper prints, plus "as-built" plans and profiles drawn to a scale of one (1) inch equals five (5) feet vertically, which plans and profiles shall be based, on a final survey and shall be the United States Coast and Geodetic Control Survey datum. Such drawing shall show how streets and other improvements were actually constructed or installed. The following data must be shown with measurements from the property lines:

1. Plans and profiles of the streets showing elevations as constructed and reference bench marks.

2. Plans and profiles of sanitary storm sewers showing elevations of inverts of manholes and catch basins and elevations of inlet gratings and manhole rims; also locations of sanitary sewer, laterals dimensioned from main and reference dimensions to "T" or "V" connections from manholes. Acceptance of streets and improvements by the Township and release of any performance guaranty shall be in accordance with N.J.S.A. 40:55-53.

B. A temporary certificate of occupancy may be issued while an applicant, owner, or developer is awaiting approval and acceptance of the roadway or access way. The temporary certificate of occupancy shall be revoked if the Township public works department or any municipal service is blocked from access on said roadway.

18-706 Impact Fees

A. Purpose and intent. This section is enacted to establish the mechanism for the imposition of impact fees upon development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities that are necessary to accommodate such development. This section is intended to assure that development bears an appropriate share of the cost of capital expenditures necessary to provide such public facilities within the Township of Lakewood and its service areas as are required to serve the needs arising out of development, as well as to comply with the Municipal Land Use Act, N.J.S.A. 40A:55D-1 et seq. ("MLUL"). The Township of Lakewood, by adopting this section, is not intending to limit its authority to finance public facilities by any other means authorized by law.

B. Definitions. Unless otherwise defined in this section, all words shall have the same meanings as set forth in the MLUL or The Lakewood Township Unified Development Ordinance of 2005 ("UDO"). As of the date of passage of this section, those terms and definitions are as follows:

1. **Capital Costs:** The cost to construct, expand or improve public facilities, including the cost of land and legal, engineering and design costs to construct, expand or improve public facilities, including legal, engineering and design costs. "Capital costs" do not include other non-capital costs to construct, expand or improve public facilities, or vehicles, or the costs of such equipment as the Township may acquire, rent or use to construct, expand or improve public facilities for which an impact fee is being collected.

2. **Developer:** A person or business entity that constructs or creates a land development.

3. **Impact Fees:** Contributions of cash, land or interests in land, or any other items of value that are required of developers by the Township.

4. **Land Development or Development:** The construction, or modification, of improvements to real property in the Township that adds residential dwelling units in the Township; or that results in nonresidential uses that create the need for new, expanded or improved public facilities in the Township.

5. **Public Facilities:** Streets, other transportation facilities, traffic control devices, facilities that collect and treat sewage, facilities to collect and treat storm and surface water, facilities to pump, store and distribute water, parks, playgrounds, land on which athletic fields will be located, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by school districts.

6. **Residential Equivalent Unit (REU):** Is the unit of measure for calculating impact fees. One REU is equivalent to one dwelling unit. Impact fees are charged on a "per REU" basis.

7. **Service Area:** A Geographic area delineated by the Township within which there are public facilities. The service area of the Township is equivalent to the full geographic area of the Township.

8. **Service Standard:** A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure. The same service standard is in place through the entire Township.

9. **Township:** The Township of Lakewood.

C. Establishment of Impact Fees. The following impact fees are established by the Township:

1. Transportation Impact Fees;

2. Parks and Recreation Impact Fees; and

3. Public Facilities Impact Fees.

The impact fees created in this section shall apply to all development in the Township, whether the property is owned privately or by any political corporation, governmental subdivision or agency thereof, or any nonprofit organization, including any religious or other eleemosynary organization. Impact fees are created and intended to permit the Township to recover from developers a fair share of the capital costs necessary to accommodate land development and maintain current levels of service to those developing areas of the Township.

D. Documentation Required. Certain Township documents contain and support needs assessments for the impact fees established in this section. The following documents shall be kept on file and available for public inspection in the office of the Township Clerk:

Township of Lakewood Comprehensive Master Plan and Smart Growth Plan, as amended. These documents shall be revised and/or updated as growth and other circumstances in the Township make updating appropriate.

E. Segregated Accounts Required. Revenues collected by the Township as impact fees shall be placed by the Township in segregated interest-bearing accounts and shall be accounted for separately from other funds of the Township. Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to development. These costs may include debt service on bonds or similar debt instruments, when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project, reimbursement of the Township for advances of other funds or reserved where the advance is made for the purpose of proceeding with designated public facility projects prior to the collection of all anticipated impact fees for that project, and for such other purposes as are first approved by the Township Committee.

F. Reduction in Impact Fee for Low Cost Housing. The Township Committee may, in its sole discretion; act to lessen the size of the impact fees imposed on land development that will provide low-cost housing. Impact fees so reduced shall not be shifted to or collected from any other development in the Township.

G. Review and Standards. The Township Committee shall periodically review its public facilities needs assessment and amount of the impact fees established herein and modify them as necessary to account for changing facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources applicable to public facility projects and other relevant factors.

All Impact Fees imposed:

1. Shall bear a rational relationship to the need for new, expanded or improved public facilities required to serve land development.

2. Shall not exceed the proportionate share of the capital costs required to serve land development, as compared to existing uses of land within the Township.

3. Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.

4. Shall be reduced to compensate for other capital costs imposed by the Township with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under MLUL, UDO or any other items of value.

5. Shall be reduced to compensate for monies received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

6. Shall not include amounts necessary to address existing deficiencies in public facilities.

H. Severability. If any section of this ordinance or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other sections or portions of this ordinance. The remainder of the ordinance shall remain in full force and effect.

(Ord. No. 2013-62)

ARTICLE VIII DESIGN STANDARDS

18-800 General

No plan shall be approved by the Board unless the use meets the performance standards herein set forth and such State or Federal standards as may be more stringent than those set forth herein. Failure to comply with the performance standards at any time after the issuance of a certificate of occupancy shall be cause for revocation of such certificate. In reviewing any plan, the Board shall consider those elements as specifically noted in Sections 18-801 to 18-817.

18-801 Easements

A. Easements must be provided by the applicant when required by the Township, utility company or applicable agencies.

18-802 Height Exceptions

A. The height limitations of this chapter shall not apply to spires, belfries, or cupolas not used for human occupancy; bridges, residential chimneys, ventilators, skylights, water tanks, bulkheads, similar features and necessary mechanical appurtenances, usually carried above the roof level. Such features shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

B. Under particular circumstances, all rooftop equipment shall be reasonably screened.

18-803 Landscaping and Buffers

When buffer areas are required as part of a site plan, they shall be in accordance with the following, unless otherwise specified in this chapter:

A. General design requirements.

1. Buffer areas shall be developed in an aesthetic manner for the primary purposes of screening views. Buffer widths shall be measured perpendicularly to lot and street lines. No structure, storage of materials or parking of vehicles shall be permitted in a buffer area unless otherwise permitted herein. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers. The location and design of buffers shall consider the use of the portion of the property being screened; the distance between the use and the adjoining property line; differences in elevations; the type of buffer such as dense planting, existing woods, a wall or fence; buffer height; buffer width; and other combinations of man-made and natural features.

B. General standards.

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

a. The preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.

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

c. Trees shall be at least six (6) to eight (8) feet in height and two (2) inches in caliper when planted and be of a species common. to the area, and listed on the approved plant species list incorporated herein, and be of balled and burlapped nursery stock and be free of insect and disease.

d. At any time, any plant material which does not live and which diminishes the integrity of the buffer shall be replaced within one

(1) year or one (1) growing season, as determined by the Municipal Engineer.

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

C. Landscaping-General.

Landscape plans shall conform to the following general design principles.

1. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design creating a pleasing site character.

2. Landscaping shall include plant materials such as trees, shrubs, groundcover, perennials, and annuals and other materials such as rocks, water, sculpture, art, walls, fences and building and paving materials.

3. Use landscaping to accent and complement buildings. For example, groupings of tall trees to break up long, low buildings and lower plantings for taller buildings.

4. Provide for a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage.

5. Local soil conditions and water availability shall be considered in the choice of landscaping.

6. Consider the impact of any proposed landscaping plan at various time intervals so that, for example, shrubs do not grow and eventually block sight distances or encroach upon roads or sidewalks.

7. All landscape plants shall be specimens conforming to the American Association of Nurserymen Standards and/or Landscape Plans and Specifications for Quality and Installation.

8. Assure that no aspect of the landscape design inhibits access to the development by emergency vehicles.

9. A landscape plan, when required, shall be submitted with each plan application, unless an exception is granted by the approving authority. The plan shall identify existing and proposed trees as required by ordinance, shrubs, groundcover, natural features and other landscaping elements. The plan should show where they are or will be located and planting and/or construction details. When existing natural growth is proposed to remain, applicant shall include in the plans proposed methods to protect existing trees and growth during and after construction.

10. Site Protection and General Planting Requirements:

    a. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding, sod or planting.

    b. Removal of Debris. All stumps and other tree parts, litter, brush, weeds; excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, as determined by the Municipal Engineer, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may, subject to approval of the Municipal Engineer, be used as mulch in landscaped areas.

    c. Protection of Existing Plantings. An effort should be made to save specimen trees identified. Whenever feasible, material or temporary soil deposits shall not be placed within four (4) feet of shrubs or ten (10) feet of trees designated to be retained on the preliminary and/or final plat. During construction, protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

    d. Slope Plantings. Landscaping of the area of all cuts and fills and/or trenches shall be sufficient to prevent erosion and all

roadways slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with groundcovers appropriate for the purpose and soil conditions, water availability and environment.

e. Additional Landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for privacy or for aesthetic reasons in accordance with a planting plan approved by the Board. In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other groundcover, shrubs, and trees or kept in a natural state, as part of a plan approved by the Board.

f. Planting Specifications. Deciduous trees shall have a minimum of at least a two (2) inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery grown plant materials shall be acceptable; and all plantings shall be according to accepted horticultural standards. Dead or dying plants shall be replaced by the developer within the same planting season as long as the maintenance and performance bonds are in place.

g. Plant Species. The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size.

D. Street Trees

1. Location. Street trees shall be installed on both sides of all streets in accordance with the approved landscape plan. Trees shall either be massed at critical points or spaced evenly along the street. All developments shall provide a shade tree easement.

When trees are planted at predetermined intervals along streets, spacing shall depend on tree size as follows:

Tree Size (height in feet at maturity)
Planting Interval (in feet)

a. Medium Trees (30 - 40)
40 - 50

b. Small Trees (to 30)
30 - 40

When the spacing interval exceeds forty (40) feet, small ornamental trees can be spaced between the large trees. Trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easements, or street lights. Tree location, landscaping design and spacing plan shall be approved by the Board as part of the landscape plan.

2. Tree Type. Tree type shall vary depending on overall effect desired. Selection of tree type shall be approved by the Board.

3. Planting Specifications. All trees shall have a minimum caliper of two (2) inches of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the applicant during the same planting season.

4. All street trees shall be located so as not to interfere with underground or overhead utility lines and any well or septic systems.

E. Buffering

1. All areas not devoted to structures, parking areas, or other required uses shall be appropriately landscaped and maintained. Whenever reasonable, natural features shall be preserved.

2. Buffering shall be required when topographical or other barriers do not provide reasonable screening and when the Board determines that there is a need to shield the site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light, and traffic. In small lot developments, when building design and siting do not provide privacy, the Board may require landscaping, fences or walls to ensure privacy.

a. Except as otherwise stated in this chapter, non-residential development shall provide a minimum twenty-five (25) foot wide buffer area as measured from the property line toward the proposed use. Except as otherwise stated in this chapter, the

buffer shall be increased to fifty (50) feet wide where the non-residential development is adjacent to an existing single-family residential development or an area zoned for residential land uses.

b. Multi-family or townhouse adjacent to an existing single-family residential development or an area zoned for single-family residential land uses shall provide a buffer area of at least thirty (30) feet in width, as measured from the property line toward the proposed use. The Board may reduce the required buffer to fifteen (15) feet in width if the developer provides a dense landscaping screen.

c. Proposed major residential subdivisions adjacent to an existing commercial use shall provide a buffer area of at least thirty (30) feet in width, as measured from the property line toward the proposed use. The Board may reduce the required buffer to fifteen (15) feet in width if the developer provides a dense landscaping screen.

d. Garbage and recycling collection and utility areas, and loading and unloading areas shall be screened wherever reasonable and appropriate. Garbage and recycling collection areas shall be designed in accordance with the requirements of Section 18-809.

e. Where residential subdivisions abut higher order streets (collectors or arterials), adjacent lots should front on lower order streets, and a landscaped buffer area shall be provided along the property line abutting the higher order road. The buffer strip shall be a minimum of twenty-five (25) feet wide or wider where necessary for the health and safety of the residents and include both trees and shrubs. The Board may reduce the required buffer to twelve and one half (12.5) feet in width if the developer provides a dense landscaping screen.

f. In the HD6 and HD7 zoning districts, residential development fronting on a State Highway shall provide a hundred (100) foot front yard setback and buffer to the State Highway right-of-way. This setback and buffer shall be preserved in its natural state. On those sites where no existing vegetation is present or existing vegetation is inadequate to provide screening, the applicant shall suitably grade and plant a screen in the setback area, such that

this planting shall provide an adequate screen of at least six (6) feet in height so as to continually obscure the view. All development except access roads, drives, underground drainage and utilities within the setback and buffer area is prohibited.

g. In the HD6 and HD7 zoning districts commercial development fronting on a State Highway shall provide a one hundred fifty (150) foot front yard building setback to the State Highway right-of-way. Development shall be permitted within this setback area up to one hundred (100) feet from the property line.

h. For the purpose of this section, existing single-family residential development shall be defined as six (6) or more detached single-family dwellings fronting on residential access roadways as defined in the Residential Site Improvement Standards (NJAC 5:21). The increased buffer will be required even if only one of the dwellings in the single-family residential development is adjacent to the proposed development, provided that the said residential dwelling is part of a single-family residential development as defined above.

i. Schools, Houses of Worship and other facilities listed in Section 18-905 and 18-906 shall provide buffers in accordance with those sections.

3. Design.

a. All setback requirements in the HD6 and HD7 zoning districts, other than front yard setbacks, shall be imposed onto the established buffer area identified within the project site, except in those cases where the front yard setback of one hundred (100) feet from a State Highway is imposed. In that case, development shall only be allowed beyond that one hundred (100) foot setback line.

b. The required buffer area shall be suitably graded and planted or attractively surfaced, and shall contain within such width massed evergreen plantings that shall produce a screen of at least six (6) feet in height so as to continually restrict a view beyond the buffer strip.

c. On those sites where no existing vegetation is present or if existing vegetation is inadequate for screening, the applicant shall provide adequate grading and planting, which shall include evergreen plantings that shall produce a screen of at least six (6) feet in height.

4. Maintenance.

a. At any time, any plant material which does not live and which diminishes the integrity of the buffer shall be replaced within one (1) year or one (1) growing season, as determined by the Municipal Engineer.

b. Landscaped areas shall be maintained at the expense of the owner.

c. The entire buffer area, as defined by 18-803E2 above, shall be maintained in its natural state through the establishment of a conservation restriction on the property. This deed-restricted area shall be free of development.

d. In those cases where the conservation restricted area is located within a proposed commercial development or major site plan or subdivision, the conservation area may be enforced by the municipality or a homeowners' association.

e. Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the applicant during the next planting season, so long as performance or maintenance bonds remain in effect.

f. No building, structures, storage of materials or parking shall be permitted within the buffer area, unless specifically permitted by the Board; buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

F. Paving Materials, Walls and Fences.

1. Paving Materials. Design and choice of paving materials used in pedestrian areas shall consider the following factors: cost, maintenance, use, characteristics of users, appearance, safety, availability, glare, heat, drainage, noise, compatibility with surroundings, decorative quality

and aesthetic appeal. Acceptable materials shall include but are not limited to concrete, brick, cement pavers, asphalt and stone.

2. Walls and fences shall be erected where required for privacy, screening, separation, security or to serve other necessary functions and shall comply with the provisions included in this subsection.

3. All applications for a permit shall be accompanied with a drawing of the proposed fence design which meets the following standards and provides the following information:

   a. The drawing shall be neatly and accurately drawn at an appropriate scale.

   b. The drawing shall show all dimensions and shall be clearly marked.

4. A fence or fencing shall be defined as any wood, glass, resin, plastic, masonry, stone or metal or any wall or hedge constructed on the front, side or rear yard and designed to shield, screen or protect a lot(s) or a portion of a lot(s).

5. A fence within the front yard setback area of any lot, except a corner lot, shall not exceed four (4) feet in height. In the case of a corner lot, the fence in the front yard setback area designated by the property owner as a "side yard" may not exceed six (6) feet in height.

   Unless more stringent regulations are provided by other provisions of this chapter, at the intersection of two (2) or more streets, no hedge, fence, screening strip, planting, structure or wall higher than thirty (30) inches above curb level and no obstruction to vision, other than a post not exceeding one (1) foot in diameter, shall be permitted on any lot within the site triangle as defined by the Residential Site Improvement Standards. Trees shall be exempt from this section unless found specifically to present a traffic hazard.

6. Any fence located at the corner of a corner lot shall be placed at forty-five (45) degrees to each side line for a distance of ten (10) feet back from the intersection of the fence line along both street sides of the lot. In addition, any fence constructed along the street sides of a corner lot shall meet the requirements provided for in paragraph 5 above. No fence shall be erected in the public right-of-way.

7. No fence shall be located less than eight (8) feet from the pavement or cartway of any street, whether public or private.

8. No fence may be installed which exceeds eight (8) feet in height, however the height of the fence may be increased by one (1) foot for every five (5) feet that it is set back from the property line. Fences within the front yard setback shall be limited to the requirements identified in paragraph 5 above.

9. No fences shall be erected so as to encroach upon adjacent properties or public rights of way. Fence gates shall be designed to prevent the open swing of the gate from encroaching upon adjacent properties or public rights of way.

10. All fences shall be constructed with the face, or finished side, away from the property and the structural side toward the interior of the lot(s) on which it is erected.

11. All fencing shall be in conformance with the requirements for visibility at intersections.

12. Living fences, hedges or screen plantings shall not encroach into any sight triangle. All living fences, hedges or screen plantings shall be maintained in a neatly trimmed condition on the property so planted and shall be kept clear from all sidewalks and walkways.

13. All fences and walls shall be maintained in a safe, sound and upright condition.

14. If the Zoning Officer, upon inspection, determines that any fence or portion thereof is not being maintained in a safe, sound or upright condition, he shall notify the owner of such fence in writing of his findings and state briefly the reasons for such findings and order such fence repaired or removed within thirty (30) days of the date of the written notice.

15. Fencing may not be erected in any yard if it acts to inhibit access to Township fire, police and emergency medical services.

16. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.

17. These restrictions shall not be applied so as to restrict the erection, alteration or reconstruction of fences used in connection with farms and farm operations except insofar as such fences might affect the public safety.

18. Temporary fences such as snow fences, expandable fences, collapsible fences, canvas, and cloth fences may be permitted upon a determination by the Zoning Officer that such fencing is necessary to inhibit the dispersal of airborne material during construction activity.

These fences must be removed and not left on-site after the activity requiring such fence is completed prior to any bonds being released.

19. The following fences are prohibited in all residential districts: barbed wire, razor wire, electric and other similar type fences.

20. Fences made of tarps and other similar type fences are expressly prohibited in all zoning districts except as provided in paragraph 18 above.

21. Private Fences for Pools. In certain and limited cases, the Zoning Officer may issue a zoning permit for a privacy fence for pools exceeding eight (8) feet in height, provided the proposed fence meets the following criteria and the applicant follows the procedure outlined below:

    a. The purpose of the fence is to provide visual screening of the pool area.

    b. The owners of all of the contiguous properties confirm in writing that they have no objection to the proposed fence.

    c. The fence is located and designed so as to have the least impact on adjacent properties.

    d. The applicant shall submit to the Zoning Officer a letter signed by a licensed engineer or architect certifying that the proposed fence is structurally sound and does not pose a safety hazard.

    e. In no case shall the fence height exceed fourteen (14) feet.

    f. The proposed fence complies with all other Lakewood Township fence requirements.

    g. Application Procedure. An application for a Lakewood Township Construction Permit for the proposed fence is required.

    h. Notification. At the time of the application to the Zoning Officer for the permit, the applicant shall notify all contiguous property owners by certified mail of the application. The notice shall indicate the nature of the application and the fact that comments or objections regarding the application may be submitted to the

Zoning Officer within ten (10) days of the receipt of the certified notice. Copies of the mail receipts shall be provided to the Zoning Officer.

G. Landscape Maintenance

A landscape management/maintenance specification shall be provided in conjunction with all approved major subdivisions as to street trees, common open space, and areas to be dedicated to the public and all approved major site plans.

1. Installation and Inspection of Landscaping

The following installation and performance and inspection principles and procedures should be applied to all landscape installations.

a. A temporary certificate of occupancy may be issued prior to the submission of an approved landscaping plan. The proposed landscape as shown on the approved landscape plan must be installed, inspected, and approved or bonded prior to the issuance of a certificate of occupancy.

b. If changes to the approved plan are made prior to or during construction, revised or record drawings must be submitted to the Township Engineer, who may approve such amendments, for approval. Such revisions shall be indicated by a formal letter of request with the reasons for the modification to the Township with a copy to the Township Engineer. If the Township Engineer, in his/her professional judgment, determines that the change in the landscaping plan is substantial, the application or plan should be referred to the appropriate Board for approval. If the Township Engineer determines that unapproved or inadequate landscape is implemented, then appropriate replacement shall be required prior to the release of any performance bonds.

c. Subsequent to landscape installation and until release of performance and/or maintenance bonds, the Township shall have the right to inspect all landscape areas for conformance to

the approved plans, proper installation and maintenance, and performance of landscape material.

H. Tree protection.

1. Purpose.

The purpose of this section is to establish protective regulations for trees within the Township of Lakewood in order to control problems of flooding, soil erosion, air and noise pollution, water quality; to protect the public health, safety and welfare of the citizenry of the Township; and to promote quality development in the Township. The intent of this section is to encourage the protection of the greatest number of trees within the tree protection zone and of large specimen trees throughout the Township, regardless of location. Tree removal shall be in accordance with this subsection and Chapter 19 of the Code of Lakewood (Protection of Trees). A permit shall be obtained from the Township prior to the removal of any trees pursuant to Chapter 19. Violations of Chapter 19 are subject to penalty by the Township as set forth in that chapter.

2. Definitions.

a. Aesthetic Improvement Cut - The removal, to the minimum extent possible, of the smallest and poorest trees so as to permit land development while retaining the maximum number of larger and healthier trees.

b. Clear Cutting - The removal of all standing trees on a lot or portion of a lot.

c. Crown - The branches and foliage of a tree; the upper portion of a tree.

d. Disturbance Zone - That portion of a lot covered by existing or proposed buildings, structures or improvements and within a certain distance around same as noted below:

(1) House or building - Twenty (20) feet (averaged around all sides)

(2) Detached Garage or Accessory Structures - Fifteen (15) feet

(3) Pool - Fifteen (15) feet

(4) Driveway/ sidewalk - Five (5) feet

(5) Septic fields – As required by Ocean County Board of Health

(6) Underground utility - Five (5) feet

(7) Paved parking/drive aisle - Five (5) feet

(8) Improvement (other) - Five (5) feet

e. Drip Line - The perimeter line on the ground measured from the outermost edge of the vertical plane established by the branches of the tree.

f. Forester, Professional - A person who has a B.S. degree from a four-year School of Forestry accredited by the Society of American Foresters.

g. Non-specimen Tree - Any tree not included under paragraph (i) below.

h. Selective Cutting - The removal of larger trees on an individual basis while leaving trees of a lesser size.

i. Specimen Tree - Any tree from the following list with a diameter exceeding the size specified:

Tree species, cultivar or variety	Diameter Exceeding
A. concolor	18"
Acer negundo	18"
A.nigrum	25"
A.platanoides	29"
A.rubrum	30"
A.saccharinum	35"
A.saccharum	25"
Betula nigra	30
Carya ovata	15"
Catalpa sepciosa	25"

Tree species, cultivar or variety	Diameter Exceeding
Cedrus atlantica glauca	15"
Celtis Occidentalis	13"
Cryptomeria japonica	13"
Cornus florida	13"
Fagus grandiflora	13"
Fraxinus americana	26"
F.pennsylvanica	25"
Gleditsia triacanthos inermis	24"
Gymnocladus dioicus	27"
Ilex opaca	12"
Juglans nigra	29"
Juniperus virginiana	12"
Liquidambar styraciflua	25"
Liriodendron tulipifera	40"
Magnolia virginiana	16"
Malus Varieties	15"
Nyssa sylvatica	25"
Oxydendrum arboretum	12"
Picea abies	25"
P.pungens 'Glauca'	18"
Pinus echinata	20"
P.strobus	24"
Platanus occidentalis	30"
Populus deltoides	21"
Prunus serotina	20"
Quercus alba	20"
Q.bicolor	25"
Q.coccinea	25"
Q.palustris	25"
Q.phellos	25"
Q.prinus	24"
Q.rubra	24"
Q.stellata	24"
Q.veluntia	25"
Sciadopitys verticillata	15"
Taxodium distichum	24"
Ulmus americana	34"

j. Thinning - The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

k. Tree - Any woody perennial plant usually having one (1) main stem or trunk and a more or less definitely formed crown, and which has the potential based on its genus and species to grow to a height of ten (10) feet or more.

l. Tree Diameter - The width of a tree, equal to 7/22 of the circumference, measured four and a half (4.5) feet above the ground.

m. Tree Mass - A group of trees represented by a line depicting a common drip line.

n. Tree Protection Zone - That portion of a lot outside of the Disturbance Zone.

o. Tree Removal - The cutting down of a tree, the transplanting of a tree to a site other than that under development, or the infliction of damage to a tree which is of such severity as to show evidence of irreparable harm, within two (2) years, leading to the ultimate death of a tree. Examples of said serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials, and soil compaction; changing the natural grade above or below the root system and around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt, or other impervious material within such proximity.

p. Tree Root Area - The area under a tree extending from the trunk to the drip line.

3. Applicability.

a. On major site plan and major subdivision applications larger than five (5) acres the applicant may chose to prepare an averaging plan, wherein the existing trees in a sample area of one-quarter (1/4) acre are used as the basis for determining the estimated number of trees and their diameter to be removed for the entire site. The location of the sample area shall represent the average density be to the approval of the Board Planner and Engineer.

b. At the time of a preliminary major subdivision or site plan application submitted pursuant to this chapter, a Tree Protection

Management Plan must be submitted if there are ten (10) or more total non-specimen trees (12" in caliper or greater) or three (3) or more total specimen trees, cut or removed or proposed to be cut or removed.

c. The standards contained herein shall be considered the minimum standards to be met and maintained. Standards established by other Township ordinances, or by State and Federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein.

d. Plans for the harvesting of timber and or silviculture shall be in accordance with the standards and recommendations of the New Jersey State Bureau of Forestry. A copy of such plan must be filed with the Shade Tree Commission of Lakewood at least fifteen (15) days prior to the harvesting of timber and/or silviculture for informational purposes.

e. Any person claiming that he has conducted harvesting of timber in accordance with the standards and recommendations of the New Jersey State Bureau of Forestry prior to the date of adoption of this chapter, within sixty (60) days after the adoption of this chapter, make application to the Planning Board for a certificate of prior use. The applicant shall provide the Planning Board with a copy of an approved forestry management plan by the New Jersey State Bureau of Forestry. If deemed acceptable, the Planning Board shall issue a certificate of prior use relieving the applicant of an obligation to secure a tree removal permit for continued operations of said timber harvesting. Failure of the Board to act within ninety (90) days shall be deemed to be an approval of the request for a certificate of prior use. Any person who does not file for such a certificate within sixty (60) days of the date of adoption of this chapter shall conclusively be presumed to be bound by the terms of this section.

f. No tree shall be removed from a conservation easement unless approved by the Township Engineer.

4. Requirements of a Tree Protection Management Plan.

If required by this section, the submission of a Tree Protection Management Plan should indicate the following information on a plot plan:

a. Applicant's name, street address, telephone number;

b. Lot owner's name, street address, telephone number;

c. Block and Lot number;

d. Location of all existing or proposed buildings, driveways, septic fields, easements, underground utility lines, and other improvements;

e. Existing or proposed rights of way;

f. Location of all proposed trees having a diameter of ten (10") inches or greater or as per the averaging plan indicated in paragraph 3a above, to be cut, removed, or damaged in such a way as to cause a need for their removal, noting each tree by its species, size and general health condition.

g. Specifications for the removal of existing trees and for the protection of existing trees to be preserved;

h. Specific proposals for planting replacement trees, if applicable.

i. Existing topography within twenty (20) feet of the proposed disturbed area and proposed grading, if any;

j. Location of existing water courses, wetlands, and floodplains.

5. Review of applications for a Tree Protection Management Plan.

a. All applications for a Tree Protection Management Plan shall be immediately referred by the Administrative Officer to the Environmental Commission, Shade Tree Commission and Board.

The Environmental and Shade Tree Commission shall provide an advisory, non-binding, recommendation of approval or denial of the Tree Protection Management Plan application to the Board. Failure on the part of the Environmental Commission or Shade Tree Commission to provide a recommendation within twenty (20) days, provided that the Environmental Commission and Shade Tree Commission receives the application at least ten (10) days in advance of its regularly scheduled meeting, shall

be deemed a recommendation for approval. In the event that the Environmental Commission or Shade Tree Commission recommends denial of an application, they shall specify, in writing, the reason(s) for their recommendation. The Board shall review and consider the recommendations of the Environmental Commission and Shade Tree Commission and the recommendations shall be made a part of the record before either Board. The Board shall have the authority to approve or to deny the Tree Protection Management Plan as part of the subdivision and/or site plan review process.

b. The Board shall review the application for a Tree Protection Management Plan and, if necessary, have the Township Planner, Engineer, Professional Forester, and/or some other consultant as may be required, review the application and inspect the site. All reviews and inspections by the Township Planner, Engineer, Professional Forester, and/or other consultants shall be paid for by the applicant through the deposit of escrow funds in accordance with a fee schedule adopted by the Township Committee.

c. The Board or Environmental Commission or Shade Tree Commission shall consider the following factors in reviewing an application for a Tree Protection Management Plan and in deciding whether to either recommend approval or denial, or to approve or deny a Tree Protection Management Plan:

(1) Impact on the growth of remaining trees;

(2) Impact on existing drainage patterns;

(3) Impact on soil erosion or increased dust;

(4) Impact on the vegetative screening between adjacent land uses; and

(5) Impact on woodland corridors, stream corridors, greenways, and wildlife habitat.

d. There is hereby established a presumption that each and every tree of ten (10) inches of diameter or as per the averaging plan indicated in paragraph 3a above or greater located within the tree protection zone shall be preserved at its location on the site.

Each such tree located within the tree protection zone or each specimen tree may be removed only if the Board finds that the applicant has set forth:

(1) That it is a necessity to remove trees which pose a safety hazard to pedestrian or vehicular traffic, or threatens to cause disruption of public services.

(2) That it is a necessity to remove trees which pose a safety hazard to a building.

(3) That it is a necessity to remove diseased trees, trees infested with destructive insects liable to infect healthy trees on the subject or adjacent property, or trees weakened by age, fire or other injury.

(4) That it is a necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support when documented by a report prepared on behalf of the applicant by a professional forester or a certified landscape architect.

(5) That it is a necessity for compliance with other sections of this chapter or with other codes, such as health and other environmental ordinances.

(6) Other conditions which, in the judgment of the Board, warrant the removal of a tree.

e. No building permit shall be issued until the applicant has obtained approval of its Tree Protection Management Plan application.

6. Planting of new trees - Replacement of specimen trees.

a. Where the Board, whichever has jurisdiction, determines that it is impossible to retain specimen trees as defined by this section, due to cutting, filling, or other construction activity, the applicant shall plant one (1") inch of new deciduous tree diameter for every four (4") inches of existing specimen tree diameter removed. Replacement deciduous trees should have a minimum diameter of two (2) inches measured six (6) inches above the ground. Replacement evergreen trees shall have a minimum

height of six (6) feet and shall be considered the equivalent of a two (2) inch deciduous tree. Replacement trees should be shown on the Tree Protection Management Plan for review. Replanting should be done according to the standards specified by the American Nurserymen's Association. Trees included as part of any required buffer may be considered towards the applicant's replanting obligation.

b. In lieu of replanting, the applicant may chose to make a contribution to the Township in an amount equal to the value of the required tree replacement. Such funds shall be placed in an account specified for landscape improvements throughout the Township. The value of the tree replacement shall be determined based upon quantity take-off figures as used by the Township Engineer or designee to prepare a bond estimate.

c. Where practical, replanting shall be encouraged on-site.

7. Criteria for the selection of new trees.

When an applicant is required to replace trees as described above, the applicant should replace the trees with a similar species that were removed or, with the approval of the Board, choose other tree species, preferably native to Lakewood Township. In selecting replacement trees, the following positive criteria should be used. These guidelines should also be followed in choosing trees proposed to be retained or cleared.

a. Species longevity;

b. Native to the area;

c. Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree);

d. Resistance to insect and disease attack and to pollution;

e. Aesthetic values (autumn, coloration, type of flowers or fruit, form characteristics);

f. Low maintenance and care (pruning, etc.);

g. High wildlife values;

h. Comfort to surroundings;

i. Free of disease, rot, or other damage to tree;

j. Protection of pedestrians, vehicles, and buildings;

k. Size at maturity;

l. Effect of soil retention and erosion control; and

m. Value as a noise buffer.

8. Protection of existing specimen trees.

Applicants should exercise due care to protect specimen trees to be retained from damage during construction. The following procedures shall be observed in order to protect retained trees.

a. Protection from mechanical injury.

(1) Prior to any grubbing or clearing, all trees to be retained should be protected from equipment damage by enclosing the drip lines of the trees with sections of silt fence, orange snow fence, or boards, wired together. All exposed roots and low hanging branches should be equally protected. Groups of trees may be protected by fencing the drip lines of the entire tree mass to be retained.

(2) Heavy equipment operators should not damage existing tree trunks and roots. Feeder roots should not be cut closer than the distance of the drip line from the tree trunks and should be cut with pruning shears or other tools which will make a clean cut.

(3) Specimen tree trunks and exposed roots accidentally damaged during construction should be protected from further damage. Damaged branches should be sawed off at the branch collar. No shellac or pruning paint should be used. When the portion of the tree to be removed is diseased, the pruning equipment should be dipped in alcohol or disinfectant prior to use on another tree to prevent the spread of the disease.

(4) Specimen deciduous trees should be given an application of liquid slow release, low nitrogen, all purpose fertilizer to aid in their recovery from possible damage caused by construction operations. Such application should be made at a distance of one (1) foot from the trunk to the drip line and should be made as soon as construction is completed and again one (1) year after the first application has been made.

(5) Specimen trees should not be used for roping, cables, signs or fencing. Nails and spikes should not be driven into trees.

(6) Tree climbing spikes shall not be used by tree care personnel on specimen trees.

(7) The area around the base of existing specimen trees should be left open to provide access for water and nutrients. Therefore, no impervious cover, storage of equipment, materials, debris, or fill should be allowed within the drip line of any existing tree to be retained.

b. Protection from grade change for specimen trees.

(1) If an increase of the grade is proposed that negatively impacts a specimen tree, the applicant should install either:

(a) A system of gravel and drain tiles at the old soil level opening into a dry well built around the trunk and designed for each tree, individually fitting the contour of the land so that it drains water away from the tree trunk.

(b) A retaining wall between the existing grade and the higher grade. A detailed plan for each proposed retaining wall should be provided.

(c) If a decrease of the grade is proposed that negatively impacts a specimen tree, the applicant should initiate one (1) of the following methods to protect the trees:

i. Terracing the grade at the drip line and out from the tree.

ii. A retaining wall between the existing grade and the lower grade. A detailed plan for each proposed retaining wall should be provided.

c. Protection from excavation.

(1) When digging trenches for utility lines and other similar uses, the applicant should adhere to the following, listed in order of preference:

(a) If possible, trenches should bypass the root area.

(b) If it is impossible for the trenches to bypass the root area, trenches should be tunneled under the trees where practicable.

(c) If trenches must be dug along the side of a tree, the following precautions should be observed.

i. Trenches should be no closer to the trunk than half the distance from the drip line.

ii. As few roots as possible should be cut.

iii. If roots are cut, they should be cut as cleanly as possible.

iv. The trench should be backfilled as soon as possible, avoiding soil compaction.

d. Protection during construction clean-up.

(1) All construction debris should be hauled away. No such debris should be burned or buried.

(2) Fences and barriers around trees should be the last thing to be removed from the site, prior to the installation of additional landscaping or building occupancy.

9. Protection of tree save and buffer areas.

   Prior to grubbing or clearing, all tree save and buffer areas shall be protected by enclosing such area within an orange snow fence or similar visible protective fencing.
   (Ord. No. 06-30 § 2; Ord. No. 2012-26; Ord. No. 2013-17)

18-804 Lighting

A. The purpose of this section is to provide minimum standards and regulations for lighting facilities for all sections and zones of the Township that will afford safety, convenience, and the ability to advertise, and at the same time, avoid needless light pollution, driving hazards, non-compatible adjacent lighting plans, and annoyance to neighboring property owners.

B. All lighting installations shall be designed to be energy efficient to the degree consistent with both reasonable cost and the conservation of non-renewable natural resources.

C. All lighting installations shall be designed to reflect the needs and atmosphere of the general neighborhood, and adjacent existing installations. Conflicts of lighting types, methods, and color temperature are to be avoided wherever possible.

D. All applications for Board approval of commercial and residential site plans and major subdivisions shall include a complete lighting plan, including luminaire type, wattage, pole height and type, lighting levels in foot-candles, and beam spread diagrams on fifty (50) foot centers, and point to point illumination diagrams, including perimeter levels.

E. Specific lighting requirements and minimum specifications are divided into five (5) categories as follows:

   1. Street Lighting

   2. Parking Lot and Open Area Lighting

   3. Commercial Site Lighting

   4. Sign Lighting

   5. Residential Outdoor Lighting

F. Illumination levels for various applications. The maintained foot-candles of illumination recommended are as indicated in the following table:

Type of Area	Minimum Intensity Foot-candles	Average Intensity Foot-candles	Uniformity Ratio (1)
General Street Lighting	0.2	0.5	12:1
Shopping Center Parking	0.4	0.8	12:1
Industrial Site Parking	0.4	0.8	12:1
Commercial Parking	0.5	1.0	15:1
Entrance and Exit Roads	1.0	2.0	10:1
Residential Area Parking and Drive Areas	0.2	0.5	(2)

(1) The Uniformity Ratio equals the maximum lighting level over the minimum lighting level.

(2) Minimum levels shall be required in residential use only for townhouse, condominium, or other multifamily type of residential use.

18-804.01 Street Lighting

A. All street lighting plans shall conform to Federal, State, and County requirements that pertain to the zone or area in question. In addition to these requirements, the Township of Lakewood may require that type of fixtures, poles, and lighting distribution conform to the type of area and use involved. Wherever the Township of Lakewood requirements directly conflict with the requirements of the aforementioned authorities, the standards of the higher governing authority shall prevail.

B. Whenever this section requires the installation of electric utility installations underground, the applicant shall, in addition, provide for the installation of underground service for street lighting.

C. Street lighting standards of a type and number approved by the Township Engineer shall be installed at all street intersections, cul-de-sacs, and elsewhere as deemed necessary.

D. The maximum distance between street lighting shall be one hundred fifty (150) feet.

E. Street lighting standards:

1. Each applicant for development plan approval shall provide the minimum adequate lighting to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the municipal agency.

2. Each applicant for development plan approval shall provide within the limits of practicability and feasibility, lighting consistent with conservation of energy and use of renewable energy sources.

F. Luminaires shall be specified that are provided by the local utility.

18-804.02 Parking Lot and Open Area Lighting

A. The object of parking area lighting is to provide a safe level of illumination to allow the orderly entrance and egress of vehicular traffic, provide back-up maneuver vision, identify and illuminate entrance and exit areas, and provide pedestrian and parking area illumination that will discourage vandalism, theft, and assault. Parking area lighting should not be used as an adjunct to advertising.

B. Luminaires. In general, the type of luminaire and pole to be used must be matched to the area, zone, use, and size of the parking area to be lit. The primary criteria should be light control; that is, providing a beam spread pattern to produce an average lighting intensity as specified above without producing areas of over intensity or below intensity design; that is, a low uniformity ratio.

The design of luminaires for parking areas should include lamp location, reflector type and refractor design to deliver light to areas selected, and keep light spill from adjacent areas. A parking area lighting design that produces "sky glow" is inefficient and an irritant to residents, and will not be permitted.

1. Sharp cutoff type luminaires are recommended as the best approach to lighting parking areas and the fixtures selected shall be of the type that can be provided with sharp cutoff deflectors or refractors. The shielding angle shall be selected to minimize discomforting glare to an observer's eyes from the light source at an angle below the set cutoff. Shielding shall also be employed to prevent spillover of undesirable light to adjoining property.

2. The use of high pressure sodium or metal halide luminaires is encouraged. Low pressure sodium luminaires may be considered in isolated industrial areas remote from residential and commercial zones where they will not be visible from the traveled way.

3. The maximum cutoff angle shall be used to shield light source glare and unwanted light from adjacent properties and motorists approaching on adjacent roads and highways. As improperly designed or aimed lighting fixtures are an inherent danger to motorists and pedestrians, special attention shall be given to all site lighting designs that have boundaries that include public vehicular traveled ways of any type, and private traveled ways that are open to the public. All applications for site plan approval that include site lighting, and that have traveled ways as boundaries, shall include, in addition to the other requirements listed in this chapter, the details of the point to point, and beam spread calculations for all lighting that will impinge on the traveled ways. As even relatively low average footcandle intensities can blind drivers who are within the focal point area of the luminaire, no lighting plan will be acceptable where the central focus node of any fixture is visible from any traveled way. In general, no fixture shall be so aimed so that this center focus point is less than twenty (20) degrees off of the property boundary. This may require that additional and lower wattage fixtures be utilized adjacent to roadways. The plan submitted shall clearly indicate the methods used to prevent roadway glare.

