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Posted July 2014

97-41

December 23, 2013 [R]



Jersey Homesteads Historic District

ZONING ORDINANCE

Of The

BOROUGH OF ROOSEVELT

MONMOUTH COUNTY, NEW JERSEY

BOROUGH OF ROOSEVELT

P.O. Box 128

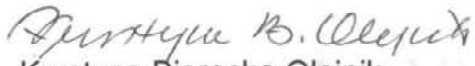
North Rochdale Avenue

Roosevelt, New Jersey 08555

Office: 609-448-0539 Fax: 609-448-8716

CERTIFICATION

I hereby certify the attached Ordinance 97-39: "Amended and Restated Zoning Ordinance of the Borough of Roosevelt, Monmouth County, New Jersey" to be a true and correct copy of the Zoning Ordinance adopted by the Borough Council of the Borough of Roosevelt on the 15th day of December 2011.


Krystyna Bieracka-Olejnik
Borough Clerk



ZONING ORDINANCE

Ordinance No. 97-39 Adopted: December 15, 2011

AMENDMENTS

Ordinance # 97-40 Adopted: October 22, 2012
Ordinance # 97-41 Adopted: December 23, 2013

BOROUGH OF ROOSEVELT ZONING ORDINANCE

HISTORICAL REFERENCE TABLE

The following information and references to prior ordinances contained in this Ordinance are provided for historical reference only. See Article 12 of this Ordinance.

Ordinance # 97 was originally adopted May 23, 1979.
Amendments to Ordinance # 97 are as follows:

Ordinance # 97-1	Adopted: February 11, 1981
Ordinance # 97-2	Adopted: March 11, 1981
Ordinance # 97-3	Adopted: June 10, 1981
Ordinance # 97-4	Adopted: December 8, 1982
Ordinance # 97-5	Adopted: September 21, 1983
Ordinance # 97-6	Adopted: February 13, 1985
Ordinance # 97-7	Adopted: July 10, 1985
Ordinance # 97-8	Adopted: December 11, 1985
Ordinance # 97-9	Adopted: September 10, 1986
Ordinance # 97-10	Adopted: November 12, 1986
Ordinance # 97-11	Adopted: June 10, 1987
Ordinance # 97-12	Adopted: August 12, 1987
Ordinance # 97-13	Adopted: June 8, 1988
Ordinance # 97-14	Adopted: August 10, 1988 (Repealed by Ord. #97-30)
Ordinance # 97-15	Adopted: November 9, 1988
Ordinance # 97-16	Adopted: December 14, 1988
Ordinance # 97-17	Adopted: February 14, 1990
Ordinance # 97-18	Adopted: March 14, 1990
Ordinance # 138	Adopted: March 14, 1990
Ordinance # 97-19	Adopted: June 13, 1990
Ordinance # 97-20	Adopted: November 12, 1991
Ordinance # 146	Adopted: January 15, 1993
Ordinance # 97-21	Adopted: October 9, 1995
Ordinance # 97-22	Not Adopted: April 1996
Ordinance # 97-23	Adopted: December 16, 1996
Ordinance # 97-24	Adopted: December 30, 1998 (Repealed by Ord. # 97-28)
Ordinance # 97-25	Adopted: December 14, 1998
Ordinance # 97-26	Adopted: December 30, 1998
Ordinance # 97-27	Adopted: September 27, 1999
Ordinance # 97-28	Adopted: June 11, 2001
Ordinance # 97-29	Adopted: July 8, 2002
Ordinance # 97-30	Adopted: March 8, 2004
Ordinance # 97-31	Adopted: April 25, 2005
Ordinance # 97-32	Adopted: June 13, 2005
Ordinance # 97-33	<i>Not Adopted: Introduced September, 2005</i>
Ordinance # 97-34	Adopted: October 10, 2005
Ordinance # 97-35	Adopted: March 13, 2006
Ordinance # 97-35	Adopted: March 13, 2006
Ordinance # 146-1	Adopted: June 12, 2006
Ordinance # 97-36	Adopted: April 23, 2007
Ordinance # 97-37A	Adopted: April 28, 2008
Ordinance # 97-37	Adopted: October 12, 2010
Ordinance # 97-38	Adopted: February 28, 2011

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ARTICLE I

TITLE AND PURPOSE

1.100. Scope. An Ordinance amending and supplementing an ordinance to permit within specified districts or zones, and to regulate therein, buildings and structures according to their construction and the nature and extent of their use, and the nature and uses of land in the Borough of Roosevelt in the County of Monmouth and providing for the administration and enforcement of provisions herein contained and fixing penalties for the violations thereof.

1.200. Title. This amendatory and supplementary ordinance shall be known and cited by a short title as “The Zoning Ordinance of the Borough of Roosevelt, Monmouth County, New Jersey”.

1.300. General Intent. The intent of this ordinance is to establish a specific and detailed plan for the use of land within the Borough of Roosevelt based on the master plan as it may be amended, and other studies and findings. This ordinance is enacted pursuant to Chapter 291 of the Laws of New Jersey, 1975 (N.J.S.A. 40:55D-1 et seq.), to protect and promote public health, safety, morals, comfort, convenience and the general welfare of the people.

1.400. Purpose. Such regulations are deemed necessary to further the advancement of the Borough as a social, economic and political unit, to promote the general welfare and achieve the following purposes:

1.410. Promote Orderly Development. To protect the character and maintain the stability of residential, business and agricultural areas, to acknowledge the historically significant planning concepts incorporated in the Borough's physical design and to continue the planning principles embodied therein as a guide to the orderly and beneficial development of the Borough.

1.420. Consistency with Master Plan. Based on the objectives of the land use plan element of the master plan as they may be amended, to designate appropriate zones or use districts in the Borough for those land uses and densities most appropriate thereto in order to conserve and enhance the value of property.

1.430. Acknowledge Environmental Constraints. To regulate the character and intensity of use of zoning lots and within zoning districts consistent with the findings of the U.S. Conservation Service identifying areas of extreme wetness, ponding or prone to flooding, poorly or excessively well drained soils, shallow depth to bedrock, slopes in excess of 15 percent and other limiting environmental considerations which may be embodied in state and county regulations.

1.440. Accept Regional Regulation. To participate in programs of regional cooperation, balancing the local share of regional growth with the Borough's capacity to absorb such growth in an orderly manner.

1.450. Regulate Alteration of Existing Buildings. To review and regulate additions to, and alterations or remodeling of, existing buildings or structures so as to insure their compliance with the provisions of this ordinance.

1.460. Regulate Location of Buildings. To establish building lines and the location of buildings designed for residential, commercial, manufacturing or other uses within such lines.

1.470. Prohibit Incompatible Uses. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

ARTICLE II

DEFINITIONS

USAGE: For the purposes of this ordinance: Unless otherwise defined in this Ordinance for the purpose of a specific Article or Section, the following terms, whether or not capitalized, shall have the meanings ascribed to them in this Article. The present tense includes the future and past; singular includes plural and vice versa; the word "shall" is mandatory and not discretionary. The inclusion of any definition shall not create a presumption that the building, structure, area, use or other thing so defined is a permissible, accessory, conditional or other use or right. (Ord. 97; 97-39)

Accessory Building, Structure or Use: A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use, and which is located on the same lot therewith.

Alterations or Additions, Structural: Any change or rearrangement in the supporting members of a building such as walls, foundation, columns, or beams; or additions to an existing structure requiring walls, foundations, columns, or beams; or the moving of a structure from one location to another.

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 telecommunication signals or other communication signals. (Ord. 97-29)

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

Building Coverage: The area of a lot covered by buildings measured on a horizontal plane around the periphery of the foundation(s) and including the area under the roof of any structure supported by columns, but not having walls, as measured around the extremities of the roof above the columns.

Building Height: The vertical distance measured to the highest point of a structure or building and measured from a mean elevation of the finished grade five feet away from the foundation in the front yard. On a corner lot, the height shall be measured on the street having the greatest slope.

Building, Principal: See "Principal Use".

Cellar: A portion of a building having at least half its clear height below average contact grade around the periphery of the foundation.

Compaction: The increase in soil bulk density. (Ord. 97-32)

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

as contained in the zoning ordinance, and upon the issuance of an authorization therefore by the Planning Board.

Construction Official: The officer appointed pursuant to law to administer and enforce the State Uniform Construction Code, which person may be an employee of the state or any political subdivision thereof.

(Ord. 97-39)

County Review Agency: The agency designated by the Monmouth County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The County Review Agency for Monmouth County is the Monmouth County Planning Board. (Ord. 97-32)

Density: A number expressing dwelling units per acre.

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. (Ord. 97-32)

Designated Center: A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet. (Ord. 97-32)

Development: A division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. (Ord. 97-32)

Dormitory: A housing unit containing sleeping rooms which shall contain complete sanitary facilities, although not necessarily within individual rooms, and contain facilities and equipment related to a dormitory function such as kitchen, dining, recreation, libraries and instructional facilities, occupied primarily by students or employees of a private school located within the Borough of Roosevelt, excluding spouses and children of such students and supervisory staff. (Ord. 97-36)

Drainage Area: A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body. (Ord. 97-32)

Drainage Right-of-Way: The land required for the installation and maintenance of storm water facilities and areas required along a stream for the purposes of access and maintenance to preserve any channel and facilities providing for the flow of water in accordance with Chapter One of Title 58 of the revised statutes, as amended.

Driveway: An area used for parking of vehicles, or for ingress and egress of vehicles from a parking area, which provides direct access from a public street to a building or other structure or facility;

provided that no area in which parking for a non-residential principal use is permitted shall be considered a driveway.

(Ord. 97-18)

Dwelling: A building which is designed or used exclusively as the living quarters for one or more housekeeping units.

Dwelling, Detached: A building detached from another building and occupied or intended to be occupied for residence purposes by one housekeeping unit and which has its own cooking, sleeping, sanitary and general living facilities.

Dwelling Unit: A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The dwelling unit shall be self-contained and shall not require the use of outside stairs, passing through another dwelling unit, or other indirect route(s) to get to any portion of the dwelling unit, nor shall one dwelling unit require shared facilities with another dwelling unit. (Ord. 97; 97-39)

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 N.J.D.E.P. Landscape Project as approved by the N.J.D.E.P. Endangered and Nongame Species Program. (Ord. 97-32; 97-39)

Erosion: means the detachment and movement of soil or rock fragments by water, wind, ice or gravity. (Ord. 97-32)

FCC The Federal Communications Commission. (Ord. 97-29)

Family: A group of persons who live together in a dwelling unit as a single nonprofit and noncommercial housekeeping unit of indefinite duration, sharing cooking, dining, and general living facilities.

(Ord. 97; 97-05; 97-15)

Farm: One or more lots with a total of ten or more acres used for farming purposes, as defined herein, and containing one single-family dwelling. (Ord. 97; 97-31)

Farming: Farming shall mean the production for sale of plants, including but not limited to forage and sod crops; grains and feed crops; and trees and forest products, or the devotion of land to the production for sale of any such plants. Farming shall not include the production for sale of produce from home gardens located on lots of less than ten acres. (Ord. 97-16; 97-31)

Flood Plain: The relatively flat area adjoining a stream, which has been or may be hereafter covered by flood waters of the stream. The flood plain encompasses the flood way and the flood hazard area.