4. Where parking areas for commercial zone buildings are immediately adjacent to a residential use zone, the design of the parking area lighting shall be coordinated with the design of the inter-zone buffer as required under other sections of this chapter. The coordinated buffer/lighting plan submitted shall insure that light spill from the parking lot shall not impinge on the residential area in excess of two tenths (0.2) footcandle.

18-804.03 Poles

A. The type and height of all poles for mounting luminaires shall be consistent with the general design of the application.

B. Utility type wood poles may be used only on parking areas of one acre or less, except where parking lot illumination is provided by the electric utility. All wood poles shall be pressure treated to resist rot and termite damage, and the pole class shall result in a wind load rating as specified in the BOCA Code.

C. Architectural wood poles shall be rated for the applicable wind load, and shall have adequate wiring access as required by the National Electric Code.

D. All poles shall be protected with concrete bases of sufficient height to protect them from traffic setback from the curbline, or by four (4) inch concrete filled steel pipe bollards.

E. Maximum pole mounting height as follows:

1. For sites up to five (5) acres: 25-feet.

2. For sites greater than five (5) acres: 30-feet.

3. For sites designated as shopping malls, poles of greater height may be approved by the Board on the submission of lighting design by a Professional Engineer indicating that a greater height is required, and that the greater height will not produce light spill to adjacent areas above the limits hereinbefore listed.

4. All mounting poles shall meet wind loading requirements as specified in all applicable building codes.

18-804.04 Commercial Building and Outdoor Sales Site Lighting

A. The object of exterior lighting of a commercial building is to provide a safe level of illumination to allow the orderly entrance and egress of pedestrian traffic, identify and illuminate entrance and exit doors and loading areas, and to provide illumination levels that will discourage vandalism, theft, and assault. While it is recognized that commercial building lighting is also used to attract and advertise the building occupant's trade, this type of lighting shall be designed so that the resulting illumination levels are not detrimental to adjacent property owners and occupants.

B. Luminaires. In general, the type of luminaire and mounting method to be used must be matched to the area, construction type, use, and size of the building to be lit. The primary criteria should be light control; that is, providing a beam spread pattern that will produce an average lighting intensity desired without producing areas of either over intensity or below intensity design.

C. Conflicts as to color temperature and lamp type with lighting of adjacent properties shall be avoided. For example, if one or more adjacent areas with established lighting systems are using mercury vapor lamps, the submitted area shall conform to the same lamp type, but not necessarily the same type luminaire.

The HID (High Intensity Discharge) type of lamp may be considered when compelling reasons exist for employing such lamps and ample proof that a suitable method can be employed to reduce color conflict.

D. Security lighting. All parking area walkways and appurtenant passageways and driveways may be illuminated for safety and security reasons between sunset to sunrise.

E. To insure that the proposed lighting plan conforms to the scope and limitations of this chapter, the following data and information shall be submitted with every application for site plan approval:

1. Type of luminaires.

2. Type and wattage of lamp.

3. Mounting height of luminaire.

4. Photometric data and isolux lines of the luminaire and lamp proposed. Photometric curves shall be drawn to the same scale as the site plan scale and shall show initial and maintained footcandle levels of illumination.

F. Where building lighting is proposed to be provided via pole mounted fixtures, the type and height of pole must also be submitted. Applicants are encouraged to use architectural wooden or duranodic bronze colored aluminum poles in keeping with the architecture of the building and surrounding areas. The use of bollard down-light fixtures is encouraged for exterior walkways. As the spherical globe type of luminaire has a low coefficient of utilization, are therefore inherently energy inefficient, and contribute to excessive "sky glow", their use is to be discouraged.

G. Commercial recreational facilities such as driving ranges, stadiums, outdoor arenas, etc. shall be illuminated as required by the site use, however, all of the perimeter area lighting, light spillage, and protection from glare on traveled roadways shall conform to the requirements of Sections 18-804.01 and 18-804.02.

H. Outdoor sales facilities such as new and used automobile lots shall be illuminated as required by the site use, however, all of the perimeter area lighting, light spillage, and protection from glare on traveled roadways shall conform to the requirements of Sections 18-804.01 and 18-804.02.

18-804.05 Sign Illumination

Requirements for signs are provided in Section 18-812 of the chapter, however all signs including sections of building surfaces of any kind that are externally or internally illuminated shall conform, in addition to all requirements of Section 18-812, to the following requirements:

A. No illuminated sign that is visible from a traveled roadway or traveled way used by motor vehicles shall have a degree of luminance that causes visual discomfort to drivers. The degree of luminance allowable is a factor of luminance ratio, (sign luminance to surrounding luminance), and illumination color. In general, no sign shall have a surface luminance greater than seven hundred fifty (750) footlamberts, or greater than a five (5) to one (1) ratio between sign luminance and average surrounding luminance.

B. Outdoor large scale advertising signs shall use an illumination source that is not visible to either motorists or pedestrians when on normal traveled roads, streets, or walkways.

C. No sign shall use a repetitive "on-off" design.

D. No sign shall incorporate strobe lamps.

E. No sign shall use animation by either mechanical, electrical, or electronic means.

F. All interior signs that are within six (6) feet of glass show windows shall conform to paragraphs 18-804.05C, D and E above.

18-804.06 Lighting and Illumination in Residential Districts

A. The intent of this section is to promote a safe, healthy, and attractive place to live in the Township of Lakewood. All exterior lighting in residential areas should be designed and installed with the rights and interests of adjacent property owners in mind.

B. Residential street lighting shall conform to Section 18-804 of this chapter. The primary goal of street lighting in residential districts is vehicular traffic control and pedestrian safety, and as a general deterrent to crime. In overhead utility districts, street lighting from wood utility poles is acceptable.

In residential districts, all street lighting wiring shall be underground.

C. Exterior lighting at parks, recreational facilities, ball fields, and municipal parking lots shall conform to the requirements of paragraphs 18-804.05B and C above.

D. Lighting of residential plots to the extent required for discouragement of theft, break-and-entry, and vandalism may require additional exterior lighting. Where this type of exterior lighting is desired by the home owner, the installation must reflect consideration for adjacent property owners. Where owners wish to light the exterior of homes with dusk to dawn lighting, the preferred method for safety and keeping light spill to a minimum is low voltage wall washers set in the ground, and with reflectors that direct all light towards the building. The watt intensity shall be such that the light intensity reflected from the building does not exceed one hundred (100) footlamberts.

1. All exterior residential lighting shall be so designed and installed so that the resultant light spill skyward is minimal, and light impingement levels on adjacent properties shall not exceed one-half (.5) footcandle at the property line.

2. Flood lighting fixtures for residential lighting shall be used only where plot size requires larger watt intensities. Flood fixtures shall be selected with care, and fixtures using a box type body, recessed lamp, and a flush refractor are the preferred type of fixture. This type of fixture, with the lens positioned downward, and as close to the perpendicular as possible will result in the best light utilization, and the least light spill skyward and to adjacent properties. Exterior "PAR Reflector Flood" type of fixtures are to be used only for intermittent use, and where small areas of lighting at relatively high intensity is required. This type of fixture has a high "point source" footlambert level, and can easily blind drivers and pedestrians when pointed toward traveled ways. When their use is required by circumstances, the fixtures should never be pointed toward driveways, streets, or walkways.

All exterior lighting fixtures and luminaires that are controlled by "dusk to dawn" controllers shall be installed with shields or otherwise designed so that lighting intensity at the property line is one-half (0.5) footcandle or less. Lighting fixtures arranged so that the light source, (lamp and reflector), is directed to adjacent homes are prohibited.

E. Where exterior fixtures are controlled by infrared, (or other type) or heat sensitive device or proximity device, the control must be regulated to prevent repetitive "on-off" operation due to wind, door movement, tree branch movement, or anything other than the presence of a human or large animal.

18-805 Lots

A. Lot Size. Minimum lot size shall be governed by this chapter based on the zoning district in which the lot is located. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations (N.J.A.C. 7:9A).

B. Lot Numbers. Lot numbers shall be assigned each lot by the Tax Assessor.

C. Side Lot Lines. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

D. Lot Line on Widened Streets. Where extra width is provided for the widening of existing streets, for undeveloped lots, lot measurements shall begin at the new right-of-way line and all setbacks shall be measured from such line unless otherwise provided by this chapter. For developed lots, the measurements shall remain unaffected by the new right-of-way line.

E. Unsuitable Lots. All lots shall be suitable for the purpose of the application. In order to prevent the use of lots which are not suitable because of adverse topography, rock formations, flood conditions, wetlands designations, environmental conditions or similar circumstances, the Board may require such revisions in the layout of the subdivisions as will accomplish one of the following:

1. That the area of the unsuitable lots is included in other lots by increasing the size of the remaining lots.

2. That the area is to be deeded to the municipality or a homeowners' association and held in its natural state for conservation and/or passive or active recreation purposes; or

3. That some other suitable arrangement, such as common ownership made permanent by deed covenants running with the land, is made.

Such conditions, where present on a portion of a lot shall not be excluded when calculating the square footage required in any zoning district in order to satisfy the minimum lot size, and shall not deem the lot as unsuitable for development .

F. Thru-lots. All residential units located on thru-lots shall, where practical, have access from the lower order road frontage. All units shall be oriented so that the front of the unit is toward the same road frontage as the majority of the units in the existing neighborhood. In the case of an application for subdivision, the unit orientation shall be dependant upon the characteristics of the existing neighborhood. All newly created thru-lots shall provide a landscaped buffer along the secondary frontage. The width and depth of the buffer shall be determined by the Board based upon the characteristics of the existing neighborhood. In no case shall a buffer be less than five (5) feet.

G. Flag Lots.

1. A "flag lot" shall be defined as:

"A lot not satisfying the conventional minimum lot frontage requirements of the zone district, generally configured in the shape of a flag, with its road frontage provided by a strip of land referred to as the "flag staf" portion of the lot."

2. Flag lots as defined in Section 18-805 G, 1 shall not be permitted in any residential zoning district.
(Ord. No. 2009-51 § 2)

18-806 Nonconforming Uses and Lots

A. Continuance.

1. Except as otherwise provided in this section, the lawful use of land or buildings existing at the date of adoption of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such land or building is located; provided, however:

   a. That no lot nonconforming to the standards set forth in its zoning district shall be further reduced by the owner;

   b. That no nonconforming nonresidential building shall be enlarged, extended or increased unless such enlargement does not increase the degree of nonconformance or does not expand upon the existing footprint of the building.

   c. That an existing single residential building on a nonconforming lot may be replaced, extended or increased in size provided that the residential building as altered meets all of the setback, lot coverage and height requirements of the then current zone;

   d. That in zones in which duplexes are a permitted use, when there exists on a nonconforming lot two (2) separate residential buildings, each having a certificate of occupancy, the two (2) buildings may be replaced with one (1) duplex provided the duplex meets all of the setback, lot coverage and height requirements of the then current zone;

   e. That no conforming use may be expanded.

B. Abandonment. A nonconforming nonresidential use shall be adjudged as abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

C. Restoration. If any nonconforming building shall be destroyed or demolished by any reason of windstorm, fire, explosion or other event or the public enemy or the voluntary act of the owner such building may be rebuilt, restored or repaired providing that the construction does not increase the prior degree of nonconformance (except as to residential buildings as provided in subsection 18-806A1c or d above). Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall, floor or roof which has been declared unsafe by the Building Inspector.

D. Reversion. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

E. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.
(Ord. No. 2009-19 § 1; Ord. No. 2009-28 § 1; Ord. No. 2013-29)

18-807 Off-Street Parking, Loading and Circulation

A. Minimum Standards: Off-street parking space, together with appropriate access thereto, shall be provided in accordance with the following minimum standards:

1. Residential developments shall provide parking in accordance with the requirements of the Residential Site Improvement Standards for single-family detached dwellings with up to five (5) bedrooms. The parking requirements for single-family detached dwellings with six (6) or more bedrooms shall be as follows:

   6 Bedroom – 3.5 (4 Spaces)
   7 Bedroom – 4.0 (4 Spaces)
   8 Bedroom – 4.5 (4 Spaces)
   9 Bedroom – 5.0 (5 Spaces)
   10 Bedroom – 5.5 (5 Spaces)

   Note: Basements shall be considered two (2) bedrooms in determining the number of bedrooms in a dwelling.

2. Public or private schools: See Section 18-906.

3. Religious facilities and houses of worship: See Section 18-905.

4. Other public buildings: one (1) space for each four hundred (400) square feet of gross floor area.

B. Business uses shall comply with the following standards, but in no case shall less than three (3) spaces be provided:

1. Retail trade or personal service establishments, other than in a shopping center of one-hundred thousand (100,000) square feet or more: one (1) space for each two hundred (200) square feet of gross floor area.

2. Shopping center of one hundred thousand (100,000) square feet or more: one (1) space for each two hundred twenty-five (225) square feet of gross floor area.

3. Business and professional offices and banks, other than medical or dental: one (1) space for each three hundred (300) square feet of gross floor area.

4. Medical or dental office: one (1) space for each one hundred fifty (150) square feet of gross floor area.

5. Community Based Health Care Facilities: one and one-quarter (1.25) spaces for every examination room.

6. Wholesale trade establishments: one (1) space for each three hundred (300) square feet of sales floor or display area and one (1) space for every one thousand (1,000) square feet devoted to the warehouse.

7. Restaurants: one (1) space per fifty (50) square feet of floor area devoted to patron use.

8. Theaters: one (1) space for each two (2) public seats.

9. All nonresidential uses in the B-2 zoning district are exempt from the parking requirements of this section.

C. Design, construction and location.

1. Required parking areas shall be on the same lot as the principal building or premises for which such parking spaces are provided. The applicant

may provide the parking on another parcel, which may or may not be contiguous to the parcel, provided that the parking lot is within one thousand (1,000) feet from the parcel in which the principal building is located and provides assurances acceptable to the appropriate Board that the parking will remain available in the future. Each parking space shall have minimum dimensions of nine (9) feet by eighteen (18) feet.

2. Parking areas where shopping carts are provided shall provide one (1) or more cart corrals.

3. Parking areas shall be suitably drained, maintained in good condition and have adequate means of ingress and egress. Off-street parking required in conjunction with nonresidential uses shall be adequately paved and drained in accordance with Township specifications.

4. Not more than two (2) driveways, of not less than twenty (20) feet nor more than thirty (30) feet in width, used as a means of ingress and egress for nonresidential off-street parking areas, shall be permitted for each three (300) feet of frontage upon a public street, nor shall any driveway be located closer than thirty (30) feet to the intersection of two (2) public streets.

5. All nonresidential use off-street parking areas shall be adequately lighted, and such lighting shall be focused downward in such a way as not to cause light glare onto adjacent properties.

6. Parking facilities in the M-1, B4, BP1, BP2 and BP3 zones may be located in any yard space but shall not be closer than twenty (20) feet from any street line where not in conflict with Section 18-803.

7. Handicap parking shall be provided in accordance with the requirements of the New Jersey Barrier-Free Subcode.

8. Facilities that require bus parking shall design spaces in accordance with the following:

   a. Full size bus parking spaces shall be a minimum of twelve (12) feet wide by forty (40) feet long; or

   b. Mini bus parking spaces shall be a minimum of ten (10) feet wide by twenty (20) feet long.

9. Where a residential subdivision is designed so as to not permit on-street parking in accordance with the Residential Site Improvement Standards, the developer shall post "No Parking" signs throughout the development.

D. Commercial Vehicles Prohibited During Certain Hours.

1. No commercially-registered vehicles with more than one and one-half (1-1/2) ton payload capacity or more than four (4) wheels (two (2) axles) shall be parked out-of-doors between 6:00 p.m. and 7:00 a.m. in any residential zone. This prohibition shall apply to driveways, parking areas and streets. The parking of light utility trailers of the type used to transport lawn care equipment also shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. in any residential zone district.

2. No more than one (1) commercially-registered vehicle with a payload capacity of one and one-half (1-1/2) tons or less and no more than four (4) wheels may be parked overnight in a residential zone district so long as such vehicle is parked in a garage, driveway or a resident's designated parking area, but not on a public street.
(Ord. No. 2006-16 § 1; Ord. No. 2010-62)

18-808 Provisions for Park and Recreation Areas

A. The following standards for the provision of common open space pertain to any major subdivision or site plan of residential development in the Township.

1. Not less than five percent (5%) of land area of every residential major subdivision or residential site plan consisting of twenty-five (25) or more units shall be preserved as common open space or shall be dedicated to active recreational or community facilities.

   a. With the exception of the provisions of Section 18-904 below, the required open space area shall be contiguous, free of environmental constraints such as flood plains, wetlands, bodies of water, storm water drainageways and basins (exclusive of underground facilities), or steep slopes. This land shall be utilized for passive or active recreation, community facilities or left as undisturbed open space and/or wildlife habitat.

   b. A plan outlining the cleaning of debris and dead brush and, when required, the selective thinning and removal of diseased, dying or undesirable vegetation to be approved by the Township Engineer.

2. Buildings or uses for non-commercial recreation, or agricultural purposes compatible with the open space objectives may be permitted only with the express approval of the Board, following the approval of the building and site plans by the Board.

3. Any land set aside as open space shall be made subject to covenants in a form acceptable to the Board and duly recorded in the office of the County Clerk of Ocean County. All documents pertaining to the conveyance and maintenance of the open space shall meet the approval of the Board as to legal form and effect.

4. Methods of conveyance: All open space shall be conveyed in accordance with one of the following methods:

   a. Dedication in fee-simple: The Township may, at the discretion of the Township Committee, accept any portion or portions of the open space provided:

      (1) It is determined by the Board that such land is suitable in size, shape, location, and access and the Township Committee may determine that such lands will benefit the general public of the municipality;

      (2) The Township agrees to and has access to maintain such lands;

(3) The titles are conveyed to the Township without cost;

b. Conveyance of title to a conservancy, corporation, homeowners association, funded community trust, condominium corporation, individual or other legal entity, provided that:

(1) The terms of such instrument of conveyance shall include provisions suitable to the municipality assuming such organization will warrant:

(a) The continued use of such land for the intended purpose in perpetuity;

(b) Continuity of proper maintenance;

(c) Adequate insurance protection;

(d) Provision for payment of applicable taxes;

(e) The right of the Township to enter upon and maintain such property at the expense of the organization in the event the organization falls to maintain the property; and,

(f) Such other covenants and/or easements necessary to fulfill the purposes and intent of this section.

B. Lands set aside for open space shall contain active or passive recreational facilities to service the needs of the residential population in each development. Active and passive recreational facilities can include but not be limited to the following: ball fields, multipurpose fields, tennis courts, multipurpose court areas, children's play areas, passive picnic or sitting areas, swimming pools, bicycle paths and walking or jogging trails.

C. The requirements of this section relating to the active or passive recreation facilities and the total percentage of open space required within a development may be modified and/or waived by the Board.

For any project consisting of less than or equal to thirty (30) dwelling units, it is recognized as impractical that recreational facilities be constructed and the payment in-lieu-of-construction is encouraged. For any project over thirty (30) dwelling units the above recreation standards shall apply.

D. The amount of the contribution required pursuant hereto shall be determined by the estimated cost of the passive or active recreation facilities and equipment that would otherwise be required by the proposed development and shall be prorated over the total number of building lots, as shown on the preliminary plans approved by the Board, in order to determine a per lot amount. The maximum contribution per dwelling unit shall not be more than five hundred ($500.00) dollars.

E. The cash bequest shall be used exclusively for park and recreation purposes and shall be placed in the current budget line item designated "parks and playgrounds, other expenses." Lakewood Township reserves the right to use

said funds for the above referenced purposes anywhere within the Township of Lakewood.

F. The following are prerequisites for a condominium corporation, homeowners association, or similar entity:

1. Designation of the open space must be approved by the Board, prior to final plan approval, and the final plats recorded before any dwelling units are sold, leased, or otherwise conveyed;

2. Membership must be mandatory for each buyer and/or lessee. The organizational papers shall set forth the voting rights and the manner and time of transference of the organization and its assets from developer to homeowner;

3. It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance of recreational and other facilities;

4. Members or beneficiaries must pay their pro rata share of the costs, and the assessment levied can become a lien on the property, including any maintenance and associated administrative costs incurred by the municipality;

5. Such corporation or association shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Township before any such sale or disposition of open space.

6. The dedication of open space, streets, or other lands in common ownership of the corporation, association, individual, or other legal entity or the Township shall be absolute and not subject to reversion for possible future use for further development.

18-809 Recycling and Trash Receptacles

A. There shall be included in any new multifamily or townhouses in excess than ten (10) units, or commercial development an indoor or outdoor recycling and trash receptacle area(s) for the collection and storage of materials. The

dimensions of the recycling and trash receptacle area(s) shall be sufficient to accommodate recycling and trash bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area(s) in which the project is located. The dimensions of the recycling and trash receptacle area and the size and number of bins or containers shall be determined in consultation with the Department of Public Works. The walls of the enclosures should match the façade of the proposed buildings.

B. Any common area recycling and trash receptacle area shall be well lit, and shall be safely and easily accessible by personnel and vehicles. Collection vehicles shall be able to access such common the recycling and trash receptacle area without interference from parked cars or other obstacles.

C. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in a common outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

D. Signs clearly identifying the common recycling and trash receptacle area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

E. Any common recycling and trash receptacle area must be enclosed behind a wall at least five (5) feet in height, with an opaque self-closing gate. The exterior finish material of the enclosure must be compatible with that of the exterior of the principal structure.

18-810 Reserved

18-811 Sanitary Sewers/Residential Site Improvement Standards (in accordance with N.J.A.C. 5:21-6 and the following)

A. If a public treatment and collection system is accessible, the subdivider shall construct facilities in such manner as to make adequate sewage treatment available to each lot within the subdivision from said treatment and distribution system. The subdivider may be required to install dry sewers designed to tie into the proposed Township facility.

B. Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Health Department or Township ordinances enforced by the County Board of Health, whichever is more restrictive, and shall be subject to review and approval by the Township Board of Health and the Township Municipal Utilities Authority or New Jersey American Water Company and the Township Board.

C. Where required by the Board, sanitary sewers including service laterals and cleanouts at curb side, shall be installed in all streets and easements before the base materials for the streets are in place or the fine grading of the easement is complete, whether such sewers can be put to immediate use.

D. Where, in the opinion of the Board of Health so expressed to the Board, the subsurface soil characteristics and/or the percolation rate are such to permit subsurface disposal of sewage from individual dwellings as a temporary expedient until the sewers installed in the streets can be connected to the Township sewer system, such temporary subsurface disposal facilities may be permitted and constructed in addition to the sewers in the streets and easements. Sewerage facilities for individual dwellings shall conform with the New Jersey Department of Health code, Chapter 199, P.L. 1954, and current Township regulations and health code.

E. Sewers in the streets and easements shall be constructed in accordance with the requirements of the Lakewood Township Municipal Utilities Authority or New Jersey American Water Company and in accordance with the Residential Site Improvement Standards shall apply (N.J.A.C. 5:21-6).

18-812 Signs

Each development application shall include a sign plan showing the specific design, location, size, height, construction and illumination of proposed signs in accordance with the following regulations and Section 18-804.05:

A. General Regulation

1. Any sign hereafter erected in Lakewood Township which is exposed to public view shall conform with the provisions of this chapter and any other ordinance or regulation of Lakewood Township or the County, State or Federal government relating to the erection, or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.

2. No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Zoning Office. Permit applications for signs larger than six (6) square feet in area shall be accompanied by a plan, drawn to scale, showing details of the sign, its size and location on the building and/or lot. Permits for window signs and changeable copy signs shall be valid as long as there is no change in the area, location, and type of such signs which have been authorized by permit. Fees for sign permits shall be paid in accordance with a fee schedule adopted by the Township Committee.

3. All signs shall be kept in a proper state of repair, in accordance with the requirements of the Township's Building Code, Property Maintenance Code, and any other pertinent regulations. Signs which fall into such a state of disrepair as to become unsightly or to pose a threat to public safety may be removed by the Township thirty (30) days following notice by certified mail to the owner of record and the Township shall have the right to recover from said owner the full costs of the removal and disposal of such signs.

4. No permanent sign other than traffic or similar official signs shall be erected within or project over the right-of-way of any public street, except as hereafter provided.

5. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device, or that has any characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.

6. No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right-of-way lines, and a line connecting them at points twenty-five (25) feet from their intersection unless the topmost portion of said sign is less than three (3) feet. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians, or otherwise endangers their safety.

7. No sign shall be placed on any tree, telegraph, electric light, or public utility pole, or upon rocks or other natural features.

8. The aggregate total area of all permanent signs on a lot shall not exceed the limitations of this section. Permanent signs visible on or through windows, are included within these limitations.

9. Freestanding signs, except for directional signs or identification signs, shall comply with the following:

   a. Freestanding signs shall be permitted only in a front yard.

   b. No sign shall be erected closer to the street or property line than fifteen (15) feet, measured from the nearest portion of the sign to the right-of-way line. (Including the sign face and not necessarily the sign structure)

   c. Signs with two (2) exposures shall be measured for sign area by using the surface of one (1) side of the sign only, however, both sides must be used for the same message.

   d. A freestanding sign and/or a wall sign shall not be utilized together to identify the same establishment on the same street frontage, except as follows:

      (1) A freestanding identification sign and wall identification sign may be utilized together when identifying a shopping center, planned office, industrial park, public facility, public and private schools and houses of worship.

      (2) The area of such signs shall not exceed the maximum area as identified in this section.

   e. A freestanding sign and/or wall sign may be used in conjunction with projecting identification signs for individual uses.

      (1) Projecting signs do not exceed four (4) square feet in area.

      (2) Wall identification signs shall not exceed the maximum area as established herein.

10. Schedule of Sign Use Regulations. Signs shall be permitted in each zoning district according to the following use regulations and other applicable requirements of this section. Standards for the types of signs permitted herein are set forth in this section.

a. Permitted Signs in Residential Districts: Only one of these listed may be placed on any one lot.

Uses or Function	Type of Sign Permitted	Other Regulations
Identification	Ground, Wall	Notwithstanding size standards contained in this section, the maximum size of a sign shall not exceed four (4) square feet, and four (4) feet in height.
Nameplate	Ground, Projecting, Wall	Notwithstanding size standards contained in this section, the maximum size of a sign shall not exceed one and one-half (1½) square feet, and four (4) feet in height.
"No Solicitation"	Wall	Sign shall be located on or within two (2) feet of front door and shall not exceed one (1) square foot, and four (4) feet in height.

b. Permitted signs in non-residential districts:

Uses or Function	Types of Sign Permitted	Other Regulations
Real Estate Advertising	Ground	Only one (1) per lot permitted on undeveloped lots
Business	Ground and Wall	Only one (1) type of sign permitted for each separate street frontage of a business occupancy.(1)

Uses or Function	Types of Sign Permitted	Other Regulations
Directory	Ground	Only two (2) signs per lot are permitted at its main ingress or egress points
Nameplate	Ground, Projecting, Wall	Only one (1) type of sign permitted for each occupant of a lot. Notwithstanding this Section, maximum sign area shall not exceed eight (8) sq. ft.
"No Solicitation"	Wall	Signs shall be located on or within two (2) feet of front door and shall not exceed one (1) square foot, and four (4) feet in height.

[1] If a wall of a building housing a business has exposure to a street but does not have frontage on the same street, one (1) additional wall sign may be permitted on that wall. The height, area, dimensions, and construction of the sign shall be in accordance with all applicable requirements and limitations of this section.

11. Sign Standards. The types of signs permitted in this section shall comply with the standards listed in the schedule below and shall also be subject to other applicable regulations as set forth herein.

a. Nonresidential sign standards for freestanding signs.

Abutting R.O.W.			
All Lanes of Traffic	Speed (mph)	Max Sign Area (SF)	Max Height (ft)
2	15-25	15	5
	30-40	35	6
	45-55	75	20
4	30-40	50	18
	45-55	120	22
6	30-40	65	20
	45-55	130	24

b. Height Exceptions: Projections which are decorative and do not total more than ten percent (10%) of the total sign size, or twenty percent (20%) of the vertical dimension of the sign shall not be counted in the height.

c. Size Exceptions: A total increase of up to ten percent (10%) in size and height may be allowed for signs which incorporate as an integral part of the sign's design:

(1) Raised, carved or sandblasted copy or border

(2) Non-rectilinear or non-square shape

12. Prohibited Signs.

Any other provisions of this section notwithstanding, the following signs shall be prohibited in all zoning districts:

a. Signs which contain or are an imitation of an official traffic signal or hide from view any traffic street signal or sign.

b. Billboards and other signs which advertise, promote, indicate the location of, or otherwise direct attention to a business, commodity, service or entertainment that is not available on the lot upon which the sign is located, which the exception of digital billboards, where such are conditionally permitted by this chapter.

c. Signs which are designed to move, either by mechanical or other means.

d. Signs which contain or consist of banners, posters, pennant ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices.

e. Signs which flash, except for time and temperature indicator.

f. Signs which emit odors or smoke or produce noise or sounds capable of being heard even though the sounds produced are not understandable.

g. Silhouetted or three dimensional signs; e.g., signs lacking a background and having letters, figures, or devices silhouetted against the sky or other open space not a part of the sign, and, or signs in which objects or representational devices are present in the round, or other than in a vertical plane.

h. Pole mounted signage.

13. Supplementary Sign Regulations and Design Considerations.

The following regulations shall also apply to all permitted signs as set forth herein:

a. Interior Signs. No interior sign shall cover more than 25% of the window upon which it is affixed, displayed, or painted. The Zoning Official may, upon written application, grant permission during or prior to community wide sales days for interior signs to cover not more than fifty percent (50%) in area of each window, but such signs shall not be maintained for more than fifteen (15) days.

b. Canopy, Awning and Marquee Signs. Signs shall not be permitted on any canopy, awning or marquee, other than signs built into and forming a part of the structure of the canopy, awning or marquee. Such canopy, awning or marquee signs

shall not exceed a height of three feet, a total area of twenty-one (21) square feet on any one (1) side and shall not extend beyond the canopy, awning or marquee's edge. Further, only that portion of the canopy, awning or marquee containing such sign may be illuminated. Minimum clearance, when over a walkway or sidewalk, not in a public right of way, shall be eight (8) feet; when over a thoroughfare, not in a public right of way, it shall be ten (10) feet.

c. Wall signs. Wall signs shall be attached to the face of the building in a plane parallel to such face and projecting not more than twelve (12) inches therefrom and shall not extend higher than the top of the parapet.

(1) No wall sign or combination of signs on any single frontage in a business district, including interior signs, shall exceed an area equivalent to one hundred percent (100%) of the linear length of the structure on such frontage or a maximum of sixty (60) square feet, whichever is less, for said structure.

(2) Where an establishment for which business signs are permitted has a rear entrance on a public way or frontage on two (2) or more streets, such as a corner, wall signs shall be permitted as established in this section.

(3) Wall signs shall not cover wholly or partially, any wall opening including doors, fire escapes, and windows, nor project beyond the ends of the wall to which it is attached. All such signs must be safely and adequately attached to said building wall by means satisfactory to the Construction Official.

d. Changeable Copy Signs. Permitted as a conditional use provided the following standards are met:

(1) The need for a changeable copy sign is demonstrated on the basis of the public's need to be appraised of special events, attractions, or similar time-related notices. Changeable copy shall not be used to advertise merchandise or special sales events. Prices of limited products which are typically provided to the general

public, such as gasoline prices, may be displayed on a changeable copy sign.

(2) All such signs shall be permanently affixed to the ground or to a structure.

(3) Copy shall be changed electronically or by means of moveable lettering which is more than one-eighth (1/8) inch in thickness.

(4) Changeable copy signs may not be located in any residential zoning district.

(5) Changeable copy signs may be either freestanding or marquee signs.

(6) No more than one (1) changeable copy sign shall be permitted per use, per street frontage.

(7) The sign area of a changeable copy sign shall be included in the total permissible sign area for a freestanding or marquee sign.

(8) A changeable copy sign must be part of a site identification sign and shall not stand alone.

(9) Any sign utilizing computer controlled moveable illumination symbols or lettering shall be subject to the following:

(a) The sign shall be restricted to no more than three (3) lines of text.

(b) All illumination elements on the face of the sign shall remain at a fixed level of illumination for a period of not less than four (4) seconds.

(c) Changes from one message to another shall be accomplished by the change of all illumination elements on the face of the sign simultaneously, with the provision that the sign may fade to complete darkness and then re-illuminate with or fade to the new message.

(d) Scrolling of messages shall not be permitted.

(e) No representation of images other than letters and numbers shall be permitted.

(f) The signs shall be equipped with the ability to adjust the brightness of the sign, and shall not be operated at a brightness that is substantially greater than other sources of illumination in the area.

e. Reserved.

f. Sign Location. Signs may be located on a lot so that they shall not be in or within the public right of way nor interfere with sight distances at street intersections or ingress and egress points to a lot. Signs designed to be seen from vehicles should be perpendicular to the line of travel while signs designed to be read on foot can be parallel with walks. To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.

g. Maximum Sign Dimension. The minimum sign outline dimension in any direction shall be no more than one third (1/3) the maximum sign outline dimension.

h. Design Theme. There should be a consistent sign design theme throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard, (i.e. wood or metal), size, and lighting. Color of letters and background should be carefully considered in relation to building material color or where the signs are proposed to be located. Signs should be a subordinate rather than predominant feature of a plan.

i. Sign Lettering. The general standard for directional signs is a letter size of two (2) inches plus one (1) additional inch for each twenty-five (25) feet of viewing distance. A sign designed to be read from one hundred (100) feet should have letters of at least six (6) inches high. Adjacent signs should be of the same height.

j. Landscaping. The base of any freestanding sign shall be landscaped to visually buffer the sign elements.

B. Exempted Signs

The following signs are exempt from the need to secure sign permits:

1. Decorations for a recognized officially designated holiday provided they do not create a traffic or fire hazard, and provided that provision is made for their removal within thirty (30) days after the holiday.

2. Official municipal, County, State, or Federal governmental signs.

3. Memorial or historic markers when approved by the Board or Historical Preservation Commission and when not more than six (6) square feet in area.

4. Change in the copy of a changeable copy sign or marquee sign, once a permit for that sign has been issued.

5. Political signs provided they do not impede site visibility at all street and property lines, and are not more than thirty-two (32) square feet. Political signs shall be permitted within thirty (30) days prior to any municipal, County, State or National election or referendum and are removed within seven (7) days after the election or referendum.

6. Street number designations, names on mailboxes or residences, postal boxes, "Private Property," "No Hunting," "No Trespassing," onsite directional and parking signs and warning signs are permitted in all zoning districts but are not considered in calculating sign area. No such signs shall exceed two (2) square feet.

7. Temporary yard or garage sale signs. Such signs may not exceed four (4) square feet; may not be erected more than seven days prior to such sale; and, must be removed within forty-eight (48) hours after the sale. No premise shall be permitted to erect such signs more than two (2) times in any calendar year.

8. Temporary real estate signs on the lot on which the real estate for rent, lease or sale is located. Said sign for a lot under five (5) acres may not be larger than six (6) square feet nor more than four (4) feet high. Said sign for a lot five (5) acres or more may not be larger than thirty-two (32)

square feet nor more than five (5) feet high. They must be removed within seven (7) days of the sale, rental, or lease of the premise to which the sign relates.

9. Sale or rent signs. Sign(s) advertising that the premises are for lease, sale or rent are permitted, provided that each real estate firm shall be limited to one (1) such sign not to exceed twelve (12) square feet in area on each lot or parcel of property for which such firm has a bona fide listing and that such sign shall be removed from the premises within ten (10) days subsequent to the leasing, sale or rental of such premises.

10. Temporary signs announcing an event sponsored by a Lakewood Township-based nonprofit organization, provided that such signs are set back at least fifteen (15) feet from any street or property line, each sign is not greater than twenty-four (24) square feet and no higher than five (5) feet, and that such signs are only erected within fourteen (14) days prior to the event and removed within three (3) days after the event.

11. Emergency warning signs erected by a public utility, pipeline company, or contractor doing such work authorized or permitted by such utility or company. Such signs may be illuminated.

12. Flags of the United States, the States, County or municipality, and any other flag adopted and sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole that exceeds thirty-five (35) feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the zoning district in which such flag is located. Flags may be illuminated.

13. Residential freestanding signs provided that the size of the sign does not exceed four (4) square feet in area nor four (4) feet in height and shall be set back a minimum of fifteen (15) feet from a street line or property line.

14. Temporary signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the contracting work is being performed. Said signs may not be larger than six (6) square feet nor more than four (4) feet high. They must be removed within seven (7) days of the completion of the work to which the sign relates.

C. Temporary Signs

1. Temporary project development signs shall be permitted where final approval of a major site plan or major subdivision has been granted by a board of competent jurisdiction and which indicate the name of the development, developer, financier, or major contractor; provided that no more than one (1) sign per street frontage is erected and the sign area does not exceed thirty-two (32) square feet or six (6) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a non-residential development, or when ninety-five percent (95%) of the dwelling units in a residential development have been issued certificates of occupancy.

2. Grand Opening Signs are permitted, provided that:

   a. Such signs are removed within thirty (30) days of the initial opening of the business or change in the ownership of the premises on which the sign is located.

   b. Grand opening signs may be wall signs, freestanding signs, or banners.

   c. Grand opening signs shall not exceed the total sign area permitted on the premises for permanent signs. Such signs shall be permitted in addition to any permanent signage allowed. For the purpose of this subsection, the total sign area of banners and freestanding signs shall not exceed forty (40) square feet and six (6) feet in height. Further, banners may only be located on building fronts, and not used as a freestanding sign.

3. Special sale signs are permitted, provided that:

   a. Such signs are permitted for ninety (90) days within a calendar year.

   b. Special sale signs may be wall signs, banners, or ground signs.

   c. Special sale signs shall not exceed the total sign area permitted on the premises for permanent signs. Such signs shall be permitted in addition to any permanent signage allowed. For the purpose of this subsection, the total sign area of banners and

freestanding signs shall not exceed forty (40) square feet and six (6) feet in height. Further, banners may only be located on building fronts, and not used as a freestanding sign.

D. Signs for Public and Private Schools and Houses of Worship

1. Public and Private Schools and houses of worship in non-residential districts shall be permitted the same signage permitted for commercial uses in those districts.

2. Public and private schools and houses of worship in residential districts:

a. Public and private schools and houses of worship shall be permitted one (1) freestanding sign and one (1) wall-mounted sign per street frontage.

(1) The free standing sign shall not exceed twenty (20) square feet and shall not exceed five (5) feet in height.

(2) All freestanding signage should be monument style signage. No pole mounted signage is permitted.

(3) No wall mounted or freestanding signs shall be internally illuminated.

(4) Wall-mounted signage shall not exceed fifteen (15) square feet. Lettering on wall-mounted signage shall not exceed eighteen (18) inches in height.

(5) Lettering or symbols carved within the building façade shall have no size requirement and shall be located on any façade of the building.

(Ord. No. 2013-51)

18-813 Site Design

A. General design requirements for all non-residential districts are as follows.

1. All buildings in a development shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes.

2. All portions of the property not utilized by buildings or paved surfaces shall be landscaped or left in an undisturbed state.

3. The established grades on the site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

4. Not more than one (1) point of ingress and/or egress shall be permitted within fifty (50) feet of another point of ingress and/or egress serving the same tract.

18-814 Streets/Residential Site Improvement Standards

A. All subdivisions shall be served by paved public streets with an all-weather base and pavement with 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.

B. The developer shall submit plans, profiles, cross sections and design for the work to the Township Engineer for approval prior to the start of any construction and at their own expense, grade all streets for their full width, unless exempted by the Board, in conformity with the terrain and good engineering practices; shall have all underground utilities installed prior to any street paving construction; shall construct adequate underground pipe drainage systems to carry off surface waters; shall construct streets in accordance with specifications shown below; and, shall install a base course and shall install recharge facilities where appropriate, which may be located in the Township right-of-way.

C. In the event that a subdivision adjoins or includes existing Township 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 article, additional land along either or both sides of said street sufficient to conform to the right-of-way requirements as specified in the Township Master Plan shall be dedicated to the Township for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way and shall be expressed on the plat as follows: Street right-of-way easement granted to the Township of Lakewood permitting the Township to enter upon these lands for the purposes provided for and expressed in this

chapter of the Township of Lakewood. This statement on an approved plat shall in no way reduce the subdivider's responsibility to provide, install, repair or maintain the facilities in the area dedicated by ordinance and/or as shown on the plat and/or as provided for by any maintenance or performance guaranties. If the subdivision is along one (1) side only, one half (½) of the required extra width shall be dedicated. For a major subdivision, that portion of the existing street or road adjoining or included within the subdivision shall be improved, including excavation, grading, gravel base and surfacing, in accordance with the road improvement standards of this article.

D. All changes in grade where the algebraic difference in grade is one percent (1%) or greater shall be connected by a vertical curve having a length of at least fifty (50) feet for each two percent (2%) difference in grade or portion thereof and providing minimum sight distance, of two hundred (200) feet for local streets, two hundred seventy-five (275) feet for collector street and four hundred seventy-five (475) feet for an arterial street.

E. In all subdivisions, the minimum street right-of-way shall be measured from lot line to lot line.

F. For both major and minor subdivisions, sight triangle easements shall be required at all intersections, in addition to the right-of-way, which is outlined above, in which no grading, planting or structure shall be erected or maintained more than three (3) feet above the street centerline except for street signs, fire hydrants and light standards. Sight triangles shall conform to RSIS standards.

G. 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.

H. Continuous open driveways in excess of the permitted maximum width as specified in Section 18-807 shall be prohibited.

I. The pavement width of streets and the quality of surfacing and base materials shall adhere to the minimum standards set forth by the Township, 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:

1. In non-residential developments, the minimum total asphalt thickness for all pavements shall be seven (7) inches. The use of alternate materials for subbase is permitted on an equivalent asphalt basis (i.e., one (1)

inch of asphalt equals one and three-fourths (1¾) inches of soil aggregate, Type 5, Class A; one (1) inch of asphalt also equals two and one-half (2½) inches of soil aggregate, Type 5, Class B). The minimum top shall be two (2) inches of FABC-1, Mix No.5. The above minimum pavement thickness is based upon a California Bearing Ratio (C.B.R.) value of eight (8), and if actual C.B.R. results indicate higher values, a lesser pavement thickness will be entertained by the Township Engineer's approval, subject to the Township Manager's approval.

2. Prior to placing the surface course, the base course shall have a tack coat of bituminous material. All of the above construction shall be in accordance with current New Jersey Department of Transportation Standard Specifications and supplements thereto on file in the office of the Township Engineer. The standard specifications are further supplemented to require that, prior to placing final surface course, the intermediate base course may be open to traffic and shall so remain for at least one (1) winter season. Thereafter, the Township Engineer shall inspect the pavement and will require areas of pavement failure to be removed and replaced, settled areas shall be leveled with hot mixed bituminous concrete. The Township Engineer may require compacted select fill or approved subbase material as needed to replace native subgrade material.

3. All traffic lanes, both moving and parking, shall be striped in accordance with the Manual on Uniform Traffic Control Devices, as amended. (U.S. Department of Transportation, Federal Highway Administration, 1971).

4. The work shall be inspected through the course of construction by the Township Engineer or his duly authorized representative, who shall be notified before any work is started or continued.

J. The approval by the Board or other Township agency of any map of land delineating streets shall in no way be construed as an acceptance of any street indicated thereon.

K. Construction standards as specified herein, shall also apply to any private street as may be part of a development application receiving preliminary approval by the Board.

L. Fire lanes located in other than those paved portions of a lot shall be designed such that the subsurface base be at least twelve (12) feet wide over a quality subsoil necessary and sufficient to support use by Township fire vehicles. The subsurface base may be covered with at least two (2) inches of topsoil prior to

the placement of sod or alternative paving block or similar decorative paving may be used. Final design shall be approved by the Township Engineer.

M. Curbs and sidewalks shall be provided on all new streets and any streets abutting proposed development or major subdivision.

N. Curbs. Unless otherwise approved, curbs shall be constructed of Portland cement air entrained concrete, Class C, having a standard strength of four thousand five hundred (4,500) pounds per square inch. Depressed curbs at driveways shall have a full depth of eighteen (18) inches.

O. Sidewalks. All required sidewalks, except in areas where the Residential Site Improvement Standards shall apply (N.J.A.C. 5:21-5), shall be a minimum of four (4) feet wide by four (4) inches thick, where reasonable, except at driveways and aprons where they shall be six (6) inches thick. Sidewalks shall be constructed of Portland cement air entrained concrete, Class C 1 having a standard strength of four thousand (4,000) pounds per square inch.

P. Street Lights. Street lights shall be provided in accordance with the standards in Section 18-804.

Q. Street Signs.

1. All street signs shall have reflectorized white letters on a green background (e.g., type E 450 or equal). Both signs and poles shall either be of nonferrous metal or galvanized steel. Neighborhood or directional signs shall be installed on major roads to aid in circulation.

2. All signs shall be mounted on two (2) inch diameter posts embedded in concrete.

3. Street signs shall be approved by the Township Engineer prior to ordering by the developer.

4. Street signs shall comply with the requirements contained within the Manual of Uniform Traffic Control Devices.

5. Street signs shall be installed by the developer upon the completion of the base course of each roadway within the development. No certificates of occupancy will be issued until the signs are installed and approved by the appropriate Township officials.

R. Any off-tract improvements shall be completed in accordance with the requirements of Article V.

18-815 Stormwater Management/Residential Site Improvement Standards

A. General

1. All storm drainage systems consisting of catch basins, underground sewers, paved swales, box culverts, rip rap or otherwise stabilized stream banks, dams, retention basins and swales, trash racks, and other devices shall be installed so that all stormwater is led to and confined in natural drainage channels without causing erosion. Bicycle safe storm sewer gratings are required. They shall also be designed in accordance with the standards established in this article.

2. Concrete pipe is preferred to box culverts for drainage under roads. In such cases an easement of appropriate width.

3. Storm sewer requirements and standards for all development shall be those required by the New Jersey Residential Site Improvement Standards (NJRSIS). For nonresidential development, the following requirements shall also apply.

4. All major site and subdivision plan development plans shall include a Stormwater Management Report prepared, signed and sealed by an engineer licensed by the State of New Jersey. The report is to analyze pre-and post-development conditions and conveyance system design. Drainage area maps are to be provided. Calculations justifying runoff coefficients, travel time, flow rates, flow volumes, storage volumes and discharge rates, pipe routing tables, etc, are to be included.

5. The stormwater management plans submitted shall demonstrate careful consideration of the general and specific concerns, values and standards of the Township Master Plan and applicable County, regional and State storm drainage control programs, any County Mosquito Commission control standards, and shall be based on environmentally sound site planning, engineering and architectural techniques.

6. Development shall use the best available technology to minimize off-site stormwater runoff, increase on-site infiltration, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water and encourage natural filtration functions. Best available

technology may include measures such as detention or retention basins, recharge trenches, piping, contour terraces and swales.

7. It shall be the policy of the Board to minimize the number of basins by encouraging the joint use of basins between various developments and minimizing the number of basins within a development.

8. When required in appropriate situations for safety purposes, all basins shall be surrounded by a fence with a minimum height of three (3) feet. The fence shall be a "SUPERIOR-RAIL" system as designed by Superior Concrete Products or similar product which shall be approved by the Department of Public Works.

B. Detention Facilities: Maintenance and Repair.

1. Responsibility for operation and maintenance of detention facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner(s) of the property with permanent arrangements that it shall pass to any successive owner, unless assumed by a government agency. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall be designated for each project, the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance, hereinafter referred to as the responsible person.

2. Prior to granting approval to any project subject to review under this chapter, the developer shall enter into an agreement with the municipality (or County) to ensure the continued operation and maintenance of the detention facility. This agreement shall be in a form satisfactory to the Board Attorney, and may include, but may not necessarily be limited to deed restrictions, covenants, and bonds. In cases where property is subdivided and sold separately, a homeowners association or similar permanent entity should be established as the responsible entity, absent an agreement by a governmental agency to assume responsibility.

3. In the event that the detention facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify in writing via certified mail the responsible person. From that notice, the responsible person shall have fourteen (14) days to effect such maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or their designee. If the responsible person

fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.

4. For all proposed drainage basins serving a residential community, the Township shall be responsible for all maintenance (both annual and perpetual). The following one-time maintenance fees shall be assessed per unit and put into a separate and dedicated fund, which shall be used by the Township exclusively for maintenance and repair of such drainage facilities within the Township:

a.	Single family detached dwellings:	$750.00
b.	Single family attached dwellings:	$500.00
c.	Multi-family dwellings:	$300.00

5. The plans are to include notes pertaining to restoration procedures and a long term maintenance schedule and procedures. Maintenance shall include mowing, leaf removal, debris removal, inspection, desilting, and any other work specific for the facility.

C. Stormwater Management: Detention Basin Locations.

1. Low maintenance, water tolerant grasses, or wildflower seed mix shall be used as appropriate. Type of vegetation used shall be compatible with the site.

2. Landscaping may be required around basins .

3. All basins, regardless of ownership, shall have access leading to a public right-of-way. The access should include a stabilized surface suitable for the passage of maintenance and inspection equipment and vehicles. An easement granting the municipality the right to access and perform work in the basin should be granted.

D. Stormwater Management: Discharge Location.

1. The development plans should illustrate all topographical features and structures downstream of all basin discharges, emergency spillways, stormwater outfalls and swales, for a sufficient distance to evaluate the impact of discharge. A stability analysis of the downstream flow path should be provided. Impacts on structures and/or private property should be reviewed.

2. The impact of increased runoff volume from basins should also be reviewed.

3. Easements should be provided at all points of discharge onto adjacent properties, regardless of the use of basins, swales, or pipelines to convey the flow to the property line.

E. Stormwater Management: Water Quality.

1. The water quality standards for stormwater management shall be those included in the NJRSIS (N.J.A.C. 5:21-7.6).

F. Any off-tract improvements shall be completed in accordance with the requirements of Article V.

18-815.1 Scope and Purpose

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMP's). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. It is the purpose of this section to establish minimum stormwater management requirements and controls for "major development," as defined in Section 18-815.1.1.

C. Applicability.

1. This section shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Nonresidential major developments; and

b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This section shall also be applicable to all major developments undertaken by the Township of Lakewood.

D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this section are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This section is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.
(Ord. No. 2006-22 § 815.1; Ord. No. 2007-1 § 815.1)

18-815.1.1 Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

CAFRA Centers, Cores or Nodes: Those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

CAFRA Planning Map: The geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

Compaction: The increase in soil bulk density.

Core: A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

County review agency: An agency designated by the Ocean County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be:

A County planning agency;

or a County water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

Department: The New Jersey Department of Environmental Protection.

Design Engineer: A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

Designated Center: A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

Drainage area: A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

Empowerment Neighborhood: A neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

Environmentally critical areas: An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

Impervious surface: A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water relative to natural conditions in the area.

Infiltration: The process by which water seeps into the soil from precipitation.

Major development: Any "development" that provides for ultimately disturbing one (1) or more acres of land or increasing impervious surface by one-quarter (1/4) acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

Municipality: The Township of Lakewood.

Node: An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

Nutrient: A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

Person: Any individual, corporation, company, partnership, firm, association, the Township of Lakewood, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

Recharge: The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

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

Site: The lot or lots upon which a major development is to occur or has occurred.

Soil: All unconsolidated mineral and organic material of any origin.

State Development and Redevelopment Plan Metropolitan Planning Area (PA1): An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

State Plan Policy Map: Defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

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

Stormwater Management Basin: An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

Stormwater Management Measure: Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

Stormwater runoff: Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Tidal Flood Hazard Area: A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

Time of Concentration: The time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

Total Suspended Solids: The sum of dissolved and undissolved solids and particulate matter of a buoyancy and/or specific gravity that prohibits their settling in runoff.

Urban Coordinating Council Empowerment Neighborhood: A neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zone: A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

Urban Redevelopment Area: Previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

2. Designated as CAFRA Centers, Cores or Nodes;

3. Designated as Urban Enterprise Zones; and

4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

Waters of the State: The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Wetlands or Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
(Ord. No. 2006-22 § 815.1.1; Ord. No. 2007-1 § 815.1.1)

18-815.1.2 General Standards

A. Design and Performance Standards for Stormwater Management Measures.

1. For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this section except to the extent the RSIS are superseded by this section or alternative standards applicable under a regional

stormwater management plan or water quality management plan adopted in accordance with the rules of the New Jersey Department of Environmental Protection.

2. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in subsection 18-815.1.3. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

3. It shall be the policy of the Lakewood Planning Board and Zoning Board of Adjustment to minimize the number of basins by encouraging the joint use of basins between various developments and minimizing the number of basins within a development.
(Ord. No. 2006-22 § 815.1.2; Ord. No. 2007-1 § 815.1.2)

18-815.1.3 Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with subsection 18-815.1.9.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150.

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsection 18-815.1.3F. and G.

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of subsection 18-815.1.3F. and G. may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of subsection 18-815.1.3F. and G. to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of subsection 815.1.3F. and G., existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under subsection 18-815.1.3D,3. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of subsection 18-815.1.3F. and G. that were not achievable on site.

E. Nonstructural Stormwater Management Strategies.

1. To the maximum extent practicable, the standards in subsection 18-815.1.3F. and G. shall be met by incorporating nonstructural stormwater management strategies set forth at subsection 18-815.1.3E. into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in subsection 18-815.1.3E,2. below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

   a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

   b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

   c. Maximize the protection of natural drainage features and vegetation;

   d. Minimize the decrease in the "time of concentration" from preconstruction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

   e. Minimize land disturbance including clearing and grading;

   f. Minimize soil compaction;

   g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

   h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

   i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

      (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy subsection 18-815.1.3E,3. below;

      (2) Site design features that help to prevent discharge of trash and debris from drainage systems;

(3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under subsection 18-815.1.3E,2,i(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see subsection 18-815.1.3E,3,c. below:

a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the

curb opening has two (2) or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

c. This standard shall not apply under the following conditions or situations:

(1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows from the water quality design storm as specified in subsection 18-815.1.3G,1. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one (1) of the following:

(a) A rectangular space four and five-eighths (4 5/8) inches long and one and one-half (1 1/2) inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one (1) inch spacing between the bars, to the elevation of the water quality design storm as specified in subsection 18-815.1.3G,1; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsection 18-815.1.3F. and G. shall be dedicated to a government agency, subjected to a conservation restriction filed with the Ocean County Clerk's office, or

subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection 18-815.1.6, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards.

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

b. The minimum design and performance standards for groundwater recharge are as follows:

(1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at subsection 18-815.1.4, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain one hundred (100%) percent of the average annual preconstruction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the 2-year storm is infiltrated.

(2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to paragraph (3) below.

(3) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; byproducts; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause

surface ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at subsection 18-815.1.4, complete one (1) of the following:

(1) No increase in runoff volume. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;

(2) No increase in runoff rate. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10-, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Reduction in runoff rate. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10-, and 100-year storm events are 50, 75 and 80 percent, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed.

2. Any application for a new agricultural development that meets the definition of major development at subsection 18-815.1.1. shall be submitted to the Ocean County Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Ocean County Conservation District guidelines for

stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber, or livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards.

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by eighty (80%) percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional one-quarter (1/4) acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is one and one-quarter (1.25) inches of rainfall in two (2) hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417

Table 1: Water Quality Design Storm Distribution—Continued

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in subsection 18-815.1.6, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in subsection 18-815.1.6. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey, 08625-0418.

3. If more than one (1) BMP in series is necessary to achieve the required eighty (80%) percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

   $R = A + B - (A \times B)/100$

   Where

   R = total TSS percent load removal from application of both BMPs, and

   A = the TSS percent removal rate applicable to the first BMP

   B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	50-90*
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

* Manufactured treatment devices depend on and are determined on a case by case basis.

4. If there is more than one (1) on-site drainage area, the eighty (80%) percent TSS removal rate shall apply to each drainage area, unless the runoff from the sub areas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in subsection 18-815.1.3F. and G.

6. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

7. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas have been established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

   a. The applicant shall preserve and maintain a special water resource protection area in accordance with one (1) of the following:

      (1) A three hundred (300) foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

      (2) Encroachment within the designated special water resource protection area under paragraph (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than one hundred fifty (150) feet as measured perpendicular to the top of the bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

   b. All stormwater shall be discharged outside of but may flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards

for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(1) Stabilization measures shall not be placed within one hundred fifty (150) feet of the Category One waterway;

(2) Stormwater associated with discharges allowed by this section shall achieve a ninety-five (95%) percent TSS post-construction removal rate;

(3) Temperature shall be addressed to ensure no impact on the receiving waterway;

(4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to subsection 18-815.1.3G,7. has been

approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to subsection 18-815.1.3G,7. shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in subsection 18-815.1.3G,7,a(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than one hundred fifty (150) feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph G.7 does not apply to the construction of one (1) individual single-family dwelling which is part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.
(Ord. No. 2006-22 § 815.1.3; Ord. No. 2007-1 § 815.1.3)

18-815.1.4 Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one (1) of the following methods:

a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at subsection 18-815.1.4A,1,a. and the Rational and

Modified Rational Methods at subsection 18-815.1.4A,1,b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application. If more than one (1) land cover have existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609)984-6587.

C. Design of stormwater conduit systems shall utilize the Sandy Hook, 25-year rainfall.
(Ord. No. 2006-22 § 815.1.4; Ord. No. 2007-1 § 815.1.4)

18-815.1.5 Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one (1) inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one (1) inch and a maximum spacing between bars of six (6) inches. In addition, the design of trash racks must comply with the requirements of subsection 18-815.1.7B.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half (2 1/2) inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at subsection 18-815.1.7.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by subsection 18-815.1.3. of this section.

C. Manufactured treatment devices may be used to meet the requirements of subsection 18-815.1.3. of this section, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.
(Ord. No. 2006-22 § 815.1.5; Ord. No. 2007-1 § 815.1.5)

18-815.1.6 Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at paragraphs 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609)777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4.
(Ord. No. 2006-22 § 815.1.6; Ord. No. 2007-1 § 815.1.6)

18-815.1.7 Safety Standards for Stormwater Management Basins

A. This subsection sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This subsection applies to any new stormwater management basin.

1. When required in appropriate situations for safety purposes, all basins to be maintained by Lakewood Township shall be surrounded by a fence with a minimum height of three (3) feet. The fence shall be a "SUPERIOR-RAIL" system as designed by Superior Concrete products or similar product, which shall be approved by the Department of Public Works.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

a. The trash rack shall have parallel bars, with no greater than six (6) inch spacing between the bars.

b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

c. The average velocity of flow through a clean trash rack is not to exceed two and one-half (2.5) feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) lbs./ft. sq.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no less than two (2) inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of three hundred (300) lbs./ft. sq.

3. For purposes of this paragraph, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in subsection 18-815.1.7C. a freestanding outlet structure may be exempted from this requirement.

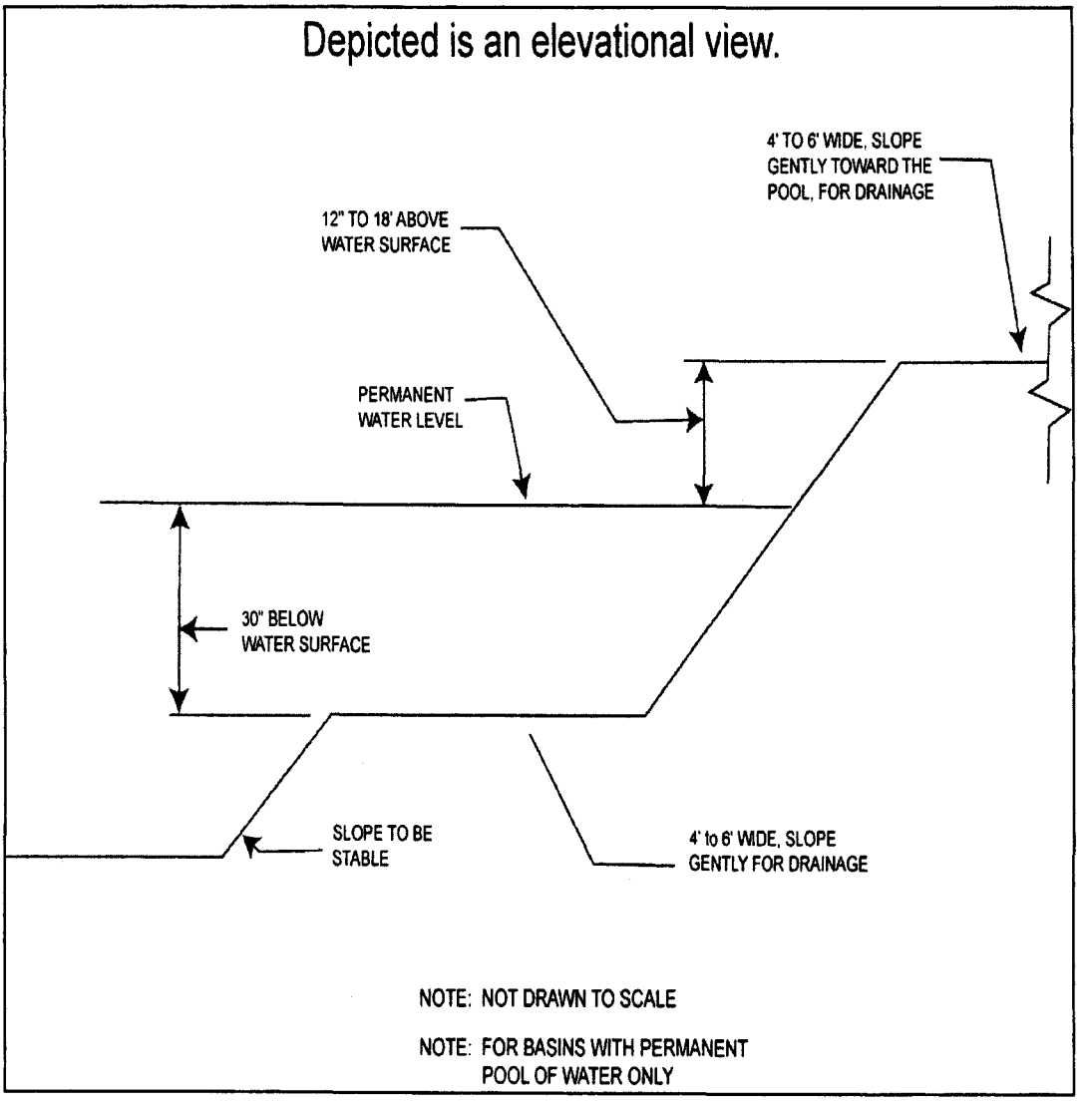
b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2 1/2) feet. Such safety ledges shall be comprised of two (2) steps. Each step shall be four (4) to six (6) feet in width. One (1) step shall be located approximately two and one-half (2 1/2) feet below the permanent water surface, and the second step shall be located one (1) to one and one-half (1 1/2) feet above the permanent water surface. See subsection 18-815.1.7D. for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards.

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, County or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin.



(Ord. No. 2006-22 § 815-1.7; Ord. No. 2007-1 § 815.1.7)

18-815.1.8 Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this section, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at subsection 18-815.1.8C. as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this section.

3. The applicant shall submit seventeen (17) copies of the materials listed in the checklist for site development stormwater plans in accordance with subsection 18-815.1.8C. of this section.

B. Site Development Stormwater Plan Approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board from which municipal approval is sought. That municipal board shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this section.

C. Checklist Requirements. The following information shall be required:

1. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of two hundred (200) feet beyond the limits of the proposed development, at a scale of one inch equals two hundred feet (1" = 200') or greater, showing two (2) foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams, waterways that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing manmade structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis. A written and graphic description of the natural and manmade features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s). A map (or maps) at the scale of the topographical base map indicating the location of areas of impervious surface including, but not limited to existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of subsection 18-815.1.2. through subsection 18-815.1.5. are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

   a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

   b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations.

   a. Comprehensive hydrologic and hydraulic design calculations for a predevelopment and post-development conditions for the design storms specified in subsection 18-815.1.3.

   b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of subsection 18-815.1.9.

8. Waiver from Submission Requirements. The municipal official or board reviewing an application under this section may, in consultation with the municipal engineer, waive submission of any of the requirements in subsection 18-815.1.8C,1. through C,6. of this subsection when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

9. Drainage Basin Map. The applicant shall be responsible for identifying the downstream stormwater system and watercourses that will be impacted by the proposed development.

10. Site Plan Checklist. Major development applications shall require the applicant to complete and submit a copy of the Site Conditions Checklist, which can be found immediately following this section.

Lakewood Township - Site Conditions Checklist

In addition to the prescribed information in subsection 18-815.1.8: Requirements for a Site Development Stormwater Plan, Part C - Checklist Requirements, the following elements should be considered and presented as appropriate and in combinations sufficient to adequately indicate the existing site conditions and that of the surrounding environs:

Yes	No	Not Applicable	
			Hydrology
			Perennial or intermittent streams as shown on the USGS 7.5 Minute Quadrangle Maps and as indicated in the Soil Survey of Hunterdon County, New Jersey
			Special water resource protection areas along all waters designated Category One at N.J.A.C. 7:9B and perennial/ intermittent streams that drain into/upstream of the Category One waters as shown on the USGS Quad Maps Soil Survey
			Wetlands, NJDEP Linear Non-Tidal Wetlands, Marshlands and NJDEP Letter of Interpretation findings FEMA Q3 Flood Data 100 Year-Floodplains and Floodways
			Boundaries and Buffers
			Appropriate buffers to streams, rivers, wetlands, marshlands, ponds, lakes and other water bodies as specified in pertinent "ordinances, rules, regulations, statutes or other provisions of law imposed by local, County, State or Federal agencies"
			Existing and proposed bearing and distances of property lines
			Existing and proposed conservation, maintenance, construction, reconstruction, sight, utility, drainage and right-of-way easements and dedications
			Vegetation and Landscaping
			Pervious and vegetated surfaces, i.e. woodlands, grasslands and other significant natural features
			Native and invasive stands of vegetation
			Vegetated habitat for Threatened and Endangered Species
			Geology and Soils
			Steep slopes (10% or greater)
			Colloidal soils

Lakewood Township - Site Conditions Checklist—Continued

In addition to the prescribed information in subsection 18-815.1.8: Requirements for a Site Development Stormwater Plan, Part C - Checklist Requirements, the following elements should be considered and presented as appropriate and in combinations sufficient to adequately indicate the existing site conditions and that of the surrounding environs:

Yes	No	Not Applicable	
			Geology and Soils
			Highly erodible soils, with an erodibility factor (K) of .40 or greater
			Seasonal high water table
			Soils subject to dynamic compaction and compacted soil
			Shrink swell potential
			Deeply fractured bedrock
			Hardpans and plough pans
			Existing Manmade Structures and Activities
			Existing buildings and significant permanent manmade features
			Roads by classification, parking areas and other impervious surfaces
			Bridges and culverts
			Utilities, sub-surface and above ground mining/quarry operations and blasting areas
			Acid or other hazardous runoff
			Areas of fill and buried debris
			Wellheads and associated groundwater withdrawals
			Pipes, discharges and BMP's of existing stormwater utilities
			Groundwater mounding
			Septic systems and wells of adjacent lots
			Leaking sanitary lines
			Previous land use (agricultural, industrial, commercial)

(Ord. No. 2006-22 § 815.1.8; Ord. No. 2007-1 § 815.1.8)

18-815.1.9 Maintenance and Repair

A. Applicability.

1. Projects subject to review as in subsection 18-815.1C. shall comply with the requirements of subsection 18-815.1.9B. and C. and all applicable requirements as stated in Section 400 "Performance Guarantees" and Section 401 "Maintenance Guarantees" as set forth in Article IV "Improvement Guarantees" within the Township of Lakewood's Unified Development Ordinance (UDO).

B. General Maintenance.

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. Maintenance shall include mowing, leaf removal, debris removal, inspection, desilting, and any other work specific for the facility. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the municipality in a residential development or project. Responsibility for facilities located in commercial or industrial development sites shall be the owner of the site. A named individual shall be responsible for the safety and maintenance of said facility. The posting of a two (2) year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 shall be required for all facilities not dedicated to the municipality or other public agency.

4. If the person responsible for maintenance identified under subsection 18-815.1.9B,2. above is not a public agency, the maintenance plan and any future revisions based on subsection 18-815.1.9B,7. below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken. The deed must also be submitted for review and approval by the Board Engineer and Attorney.

5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

6. The person responsible for maintenance identified under subsection 18-815.1.9B,2. above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

7. The person responsible for maintenance identified under subsection 18-815.1.9B,2. above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed, and submit such changes for approval by the Township Engineer prior to amending the deed.

8. The person responsible for maintenance identified under subsection 18-815.1.9B,2. above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsection 18-815.1.9B,6. and subsection 18-815.1.9B,7. within ten (10) days of such a request.

9. The requirements of subsection 18-815.1.9B,3. and B,4. do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify in writing via certified mail the responsible party. From that notice, the responsible party shall have

fourteen (14) days to effect such maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or Director of Public Works. If the responsible party fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

11. All basins, regardless of ownership, shall have access leading to a public right-of-way. The access should include a stabilized surface suitable for the passage of maintenance and inspection equipment and vehicles. An easement granting the municipality or the responsible party the right to access and perform work in the basin must be provided on the file map and a deed recorded for the easement. No improvements such as fences or buffer landscaping shall be permitted within the easement.

12. For all proposed stormwater management facilities serving a residential community, the Township shall be responsible for all maintenance (both annual and perpetual). The following one-time maintenance fees shall be assessed per unit and paid to the Township before the issuance of the first certificate of occupancy. The maintenance fee assessment shall be held by the Township in a separate and dedicated fund, which shall be used by the Township exclusively for maintenance and repair of such stormwater management facilities within the Township.

    a. Single-family detached dwellings: $750.00

    b. Single-family attached dwellings: $500.00

    c. Multi-family dwellings: $300.00

    Funds shall be posted as a condition of the release of this performance guarantee.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.
(Ord. No. 2006-22 § 815.1.9; Ord. No. 2007-1 § 815.1.9; Ord. No. 2013-76)

18-815.1.10 Violations and Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this section shall be subject to the following penalties:

Failure to comply with any provisions of this section shall be considered a violation of the Revised General Ordinances of Lakewood Township and shall be punishable by a fine of one thousand ($1,000.00) dollars or ninety (90) days in jail, or both. Each day of such violations continuance shall be considered as a separate offense and shall be separately punishable. These penalties shall not be in the exclusive remedy available, and nothing in this section shall prevent an applicant from obtaining injunctive relief. (Ord. No. 2006-22 § 815.1.10)

18-815.1.11 Effective Date

This section shall take effect immediately upon the approval by the County review agency, or sixty (60) days from the receipt of the section by the County review agency if the County review agency should fail to act. (Ord. No. 2006-22 § 815.1.11)

18-815.1.12 Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this section shall be subject to the penalties set forth by Lakewood Township within Section 1109 of this chapter. (Ord. No. 2006-22 § 815.1.12)

18-815.1.13 Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this section shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this section. (Ord. No. 2006-22 § 815.1.13)

18-815.1.14 Fees

All subdivision and site plan review fees associated with this section shall be provided by the applicant as established within Sections 1105, 1106, 1007 and 1108 of this chapter. (Ord. No. 2006-22 § 815.1.14)

18-816 Traffic Signs and Traffic Control

A. A proposed traffic control plan showing traffic signs to be installed by the developer at its sole expense shall be submitted with each application for a major subdivision or site plan that involves the creation of new streets or site plan approval. The plan shall indicate the nature and proposed location of traffic and street signs needed to assure safe and controlled flow of traffic on the tract, including site ingress and egress. The information to be set forth on each sign, including street names, stop and yield signs at intersections, designations of one way and dead end streets, and prohibited parking locations, shall be specified.

B. Final sign locations shall be determined by the Township after review, when necessary, with the Department of Transportation (NJDOT) or County, of proposed traffic generation and vehicular movement data and relevant speed and accident sampling data.

C. All signs shall be approved by the Township Engineer prior to their purchase by the developer, to assure uniformity and conformance with the standards contained in the Manual on Uniform Traffic Control Devices.

D. No certificate of occupancy shall be issued for any structure located on the tract until the Township Engineer has certified the satisfactory installation by the developer of all signage in accordance with the traffic control plan.

E. The installation of electronic traffic control signaling devices is not prescribed by this section, since a pro rata portion of the developer's cost for such devices shall be assessed and collected from the developer pursuant to Section 18-504.

F. All non-residential site plans shall submit plans to the Township Public Safety Office and the NJDOT to allow for Title 39 enforcement.

18-817 Water Supply/Residential Site Improvement Standards

Water mains are to be installed in accordance with the requirements of the Lakewood Township Municipal Utility Authority or New Jersey American Water Company and the following except in areas where the Residential Site Improvement Standards shall apply (N.J.A.C. 5:21-5):

A. Engineering requirements for all water main installations are to comply with the rules and regulations of the Department of Environmental Protection and the Lakewood Township Municipal Utilities Authority (MUA) or the New Jersey American Water Company.

B. All joints shall be push-on or mechanical joint.

C. The depth of pipe from the finished surface or roadway or grade shall be not less than three (3) feet from the top of pipe.

D. Fire hydrants shall be generally located not more than eight hundred (800) feet apart and spotted, where practicable, as follows: near streetlights, inlets, street intersections, and on property lines.

E. Valves shall be installed with all fire hydrants and at such other locations in the lines as directed by the Lakewood Township Municipal Utilities Authority or the New Jersey American Water Company.

F. House service connections, from the main to the curb stop and box, must be installed at all lots prior to placing any foundation or surface on the roadway.

G. No installation shall be covered until inspected and approved by the Township Engineer or designee.

H. Where public water is accessible, the subdivider shall construct water mains in such manner as to make adequate water service available to each lot or dwelling unit within the subdivision or 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 its approval. The system shall also be designed with adequate capacity and sustained pressure to service the lots and permit necessary fire-fighting abilities.

18-818 Projections into Required Yards

A. No part of a building shall be erected within, or shall project into any required yard area except as follows:

1. Cornices, projecting eaves, gutters or chimneys, and bay windows or similar architectural projections may project a distance of up to thirty (30) inches into a required yard area unless such a projection would encroach beyond the property line of the neighboring property.

2. Handicapped ramps may project into a required setback. However, the portion of the ramp where the floor elevation exceeds three (3) feet above finished grade, may not be closer than three (3) feet to a property line.

3. Second story and higher floors may project twenty-four (24) inches into the front or rear yard setback.

4. Steps that descend to a basement may project into any yard setback as long as it is no closer than five (5) feet from the adjacent property line.

5. All other steps, excluding the landing or stoop, may project into any front or rear yard setback.

18-819 Temporary Construction and/or Sales Trailers

Temporary construction and/or sales trailers are permitted in all districts. A construction trailer may be at the site for the period of construction beginning with the issuance of a construction permit and concluding before the final certificate of occupancy is granted. A sales trailer may be at the site for the period beginning with the posting of bonds for the project and concluding before a certificate of occupancy is granted (or the last certificate of occupancy in the case of a residential project). Construction and sales trailers shall be set back from all street and lot lines at least thirty (30) feet. Any temporary construction or sales signage must comply with the standards as noted in Section 18-812.

18-820 Environmental Impact Statement

A. An Environmental Impact Statement is required for every major subdivision containing ten (10) units or more and major site plan application applications consisting of more than five thousand (5,000) square feet of commercial space.

B. Every Environmental Impact Statement (EIS) shall contain the following:

1. A key map showing the location of the development and how it relates to the surrounding region affected thereby.

2. A description of the development specifying, in the form of maps, drawings, graphs or similar visual aids, and also by narrative, what is to be done and how it is to be done during and after construction of the development, including information and technical data adequate to permit a careful assessment of the environmental impact of the development.

3. An inventory of the existing environmental conditions at the development site and in the surrounding region affected thereby which shall describe the following:

a. Physical Characteristics

(1) Air quality.

(2) Hydrology, including maps and descriptions of streams, water bodies and flood plains and a discussion of water quality.

(3) Geology.

(4) Soils and their properties, including capabilities and limitations.

(5) Topography and slope.

(6) Drainage.

(7) Vegetation.

(8) Air Quality and Water Quality shall be described with reference to the standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the Ocean County, New Jersey Soil Survey Standards and Specifications, issued by the United States Department of Agriculture Soil Conservation Service.

b. Wildlife

(1) Fish and aquatic organisms.

(2) Wild animals.

c. Man-made Conditions and Structures

(1) Sanitary and storm sewer systems, including planned construction.

(2) Noise characteristics and levels.

(3) Traffic Volume.

(4) Land use, including maps and descriptions of zoning and Master Plan delineation of the development area.

d. Aesthetics.

e. A listing of all licenses, permits or other approvals required by municipal, County or State law, the status of each, and proof that the applicant has contacted officials of any Federal, State, County or municipal agency affected by the proposed development.

4. Reserved.

5. Reserved.

6. An assessment of the probable impact of the development upon all of the topics listed in subsection B3 above.

7. A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise during and after construction, damage to plant, tree and wildlife systems, damage to natural resources, displacement of people and businesses, increase in sedimentation and siltation, flooding, potential storm water runoff damage both on and off site, increase in municipal services, and health, safety and well being of the public. Off-site and off-tract impact shall also be set forth and evaluated.

8. A thorough description of the steps to be taken to minimize adverse environmental impact before, during and after construction of the development, both at the development site and in the surrounding region affected thereby, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.

9. Any irreversible and irretrievable commitment of resources which would be involved in the proposed action shall be identified and described.

10. A statement of alternatives to the proposed development which might avoid some or all of the adverse environmental effects, including a no-action alternative, with an objective evaluation of each alternative including the no-action alternative.

11. A reference list of available pertinent, published information relating to the development, the development site, and the surrounding region affected thereby.

12. Notwithstanding the foregoing, the Reviewing Board may waive the requirement for an Environmental Impact Statement (EIS) if sufficient evidence is submitted by the applicant to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding by the Board that a complete EIS need not be prepared in order to evaluate adequately the environmental impact of the development.

13. Environmental Considerations: Environmental elements relating to soil erosion, preservation of trees, protection of watercourses, topography, soil, and wildlife shall be reviewed and the design of the plan shall minimize any adverse impact on these elements. Whenever possible, the natural features of a site are to be preserved, flood plains respected, and excessive cuts or fill avoided. In reviewing a site plan, the reviewing authority shall take into consideration the effect of the development

upon all aspects of the environment as outlined in the EIS requirements, as well as the sufficiency of the applicant's proposal in their EIS for dealing with any immediate or projected adverse environmental effects. The reviewing authority may require, as a condition of approval of the application, that steps be taken to minimize the adverse environmental impact during and after construction, and no final approval shall be issued until all such requirements shall have been complied with or compliance is guaranteed by a performance guarantee meeting the standards, requirements and procedures set forth in this section.

18-821 Building Uniformity in Residential Developments

A. Uniformity Prohibited. Except as provided in this section, not more than one (1) construction permit shall hereafter be issued for any dwelling to be erected in a residential development consisting of two (2) or more houses if it is substantially alike in exterior design and appearance with any neighboring dwelling situated on the same or opposite sides of the street within five hundred (500) feet or five (5) contiguous building lots, whichever is less, of a dwelling then in existence or for which a building permit has been issued or is pending. The distance herein specified shall be construed to mean the distance between the street property lines of the respective properties.

B. Criteria. Houses within such specified distances from each other shall be considered uniform in exterior design and appearance if they have any one (1) of the following characteristics:

1. The same basic dimensions and floor plans are used without substantial differentiation of more than one or (1) more exterior elevations.

2. The same basic dimensions and floor plans are used without substantial change in orientation on the lots.

3. The height and design of the roofs are without substantial change in design and appearance.

4. The appearance and arrangement of the windows and other openings in the front elevation, including the appearance and arrangement of the porch and garage, are not substantially different from adjoining dwellings.

C. Additional requirement. In addition to the requirements specified in subsection 18-821B, there shall not be less than two (2) separate basic house designs in

every residential development consisting of four (4) to six (6) houses, and not less than four (4) basic house designs in every residential development of seven (7) to fifteen (15) houses and not less than five (5) basic house designs in every residential development consisting of sixteen (16) to twenty-five (25) houses and not less than eight (8) basic designs in every development consisting of more than twenty-five (25) houses.

D. Survey Required. To insure conformity with the provisions of this section, no construction permit shall hereafter be issued for more than one (1) dwelling in any residential development, except as provided in subsection 18-821E, until an engineer's survey or architect's drawing of the entire tract, or part to be developed, has been submitted to the Construction Official showing thereon, or on a schedule attached thereto, the model number, type and design of each house. The survey or drawing shall show the dimensions of each house, its exact location on the lot with setbacks and width or depth of all yard spaces. In the event of subsequent desired change in basic, size or location of a house in such a tract, a revised plan and application therefor shall be filed and approved before such work is started.

E. Affidavit required. To further insure the conformity with the provisions of this section in respect to new subdivisions for the purpose of a housing development, the Planning Board may at its discretion require an affidavit or a performance guarantee approved as to form so that the intent and purpose of this section is satisfied.

18-822 Soil Removal and Grading

A. Soil Removal and Redistribution.

No topsoil shall be removed from the Township of Lakewood. Further, any proposal for the removal of more than four hundred twenty-five (425) cubic yards of soil from one location in the Township to another shall be the subject of a site plan application containing the information required for an application under Article VI of this chapter for both the sending and receiving lots. The excavation and grading for completion of a site plan shall be done in accordance with the approved site plan that contains soil erosion and sediment control provisions. Any application proposing the excavating, redistributing and/or removal of more than four hundred twenty-five (425) cubic yards of material or involving an area exceeding one thousand two hundred seventy-five (1,275) square feet shall include on its site plan the following: the means to prevent erosion, provide for sedimentation control and drainage, dust and mud on the premises as well as abutting lands; the preservation of soil fertility and

the resulting ability of the area affected to support plant and tree growth by maintenance of adequate topsoil consisting of at least six (6) inches of the original layer; maintenance of necessary lateral support and grades of abutting land, structures and other improvements; prevention of pits and declivities which are hazardous or which provide insect breeding locations; the physical characteristics and limitations of the soil for the use to which the land may lawfully be put; and such other factors as may reasonably bear upon or relate to the public health, safety and general welfare. Additional controls on soil removal are set forth in the General Ordinances of the Township of Lakewood.

B. Grading.

1. All lots being filled shall be filled with clean fill and/or topsoil to allow complete surface draining of the lot into local storm sewer systems or natural drainage rights-of-way. No construction or regrading shall be permitted which creates or aggravates water stagnation, siltation or a drainage problem on adjacent properties. Grading shall be limited to areas shown on an approved site or subdivision plan. Any topsoil distributed during approved operations shall be redistributed throughout the site.

2. There shall be change in existing grade which raises the elevation of the lot within five (5) feet of a property line. Furthermore, there shall be no change in existing grade which raises any portion of the lot more than one and one-half (1.5) feet above the existing ground level at a point twenty (20) feet from the property line. When necessary, a swale shall be created in order to control surface waters in a manner that will protect abutting lands. For retaining walls which exceed three (3) feet in height above the natural grade, material certifications and engineering drawings shall be required to ensure durability and stability, provided that for each six (6) inches in height above the natural grade a retaining wall shall be set back two (2) feet from the property line to which it is adjacent. Distances from property lines shall be measured at right angles to straight portions and radial curved portions.

C. Clearing and Grading

1. The erection of a structure on a lot, the clearing of less than ten (10) trees or the alteration of the existing grade on a lot smaller than two (2) acres shall be in accordance with a plan approved by the Township Engineer or his representative and shall meet the requirements as set forth below. The clearing of ten (10) trees or more or the alteration of the existing grade on a lot of two (2) acres or more shall be in

accordance with a plan approved by the Planning Board. This provision shall not apply to the clearing and grading necessary for the construction of one (1) single-family house unless that construction is incidental to an application that is otherwise before the Planning Board or the Zoning Board of Adjustment, or proposes clearing and grading of land within fifteen (15) feet of the side or rear yard property lines.

2. Where possible, land shall be graded so that all stormwater runoff from each lot shall drain directly to the street. If impossible to drain directly to the street, it shall be drained to a system of interior yard drainage designed in accordance with the requirements of the subdivision and site plan provisions, the NJ Residential Site Improvement Standards, or as otherwise required by the Township Engineer.

3. Unless otherwise required by the Township Engineer, all tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below existing or finished grade, whichever is lower.

4. The minimum slope for lawns shall be one percent (1%), and for smooth, hard finished surfaces other than roadways, four-tenths of one percent (4/10 of 1%).

5. The maximum grade for lawns within five (5) feet of a building shall be ten percent (10%) and for lawns more than five (5) feet from a building, twenty-five percent (25%).