Grade:

1. The vertical rise expressed as a percentage of the horizontal distance, e.g. a 10 percent grade is where the surface rises 10 feet vertically for each 100 feet moved horizontally.

2. The finished elevation of the ground.

Gross Floor Area: The sum of the area of each story measured around the outside dimension of the building. The gross floor area of units sharing a common wall shall be measured from the center of interior walls and the outside of exterior walls. In residential uses, the gross floor area shall exclude the area of the garage, attic, open porch or patio, cellar, utility areas, heating and cooling rooms, and all portions of floor areas which have a ceiling height above them of less than 7.5 feet. In non-residential structures, the gross floor area shall exclude areas used for utility and heating and cooling and other mechanical equipment, but shall include all other areas including cellar and warehousing and storage areas.

Home Occupation: Any profession, trade or other endeavor carried on for profit in a dwelling unit which use is clearly incidental and secondary to the use of the principal structure as a dwelling, gives no external evidence of non-residential use, involves no more than one employee, generates no nuisance factors and does not require more parking at any given time than for two vehicles.

Impervious surface: A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. (Ord. 97-32)

Infiltration: The process by which water seeps into the soil from precipitation. (Ord. 97-32)

Junk Yard: The use of 100 (one hundred) square feet of any area of land, with or without buildings, regardless of size, devoted to the storage, keeping, scrapping or abandonment of junk, scrap, waste, reclaimable material or debris, whether or not it is in connection with the dismantling, processing, salvage, baling, sale or other use or disposition thereof, including by way of illustration but not of limitation: unregistered vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, or plastic, old household appliances or furniture, brush, and any stumps or other debris.

Lot: A parcel of land abutting a street, but not including any portion of a street, which is legally separate from any other parcel. Contiguous undersized parcels under one ownership are considered one lot.

Lot, Corner: A lot on the junction of two or more intersecting streets where the interior angle of the intersection does not exceed 135 degrees.

Lot Coverage: The area of a lot covered by buildings and paved surfaces.

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

Lot Frontage: The horizontal distance between the side lot lines measured along the street line. The minimum lot frontage shall not be less than 75 percent of the required minimum lot width. (Ord. 97; 97-17; 97-39)

Lot Line: Any line forming a portion of the exterior boundary of a lot and is the same line as the street line for that portion of a lot abutting a street. Lot lines extend vertically in both directions from ground level.

Lot Width: The straight and horizontal distance between side lot lines measured at setback points on each side lot line. The minimum lot width shall be measured at the minimum building setback line.

Major Development: Any “development” that provides for ultimately disturbing one or more acres of land. 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. (Ord. 97-32)

Municipality: The Borough of Roosevelt. (Ord. 97-32)

N.J.D.E.P.: The New Jersey Department of Environmental Protection. (Ord. 97-32)

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

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

Non-Conforming Use: A use occupying a structure or lot which does not conform to the use regulations of this ordinance for the zone in which it is located.

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious occurrence or practice resulting in a continued or repeated invasion of the rights of neighboring residents by virtue of being discernible beyond the property line in excess of commonly accepted standards or usages; such occurrences, practices or factors include the following:

- a) Noise
- b) Dust
- c) Fumes and odors
- d) Smoke
- e) Glare
- f) Vibration
- g) Objectionable effluent
- h) Vehicular movement
- i) Debris
- j) On-street parking beyond property line
- k) Open storage, emplacement or display in front or side yards of objects doing injury to the residential character of a residence district; such objects may include, but are not limited to, litter, surplus building materials or household goods.

Nutrient: A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms. (Ord. 97-32)

Off-Tract Improvements: Improvements that are necessary beyond the tract being developed in order to accommodate the impact of the development.

Off-Street Parking and Loading, Non-Residential: One or more areas provided on the lot of the principal use for parking and loading. Each space shall have access from an interior driveway and shall

be located so that no other vehicle must be moved in order to gain access to the space. No off-street parking or loading space shall have direct access from a public street. All off-street parking and loading spaces shall be located so that no vehicle waiting to be loaded or unloaded, maneuvering, or parked shall interfere with any parking or loading space, sidewalk, street or fire lane.

Office/Research: Buildings in which customary administrative, managerial and technical activities, including research and development, take place, but where no manufacturing, assembly or fabrication takes place, and where storage is limited to that amount of space directly required by the principal uses of the building. (Ord. 97-23)

Parking Area: An area used for parking of vehicles and linked to a public street by a driveway, or with respect to any non-residential principal use, any area in which parking for that use is permitted. (Ord. 97-18)

Parking Space: An area either within a structure or in the open, for the parking of motor vehicles. The area of a parking space shall accommodate the exterior extremities of the vehicle, whether in addition thereto wheel blocks are installed within the space.

Performance Guarantee: Any security which may be accepted by the governing body to guarantee the completion of the required improvements before plan approval, including performance bonds with responsible surety authorized to do business in the State of New Jersey, or escrow agreements secured by cash or certified check.

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

Person: Any individual, corporation, company, partnership, firm, association, Borough of Roosevelt, 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. (Ord. 97-32)

Pollutant: Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and non-hazardous pollutants. (Ord. 97-32)

Principal Permitted Use: The main purpose for which any lot and/or building is used in accordance with this ordinance.

Private School: Any non-public educational institution, including day care centers, nurseries, kindergartens, primary and secondary schools, higher education facilities, and facilities for specialized professional, artistic and technical training. (Ord. 97; 97-19)

Recharge: The amount of water from precipitation that infiltrates into the ground and is not evapotranspired. (Ord. 97-32)

Right-of-Way: The total width of property along a street, watercourse, utility alignment, or other way and within which all improvements and rights of access are confined.

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. (Ord. 97-32)

Service Station: Land and buildings where motor fuel, lubricants, and miscellaneous accessories for motor vehicles are sold and dispensed and where services are rendered for engine and mechanical repairs, but where no vehicular painting and/or body work is done. (Ord. 97; 97-19)

Setback Line: A line drawn parallel to a street line or lot line and drawn through the point of the building nearest to the street line. The minimum yard requirements for principal and accessory buildings shall be the minimum required setback measured horizontally from the street line or lot line and beyond which any part of a building is not permitted to extend.

Shielding: The prevention, elimination, reduction or blocking of all nuisance factors by whatever means necessary, including, but not limited to buildings, structures, enclosures, mufflers, scrubbers, precipitators, landscaping, fencing, walls, barriers, earthworks, relocation of equipment, etc. (Ord. 97-07)

Sight Triangle Easement: Grant(s) to the Borough of Roosevelt sufficient to permit the Borough to fulfill the intent and purpose of the easement as provided for in the site plan review section of this ordinance.

Sign: Any announcement, declaration, display or illustration used to advertise any person or product when located to be seen by the general public from any street or public way.

Siltation Basin: A facility through which storm water is directed and which is designed to collect silt and eroded soil from a designated area.

Single Family House, Detached: A dwelling unit containing living accommodations for a single family not attached to any other principal structure, and located on a tax lot containing no other principal structure.
(Ord. 97-23)

Single Family House, Semi-detached: A dwelling unit containing accommodations for a single family attached to another single family residential structure by a single common party wall located on the boundary line of the tax lot on which the structure is located. (Ord. 97-23)

Site: The lot or lots upon which a major development is to occur or has occurred. (Ord. 97-32)

Site Plan Review: The examination of specific development plans for a lot. Wherever the term "site plan approval" is used in this ordinance, it shall be understood to mean site plan review and approval by the Planning Board.

Soil: All unconsolidated mineral and organic material of any origin. (Ord. 97-32)

State Development and Redevelopment Plan Metropolitan Planning Area (Planning Area 1, Urban): 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. (Ord. 97-32)

State Plan Policy Map: The geographic application of the State Development and Redevelopment Plan goals and statewide policies, and the official map of these goals and policies. (Ord. 97-32)

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 runoff means water flow on the surface of the ground or in storm sewers, resulting from precipitation. (Ord. 97-32)

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). (Ord. 97-32)

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. (Ord. 97-32)

Story: That portion of a building comprised between a floor and the floor or roof next above it. A half story is a story at the top of a building, the area of which is less than the area of the story below it, and the height of which shall not be less than 7.5 feet above at least one-third of the area of the floor when the room is used for sleeping, study or similar activity.

Street: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county, or Borough roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1.1 et. seq., as amended) or a street or way on a plat duly filed and recorded in the office of the clerk of the County of Monmouth 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 gutters, sidewalks, parking areas and other areas within the street lines. Street classifications shall be those set forth in the adopted Borough and county master plans for streets under their respective jurisdictions. (Ord. 97; 97-39)

Street Line: The edge of the street right-of-way forming the dividing line between the street and a lot.

Structure: Anything constructed, assembled, or erected on the ground, or attached to something having location on the ground, which is for the habitation, storage or other use (whether temporary or permanent) of materials, animals, plants or persons.

Swimming Pool: A facility constructed above or below ground having a depth of more than two feet and/or a water surface of 100 square feet or more and designed and maintained for swimming purposes. Swimming pools shall include all buildings, structures, equipment and appurtenances thereto.

Swimming Pool, Portable: Swimming pools that are not permanently installed and do not require water filtration, circulation and purification; do not exceed two feet in depth; do not exceed a water surface area of 100 square feet; and do not require braces or supports.

Tower: See “Wireless Telecommunications Tower.” (Ord. 97-29)

Tower Height: When referring to a wireless telecommunications tower or other structure, tower height is the distance measured from the finished grade to the highest point of the tower or other structure, including the base pad and any antenna. (See also the definition of “Building Height”). (Ord. 97-29)

Townhouse: A dwelling unit containing living accommodations for a single family which is part of a row of three or more connected single family units, where each unit is separated from the others by vertical party walls with no unit above or below another unit, contains an individual front door leading outside, and can be subdivided from the other units in the row in order to provide for separate ownership. (Ord. 97; 97-23)

Tract: An area of land comprised of one or more lots having sufficient dimensions and area to meet the requirements of this ordinance for the uses(s) intended.

Utility: Services provided to a use by either a municipality, a municipal authority, or by a utility company operating under the jurisdiction of the New Jersey Board of Public Utilities, including services such as, but not limited to, sewage treatment, water supply, gas, electric, and telephone. (Ord. 97; 97-39)

Waters of the State: The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction. (Ord. 97-32)

Wetlands or Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Ord. 97-32)

Wireless Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and 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. (Ord. 97-29)

Yard: A yard is the required open space on a zoning lot along the lot lines. A yard shall be unobstructed from the lowest level to the sky except for certain permitted obstructions.

Yard, Side: A side yard is a yard extending along a side lot line from the front lot line to the rear lot line. In the case of a corner lot, the yard which is not a front yard shall be considered a side yard.