18-823 Plot Plan and As-Built Survey

A. Two (2) signed and sealed copies of the individual plot plans shall be submitted to the Township Engineer to accompany any permit applications for new residential construction that require a building permit, including new dwellings, additions, pools, retaining walls, and any other improvements that require a permit. The individual plot plan shall be utilized to review the project for adequate drainage and grading and compliance to all applicable Township standards.

B. The Township Engineer will review the submitted documents and either disapprove or approve the submitted plot plan. The applicant will be notified if any revisions are required. (All plot plan review checklists will be copied to the Construction Official.)

C. A road opening permit is required for any activity within a right-of-way associated with the plot plan review.

D. The Construction Official shall not issue a construction permit until the Township Engineer approves the proposed individual plot plan and issuance of a road opening permit (where required).

E. Each individual plot plan shall be drawn to scale (not less than 1" equaling 40'), signed and sealed by a professional licensed to practice in the State of New Jersey, in accordance with N.J.S.A. 13:40-7.3, and shall be no smaller than 8 1/2" x 14".

F. Individual plot plans should include the following information:

1. Bearing and distances.

2. North arrow, written and graphic scale.

3. Existing/proposed easements and dedications.

4. Existing/proposed building dimensions.

5. Existing/proposed sidewalks, driveways and retaining walls.

6. "Building Envelope" geographically depicting and dimensioning zoning setback requirements and/or setbacks approved by the Board (if applicable).

7. Street name, right-of-way width, pavement width and composition of the street(s) fronting lot.

8. The title block on the plot plan must include the property address, the block number and lot number of the property in question and the name of the applicant.

9. Limits of clearing and soil disturbance.

10. Existing trees to be protected and remain.

11. Location of wetlands with NJDEP permit number and/or any environmental constraints to the property. If there are no wetlands, then a note should be added to the plan stating that no wetlands exist on the subject property.

12. Sufficient street elevations including the centerline, gutter and top of curb (if applicable); existing and proposed lot elevations to include a minimum, property corners, midpoints of property lines, building corners and center of lot; the finished first floor, basement and garage floor elevations of the proposed structure and adjacent dwellings, corner elevations, and topography within twenty-five (25) inches of property lines. The source of data should be noted. Any specific circumstances for which elevation requirements cannot be met will be subject to review by the Township Engineer on a case-by-case basis. Under no circumstances shall individual lots be graded in such a manner as to redirect stormwater runoff onto adjacent and/or downstream properties or disturb or change the existing drainage patterns of adjacent lot(s). Drainage flow arrows shall be provided to clearly depict the directions of stormwater runoff. No grading or creation of sump conditions shall be permitted on an adjacent lot unless the owner of said adjacent lot(s) has specifically granted permission, in writing.

13. Location of any storm drainage pipes within twenty-five (25) feet of the property including pipe size, grade and invert.

14. Lot grading shall be designed to provide positive runoff with grades at a minimum slope of one (1.0%) percent.

15. Other items that may be required by the Township Engineer for proper construction of the site.

G. Plot plans for board approved projects shall match approved subdivision/site plans.

H. If a basement is proposed, a subsurface soils investigation certified by a licensed engineer shall be submitted with the plot plan. Basement floor elevations shall be set a minimum two (2) feet above the Seasonal High Water Table (SHWT).

I. The applicant shall submit a foundation survey prior to an inspection of the foundation for approval and backfilling. This survey shall include the elevation and location of the foundation. If the as-built survey establishes locations or elevations different from those submitted in the plot plan, minor changes in the proposed grading shall be noted. Any substantial differences will be reviewed by the Township Engineer with the action plan.

J. The applicant shall submit a final "As-Built" Survey, signed and sealed by a professional engineer or land surveyor prior to requesting a final Certificate of Occupancy (CO inspection) from the Township Engineer. All information on the as-built survey shall include the items described under paragraph F. and forwarded to the Engineer prior to backfilling.

K. Exemptions. The requirements of this section may be waived at the discretion of the Township Engineer for building additions, sheds, fences, etc. contingent on the following:

1. Proof that addition is not in a flood hazard zone.

2. A survey locating the existing dwelling and proposed addition, fence, shed, etc.

3. A site inspection by the Lakewood Township Engineering Inspector to verify that the proposed addition, fence, shed, etc. will not create drainage problems.
(Ord. No. 2007-7 § 1)

18-824 Site Disturbance

Since all Zoning Districts within the Township currently permit a maximum disturbance of one hundred percent (100%) of the property, in an effort to protect the Township's natural resources, all properties which contain non-isolated wetlands, Category 1 streams, or the presence of threatened and endangered species, shall be limited to a maximum disturbance of ninety percent (90%) of the entire site. This requirement shall be in addition to and not in place of any requirements of other municipal, Ocean County or State of New Jersey regulations. (Ord. No. 2010-56)

ARTICLE IX ZONING DISTRICTS AND REGULATIONS*

18-900 General

These regulations shall be applicable to the use of all lands in the Township of Lakewood and any structures thereon.

A. The provisions of this article shall be held to be the minimum requirements (or the maximum, when so specified). Where this article imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this article shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this article, the provisions of such laws, rules, regulations or resolutions shall control.

B. The standards established by this article shall be applied uniformly within each zoning district to each class or kind of structure or land. Only uses which are specifically provided for by the regulations of any district shall be permitted in that district unless authorized by the Zoning Board of Adjustment pursuant to this article.

C. Upon the effective date of this article, no building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, nor shall any lands be subdivided, developed, or redeveloped in any manner except in conformity with the standards provided herein, as applied to the zoning district in which the building or land is located.

D. Upon the effective date of this article, all buildings and land, which are not in full conformity with the standards provided herein, as applied to the zoning district in which the building or land is located, shall be deemed to be nonconforming and shall be subject to the provisions of this article.

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*__Editor's Note:__ Schedule of General Zoning Regulations may be found at the end of this chapter.

E. The following uses shall be permitted in all residential districts:

1. Family Day Care Homes:

a. Family day care homes as defined in N.J.S.A. 40:55D-66.5, and are to be licensed or registered to the extent required by the laws and regulations of the State of New Jersey.

b. The standards for said homes shall be the same as for single-family dwelling units located in the same District, in accordance with the New Jersey Municipal Land Use Law, 40:55D-66.5b., as amended.

c. Family day care homes are to be considered as home occupations, and as such, shall not be subject to more stringent restrictions than exist or apply to all other home occupations in the particular residential district in which the family day care home is located.

F. Child Care

1. Centers for which a license is required from the New Jersey Department of Human Services pursuant to P.L. 1983, c. 492 (C:30:5B-1 et seq.) shall be a permitted use in all zoning districts.

a. The floor area in any building or structure used for child care purposes shall be excluded in calculating any parking requirement.

b. The floor area in any building or structure used for child care purposes shall be excluded in calculating the permitted density allowable for that building.

c. Notwithstanding the above statements, the development of a child care facility in an existing structure or in a stand alone facility, shall require site plan review and will be subject to the standards of the district in which it is located. Parking requirements shall be based on evaluating the following factors: the maximum number of children for which the site is licensed; the number of employees present during the maximum shift; and the operational plan for the drop-off and pick-up of children during the school day.

2. Child care centers and the provision of child care services which do not require licensure by the State of New Jersey shall be permitted in all zoning districts subject to paragraph F1a. and paragraph F1b. and are exempt from the requirements of paragraph F1c. above.

G. Cluster development shall be permitted in accordance with Section 18-904 of this chapter.

H. Townhouse (single-family attached) development:

Where townhouse (single-family attached) are outright permitted uses (not conditional permitted uses) the following standards shall apply:

1. Minimum tract size shall be one-half (0.5) acre in all districts in which townhouses are permitted with the exception of the HD-7 zone in which the minimum tract size shall be one (1) acre.

2. Tract Boundaries: from a state highway - 100 feet. From all other right-of-way lines - 25 feet. From all other property lines-20 feet.

3. Maximum Density - Eight (8) townhouses or 16 dwelling units per acre.

4. Minimum tract width - 125 feet.

5. Minimum tract depth - 100 feet.

6. The overall townhouse tract may be subdivided to provide fee-simple ownership for the individual townhouse units. The following shall apply to the individual townhouse lots:

   a. Minimum front yard setback - 25 feet from internal streets

   b. Minimum side yard setback (for end units) - 12 feet.

   c. Minimum rear yard setback - 20 feet.

   d. Maximum height - 35 feet or 2.5 stories, whichever is less.

7. Minimum distance between buildings - 25 feet.

8. Maximum units per structure – eight (8).

9. Maximum building length - 240 feet.

10. A structure shall not have more than two (2) connected townhouse units on one facade without providing a variation in setback of at least two (2) feet.

11. Each unit shall have an area designated for the storage of trash and recycling containers. All trash containers shall be screened from view. Screening should blend with the building exterior.

12 All residential development shall provide a useable rear yard depth of at least twenty (20) feet, including the rear yard setback. Decks shall be permitted within the useable yard area, but detention/retention facilities, drainage swales, or any easements which would inhibit the use of the rear yard are prohibited. For the purposes of this section a drainage swale with side slopes exceeding 1:10 and a depth exceeding eighteen (18) inches shall be established as the limit which inhibits use of this yard and is therefore prohibited.

13. Architectural drawings of the front, side and rear elevations shall be provided. Architectural drawings should also be provided if the HVAC equipment is to be located on the roof.

14. All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs and the following:

    a. Deed restrictions and covenants shall be provided in accordance with the requirements and standards of the Department of Community Affairs.

    b. The homeowners association shall be responsible for the ownership and maintenance of all common space and any streets not accepted by the Township.

    c. This organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common open space and non-dedicated streets.

    d. The homeowners association shall be established prior to any certificates of occupancy being issued. Membership of the association shall be automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being

accomplished by the purchase of a dwelling unit in the development.

e. The association shall guarantee access to all the common areas to all persons legally residing in the development.

f. The association shall be responsible for liability insurance, taxes certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance.

g. The documents establishing the association shall provide a plan for the maintenance of all common areas and undedicated streets.

15. Parking shall be provided within one hundred fifty (150) feet of the structure.

16. All units shall be designed with a unified architectural style.

17. Variations in setback and building facades shall be provided.

18. All HVAC equipment shall be located in rear or side yards and shall be buffered from adjoining properties and units, or shall be placed on rooftops.

19. Maximum building coverage of the tract: 35%.

I. Any site or development may contain more than one (1) use as long as the uses are permitted in the zoning district in which it is located.

18-901 Establishment of Zoning Districts and Zoning Map*

A. The following zoning districts are hereby created and all land within the Township of Lakewood shall be placed in one of these districts by designation on a zoning map, as described below.

1. Agricultural (A-1)

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* **Editor's Note:** The Zoning Map may be found on file in the Office of the Municipal Clerk.

2. Residential (R40)
3. Residential (R20)
4. Residential (R15)*
5. Residential (R12)
6. Residential (R12A)
7. Residential (R10)
8. Residential (R7.5)
9. Multi-Family Residential (R-M)
10. Multi-Family Limited Residential (R-LM)
11. Public Housing (PH-1)
12. Office Transitional (OT)
13. Neighborhood Business (B-1)
14. Central Business (B-2)
15. Highway Business (B-3)
16. Wholesale Service (B-4)
17. Highway Development (B-5)
18. Highway Development (B-5A)
19. Highway Development (HD-6)
20. Highway Development (HD-7)
21. Residential Office Park (ROP)

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*Editor's Note: Ord. No. 2005-96 established the R-15/10 Cluster Option.

22. Open Space (OS) Zone

23. Airport Hazard Zone (AHZ)

24. Cedarbridge Redevelopment Area (DA-1)

25. Industrial (M-1)

26. Industrial (M-2)

27. Industrial Park Professional Service (PS)

28. Industrial Park Limited Professional Zone (LP)

29. Crystal Lake Preserve

30. Corporate Campus/Stadium Support Zone. (B-6)

31. Hospital Support.

32. Single Family Residential (R-10A)

33. Airport Business Commercial.

(Ord. No. 2005-96 § 1; Ord. No. 2013-58 § 1; Ord. No. 2013-59 § 1; Ord. No. 2013-60 § 1)

B. Map and Interpretation

1. The boundaries of these zoning districts are established on a map entitled "Lakewood Township Zoning Map," dated June 2005, which accompanies this chapter and is incorporated herein.
Editor's Note: The Official Zoning Map is on file in the Municipal Offices of the Township of Lakewood.

a. Amendments to the Zoning Map.

(1) The Zoning Map is amended and supplemented to rezone a portion of lots 170, 187, 191, 192, 193, 194, 195 and 297 of Block 548, further described in the attached metes and bounds description in Attachment A and as shown on the map attached hereto from M-1 Industrial to R-15/10 Cluster. Said parcels shall be subject to all of the regulations of the applicable R-15/10 Cluster zoning district.
(Ord. No. 2005-95 § 1)
Editor's Note: The map referred to in this paragraph may be found attached to Ord. No. 2005-95 in the Office of the Municipal Clerk.

(2) The Zoning Map is amended and supplemented to rezone lots 182 and 189, and a portion of lots 170, 187, 191, 192, 193, 194, 195 and 297 of Block 548; a portion of Lot 1 of Block 560; Lot 1, Block 561; Lot 1 Block 566; Lot 1 Block 567; new lots 1.02 and 2.02 Block 1603; and portions of the following vacated unimproved 50 foot rights-of-way: Depew Avenue, Chile Avenue, Hughes Avenue and Havemeyer Avenue, further described in the attached metes and bounds description in Attachment A and as shown on the map attached hereto from M-1 Industrial to B-6 Corporate Campus/Stadium Support Zone. Said parcels shall be subject to all of these regulations of the Corporate Campus/Stadium Support (B-6) zoning district.
(Ord. No. 2005-96 § 2)
Editor's Note: The map referred to in this paragraph may be found attached to Ord. No. 2005-96 in the Office of the Municipal Clerk.

(3) The Zoning Map is amended and supplemented to rezone Block 1248, Lot 1, further described in the attached metes and bounds description in Exhibit "A" attached and as shown on the map entitled Exhibit "B" attached from Single Family Residential Zone (R-20) to Highway Development Zone (B-5). Said parcel shall be subject to all of the regulations of the Highway Development Zone (B-5). (Ord. No. 2013-30)
Editor's Note: The map referred to in this paragraph may be found attached to Ord. No. 2013-30 in the Office of the Municipal Clerk.

(4) The Zoning Map is amended and supplemented to rezone Block 508, Lots 1, 2, 3 and 11, further described in the attached metes and bounds description in Exhibit "A" attached and as shown on the map entitled Exhibit "B" attached from Manufacturing (M-1) to Single Family Residential Zone (R-20). Said parcels shall be subject to all of the regulations of the Single Family Residential Zone (R-20). (Ord. No. 2013-40)
Editor's Note: The map referred to in this paragraph may be found attached to Ord. No. 2013-40 in the Office of the Municipal Clerk.

(5) The Official Zoning Map of the Township of Lakewood is hereby revised to establish the Hospital Support Zone and amend and supplement the R-10 and R-12 zone district boundaries to R-7.5 as delineated on attached Figure #1 entitled: "Proposed Rezoning, Blocks 420, 420.01 and 421, Lakewood Township" prepared by T&M Associates, one sheet last revised July 11, 2013.
Editor's Note: Figure #1 may be found attached to Ordinance No. 2013-59 in the Office of the Municipal Clerk.

(6) The Official Zoning Map of the Township of Lakewood is hereby revised to establish the R-10A Residential Zone and amend and supplement the R-40/20 and R-12 zone district boundaries as delineated on attached Figure #1 entitled: "Proposed Rezoning, Lakewood Township, Ocean County, New Jersey" prepared by T&M Associates, one sheet last revised August 6, 2013. (Ord. No. 2013-58 § 3)
Editor's Note: Figure #1 may be found attached to Ordinance No. 2013-58 in the Office of the Municipal Clerk.

(7) The Official Zoning Map of the Township of Lakewood is hereby revised to establish the Airport Business Commercial Zone and amend and supplement the M-1, PS and LP zone district boundaries to Airport Business Commercial zone district as delineated on attached Figure #2 entitled: "Proposed Airport Business Commercial District, Township of Lakewood, Ocean County NJ" prepared by T&M Associates, one sheet dated July 18, 2013. (Ord. No. 2013-60)
Editor's Note: Figure #2 may be found attached to Ordinance No. 2013-60 in the Office of the Municipal Clerk.

2. The boundaries between zoning districts are, unless otherwise indicated, either the centerlines of streets or railroad rights-of-way, municipal boundary lines, property lines existing at the time of the zoning map adoption or amendment, or lines parallel or perpendicular thereto. Distances not specifically indicated shall be determined by the scale of the map.

3. Where a district boundary line divides a lot existing at the time of adoption of this chapter, the regulations applicable to the least restrictive district shall extend over the portion of the lot in the more restrictive district for a distance of not more than twenty (20) feet.

4. The zoning map is amended and supplemented to rezone the Crystal Lake Preserve Zone (CLP) as determined by the August 25, 2005 Crystal Lake Wetlands Delineation prepared by Birdsall Engineering, Inc. as follows:

   Beginning at a point formed by the intersection of the (right-of-way) centerlines of Carlton Avenue and Cedar Drive; thence:

   a. Leaving said centerline of Cedar Drive in a northwesterly direction in a straight line of approximately 360 feet in length to the intersection of the centerlines of Cedar Drive and Thorndike Avenue; thence

   b. Along the centerline of Cedar Drive in a northwesterly direction to the intersection of the centerlines of Cedar Drive with First Avenue; thence

   c. Along the centerline of First Avenue in a northerly direction to the intersection of the centerlines of First Avenue and Lafayette Boulevard; thence

   d. Along the centerline of Lafayette Boulevard in a westerly direction in a straight line an approximate distance of 1,115 feet to a point still on the centerline of Lafayette Boulevard; thence

   e. Leaving said centerline in a northwesterly direction in a straight line within the right-of-way of Lafayette Boulevard and Whitesville Road to a point on the southern right-of-way line of Whitesville Road, said point being an approximate distance of 570 feet; thence

   f. Leaving said point in a southerly direction through Lot 85 and along the common boundary line of 5.01 and 6.01 with Lots 84 and 93 Block 251.01, an approximate distance of 455 feet, to the centerline of Cedar Drive; thence

g. Along the centerline of Cedar Drive in a westerly direction to the intersection of the centerline of Cedar Drive with the easterly property line of Lot 46 Block 251.01; thence

h. Along the property line of Lot 46 Block 251.01 in a counter-clockwise direction to the intersection of the easterly most right-of-way line of Drake Road with the common property corner of Lots 46 and 88 Block 251.01; thence

i. Leaving said right-of-way intersection in a southeasterly direction along the common property boundary between Lot 88 Block 251.01 with Lot 46 Block 251.01, an approximate distance of 801 feet to the angular property corner of Lot 46; thence

j. Along a straight line approximately 320 feet in a southeasterly direction, to the common property corner of Lots 44, 88 and 35 Block 251.01; thence

k. Along the common property lines between Lots 44 and 35 Block 251.01 and Lot 88 Block 251.01 in a southerly direction to the intersection of the centerline of Vernon Street; thence

l. Along the centerline of Vernon Street in an easterly direction to the intersection of the centerlines of Clarkson Avenue with Vernon Street; thence

m. Along the centerline of Clarkson Avenue in a southerly direction to the intersection of the centerlines of Drake Road with Clarkson Avenue; thence

n. Along the centerline of Drake Road, which becomes Ridgeway Place, in an easterly direction to the intersection of the centerline of Rutledge Avenue; thence

o. Along the centerline of Rutledge Avenue in a northerly direction 145 feet, more or less; thence

p. Easterly, 125 feet, more or less, to a point in Block 334 Lot 1; thence

q. Southerly and running through Block 334 Lot 1, 145 feet more or less to the intersection with the centerline of Ridgeway Place; thence

r. Easterly, along the centerline of Ridgeway Place, which becomes James Street in an easterly direction to the intersection of the centerline of Edmonds Avenue; thence

s. Along the centerline of Edmonds Avenue in a northerly direction to the intersection of the centerlines of Vernon Street with Edmonds Avenue; thence

t. Along the centerline of Vernon Street in an easterly direction to the intersection of the centerlines of Grantwood Avenue with Vernon Street; thence

u. Along the centerline of Grantwood Avenue in a northerly direction to the intersection of the centerlines of Oxford Street with Grantwood Avenue; thence

v. Along the centerline of Oxford Street in an easterly direction to the intersection of the centerlines of Eden Avenue with Oxford Street; thence

w. Along the centerline of Eden Avenue in a southerly direction to the intersection of the centerlines of Vernon Street with Eden Avenue; thence

x. Along the centerline of Vernon Street in an easterly direction to the intersection of the centerlines of Firestone Avenue with Vernon Street; thence

y. Along the centerline of Firestone Avenue in a northerly direction to the intersection of the centerlines of Oxford Street with Firestone Avenue; thence

z. Along the centerline of Oxford Street in an easterly direction to the intersection of the centerlines of Hatfield Avenue with Oxford Street; thence

aa. Along the common property lines between Lot 1 Block 318 and Lot 1 Bock 343 a distance of 450 feet in a southerly direction to the south-westerly property corner of Lot 1 Block 318; thence

bb. Along the common property line between Lot 1 Block 318 and Lot 1 Block 343 in an easterly direction and continuing along the centerline of Vernon Street in an easterly direction to the intersection of the centerline of Vernon Street with the rear property line of Lot 5 Block 284.04; thence

cc. Along the rear property lines of Lots 5, 6 and 7 Block 284.04 in a northerly direction to the intersection of the centerline of Ferndale Avenue; thence

dd. Along the centerline of Ferndale Avenue in a northerly direction until said projection intersects with the common lot line between Lots 79 and 64 Block 284; thence

ee. Along the property line of Lot 79 Bock 284 in a counter-clockwise direction until said lot line intersects with the easterly right-of-way line of Hatfield Avenue at the common property corner of Lot 29 Block 284; thence

ff. Leaving said right-of-way intersection in a northwesterly direction in a straight line approximately 190 feet to the common intersection of the westernmost right-of-way line of Firestone Avenue with Lot 1 Block 282 and Lot 3 Block 281; thence

gg. Along the common property lines of Lots 1 and 3 Block 281 with Lot 1 Block 282 a distance of approximately 285 feet to a point within the right-of-way of Columbus Avenue South; thence

hh. Southwest along the common property lines of Lot 1 Block 273 with Lots 2 and 8 Block 273 and the northernmost right-of-way terminus of Northfield Avenue a distance of approximately 530 feet to a point on the western right-of-way line of Glen Avenue (formerly Lakewood Park Avenue) South, also being the intersecting corners of Lots 73 and 46 Block 251.01 with said right-of-way line; thence

ii. Northwest in a straight line along the common property lines of Lots 14 and 46 Block 251.01, Lot 79 Block 251.04, Lot 77 Block 251.04 and the terminus of the rights-of-way of Astor Avenue and Myrtle Avenue, with Lot 73 Block 251.01, Lots 75 and 76.01 Block 251.04 and the terminus of the right-of-way of Herbert Street, a distance of approximately 875 feet, to a point in the centerline of Hammond Avenue; thence

jj. Northeast within the right-of-way of Hammond Avenue in a straight line a distance of approximately 140 feet to the intersection of the centerlines of Carlton Avenue with Cedar Drive, said point being the point of beginning.
(Ord. No. 2006-29 § 1)

18-902 Residential Zoning Districts

A. Agricultural (A-1)

1. Permitted Uses:

a. Single family detached dwellings.

b. Farm house and associated dwellings.

c. Customary and conventional agricultural uses with the exception of raising hogs and goats. The processing or sale of agricultural products grown or raised on the premises is permitted. This may include the slaughtering of poultry, however, no other type of abattoir shall be permitted.

d. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to paragraph 5 below.)

e. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Golf Courses with a minimum of nine (9) holes and a minimum distance from tee to green for a hole of one hundred (100) yards. A clubhouse is permitted on the same property.
Public Utility installations which involve no storage yard or commercial office space.

c. Hospitals and Clinics.

3. Accessory Uses:

a. Private residential garages.

b. Sheds.

c. Greenhouses.

d. Private Swimming Pools.

e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

(2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations - For all permitted uses except for Places of Worship:

a. Minimum Lot Area – 2 acres.

b. Minimum Lot Width – 200 feet.

c. Front Yard Setback – 50 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 15 feet with an aggregate of 40 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 20%.

h. Maximum Building Height – 35 feet.

5. Design Regulations - Places of Worship:

a. Minimum Lot Area – 2 acres.

b. Minimum Lot Width – 200 feet.

c. Front Yard Setback – 50 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 15 feet with an aggregate of 40 feet.

f. Maximum Building Coverage – 20%.

g. Maximum Building Height – 35 feet.

B. Residential (R-40) (Amended by Ord. No. 2005-77)

1. Permitted Uses:

a. Single Family Detached Housing.

b. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to paragraph 5 below.)

c. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

d. Planned Affordable Residential Development in those areas identified on the Zoning Map for R-40/20 Cluster and in accordance with the bulk standards and requirements of paragraph 18-902B.7.

2. Conditional Uses (See Article X):

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Congregate or Assisted Living and Nursing Care.

c. Adult Communities. (See Section 18-1001).

3. Accessory Uses:

a. Private residential garages.

b. Sheds.

c. Greenhouses.

d. Private Swimming Pools.

e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

(2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations:

a. Minimum Lot Area – 40,000 square feet.

b. Minimum Lot Width – 150 feet.

c. Front Yard Setback – 50 feet.

d. Rear Yard Setback – 30 feet.

e. Side Yard Setback – 15 feet with an aggregate of 40 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 20%.

h. Maximum Building Height – 35 feet.

5. Design Regulations: Houses of Worship

a. Minimum Lot Area – 40,000 square feet.

b. Minimum Lot Width – 150 feet.

c. Front Yard Setback – 50 feet.

d. Rear Yard Setback – 30 feet.

e. Side Yard Setback – 15 feet with an aggregate of 40 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 20%.

h. Maximum Building Height – 35 feet.

6. Cluster Option: A cluster development plan for single family detached dwellings shall be permitted in those areas designated on the Zoning Map as R-40/20 Cluster and as provided in Section 18-904. The bulk standards for the lots in the cluster development shall be in accordance with the R-20 Design Regulations. **(Amended by Ord. No. 2005-94)**

7. Planned Affordable Residential Development. **(Added by Ord. No. 2005-77)**

a. Dwelling Unit Types.

(1) Townhouse — A building containing attached dwelling units arranged side by side with each unit divided by a common party wall, and having a separate exterior entrance.

(2) Duplex — A building containing two (2) dwelling units, arranged either side by side as in the case of a semi-detached dwelling or one over the other, with each unit having a separate exterior entrance.

(3) Multi-family — A building containing multiple dwelling units, other than a townhouse, that are attached both vertically and horizontally, with each unit having either a separate exterior entrance or access from a common hallway.

(4) Single Family — A detached building containing one dwelling unit intended for one family and is not attached to any other dwelling by any means and is surrounded by open space or yards.

b. Minimum Tract Size. A planned affordable residential development may only be developed on one or more contiguous parcels of land having a minimum gross acreage of four (4) acres. Paper streets, existing rights-of-way or easements shall not be deemed to divide acreage. The initial development tract at the time of approval shall contain a minimum of fifty (50%) percent publicly-owned land. Subsequent additions of contiguous acreage may be made in any acreage amount without regard to public ownership requirements provided such acreage is integrated within the overall design of the initially approved planned development.

c. Permitted Principal Uses. No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses:

(1) With public sewer and water: townhouses, duplex, multi-family, and single family units restricted to low and moderate income households.

(2) Community facilities related to the cultural, social and recreational needs of the residents of the development, including public or private parks, religious, ceremonial and ritual facilities, churches and other places of worship.

(3) Public or private schools and daycare facilities related to the needs of the residents of the development.

(4) Public buildings of a governmental or cultural nature.

(5) Neighborhood commercial uses, such as retail sales and services and professional offices, designed and intended primarily to serve the residents of the planned affordable residential development. The lot area of such commercial uses shall not exceed ten (10%) percent of the tract area of a planned development. Bulk and parking requirements for such commercial uses shall conform to the standards contained in Section 18-903A, "B-1 Neighborhood Business Zone".

d. Permitted Accessory Uses. Any of the following uses may be permitted when used in conjunction with a principal use:

(1) Off street parking and common parking areas.

(2) Maintenance and utility facilities intended to service the residents of the planned development.

(3) Other accessory uses customarily incidental to a permitted principal use.

e. Tract Development Requirements. The following standards shall apply to any planned affordable residential development tract:

(1) Minimum tract area: four (4) acres.

(2) Maximum gross density: 22 dwelling units per acre.

(3) Residential unit distribution. At a minimum, two (2) of the permitted housing types shall be provided.

(4) Maximum building coverage: 45% of the gross tract area.

(5) Maximum impervious surface coverage: 80% of the gross tract area.

(6) Minimum tract setbacks.

(a) Tract boundary: 10 feet shall be permitted if dwellings front on an existing street and parking for such units is provided from a service alley.

(b) Interior roadway/circulation driveway: 20 feet; except 10 feet shall be permitted if parking for dwelling units is located with access from a service alley.

(c) Interior parking lot paved surface: 10 feet.

f. Bulk requirements. The following bulk requirements shall apply to the permitted dwelling unit types in a planned affordable residential development project.

(1) Townhouses on fee simple lots.

(a)	Minimum lot area	2,000 square feet
(b)	Minimum lot frontage/ width:	20 feet
(c)	Minimum lot depth:	80 feet
(d)	Minimum front yard:	20 feet for units with front entry garages; 10 feet for units without garages or with parking provided in the rear yard with access from a rear service alley
(e)	Minimum side yard:	0 feet for a common wall; 10 feet end units
(f)	Minimum rear yard:	15 feet to principal building; 12 feet to garage or accessory structures

	(g)	Maximum building height:	45 feet

(2) Townhouse structures on common property.

(a) Clusters of townhouse dwellings may be arranged on a tract subject to the applicable design standards contained in Section 18-902B7.

(3) Duplex dwelling on individual lots.

	(a)	Minimum lot area:	6,000 square feet
	(b)	Minimum lot frontage/ width:	50 feet
	(c)	Minimum lot depth:	80 feet
	(d)	Minimum front yard:	25 feet; except 10 feet if parking is located in the rear yard with access from a rear service alley
	(e)	Minimum side yard:	8 feet one side; 15 feet total
	(f)	Minimum rear yard:	15 feet to principal building; 12 feet to garage or accessory structures
	(g)	Maximum building height:	45 feet

(4) Single Family on individual lots.

	(a)	Minimum lot area:	5,000 square feet
	(b)	Minimum lot frontage/ width	45 feet
	(c)	Minimum lot depth	80 feet

(d)	Minimum front yards	20 feet except 10 feet if parking is located in the rear yard with access from a rear service alley
(e)	Minimum side yard	7 feet one side; 15 feet total
(f)	Minimum rear yard	15 feet to principal building; 12 feet to garage or accessory structures

(5) Duplex structures on common property.

(a) Clusters of duplex dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.

(6) Multi-family structures on common property.

(a) Clusters of multi-family dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.

(b) Minimum average floor area for a dwelling unit shall be 1,100 square feet.

(c) Each unit above the ground floor may have a balcony or terrace, which if provided shall be at least 60 square feet in area.

(d)	Maximum building height	45 feet

g. Design requirements.

(1) Minimum distance between buildings that are designed on common property.

(a)	End wall (no openings) to end wall:	12 feet

(b)	End wall to window wall:	30 feet
(c)	Windows wall to window wall	40 feet

(2) Townhouse structures shall not have a length in excess of 240 feet and shall be designed with offsets or other architectural features so as to provide breaks in a linear plane.

(3) Multi-family structures shall provide for variety in roof height and avoid the appearance of one continuous multi-story building through the introduction of offsets or other architectural features.

(4) Minimum off-street parking requirements. The parking requirements as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses shall apply to the permitted dwelling units. For townhouse or multi-family units containing four or more bedrooms the parking ratio shall be 2.5 per townhouse unit and 2.2 per multi-family unit.

(5) Recreational facilities. Facilities to serve the recreational needs of the residents of the planned development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five (5%) percent of the tract area of a planned development shall be provided. Common open space areas shall conform to the requirements for such open space, except as modified herein, as contained in Section 18-808 of this chapter.

(6) Construction, design, lighting, screening and landscaping of parking areas and streets shall conform to the applicable provisions of this chapter. To the extent that the Township's standards for the construction and design of parking facilities including the size and number of parking spaces as well as the design of internal streets and circulation driveways is inconsistent with the

Residential Site Improvement Standards (RSIS), then the RSIS code standards shall govern the parking area and street design.

h. Planned Development Findings. Prior to the approval of a planned affordable residential development, the Planning Board shall make findings and conclusions as required under N.J.S.A. 40:55D-45:

(1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conforms to the zoning ordinance standards pursuant to this article;

(2) That the proposals for maintenance and conservation of the common open space are adequate in the amount, location and purpose.

(3) 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.

(4) 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 the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

C. Single-Family Residential (R-20)

1. Permitted Uses:

a. Single Family Detached Housing.

b. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to paragraph 5 below.)

c. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X):

   a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

   b. Congregate or Assisted Living and Nursing Care.

   c. Agricultural uses. The processing or sale of agricultural products grown or raised on the premises is permitted.

   d. Golf courses with a minimum of nine holes and a minimum distance from tee to green for a hole of one hundred (100) yards. A clubhouse is permitted on the same property.

   e. Adult Communities. (See Section 18-1001.)

   f. Commercial uses on properties with frontage on Ocean County Route 526 in accordance with the conditions and standards of Section 18-1019.

3. Accessory Uses:

   a. Private residential garages.

   b. Sheds.

   c. Greenhouses.

   d. Private swimming pools.

   e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

      (1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

      (2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations - For all permitted uses except for Places of Worship:

a. Minimum Lot Area – 20,000 square feet.

b. Minimum Lot Width – 100 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 25%.

h. Maximum Building Height – 35 feet.

5. Design Regulations - Places of Worship:

   a. Minimum Lot Area – 20,000 square feet.

   b. Minimum Lot Width – 100 feet.

   c. Front Yard Setback – 30 feet.

   d. Rear Yard Setback – 30 feet.

   e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

   f. Maximum Building Coverage – 25%.

6. Cluster Option: A cluster development plan for single family detached dwellings shall be permitted in those areas designated on the Zoning Map as R-20/12 Cluster and as provided in Section 18-904. The bulk standards for the lots in the cluster development shall be in accordance with the R-12 Design Regulations. **(Amended by Ord. No. 2005-94)**

7. Reduction in Lot Area for Recreation Purposes: In any residential subdivision in the R-20 District, the minimum lot area and width requirements may be reduced in accordance with the standards and requirements specified in Section 18-908.

D. Single Family Residential (R-15)

1. Permitted Uses:

   a. Single-family detached housing.

   b. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to subsection 5 below.)

   c. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

   a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

   b. Congregate or Assisted Living and Nursing Care.

   c. Agricultural uses. The processing or sale of agricultural products grown or raised on the premises is permitted.

   d. Golf courses with a minimum of nine (9) holes and a minimum distance from tee to green for a hole of one hundred (100) yards. A clubhouse is permitted on the same property.

   e. Adult Communities. (See Section 18-1001).

   f. Commercial uses on properties with frontage on Ocean County Route No. 526 in accordance with the conditions and standards of Section 18-1019.

3. Accessory Uses:

   a. Private residential garages.

   b. Sheds.

   c. Greenhouses.

   d. Private Swimming Pools.

   e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

      (1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

      (2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

      (3) The residential character of the exterior of the structure appearance shall not be compromised.

      (4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

      (5) There shall be no outdoor storage or display of materials, products or equipment.

      (6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

      (7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations - For all permitted uses except Places of Worship:

   a. Minimum Lot Area – 15,000 square feet;

b. Minimum Lot Width – 100 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 25%.

h. Maximum Building Height – 35 feet.

5. Design Regulations - Places of Worship:

a. Minimum Lot Area – 15,000 square feet.

b. Minimum Lot Width – 100 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Maximum Building Coverage – 25%.

6. Reduction in Lot Area for Recreation Purposes: In any residential subdivision in the R-15 District, the minimum lot area and width requirements may be reduced in accordance with the standards and requirements specified in Section 18-908.

7. Cluster Option: A cluster development plan for single-family detached dwellings shall be permitted in those areas designated on the Zoning Map as R-15/10 Cluster and as provided in Section 18-904. The bulk standards for the lots in the cluster development shall be in accordance with the R-10 Design Regulations.
(Ord. No. 2005-95 § 2)

E. Single-Family (R-12 and 12A)

1. Permitted Uses:

   a. Single Family Detached Housing.

b. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to subsection 5 below.)

c. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Commercial uses on properties with frontage on Ocean County Route No. 526 in accordance with the conditions and standards of Section 18-1019.

3. Accessory Uses:

a. Private residential garages.

b. Sheds.

c. Greenhouses.

d. Private Swimming Pools.

e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

(2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations for R-12- For all uses except for Places of Worship:

a. Minimum Lot Area – 12,000 square feet.

b. Minimum Lot Width – 90 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 25%.

h. Maximum Building Height – 35 feet.

5. Design Regulations for R-12A- For all uses except for Places of Worship:

a. Minimum Lot Area – 12,000 square feet.

b. Minimum Lot Width – 75 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 25%.

h. Maximum Building Height – 35 feet.

6. Design Regulations for R-12 - Places of Worship:

a. Minimum Lot Area – 12,000 square feet.

b. Minimum Lot Width –90 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Maximum Building Coverage – 25%.

7. Design Regulations for R-12A - Places of Worship:

a. Minimum Lot Area – 12,000 square feet.

b. Minimum Lot Width – 75 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Maximum Building Coverage – 25%.

8. Reduction in Lot Area for Recreation Purposes: In any residential subdivision in the R-12 and R-12A Districts, the minimum lot area and width requirements may be reduced in accordance with the standards and requirements specified in Section 18-908.

F. Single-Family Residential (R-10)

1. Permitted Uses:

   a. Single Family Detached Housing.

   b. Two-Family and Duplexes, provided that existing lots have a minimum lot size of twelve thousand (12,000) square feet and any newly created lot have a minimum lot size of twelve thousand (12,000) square feet and have a minimum lot width of seventy-five (75) feet.

   c. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to subsection 5 below.)

   d. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

   a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

   b. Commercial uses on properties with frontage on Ocean County Route No. 526 in accordance with the conditions and standards of Section 18-1019.

3. Accessory Uses:

   a. Private residential garages.

   b. Sheds.

   c. Greenhouses.

   d. Private Swimming Pools.

e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

(2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations - For all uses except for Places of Worship:

a. Minimum Lot Area – 10,000 square feet; two family/duplex structures, 12,000 square feet

b. Minimum Lot Width – 75 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Accessory Building:

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 25%.

h. Maximum Building Height – 35 feet.

5. Design Regulations - Places of Worship:

a. Minimum Lot Area – 10,000 square feet.

b. Minimum Lot Width – 75 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Maximum Building Coverage – 25%.

6. Reduction in Lot Area for Recreation Purposes: In any residential subdivision in the R-10 District, the minimum lot area and width requirements may be reduced in accordance with the standards and requirements specified in Section 18-908.

G. Single-Family Residential (R-7.5)

1. Permitted Uses:

a. Single Family Detached Housing.

b. Two-Family Housing and Duplexes, provided that existing lots have a minimum lot size of ten thousand (10,000) square feet and newly created lots have a minimum lot size of ten thousand (10,000) square feet and have a minimum lot width of sixty (60) feet.

c. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to subsection 5 below.)

d. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Commercial uses on properties with frontage on Ocean County Route No. 526 in accordance with the conditions and standards of Section 18-1019.

3. Accessory Uses:

a. Private residential garages.

b. Sheds.

c. Greenhouses.

d. Private Swimming Pools.

e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

(2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five percent (25%) of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations - For all uses except for Places of Worship:

a. Minimum Lot Area – 7,500 square feet; two family/duplex structures - 10,000 square feet.

b. Minimum Lot Width – 50 feet.

c. Front Yard Setback – 25 feet.

d. Rear Yard Setback – 15 feet.

e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

f. Accessory Building:

(1) Side Yard Setback – 7 feet.

(2) Rear Yard Setback – 7 feet.

g. Maximum Building Coverage – 30%.

h. Maximum Building Height – 35 feet.

5. Design Regulations - Places of Worship:

a. Minimum Lot Area – 7,500 square feet.

b. Minimum Lot Width – 50 feet.

c. Front Yard Setback – 25 feet.

d. Rear Yard Setback – 15 feet.

e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

f. Maximum Building Coverage – 30%.

6. Reduction in Lot Area for Recreation Purposes: In any residential subdivision in the R-7.5 District, the minimum lot area and width requirements may be reduced in accordance with the standards and requirements specified in Section 18-908.

H. Multi-Family Residential (R-M)

1. Permitted Uses:

a. Single Family Detached Housing.

b. Two Family and Duplex Housing.

c. Multi-Family Housing.

d. Townhouses (Not withstanding the definition of townhouse in this Chapter, for the purposes of this section, any townhouse with a basement should be considered two (2) units.)

e. Places of worship including parish house and classrooms. (See Section 18-905 for regulations in addition to subsection 4 below.)

f. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

g. Planned Educational Campus in those areas identified on the Zoning Map for RM (except for the DA-1 (Cedar Bridge Redevelopment Area), M-1 (Industrial), M-2 (Industrial), PS (Industrial Park Professional Service), LP (Industrial Park Limited Professional), AHZ (Airport Hazard Zone), O-S (Open Space), CLP (Crystal Lake Preserve), A-1 (Agricultural-Rural), and PH-1 (Public Housing), B-6 (Stadium Support Zone) where a Planned Educational Campus will not be permitted) and in accordance with the bulk standards and requirements of Section 902B.6.

2. Conditional Uses (See Article X)

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

3. Accessory uses permitted on single-family lot:

a. Private residential garages.

b. Sheds.

c. Greenhouses.

d. Private Swimming Pools.

e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

(2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five (25%) percent of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a non-resident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations:

a. Single-Family and Two Family Standards:

(1) Minimum Lot Area – 7,500 square feet for single family and 10,000 square feet for two family structures.

(2) Reserved.

(3) Minimum Lot Width – 50 feet.

(4) Front Yard Setback – 25 feet.

(5) Rear Yard Setback – 15 feet.

(6) Side Yard Setback – 7 feet with an aggregate of 15 feet.

(7) Accessory Building:

(a) Side Yard Setback – 7 feet.