Yard, Front: A front yard is a yard extending along a front lot line between side yard lines or, in the case of attached houses, between a side lot line and a side yard line.

Yard, Rear: A rear yard is a yard extending along a rear lot line between side yard lines or, in the case of attached houses, between a side lot line and a side yard line.

Zoning Officer: The individual appointed pursuant to Article XI Section 11.100 of this Ordinance.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

3.100. Designation of Districts.

R-40	Residential District
R-AG 400	Residential/Agricultural District
R-100	Residential Conservation District (Ord. 97-2)
AH	Affordable Housing (Ord. 97-34)
C-40	Retail Business District
I-80	Industrial District

3.200. Zoning Map. The location and boundaries of said districts are hereby established as shown on the zoning map of the Borough of Roosevelt, dated November 1985 as revised, which is attached hereto and is hereby made a part of this ordinance. Said map and all notations, references and designations shown thereon shall be a part of this ordinance as if the same were all fully described and set forth herein. Zoning Map amendments are as follows: (Ord. 97-34)

Ordinance Number	Adopted	Change*
97	5/23/1979	Original Zoning Map
97-04	12/8/1982	B7 L5 R-400 to R-100
97-11	6/10/1987	B6 L1 I-80 to R-100 (With the following conditions: (1) All habitable structures shall be connected to the Borough public water and sewerage systems; (2) the location of all structures shall be in conformity with the Zoning Ordinance of the Borough, particularly as it applies to environmental constraints such as stream corridor protection.)
97-14	8/10/1988	PCD Zones
97-23	12/30/1986	PCD-II Map Developable Areas map adopted
97-28	7/11/2001	PCD-II Map Developable Areas adopted 12/30/1996 repealed.
97-30	3/08/2004	I-80 to R/AG-400 north of Oscar Drive
97-34	10/10/2005	B2 L4.03 C-40 to AH B7 L24 R-40 to AH.

* B = Block L = Lot

3.300 Interpretation.

A. The provisions of this paragraph shall be held to be minimum requirements. Where this ordinance establishes both minimum and maximum standards, both standards shall be met even though the combination of standards may not permit the development of a specific lot to take advantage of all minimum and maximum standards simultaneously (e.g. maximum building coverage may be 30 percent, but in order to meet the minimum off-street parking requirements or building setbacks, the building coverage may only be able to reach 28 percent. The 28 percent coverage would be the maximum permitted under this ordinance). Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law, the provisions of this ordinance shall control. Where other provisions of law require greater restrictions than are imposed or required by this ordinance, the provisions of such other laws shall control.

B. Zoning district boundary lines are intended to follow street centerlines, streams, and lot lines unless otherwise indicated by dimensions, in feet, on the zoning map. Any dimensions when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is the zoning district line. Any disputed zoning district line shall be determined by the Planning Board. District lines extend vertically in both directions from ground level.

C. Where a zoning district line divides a lot other than by following a lot line, stream, or street, the zoning district line may be modified by the owner by moving the zoning district line to the property line provided the property line is within 20 feet of the zoning district line. A use permitted in the zoning district so extended shall thereafter be permitted in the extended area. A zoning district line shall be altered once by utilizing this section of the ordinance after which the lot use shall be governed by the regulations of the zoning district in which it is located after the zoning district line adjustment.

ARTICLE IV

DISTRICT USE AND DEVELOPMENT REGULATION

4.100. Schedule of District Regulations. The regulations intended to guide development in each district are set forth in the Schedule of District Regulations and in the following sections and schedules which are supplemented by other sections of this ordinance. (Ord. 97-34)

4.200. Application of Regulations. Except as hereinafter provided:

- a. No land or building shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations hereinafter specified for the district in which it is located.
- b. No part of a yard or other open space required about any building shall be included as part of a yard or other open space similarly required for another building.
- c. No off-street parking or loading space required for one building or use shall be included to satisfy, in whole or in part, the off-street parking or loading space required for another building or use, except as provided in Article VI.

4.300. General Use Restrictions. Any use not designated as a principal permitted use, a permitted accessory use, or a conditional use is specifically prohibited from any zoning district in the Borough of Roosevelt. Farming as defined in this ordinance shall be prohibited in all zones other than R-Ag/400. (Ord. 97; 97-16; 97-31)

4.400. General Regulations.

4.410. Water and Sewer Requirements. No construction of a building or structure used for a principal use in any zoning district, other than the R-AG district, shall be undertaken in the Borough of Roosevelt unless provision has been made for said building or structure to be connected to the Borough public water and sewerage systems. Buildings or structures in the R-AG zoning district on tracts of land conforming to the standards of that district may utilize on-site water and sewerage systems. (Ord. 97; 97-12)

4.420. Cross References.

- a. All uses require off-street parking as noted in Section 6.200.
- b. All uses must comply with site plan review, Section 6.100.
- c. All conditional uses are governed by regulations set forth for the particular use in Article VII. Where no regulation comparable to those contained in this schedule is established in Article VII for a particular use the regulations for permitted uses in this schedule shall govern.
- d. Front, rear and side yard requirements may vary under special circumstances noted in Article V.
- e. Definitions of terms are contained in Article II.

4.500. District Regulations. This section sets forth use and density regulations by zone district.

DISTRICT R-40 RESIDENTIAL DISTRICT (Ord. 97-17; 97-18; 97-19)

Purpose: The purpose of this district is to provide for the orderly development and maintenance of established residential areas; to prevent overcrowding of the land; to regulate those uses which are not compatible with residential neighborhoods or the greenbelt principles of the area's original design; and to create conditions which are otherwise conducive to carrying out the purposes of this ordinance.

Principal Permitted Uses: (Ord. 97; 97-17; 97-39)

Detached dwellings on individual lots.
Parks and playgrounds.

Permitted Accessory Uses: (Ord. 97; 97-17)

Private garages, storage buildings, swimming pools, tennis courts, and similar facilities pursuant to Section 5.400.
Signs pursuant to Section 6.300.
Home occupations pursuant to Section 6.400

Conditional Uses: (Ord. 97; 97-17; 97-19; 97-40)

Garages or storage buildings in excess of maximum dimensions set forth in Section 7.430.
Separate buildings used as workshop or studio.

DISTRICT R-100 RESIDENTIAL / CONSERVATION DISTRICT (Ord. 97-2)

Purpose: The purpose of this district is to provide for the careful and orderly development of environmentally sensitive lands and watercourses at the fringe of established residential areas; to protect watersheds, drainage ways, stands of developed trees and other environmentally sensitive areas; to employ where appropriate, transfer of development and other suitable techniques to preserve environmentally sensitive open space and the town's historic greenbelt pattern while maintaining average density; to regulate those uses which are not compatible with the purpose of this district; and to create conditions which are otherwise conducive to carrying out the purposes of this ordinance.

Principal Permitted Uses: One family dwellings on separate lots

Permitted Accessory Uses: Same as R-40.

Conditional Uses: (Ord. 97-2; 97-19)

Private noncommercial recreation facilities such as tennis and swim clubs. (Ord. 97-19)
Garages or storage buildings in excess of maximum dimensions set forth in Section 7.430. (Ord. 97-19)
Separate buildings used as workshop or studio. (Ord. 97-19)

Note: Tax Lot 1, Tax Block 6 was zoned R-100 with the following conditions: (Ord. 97-11)

1. All habitable structures shall be connected to the Borough public water and sewerage systems;
2. The location of all structures shall be in conformity with the Zoning Ordinance of the Borough, particularly as it applies to environmental constraint such as stream corridor protection.

DISTRICT AH AFFORDABLE HOUSING DISTRICT (Ord. 97-34)

Purpose: The purpose of this district is to provide for the orderly development of affordable housing for low and moderate income housing as provided for in the Roosevelt Borough Housing and Fair Share Plans and in accordance with the New Jersey Council on Affordable Housing Rules, N.J.A.C. 5:92, 5:93, 5:94 and 5:95.

Principal Permitted Uses:

All housing units within the AH zoning district shall be rental units that:

1. Shall be occupied only by persons or households that are of low or moderate income, as defined in the "Fair Housing Act" and rules of the Council on Affordable Housing, and
2. Shall be affordable to such persons or households in accordance with rental rate standards adopted by the Council on Affordable Housing.

Permitted Uses:

Group homes for the developmentally disabled licensed by the New Jersey Department of Human Services.

Low and moderate income residential housing.

Permitted Accessory Uses:

Off-street parking, loading and unloading in accordance with Section 6.200.

Private garages, storage and maintenance buildings and similar facilities pursuant to Section 5.400.

Signs pursuant to Section 6.300.

Conditional Uses:

Garages or storage buildings in excess of maximum dimensions set forth in Section 7.430.

DISTRICT C-40 RETAIL COMMERCIAL DISTRICT (Ord. 97; 97-17; 97-40)

Purpose: The purpose of this district is to provide suitable locations for commercial activities providing goods and/or services which meet the needs of the resident population, to minimize traffic congestion and incompatible activities in residential districts and to otherwise further the general purposes of this ordinance.

Permitted Principal Uses.

- Retail stores
- Business and professional offices
- Business and personal services, including but not limited to banks, real estate offices, barbershops or beauty parlors, laundry or dry cleaning establishments
- Public buildings

Permitted Accessory Uses.

- Uses customarily incident to a principal permitted use and on the same lot.
- Signs pursuant to Section 6.300

Conditional Uses.

- Establishments serving food for consumption on premises.
- Service stations pursuant to Section 7.420.

DISTRICT I-80 LIGHT INDUSTRIAL DISTRICT (Ord. 97; 97-17; 97-29)

Purpose: The purpose of this district is to facilitate the opportunity for employment of local residents, to strengthen the economic base of the municipality and to otherwise further the general purposes of this ordinance.