(b) Rear Yard Setback – 7 feet.

(8) Maximum Building Coverage – 30%.

(9) Maximum Building Height – 35 feet.

b. Multi-Family Standards:

(1) Minimum Lot Area: 12,500 square feet.

(2) Maximum Gross Density - 15 dwelling units per acre.

(3) Minimum Lot Width – 100 feet.

(4) Front Yard Setback – 25 feet.

(5) Rear Yard Setback – 25 feet.

(6) Side Yard Setback – 25 feet with an aggregate of 50 feet.

(7) Maximum Building Coverage – 40%.

(8) Maximum Building Height – 65 feet.

c. Places of Worship and Schools:

(1) Minimum Lot Area – 10,000 square feet.

(2) Minimum Lot Width – 75 feet.

(3) Front Yard Setback – 25 feet.

(4) Rear Yard Setback – 15 feet.

(5) Side Yard Setback – 12 feet with an aggregate of 25 feet.

(6) Maximum Building Coverage – 35%.

d. Duplex Regulations:

(1) Minimum Lot Area: 10,000 square feet

(2) Minimum Lot Width: Existing lots – 50 feet
Newly created lots – 60 feet

(3) Minimum Front Yard Setback: 25 feet

(4) Minimum Rear Yard Setback: 15 feet

(5) Side Yard Setback: 7 feet with an aggregate of 15 feet

5. Off-Street Parking shall be provided in accordance with NJ RSIS.

6. Planned Educational Campus.

a. Dwelling Unit Types. All dwelling units are to be occupied only by students, faculty or staff of the educational institution, by persons directly associated with the educational institution, and or by their immediate families.

(1) Townhouse. A building containing attached dwelling units arranged side by side with each unit divided by a common party wall, and having a separate exterior entrance.

(2) Duplex. A building containing two (2) dwelling units, arranged either side by side as in the case of a semi-detached dwelling or one over the other, with each unit having a separate exterior entrance.

(3) Multi-Family. A building containing multiple dwelling units, other than a townhouse, that are attached both vertically and horizontally, with each unit having either a separate exterior entrance or access from a common hallway.

(4) Single Family. A detached building containing one (1) dwelling unit intended for one (1) family and is not attached to any other dwelling by any means and is surrounded by open space or yards.

(5) Student Dormitory. A building or portion thereof, owned and operated by a nonprofit school, nonprofit college or other entity operating in association with an educational institution, containing rooms and facilities which are provided as residences or for overnight sleeping for individuals or groups not living as a housekeeping unit.

b. Minimum Tract Size. A Planned Educational Campus may only be developed on one (1) or more contiguous parcels of land having a minimum gross acreage of three (3) acres. Paper

streets, existing rights-of-way or easements shall not be deemed to divide acreage.

c. Permitted Principal Uses. No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one (1) or more of the following uses:

(1) With public sewer and water: townhouses, duplex, multifamily units and student dormitories.

(2) Community facilities related to the cultural, social and recreational needs of the residents of the development,

including public or private parks, religious ceremonial and ritual facilities, churches and other places of worship.

(3) Public or private schools, and daycare facilities related to the needs of the residents of the development.

(4) Public buildings of a governmental or cultural nature.

(5) Student housing, married student housing or faculty housing on a campus like setting.

d. Permitted Accessory Uses. Any of the following uses may be permitted when used in conjunction with a principal use:

(1) Off-street parking and common parking areas.

(2) Maintenance and utility facilities intended to service the residents of the Planned Educational Campus. This covers storm water as well.

(3) Recreation amenities such as patios and play areas.

(4) Other accessory uses customarily incidental to a permitted principal use.

(5) Student services such as food service, cafeteria, student run inn, or other vocational services to benefit academic programs.

e. Planned Educational Campus Requirements. The following standards shall apply to any Planned Educational Campus:

(1) Minimum Tract Area: three acres.

(2) Maximum Gross Residential Density: 28 dwelling units per acre.

(3) Maximum Building Coverage: 45% of the gross tract area.

(4) Maximum Impervious Surface Coverage: 85% of the gross tract area.

(5) Minimum Tract Setbacks.

(a) Tract boundary: 4 feet shall be permitted if dwellings front on an existing street and parking for such units is provided from a service alley.

(b) Interior parking lot paved surface: 0

(6) More than one (1) principal building shall be permitted on a tract as long as compatible to educational campus setting.

(7) It shall be a requirement that the land and all buildings, dwellings and structures shall be owned by the educational institution.

(8) Planned Educational Campuses must provide adequate buffer areas whenever it adjoins residential areas. Buffer requirements shall be in accordance with the requirements of Section 18-803 of this Chapter.

f. Bulk Requirements. The following bulk requirements shall apply to the permitted dwelling unit types in a Planned Educational Campus project.

(1) Townhouses on fee simple or condominium lots.

(a)	Minimum Lot Area:	2000 square feet
(b)	Minimum Lot Frontage/ Width:	20 feet
(c)	Minimum Lot Depth:	80 feet
(d)	Minimum Front Yard:	20 feet for units with front entry garages; 10 feet for units without garages or with parking provided in the rear yard with access from a rear service alley

(e)	Minimum Side Yard:	0 feet for a common wall;10 feet end units
(f)	Minimum Rear Yard:	15 feet to principal building; 12 feet to garage or accessory structures
(g)	Maximum Building Height:	35 feet from the average grade to the mean height of the roof

(2) Townhouse Structures on Common Property.

(a) Clusters of townhouse dwellings may be arranged on a tract subject to the applicable design standards contained in Section 18, Article VIII, where applicable.

(3) Duplex Dwelling on Individual Lots.

(a)	Minimum Lot Area:	5000 square feet
(b)	Minimum Lot Frontage/ Width:	50 feet
(c)	Minimum Lot Depth:	80 feet
(d)	Minimum Front Yard:	20 feet; except 10 feet if parking is located in the rear yard with access from a rear service alley
(e)	Minimum Side Yard:	5 feet one side;10 feet total
(f)	Minimum Rear Yard:	15 feet to principal building; 12 feet to garage or accessory structures

	(g)	Maximum Building Height:	35 feet

(4) Single Family on Individual Lots.

(a)	Minimum Lot Area:	5000 square feet
(b)	Minimum Lot Frontage/ Width:	45 feet
(c)	Minimum Lot Depth:	80 feet
(d)	Minimum Front Yards:	20 feet; except 10 feet if parking is located in the rear yard with access from a rear service alley
(e)	Minimum Side Yard:	7 feet one side;15 feet total
(f)	Minimum Rear Yard:	15 feet to principal building; 12 feet to garage or accessory structures

(5) Duplex Structures on Common Property.

Clusters of duplex dwellings may be arranged on a tract subject to the applicable design standards contained in this Chapter.

(6) Multi-Family Structures on Common Property.

(a) Clusters of multi-family dwellings may be arranged on a tract subject to the applicable design standards contained in this Chapter.

(b) Minimum average floor area for a dwelling unit shall be nine hundred (900) square feet.

(c) Each unit above the ground floor may have a balcony or terrace, which if provided shall be at least thirty-six (36) square feet in area (6x6).

(d) Maximum building height, sixty-five (65) feet from average grade to mean height of roof.

(7) Student Dormitory Structures on Common Property:

(a) Clusters of dormitory dwellings may be arranged on a tract subject to the applicable design standards contained in this Chapter.

(b) Each dwelling unit together with its proportionate share of the common areas shall be no less than two hundred forty (240) square feet.

(c) Maximum building height, as defined by median height; sixty-five (65) feet.

g. Design Requirements.

(1) Minimum Distance Between Buildings That Are Designed on Common Property.

(a) End wall (no openings) to end wall: 12 feet

(b) End wall to window wall: 15 feet

(c) Window wall to window wall: 15 feet

(2) Townhouse structures shall not have a length in excess of two hundred forty (240) feet and shall be designed with offsets or other architectural features so as to provide breaks in a linear plane.

(3) Multi-family or student dormitory structures shall not have a length in excess of two hundred ninety (290) feet and shall provide for variety in roof height and avoid the appearance of one continuous multi-story building through the introduction of offsets or other architectural features.

(4) Minimum Off-Street Parking Requirements. All parking must be on site parking. The parking requirements as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses shall not apply to the permitted dwelling units. This is because this is an educational campus and therefore cannot be covered or governed by the RSIS. For townhouse or multi-family units containing four (4) or more bedrooms the parking ratio shall be one (1) per townhouse unit and one (1) per multi-family unit. For rental apartments, which are multi-family for married students, it shall be one (1) per dwelling unit. For student dormitories, which are defined as shared student quarters where there are typically multiple students in a common unit, shall be .25 per dwelling unit.

(5) Recreational facilities. Facilities to serve the recreational needs of the residents of the Planned Educational Campus, when provided by the educational institution, shall be appropriately sized to the scale and type of the educational facility. A minimum recreational open space area equal to five (5%) percent of the tract area of a planned development shall be provided. Common open space areas shall conform to the requirements for such open space, except as modified herein, as contained in Section 808 of this Chapter.

h. Planned Development and other findings. Prior to the approval of a Planned Educational Campus the Planning Board shall make findings and conclusions as required under N.J.S.A. 40:55D-45:

(1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conforms to the zoning ordinance standards pursuant to this Article;

(2) That the proposals for maintenance and conservation of the common open space are adequate in the amount, location, and purpose.

(3) 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.

(4) In the case of a proposed Planned Educational Campus, which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and the residents, occupants and owner of the proposed Planned Educational Campus in the total completion of the development are adequate.

(5) That the Planned Educational Campus will be developed in accordance the provisions and requirements of terms of the Township's plan endorsement approval that may be in effect at the time of the application.

(6) All structures must meet life and safety requirements of the New Jersey Building Code and,

(7) Adequate fenced areas to be provided for the bulk garbage collection/compacting.

I. Residential Limited Multi-Family (R-LM)

1. Permitted Uses

   a. All uses permitted in R-M Zone.

2. Area Requirements and Off-Street Parking. Area requirements shall be the same as the R-M Zone and off-street parking shall be in accordance with RSIS.

J. Public Housing – PH-1

Within this zone shall be located only those buildings or structures as shall be erected by the housing authority of the Township of Lakewood in the County of Ocean, pursuant to the rules and regulations of the Public Housing Administration, the State of New Jersey and the Township of Lakewood governing public housing for senior citizens or low income housing.

1. Permitted Use – Senior Citizen

   The permitted use for the tract of lands described in the zoning map as PH-1 – Public Housing shall be for only senior citizen housing projects

undertaken by the Housing Authority of the Township of Lakewood pursuant to annual contributions contract between the housing authority of the township and the United States Department of Housing and Urban Development (HUD).

All senior citizen projects shall be constructed pursuant to the requirements set forth in this chapter, except that the following shall apply to the PH-1 – Public Housing Zone only:

a. Minimum area: 1.7 acres; minimum dwelling units: ten.

b. Minimum floor area for an "efficiency" type dwelling unit with zero bedrooms shall be 350 square feet.

c. Minimum floor area for a one-bedroom unit shall be 540 square feet of living space.

d. Minimum floor area for two-bedroom units shall be 720 square feet of living space.

e. Off-street parking shall be required. At least two off-street parking spaces shall be provided for each five living units. This provision shall be in addition to any required access roads, sidewalks, or service areas and the location of the spaces must be shown on the approved preliminary and final plan.

f. No more than two persons shall be permitted to occupy an "efficiency" unit.

2. Permitted Uses – Low-Income Housing

The lands described in the zoning map as PH-1 – Public Housing are hereby limited to use as low-income housing pursuant to the annual contributions contract between the housing authority of the township and the United States Department of Housing and Urban Development (HUD), and the following shall apply.

a. Those uses permitted in Residential R-7.5 Zone.

b. Those uses permitted in Multi-Family R-M Zone.

c. Minimum floor area for an "efficiency" type dwelling unit with zero bedrooms shall be 350 square feet.

d. Minimum floor area for a one-bedroom unit shall be 540 square feet of living space.

e. Minimum floor area for a two-bedroom unit shall be 720 square feet of living space.

f. Off-street parking spaces shall be provided. Not less than one space per living unit shall be provided and this shall not include service or access roads, walks or service areas.

3. Conflicting Provisions

Any provisions of this section conflicting with other provisions of this chapter shall supersede such other provisions. In all other respects, any applicable provisions of this chapter shall continue to apply to public housing.

K. Office Transitional Use (OT)

1. Permitted Uses

a. Single family residences as existing at the time of passage of this subsection.

b. Professional offices including:

c. Attorneys and counselors-at-law

d. Accountants and certified public accountants

e. Architects

f. Chiropodists and chiropractors

g. Dentists

h. Medical Doctors

i. Real Estate brokers

j. Engineers and land surveyors

k. Insurance brokers

l. Stockbrokers

l. Optometrists, oculists, and osteopaths

m. Psychologists

n. Marriage counselors licensed by the State of New Jersey

o. Other similar professional offices

p. Executive offices, where no product will be displayed for sale

2. Design Standards. All permitted uses except houses of worship, parish houses and Sunday schools.

a. Area Requirements

Minimum lot area	10,000 square feet
Minimum lot width	75 feet
Front Yard Setback	25 feet
Side Yard Setback (one)	12 feet
(both)	25 feet
Rear Yard Setback	15 feet
Accessory Building	
Rear Yard Setback	7 feet
Side Yard Setback	7 feet
Maximum Building Coverage	25%
Maximum Building Height	35 feet.

3. Churches and houses of worship, parish houses, and Sunday schools

a. Area requirements

Minimum lot size	10,000 square feet
Minimum lot width	75 feet
Front setback	25 feet
Side yard (one)	12 feet
(both)	25 feet
Rear yard	15 feet

Accessory Building	
Rear	7 feet
Side	7 feet
Percent Maximum lot coverage	25 percent
Maximum height	35 feet

b. Parking Requirements

(1) One (1) parking space for every two hundred (200) square feet of office space.

(2) Churches and houses of worship, parish houses and Sunday schools, see Section 18-905.

c. Signs.

One (1) non-flashing sign to identify a permitted professional office which does not exceed twenty (20) square feet on any one side. This sign may be freestanding or may be attached to the building and may be indirectly illuminated.

d. Other Requirements.

(1) All parking areas shall have a five (5) foot solid buffer area if the adjacent property is residential.

(2) Site plan approval shall be required as set forth in Article VI.

(3) Additional regulations pertaining to churches and houses of worship see Section 18-905.

L. Single Family Residential (R-10A)

1. Permitted Uses:

   a. Single-family detached housing.

   b. Two-family and duplex housing.

   c. Places of worship including parish houses and classrooms (See Section 18-905 for regulations in addition to subsection 5 below.)

   d. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses: (See Article X)

   a. Public buildings of a governmental or cultural nature but not including warehouse and workshops.

3. Accessory Uses:

   a. Private residential garages.

   b. Sheds.

   c. Greenhouses.

   d. Private swimming pools.

   e. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

      (1) The home occupation may not employ more than two (2) people at any one time who are not a member of the household residing in the dwelling.

      (2) The home occupation shall primarily be conducted in a manner that does not bring more than one (1) client at a time to the premises.

(3) The residential character of the exterior of the structure appearance shall not be compromised.

(4) Not more than twenty-five (25%) percent of the total floor area of the dwelling may be devoted to the home occupation use.

(5) There shall be no outdoor storage or display of materials, products or equipment.

(6) One (1) off-street parking space must be provided in addition to those required for the dwelling if a nonresident person is employed in conjunction with the home occupation use.

(7) Deliveries are permitted by way of UPS, FedEx or other similar agencies.

4. Design Regulations – For all uses except for places of worship.

a. Minimum Lot Area – 10,000 square feet.

b. Minimum Lot width – 75 feet.

c. Front Yard Setback – 30 feet.

d. Rear Yard Setback – 20 feet.

e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

f. Accessory Building.

(1) Side Yard Setback – 10 feet.

(2) Rear Yard Setback – 10 feet.

g. Maximum Building Coverage – 30%

h. Maximum Building Height – 35 feet.

5. Design Regulations – Places of Worship:

   a. Minimum Lot Area – 10,000 square feet.

   b. Minimum Lot Width – 75 feet.

   c. Front Yard Setback – 30 feet.

   d. Rear Yard Setback – 20 feet.

   e. Side Yard Setback – 10 feet with an aggregate of 25 feet.

   f. Maximum Building Coverage – 25%.

6. Reduction in Lot Area for Recreation Purposes: In any residential subdivision in the R-10A District, the minimum lot area and width requirements may be reduced in accordance with the standards and requirements specified in Section 18-908.

(Ord. No. 2009-53 §§ 1, 2; Ord. No. 2010-22 § 1; Ord. No. 2010-78; Ord. No. 2013-58 § 2; Ord. No. 2013-79 §§ 1–5)

18-903 Non-Residential Zoning Districts

A. Neighborhood Business Zone (B-1)

1. Permitted Uses:

   a. All uses permitted in the RM zoning district.

   b. Retail activities of and similar to the following types may be permitted:

      (1) Grocery and food stores.

      (2) Drug and Pharmaceuticals.

      (3) Confectionery.

      (4) Hardware and Paint Stores.

      (5) Periodical and Newspaper Stores.

c. Service activities of and similar to the following types may be permitted:

(1) Barber and Beauty Shops.

(2) Tailor and dressmakers.

(3) Dry cleaning collection but not processing.

(4) Shoe repair.

(5) Self-service laundry facilities.

(6) Radio and television services.

(7) Banks.

(8) Theaters - except for open air theaters.

(9) Upholstery shops.

(10) Professional offices

(11) Offices, restaurants and similar services.

(12) Bus passenger stations, terminal, railroad stations and taxi stands.

(13) Funeral Parlors.

(14) Telephone exchanges, telecommunication, telegraph and express offices.

(15) Car and van rental agencies including an office and parking areas for rental vehicles; subject to the limitation of one (1) rental vehicle per parking space. Two (2) parking spaces required for the office and one (1) parking space for each rental vehicle. All rental vehicles must be parked in designated parking spaces. Parking lots to conform to the requirements of Section 18-807 except for Section 18-807B. which shall not apply to a car and van rental agency in any zone.

(16) Parking lots.

2. Combined Business and Residential Uses subject to paragraph 6, below.

3. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

4. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

5. Conditional Uses (See Article X)

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Public garages

c. Service Stations.

d. Townhouses.

e. Digital billboards.

6. Design Regulations (Non-Residential):

a. Front Yard Setback – 15 feet.

b. Rear Yard Setback – 10 feet.

c. Side Yard Setback – 7 feet with an aggregate of 15 feet. A side yard setback is not required between two business uses.

d. Maximum Building Height – 35 feet.

e. Accessory Uses - Not to be located within a front yard. A 5 foot side and rear yard setback is required.

7. Design Regulations (Single-Family and Two-Family):

a. Minimum Lot Area – 7,500 square feet for single family and 10,000 square feet for two family structures.

b. Minimum Lot Width – 50 feet.

c. Front Yard Setback – 25 feet.

d. Rear Yard Setback – 15 feet.

e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

f. Accessory Building:

(1) Side Yard Setback – 7 feet.

(2) Rear Yard Setback – 7 feet.

g. Maximum Building Coverage – 30%.

h. Maximum Building Height – 35 feet.

8. Design Regulations (Multi-Family Dwellings):

a. Minimum Lot Area - 12,500 square feet.

b. Minimum Lot Width - 100 feet.

c. Maximum Building Coverage - 40%

d. Front Yard Setback - 20 feet.

e. Rear Yard Setback - 20 feet.

f. Side Yard Setback (Each) - 20 feet.

g. Maximum Density - 22 dwelling units per gross acre.

h. Maximum Building Height - 65 feet.

9. Design Regulations (Combined Business and Residential Uses):

a. Minimum Lot Area – 7,500 square feet.

b. Minimum Lot Width – 50 feet.

c. Front Yard Setback – 15 feet.

d. Rear Yard Setback – 15 feet.

e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

f. Accessory Building:

(1) Side Yard Setback – 7 feet.

(2) Rear Yard Setback – 7 feet.

g. Maximum Building Coverage – 30%.

h. Maximum Building Height – 35 feet.

B. Central Business Zone (B-2)

1. Permitted Uses:

a. All uses permitted in Zone B-1 and R-M zones. Notwithstanding anything contained herein to the contrary, combined business and residential uses are not to be considered as multi-family dwelling structures for the purposes of this section. Combined business and residential uses are hereby expressly prohibited in all B-2 zones within the Township of Lakewood.

b. Stores and shops for the conducting of any customary retail or service establishment.

c. Baking, laundry, printing, upholstering and similar establishments and businesses of a similar and no more objectionable character, subject to the following provisions:

(1) All goods or products, manufactured or processed shall be sold on the premises.

(2) All manufacturing or processing shall be done on the premises.

d. Banks (except drive-in facilities), theaters (except open air), offices, restaurants and similar services.

e. Bowling alleys.

f. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

g. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X):

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Public garages.

c. Service Stations.

d. Townhouses.

3. Design Regulations (Non-Residential):

a. Rear Yard Setback – 10 feet.

b. Side Yard Setback – 7 feet with an aggregate of 15 feet. A side yard setback is not required between two business uses.

c. Maximum Building Height – 65 feet.

d. Accessory Uses - Not to be located within a front yard. A 5 foot side and rear yard setback is required.

4. Design Regulations (Single-Family and Two Family):

a. Minimum Lot Area – 7,500 square feet for single family and 10,000 square feet for two family structures.

b. Minimum Lot Width – 50 feet.

c. Front Yard Setback – 25 feet.

d. Rear Yard Setback – 15 feet.

e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

f. Accessory Building:

(1) Side Yard Setback – 7 feet.

(2) Rear Yard Setback – 7 feet.

g. Maximum Building Coverage – 30%.

h. Maximum Building Height – 35 feet.

5. Design Regulations (Multi-Family Dwellings):

a. Minimum Lot Area - 12,500 square feet.

b. Minimum Lot Width - 100 feet.

c. Maximum Lot Coverage - 40%

d. Front Yard Setback - 20 feet.

e. Rear Yard Setback - 20 feet.

f. Side Yard Setback (Each) - 20 feet.

g. Maximum Density - 22 dwelling units per gross acre.

h. Maximum Building Height - 65 feet.

C. Highway Business Zone (B-3)

1. Permitted Uses

a. All principal uses permitted in the B-1 district, except multi-family dwellings.

b. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

c. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

d. Community-based health care facility, so long as the site has frontage on a state highway or county road.

2. Conditional Uses (See Article X)

   a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

   b. Motels.

   c. Townhouses.

   d. Digital billboards.

3. Design Regulations:

   a. Minimum Lot Area – 20,000 square feet.

   b. Minimum Lot Width – 150 feet.

   c. Front Yard Setback – 50 feet.

   d. Rear Yard Setback – 30 feet.

   e. Side Yard Setback – 30 feet with an aggregate of 60 feet.

   f. Maximum Building Coverage – 25%.

   g. Maximum Building Height – 45 feet.

4. Combined Business and Residential uses shall comply with paragraph 3 above.

D. Wholesale Service Zone (B-4)

1. Permitted Uses:

   a. All principal uses permitted in the B-3 district, excluding multi-family residential.

   b. Lumber, coal, grain and feed storage yards.

   c. Wholesale, storage and warehousing facilities.

d. Cold storage, ice manufacturing and storage.

e. New or used car lots.

f. Baking, laundry, printing, upholstering, grain and feed processing and similar establishments, and business of a similar and no more objectionable character.

g. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

h. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.

b. Townhouses.

c. Digital billboards.

3. Design Regulations:

a. Minimum Lot Area – 20,000 square feet.

b. Minimum Lot Width – 100 feet.

c. Front Yard Setback – 25 feet.

d. Rear Yard Setback – 30 feet.

e. Side Yard Setback – 10 feet with an aggregate of 20 feet.

f. Maximum Building Height – 45 feet.

4. Design Regulations (Single-Family and Two-Family):

   a. Minimum Lot Area – 7,500 square feet for single family and 10,000 square feet for two family structures.

   b. Minimum Lot Width – 50 feet.

   c. Front Yard Setback – 25 feet.

   d. Rear Yard Setback – 15 feet.

   e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

   f. Accessory Building:

      (1) Side Yard Setback – 7 feet.

      (2) Rear Yard Setback – 7 feet.

   g. Maximum Building Coverage – 30%.

   h. Maximum Building Height – 35 feet.

E. Highway Development Zone (B-5)

1. Permitted Uses:

   a. Office buildings for professional, executive, engineering or administrative purposes, including accounting and sale functions.

   b. Retail Stores and Shops.

   c. Indoor theaters, assembly halls, bowling alleys and similar public recreational uses.

   d. Restaurants, cafes and similar non-"drive-in" eating establishments.

   e. Motels.

f. New motor vehicle salesrooms.

g. Wholesale business and distributors.

h. Research and testing laboratories.

i. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

j. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X):

a. Shopping Centers.

b. Congregate or Assisted Living and Nursing Care.

c. Commercial office parks.

d. Age-restricted Multifamily Housing, which may include two (2) family and duplex housing.

e. Mixed-Use Mid-Rise Development.

f. Mixed-Use Townhouse Development.

g. Mixed-Use Multifamily Development.

h. Mixed-Use Development.

3. Design Regulations:

a. Minimum Lot Area – 2 acres.

b. Minimum Lot Width – 200 feet.

c. Front Yard Setback – 100 feet.

d. Rear Yard Setback – 50 feet.

e. Side Yard Setback – 50 feet with an aggregate of 100 feet.

f. Maximum Building Coverage – 30%.

g. Maximum Lot Coverage - 90%.

h. Maximum Building Height – 50 feet.

F. Highway Development Zone (B-5A)

1. Permitted Uses:

a. All uses permitted in the B-5 zone.

b. Multifamily residential, which may include two (2) family and duplex housing.

2. Design Regulations:

a. Multifamily dwellings shall be permitted in accordance with the standards set for multifamily dwellings located in the B-2 zone as to all criteria, except density. Maximum density for multi-family dwellings shall be limited to seventeen (17) units per acre.

b. All other permitted uses shall comply with the standards of the B-5 zone.

G. Highway Development Zone (HD-6)

1. Permitted Uses:

a. Hotels and Motels.

b. Professional Occupations including the office of a physician, surgeon, dentist, minister, architect, engineer, attorney or other member of a recognized profession.

c. The studio of a teacher of music, dancing or art.

d. The studio of a photographer.

e. The office of an insurance agent, real estate broker, accountant or other bookkeeper.

f. Undertaking establishments.

g. Buildings used for administrative purposes only by the federal, state, county or local government for public purposes.

h. Public utility structures, but not including storage and maintenance uses and garages.

i. Offices including banks, savings and loan, finance companies, insurance, brokerage, medical and dental, legal, accounting, architectural, engineering and general.

j. Clubs, lodges and association buildings, meeting rooms and halls.

k. Public recreational and community center buildings and grounds.

l. Public libraries and museums.

m. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

n. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

o. Parking lots.

2. Conditional Uses. (See Article X) In addition to the conditional use standards provided in Article X any residential use permitted as a conditional use in the HD-6 Zone district shall be subject to the following: For that portion of State Highway Route 9 south of its intersection with Central Avenue, the property line and boundary of any residential yard, lot or tract of a residential use or residential building shall be located 200 feet or more from the right-of-way boundary of Route 9/River Avenue.

a. Hospitals.

b. Townhouses.

c. Two-family dwellings.

d. Duplexes.

e. Digital billboards.

3. Design Regulations:

a. Minimum Lot Area – 10,000 square feet.

b. Minimum Lot Frontage – 75 feet.

c. Front Yard Setback – 50 feet except as follows:

(1) Residential development fronting on a State highway shall provide a minimum front yard setback of 100 feet.

(2) Non-residential development fronting on a State highway shall provide a minimum front yard setback of 150 feet.

d. Rear Yard Setback – 30 feet.

e. Side Yard Setback – 15 feet with an aggregate of 35 feet.

f. Accessory Structures:

(1) Rear Yard Setback - 10 feet.

(2) Side Yard Setback - 7 feet.

g. Maximum Building Coverage – 30%.

h. Maximum Building Height – 40 feet.

4. Landscaping and Buffering shall be provided for all development in accordance with the requirements of Section 18-803 of this chapter.

5. There shall be no more than one (1) driveway per each 100 feet of street frontage.

H. Highway Development Zone (HD-7)

1. Permitted Uses:

a. All principal uses permitted in the HD-6 district.

b. Retail business establishments such as but not limited to the following:

(1) Stores selling groceries, meats, poultry, baked goods, and other such items.

(2) Drug and pharmaceutical stores.

(3) Hardware, dry goods, and household supply stores.

(4) Packaged liquor stores.

(5) Flower shops.

(6) Luncheonettes and confectionery stores.

(7) Haberdashery, dress goods and notions.

c. Personal service establishments such as but not limited to the following:

(1) Barber and beauty shops.

(2) Tailoring and dressmaking shops employing not more than three (3) persons.

(3) Dry cleaning and laundry collection.

(4) Shoe repair shops

(5) Appliance repair shops.

d. Restaurants and lunchrooms.

e. Service organizations, theater, bowling alleys and other forms of commercial recreation, provided that they are carried on entirely within an enclosed building.

f. Automobile sales rooms.

g. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

h. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses. (See Article X) In addition to the conditional use standards provided in Article X any residential use permitted as a conditional use in the HD-7 Zone district shall be subject to the following: For that portion of State Highway Route 9 south of its intersection with Central Avenue, the property line and boundary of any residential yard, lot or tract of a residential use or residential building shall be located 200 feet or more from the right-of-way boundary of Route 9/River Avenue.

a. Hospitals.

b. Townhouses.

c. Two-family dwellings as defined in 18-1010.A.3

d. Digital billboards.

3. Design Regulations:

a. Minimum Lot Area – 1 acre.

b. Minimum Lot Frontage – 150 feet.

c. Front Yard Setback – 50 feet except as follows:

(1) Residential development fronting on a State highway shall provide a minimum front yard setback of 75 feet.

(2) Non-residential development fronting on a State highway shall provide a minimum front yard setback of 75 feet.

d. Rear Yard Setback – 50 feet.

e. Side Yard Setback – 30 feet.

f. Accessory Structures:

(1) Rear Yard Setback - 30 feet.

(2) Side Yard Setback - 30 feet.

g. Maximum Building Coverage – 30%.

h. Maximum Building Height – 65 feet.

i. Minimum Floor Area - 2,500 square feet.

4. Landscaping and Buffering shall be provided for all development in accordance with the requirements of Section 18-803 of this chapter.

5. There shall be no more than one driveway per each 100 feet of street frontage.

6. Parking shall be permitted in the required front yard setback for both residential and nonresidential development, provided no parking shall be less than 65 feet from the centerline of a State highway.

I. Residential Office Park (ROP)

1. Permitted Uses:

a. Professional Offices including:

(1) Attorneys.

(2) Accountants and certified public accountants.

(3) Architects, engineers and land surveyors.

(4) Chiropodists and chiropractors.

(5) Dentists.

(6) Medical doctors.

(7) Real Estate and Insurance Brokers.

(8) Stockbrokers.

(9) Optometrists, oculists, and osteopaths.

(10) Psychologists.

(11) Marriage counselors licensed by the State of New Jersey.

(12) Executive offices, where no product will be displayed for sale.

(13) Other similar professional offices.

b. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

c. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

d. Single-family detached dwellings.

e. Multi-family housing in accordance with the design regulations of the R-M District as specified in Section 902.H.4.b.

f. Townhouses (not withstanding the definition of townhouse in this chapter, for the purposes of this Section, any townhouse with a basement should be considered two (2) units.)

g. Banks, including drive-in facilities.

h. Duplexes.

2. Design Regulations (all uses except Multi-family Residential and Duplexes):

   a. Minimum Lot Area – 10,000 square feet.

   b. Minimum Lot Width – 75 feet.

   c. Front Yard Setback – 25 feet.

   d. Rear Yard Setback – 15 feet.

   e. Side Yard Setback – 12 feet with an aggregate of 25 feet.

   f. Maximum Building Coverage – 25%.

   g. Maximum Building Height - 35 feet.

   h. Accessory Building:

      (1) Rear Yard Setback - 7 feet.

      (2) Side Yard Setback - 7 feet.

3. Design Regulations Duplexes:

   a. Minimum Lot Size – 10,000 square feet.

   b. Minimum lot size for newly created lots shall be 10,000 square feet and have a minimum lot width of 60 feet.

   c. Front Yard Setback – 25 feet, except any development along a State Highway shall provide a minimum front yard setback of 75 feet.

   d. Rear Yard Setback – 15 feet.

   e. Side Yard Setback – 7 feet with an aggregate of 15 feet.

   f. Maximum Building Coverage – 30%.

   g. Maximum Building Height – 35 feet.

J. Crystal Lake Preserve (CLP)

1. Permitted Uses:

   a. Single-Family Residential Dwellings.

   b. Public Open Space and Parks.

2. Design Regulations:

   a. Minimum Lot Size - 3 acres.

   b. Lot Width - 200 feet.

   c. Front Yard Setback - 50 feet.

   d. Side Yard Setback - 15 feet with an aggregate of 40 feet.

   e. Rear Yard Setback - 20 feet.

   f. Maximum Building Coverage - 10%.

   g. Maximum Building Height - 30 feet.

   h. Accessory Building:

      (1) Side yard - 10 feet.

      (2) Rear yard - 10 feet.

K. Airport Hazard Zone (AHZ)

1. Establishment of Code. A code establishing minimum standards for the control of airport and aeronautical hazards, and standards for land use adjacent to airports is hereby adopted pursuant to N.J.A.C. 16:62.

2. Title of Code. The code established and adopted by this chapter is described and commonly known as "The Air Safety and Hazardous Zoning Act of 1983," P.L. 1983, c.260.

3. Public Record. Three (3) copies of the Air Safety and Hazardous Zoning Act of 1983 (1983) have been placed on file in the offices of the

Township Clerk, and the Secretary of the Zoning Board, and will remain on file in said offices for use of and examination by the public.

4. The enforcing authority for the Air Safety and Hazardous Zoning Act shall be the Township Zoning Officer and other such officials designated by the Township Committee.

L. Cedarbridge Redevelopment Area (DA-1)

1. Permitted Uses:

   a. Corporate offices and administrative buildings.

   b. Commercial office parks.

   c. Business Parks.

   d. Professional offices including physicians, attorneys, engineers, accountants, etc.

   e. Medical laboratories.

   f. Pharmaceutical laboratories and research facilities.

   g. High technology industry offices, and research and development facilities.

   h. Engineering offices and laboratories.

   i. Computer service centers.

   j. Hotels and/or conference centers.

   k. Public buildings of a governmental or cultural nature for office or research use.

   l. Public libraries and museums.

   m. Public utility uses.

   n. Public sports facilities.

   o. Parking garages.

q. Banks and other financial lending institutions.

r. Day care facilities.

s. Fitness centers.

t. Training centers, the center is used exclusively for training and is accessory to the principal use of the office park.

u. Restaurants and/or employee cafeterias.

v. Satellite dish and television antennae

w. Communication towers

x. Maintenance buildings

y. Retail and personal service activities that are incidental to the principal use.

2. Permitted Accessory Uses

a. Off-street parking.

b. Fences and walls.

c. Signs.

d. Public Utility uses.

3. Off-street parking

a. Office uses, one (1) space for every two hundred and fifty (250) square feet of floor area (4/1,000sq.ft.).

b. Research and laboratory uses, one (1) space for every four hundred (400) square feet of floor area (2.5/1,000 sq. ft.).

c. Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet in accordance with CAFRA regulations governing the land in the RM zone.

d. Accessible parking shall comply with the New Jersey Barrier Free Subcode (cite N.J.A.C. 5:23-7.1 to 31).

4. Off-street loading and unloading

a. Applicability to existing a new and expanded uses. The applicability of the loading regulations established by this subsection shall apply to all uses within the zone.

b. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any front yard.

c. No required loading space shall be less than twelve (12) feet in width or thirty-five (35) feet in length or have vertical clearance of less than ten (10) feet.

d. Loading spaces shall be provided in sufficient number and of sufficient size so that no loading or unloading operation infringes upon any street, sidewalk or public property. In no event shall the number of loading spaces provided be less than that determined on the following schedule of required off-street loading spaces, except in the case of demonstrated hardship, the Planning Board may grant a variance from loading requirements, provided that an approved plan for delivery truck operations, including but not limited to hours and staging of operation, is attached to such variance.

Schedule of Off-Street Loading Requirements	
Gross Floor Area (sq. ft.)	**Number of Loading Spaces**
10,000 to 99,000	1
100,000 to 149,999	2
150,000 to 399,999	3
400,000 to 649,999	4
650,000 to 949,999	5

Schedule of Off-Street Loading Requirements—Cont.	
Gross Floor Area (sq. ft.)	**Number of Loading Spaces**
950,000 to 1,500,000	6
For each additional 350,000	1

5. General provisions

   a. More than one (1) principal building shall be permitted on a lot.

   b. Landscape and buffer areas shall be provided pursuant to Section 18-803 of this chapter.

6. Area, yard and density requirements

a.	Minimum lot area	3 acres
b.	Minimum lot frontage	300 feet
c.	Maximum building coverage	40%
d.	Maximum impervious coverage	80% of the applicable coverage requirements as identified within N.J.A.C.7:7E et seq., whichever is less.
e.	Maximum building height	75 feet exclusive of mechanical equipment and penthouses which may be up to an additional 15 feet.

7. Principal building and yard requirements

a.	Front yard	50 feet.
b.	Side yard	30 feet.
c.	Side yard aggregate	70 feet.
d.	Rear yard	30 feet.

8. Accessory building yard requirements

a.	Front yard	50 feet.
b.	Side yard	10 feet.
c.	Rear yard	10 feet.

9. Parking Setbacks

a.	Front yard	50 feet.
b.	Side yard	20 feet.
c.	Rear yard	20 feet.
d.	Pine Street buffer	50 feet.

M. Industrial Zone (M-1)

1. Permitted Uses

a. Research and development.

b. Lumber yards and other similar establishments for the bulk storage of building materials, plumbing and electrical supplies or electrical or home appliances.

c. Warehouses and terminal facilities.

d. Manufacturing, compounding, processing, packaging or treatment of beverages, food, candy, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, plastics, toilet articles and similar products.

e. Metal works or machine shops, welding shops, excluding drop hammers.

f. Airports.

g. Laundry, cleaning and dyeing works, carpet and rug cleaning.

h. Public utility uses such as public utility repair and maintenance yards, storage facilities, depots, stations, classification yards, road houses, and plants for the production of energy, other than those which use atomic energy.

i. Printing, photographic reproduction or the manufacture of equipment or supplies therefore.

j. Automobile assembly plants.

k. Metallurgical processes and/or precious metal recycling and manufacturing.

l. Manufacture or assembly of:

(1) Aluminum or aluminum alloy products or equipment.

(2) Vending machines.

(3) Wood products, furniture, or cabinets.

(4) Cartons, glass containers, wooden or metal containers.

(5) Novelties, toys and paper products of all kinds.

(6) Aviation equipment, accessories or aircraft control equipment.

(7) Electronics equipment, electronics parts, components or electrical machinery and equipment, except wherein atomic or radioactive power or materials is used in the manufacturing process.

(8) Radio, telephone, or other communication equipment or parts thereof.

(9) Pools, playground equipment, athletic equipment, and all types of sporting goods including firearms.

(10) Restaurant or bar equipment or supplies.

(11) Boats, nautical equipment, diving gear, water sports equipment of all types.

(12) Embroidery, lace, clothing or wearing apparel of all kinds including footwear.

(13) Glassware, cement products, china or tile.

(14) Burial supplies, markers, monuments, vaults, urns or ornamental equipment in connection therewith.

(15) Carpets, rugs, drapes, textiles or synthetic tiles.

(16) Cotton or wool products or other manufactured fibrous products.

(17) Cosmetics, ointments, beauty products or creams.

(18) Optical instruments or supplies.

(19) Musical instruments or supplies.

(20) Doors, windows, and sash or trim for building construction.

(21) Elevators or elevator equipment.

(22) Poultry feed or poultry equipment or supplies

(23) Lamps and electrical fixtures of all kinds.

(24) Clocks and timepieces.

(25) Plumbing, heating or air conditioning supplies or equipment.

(26) Electrical power tools.

m. Quasi-public and private educational facilities.

n. Publishing companies.

o. Office buildings.

p. Bottling plants.

q. Cold storage warehouses.

r. Hotels and motels.

s. Enameling or electroplating.

t. Facilities for on-site provision of health and human services, including spas, gyms, health clubs and like facilities.

u. The finishing or assembling of articles made from previously prepared or refined materials, such as bone, cellulose, cork, feather, canvas, cloth, fiber, fur, glass, plastics, guns, textiles, leaf products, wax, and wood.

v. Scientific or research laboratories devoted to research, design, or experimentation and processing and fabricating incidental thereto.

w. Restaurants.

x. United States governmental postal services, all phases.

y. Telephone and telegraph companies including ancillary offices.

z. Manufacture of chemicals and chemical products when such manufactured products are manufactured under control so as to assure against poisonous or unstable or hazardous chemicals or components kept or used in such manner as may tend to create a public nuisance or danger or tend to start a conflagration.

2. Additional Permitted Uses

a. Offices and Administrative buildings situated on the site of any industrial use above set forth in connection with the operation of or the administration of the permitted use.

b. Residential apartments or dwellings for the occupancy of guards, watchmen or other plant or factory personnel that must be in residence on the premises for the maintenance and protection or administration of the principal use. No more than one such apartment or dwelling shall be permitted. Provided, however, that such facilities shall not be utilized by or for general workers,

administrative or executive personnel, or for any residential use not related to the maintenance, protection, or administration of the principal permitted use.

c. Showroom or retail sales departments for the exhibition or retail sale of products manufactured by the principal use on the premises.

d. Restaurant and kitchen facilities for the use of plant personnel and business invitees with no outside advertising of such facilities to the public.

e. Advertising signs advertising the principal use subject to the restrictions otherwise set forth in the zoning ordinances of the Township for advertising signs.

f. Garages and maintenance shops for vehicles used in connection with the operation of the principal use.

g. Loading platforms, railroad sidings or other depots used in connection with the operation of the principal use.

h. Radio towers or other electronic transmissions or reception devices necessary in connection with the operation of the principal use subject to the height limitations on structures in the industrial zone.

i. Executive offices as headquarters for principal use.

j. Outdoor storage areas as an ancillary use to a principal permitted use provided that adequate provisions are made for screening, lighting and security, where necessary.

k. Wireless telecommunications towers and antennas, subject to the special requirements detailed in Section 1012.

3. Conditional Uses.

In addition to the above described permitted uses there may be permitted in the industrial zone such uses of a general industrial nature or necessary accessories to any one of the above described permitted uses upon obtaining a conditional use permit from the Zoning Board of

Adjustment after study and favorable referral to the Zoning Board by the Planning Board subject to the following regulations.

a. No danger to life, limb or property is created beyond the limits of the lot.

b. No objectionable noise, smell, smoke, dust, gas, glare or effluent is emitted which may adversely affect or impair the normal use of any property, structure or dwelling located in any residential, rural or business zone.

c. No untreated liquid, effluent or soluble solid shall be disposed of in such manner that subsurface water supplies shall be rendered unfit for potable or recreational purposes. Such proof may include:

(1) Site plans and architectural drawings showing the type and location of all buildings, structures, parking and loading facilities on the lot.

(2) Engineering drawings and specifications which will adequately describe the operations to be carried on, the means and devices to be used to preserve health and safety.

(3) Descriptions of the products to be manufactured or processed and the control of effluents incidental thereto.

(4) Sworn statements by the owner, developer, designer or other agent to the effect that no danger, hazard or nuisance will be created beyond the boundaries of the lot.

(5) Any change in use of manufacturing process within an approved heavy industrial operation shall require reapplication and study of the use permit.

d. Automobile Repair Services.

e. Digital billboards.

4. Requirements. Any permitted industrial use shall:

   a. Dispose of its liquid wastes and effluents into an approved existing sewage treatment plant in accordance with that plant's regulations or shall treat its own liquid wastes and effluents in a treatment plant or process which is in compliance with the State Statutes and with the requirements of the State Department of Health.

b. Comply with the State Statutes and requirements of the State Department of Labor and Industry with regard to the health of the workers, proper precautions against fire hazards, proper handling and storage of materials and structural design.

c. Design and plan its buildings, facilities, operations, and processes so that noises and glares generated by the use will not violate the conditions which permit the use.

d. Submit in triplicate the Township's atmospheric pollution forms when applying for a building permit.

5. Prohibited Uses

a. All uses in the industrial zone are prohibited other than those uses specified as permitted uses or as may be granted by special permit pursuant to the conditions and requirements heretofore set forth concerning permitted uses and special permits in the industrial zone.

b. Under no circumstances shall the following uses be permitted. The slaughtering of animals, rendering of fats and oils, the commercial disposal of domestic refuse or the dumping of garbage, trash or incinerated material, the dumping of waste materials from cesspools or other sewerage disposal installations, the manufacture or storage of high explosives, refining or storage of gasoline and fuel, oil, except for local retail consumption, the manufacture or processing of fertilizer, manufacture or refining of asphalt, manufacture of or processing of cork, manufacture of rubber, manufacture of linoleum or oil cloth, manufacture of glue or gelatin, tanning and curing of hides or skin, manufacture of paint or varnish, manufacture of oil, the processing, sale, storage or reclamation of junk of all kinds including automobile wrecking and storage, excavation of sand or gravel or other natural mineral deposits, any manufacturing process requiring the use of machinery or power plants operated by or with atomic energy or fissionable materials, the dumping of atomic waste materials, any industry requiring the use of radioactive materials; manufacture of ink, fireworks, manufacture of any product containing extremely poisonous or unstable or hazardous chemicals or components, such as may tend to create a public nuisance or danger or tend to start a conflagration, fish processing, manufacture of lime or cement,

manufacture or processing of gypsum or plaster except that cement, lime, gypsum or plaster may be used in their finished form as a material in the manufacture of other items.

c. No industrial use or manufacturing use in the industrial zone shall be permitted which requires the emission of smoke, dust, fumes, odors or noise in such quantities or in such manner as to interfere with or be dangerous to the health, welfare and safety of the adjoining properties or the general public situated in or using the industrial zone or the facilities situated therein.

6. Off-Street Parking

a. For industrial buildings having less than twenty thousand (20,000) square feet floor area, one (1) parking space shall be provided for each employee on the maximum work shift plus five (5) spaces for executives.

b. For industrial buildings having twenty thousand (20,000) square feet floor area to fifty thousand (50,000) square feet floor area, one (1) parking space for each employee on the maximum work shift plus ten (10) for executives.

c. For industrial buildings having over fifty thousand (50,000) square feet floor area, one (1) parking space shall be provided for each employee on the maximum work shift plus twenty (20) for executives.

d. Adequate land area for the off-street parking requirements must be provided by any industry in the Township. The land area of a tract on which the industry is located may be used for such parking area, except those portions thereof required for setback and those areas otherwise designated on the site plan of the industrial building as reserved for planting, screening or other specified uses inconsistent with the use as a parking area. In addition to the required parking, the industrial use must provide adequate loading and unloading areas off-street on the industrial lands of the owner to accommodate such loading and unloading of vehicles as shall be necessary for the services to and from the industry situated on the lands.

e. No on the street parking for unloading, loading or employee parking shall be permitted in the industrial zones.

f. A developer of an industrial plant consisting of more than one industry situated on a tract of land under one ownership shall provide the same total off-street parking for the total of the industry situated thereon as would otherwise be required were all of the industrial buildings under single management. The industrial park owner must therefore make completely adequate provisions for off-street parking of the tenants in his industrial park according to the number of employees and each leasehold area on which a plant is situated in the industrial park shall provide the necessary number of off-street parking spaces to accommodate the total maximum work shift plus the necessary executives requirements as though the plant were under individual ownership, as well as necessary loading and unloading areas.

g. For all uses listed in subsection 18-903M1 and 2, one (1) parking space for every four hundred (400) square feet of floor space or one (1) for each employee whichever is greater.

7. Design Regulations

a.	Minimum Lot Area	3 acres
b.	Minimum Lot Width	300 feet
c.	Front Yard Setback	50/100 feet
d.	Rear Yard Setback	30 feet
e.	Side Yard Setback	30 feet with an aggregate of 70 feet
f.	Maximum Building Coverage	40%
g.	Maximum Building Height	65 feet
h.	Accessory Building	
	(1) Rear Yard Setback	10 feet
	(2) Side Yard Setback	10 feet

N. Industrial Zone (M-2)

1. Permitted Uses

   a. All uses permitted in the M-1 Zone;

   b. Residential developments provided that the residential development shall encompass an integrated overall development plan and shall comply with the following standards:

      (1) The minimum area to be developed shall not be less than 25 acres;

      (2) The maximum number of residential units to be permitted in the M-2 Zone shall not exceed 175;

      (3) The residential units shall be either single family detached dwellings or townhouse units of some combination thereof and shall not exceed two (2) stories;

      (4) Not less than one-half (1/2) of the total number of units developed shall be age-restricted units complying with the provisions of the Fair Housing Act;

      (5) Minimum lot area for corner lots shall be 5000 sq. ft.;

      (6) Minimum lot area for interior lots shall be 3,600 sq. ft.;

      (7) Minimum lot frontage for corner lots shall be 50 feet;

      (8) Minimum lot frontage for interior lots shall be 36 feet;

      (9) Minimum lot depth shall be 95 feet;

      (10) Minimum front yard 5 feet;

      (11) Minimum lot width for townhouse lots shall be 24 feet.

2. Minimum Area and Yard Requirements

   a. Area in square feet 2 acres

   b. Lot width in feet 200

c.	Front yard in feet	50/75
d.	Minimum one side yard in feet	30
e.	Both side yards in feet	60
f.	Rear yard in feet	30
g.	Accessory side yard in feet	10
h.	Accessory rear yard in feet	10
i.	Maximum % lot coverage by building	45
j.	Height--In stories	---
k.	Height--In feet (maximum)	65

3. Off-Street Parking Requirements

Off-street parking requirements shall be the same as those listed for the M-1 Zone.

O. Industrial Park Professional Service Zone (PS)

1. Permitted Uses

a. Professional offices.

b. Banks and other financial lending institutions.

c. Doctors, dentists, and other recognized medical practitioners.

d. Medical laboratories.

e. Corporate headquarters.

f. Computer center and similar management offices.

g. Research and development facilities.

h. Warehouses and terminal facilities.

i. Hotels and motels

j. Conference centers.

k. Manufacturing, compounding, processing, packaging, or treatment of beverages, food, candy, cosmetics, dairy products, drugs, ice, perfume, pharmaceuticals, plastics, toilet articles, and similar products.

l. Metal works and machine shops.

m. Airports.

n. Printing, photographic reproduction, or the manufacture of equipment or supplies.

o. Production, processing and packaging of all food products for human consumption, except slaughtering.

p. Manufacture or assembly of:

(1) Aluminum or aluminum alloy products or equipment.

(2) Vending machines.

(3) Wood products, furniture or cabinets.

(4) Cartons, glass containers, wooden or metal containers.

(5) Novelties, toys and paper products of all kinds.

(6) Aviation equipment, accessories, or aircraft control equipment.

(7) Electronics equipment, electronics parts, components, or electrical machinery and equipment except wherein atomic or radioactive materials is used in the manufacturing process.

(8) Radio, telephone or other communication equipment or parts therefore.

(9) Pools, playground equipment, athletic equipment, and all types of sporting good, including firearms.

(10) Restaurant or bar equipment supplies.

(11) Boats, nautical equipment, diving gear, water sports equipment of all types.

(12) Embroidery, lace, clothing, or wearing apparel of all kinds including footwear.

(13) Glassware, cement products, china, tile.

(14) Burial supplies, markers, monuments, vaults, urns, or ornamental equipment in connection thereof.

(15) Carpets, rugs, drapes, textiles, synthetic tiles.

(16) Cotton or wool products or other manufactured fibrous products.

(17) Cosmetics, ointments, beauty products, or creams.

(18) Optical instruments or supplies.

(19) Musical instruments or supplies.

(20) Doors, windows, and sash and trim for building construction.

(21) Elevators and elevator equipment.

(22) Poultry feed or poultry equipment or supplies.

(23) Lamps and electrical fixtures of all kinds.

(24) Clocks and timepieces.

(25) Plumbing, heating, or air-conditioning supplies or equipment.

(26) Electrical power tools.

q. Public and private educational facilities.

r. Warehouse and retail outlets, retail stores and supermarkets.

s. Publishing companies.

t. Office buildings.

u. Bottling plants.

v. Cold storage warehouses.

w. Enameling and electroplating.

x. Facilities for the on-site provision of health and human services including spas, gyms, health clubs and like facilities.

y. The finishing or assembling of articles made from previously prepared and refined materials, such as bone, cellulose, cork, feathers, canvas, cloth, fiber, fur, glass, plastics, guns, textiles, leaf products, wax and wood.

z. Scientific or research laboratories devoted to the research design or experimentation and processing and fabricating incidental thereto.

aa. Restaurants.

bb. United State governmental postal services, all phases.

cc. Telephone and telegraph companies and ancillary offices.

dd. Manufacture of chemicals and chemical products when such manufactured products are manufactured under control so as to assure against poisonous or unstable or hazardous chemicals or components kept or uses in such manner as may tend to create a public nuisance or tend to start a conflagration.

ee. Residential apartments or buildings for the occupancy of guards, watchmen, or other plan or factory personnel that must be in residence on the premises for the maintenance and protection or administration of the principal use.

ff. Showroom or retail sales departments for the exhibition or retail sale of products manufactured by the principal use on the premises.

gg. Restaurant or kitchen facilities for the use of plant personnel and business invitees with no outside advertising of such facilities to the public.

hh. Advertising signs advertising the principal use subject to the restrictions otherwise set forth in the zoning ordinance of the Township for advertising signs.

ii. Garages and maintenance shops for storage of vehicles used in connection with the operation of the principal use.

jj. Loading platforms, railroad sidings, or other depots used in connection with the operation of the principal use.

kk. Radio towers or other electronic transmissions or reception devices necessary in conjunction with the principal use subject to the height limitations on structures of the zone.

ll. Outdoor storage areas as an ancillary use to a principal permitted use.

2. Area, Yard, and Lot Requirements

The area, yard and lot requirements of this zone shall be the same as the M-1 Zone except the percent lot coverage shall be reduced to thirty (30%) percent.

3. Off-Street Parking Requirements

a. Business and professional offices, except as is listed herein, banks and financial lending institutions – one (1) parking space for each four hundred (400) square feet of gross floor area.

b. Doctors, dentists and other recognized medical practitioners – four (4) spaces for each professional person occupying or using each office, plus an additional space for each employee.

The above requirements for off-street parking are minimum requirements and the zoning officer may require additional off-street parking facilities if compliance with the minimum requirements would cause congestion in the streets and create a traffic hazard or would for a special reason be unsafe of dangerous to public health, welfare and safety.

P. Industrial Park Limited Professional Service Zone (LP)

1. Permitted uses

a. Professional offices and office buildings.

b. Banks and other financial lending institutions.

c. Doctors, dentists, and other recognized medical practitioners.

d. Medical laboratories.

e. Assisted living facilities.

f. Nursing homes.

g. Corporate headquarters and executive offices.

h. Hotels and conference centers.

i. Public and private educational facilities.

j. Recreational facilities including ice skating rinks, bowling alleys, and other indoor recreational activities.

k. Facilities for the provision of health and human services including spas, gyms, health clubs and like facilities.

l. Scientific or research laboratories devoted to the research design or experimentation and processing and fabricating incidental thereto.

m. Restaurants.

n. Retail centers, department stores and supermarkets.

2. Area, Yard, and Lot Requirements

The area, yard and lot requirements of this zone shall be the same as the M-1 Zone.

3. Off-Street Parking

Off-street parking requirements shall be in accordance with Section 18-807 entitled, "Off-street Parking Requirements."

Q. Open Space (OS)

1. Permitted Uses:

a. Single Family Residential Dwellings

b. Public Open Space and Parks

2. Design Regulations:

a. Minimum Lot Size - 3 acres.

b. Lot Width - 200 feet.

c. Front Yard Setback - 50 feet.

d. Side Yard Setback - 15 feet with an aggregate of 40 feet.

e. Rear Yard Setback - 20 feet.

f. Maximum Building Coverage - 10%.

g. Maximum Building Height - 30 feet.

h. Accessory Building:

(1) Side yard - 10 feet.

(2) Rear yard - 10 feet.

R. Corporate Campus/Stadium Support Zone (B-6)

1. Permitted Uses:

a. Restaurants, cafes, pubs, sandwich shops, coffee shops and similar eating establishments, with the exception of drive-in/drive-through eating establishments.

b. Retail stores and shops.

c. Personal Services Establishments. Limited specifically to barber and beauty shops, tailors, dry cleaning collections, except processing and shoe repair.

d. Office buildings for professional, executive, engineering or administrative purposes, including accounting and sale functions, provided such uses are located above ground floor.

e. Fire Department facilities.

f. Facilities for the collection, recycling and processing of organic waste into energy.

g. Facilities for the warehouse, packaging and distribution of food products including administrative offices.

h. Residential uses and design standards permitted in the B-1 zoning district, except that no residential building of any type shall be permitted to front on Cedarbridge Avenue or that portion of New Hampshire Avenue that is within 350 feet from the intersection of New Hampshire Avenue and Cedarbridge Avenue.

2. Conditional Uses (See Article X):

   a. Shopping Centers.

   b. Service stations with convenience stores.

3. Design Regulations:

   a. Minimum Lot Area – 2 acres

   b. Minimum Lot Width – 200 feet

   c. Front Yard Setback – 100 feet

   d. Rear Yard Setback – 50 feet

   e. Side Yard Setback – 50 feet with an aggregate of 100 feet

   f. Maximum Building Coverage – 30%

   g. Maximum Lot Coverage – 80%

   h. Maximum Building Height – 50 feet

S. Hospital Support Zone (HS)

1. Permitted Principal Uses:

   a. Hospitals and medical centers.

   b. Physicians and other medical offices.

   c. Clinics and other therapeutic and rehabilitation facilities.

   d. Medical diagnostic offices and laboratories.

   e. Emergency medical service facilities.

f. Pharmacies and other retail establishments for the sale of medical surgical supplies, equipment and clothes or goods and prescription eyeglasses.

g. Nursing homes, assisted living, and extended care facilities.

h. Child care centers.

i. Adult day care centers.

j. Professional, administrative and business offices.

k. Offices including banks, savings and loan, finance companies, insurance, and brokerage companies/firms.

l. Clubs, lodges, and association buildings, meeting rooms and halls.

m. Public recreational and community center buildings and grounds.

n. Buildings used for administrative purposes for Federal, State, County or municipal government for public purposes.

o. Places of worship, including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.

p. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

q. Essential services.

2. Permitted Accessory Uses:

a. Retail trade and services in conjunction with a principal use and provided the floor area of the retail use does not exceed 15% of the ground floor area.

b. Off-street parking.

3. Permitted Conditional Uses: Fueling station and convenience mart.

4. Design Regulations:

a. (1) Minimum Lot Area – One (1) acre

(2) Minimum Lot Frontage – 150 feet

b. (1) Front Yard Setback – 50 feet except that development fronting on State Highway Route 9 (River Avenue) shall provide a minimum front yard setback of 75 feet.

(2) Rear Yard Setback – 50 feet

(3) Side Yard Setback – 30 feet

(4) Accessory Structures:

(a) Rear Yard Setback – 40 feet

(b) Side yard Setback – 20 feet

(c) Maximum Height – 16 feet

(5) Maximum Building Coverage – 30%

(6) Maximum Building Height – 65 feet.

T. Airport Business Commercial Zone

1. Permitted Uses:

a. Corporate headquarters and related offices and administrative buildings;

b. Commercial office parks;

c. Business parks and office buildings;

d. Professional offices for physicians or dentists, so long as such offices are not patient of a healthcare institution providing medical, surgical, psychological care in a facility that operates as a charitable or not for-profit institution;

e. Professional offices for attorneys, engineers, accountants, pharmacists and chemists;

f. Medical laboratories;

g. Pharmaceutical laboratories and research facilities;

h. High technology industry offices, and research and development facilities;

i. Engineering offices and laboratories;

j. Computer service centers and related management offices;

k. Publishing companies;

l. Airports;

m. Retail banking facility provided same in ancillary to a corporate office of a financial lending institution;

n. Hotels;

o. Conference centers;

p. Printing, photographic reproduction, or the manufacture of equipment or supplies related to publishing and communication;

q. Manufacture, assembly compounding, processing, packaging or treatment of:

(1) Novelties, toys and paper products of all kinds;

(2) Aviation equipment, accessories, or aircraft control equipment;

(3) Electronics equipment, electronic parts, components, or electrical machinery and equipment except wherein atomic or radioactive materials are used in the manufacturing process;

(4) Radio, telephone or other communication equipment or parts therefore;

(5) Restaurant or bar equipment;

(6) Embroidery, lace, clothing or wearing apparel of all kinds including footwear;

(7) Glassware, cement products, china, tile;

(8) Carpets, rugs, drapes, textiles, synthetic tiles;

(9) Cotton or wood products or other manufactured fibrous products;

(10) Cosmetics, ointments, beauty products, or creams;

(11) Optical instruments or supplies;

(12) Musical instruments or supplies;

(13) Doors, windows and sash and trim for building construction;

(14) Elevators and elevator equipment;

(15) Lamps and electrical fixtures of all kinds;

(16) Clocks and timepieces;

(17) Plumbing, heating, or air-conditioning supplies or equipment;

(18) Electrical power tools.

r. Warehouse and retail outlets and retail stores; as well as showroom or retail sales departments for the exhibition or retail sale of products manufactured by the principal use on the premises;

s. Bottling plants;

t. Enameling and electroplating;

u. Facilities for the on-site provision of services such as spas and health clubs, provided same are ancillary to a primary permitted use;

v. The finishing or assembling of articles made from previously prepared and refined materials, such as bone, cellulose, cork, feathers, canvas, cloth, fiber, fur, glass, plastics, guns, textiles, leaf products, wax and wood;

w. Restaurants;

x. Communication companies and ancillary offices; and

y. Restaurant or kitchen facilities for the use of plant personnel and business invitees with no outside advertising of such facilities to the public.

2. Permitted Accessory Uses:

a. Off-street parking and loading for the principal use.

b. Use customarily incidental and accessory to a principal permitted use.

3. Design Regulations:

a. Minimum Lot Area – Three (3) acres

b. Minimum Lot Width – 300 feet

c. Front Yard Setback – 50/100 feet

d. Rear Yard Setback – 30 feet

e. Side Yard Setback – 30 feet with an aggregate of 70 feet

f. Accessory Structures:

(1) Rear Yard Setback – 10 feet

(2) Side yard Setback – 10 feet

(3) Maximum Height – 35 feet

g. Maximum Building Coverage – 40%

h. Maximum Building Height – 65 feet

4. Prohibited Uses:

a. All uses in the ABCD zone are prohibited other than those uses specified as permitted uses.

b. Schools, houses of worship, and institutions of higher education. However, if an institution of higher education chooses to sponsor a medical laboratory, high technology industry office, research and development facility, or engineering offices and laboratories, such a use shall be permitted.
(Ord. No. 2005-96 § 3; Ord. No. 2006-3 § 5; Ord. No. 2006-38 §§ 2,3; Ord. No. 2006-39 § 2; Ord. No. 2008-12 § 2; Ord. No. 2009-40 § 2; Ord. No. 2009-45 § 1; Ord. No. 2010-19 § 1; Ord. No. 2018-20 § 1; Ord. No. 2010-29 § 1; Ord. No. 2011-3 § 1; Ord. No. 2011-11 § 1; Ord. No. 2011-17 § 2; Ord. No. 2011-40 § 1; Ord. No. 2012-04 § 2; Ord. No. 2012-52 § 2; Ord. No. 2013-7; Ord. No. 2013-16; Ord. No. 2013-18; Ord. No. 2013-31 § 2; Ord. No. 2013-49; Ord. No. 2013-51 §§ 3-8; Ord. No. 2013-59 § 2; Ord. No. 2013-60 § 2; Ord. No. 2013-74 §§ 1,2)

18-904 Cluster Single-Family Residential Development

A. General Concept. A cluster single-family residential development is a form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

B. Purpose. The purpose of this section is to provide a method of developing single-family detached dwellings, which will preserve desirable open spaces, conservation areas, floodplains, recreation and park areas, and lands for other public purposes by permitting the reduction of lot sizes and certain other regulations hereinafter stated without increasing the number of lots in the total area to be developed.

C. General Requirements:

1. The minimum size of a tract of land proposed for development under the cluster development provisions of this section shall be fifteen (15) acres.

2. The cluster option shall only be permitted in those Residential Zone Districts where cluster single-family residential development is a permitted development option.

3. The density and maximum number of residential building lots under the cluster provision shall be such that the resulting net lot density of the area to be subdivided shall be not greater than the net lot density of the subdivision area without regard to the provisions of this subsection and shall be computed in accordance with the applicable area, yard, and bulk requirements. Applicants shall be required to submit a lot yield plan showing the development of the tract using the conventional zone district requirements and strictly applying all limiting factors. Applicants shall demonstrate that all lots are developable and usable in accordance

with any ordinance provision which may result in the reduction of the lot yield. The number of building lots shown on the lot yield plan shall be the maximum number of lots permitted.

4. Land left as open space may be offered to the Township.

   a. The lands offered to the Township shall meet the following requirements:

      (1) Where possible, open space parcels should be large enough to accommodate active recreation facilities. Lands offered for recreational purposes shall be improved by the developer in a manner consistent with the recreational purpose intended for that particular area of the development in order to qualify the lands for acceptance by the Township. In order to provide continuous jogging and bicycle paths, parcels of open space should be interconnected using the regular sidewalks and/or separate path systems.

      (2) Any land offered to the Township 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. Open space shall be so planned within the development that a close visual and physical relationship between the open space and as many dwelling units as is reasonably possible is created. Open space areas should weave between dwelling units generally respecting a minimum width of fifty (50) feet and periodically widening out into significant and usable recreation areas.

   b. The lands proposed as open spaces shall be subject to review by the Planning Board, which in its review and evaluation of the suitability of such land, shall be guided by the Master Plan of the Township, by the ability to assemble and relate such lands to an overall plan, and by the accessibility and potential utility of such lands. The Planning Board may request an opinion from other public agencies or individuals as to the advisability of the Township's accepting any lands to be offered to the Township.

   c. The parcels of land, whether to be offered to and accepted by the Township or other organization, shall be conveyed by deed

on a pro rata basis, as actual development commences, in accordance with the following schedule:

(1) A conveyance by deed of a parcel equal to twenty-five (25%) percent of the acreage proposed for dedication or conservation and other purposes shall be conveyed to the Township prior to the issuance of certificates of occupancy in a number equal to twenty-five (25%) percent of the total number of dwelling units proposed for the entire tract.

(2) Not less than an additional twenty-five (25%) percent shall be conveyed to the Township upon the issuance of certificates of occupancy equal to fifty (50%) percent of the total number of dwelling units proposed for the entire tract.

18-905 Additional Regulations Pertaining to Places of Worship and Religious Facilities

Residences situated on one lot or site that also has a religious or educational use on the site shall be automatically determined as one of them being an accessory use.

A. Parking Regulations:

1. If the place of worship contains less than eight hundred (800) square feet of main sanctuary space there shall be no requirements for parking, if more than eight hundred (800) square feet, then the following shall be required for main sanctuary space (main sanctuary area shall not include secondary sanctuary space, mikvah, hallways, bathrooms, kitchen, and other ancillary and/or support rooms):

a.	800 to 1999 square feet:	1.0 spaces for every 100 sq. ft.
b.	2000 to 2999 square feet:	1.25 spaces for every 100 sq. ft.
c.	3000+ square feet:	1.50 spaces for every 100 sq. ft.

If a catering facility is also on site, the following shall apply (in addition to required parking for place of worship):

a. 800 SF to 1999 SF: 0.75 parking spaces for every 100 sq. ft.

b. 2000+ SF: 1.0 parking spaces for every 100 sq. ft.

2. No parking area shall be located closer than five (5) feet to any side or rear property line that are adjacent to residential zoned properties. A decorative, solid, six (6) foot fence plus shrubs will be required to hide all parking adjacent to residential properties, unless there is a buffer of greater than twenty (20) feet in which case it shall not require screening.

3. For all religious bathing facilities (mikvah) with less than five (5) changing rooms no parking shall be required. For facilities with five (5) or more changing rooms, there shall be one (1) parking space per changing room.

B. Buffer Requirements:

1. Perimeter Buffer: for properties adjacent to residential properties, if the site leaves a twenty (20) foot undisturbed area then there are no requirements for buffering, if the twenty (20) foot buffer is invaded or disturbed then requirements indicated in Number 3 below shall be put in place along the invaded area.

a. From a nonresidential use or district - 10 feet.

b. From a residential use or district - 20 feet.

2. No parking area shall be located closer than five (5) feet to any side or rear property line that are adjacent to residential zoned properties. Board-on-board fence six (6) feet plus shrubs with a four (4) foot arbor vitae every four (4) feet will be required to hide all parking adjacent to residential properties, unless there is a buffer of greater than twenty (20) feet in which case it shall not require screening

3. A required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. Natural vegetation should be retained to the maximum degree possible. On those sites where no existing vegetation is present or existing vegetation is inadequate to provide screening, the applicant shall suitably grade and plant the required buffer area, such that this planting shall provide an

adequate screen of at least six (6) feet in height so as to continually restrict the view. A minimum on-center distance between plantings shall be such that upon maturity the buffer will create a solid screen. The buffer may be supplemented with a fence of solid material where necessary.

C. Other Site Standards: The front yard, exclusive of walkways, pavilion areas, or driveways, shall be landscaped with grass, trees, shrubs, groundcover, flowers, existing vegetation, or any suitable combination thereof. Plantings shall conform, however, to restrictions on corner lot placement, in order to protect visibility.

D. Curb Cuts shall be provided in a manner that is consistent with safe traffic flow, avoiding excessive proximity to intersections and other hazardous situations. Curb cuts shall be minimal in number, with enough provided to ensure reasonable ingress/egress to and from the site. Those deemed by local, County and/or State traffic engineering authorities to be unnecessary for providing said traffic service shall be subject to deletion from plans.

E. Temporary Facilities for Places of Worship. The Township Zoning Official may approve the installation of temporary portable facilities for a place of worship at the site of a religious facility or proposed religious facility for a period of one (1) year. The approval may be renewed once for one (1) additional one (1) year period and each approval is subject to the following standards and requirements:

1. An application for permanent construction to replace the temporary portable facilities has been filed and is deemed complete by the Planning Board or Zoning Board of Adjustment or has been approved by the Board and is currently under construction or awaiting permitting or State or County agency approvals.

2. The use of the trailer, modular unit or portable facility must be limited to religious services only. The facility may not be used for weddings, fundraising or other events. The religious group obtains the necessary Uniform Construction Code permits for the facility. All installations are subject to applicable municipal, County and State specifications, inspections and fees. The facility must at all times comply with the Township's Uniform Fire Safety Code.

3. A site plan or plot plan showing setbacks, parking and buffer requirements of this chapter is required for the temporary facility.

4. An ADA approved walkway shall be provided from existing buildings or existing paved surfaces to the temporary portable facilities. (Ord. No. 2009-17 § 1)

18-906 Public and Private Schools

A. Buffer Requirements

1. From a nonresidential use or district - 10 feet.

2. From a residential use or district - 20 feet.

3. A required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. Natural vegetation should be retained to the maximum degree possible. On those sites where no existing vegetation is present or existing vegetation is inadequate to provide screening, the applicant shall suitably grade and plant the required buffer area, such that this planting shall provide an adequate screen of at least six (6) feet in height so as to continually restrict the view. A minimum on-center distance between plantings shall be such that upon maturity the buffer will create a solid screen. The buffer may be supplemented with a fence of solid material where necessary.

B. Parking is not permitted in any required buffer.

C. One parking space shall be provided for each of the following:

1. Classrooms

2. Tutor room

3. Library

4. Meeting room

5. Office

D. If a recreation area or areas are designated then details shall be provided for such recreational areas. All play equipment shall meet all required safety standards.

E. Bus loading and unloading areas shall be situated in a manner so that children do not cross any traffic lane or parking areas whatsoever, unless it is in area that is curbed and physically separated from traffic circulation and specifically designated solely for bus loading and unloading.

F. A public or private school shall not be located on a site in an Industrial Park or Industrial Zone where the mix of uses presents a health or safety hazard to the occupants of the school.

G. Temporary Classrooms for Schools. The Township Zoning Officer may approve the installation of temporary portable facilities at the site of a school for a period not to exceed two (2) school years, subject to the following standards and requirements:

1. The trailer, modular unit or portable classroom facility must be limited to educational purposes, including support offices, libraries, or other such uses typically accessory or ancillary uses to the educational use, and be of a type that is certified for this use by applicable Federal, State, County and local agencies.

2. The school obtains the necessary Uniform Construction Code permits for the facility. All installations are subject to applicable municipal, County and State specifications, inspections and fees.

3. A site plan or plot plan showing setbacks, parking and buffer requirements of this chapter is required for the temporary facility.

4. An ADA approved walkway shall be provided from existing buildings or existing paved surfaces to the temporary portable facilities.

5. The Township Zoning Officer may authorize two (2) one (1) year extensions of the original two (2) year time frame, set forth above, subject to the following requirement:

   An application for construction to replace the temporary portable facilities has been filed and is deemed complete by the Planning Board or Zoning Board of Adjustment or has been approved by the Board and is currently under construction or awaiting permitting or State or County agency approvals.
   (Ord. No. 2009-17 § 2)

18-907 Prohibited Uses

A. All uses not expressly permitted in this chapter are prohibited. The following uses are specifically prohibited in every district:

1. No single recreational vehicle or boat may be used for living or housekeeping purposes within the Township, except as provided for by Section 909 herein.

2. Outdoor storage, in a shed or a trailer, of any type shall not be permitted unless such storage is a part of the normal operation of a use conducted on the premises subject to design and performance standards for the prevailing district and provided further that the following requirements are conformed with:

   a. All outdoor storage facilities shall be enclosed by a solid fence adequate to conceal the facilities from any adjacent properties.

   b. No materials or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.

c. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

d. Flammable or explosive liquids, solids, or gases shall be permitted to be stored in above ground storage tanks only if the proposed use and structure meet the requirements of the Uniform Construction Code (5:23 et seq.) and the Fire Code (5:18 et seq.), as used by Lakewood Township officials. In addition, above ground storage tanks are not permitted in any front yard and shall be sufficiently buffered from any adjoining use.

3. Private sanitary landfills.

4. Commercial resource extraction operations.

5. Mobile home parks.

6. Junk Yards.
(Ord. No. 2006-31 § 2)

18-908 Reduction of Residential Lot Requirements for Recreational Purposes

A. A reduction in the minimum lot area and width requirements in any residential subdivision in the R-20, R-15, R-12, R-12A, R-10, and R-7.5 zone districts may be allowed provided the gross residential density established for the zone in question, as listed in subsection 18-908B8 is not exceeded and that the regulation and standards as established in this section are complied with.

B. Regulations and Standards

1. Required minimum lot area may be reduced up to fifteen (15%) percent.

2. Required minimum lot widths may be reduced up to ten (10%) percent except that no lot width shall be reduced to less than fifty (50) feet. All other regulations of this chapter shall be complied with.

3. The land resulting from the reduction in lot size shall be set aside for park, playground, or other recreational purposes.

4. This land shall be dedicated and deeded to the Township for recreational purposes.

5. The soil, drainage, slope and location of the proposed recreation area shall be deemed suitable by the Board for recreational purposes. In its review of an application for lot reduction under this section, the Board shall consider the location of the proposed recreational area with respect to the location of the Township's population, traffic, and the possible addition of more land to the area proposed for dedication.

6. The land to be dedicated shall have direct access to a public right of way.

7. The area set aside for the recreational purposes shall not be less than one (1) acre with its least dimension not less one hundred fifty (150) feet, unless this area is to be added to another recreational area at this time or sometime in the future.

8. The maximum gross residential density for the respective residential zones shall be as follows:

R-20	1.9 dwelling units per acre
R-15	2.5 dwelling units per acre
R-12&12A	3.1 dwelling units per acre
R-10	3.7 dwelling units per acre
R-7.5	4.8 dwelling units per acre

18-909 Temporary Structures for Residents of Single-Family Homes

A. Purpose. The purpose of this section is to authorize temporary housing for residents of a single-family home whose primary dwelling place is destroyed by a natural disaster or catastrophic accident.

B. Applicability. This section will authorize the placement of a temporary residential trailer on a lot where the principal dwelling has been destroyed by a natural disaster or catastrophic accident and is being repaired or replaced.

C. Permit. A person or representative of persons whose primary dwelling place has been destroyed by a natural disaster or catastrophic accident shall, within thirty (30) days of the event that caused the destruction, make application to the Zoning Officer for a permit to a place a temporary residential trailer on the

building lot of the dwelling place. The trailer must conform to the requirements of a manufactured home as defined in the Uniform Construction Code, N.J.S.A. 52:27D-121.

D. Notification. At the time of the application to the Zoning Officer for the permit, the applicant shall notify all contiguous property owners by certified mail of the application. The notice shall indicate the nature of the application and the fact that the contiguous property may voice any objection or comment regarding the application to the Zoning Officer within ten (10) days of the receipt of the certified notice.

E. Setback. Any trailer so placed must be placed at a minimum setback of twenty (20) feet from the front of the building lot property line, five (5) feet from each side of the building lot property line and fifteen (15) feet from the rear of the building lot property line.

F. Duration. The temporary trailer so authorized shall be for the sole purpose of temporary residence for the person or persons whose primary dwelling place has been destroyed by a natural disaster or catastrophic accident. The authorization shall not exceed six (6) months, except that additional authorization may be granted in the discretion of the Zoning Officer on a month-to-month basis if the repair or replacement of the dwelling house is not complete, however, in any event, the authorization shall not exceed twelve (12) months.

G. Approval. The temporary residential trailer may not be occupied unless approval for such occupancy is granted after inspection by the Township Construction Code Official. The Construction Code Official shall inspect the temporary trailer for approval within three (3) days of the application for occupancy to the Zoning Officer.

H. Revocation. The Construction Code Official is authorized to make periodic inspections of the temporary residential trailer at the request of the Zoning Officer. After such inspections, the Construction Code Official may recommend continued occupancy in accordance with the provisions of this section or the Construction Code Official may recommend that the permit for temporary occupancy be vacated if an unsafe or unhealthy condition exists at the temporary residential trailer.
(Ord. No. 2006-31 § 3)

18-910 Basement Apartments

A. Purpose. The purpose of this section is to regulate basement apartments as defined herein within the Township of Lakewood to ensure the apartment's compliance with safety rules and regulations.

B. A basement apartment must meet all requirements of a basement as defined by State codes and statutes.

C. Definitions. A basement apartment must have an address designation and mailbox recognized by the USPS, along with a kitchen, bathroom, bedroom and living area that is solely contained beneath the ground floor and separate from the residence above the ground floor.

D. Permitted Use. Basement apartments are permitted uses in all residential zones or those that have been grandfathered because they have been established prior to any zone change except as set forth in paragraph I of this section.

E. There shall be only one (1) basement apartment per single-family residence to include townhouses and condominiums. The said basement apartment shall be a rental unit for lease.

F. The basement apartment must have its own independent means of entry and exit as well as a secondary egress window or door in accordance with all requirements of the State codes and statutes.

G. The basement apartment and upstairs unit must have access to all utility meters and shutoffs.

H. The basement apartment and the area above ground level must be separated by a fire separation system, have smoke and carbon dioxide detectors pursuant to both State and local codes. It must totally comply with all the requirements of the Uniform Construction Code.

I. Prohibitions. Basement apartments are prohibited in the A-1 Agricultural Zone, R40 Residential Zone and age restricted communities.
(Ord. No. 2008-39 §§ 1–9)

18-911 Zero Lot Line Residential Development

A. Purpose

The zero lot line residential development provisions of this Section are designed to provide a more affordable ownership housing opportunity for a wide range of income groups while assuring compatibility with, and maintaining the stability and quality of, existing neighborhoods; to provide the opportunity for lower development costs and lower per-unit land costs that subsequently lower the cost of housing for the consumer; to provide an economical and logical response to high-cost infill properties; to promote a more efficient utilization of land; and to promote energy conservation.

B. Applicability

The provisions of this Article are intended to serve as conditions required for approval of zero lot line residential dwelling, as they may be permitted within the R-10, R-7.5, R-M, B-1, and B-2 zoning districts. It is not intended that this Article apply to townhouse developments involving no side yard setbacks on either side, or condominium developments.

C. Buildings and Activities Allowed

Within the R-10, R-7.5, R-M, B-1, and B-2 zones established by this Section, the following duplex uses are permitted, subject to other applicable provisions of this Section.

1. A newly constructed or proposed duplex, where the duplex is constructed to the development standards provided in this Article and intended to be divided into two (2) separately owned structures and lots, thereby creating two (2) zero lot line dwellings.

2. Conversion of an existing duplex to a zero lot line dwelling, provided that the other provisions of this Article are met.

D. Property Development Standards

1. Area:

   a. Unless otherwise modified by other provisions of this Article, a minimum of fifty percent (50%) of the required lot area for duplex structures in the respective zone shall be provided.

b. In the case of an existing irregular shaped lot that meets the minimum lot of the zone, a zero lot line duplex may be permitted where the two (2) lots may not each be fifty (50%) percent in area of the requirement of the zone, provided that other development standards of this Article are met.

c. In the case of an existing approved duplex on an undersized lot, a zero lot line dwelling may be permitted where the two (2) lots are each fifty (50%) percent in area, provided that other development standards of this Article are met.

2. Setbacks:

a. Front yard — per the zone requirements.

b. Side yard - Except for the zero lot line setback on the line per the zone requirements.

c. Rear yard — per the zone requirements.

3. Height: per the zone

4. Coverage: per the zone

5. Parking: Off-street parking shall be provided in accordance with as if each unit were a single-family dwelling.

6. Street Frontage: It is the legislative intent of this provision of the Ordinance to provide zero lot line residential development with clear, unencumbered public street frontage and vehicular access to each unit. The minimum public street frontage requirements for each zero lot line parcel shall be fifty percent (50%) of the frontage requirements of the zone.

E. Procedures for Review

I. The application shall include such information and documentation as required by the Planning Board and shall meet all the requirements of minor subdivision plats set forth in Section 18-608.

2. The application shall be accompanied by such application and escrow fees established by the Planning Board.

3. Applications for development or conversion of zero lot line dwellings shall be processed, reviewed, and approved by the Planning Board or Subdivision Committee of the Planning Board appointed by the Chairman administratively in accordance with the provisions of N.J.S.A. 40:55D-47 without the requirement of public notice and public hearing.

F. Criteria for Approval of Development

In review of a proposed zero lot line residential development, the following criteria shall be met.

1. The proposed development complies with all other applicable provisions of this section.

2. A written agreement signed by the owner of the property, "Owners Agreement," shall be filed with application for approval, and shall include provisions as determined to be appropriate by the Planning Board, for resolving the following items associated with the use, maintenance and repair of common areas and facilities:

   a. Assurance that the building and surrounding property will be used for residential purposes only;

   b. Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior;

   c. Provisions granting access or easement to each owner for the purpose of maintaining or repairing the structure and related facilities;

   d. Assurance that the owner(s) will obtain insurance coverage in an amount not less than the full replacement value of the structure;

   e. Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty;

   f. Provision for emergency action by one party in the absence of the other where an immediate threat exists to the property of the former; and

   g. Provision that in the event all or part of the structure is destroyed, the only structure that may be constructed on the

property is an attached zero lot line structure that is exactly the same dimensions in the same location on the lot as the original structure.

Such Owners Agreement shall be filed with the County Clerk upon approval of the proposed development and shall become perpetual deed restrictions to the property.
(Ord. No. 2009-38 § 1)

ARTICLE X CONDITIONAL USE REQUIREMENTS

18-1000 General Requirements

18-1001 Adult Communities

It having been determined that there is a need for alternative housing in the Township of Lakewood for the adult population who no longer maintain a residence for their children and which is comprehensively designed to meet the needs of adults. Adult communities are hereby authorized to be developed in those residential zones in which adult communities are recognized as a permitted use, upon compliance with the design criteria set forth in this section and approval of the general development plan, preliminary and final subdivision/site plan approvals from the Planning Board of the Township of Lakewood as hereinafter described:

A. Definitions

1. Adult community project ("ACP") as described herein shall mean a private residential community comprised of various housing types and accessory uses intended for, and limited and restricted to, use and occupancy of

   a. Any person of the age of fifty-five (55) years or over; or

   b. A husband or wife, regardless of age, residing with his or her spouse, provided the spouse of such person is of the age of fifty-five (55) years or over; or

   c. The child or children residing with a permissible occupant, provided the child or children is or are of the age of nineteen (19) years or over; or

   d. The individual or individuals, regardless of age, residing with and providing physical or economic support to a permissible occupant.