Principal Permitted Uses:

- Wholesale and accessory use storage establishments conducted in completely enclosed buildings except that open storage is permitted if enclosed by an opaque fence or wall or appropriate planting of evergreens at least eight (8) feet in height.
- Light industrial activities or businesses of a kindred nature engaged in the manufacture, assemblage, treatment or packaging of products when conducted without public hazard or which by reason of odor, noise, dust, smoke or traffic generation constitute a nuisance.
- Buildings for the conduct of office, research, and administrative activities. (Ord. 97-17)
- Municipal facilities (Ord. 97-29)

Permitted Accessory Uses: (Ord. 97; 97-39)

- Accessory uses customarily incidental to a principal permitted use and on the same lot.
- Off-street parking, loading and unloading in accordance with Section 6.200
- Signs in accordance with Section 6.300

DISTRICT R-AG 400 RESIDENTIAL / AGRICULTURAL DISTRICT (Ord. 97; 97-19)

Purpose: The purpose of this district is to facilitate the continuation of traditional agricultural lands for productive farming purposes in accordance with the original plan and design of Jersey Homesteads and the Roosevelt National Historical District; to minimize residential sprawl; to encourage the perpetuation of the Borough's agro-industrial design so long as it may be appropriate and to otherwise further the general purposes of this ordinance. (Ord. 97; 97-31)

Principal Permitted Uses: (Ord. 97; 97-19; 97-31)

Farms for growing of field, vegetable and tree crops (Ord. 97; 97-19; 97-31)

Nurseries and greenhouses (Ord. 97; 97-19; 97-31)

Single-family detached dwellings (Ord. 97)

Group homes for the developmentally disabled license by the New Jersey Department of Human Services. (Ord. 97-36)

Houses of worship subject to the requirements below. (Ord. 97-36)

Public and private schools. Public and private schools shall comply with applicable requirements in accordance with State law and be subject to the requirements below. (Ord. 97-36)

Athletic and recreation facilities ancillary to a public or private school provided that such facilities shall be located on the same parcel as the school within the R/Ag-400 Zone and further provided that such facilities shall not utilize field lighting, that any scoreboard structures be located a minimum of five hundred (500) feet from any off-tract residential use, and that a planted buffer and landscaping be provided in accordance with the requirements below. (Ord. 97-36)

Dormitories for private schools in the R-AG400 Zone shall conform with the following: (Ord. 97-36)

- a. Dormitories shall be located on the same property as the school facility for which the dormitory is providing boarding services.
- b. Dormitories shall comply with requirements applicable to dormitories in accordance with State law.
- c. Provisions for affordable housing generated in accordance with State law shall be provided by private schools.
- d. Parking. Parking shall be provided in accordance with Section 6.220.
- e. Loading. Loadings bases shall be provided and designed in accordance with Section 6.230.

Houses of worship, private and public schools, athletic fields and dormitories shall provide for the following: (Ord. 97-36)

a. A planted buffer of not less than fifty (50) feet in width shall be provided between a dormitory, school and/or athletic and recreation field and an adjacent residential structure within 100 feet of the facility in accordance with the standards of Article 5 of Ordinance, 187, Subdivision and Site Plan Ordinance. The length of a planted buffer shall be sufficient to provide a visual screen from the residence to the facility or facilities to be developed.

b. Landscaping in accordance with Article 5 of Ordinance 187, Subdivision and Site Plan Ordinance.

Permitted Accessory Uses: (Ord. 97; 97-17; 97-31)

Buildings and structures incidental to permitted principal uses, including customary farming accessory uses for farms, nurseries and greenhouses and customary residential accessory uses. (Ord. 97-17; 97-19; 97-36)

Other accessory uses as permitted in the R-40 district (Ord. 97-17; 97-19)

Signs pursuant to Section 6.300 (Ord. 97-36)

Parking pursuant to Section 6.200 (Ord. 97-36)

Conditional Uses: (Ord. 97; 97-19; 97-28)

Breeding, raising, training, boarding and /or rehabilitation of horses provided that there is, at least, one (1) acre of pasture per horse over the age of seven (7) months and there are no nuisance factors generated. (Ord. 97-31)

ROOSEVELT BOROUGH						
SCHEDULE OF DISTRICT REGULATIONS						
DISTRICT LOT, YARD, COVERAGE AND HEIGHT REGULATIONS						
DISTRICT REGULATION	R-40	R-100	AH	C-40	I-80	R-Ag 400
Minimum Lot Area Per Family of Principal Permitted Use						
Without Public Water or Sewer	--	100,000 s.f.	60,000 s.f	--	--	10 acres
With Public Water and Sewer	40,000 s.f	100,000 s.f.	60,000 s.f	40,000 s.f	80,000 s.f	--
Minimum Yards						
Front Yard	40 ft (1)	75 ft	25 ft	50 ft	75 ft	75 ft
Rear Yard	40 ft	50 ft	25 ft	30 ft	50 ft	50 ft
Side Yard						
Attached Buildings						
One	50 ft	--	25 ft	--	--	--
Detached Buildings						
One	25 ft	40 ft	25 ft	30 ft	40 ft	40 ft
Both	50 ft	80 ft	50 ft	60 ft	80 ft	80 ft
Minimum Lot Width	100 ft	200 ft	200 ft	100 ft	200 ft	400 ft
Minimum Lot Depth	200 ft	400 ft	200 ft	200 ft	400 ft	400 ft
Maximum Coverage	20 %	30%	20 % (2)	30 %	30 %	15 %
Maximum Height						
Stories	2	2.5	2	2	2	2.5
Feet	25 ft	30 ft	35 ft	30 ft	30 ft	35 ft
ft = feet; s.f = square feet						
Notes: (1) See Section 5.300, Yard Regulations. (Ord. 97-34)						
(2). Multi-family residential development shall have a maximum 35 % lot coverage. (Ord. 97-34)						

Ordinance 97; 97-03 (R-100 District); 97-34 (AH District); 97-37A (R-40 District: Height 25 feet)

ARTICLE V

SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS

5.100 Lot Regulations

5.110 Lot Width. The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located. (Ord. 97; 97-17)

5.120 Corner Lots. At all street intersections no obstruction to vision which is a hazard to vehicular movement (other than an existing building, post, column, or tree) and which exceeds 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines 30 feet distant from their point of intersection.

5.130 Required Area or Open Space Cannot be Reduced. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this ordinance; and, if already less than the minimum required by this ordinance, said area or dimension may be continued and shall not be further reduced.

5.140 Through Lot Requirements. A through lot shall be considered as having two street frontages, both of which shall be subject to the front yard requirements of this ordinance.

5.200 Height Regulations

5.210 General Application. No building or structure shall be higher than twenty-five (25) feet in the R-40 Zone and thirty feet (30) feet in the C-40 Zone. (Ord. 97; 97-01; 97-37A)

5.220 Permitted Exceptions. Height limitations stipulated elsewhere in this ordinance shall not apply to church spires; belfries; cupolas and domes; monuments; water towers, chimneys; flagpoles; non-commercial radio and television towers, masts and aerials; or to farm buildings or structures on farms, provided these farm buildings are at least one hundred (100) feet from every lot line. (Ord. 97; 97-29)

5.300 Yard Regulations

5.310 Side Yard of Corner Lot. The side yard of every corner lot shall be equal to the front yard requirement of structures fronting on the side street.

5.320 Additional Yards Required When Non-Residential Districts Abut Residential Districts. Any non-residential use which is in, abuts, or is adjacent to a residential use or district shall provide yards, where adjacent to residential uses or districts, of at least 75 additional feet to those required in Article 4. Screening shall be provided in accordance with Section 5.500 as applicable. (Ord. 97-1; 97-40)

5.330 Side Yard Width May Be Varied.

a. Where the sidewall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided however, that such yard shall not be narrower at any point than one-half the otherwise required minimum width.

b. For any dwellings where the original sidewall is parallel to the side lot line but does not meet the current side-yard setback requirement, an addition may be constructed to the said dwelling that continues, but does not reduce, the existing non-conforming side-yard with the following conditions: (Ord. 97-21)

(1) This exception shall apply to only one of the existing non-conforming side-yards. (Ord. 97-21)

(2) There shall be no windows or doors in any wall which shall be erected less than 25 feet from the side lot line, unless a code conforming, opaque fence, 6 feet high shall be erected between the said addition and the common property line. (Ord. 97-21)

(3) The new addition shall not exceed 9 feet in height above the first floor for any portion of the addition which is less than 25 feet from the property line. (Ord. 97-21)

c. For semi-detached dwellings, additions may be built into the rear yard without any side yard setback required along the common lot line with the following conditions: (Ord. 97-21)

(1) No portion of the construction shall intrude into the adjacent property. (Ord. 97-21)

(2) There shall be no windows or doors in any wall which shall be erected less than 25 feet from the common lot line, unless a code conforming, opaque fence, 6 feet high shall be erected between the said addition and the common lot line. (Ord. 97-21)

(3) The new addition shall not exceed 9 feet in height above the first floor for any portion of the addition which is less than 25 feet from the common lot line.

(4) No rainwater runoff from the roof of any new addition shall flow onto the property of the adjacent attached dwelling. (Ord. 97-21)

5.340 Front Yard Dimensions in Residential Districts. No building shall be erected, reconstructed or altered so as to project in any way beyond the average setback line established by the buildings on the same side of the street within that block. Where there are existing buildings at the time of the passage of this ordinance on only one side of the street within the block, then the setback line on the vacant side shall be the same as the average setback line on the improved side of the street. No new building shall be erected with its street wall, walls or porches (open or enclosed) closer to the street than 30 feet.

5.350 Front Yard of Corner Lot. The front yard of any corner lot shall be established on the wider of the two streets abutting said lot, except where the widths of the two abutting streets are equal, then the front yard may be established on either street.

5.360 Provision of Yard or Other Open Space. No yard or other open space provided about any buildings for the purpose of complying with the provisions of the ordinance shall be considered as providing a yard or open space for any other building; and no yard or other open space on another lot shall be considered as providing a yard or open space for a building on any other lot. Except as otherwise provided specifically in the R-40 district, no yard or open space shall be used for the regular parking of motor vehicles or open storage of construction materials or household objects. Open storage of seasonal vehicles shall be in conformity with the requirements of Section 7.470.

5.400 Accessory Structures in Yards

5.410 Location, Limitation and Coverage of Accessory Buildings

- a. No accessory building permitted by this ordinance shall be placed in any required side or front yard except as specified hereinafter in this Article.
- b. The aggregate ground area covered by any accessory buildings in any rear yards shall not exceed 10 percent of the rear yard area. (Ord. 97; 97-17)
- c. Accessory structures which are not attached to a principal structure may be erected with the following conditions:
 - 1) Where the rear lot line adjoins permanent open space, an accessory structure may be located in the rear yard abutting the rear lot line. Where two residential rear lot lines abut, no accessory structure may be located closer than 20 feet to the rear lot line. Accessory structures more than 10 feet in height shall be set back one additional foot in height. (Ord. 97; 97-01)
 - 2) No accessory structure shall be located closer to a principal structure than ten feet or a distance equal to the height of the accessory building, whichever is greater.
- d. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this ordinance applicable to the principal buildings.

5.420 Accessory Uses in Residential Districts. In residential districts, accessory uses such as tennis courts and swimming pools not enclosed in a building, shall be erected only on the same lot as the principal building and may not be constructed in the front or side yards of such lot. Such uses may not be located closer than 20 feet from any lot line nor closer than 10 feet from the principal building. Such uses shall not adversely affect the character of any residential neighborhood by reason of noise, glare or safety hazards. When more than three feet in depth or 15 feet in length, pools shall be fenced.

5.421 An Additional Accessory Use in All Zones. A satellite earth station or dish antenna including structural supports is permitted in all zones as a conditional use, if the following requirements are met: (Ord. 97-6)

- 1) A dish antenna is permitted only as an accessory use on a lot that contains a principal structure.

- 2) In the case of a corner lot, site approval from the Planning Board is required.
- 3) The location of the dish antenna shall be governed by the same regulations as those for any other accessory structure.
- 4) A dish antenna is permitted only as a freestanding structure on foundation approved by the Building Inspector. The electrical installation will also be subject to approval.
- 5) The top of the antenna shall not be more than 8 feet high above grade.
- 6) No lot may contain more than one dish antenna.

5.500 General Shielding Requirements for Non-Residential and Industrial Uses. Any non-residential use other than industrial use which is in, abuts, is adjacent to, or closer than 50 feet from any residential district and whose principal or accessory uses, including storage and parking, are not conducted within a completely enclosed building, shall be entirely enclosed by any necessary means sufficient to effectively shield such uses. Any industrial use which abuts, is adjacent to, or is closer than 400 feet from any residential district shall be similarly enclosed by any necessary means to effectively shield such uses. All existing or potential nuisance factor producing devices or processes shall be fully enclosed in buildings or structures and shielded so that the nuisance factor(s) shall conform to State standards for a residential district under any and all conditions. In no event shall any industrial building, structure or device be located closer than 250 feet from any residential lot property line. (Ord. 97; 97-07; 97-39)

5.600 Fences. (Ord. 138)

5.610 Definition. For the purpose of this section a fence shall be defined as any artificially constructed barrier of wood, masonry, stone, wire, plastic metal or any other manufactured material, or combination of those materials, erected for the enclosure of land and/or dividing one piece of land from another in residential zones. Fences established for the protection of gardens or horticultural plantings shall not be subject to the provisions of this section.

5.620 Standards for Fences in Residential Areas. Fences may be erected in the residential zones of the Borough of Roosevelt as hereinafter set forth:

- a. Fences shall not exceed two and one-half (2 1/2) feet in height above curb level where placed within 30 foot sight triangle at the corner of any intersection of any two or more roadways.
- b. Any fence that shall be erected between the front property line and the building line shall be (1) no more than thirty six (36) inches in height; and (2) no more than fifty percent (50%) solid matter. Chain link fences shall not be permitted in such locations.
- c. All fences shall be erected with the face or finished side away from the interior of the property, and the structural side toward the interior of the property. Where a fence is erected on the border between a private lot and public open space this provision shall not apply.
- d. Fences shall not exceed six (6) feet in height from the ground.

e. The following fences are specifically prohibited: (a) barbed-wire and razor wire fences, electrically charged and sharply pointed fences; (b) canvas, cloth, poultry netting, snow fences, expandable fences and collapsible fences. Temporary fences of materials listed in category (b) above shall be permitted where their erection is necessary for safety.

5.640 Administration.

a. Application for fences shall be made in writing to the Zoning Officer of the Borough of Roosevelt, setting forth the following information:

1. Owner and address of premises where fence is to be erected;
2. Description and specifications of the fence, including size, height, dimensions, material, and size and percentage of openings;
3. Sketch or plan of the fence; and
4. Sketch of the premises showing the abutting streets and approximate locations of intersections within 50 feet of any property line, and approximate locations of structures within 50 feet of any property line.

b. The Zoning Officer may approve the construction of any fence consistent with the standards of this ordinance, provided that it does not unreasonably obstruct the enjoyment of light and air to the owners of adjoining properties, and provided further that it does not endanger the safety of persons lawfully using the public streets.

c. A permit fee of \$10.00 shall be paid to the Zoning Officer at the time application is made. No fence shall be erected until the Zoning Officer has issued a permit for said fence.

5.640 Maintenance. Every fence shall be maintained in a safe, sound, and upright condition and in accordance with the application submitted on file with the Zoning Officer, and the permit granted pursuant to said application.

ARTICLE VI

SUPPLEMENTARY REGULATIONS

6.100 Site Plan and Environmental Review. No building in the Borough of Roosevelt shall be erected, externally altered or enlarged, no trees or other significant vegetation removed where there is danger of soil erosion or stream sedimentation, no building or land therein shall be used and no building or occupancy permit shall be issued except in accordance with site and building plans that have been approved as provided by this ordinance; except that site plan review and approval by the Planning Board shall not be required for subdivision or individual lot applications for detached one and two dwelling unit buildings. (Ord. 97; 97-15)

6.110. Procedure. The following procedure shall govern the submission and review of site and building plans:

a. The property owner shall submit, through the Zoning Officer, building and site plans, which may be schematic preliminary plans or final preliminary plans, in four (4) copies, and such submission shall include:

1) Building plans showing, as a minimum, the first floor plan and front elevation of all proposed principal buildings and structures and all accessory buildings and structures.

2) A site plan, drawn to a scale of not less than one (1) inch equals fifty (50) feet, showing the dimensions and acreage of each lot or plot to be built upon or otherwise used; the size, shape and location of existing and proposed buildings; the location and layout of parking areas, all parking spaces and driveways, existing and proposed grades and drainage, proposed sewer and water facilities and connections; a landscaping plan including locations of proposed plantings and screenings; proposed location of fences, signs and advertising features, and a key map showing the entire project, and its relation to surrounding properties and the existing buildings thereon.

3) Such other information as is necessary to enable the Zoning Officer and the Planning Board to determine whether the proposed structure and use of land will conform to the provisions of this ordinance.

b. The Zoning Officer shall forward two (2) copies of the applicant submission, together with his report thereon, to the Planning Board. The report of the Zoning Officer shall state whether or not the submission complies with all the provisions of the Zoning Ordinance and if not, his report shall specify all the respects in which the submission does not comply with the Zoning Ordinance, and if the report indicates that the submission does not comply with the Zoning Ordinance, the Zoning Officer shall notify the applicant in writing of the respects in which it does not comply. Neither the failure of the Zoning Officer to notify the applicant, nor the omission of any zoning noncompliance from such notification shall relieve the applicant from the requirements of the Zoning Ordinance. The submission shall be reviewed, as hereinafter provided, notwithstanding that noncompliance with the Zoning Ordinance is indicated therein, but the grant of approval thereof shall not relieve the applicant from any provision of the Zoning

Ordinance, nor shall such approval constitute a recommendation of any zoning variance or other relief that the applicant may thereafter seek from the Planning Board.

c. The Planning Board shall, within ninety (90) days of receipt of any submission forwarded to it by the Zoning Officer, review the plans submitted utilizing the Site and Environmental Design Standards of Section 6.100. The applicant shall have the right to appear before the Planning Board and be heard with respect to the submission. After the completion of its review, the Planning Board shall prepare a copy of its findings and recommendations on the submission. A copy of the findings and recommendations shall be given to the applicant.

d. After the completion of its review, the Planning Board shall approve or disapprove the submission, stating its findings and the reasons for its actions. Approval may be made conditional upon the applicant's adoption of specified changes in the submission. A copy of the Board's findings and official action shall be given to the applicant.

e. If the Planning Board shall fail to take action on the submission within ninety (90) days after the date of the filing of the submission with the Zoning Officer, or within such further time as shall have been agreed to by the applicant, the submission shall be deemed to have been approved.

f. If any person shall be aggrieved by the action of the Planning Board, appeal in writing to the Borough Council may be taken within ten (10) days after the date of such action. The Borough Council shall fix and notify appellant of a time and place for a public hearing to be published in a newspaper circulating in the Borough at least ten (10) days prior to the hearing. All parties in interest shall be afforded an opportunity to be heard thereat. After such hearing, the Borough Council shall affirm or reverse the action of the Planning Board, stating its findings and the reasons for its action, and a written copy of such findings, reasons and action shall be given to the applicant.

6.120 Site and Environmental Design Standards. The following standards shall be utilized by the Planning Board in reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards.

a. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

b. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings.

c. With respect to vehicular and pedestrian circulation and safety, including interior walkways, interior drives and parking, special attention shall be given to the location and number of access points to the public in relation to projected vehicular and pedestrian traffic, general internal circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that

are safe and convenient. Parking areas shall, insofar as practicable, be concealed from street view, shall not create any nuisance from noise, odor, illumination, signs, etc., shall not detract from the design of proposed buildings and structures and the neighboring properties. Sufficient parking spaces for the proposed uses and traffic volume, etc. shall be provided in accordance with local and national standards of good practice.

d. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved areas and carried away to the municipal drainage system or to water courses, dry wells, or other suitable receptacles, etc., all in a manner as approved by the Borough Engineer. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas. All surface water drainage from paved areas in excess of 15,000 square feet shall be managed by the use of structural and non-structural stormwater management measures including but not limited to dry wells, vegetated swales, pervious pavement, bioretention systems and manufactured treatment devices. (Ord. 97-32)

e. Electric and telephone lines for site distribution shall be underground. All new primary and secondary service lines shall be underground. Any utility installations remaining above ground, such as transformer boxes, switch gear enclosures, switching stations, etc. shall be located so as to have a harmonious relation to neighboring properties and the site. The proposed methods of sanitary sewage disposal from all buildings shall be indicated. If the proposed development cannot be directly connected to the municipal sanitary system, then the applicant shall provide sufficient information on the capacity, design, type, location, etc. of the proposed system so that the Borough Engineer and County or State agencies having jurisdiction can make a preliminary evaluation of the design.

f. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Signs or advertising structures shall not create any nuisance to adjoining properties by reason of noise, odor, fumes, flashing lights, or glare, nor shall they cast any light onto adjoining residential properties. Signs or advertising structures shall be sited so as not to interfere with vehicular traffic, on public or private roads in any way, such as interference with sight lines, or by glare. No illuminated sign shall be higher than any major building in the project area. Signs shall be set back from public roads or highways a distance equaling the height of the sign or advertising structure.

g. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment, or in view from the public road or the surrounding properties.

h. The standards of review outlined in Section 6.100 above shall also apply to all accessory buildings, structures, free standing signs and other site features, however related to the other major buildings or structures. Any use or structure lawfully existing at the time of the passage of

an ordinance may be continued upon the lot or in the building so occupied, and any such structure may be restored or repaired in the event of partial destruction thereof.

6.130 Flood Plain Considerations. Any proposal for a development on a tract where any part of the tract contains a flood plain shall comply with the Flood Plain Regulations of this ordinance in addition to the following standards. No building or structure shall be erected or moved, or externally altered or added to or enlarged, nor shall any material or equipment be stored, nor shall any fill be placed, nor shall the elevation of any land be substantially changed, in the floodway, except in accordance with a permit issued by the New Jersey Department of Environmental Protection, Division of Water Resources; provided however, that accepted practices of soil husbandry, and the harvesting of crops in connection with farming, lawns, gardens and recreational usage that do not include structures are not included in the foregoing prohibitions. As to development in the floodway, primary consideration shall be given to passage of flood flows without aggravating flood conditions upstream and downstream. Encroachments within the floodway shall therefore be permitted most sparingly and only in cases in which the public interest will be served, such as bridges, roads, utility installations, and the like, and a temporary storage of material or equipment in connection with and during the construction thereof, or where the obstruction is minimal, such as surface parking or recreation areas, open fencing, and the like, and then, in either case, only in accordance with conditions designed to limit the obstruction to the practicable minimum. No building or structure shall be erected or moved, or externally altered or added to or enlarged, in the flood plain outside the floodway, if the elevation of any floor thereof, including the cellar, shall be less than 1 foot above the flood hazard area design flood profile, except in accordance with a permit issued therefore by the New Jersey Department of Environmental Protection, Division of Water Resources. As to developments in the flood plain outside the floodway, primary consideration shall be given to the protection of persons and property involved in the development, and such consideration shall not be avoided by the waiver of the applicant.