   The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any unit in an adult community project

from entertaining guests, of any age, in their units, including temporary residency not to exceed three (3) months with no financial or other pecuniary consideration to be paid therefor.

2. Attached unit as used herein shall mean a unit which is connected to another unit by a party wall, trellis, fence, overhang or other similar appurtenances.

3. Detached unit as used herein shall mean a unit which is not physically connected to any other unit.

4. Garden flat units as used herein shall mean attached units which are both horizontally and vertically connected to other attached units.

5. Multi-unit building as used herein shall mean any building containing attached units or garden flat units.

6. Unit as used herein shall mean a single family residence.

B. Minimum tract size. An ACP may only be developed on one or more contiguous parcels of land having a total gross area of not less than one hundred (100) acres within the R-40 zone. An ACP may also be developed on one or more contiguous parcels of land having a total gross area of not less than fifty (50) acres within the R-20/R-12 zone, provided that the tract is abutting or directly across an existing public street from an existing ACP. An ACP within the R-20/R-12 zone must meet the recreation facility and amenity requirements of this subsection.

C. Permitted principal uses. The principal uses of buildings in an ACP shall be limited to the following:

1. Units of all types provided that they comply with the area and bulk zoning requirements of this subsection.

2. Recreation facilities.

3. Sales and administrative offices required for the construction, sale, resale and management of the ACP.

4. Maintenance buildings.

5. The commercial uses permitted under this subsection.

D. Permitted accessory uses. The accessory uses of buildings and structures in an ACP shall be limited to the following:

1. Master television antenna system and/or cable television antenna/reception facilities.

2. Common parking areas for guest parking or dedicated for specific parking purposes such as a recreational vehicle and trailer parking.

3. Buildings for storage of vehicles, equipment and supplies.

4. Outbuildings and structures as part of recreation facilities.

E. Area requirements. The following area requirements shall apply to any ACP:

1. Maximum building coverage: 25 percent of gross area of ACP tract.

2. Maximum building density: 4.5 units per gross acre of ACP tract exclusive of commercial uses.

3. Minimum open space: 50 percent of gross area of ACP tract. For purposes of this requirement "open space" shall mean those portions of the ACP tract not covered by buildings structures of any kind, streets or other surfaces paved with impervious materials.

F. Bulk requirements. The following bulk requirements shall apply to the applicable unit types in an ACP.

1. For detached units on individual lots: All detached units to be constructed on individual lots in an ACP shall comply with and conform to the following requirements:

a. Minimum lot area:

(1) Corner lot: 7,000 square feet

(2) Interior lot: 5,000 square feet

b. Minimum lot width and frontage:

(1) Corner lot: 70 feet

(2) Interior lot: 50 feet

(3) In the case of an irregularly shaped lot, the minimum lot frontage may be reduced to 60 percent of the minimum requirement.

c. Minimum lot depth: 100 feet

d. Minimum setbacks:

(1) Front yard: 20 feet

(2) One side yard: 0 feet

(3) Combined side yards: 10 feet

(4) Rear yard: 20 feet

e. Minimum distance between buildings: 10 feet

f. All units having a zero lot line shall have a windowless wall utilizing solid or opaque materials or obscure glass along the zero lot line.

2. For detached units on common property:

a. Minimum setback from interior roadway or circulation driveway:20 feet

b. Minimum distance between detached units:

(1) For units oriented side-to-side to each other the minimum distance between buildings shall be twenty (20) feet, except in such cases where the facing wall of one unit is windowless, whereupon the minimum distance may be reduced to ten (10) feet.

(2) For units oriented at 90 degrees to each other the minimum distance between buildings shall be twenty (20) feet.

(3) For units oriented rear-to-rear to each other the minimum distance between buildings shall be forty (40) feet.

3. For attached units on individual lots:

   a. Minimum lot width: 30 feet

   b. Minimum lot depth: 100 feet

   c. Minimum setback from interior roadway or circulation driveway: 20 feet

4. For attached units on common property:

   a. Minimum setback from interior roadway or circulation driveway: 20 feet

5. For garden flat units on common property:

   a. Minimum setback from interior roadway or circulation driveway: 25 feet

   b. Minimum setback from interior parking lot: 10 feet

6. Minimum distance between multi-unit buildings:

   a. For multi-unit buildings oriented at 90 degrees to each other the minimum distance between same shall be equal to the building height.

   b. For multi-unit buildings oriented end-to-end to each other, the minimum distance between same shall be equal to one-half (0.5) the building height.

   c. For multi-unit buildings oriented with parallel axis facing each other, the minimum distance between same shall be one and one-half (1.5) times the building height.

7. Maximum units per multi-unit building: 8

8. Minimum parking requirements

   a. For each detached unit 2.0 spaces

   b. For each unit in a multi-unit building 2.0 spaces

c. At a minimum, each detached unit shall contain one (1) garage space which will count as one (1) space. A private driveway with the capacity for off-street parking for one (1) automobile shall be deemed to constitute one (1) parking space.

d. Construction, design, lighting, screening and landscaping of parking areas and streets shall conform to the applicable provision of this chapter. To the extent that the Township's standards for the construction and design of parking facilities including the size and number of parking spaces as well as the design of internal streets and circulation driveways is inconsistent with the Residential Site Improvement Standards (RSIS), then the RSIS code standards shall govern the parking area and street design.

9. Maximum building height: thirty-five (35) feet or two and one-half (2.5) stories except as provided in paragraph I below.

G. Utilities. An ACP must be fully serviced by central water transmission and sanitary sewerage facilities owned and operated by the Lakewood Township Municipal Utilities Authority or duly franchised public utility companies.

H. Recreation facilities. Any ACP shall contain and provide for the benefit, use and enjoyment of its residents, the following recreation facilities:

1. Any ACP located within all zoning districts shall contain a recreation area which shall contain a recreation building comprised of at least fifteen (15) square feet of floor area (inclusive of basement area) for each unit intended to be developed in the ACP. If the developer proposes to develop the ACP in phases or sections with separate recreation facilities for each phase or section each building shall contain fifteen (15) square feet of floor area (inclusive of basement area) for each unit intended to be developed in the phase or section to be served by that recreation building.

2. Swimming pool with a minimum area of twenty-eight hundred (2,800) square feet plus an additional area equal to five (5) square feet for each unit in excess of five hundred (500) units to be service by said pool. The size of the swimming pool shall be able to accommodate swimming lanes (each swimming lane is currently twenty-five (25) meters in length by two and two-thirds (2-2/3) meters in width) in accordance with National Recreation and Park Standards. Each swimming pool shall be serviced by an adjacent improved sitting area surrounding all sides of

the pool with an aggregate area equal to twice the water surface area of the pool. Indoor and outdoor pool areas may be combined to meet the minimum area requirements.

3. Parking facilities serving the recreation area with a minimum number of parking spaces equal to one space for each fifty (50) square feet of area comprising the recreation building.

I. Optional recreation facilities. An ACP may provide, in addition to the recreation facilities prescribed in paragraph H. above any one or more of the following facilities:

1. Golf course ("ACP golf course").

2. Picnic-barbeque areas.

3. Paddle tennis courts.

4. Six bocce courts.

5. Jogging trail.

6. Three tennis courts.

7. Fitness-exercise courses.

8. Gardening areas (including greenhouses).

9. Six shuffleboard courts.

10. Such other activities which the planning board shall find to be consistent with the lifestyle of residents of an ACP and which are subordinate to the residential character of an ACP.

J. Ownership of recreation facilities. Except for an ACP golf course, recreation facilities shall be owned by the homeowner's association (defined below). Provided, however, that in the event that an ACP golf course is intended to be owned by other than the homeowners' association ("private ownership") the ACP golf course must be so identified in the application for preliminary subdivision or site plan approval and must satisfy the following criteria:

The developer-applicant shall provide adequate assurances (through recorded deed restrictions or agreements) that the ACP golf course shall be available for

use and enjoyment by all residents of the ACP upon terms and conditions no less favorable than offered to any person not a resident of the ACP and at a cost to the homeowners' association not greater than the homeowners' association would incur for its operation, upkeep, repair and maintenance if owned by the homeowners' association.

K. Setback and distance measurements. Building setbacks and minimum distances between all buildings shall be measured to building foundation lines, excluding foundations for fireplaces, porches and other exterior protrusions of a building which do not protrude beyond six (6) feet from the building foundation line.

L. Perimeter boundary setbacks. No buildings or structures, other than entrance gate-houses, walls or fences, shall be located within seventy-five (75) feet of any exterior boundary line of the ACP tract. The building height of any residential building adjacent to any perimeter boundary setback abutting an R-20 Residential Zone shall not exceed twenty-five (25) feet.

M. Homeowners' association; recorded covenants. Any ACP shall be governed and regulated by one or more recorded declaration of covenants and restrictions ("C&Rs") which shall provide for and create one or more incorporated membership organizations under Title 15 of the New Jersey Statutes in which all unit owners in the ACP shall be required to be members (the "homeowners' association"). The C&Rs shall provide for (i) the ownership, maintenance, operation and upkeep of all recreation facilities, open space, streets and other common areas within the ACP by the homeowners' association, (ii) the restrictions on unit occupancy set forth in subsection A, above, (iii) the procedure for creating, imposing and collecting assessments from each unit owner to finance the foregoing, and (iv) the organization, operation and management of the homeowners' association. A complete copy of the proposed C&Rs and all documents creating and organizing the homeowners' association shall be submitted to the planning board for review and approval with the first application for final subdivision and/or site plan approval submitted for the ACP or the first section thereof.

N. Streets and roads. All streets and roads in an ACP shall conform to the provisions of this chapter and the requirements of the Residential Site Improvement Standards except as hereinafter specifically provided.

1. Provided that the developer-applicant of an ACP shall expressly condition the preliminary subdivision and/or site plan approval of the ACP upon all streets and roads within the ACP being privately owned and maintained by the homeowners' association in perpetuity, such

streets and roads shall be constructed in accordance with this chapter, except as follows: (i) minor streets (i.e. streets of not more than one thousand two hundred (1,200) feet in length which shall be through streets or terminate in a cul-de-sac) shall have an overall paved roadway width of twenty-two (22) feet; (ii) minor collector streets shall have a paved roadway width of thirty (30) feet and (iii) major collector streets shall have a paved roadway of forty (40) feet. All ACP streets shall be constructed with a six (6) inch road gravel base conforming to the New Jersey Highway Specifications Grade A or B, with a CABC-1 of one and one-half (1.5) inch thickness of bituminous concrete binder course and a one (1) inch bituminous concrete surface course. If roll curbing is utilized, the measurement of the parcel roadway width shall include roll curb. Curbs shall be constructed in accordance with this chapter except as follows: (i) minor streets shall have a curb radius of fifteen (15) feet and minor collector and major collector streets shall have a curb radius of twenty (20) feet; (ii) cul-de-sac of minor streets and minor collector shall have a minimum curb radius of forty (40) feet and no parking shall be allowed in the cul-de-sac. Sidewalks where proposed shall have a minimum width of three and one-half (3.5) feet. Additional sidewalks may be required by the planning board.

2. In the event a developer-applicant of an ACP intends to seek, or reserve unto the homeowners' association the option to seek, to have the Township accept for maintenance some or all of the streets and roads within the ACP at some future time, then all streets, roads, curbs and sidewalks shall strictly conform to the applicable design requirements of this chapter. Provided, however, that the Township shall be under no obligation to accept said streets and roads.

O. Drainage. All on-site drainage shall be provided for in accordance with Lakewood Township storm drainage requirements and applicable Township ordinances pertaining to subdivision and development of lands.

P. Driveways, walks and parking areas. There shall be provided a safe and convenient system of driveways, walks and parking areas. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling. Gradients of walks shall not exceed seven (7%) percent except where required to meet handicapped access requirements.

Q. Commercial uses. As part of an ACP, a developer-applicant may designate one or more parcels of the ACP tract for development of those commercial uses hereinafter designated as permitted commercial uses in an ACP, subject to the following requirements:

1. The aggregate amount of land in the ACP tract designated for all commercial uses shall not exceed the lesser of ten (10) acres or five (5%) percent of the total area of the ACP tract.

2. The aggregate finished floor area of all commercial uses in an ACP shall not exceed twenty (20%) percent of the aggregate land area of the ACP designated for commercial use.

3. No commercial use or parking area serving a commercial use shall be located less than three hundred (300) feet from any perimeter boundary line of an ACP.

4. No commercial building shall exceed thirty (30) feet in height. Provided, however, that any building originally constructed within an ACP for residential use and subsequently converted to commercial use shall not exceed thirty-five (35) feet in height.

5. Parking areas shall be provided to serve all commercial uses with a capacity of one (1) parking space for each two hundred (200) square feet of commercial space. Provided, however, that the planning board may approve parking areas designed to serve both commercial uses and recreation facilities in the ACP upon finding that the proposed parking areas are adequate to serve both uses.

6. No commercial use shall be located closer than (i) thirty-five (35) feet from the curb line of any major or minor collector street, or (ii) fifteen (15) feet from the curb line of any minor street.

7. No parking area serving commercial uses shall be located closer than twenty (20) feet from the curb line of any major collector or minor collector street.

8. No commercial use shall be located closer than one hundred (100) feet from any residential building and all commercial uses shall be screened from adjoining residential uses by landscaped buffer areas.

9. The following are the only commercial uses permitted in an ACP and, in each instance, shall be designed, operated and maintained for the principal use of ACP residents and their guests:

   a. Medical and dental offices for all recognized fields of medicine.

b. Professional offices for attorneys, accountants and real estate, insurance and stock brokers.

c. Personal service offices for travel agencies, interior decorators (which use shall be limited to retail sales to residents of the ACP in conjunction with the sale of units in the ACP), banks, barber and beauty shops.

18-1002 Agricultural Uses and Stables

A. Minimum lot size - 6 acres.

B. Minimum setback from all property lines - 100 feet.

C. Where permitted, an application for stables shall include a detailed site plan showing the location of the stables, the number of horses to be located in each stable, the relationship on the property to riding trails and the streets in the area. Stables are subject to the following standards:

1. If horses are to be used for horse-back riding, the property shall have direct access to riding trails.

2. A commercial stable must provide one (1) off-street parking space for every horse stabled.

3. Access to and from the property for horse-drawn vehicles shall be on minor roads as determined by the Planning Board.

D. The number of livestock per acre (exclusive of a minimum area of one (1) acre devoted to residential use) shall not exceed one (1) adult horse or cattle, or two (2) adult sheep or goats with their young under six (6) months of age. Commercial kennels are prohibited.

18-1003 Golf Courses

A. The golf course grading shall be consistent with a stormwater management plan designed to result in all stormwater being collected and retained on-site where the ponds can provide stormwater management, flood control, water supply for irrigation purposes to reduce demands on off-tract ground and surface water supplies, aesthetic appearances and/or water hazards for golfers.

This shall include off-site drainage arriving at the golf course and any associated residential development and drainage originating from any associated residential development.

B. The applicant shall provide a water resource monitoring program, designed to minimize the use of off-tract surface water and groundwater resources while maximizing the use of stormwater retained on the site. This plan shall provide for ground and surface water quality monitoring for nutrients, pesticides and other parameters to be determined by the approving authority.

C. The applicant shall provide a turf management plan which is consistent with the grading and landscaping plans and shall discuss and define the use of drought-tolerant turf and landscaping material, the area to be irrigated, the required capacity of the irrigation system and the need for any water diversion permits. The plan shall also provide a proposed integrated pest management and turf management plan that defines the nature and use of the pesticides and other chemicals and fertilizers involved.

D. All plans shall be integrated and coordinated in an effort to absorb and filter fertilizers, pesticides, herbicides and other non-point source pollutants to minimize contamination of streams and groundwater supplies. The course shall be required to have a golf course superintendent, certified by the Golf Course Superintendents Association of America, on staff and an ongoing site management program to monitor water use and weather conditions in conjunction with the application of fertilizer, pesticides and herbicides in order to adhere to the turf management plan and the water resources monitoring program. The monitoring and reporting data shall be submitted to the Township Engineer on a quarterly basis.

E. A water use budget and water recycling plan shall be prepared and submitted as part of any golf course/clubhouse site plan application. This plan shall detail the source of potable and irrigation water, the projected amounts which will be required and the water supply capacity of any aquifer from which such water will be withdrawn, as outlined in the Water for the 21st Century: The Vital Resources, New Jersey Statewide Water Supply Master Plan (1996) including basis and background documents.

F. Following the installation of any well intended to serve as a water supply source for the golf course, and prior to the issuance of a construction permit, a pump test shall be conduced at the maximum projected pumping rate. The test shall be in accordance with an approved New Jersey Department of Environmental Protection (NJDEP) Bureau of Water Allocation Aquifer Test Plan and subject to review by the Township and County Board of Health to assess the impacts

on other well users in the vicinity and effects on stream base flows. If significant well interference (domestic observation well) on an existing well is demonstrated during interference tests, the new well cannot be certified for use. If a significant adverse impact cannot be remedied, the Board of Health will deny certification of the new well.

G. The golf course application shall include a project specific integrated Turf Management Plan and an Integrated Pest Management Plan. The application shall also include a project-specific golf course operation manual which incorporates the guidelines and best management practices established by the "Draft Guidance Manual: Best Management Practices for Golf Course Management for Golf Course Construction and Operation in New Jersey" published by the New Jersey Department of Environmental Protection (NJDEP) dated January, 2000, and subsequent amendments and shall take into account guidelines promulgated by the United States Golf Association (USGA) and the Golf Course Superintendents Association (GCSAA).

H. The golf course application shall include a ground water and surface water monitoring plan and proposed protocols to mitigate any adverse impacts. The plan shall be specifically for the proposed golf course/clubhouse and shall be approved by the approving authority in consultation with the Township Board of Health. Such monitoring program shall detail the type. Timing and frequency of testing and identify the specific chemical parameters to be tested. The plan must include background pre-construction monitoring and sampling and a continuing monitoring program and results of such water quality monitoring shall be submitted by the owner/operator to the Township Board of Health within thirty (30) days of receipt of such results. In addition, continuous water level monitoring equipment (data logger) shall be installed and maintained as specified by the Board of Health. Test results of such water quantity monitoring shall be submitted by the owner/operator to the Board of Health within thirty (30) days of receipt of such results by the owner/operator.

I. A vegetated buffer at least one hundred (100) feet wide consisting of native trees, shrubs and ground covers, shall be provided and maintained between any turf area which will be treated with fertilizers or pesticides and the closest point of any 100-year floodplain or, if there is no floodplain, the top of bank of any permanent, intermittent stream. Pond frontage shall be exempt from this requirement upon a showing of good cause by the applicant.

J. Grasses selected for use on a golf course shall be drought, pest and disease resistant to minimize the use of chemicals and irrigation.

K. Soil erosion and sedimentation shall be minimized through golf course design which minimizes the need for mass grading for greens, tees and fairways, through coordinated soil erosion and sediment control measures and through construction phasing that limits the extent of clearing and soil exposure prior to revegetation.

L. No portion of any golf tee, fairway or green shall be located closer than fifty (50) feet to any tract boundary or public road right of way.

M. Golf carts are allowed.

N. No more than fifty (50%) percent of wooded areas (as shown on the most recent aerial photographs available) shall be cleared and priority shall be given to preservation of larger, healthy, mature trees. Any clearing beyond forty (40%) percent of the wooded acreage of the tract shall be mitigated by replacement with native trees and shrubs elsewhere on the tract. Priority for such replacement shall be given to locations where stream corridors are not shaded by vegetation at the time of development.

O. No clearing, grading or site improvement related to the golf course/clubhouse shall be conducted in areas of fifteen (15%) percent slope or greater, except that areas of play (tees, greens, bunkers, fairways and practice facilities) created as part of the golf course which result in new areas of steep slope shall not be deemed to violate these requirements.

P. Wherever a waterway crossing is proposed, such crossing shall be designed to minimize the removal of trees and other shading vegetation. All crossings other than access driveways shall be bridged, not designed with culverts.

Q. Habitat for wildlife species which help control pests (e.g., bats, bluebirds, purple martins, etc.) should be protected. Additional habitat for these beneficial species should be created whenever feasible and environmentally desirable.

R. Exterior site lighting shall be limited to parking lot areas and shall be limited to that necessary for safety and security. There shall be no spillover of lighting beyond the tract boundaries. The lighting shall conform to the lighting requirements of the Township.

S. The golf course/clubhouse shall comply with the noise control limits established by N.J.A.C. 7:29-1.1 et. and shall not exceed sixty (60) decibels at any tract boundary line.

T. The golf course/clubhouse shall be designed to preserve the rural character of the viewshed and shall minimize the visual impact on the landscape.

U. Major site plan approval shall be required for a golf course/clubhouse.

18-1004 Hospitals/Assisted Living/Nursing Homes

A. Hospitals, assisted living facilities and nursing homes are permitted conditionally in all non-residential zones:

1. Minimum lot area - two (2) acres.

2. Minimum lot width - 100 feet.

3. Minimum setbacks - 50 feet from all property lines.

4. Off-street parking - three-quarters (0.75) parking space for each bed.

5. Parking may be permitted in all yards to within ten (10) feet of any property line.

6. A barrier of evergreen vegetation with a minimum natural height of eight (8) feet shall be planted between the parking area and the property line everywhere the parking area is within fifty (50) feet of the property line. If an opaque artificial barrier five (5) feet in height is erected between the parking area and the property line, parking may take place within five (5) feet of the property line.

18-1005 Motels

A. Minimum lot area - two (2) acres.

B. Minimum lot width - 200 feet.

C. Minimum yard requirements:

1. Front yard - 75 feet.

2. Rear yard - 30 feet; except for the B-3 zone where a minimum rear yard setback of 20 feet is permitted.

3. Side yards (both) - 40 feet; except for the B-3 zone where a minimum side yard setback of 30 feet is permitted.

D. Minimum off-street parking - one space for each unit.

E. Accessory uses may be permitted on the same lot as the motel and may include a swimming pool, motel office and permanent living quarters for one (1) household.

F. One access road may be permitted onto a public road: the access road shall not exceed twenty-four (24) feet in width. The center line of an access road where it intersects with a public road shall be perpendicular to the street line, fifty (50) feet from any side property line or street line other than the street line with which the access road intersects and seventy-five (75) feet from the center line of any other access road.

G. The proposed motel site shall be so located that it shall have direct access to a major arterial road, which for the purpose of this section shall include on federal and state maintained roads.

H. Any motel unit within one hundred (100) feet of an adjacent property line shall not face on that property, unless the unit is sufficiently buffered or concealed from the adjacent property.

I. Any swimming pool shall be buffered from adjacent properties by means of buildings, trees, shrubs or screen fencing.

J. No unit shall include full kitchen facilities.

K. Minimum number of units - 50.

L. Signs may be permitted and shall be subject to the regulations controlling signs for the business zones.

18-1006 Public Buildings

A. Minimum lot size - 1 acre.

B. Minimum lot width - 100 feet.

C. Minimum side yard setback (each yard):

1. From a non-residentially zoned lot or use - 50 feet.

2. From a residentially zoned lot or use - 75 feet.

D. Minimum rear yard setback:

1. From a non-residentially zoned lot or use - 50 feet.

2. From a residentially zoned lot or use - 75 feet.

E. Maximum building height - 35 feet except that the height may be increased to a maximum permitted height of 50 feet at the rate of 2 feet in height for each additional one foot that the building is setback from the building setback lines.

F. Building setback from another freestanding building within the same development - 50 feet.

G. Maximum building coverage (includes all principal and accessory buildings located on a site) - 35%.

H. Maximum impervious coverage (includes all buildings, pavement etc.) - 70%.

I. Accessory structures shall be subject to the same locational requirements as principal buildings and shall not have a ground floor area in excess of five percent (5%) of the area of the site.

J. Buffers and landscaping shall be provided as follows:

1. Adjacent to a street line - 25 feet.

2. Adjacent to a residential district - 30 feet.

3. Adjacent to a non-residential district - 20 feet

18-1007 Shopping Centers

A. The development of a shopping center on a lot more than two (2) acres in size is permitted subject to the following:

1. Minimum lot width - 200 feet.

2. Minimum front yard setback - 50 feet.

3. Minimum side and rear yard setbacks shall be equal to the building height plus ten (10) feet.

4. Maximum height of building - 45 feet.

5. Maximum Impervious Lot Coverage - 80 percent.

18-1008 Service Stations and Public Garages

A. Where permitted, any application for a service station or public garage shall include a site plan which identifies the location and number of fuel pumps and their proposed depth and capacity. In addition, the site plan should identify the number or capacity of automobiles that may be garaged within the principle building and on-site.

B. All fuel tanks shall be installed underground.

C. The minimum size lot shall be twenty thousand (20,000) square feet. The minimum lot width and depth shall be one hundred (100) feet.

D. Driveways shall cross the sidewalk at right angles and shall be not more than thirty-six (36) feet wide at any point thereof. Driveways must be at least ten (10) feet from any side lot line or from the intersection of street lines. There shall be no more than one (1) driveway on any one (1) street frontage unless the street frontage is in excess of ninety-nine (99) feet, in which case, there may be a maximum of two (2) driveways on the street frontage provided the driveways are ten (10) feet apart.

E. The entire area of the station or garage traversed by motor vehicles shall be hard surfaced.

F. Illumination of the service station or public garage shall be such that no direct glare from the lights used shall fall upon adjacent property.

G. For all existing service stations and in all zones where service stations are permitted, a service station may have at the same location a fast-food convenience store as duel use. Service Stations operated with a fast-food convenience store as a dual use shall be subject to the following supplemental conditions that must be satisfied in order for a conditional use permit to be issued:

1. The minimum lot area for a combined fast-food convenience store/service station shall be 20,000 square feet.

2. The maximum floor area ratio (FAR) of the dual use convenience store operated in conjunction with a gasoline station shall be 0.12. The floor area ratio (FAR) shall not include any area relating to the canopy for the gasoline dispensing.

(Ord. No. 2013-50)

18-1009 Club, Lodges or Similar Fraternal Organization

A. Minimum lot size - 1 acre.

B. Minimum lot width - 100 feet.

C. All structures shall meet all applicable front, side and rear yard setbacks in the zoning district in which it is located.

D. Maximum building coverage- 35%

F. Maximum impervious coverage - 70%.

G. Maximum height of any structure - 35 feet.

18-1010 Townhouses

A. In those Zone Districts in which townhouses are a permitted conditional use, townhouse developments shall be subject to the following conditions:

1. Minimum tract size shall be one-half (0.5) acre in all districts in which townhouses are permitted with the exception of the HD-7 zone in which the minimum tract size shall be one (1) acre.

2. Tract Boundaries: from a state highway - 100 feet. From all other right-of-way lines - 20 feet. From all other property lines - 20 feet.

3. Maximum Density – Eight (8) townhouses or sixteen (16) dwelling units per acre. Notwithstanding the definition of a townhouse in this chapter, a townhouse may consist of a two (2) family building structure, which shall be considered two (2) dwelling units for the purposes of calculating the density of the tract.

4. Minimum tract width - 125 feet.

5. Minimum tract depth - 100 feet.

6. Maximum building coverage for the entire tract - 35%.

B. In addition to the conditions set forth in Section 18-1010A, townhouse developments shall be subject to the following bulk and yard regulations, design standards, and administrative requirements, which shall not be deemed as required conditions for the proposed use.

1. The overall townhouse tract may be subdivided to provide fee-simple ownership for the individual townhouse units. The following shall apply to the individual townhouse lots:

a. Minimum front yard setback - 25 feet from internal streets

b. Minimum side yard setback (for end units) - 12 feet.

c. Minimum rear yard setback - 20 feet.

d. Maximum height - 35 feet or 2.5 stories, whichever is less.

2. Minimum distance between buildings - 25 feet.

3. Maximum units per structure – eight (8).

4. Maximum building length - 240 feet.

5. A structure shall not have more than two (2) connected townhouse units on one facade without providing a variation in setback of at least two (2) feet.

6. Each unit shall have an area designated for the storage of trash and recycling containers. All trash containers shall be screened from view. Screening should blend with the building exterior. The size of the trash enclosure should be approved by the Department of Public Works.

7. All residential development shall provide a useable rear yard depth of at least twenty (20) feet, including the rear yard setback. Decks shall be permitted within the useable yard area, but detention/retention facilities, drainage swales, or any easements which would inhibit the use of the rear yard are prohibited. For the purposes of this section a drainage swale with side slopes exceeding 1:10 and a depth exceeding eighteen (18) inches shall be established as the limit which inhibits use of this yard and is therefore prohibited.

8. Architectural drawings of the front, side and rear elevations shall be provided. Architectural drawings should also be provided if the HVAC equipment is to be located on the roof.

9. All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs and the following:

a. Deed restrictions and covenants shall be provided in accordance with the requirements and standards of the Department of Community Affairs.

b. The homeowners association shall be responsible for the ownership and maintenance of all common space and any streets not accepted by the Township.

c. This organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common open space and non-dedicated streets.

d. The homeowners association shall be established prior to any certificates of occupancy being issued. Membership of the association shall be automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a dwelling unit in the development.

e. The association shall guarantee access to all the common areas to all persons legally residing in the development.

f. The association shall be responsible for liability insurance, taxes and the maintenance of the common areas and undedicated streets. The certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance.

g. The documents establishing the association shall provide a plan for the maintenance of all common areas and undedicated streets.

18-1011 Age-Restricted Multi-Family Housing.

A. Age-Restricted Multi-Family Housing shall be a permitted conditional use in the B-5 Zone district subject to the following conditions:

1. Multi-family dwellings shall be permitted provided there shall be no more than twelve (12) dwelling units per building.

2. Occupancy of the housing shall be age-restricted to those 55 and older.

3. Minimum tract area: 15 acres.

4. Minimum lot width, depth and frontage: 500 feet.

5. Maximum residential density: 10 dwelling units/acre.

6. Minimum perimeter principal building setback contiguous to a residential property line: 100 feet. No building or structure other than roadways or an entrance security station shall be located in the perimeter setback. The perimeter principal building setback area shall be adequately landscaped to buffer the buildings from view from any adjacent public roadways. No access road, driveway, or parking area except for the site entrance/exit locations shall be located closer than 35 feet to any property line.

7. Minimum distance between buildings: 50 feet.

8. Maximum building coverage: 25 percent.

9. Maximum impervious coverage: 30 percent.

10. Maximum building height: 5 stories/60 feet, provided, however, no building shall have more than four (4) stories utilized for residential purposes.

11. Maximum principal building length: 150 feet when viewed from any elevation.

12. Amenities: In order to insure accessibility and convenience for the residents, private elevators shall be provided in all multi-story buildings.

13. Required Accessory Uses:

    a. On-site parking. The number of on-site parking spaces required by the applicable New Jersey Residential Site Improvement Standards (RSIS).

    b. Clubhouse, community center and/or recreation facilities.

        (1) Such amenities shall be provided for the use of the residents and employees of the facility only and shall not be open to the general public. Sufficient employee and resident/guest parking shall be provided.

(2) Amenities shall be buffered from the view from adjacent public streets.

(3) All outdoor storage areas shall be screened from view from any public road by a landscaped buffer.

14. Prohibited Accessory Uses:

Individual sheds and detached garages shall not be permitted. (Ord. No. 2005-111 § 1)

18-1012 Wireless Telecommunications Towers and Antennas

Wireless Telecommunications Towers and Antennas shall be permitted in the M-1 Zone upon meeting the conditions set forth herein:

A. Purpose. The purpose of these regulations for the siting of wireless telecommunications towers and antennas is to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in appropriate locations; (3) minimize the total number of towers throughout the Township; (4) strongly encourage the joint use of approved tower facilities as a primary option rather than construction of new or additional single-use towers; (5) encourage uses of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through care design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and care siting of tower structures. In furtherance of these goals, Lakewood Township shall give due consideration to the Township master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Nonapplicability to Amateur Radio Stations and to Receive-Only Antennas. The provisions of this section shall not govern any antenna that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receive-only antenna in accordance with Federal Communications Commission regulations.

C. Antennas and Towers Permitted on Township Property. Wireless communications towers and antennas which are located on property owned, leased, or otherwise controlled by the Township of Lakewood and which are approved by the Township Committee shall be deemed to be permitted as a municipal facility in any zone district.

D. Antennas and Towers Which are Not Municipal Facilities. Wireless telecommunications towers and antennas may be permitted on non-municipal property in only the M-1 Zone, upon submission and approval of a site plan and conditional use permit in accordance with the regulations set forth below:

1. General Requirements.

a. Principal or Accessory Use. Wireless telecommunications towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Township as part of the application and inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Lakewood Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The Township may share such information with other applicants applying for approvals under this section or other organizations seeking to locate antennas with the jurisdiction of Lakewood Township, provided, however, that the Township is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. Aesthetics. Towers and antennas shall meet the following requirements.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

e. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

f. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas.

g. Uniform Construction Code: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State and municipal codes including the New Jersey Uniform Construction Code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

h. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Lakewood Township irrespective of municipal and County jurisdictional boundaries.

i. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Lakewood Township have been obtained and shall file a copy of all required franchises with the Township.

j. Public Notice. For purposes of this section any variance request or request for site plan approval shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 1012.D.1.s. in addition to any notice otherwise required by this chapter.

k. Signs. No advertising signs shall be allowed on an antenna or tower.

l. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 1012.D.2.

m. Multiple Antenna/Tower Plan. Lakewood Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

n. Maximum Height. The tower shall meet the following maximum height and usage criteria:

(1) For a single user, up to ninety (90) feet in height;

(2) For two (2) users, up to one hundred twenty (120) feet in height; and

(3) For three (3) or more users, up to one hundred fifty (150) feet in height.

A licensed New Jersey Professional Engineer must certify that the tower can structurally accommodate the number of shared users proposed by the applicant.

o. Information Required. In addition to any information required for applications for site plan review pursuant to this chapter, applicants for approval for a tower shall submit the following information:

(1) A location plan drawn to scale and clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 1012.D.1.s, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, and parking.

(2) Legal description of the parent tract and leased parcel (if applicable).

(3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 1012.D.1.s. shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(5) A landscape plan showing specific landscape materials.

(6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(7) A description of compliance with D.1c, d, e, f, g, and all applicable Federal, State or local laws.

(8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(11) A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

p. Factors Considered in Granting Approval for Towers. In addition to any standards for consideration of site plans pursuant to this chapter, the municipal agency shall consider at least the following factors in determining whether to issue an approval:

(1) Height of the proposed tower;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 1012.D.1.q. of this chapter.

q. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the municipal agency that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the municipal agency related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

r. Minimum Required Setback. The following setback requirements shall apply to all towers for which site plan approval is required.

(1) Towers must be set back a distance equal to at least one hundred (100%) percent of the height of the tower from any adjoining lot line, but in no event shall the tower be located in the minimum required yard area or buffer area of the zone district.

(2) Guys and accessory buildings must satisfy the minimum zoning district setback and buffer requirements.

s. Minimum Separation Requirement Between Uses. The following separation requirements shall apply to all towers and antennas for which site plan approval is required:

(1) Separation from off-site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in (b), below, except as otherwise provided.

(b) Towers shall maintain a minimum radial separation distance of one thousand five hundred (1,500) feet from residential dwelling units or lands zoned for residential use.

(2) Separation distances between towers. Separation distances between towers shall be applicable for and

measured between the proposed tower and pre-existing towers or other proposed towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown below in the table of required separation distances between towers.

SCHEDULE 1

REQUIRED SEPARATION DISTANCES BETWEEN WIRELESS COMMUNICATIONS TOWERS

Tower Type	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 Feet in Height	750	750	750	750

t. Security Fencing. Towers shall be enclosed by security fencing no less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the municipal agency may waive such requirements, as it deems appropriate.

u. Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required; provided, however, that the municipal agency may waive such requirements if the goals of this section would be better served thereby.

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.

(2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

(3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

v. In approving the tower, the municipal agency may impose conditions, including the use of an alternative tower structure, to the extent the municipal agency concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

2. Buildings or Other Equipment Storage.

a. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over two hundred (200) square feet of gross floor area or ten (10) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structure shall not occupy more than ten (10%) percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

b. Antennas Located on Towers, Utility Poles, or Light Poles. The related unmanned equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in

accordance with the minimum yard and buffer requirements of the zoning district in which located and shall be screened from view of all residential properties.

3. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township of Lakewood notifying the owner of such abandonment. Failure to remove any abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

4. Pre-existing Towers. Pre-existing towers which are operating at the time of the adoption of this section* shall be allowed to continue their usage as they presently exist. Routine maintenance is permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this section. If the use of a tower has terminated and the use is determined to be abandoned, the requirements for removal in paragraph 3 above shall apply.
(Ord. No. 2006-3 § 3)

18-1013 Mixed Use Mid-Rise Development

A. Mixed Use Mid-Rise Developments shall be subject to the following conditions:

1. Minimum tract size – Sixty (60) acres.

2. Maximum gross residential density – Eighteen (18) dwelling units per acre.

3. Maximum building coverage for the entire tract – 25%

4. Maximum building height – 65 feet.

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*Editor's Note: Ordinance No. 2006-3, codified herein, was adopted February 9, 2006.

5. The tract must have at least 1,000 feet of frontage on a State highway.

6. All development within 500 feet of the centerline of the State highway or 1,000 feet of a residential zone must comply with the Highway Development (B-5) zoning district (Section 18-903E) regulations.

7. Minimum Tract Setbacks:

   a. Tract boundary: 50 feet

   b. Interior roadway/circulation driveway: 25 feet

   c. Interior parking lot paved surface: 15 feet

B. Once applicable provisions of subsection A are met, any subdivision to show ownership, responsibility, deed restrictions, or covenants shall only be subject to lot provisions set forth herewith: minimum lot size within the Mixed-Use Mid-Rise Development shall be two (2) acres, and the placement of any building on such lot shall be at the discretion of the developer of the Mixed Use Mid-Rise Development. If the developer proposes to construct the development in phases, the undeveloped lands shall be subject to public ownership requirements until such lands are integrated within the initially approved overall development plan, subject to deed restrictions and covenant requirements established by the homeowner's association.

C. If the tract meets the conditions as specified in Section 18-1012A above, the following uses shall be permitted in addition to the uses permitted in the Highway Development (B-5) zone:

1. Principal Uses.

   a. Mid-Rise Family Residential.

   b. Community facilities related to the cultural, social and recreational needs of the residents of the development, including public or private parks, religious, ceremonial and ritual facilities, churches and other places of worship.

2. Accessory Uses.

   a. Off-street parking and common parking areas.

b. Maintenance and utility facilities intended to service the residents of the planned development.

D. In addition to the conditions set forth in Section 18-1012A, Mixed Use Mid-Rise Developments shall be subject to the following bulk and yard regulations, design standards, and administrative requirements, which shall not be deemed as required conditions for the proposed use:

1. Residential Dwelling Unit Types. Multi-Family – A multi-story building containing multiple dwelling units, other than a townhouse, that are attached both vertically and horizontally, with each unit having either a separate exterior entrance or access from a common hallway.

2. Minimum Tract Size. A Mixed Use Mid-Rise Development may only be developed on a single site of one (1) or more contiguous parcels of land having a minimum gross acreage of sixty (60) acres.

3. Bulk Requirements. The following bulk requirements shall apply to the permitted dwelling unit types in a Mixed Use Mid-Rise Development:

a. Multi-Family Structures on Common Property.

(1) Clusters of multi-family dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.

(2) Minimum average floor area for a dwelling unit shall be one thousand (1,000) square feet.

(3) Each unit above the ground floor may have a balcony or terrace, which if provided shall be at least twenty-four (24) square feet in area.

(4) Maximum building height is sixty-five (65) feet.

4. Design Requirements.

a. Minimum distance between buildings that are designed on common property – 40 feet.

b. Multi-family structures shall provide for variety in roof height and avoid the appearance of one continuous multi-story building through the introduction of offsets or other architectural features.

c. Off-street parking requirements as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses shall apply to the permitted dwelling units.

d. Facilities to serve the recreational needs of the residents of the Mixed Use Mid-Rise Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five (5%) percent of the tract area of a Mixed Use Mid-Rise Development shall be provided, which may include passive and active recreation. Common open space area shall conform to the requirements for such open space.

e. Construction, design, light, screening and landscaping of parking areas and streets shall conform to the applicable provisions of this chapter. To the extent that the Township's standards for the construction and design of parking facilities, including the size and number of parking spaces as well as the design of internal streets and circulation driveways, is inconsistent with the Residential Site Improvement Standards (RSIS), then the RSIS code standards shall govern the parking area and street design. (Ord. No. 2008-12 § 3)

18-1014 Duplexes.

A. In those zone districts in which duplexes are a permitted conditional use including the HD-7 Zone, duplexes shall be subject to the following conditions:

1. Minimum lot size for existing lots shall be 10,000 square feet.

2. Minimum lot size for newly created lots shall be 10,000 square feet and have a minimum lot width of 60 feet.

3. Front Yard Setback – 25 feet, except any development along a State Highway shall provide a minimum front yard setback of 75 feet.

4. Rear Yard Setback – 15 feet.

5. Side Yard Setback – 7 feet with an aggregate of 15 feet.

6. Maximum Building Coverage – 30%.

7. Maximum Building Height – 35 feet.

(Ord. No. 2010-61)

18-1015 Mixed Use Townhouse Development

A. Mixed Use Townhouse Developments shall be subject to the following conditions:

1. Minimum tract size - Twenty (20) contiguous acres, excluding freshwater wetlands, associated NJDEP wetlands buffers, Riparian buffers and flood hazard areas.

2. Maximum gross residential density - Seven (7) dwelling units per acre.

3. Maximum building coverage for the entire tract - 30%.

4. Maximum building height - 35 feet.

5. The tract must have at least 1,000 feet of frontage on a State highway.

6. The tract must have a minimum lot depth of 500 feet.

7. Minimum tract setbacks:

   a. Building setbacks from State highway: (75) feet (residential), (25) feet (nonresidential).

   b. Building setbacks (other): Residential (35) feet, nonresidential (50) feet.

   c. Interior roadway/circulation driveway: (25) feet.

   d. Interior parking lot paved surface: (15) feet.