6.140 Soil Erosion and Sedimentation Control. All development proposals requiring site plan review and all major subdivisions shall include provisions for control over soil erosion and sedimentation with a schedule for installing erosion and sediment control measures related to the progress of the development including anticipated starting and completion dates.

6.141 Regulation. No zoning or building permit shall be issued for any application requiring either site plan approval or approval of a major subdivision until such approval has been given by the Planning Board.

6.142 Data Required. The applicant shall submit a landscaping plan as outlined under the site plan provisions of this ordinance which shall clearly establish the means for controlling soil erosion and sedimentation for each site or portion of a site when developed in stages. The applicant may consult the Soil Conservation Service in selecting the appropriate erosion and sediment control measures. These measures must meet or exceed the regulations adopted by the State Soil Conservation Committee as outlined in the publication entitled Standards for Soil Erosion and Sediment Control in New Jersey, adopted June 14, 1972 as amended. In addition, a schedule of the sequence of installation of planned erosion and sediment control measures related to the progress of the project including anticipated starting and completion dates shall be included.

6.143 Review and Approval. The review and approval of the soil erosion and sedimentation control data shall be part of either the review and approval of the subdivision or site plan, as applicable. The Borough may seek the assistance of the Soil Conservation Service in the review of such plans and may deem as approved those plans which have been reviewed and determined adequate by the Soil Conservation Service. (Ord. 97; 97-39)

6.144 General Design Principles. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan: (Ord. 97; 97-39)

- 1) Stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion;
- 2) Whenever feasible, natural vegetation shall be retained and protected;
- 3) The extent of the disturbed area and the duration of its exposure shall be kept within practical limits;
- 4) Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance;
- 5) Drainage provisions shall accommodate increased runoff, resulting from modified soil and surface conditions, during and after development or disturbance;
- 6) Water runoff shall be minimized and retained on site wherever possible to facilitate ground water recharge;
- 7) Sediment shall be retained on site; and
- 8) Diversions, sediment basins, and similar required structures shall be installed prior to any on-site grading or disturbance.

6.145 Maintenance. All necessary erosion and sediment control measures installed under this section shall be adequately maintained for one year after completion of the approved plan or until such measures are permanently stabilized as determined by the Borough Engineer. The Borough Engineer shall give the applicant, upon the applicant's request, a certificate indicating the date on which measures called for in the approved plans were completed. (Ord. 97; 97-39)

6.150 Soil Removal. Excavating, moving, relocating, and removing of soil and subsoil in an indiscriminate manner is prohibited. The excavation and grading for completion of a site plan or subdivision shall be done in accordance with the approved subdivision plat, approved site plan, and soil erosion and sediment control provisions. Any applications proposing the excavating, moving, relocating, or removal of more than 600 cubic yards of material or involving an area exceeding 3,600 square feet shall include on its subdivision or site plan application the means to prevent erosion and sedimentation and the control of drainage, dust, and mud on the premises in question as well as on abutting lands; the preservation of soil fertility and the resulting ability of the area affected to support plant and tree growth by maintenance of adequate top soil consisting of at least six inches of the original layer; maintenance of

necessary lateral support and grades of abutting lands, structures and other improvements; prevention of pits and declivities which are hazardous or which provide insect breeding locations; the physical 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 environmental welfare.

6.160 Stormwater Management. (Ord. 97-10; 97-32)

6.161 Purpose, Policy, Applicability and Compatibility with Other Permit and Ordinance Requirements. (Ord. 97-32)

a. Purpose. It is the purpose of this section to establish minimum stormwater management requirements and controls for “major development,” as defined in Article II, Definitions.

b. Policy. Stormwater control, 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 BMP’s should be integrated with non-structural 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 BMP’s may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

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) Non-residential 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 Borough of Roosevelt.

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.

6.162 Design and Performance Standards for Stormwater Management Measures. (Ord. 97-32)

a. Stormwater management measures for major development as defined herein shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 6.164. To the maximum extent practicable, these standards shall be met by incorporating non-structural 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.

b. The standards in this section apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to any new major development to the extent that alternative design and performance standards are applicable under a Stormwater Management Plan or Water Quality Management Plan adopted in accordance with N.J.D.E.P. Rules. (Ord. 97-32; 97-35)

6.164 Stormwater Management Requirements for Major Development. (Ord. 97-32)

a. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 6.169.

b. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the N.J.D.E.P. Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

c. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 6.164f and 6.164g:

- 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 Sections 6.164f and 6.164g 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 non-structural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 6.164f and 6.164g to the maximum extent practicable;
- 3) The applicant demonstrates that, in order to meet the requirements of Sections 6.164f and 6.164g, 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 6.162.3 above within the upstream drainage area of the receiving stream that would provide additional opportunities to mitigate the requirements of Sections 6.164f and 6.164g that were not achievable on-site.

e. Nonstructural Stormwater Management Strategies.

- 1) To the maximum extent practicable, the standards in Sections 6.164f and 6.164g shall be met by incorporating non-structural stormwater management strategies set forth at Section 6.164e 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 Paragraph 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 pre-construction 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,
 - (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 Standards, N.J.S.A. 4:24-39 et seq., and implementing rules. (Ord. 97-32; 97-35)
 - (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 Section 6.166, or found on the N.J.D.E.P. website at <http://www.njstormwater.org>.
- 3) Site design features identified under Section 6.164e.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 Section 6.164e.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 (N.J.D.O.T.) bicycle safe grate, which is described in Chapter 2.4 of the N.J.D.O.T. 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 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 does not apply:
 - (1) When it is determined by the Borough that this standard would cause inadequate hydraulic performance that could not practicably be overcome without using additional or larger storm drain inlets that meet these standards;
 - (2) Where flows from the water quality design storm as specified in Section 6.164g.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 of the following:
 - (a) A rectangular space four and five-eighths inches long and one and one-half (1 ½) 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-inch (1”) spacing between the bars, to the elevation of the water quality design storm as specified in Section 6.164g.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 Sections 6.164f and 6.164g shall be subjected to a conservation restriction filed with the Monmouth County Clerk’s office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure 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 Section 6.166, or found on the N.J.D.E.P. 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 Section 6.164, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two year storm is infiltrated.

(2) 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 N.J.D.E.P. 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; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(3) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or

seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems 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 Section 6.164, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the two, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the 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, horticultural or equine development that meets the definition of "major development" at Article II shall be submitted to the Freehold Soil Conservation District for review in accordance with the requirements of this section and any applicable Soil 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 and 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. (Ord. 97-32; 97-35)

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 155 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 hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1, Water Quality Design Storm Distribution. The calculation of the volume of runoff may take into account the implementation of non-structural 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
55	0.3583	120	1.2500
60	0.6250		

2) For purposes of TSS reduction calculations, Table 2, TSS Removal Rates for BMP's, below presents the presumed removal rates for certain BMP's designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 6.166, or found on the N.J.D.E.P. website at: www.njstormwater.org The BMP Manual and other sources of technical guidance are listed in Section 6.166. TSS reduction shall be calculated based on the removal rates for the BMP's 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. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the N.J.D.E.P. at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, P.O. Box 418, Trenton, New Jersey 08625-0418.

3) If more than one 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 BMP's, 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 BMP's	
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	See Section 6.165 .c.
Sand Filter	80
Vegetative Filter Strip	60 - 80
Wet Pond	50-90

4) If there is more than one onsite 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 non-structural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 6.164f and 6.164g.

6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 6.166.

7) In accordance with the definition of FWI 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 FWI.

8) 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 HUC 14 drainage area. These areas shall be 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 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 successions provided.

(2) Encroachment within the designated special water resource protection area under subsection (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 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 N.J.D.E.P.

b) All stormwater shall be discharged outside of and 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 N.J.D.E.P. 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 N.J.D.E.P...

d). Paragraph 6.164g.8) does not apply to the construction of one individual single family dwelling that is not 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.

6.164 Calculation of Stormwater Runoff and Groundwater Recharge. (Ord. 97-32)

a. Stormwater runoff shall be calculated in accordance with the following:

1) The design engineer shall calculate runoff using one 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 pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.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 years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction 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 tail water 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, PO Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

6.165 Standards for Structural Stormwater Management Measures. (Ord. 97-32)

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-inch (1") 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-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 6.167d.

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 inches in diameter.

5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 6.167.

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 Section 6.164.

c. Manufactured treatment devices may be used to meet the requirements of Section 6.164 provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the N.J.D.E.P.

6.166 Sources for Technical Guidance. (Ord. 97-32)

a. Technical guidance for stormwater management measures can be found in the documents listed at 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. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2) The Rutgers Cooperative Extension Service, 732-932-9306; and

3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625 (609) 292-5540.

6.167 Safety Standards for Stormwater Management Basins. (Ord. 97-32)

a. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

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 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 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 300 lbs/sq. ft.

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:

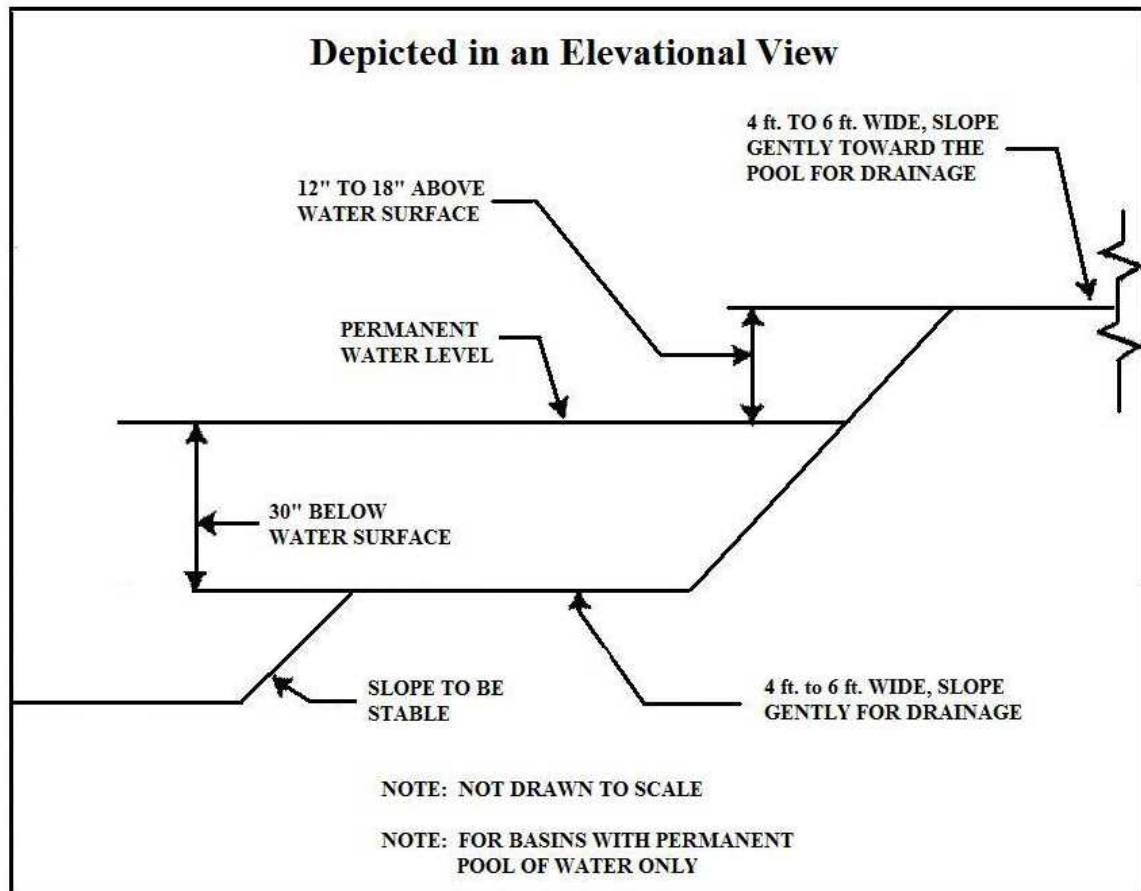
a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b) The overflow grate spacing shall be no less than two 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 300 lbs/ft sq.

c. Variance or Exemption from Safety Standards. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the Borough Planning Board that the variance or exemption will not constitute a threat to public safety.

d. Illustration of Safety Ledges in a New Stormwater Management Basin



6.168 Requirements for a Site Development Stormwater Plan. (Ord. 97-32)

a. Submission of Site Development Stormwater Plan

- 1) Whenever an applicant seeks Planning Board 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 section c below 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 ordinance. The applicant shall submit copies of the materials listed in the checklist requirements for site development stormwater plans in accordance with section c below.

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 Planning Board. The Planning Board shall consult the engineer retained by the Planning Board to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

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. The topographic base map of the site shall extend a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1" =200' or greater, showing 2-foot contour intervals. The map as appropriate shall indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing 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 man-made 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 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 ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided. (Ord. 97-32; 97-39)

4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of Sections 6.162 through 6.165 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 the pre-development and post-development conditions for the design storms specified in Section 6.164 of this ordinance.

b) When the proposed stormwater management control measures (e.g., infiltration basins) depend on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 6.169.

8) Waiver from Submission Requirements. The Planning Board, in consultation with the Municipal Engineer may, waive submission of any of the requirements in Sections 6.168c.1) through 6.168c.6) 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.

6.169 Maintenance and Repair. (Ord. 97-32)

a. Applicability. Projects subject to review as in Section 6.161 .c shall comply with the requirements of Sections 6.169b and 6.169c.

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) 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 owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

4) If the person responsible for maintenance identified under Section 6.169b.2) above is not a public agency, the maintenance plan and any future revisions based on Section 6.169b.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.

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 non-vegetated linings.

6) The person responsible for maintenance identified under Section 6.169b.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 Section 6.169b.2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8) The person responsible for maintenance identified under Section 6.169b.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 Sections 6.169b.6) and 6.169b.7) above.

9) The requirements of Sections 6.169b.3) and 6.169b.4) do not apply to stormwater management facilities that are dedicated to and accepted by the Borough.

10) For all stormwater management facilities not dedicated to the Borough, a two year maintenance guarantee for maintenance and repair of the stormwater management facility shall be submitted to the Borough in accordance with N.J.S.A. 40:55D-53. The maintenance guarantee shall be in addition to the submission of performance and maintenance guarantees required for subdivisions and site plans.

11) 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 Borough shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The Borough, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the Borough may immediately proceed to do so and shall bill the cost thereof to the responsible person.

b. Nothing in this section shall preclude the Borough from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

6.200 Off-Street Parking and Loading. In all districts, in connection with every use, there shall be provided, at the time any building or structure is erected, enlarged, or changed in use, off-street parking spaces and, for non-residential uses, loading and unloading areas in accordance with the requirements set forth in this section.

6.210 Parking Standards. (Ord. 97; 97-18)

6.211 Parking of Vehicles in Residential Districts. No parking of any vehicles off public streets shall take place in any residential zone except as provided in this section. (97-18; 97-40)

a. Vehicles shall be parked in designated driveways and parking areas exclusively within the front yard; provided, however, that a vehicle may be parked in a side or rear yard of a residential use property if approval has been obtained as provided in Section 7.470 and that, in case of a lot having frontage on two streets, the driveways and parking area may be in the yard fronting either, but not both, of the streets. (Ord. 97-18; 97-20; 97-40)

b. All driveways and off-street parking areas shall be maintained with graded, dust-free surfaces, such as gravel, stone, blacktop or equivalent surfacing material, that are well drained and suitable for such use. In the event of any dispute as to the adequacy of any surface covering, the matter shall be referred to the Borough Engineer for determination, the cost of any such determination to be borne by the property owner. (Ord. 97-18; 97-20)

c. No area used for parking of vehicles shall be within 15 feet of any adjacent property line, except with respect to an attached house, where parking is permitted to the property line of the adjoining connecting house, as provided in Section 7.470. (Ord. 97-18)

d. Neither the average width of any driveway, nor the width of any driveway where it connects to the street at the front property line, shall exceed 20 feet. (Ord. 97-18)

e. The total area of all driveways and exterior parking areas shall not exceed 20 percent of the total area of the yard in which the parking area is located, or 750 square feet, whichever is greater. (Ord. 97-18; 97-20)

6.212 Limitations on Vehicles in Residential Zones. (97-18)

a. No lot shall be used for storage of unlicensed or unmovable vehicles, or for commercial transactions other than the occasional sale of individual vehicles after use by household member, in any residential zone.

b. Vehicles used in commerce by members of the household may be parked on residential lots, provided that no such vehicle be used for commercial activity while on residential premises.

c. No vehicle of more than 9,000 pounds gross vehicle weight may be parked in any residential district, except that the Planning Board may permit the parking of no more than one vehicle of more than 9,000 pounds by no more than 18,000 pounds gross vehicle weight on any residential lot as a conditional use pursuant to Section 7.470, and provided further that such approval shall not be required in the case of recreational vehicles regularly parked in a residential zone prior to March 1, 1990, where the owners of such vehicle notify the Borough Clerk to that effect no

more than 30 days after the effective day of this ordinance. Boats 14 feet or less in length may be stored on driveways. Boats over 14 feet long may be stored only in side or rear yards.

6.213 Location of Parking and Loading Areas. (Ord. 97; 97-18; 97-39)

- a. No off-street loading and maneuvering spaces may be located in any front yard or buffer area. (Ord. 97; 97-18)
- b. Off-street parking spaces for any industrial or office building may provide for guest and visitor parking in the front yard but not for more than 20 percent of the total spaces required. (Ord. 97; 97-18)

6.220 Minimum Parking Requirements. Where a particular activity contains more than one of the following categories of uses, the total parking requirement shall be the sum of all use requirements:

a. Residential	2 spaces per dwelling unit
b. Farm	2 spaces per dwelling unit
c. School	2 spaces per classroom, but not less than 1 space per 5 seats in an auditorium
d. Borough Hall	1 space for each full-time employee plus 1 space for every 5 seats in the general meeting room
e. House of Worship	1 space for every 5 seats
f. Office	1 space for each 325 square feet of gross floor area
g. Retail Store	1 space for every 150 square feet of gross floor area
h. Service Station	4 spaces per interior service area or bay
i. Manufacturing or Assembly Plant	1 space for every 800 square feet of gross floor area
j. Swim Club	1 space for every 50 square feet of water surface
k. Dormitories	1 space for every adult supervisor and 1 space for every 2 students aged 16 ^{1/2} years or older (Ord. 97-36)

6.230 Minimum Loading Requirements.

a. Retail Store	1 space for every 4,000 square feet of gross floor area
b. Office	1 space for every 20,000 square feet of floor area
c. Warehousing	1 space for every 10,000 square feet of gross floor area
d. Manufacturing	1 space for every 20,000 square feet of gross floor area
e. Dormitories	1 space for every 20,000 square feet of gross floor area (Ord. 97-36)

6.240 Minimum Dimensions for Parking and Loading Spaces.

- a. Each off-street parking space shall measure at least ten (10) feet in width and twenty (20) feet in length, exclusive of access drives and aisles.
- b. Required off-street loading berths shall be a minimum of 35 feet long, 12 feet wide and 14 feet high.

6.250 General Standards for Parking Areas.

- a. Parking areas for four or more vehicles and access to this parking shall be designed and planned in accordance with accepted engineering and parking design principles such as those contained in the Eno Foundation manual, Parking.
- b. All plans shall be reviewed by the Planning Board in accordance with site review procedures set forth in this ordinance.
- c. Where parking areas are paved with asphalt, they shall be paved and drained in accordance with good engineering and construction practices as defined in the Asphalt Institute Handbook. Where other surfacing materials are used, standard practice yielding corresponding performance standards shall be used.
- d. Parking spaces, driveways and aisles shall be clearly marked and delineated.

6.300 Signs. A building permit is required for the erection or placement of any sign, as defined in Article II, which shall be visible from any public right-of-way except as noted below.

6.310 Exceptions to Building Permit Requirement. The following types of signs may be erected or placed without a building permit issued by the Building Inspector:

- a. Real Estate Signs: Signs advertising the sale, lease or rental of the premises on which said signs are located; provided that the total aggregate face area of such signs not exceed six (6) square feet in all districts; and further provided that such signs be removed no later than two weeks after such sale, lease or rental.
- b. Name Plates: One professional or business name plate not exceeding one square foot in area for each professional occupant of a site.
- c. Construction Signs: One sign denoting the architect, engineer and/or contractor when placed on work under construction; provided that such sign not exceed 20 square feet in area.
- d. Memorial Signs: Memorial signs, tablets, building names and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar materials.
- e. Official or Emergency Signs: Traffic or municipal signs, legal notices and such temporary, emergency or non-advertising signs as may be authorized by the Borough Council.
- f. Posters: Temporary, non-permanent posters covering such activities as political and sporting events, entertainments and elections; provided that such posters shall not be displayed more than two weeks prior to the event advertised and are removed within one week after such event.
- g. Store Window Sale Signs: Temporary paper signs fixed to the interior windows of retail establishments in order to advertise sales, special prices or products; provided that such signs shall be displayed for no longer than two weeks.

6.320 Conditional Signs. The following kinds of signs are subject to review and approval by the building inspector prior to issuing a building permit:

- a. Free standing and projecting signs are permitted in the C-40 and I-80 districts. Those projecting into a public right-of-way shall have a clearance of not less than ten feet above the sidewalk or surrounding ground and not less than fifteen feet above any public driveway or thoroughfare.
- b. Directional signs, i.e., those signs not pertaining to the use, sale, lease or rental of property located on the same lot shall be permitted only as follows:
 - 1) Signs directing persons to a local business or community establishment may be grouped as a multi-unit directory on a single frame, provided that each individual sign shall not exceed four square feet in area per establishment; and further provided that the design and location of such directory be approved by the Planning Board.
- c. Any person offering lots for sale in a subdivision may erect non-illuminated directional signs within the subdivision limits or on adjoining property in the same ownership, provided that the total aggregate face area of such signs not exceed 30 square feet; and further provided that permits for such signs must be renewed every 12 months by the Building Inspector following his determination that such signs have been repainted or maintained in good condition in each case.