8. A minimum of fifteen percent (15%) of the tract shall be utilized for non-residential uses, including nonresidential buildings, parking, infrastructure and open space.

B. Once applicable provisions of subsection A are met, any subdivision to show ownership, responsibility, deed restrictions, or covenants shall only be subject to lot provisions set forth herewith; and the placement of any building on such lot shall be at the discretion of the developer of the Mixed Use Townhouse Development. If the developer proposes to construct the development in phases, the undeveloped lands shall be subject to public ownership requirements until such lands are integrated within the initially approved overall

development plan, subject to deed restrictions and covenants requirements established by the homeowner's association.

C. If the tract meets the conditions as specified in 18-1014 above, the following uses shall be permitted in addition to the uses permitted in the Highway Development (B-5) zone.

1. Principal Uses.

a. Multi-Family Townhouse Residential.

b. Community facilities related to the cultural, social and recreational need of the residents of the development, including public or private parks, religious, ceremonial and ritual facilities, churches and other places of worship.

c. Retail and commercial businesses, hotels, financial institutions and personal service establishments as specified herein.

2. Accessory Uses.

a. Off-street parking and common parking areas.

b. Maintenance and utility facilities intended to service the residents of the planned development.

D. In addition to the conditions set forth in Section 18-1014, Mixed Use Townhouse Development shall be subject to the following bulk and yard regulations, design standards, and administrative requirements which shall not be deemed as required conditions for the proposed use:

1. Residential Dwelling Unit Types. Townhomes

2. Minimum Tract Size. A Mixed Use Townhouse Development may only be developed on a single site of one or more contiguous parcels of land having a minimum gross acreage of twenty (20) contiguous acres, exclusive of wetlands, buffers, flood hazard or riparian buffer areas, or environmentally constrained lands as referenced herein.

3. Bulk Requirements. The following bulk requirements shall apply to the townhouse dwelling unit types in a Mixed Use Townhouse Development.

a. Townhouse structures on common property:

(1) Clusters of townhouse dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.

(2) Maximum building length - 160 feet.

(3) A structure shall not have more than two (2) connected townhouse units on one facade without providing a variation in setback of at least two (2) feet.

(4) Maximum units per structure - Six (6).

(5) Minimum distance between buildings - Twelve (12) feet.

(6) Minimum front yard setback - Twenty-five (25) feet from internal streets.

(7) Minimum side yard setback (for end units) - Six (6) feet.

(8) Minimum rear yard setback - Twenty (20) feet.

(9) Minimum usable rear yard depth - Twenty (20) feet, ten (10) feet for rear yards adjacent to perimeter buffers. Decks shall be permitted within the usable yard area, but detention/retention facilities, drainage swales, or any easements which would inhibit the use of the rear yard are prohibited. For purposes of this section a drainage swale with side slopes exceeding 1:10 and a depth exceeding eighteen (18) inches shall be established as the limit which inhibits use of this yard and is therefore prohibited.

(10) Maximum building height is thirty-five (35) feet or 2.5 stories, whichever is less.

4. Design Requirements.

a. Off-street parking requirements as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses shall apply to townhouse units. Including parking spaces available within nonresidential portions of a Mixed-Use

Townhouse Development, a minimum of four (4) parking spaces shall be provided per townhouse unit.

b. Facilities to serve the recreational needs of the residents of the Mixed-Use Townhouse Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five percent (5%) of the tract area of a Mixed-Use Townhouse Development shall be provided, which may include passive and active recreation, or combination thereof.

c. Construction, design, light, screening and landscaping of parking areas and streets shall conform to the applicable provisions of this chapter. To the extent that the Township's standards for the construction and design of parking facilities, including the size and number of parking spaces as well as the design of internal streets and circulation driveways, is inconsistent with the Residential Site Improvements Standards (RSIS), then the RSIS code standards shall govern the parking area and street design. (Ord. No. 2011-17 § 3)

18-1016 Automobile Repairs and Service

A. Where permitted, any application for an automobile repair and service facility shall include a site plan that identifies the number or capacity of automobiles that may be garaged within the principal building and onsite.

B. Any fuel tanks shall be installed underground.

C. Driveways shall cross the sidewalk at right angles and shall not be more than sixteen (16) feet wide at any point thereof. Driveways must be at least ten (10) feet from any side lot line or from the intersection of street lines. There shall be no more than one (1) driveway on any one (1) street frontage unless the street frontage is in excess of ninety-nine (99) feet, in which case, there may be a maximum of two (2) driveways on the street frontage provided the driveways are ten (10) feet apart.

D. The entire area of the facility traversed by motor vehicles shall be hard surfaced.

E. Illumination of the automobile repair facility and any parking areas shall be such that no direct glare from the lights used shall fall upon adjacent property.

F. All automobile repairs and services shall be conducted indoors within the automobile repair facility.

(Ord. No. 2012-4 § 3)

18-1017 Mixed-Use Multifamily Development

A. Mixed-Use Multifamily Development shall be subject to the following conditions:

1. Minimum Tract Size – Twenty (20) contiguous acres, excluding freshwater wetlands, associated NJDEP wetlands buffers, riparian buffers and flood hazard areas.

2. Maximum Gross Residential Density – Eighteen (18) units per acre.

3. Maximum Building Coverage for the Entire Tract – Thirty percent (30%).

4. Maximum Building Height – Fifty-five (55) feet.

5. The tract shall have at least five hundred (500) feet of frontage on a State highway.

6. The tract shall have a lot depth of five hundred (500) feet.

7. Minimum Tract Setbacks.

   a. Building setbacks from State Highway Route 70: Seventy-five (75) feet residential, twenty-five (25) feet nonresidential.

   b. Building setbacks (other): Residential thirty-five (35) feet; nonresidential fifty (50) feet.

   c. Interior roadway/circulation driveway: Twenty-five (25) feet.

   d. Interior paved parking lot: Fifteen (15) feet.

8. A minimum of fifteen percent (15%) of the tract shall be utilized for nonresidential uses, including nonresidential buildings, parking, infrastructure and open space.

B. Permitted Uses.

1. Multifamily dwellings, such as rental apartments or condominiums.

2. Retail and commercial businesses, financial institutions and personal service establishments.

3. Places of worship.

4. Public and private schools.

C. Permitted Accessory Uses.

1. Off-street parking and common parking area.

2. Maintenance and utility structures intended to service the residents of the mixed-use multifamily development.

3. Recreational or clubhouse facilities intended to service the residents of the mixed-use multifamily development.

4. Signage.

5. Fencing.

D. Bulk Requirements. The following bulk requirements shall apply to the permitted uses in a Mixed-Use Multifamily Development:

1. Minimum tract size of the residential portion of a mixed-use multifamily development shall be fifteen (15) acres.

2. Minimum distance between buildings shall be equal to the building height of the taller building.

E. Design Requirements.

1. A mixed-use multifamily development shall be designed and planned as a single entity according to an overall site development plan. The entire development shall be constructed with a common architectural theme which shall be subject to the review of the board of proper jurisdiction. The architectural theme shall include all residential and nonresidential buildings, common elements, signage, fencing, lighting and other similar physical features.

2. Off-Street Parking Requirements.

   a. Residential land uses shall comply with the off-street parking requirements as outlined in the New Jersey Residential Site Improvements Standards.

   b. The total off-street parking provided on the site for the residential and the nonresidential portions of the development may be reduced based on a shared parking analysis at the discretion of the Board. The determination shall be based on a shared parking analysis submitted by the applicant and prepared in accordance with Institute of Traffic Engineers' (ITE) standard methodology and subject to Board review.

   c. Separate off-street parking for the clubhouse/community center shall not be required.

3. Recreation. Each Mixed-Use Multifamily Development shall contain active recreational facilities such as a tot lot, playground, sports court or play field and passive recreation such as sitting areas. The land area of the recreational facility shall be equal to one hundred (100) square feet for each proposed dwelling unit.

4. Buffers. The Mixed-Use Multifamily Development shall provide a buffer to any adjoining lot which is zoned for single-family residences or currently developed as a single-family residence neighborhood. The buffer shall provide a vegetative screen between the two (2) uses of at least two (2) staggered rows of evergreen plantings. The minimum width of vegetation shall be twenty-five (25) feet.
(Ord. No. 2012-52 § 3)

18-1018 Mixed Use Development

A. Mixed Use Developments shall be subject to the following conditions:

1. Minimum Tract Size — Fifteen (15) contiguous acres, excluding freshwater wetlands associated NJDEP wetlands buffers, riparian buffers and flood hazard areas.

2. Maximum Gross Residential Density — Fifteen (15) dwelling units per acre for multifamily dwellings, and seven (7) dwelling units per acre for townhomes, where the maximum total combined gross density for the tract including townhomes and multifamily dwellings shall be fifteen (15) dwelling units per acre.

3. Maximum Building Coverage for the Entire Tract — Maximum allowable under NJDEP/CAFRA regulations.

4. Maximum Building Height — Thirty-five (35) feet for townhomes and fifty-five (55) feet for commercial, multifamily and mixed-use buildings.

5. The tract must have at least four hundred (400) feet of frontage on a State highway.

6. The tract must have a minimum lot depth of five hundred (500) feet.

7. Minimum Tract Setbacks:

   a. Building setbacks from State highway: Seventy-five (75) feet for residential buildings, fifty (50) feet for mixed-use buildings, and twenty-five (25) feet for nonresidential buildings.

   b. From tract boundary other than State highway: Thirty-five (35) feet for residential buildings and fifty (50) feet for nonresidential and mixed-use buildings.

   c. Interior roadway/circulation driveway: Fifteen (15) feet.

   d. Interior parking lot paved surface to building: Fifteen (15) feet.

8. A minimum of fifteen (15%) of the tract shall be utilized for nonresidential uses, including nonresidential buildings, parking, infrastructure and open space.

B. Once applicable provisions of Section 18-1018A are met, any subdivision to show ownership, responsibility, deed restrictions, or covenants shall only be subject to lot provisions set forth herewith; and the placement of any building on such lot shall be at the discretion of the developer of the Mixed Use Development. Restrictions and covenant requirements shall be established by the homeowners' association.

C. If the tract meets the conditions as specified in subsection 18-1018A above, the following uses shall be permitted in addition to the uses permitted in the Highway Development (B-5) Zone as part of a Mixed-Use Development as defined in this chapter.

1. Principal Uses:

a. Multifamily dwellings located in mixed-use or stand-alone buildings.

b. Townhouse dwellings.

c. Community facilities related to the cultural, social and recreational need of the residents of the development, including public or private parks, religious, ceremonial and ritual facilities, churches and other places of worship.

d. Retail and commercial businesses, hotels, financial institutions and personal service establishments as specified herein.

2. Accessory Uses:

a. Off-street parking and common parking areas.

b. Maintenance and utility facilities intended to service the residents of the planned development.

D. In addition to the conditions set forth in subsection 18-1018A, Mixed Use Development shall be subject to the following bulk and yard regulations, design standards, and administrative requirements which shall not be deemed as required conditions for the proposed use:

1. Bulk Requirements. The following bulk requirements shall apply to the residential dwelling unit types in a Mixed Use Development.

a. Townhouse structures on common property:

(1) Clusters of townhouse dwellings may be arranged on a tract subject to the applicable design standards contained in this chapter.

(2) Maximum building length — Two hundred fifty (250) feet.

(3) Minimum distance between buildings — Twelve (12) feet, unless part of a mixed-use commercial/residential building.

(4) Minimum front yard setback— Twenty-five (25) feet from internal streets.

(5) Minimum side yard setback (for end units) — Twelve (12) feet.

(6) Minimum rear yard setback — Twenty (20) feet.

(7) Minimum useable rear yard depth — Fifteen (15) feet, ten (10) feet for rear yards adjacent to perimeter buffers. Decks shall be permitted within the usable yard area, but detention/retention facilities, drainage swales, or any easements which would inhibit the use of the rear yard are prohibited. For purposes of this section a drainage swale with side slopes exceeding 1:10 and a depth exceeding eighteen (18) inches shall be established as the limit which inhibits use of this yard and is therefore prohibited.

(8) Maximum building height is thirty-five (35) feet.

2. Design Requirements.

a. Off-street parking requirements as outlined in the Residential Site Improvement Standards (RSIS) for residential land uses shall apply to all residential units.

b. Facilities to serve the recreational needs of the residents of the Mixed Use Townhouse Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five percent (5%) of the tract area of a Mixed Use Townhouse Development shall be provided, which may include passive and active recreation, or a combination thereof.

c. Construction, design, lighting, screening and landscaping of parking areas and streets shall conform to the applicable provisions of this chapter. To the extent that the Township's standards for the construction and design of parking facilities, including the size and number of parking spaces as well as the design of internal streets and circulation driveways, is inconsistent with the Residential Site Improvements Standards (RSIS), then the RSIS code standards shall govern the parking area and street design.

(Ord. No. 2013-31 § 3)

18-1019 Digital Billboards

It having been determined that there is a public benefit for an integrated system of remotely changed digital billboards through which the Township of Lakewood can communicate with the public, it having been determined that such a single integrated system will most cost effectively, efficiently and professionally be handled by a single for-profit third-party operator and it having been determined that such system and operator is likely to reduce the costs and expenses of the Township of Lakewood inherent in dealing with multiple operators or multiple or non-integrated systems while at the same time providing a public service. Such operator shall operate the integrated system of digital billboards and advertise matters (other than political matters or those in violation of applicable laws) that do not relate to the Township of Lakewood or the good of its residents; provided that the Township of Lakewood is entitled to the usage rights set forth herein.

Digital billboards shall be permitted as conditional uses in the B-1, B-3, B-4, HD-6, HD-7, and M-1 zones subject to the following conditions:

A. A single, integrated network of digital billboards shall be conditionally permitted in the Township. Such network would include no more than ten (10) digital billboard structures. Billboard structures will have two (2) faces, operated by a single operator. No more than one (1) integrated network of digital billboards shall be permitted in the Township.

B. The operator of an integrated network of digital billboards shall provide for the Township of Lakewood access to, at a maximum ten (10%) percent of the static display panels in addition to an eighteen (18) inch high LED message board along the bottom of each face for public messages.

C. The two (2) faces of each of the digital billboards may be oriented only towards travelers on the following roadways:

1. Route 9
2. Route 88
3. Cedarbridge Avenue
4. Highway 70
5. County Road 623
6. County Road 549
7. West County Line Road
8. Lanes Mill Road

D. Digital billboards shall be located at least one thousand (1,000) feet from any other digital billboard located along the same frontage/roadway and in the same direction of travel, as measured from any part of the sign to any other digital billboard sign.

E. Digital billboards must be located at least three hundred (300) feet from any residential property, as measured from any part of the sign to the nearest property line with residential improvements within any residential zoning district. This distance may be reduced to fifty (50) feet in accordance with the following:

1. If the faces of the digital billboards are oriented away from the residential property; and;
2. If no portion of the sign faces or viewing surfaces is visible from the residential property.

F. Each face of a digital billboard shall not exceed a height of fourteen (14) feet, a length of forty-eight (48) feet, and an area of six hundred seventy-two (672) square feet, plus the eighteen (18) inch LED message area along the bottom. The height shall not exceed forty (40) feet, and the display face shall be located not less than fifteen (15) feet above the adjacent street grade.

G. Digital billboards shall have a frame hold time of no less than ten (10) seconds. Transition from one message to another shall be continuous without fade-outs, animation or other type of movement between messages. The use of streaming video, full-motion video, animation or frame effects is prohibited.

H. No digital billboard shall be permitted to operate unless it is equipped with:

1. A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and

2. A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

I. A digital billboard cannot replace an existing billboard sign unless the entire sign is brought into compliance with all applicable provisions of this chapter.

J. Billboard structures having more than two (2) surface display areas which are tandem (side-by-side) or stacked (one above the other) are prohibited.

K. No billboard may be located within fifteen (15) feet of any property line or fifteen (15) feet of any other boundary lines of the property on which the billboard is located.

L. All distances as provided for in this section shall be measured radially from where the surface display area is situtated.

M. No billboard may be located on top of, cantilevered over or otherwise suspended above any building or structure.

N. Display brightness, except where the industry standard for digital billboard operators differs (in which case such standard shall be permitted, shall be as follows:

1. No digital billboard shall be brighter than necessary for clear and adequate visibility or of such intensity that it interferes with the effectiveness of an official traffic control device.

2. Maximum brightness levels for digital billboards shall not exceed two-tenths (0.2) foot-candles over ambient light levels measured within one-hundred fifty (150) feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Reinspection and recalibration shall be required annually by the Township, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

3. Brightness of digital billboards shall be measured as follows:

   a. At least thirty (30) minutes following sunset, a foot-candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

   b. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

   c. If the difference between the readings is two-tenths (0.2) foot-candles or less, the brightness is properly adjusted.

O. A billboard must comply with all applicable provisions of Federal and State law.

P. Every billboard requires a Township sign permit before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable ordinances of the Township including, without limitation, the Township Zoning Ordinance as amended from time to time. Every applicant for a billboard permit shall file with the application a certificate of insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair and replacement of the billboard. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a certificate of insurance currently effective on file with the Township so long as the billboard or billboards are in existence. The certificate shall provide that the Township shall receive ten (10) days written notice in case of cancellation of the policy. Subject only to a five (5) business day notice and cure period, any billboard in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the billboard.

Q. Billboards must otherwise comply with all other relevant regulations and ordinances of the Township.

R. No political advertising/messaging of any type or advertising/messaging that is offensive to or violates contemporary community standards for Lakewood Township shall be displayed on any billboard.

S. The permit holder shall pay an annual fee to the Township in the amount of five hundred ($500.00) dollars for each billboard.

(Ord. No. 2013-51 § 9)

18-1020 Commercial Uses on Properties with Frontage on Ocean County Route No. 526.

A. Commercial uses, as specified herein, are permitted on properties located in the R-20, R-15, R-12/R-12A, R-10, and R-7.5 zone districts when the following conditions are met:

1. The property has a minimum frontage of one hundred (100) feet on Ocean County Route No. 526;

2. A minimum of fifty (50%) percent of the subject property frontage on Ocean County Route No. 526 is located within one thousand (1,000) feet of the centerline of an intersecting major roadway, specifically the intersections of Route 526 with US Route 9, Princeton Avenue, Clifton Avenue, Squankum Road, Somerset Avenue, Brook Road, and Ridge Avenue which run both to the north and south of Ocean County Route No. 526; and,

3. The property is located to the east of US Route No. 9 (Madison Avenue).

4. Minimum lot area: 20,000 square feet.

B. If the conditions of Section 18-1020.A are met, the following commercial uses are permitted.

1. Retail activities of and similar to the following types may be permitted:

a. Grocery and food stores.

b. Drugstores and pharmacies.

c. Confectionery stores.

d. Periodical and newspaper stores.

2. Service activities of and similar to the following types may be permitted:

a. Barber and beauty shops; nail salons.

b. Tailor and dressmakers.

c. Dry cleaning collection, but not processing.

d. Shoe repair.

e. Self-service laundry facilities.

f. Radio and television services.

g. Banks and financial institutions.

h. Professional and administrative offices.

i. Restaurants without drive-through facilities.

C. The following commercial uses are prohibited.

1. Restaurants with drive-through facilities.

2. 24-hour convenience stores.

3. Gas sales.

4. Automotive repair establishments.

5. Parking lots, except as an accessory to a commercial use permitted under the provisions of this section.

6. Car and van sale and rental agencies.

7. Accessory uses in accessory buildings.

D. The following bulk regulations shall apply to all properties developed under the provisions of this section. A variation or deviation from the zoning standards in this subsection shall be addressed by the Board of proper jurisdiction as a bulk variance.

1. Minimum lot width: 100 feet

2. Front yard setback: 30 feet

3. Rear yard setback: 50 feet

4. Side yard setback: 50 feet when the adjacent property is developed with a residential use, in all other cases the minimum side yard setback shall be twenty-five (25) feet.

5. Maximum building coverage: 25 percent

6. Maximum building height: 35 feet

7. No individual commercial use may occupy more than ten thousand (10,000) square feet of gross floor area.

E. Design Requirements. A variation or deviation from the zoning standards in this subsection shall be addressed by the board of proper jurisdiction as a bulk variance.

1. Trash enclosures are required. The following provisions apply:

a. The design of trash enclosures shall blend with the building exterior.

b. The size of trash enclosures shall be approved by the Department of Public Works.

c. No trash enclosure shall be located in a front yard.

d. No trash enclosure shall be located less than fifty (50) feet from the side or rear property line when the adjacent property is developed with a residential use.

e. No trash enclosure shall be located less than fifteen (15) feet from the side or rear property line when the adjacent property is developed with a nonresidential use.

2. Curbs and sidewalks shall be provided along all roadway frontages of properties developed under the provisions of this section.

a. Sidewalks shall be a minimum of six (6) feet wide and shall be constructed in accordance with the applicable Township standards and specifications.

b. Curbs shall be constructed in accordance with the applicable Township standards and specifications.

3. Full compliance with Section 18-803 (Landscaping and Buffers) is required.

4. Full compliance with Section 18-807 (Off-Street Parking, Loading and Circulation) is required.

F. Architecture. Since the commercial uses permitted herein will be developed within residential zones, the Board shall review the design of commercial buildings allowed under the provisions of this section to insure compatibility with adjoining residential neighborhoods. The Board shall consider the scale, orientation, setbacks, materials and architectural features of the design, all of which should positively contribute to the surrounding residential neighborhood. Architectural features that reflect residential design and buildings are encouraged.

(Ord. No. 2013-79 § 6)

ARTICLE XI ADMINISTRATION

18-1100 Enforcement

A. It shall be the Zoning Officer's duty to examine all applications for permits, issue zoning permits only for uses which are in accordance with the requirements of this chapter. The Zoning Officer shall also record and file applications for permits with any accompanying plans and documents and make such reports as the Committee may require. Permits for construction and uses which are a conditional use or variance to requirements of this chapter shall be issued only upon order of the Planning Board or the Zoning Board.

B. The Township Committee may appoint a Deputy Zoning Administration officer who shall perform all of the duties of the Zoning Officer during absences, disability or unavailability, or when so directed by the Zoning Administration Officer. The terms of appointment shall be for the calendar year.

18-1101 Resolution Compliance

A. After approval of site plans or subdivisions by the Planning Board/Board of Adjustment, and prior to the commencement of construction the applicant must complete the following:

1. Plans shall be submitted to the Planning/Zoning Board professionals to be reviewed for compliance with the Board's resolution of approval, including the receipt of all required outside agency approvals.

2. Once the Board professionals determine the revised plans are in compliance with the approving resolution, a bond estimate will be prepared by the Township Engineer in accordance with Article IV, Improvement Guarantees, of this chapter.

3. Inspection Escrows shall be posted in accordance with Article IV, Improvement Guarantees, and Section 18-704, Inspection and Escrow Fees, of this chapter.

4. Once the inspection fees have been received and the bonds have been approved and any other conditions of the resolution including outside agency approvals have been satisfied, the plans may be submitted and signed. Board escrow funds must be current and taxes paid to date prior to the releasing of the signed maps.

5. Following the receipt of the signed plans, the applicant may begin site work. The applicant must notify the Township's Engineering Department seventy-two (72) hours prior to the anticipation of the commencement of site work and keep the Department informed of the need for inspections throughout the development process.

6. A building permit application may be submitted for structures relative to a site plan simultaneous with commencement of site work. A residential subdivision requires Board approval and filing (with the County Clerk) of a final subdivision map or deed prior to applying for a building permit.

7. Before a building permit can be issued for a structure related to a site plan or a subdivision "prior approvals" are required:

   a. A plot plan shall be submitted to the Construction Office to be reviewed by the Township Engineer in accordance with the applicable requirements of this chapter.

   b. The Zoning Officer reviews the building permit application and issues a zoning permit.

   c. Following the review and approval of the building permit by the Engineering Department, the building permit application is resubmitted to the Building Department for construction review. Depending upon the scope of development the applicant may also require Ocean County Planning Board, Ocean County Soil Conservation District, Utility Companies, Shade Tree, DEP and/or DOT approvals prior to receiving a building permit.

18-1102 Requirements of Permits

A. A zoning permit ("Zoning Permit") issued by the Zoning Officer stating that the project complies with Township ordinance requirements shall be required prior to:

   1. The erection or structural alteration of any building, structure, or portion thereof;

2. The use or change in use of a building or land;

3. Any excavation;

4. The change or extension of a nonconforming use;

5. The erection, creation or alteration of a permanent or temporary sign;

6. The erection or structural alteration of a shed of a size of one hundred (100) square feet or less;

7. The erection of a fence six (6) feet high and under; and

8. The commencement of any home occupation.

The fee for each zoning permit shall be thirty-five ($35.00) dollars.

18-1103 Application for Permits

Application for permits shall be in writing to the Zoning Administration Officer on such forms as may be furnished by the Township. All site plans submitted shall contain the limits of all wetlands, and wetland buffers wherever present. All submitted plans shall be submitted to all applicable law.

18-1104 Issuance of Permits

Permits shall be granted or refused within the applicable time period as specified by law. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit and prior to occupancy or use, the holder of such permit shall notify the Zoning Administration Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Administration Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances. All applications with accompanying plans and documents shall become a public record.

18-1105 Fees*

A. The Township is hereby authorized and directed to charge fees for services and materials extended and furnished to or for the benefit of any individual person or entity. The Township Committee shall adopt annually a schedule of fees by ordinance. Such fees and charges may be amended from time to time by the Township Committee. If any fee established by the Township Committee conflicts with a mandatory fee established by State or Federal law, regulation, order, or rule, such State or Federal fee will govern.

B. Fees for permits shall be paid in accordance with a fee schedule adopted by the Township Committee and all such fees shall be paid into the Township Treasury.

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*__Editor's Note:__ Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any members of their administrative staffs may be found in Chapter II Administration, subsection 2-36.4 Fees of the Revised General Ordinances of the Township of Lakewood, 1999.

C. Each applicant shall at the time of making application, pay a fee in accordance with the aforementioned fee schedule, for the cost of advertising and mailing notices as required by this and other Township ordinances and the rules of the Zoning or Planning Board.

D. A municipality may by ordinance exempt, according to uniform standards, a disabled person, or a parent or sibling of a disabled person, from the payment of any fee charged under this act in connection with any application for development, which promotes accessibility to their own living unit.

E. For the purpose of this subsection, "disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include, but not be limited to, any resident of this State who is disabled pursuant to the Federal Social Security Act (42 U.S.C. 416), or the Federal Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.), or is rated as having a sixty percent (60%) disability or higher pursuant to any Federal law administered by the United States Veterans' Act. For purposes of this paragraph "Blindness" means central visual acuity of 20/200 or less in the better eye with the use of a corrective lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

18-1106 Returned Check Fee

A. If a check or other negotiable instrument delivered to the Township or any agency or instrumentality thereof in payment of any tax, fee, assessment, fine, interest, late charge escrow, judgment or other debt due and owing from such person or entity pursuant to any law, rule, regulation, ordinance, resolution or code provision of the State, County or the Township or pursuant to any contract or agreement to which the Township is a party is returned to the Township as uncollectible due to insufficient funds or other reasons, there shall be insufficient funds or other reasons, there shall be added to the amounts due from such person or entity to the Township a service charge as established by the Township Committee per check or other negotiable instrument per return.

B. Service charges, which become due pursuant to paragraph A above shall be collected in the same manner as the original tax, fee, assessment, fine, interest, late charge, escrow, judgment or other debt may be collected. Such service charges attributable to payment of taxes or special assessments shall be

included on the list of delinquent accounts prepared for the enforcement of the lien of such tax or special assessment.

C. Payment of the original tax, fee, assessment, fine, interest, late charge, escrow, judgment or other debt and all service charges due pursuant to this article after any check or other negotiable instrument for the original payment thereof is returned uncollected due to insufficient funds or other reasons shall only be accepted by the Tax Collector or other authorized officer if presented in the form of cash or a certified or cashier's check.

18-1107 Escrow Fees

A. All fees other than application fees and miscellaneous fees shall be escrow fees to pay the services of any professional personnel employed by the Planning Board, Zoning Board or Township Committee to process, review, inspect, study or make recommendations to such Planning, Zoning Board or Township Committee concerning the nature and substance of the applicant's application and/or to pay the services of any such professional personnel and the costs and expenses incurred by such professional personnel and/or the Planning Board, Zoning Board and/or Township Committee to create, amend or modify, including but not limited to the costs and expenses to draft, finalize and publish the official Tax Map and/or Zoning Map of the Township, which creation, amendment and/or modification is necessitated by the approval of the applicant's application.

B. If during the existence of this escrow account the balance of funds held by the Township shall be insufficient to cover vouchers submitted by the professionals, the applicant shall deposit additional sums with the Township to cover the amount of the deficit and the anticipated amount to cover all remaining work within ten (10) days after receipt of written notice from the Township Finance Office in the amounts owed. In the event that an application fails to deposit the additional escrow moneys as required within the time set forth in this division, the Township, through its agents and employees, shall take whatever action deemed necessary in order to compel the payment of the escrow amount. In addition, the professional personnel may take any action individually as they deem necessary to satisfy the vouchers submitted. Notwithstanding the foregoing, any applicant who does not deposit such additional escrow moneys within thirty (30) days after receipt of written notice from the Township Finance Office of the amounts owed shall be charged a late fee equal to ten (10%) percent times the amounts owed from the date such sums were due pursuant to such notice until paid in full (including all accrued late fees). No permit, approval or certificate shall be issued to any applicant or property owner by any

Board, Zoning Officer, Township Committee, Township Clerk or any other agency of the Township unless all amounts owed pursuant to this section by such applicant or owner or with respect to the subject property are paid in full.

C. All excess monies in the escrow account will be returned at the time of final release of maintenance bonds for improvements to the applicant with a statement of money expended against the account. If at any time prior to final approval the applicant elects to withdraw his request for approval and abandon the project, any moneys remaining in the escrow account, after all proper charges have been paid, will be returned to the applicant with a statement of money expended against the account.

18-1108 Return of Fees Paid Upon the Withdrawal of Application

If an applicant for site plan approval, subdivision approval, or a zoning permit or certificate of conformance withdraws such application or request prior to action by the Planning Board or Zoning Board of Adjustment or issuance of the permit or certificate, the fees paid for such approval, permit or certification pursuant to this section shall be refunded to the applicant, except that the Township shall be permitted to retain such portion of such fees as shall pay for actual out-of-pocket expenses incurred by the Township in connection with such application (including but not limited to engineering and legal review charges) and an administrative charge equal to fifteen (15%) percent of the fees paid by such applicant.

18-1109 Remedies and Penalties

A. For each and every violation of any provision of this chapter, the owner contractor, or other persons interested as general agent, architect, building contractor, owner, tenant, or any other persons who commit any violation of this chapter, or who maintain any building or premises in which any violation of this chapter shall exist, and who shall have refused to make a reasonable attempt abate said violation within ten (10) days after written notice shall have been served upon them either by mail or by personal service, shall for each and every violation be imprisoned in the Township or County Jail for a period not exceeding thirty (30) days or be fined an amount not exceeding one thousand ($1,000.00) dollars or both, at the discretion of the Court before whom a conviction may be had. For each and every thirty (30) day period that such violation continues after such notice shall be considered a separate and specific violation of this chapter.

B. In addition to the remedy or remedies hereinbefore provided, any person, persons, company or corporation violating this chapter or any provision or section thereof, may be proceeded against by the Township of Lakewood by appropriate action or by proceeding in equity or otherwise to enjoin any violation of this chapter or to prevent and enjoin any threatened violation of this chapter.

18-1110 Validity

A. If any article, section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this chapter.

B. This chapter shall take effect upon the filing thereof with the County Planning Board after final passage, adoption and publication in the manner prescribed by law.

18-1111 Zone Change

A. Any interested part may submit to the Township Committee a request for a zoning change of the parcel.

B. The applicant shall clearly indicate the requested zoning district in which the parcel will be located.

C. The applicant shall submit the necessary application and escrow fees as specified.

D. The applicant should indicate all uses located within two hundred feet (200) of the parcel in which the zoning change is requested.

E. The Township Planner shall issue a report to the Township Committee which analyzes the requested zone change.

18-1112 Land Development Checklist

		CHECK LIST				
		Minor Subdiv	Prelim MajSub	Final MajSub	Major Site Plan	Minor Site Plan
A.	**PLAT SPECIFICATIONS**					
1.	Plat clearly and legibly drawn or produced at a scale not smaller than one inch equals 50 feet.	X	X	X	X	X
2.	Sheet size either 8.5" x 11", 11 by 17, 15 by 21, 18 by 24, 24 by 36, or 30 by 42	X	X	X	X	X
3.	Plans shall be prepared by an architect or engineer if application involves only the location of proposed buildings and their relationship to the site and the immediate environs.				X	X
4.	Plans shall be prepared by an architect, planner, or engineer if application involves only the location of drives, parking layout, pedestrian circulation, and means of ingress and egress.				X	X
5.	Plans shall be prepared by an engineer if application involves only drainage facilities for site plan of ten acres or more, or involving storm water detention facilities, or traversed by water course.				X	

CHECK LIST

		Minor Subdiv	Prelim MajSub	Final MajSub	Major Site Plan	Minor Site Plan
6.	Plans shall be prepared by a licensed land surveyor which shows existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations and easements. Survey information may, however, be transposed to a site plan if the date of the survey and by whom and for whom it was prepared is noted on the site plan, and a signed sealed copy of the survey prepared by a licensed land surveyor must accompany the site plan submission.	X	X	X	X	X
7.	Property line shown in degree, minutes, and seconds.	X	X	X	X	X
8.	Key map or tax map showing location of tract to be considered in relation to surrounding area	X	X	X	X	X
9.	Title block containing name of preparer, lot and block numbers, tax map sheet number, date prepared, and date of last amendment.	X	X	X	X	X
10	Each block and lot numbered in conformity with the municipal Tax map as determined by the municipal tax assessor.	X	X	X	X	
11.	Scale of map, both written and graphic.					

	CHECK LIST				
	Minor Subdiv	**Prelim MajSub**	**Final MajSub**	**Major Site Plan**	**Minor Site Plan**
12. North arrow giving reference meridian.	X	X	X	X	X
13. Space for signatures of chairman, secretary, and engineer of the approving authority and all required certifications pursuant to the NJ Map Filing Law.	X	X	X	X	X
14. Names of all property owners within 200 feet of subject property attached thereto	X	X	X	X	X
15. Location of existing and proposed property lines with dimensions in feet to the nearest two decimal places.	X	X	X	X	X
16. Zoning district in which parcel is located and a zoning schedule listing all requirements of the zone district and a notation of any variances.	X	X	X	X	X
17. General notes identifying the name and address of the property and applicant, acreage of affected parcel to the nearest hundredth of an acre, and the existing and proposed use.	X	X	X	X	X
18. Number and size of lots after subdivision to be designated.	X	X	X	X	X

		CHECK LIST				
		Minor Subdiv	Prelim MajSub	Final MajSub	Major Site Plan	Minor Site Plan
B.	**SITE FEATURES**					
1.	Topography of the site.	X	X		X	X
2.	Topography within 200 feet thereof.		X		X	
3.	Contours on the site to determine the natural drainage of the land.	X	X		X	X
4.	Contours of the area within 200 feet of the site boundaries.		X		X	
5.	Flood plains, wetlands, wetland buffers. If any portion of the project contains wetlands or wetland buffers, proof of submission of a letter of interpretation to the NJDEP shall be required.	X	X	X	X	X
6.	Natural and artificial water courses, streams, shore lines, water boundaries, and encroachment lines.	X	X	X	X	X
7.	Wooded areas.	X	X		X	X
8.	Areas in which construction is precluded due to presence of stream corridors and/or steep slopes.	X	X	X	X	X
9.	Man-made features on-site.	X	X	X	X	X
10.	Man-made features within 200 feet thereof.		X		X	

	CHECK LIST				
	Minor Subdiv	Prelim MajSub	Final MajSub	Major Site Plan	Minor Site Plan
C. IMPROVEMENTS					
1. Location of existing and proposed structures and their set backs from existing and proposed property lines.	X	X	X	X	X
2. Location of all existing and proposed easements or rights of way, including power lines.	X	X	X	X	X
3. Location of existing railroads, bridges, culverts, drain pipes, water and sewer mains, and other man-made installations affecting the tract.	X	X	X	X	X
4. Location of existing and proposed wells and septic systems.	X	X	X	X	X
5. When applicant intends to use conventional septic disposal system, location of test holes, test results and approximate location of the intended disposal field.		X		X	
6. Plans and profiles of proposed utility layouts such as sewers, storm drains, and water, showing feasible connection to existing proposed utility systems.		X		X	X
7. Location and description of monuments and other survey markers whether set or to be set.	X		X		

CHECK LIST

	Minor Subdiv	Prelim MajSub	Final MajSub	Major Site Plan	Minor Site Plan
8. Location, names, and widths of all existing and proposed streets on the property and within 200 feet of tract.	X	X	X	X	X
9. Required road dedication or road widening easements.	X		X	X	X
10. Shade trees.		X	X	X	X
11. Proposed or existing easements (i.e., utility, sight triangle, access).	X	X	X	X	X
12. Proposed drainage easements where required.	X	X	X	X	X
13. Environmental Impact Statement.		X		X	
14. Tree Protection Management Plan.		X		X	
15. Landscaping plan including the types, quantity, size and location of all proposed vegetation. The scientific and common names of all vegetation shall be included.				X	
16. Soil erosion and sediment control plan consistent with requirements of the local soil conservation district.		X		X	
17. Design calculation showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements.		X		X	

	CHECK LIST				
	Minor Subdiv	**Prelim MajSub**	**Final MajSub**	**Major Site Plan**	**Minor Site Plan**
18. The purpose of any proposed easement of land reserved or dedicated to the public or common use shall be designated and the proposed use of sites other than residential shall be noted.		X	X	X	X
19. Identification by type and nearest street intersection of existing public utilities.				X	
20. Shade tree easement, if necessary.	X	X	X	X	
21. Architectural drawings of the proposed structures – generalized elevations (all four sides of non-residential) and floor plans.				X	X

PLANS PREPARED BY:

_____

Print Company & Preparer's Name

_____ _____

Preparer's Signature Date

WAIVER REQUESTS:
(Submit Reasons)

APPENDIX
To
CHAPTER XVIII
UNIFIED DEVELOPMENT ORDINANCE

Township of Lakewood

Appendix A	Schedule of General Regulations	18A-1

ZONING

SCHEDULE OF GENERAL REGULATIONS

TOWNSHIP OF LAKEWOOD

(Article IX Zoning Districts and Regulations)

	Minimum Lot Requirements(1)		Minimum Yard Requirements							
			Principal Building				Accessory Bldg.		Percent Maximum Bldg. Coverage	Maximum Height Ft.
					Side					
Zone	Area Sq. Ft.	Width Ft.	Front(2)	Rear(4)	One	Both	Rear	Side		
A-1	2 acres	200	50	20	15	40	10	10	20	35
R-40	40,000	150	50	30	15	40	10	10	20	35
R-20	20,000	100	30	20	10	25	10	10	25	35
R-15	15,000	100	30	20	10	25	10	10	25	35
R-12	12,000	90	30	20	10	25	10	10	25	35
R-12A	12,000	75	30	20	10	25	10	10	25	35
R-10	10,000	75	30	20	10	25	10	10	25	35
R-7.5	7,500	50	25	15	7	15	7	7	30	35
R-M	10,000	75	25	15	12	25	7	7	35	65
R-LM	Same As RM									
PH-1	Refer to Chapter: Section 18-903J									
OT	10,000	75	25	15	12	25	7	7	25	35
B-1	-----	-----	15	10	7(3)	15(3)	5	5	-----	35
B-2	-----	-----	-----	10	7(3)	15(3)	5	5	-----	65
B-3	20,000	150	50	30	30	60	30	30	25	45
B-4	10,000	100	15	10	10(3)	20(3)	5	10	-----	45
B-5	2 Acres	200	100	50	50	100	30	30	30	50

Zoning Schedule of Regulations — Continued

	Minimum Lot Requirements(1)		Minimum Yard Requirements							
			Principal Building				Accessory Bldg.		Percent Maximum Bldg. Coverage	Maximum Height Ft.
					Side					
Zone	Area Sq. Ft.	Width Ft.	Front(2)	Rear(4)	One	Both	Rear	Side		
B-5A	Same as B-5									
HD-6	10,000	75	50 *	30	15	35	10	7	30	4-
HD-7	1 Acre	150	50 **	50	30	60	30	30	25	65
R-OP	10,000	75	25	15	12	25	7	7	25	35
CLP /OS	3 Acres	200	50	20	15	40	10	10	20	30
AHZ	See Section 18-903K									
DA-1	3 Acres	300	50	30	30	70	10	10	40	75
M-1	3 Acres	300	50/100	30	30	70	10	10	40	65
M-2	2 Acres	200	50/75	30	30	60	10	10	45	65
PS	Same As M-1									
LP	Same As M-1									

* See Section 18-903G3

** See Section 18-903H3

Notes:

(1) Lots requiring septic systems shall be of sufficient size to achieve required distances in accordance with New Jersey Department of Environmental Protection septic design regulations (N.J.A.C. 7:9A)

(2) Front yard requirements apply only to new developments and to blocks on which only one house is situated. In any district where more than one residence building is situated on one side of a block, no new building shall be erected and no existing building reconstructed or altered to project beyond a setback line which will represent an average of the setback lines or distances of all residence building on said side of the block.

Notes (Continued):

(3) No side yard required for business property on side adjacent to an existing business property.

(4) Rear yard requirements above set forth shall not apply, however, to any property having its rear boundary line one and the same as the boundary line of a municipal parking lot. When the rear of a property abuts a municipal parking lot, the rear yard requirements shall be five feet on any property whereon the owner at the owner's expense provides a five foot wide sidewalk covering the entire five feet from side line to side line of said property along the rear line abutting the parking lot. The provision is hereby made to permit building within five feet of the parking lot line upon condition that satisfactory sidewalk is provided for ingress and egress to the municipal parking lot and to insure the safety of persons using the rear area of the lands abutting municipal parking lots. The provision, however, shall not apply to any property wherein no installation of sidewalk as above set forth is made prior to a building being erected other than in conformity with the minimum yard requirements otherwise set forth in the Schedule of General Regulations. (Amended August 12, 1965.)

(5) Minimum yard requirements may be reduced by recommendation of the industrial commission with consent of the planning board.

INDEX

Unified Development Ordinance

of the

Revised General Ordinances

of the

Township of Lakewood

This index contains reference to the Unified Development Ordinance. References to all other titles contained in the Code may be found in the General Index.

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