6.330 Prohibited Signs. The following signs are prohibited in the Borough of Roosevelt:

- a. Billboards
- b. Signs which by color, shape, lighting, or location may visually obstruct or be confused with official traffic signs or signals.
- c. Flashing or rotating signs which will, by reason of design or location, cause intrusive glare on neighboring premises. All bare incandescent light sources and immediately adjacent reflective surfaces shall be shielded from view.

6.340 Sign Area. The area shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed, whether open or enclosed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with background of a different color than the natural color of the building. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, or wall, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all the letters or symbols. A freestanding sign with two exposures shall have a total sign area consisting of the area of both sides of the sign and both sides may be used.

A freestanding sign with no lettering, wording, coloring, or accompanying designs on one side shall not have that blank side included in the total area of the sign. Street number designations, postal boxes, family names on residences, on-site traffic directional and parking signs, and signs posting property as "private property", "no hunting", or similar purposes are permitted but are not to be considered in calculating the sign area.

Permitted Use	Permitted Sign Area in Square Feet
Borough Facilities	25
Community Center	25
Farm	15
Farm Stand	20
Golf Course	20
Home Occupation	2
House of Worship	25
Library	25
Manufacturer	40
Nursery	20
Office	20
Restaurant	25
Retail Store	15
Service Station	40
School	25
Warehouse	40

6.350 Removal of Certain Signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or product available for purchase by the public on the premises, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Zoning Officer who is hereby authorized to cause removal of such sign. Any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

6.400 Home Occupations.

6.410 Permitted in Residential Districts. Home occupations as defined in Article II shall be permitted in all residential districts, subject to the requirements of Subsection 6.420.

6.420 Regulations for Home Occupation Uses. Home occupation uses are permitted subject to the following conditions: (Ord. 97; 97-17)

- a. The home occupation is clearly secondary to the residential use of the structure.
- b. The home occupation shall be conducted solely by a residential occupant or occupants of the premises, and no other person conducting a separate business activity may share, lease, or sublet space for home occupation use.
- c. No more than one non-resident individual or the full-time equivalent may be employed on the premises in addition to residential occupants of the premises.
- d. The use shall be conducted entirely within the principal structure, except where conditional use approval has been granted pursuant to Section 7.430, shall generate no noise, traffic, or other nuisance incompatible with generally accepted standards for residential areas, and shall include no exterior storage of equipment or materials. (Ord. 97-17; 97-39)

e. There shall be no external evidence of home occupation use except that one sign no more than two square feet in area may be erected not closer than three feet from any property line, stating the name and address of the resident conducting the home occupation and the nature of business activity conducted on the premises.

6.500 Wireless Telecommunications Towers and Antennas. (Ord. 97-29; 97-39)

6.510 Purpose. The purpose of these regulations for the siting of wireless telecommunications towers and antennas is to:

- a. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- b. Encourage the location of towers in appropriate locations;
- c. Minimize the total number of towers throughout the Borough;
- d. Strongly encourage the joint use of approved tower facilities as a primary option rather than construction of new or additional single-use towers;
- e. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- f. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- g. Enhance the ability of the providers of telecommunications services to respond to the community quickly, effectively, and efficiently; (Ord. 97-29; 97-39)
- h. Consider the impact to public health and safety of communication towers; and (Ord. 97-29; 97-39)
- i. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, Roosevelt Borough shall give due consideration to the Borough master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

6.520. Non-applicability 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 (FCC) regulations.

6.530. Antennas and Towers Permitted on Borough Property. Wireless communications towers and antennas which are located on property owned, leased or otherwise controlled by the Borough of

Roosevelt and which are approved by the Borough Council, shall be deemed to be permitted as a municipal facility in the I-80 Light Industrial Zone.

a. Buildings or Other Equipment Storage.

1) Antennas Mounted on Structures. The equipment cabinet or structure used in association with antennas shall comply with the following:

a) 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 structures, 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.

b) Equipment storage buildings or cabinets shall comply with all applicable building codes.

2) Antennas located on Towers, Utility Poles, Light Poles. The related unmanned equipment structures 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.

b. 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 owners of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Borough of Roosevelt notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower or antenna at owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Upon the dismantling and removal of a tower, the property on which the tower was located shall be restored to a safe and landscaped condition compatible with adjacent properties. (Ord. 97-29; 97-39)

6.600 Recycling Plan Required for New Developments of Multi-Family Residential Units or Commercial, Industrial and Institutional Properties. Any application to the planning board of the municipality of the Borough of Roosevelt, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of fifty (50) or more units and any commercial, institutional or industrial development for the utilization of one thousand (1,000) square feet or more of land, must include a recycling plan.

a. This plan must contain, at a minimum, the following:

1) A detailed analysis of the expected composition and amount of solid waste and recyclables generated at the proposed development site and;

2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient

size, convenient location and contain other attributes (e.g., signage, lighting fencing, etc.) as may be determined by the municipal recycling coordinator.

b. Prior to issuance of a Certificate of Occupancy by the Borough of Roosevelt, the owner of any new multi-family housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

c. Provision shall be made for the indoor, outdoor or enclosed outdoor storage and pickup of solid waste, to be approved by the Borough Engineer. (Ord. 97-41)

ARTICLE VII

CONDITIONAL USE PERMITS

7.100 General Provisions.

7.110 Purpose. (Ord. 97; 97-19) Those uses designated as Conditional Uses in the District Regulations (Article III) are hereby declared to possess characteristics of such unique and special form as to require that each specific use shall be considered as an individual case; and as to further require conformance to additional standards as specified in this Article.

7.120 Conditional Uses as Permitted Uses. Uses designated as Conditional Uses may be considered to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article in addition to all other requirements of this ordinance.

7.200 Procedures.

7.210 Application

a. Each application for a Conditional Use shall be made to the administrative officer for referral within ten (10) days of receipt of the completed application to the Planning Board for action. (Ord. 97; 97-19)

b. Application for Conditional Use permits shall contain the same information as required for site plan review by Section 6.100. No application shall be considered as officially submitted until such time as the Construction Official has received all required information and documentation. Site plan review shall run concurrently with Conditional Use review. Where the administrative officer determines that it would be unreasonable to require a full site plan review submission as required by Section 6.100 in conjunction with a conditional use application, he may waive such specific requirements of Section 6.100 as he deems appropriate. (Ord. 97; 97-19; 97-39)

7.220 Planning Board Action (Ord. 97; 97-17)

a. The Planning Board shall have jurisdiction to review and take action on all applications for Conditional Use permits.

b. The Planning Board shall act on all Conditional Use permit applications within ninety-five (95) days of the first Planning Board meeting on or after the date of referral. In the absence of Planning Board action within such ninety-five (95) day period, the application shall be deemed approved as submitted. The review period may be extended by mutual agreement of the Planning Board and applicant. (Ord. 97; 97-17)

c. The Planning Board shall hold a public hearing on each application, with the same notice as required by law for development applications. (Ord. 97; 97-17)

d. The Planning Board's decision on each application must be set forth in a written resolution to the Construction Official, which resolution shall authorize the Construction Official to grant or deny the application or to grant the application subject to conditions. (Ord. 97; 97-17; 97-39)

e. The Planning Board shall attach such conditions and safeguards to any approved use and development plan as are, in its opinion, necessary to ensure initial and continual conformance to all applicable standards and requirements. (Ord. 97; 97-19)

f. No Conditional Use permit shall be granted except upon a finding by the Planning Board that the standards and requirements for such use set forth in this Article, in addition to all other applicable regulations, have been met. The Board's written resolution authorizing the grant of such permit shall set forth such finding. A written resolution denying such permit shall set forth findings, in specific terms, as to the standards and requirements which have not been met. (Ord. 97; 97-17)

g. Any Conditional Use permit not exercised within one (1) year of the date of issuance shall expire without further hearing by the Planning Board.

7.300 General Standards. No conditional use permit shall be granted unless the following conditions are met:

a. In residential districts, the proposed use will not interfere with the public welfare and convenience. (Ord. 97; 97-19)

b. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

c. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

d. Operations in connection with any conditional use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a conditional use. (Ord. 97; 97-19)

e. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety.

7.400 Standards for Particular Uses.

7.410. Reserved.

7.420. Service Station. In any district where permitted, a service station shall be subject to the following regulations: (Ord. 97; 97-19)

- a. Service stations shall be permitted only on lots of 40,000 square feet or more, with 100 feet minimum frontage. (Ord. 97-19)
- b. The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on the required yard area.
- c. No fuel pump shall be located closer than twenty (20) feet from any side lot line, nor closer than thirty-five (35) feet from any street line, measured from the outside edge of the fuel island.
- d. No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church, or any other public gathering place, park, playground or fire station unless a street fifty (50) feet wide lies between such service station and such building or use.
- e. All work materials shall be stored in enclosed spaces and all necessary provision shall be made for the safe storage, use and disposal of potentially dangerous materials. (Ord. 97; 97-19)
- f. No open area in which vehicles or parts are stored or repaired shall be visible from any public road, except that vehicles awaiting repair or pickup may be parked on an apron located entirely within the front yard of the property. Other open areas in which vehicles may be stored shall be no closer to the public right of way than the front building line, and shall be screened by opaque screening of a sturdy and permanent nature subject to review and approval by the Planning Board. No junked or unregistered vehicles shall be kept or stored on the premises. (Ord. 97; 97-19; 97-39)
- g. The sale of used cars ancillary to the principal function of the premises as a service station is permitted. (Ord. 97-19)

7.430 Separate Accessory Buildings on the Same Lot in Residential Districts.

7.431. Buildings for home occupations, artistic, artisanal, horticultural or similar activities located separately on the same lot as the principal structure shall meet all standards of Section 5.400 (accessory structures in yards) and, where applicable, Section 6.420 (home occupations), and shall require conditional use approval. (Ord. 97; 97-17)

7.432. Notwithstanding any other provision of this ordinance, any separate garage or storage structure on the same lot as the principal structure in excess of 240 square feet of floor area or more than 10 feet high measured from the ground immediately in front of the proposed structure shall require conditional use approval. (Ord. 97; 97-17)

7.433. In granting conditional use approval under this section, the Planning Board shall determine that the scale and visual impact of the proposed structure shall not be excessive, particularly where it is located in close proximity to an abutting property, and may require the

applicant to reduce the size or height of the proposed building, and provide such screening or fencing as may be necessary, as a condition of approval. (Ord. 97; 97-17)

7.440 Houses of Worship. A house of worship shall: (Ord. 97; 97-36; 97-40)

- a. Conform with the lot, yard, coverage and height requirements for the R-AG 400 district.
2. Provide for one parking space for every five (5) seats, or where there is no permanent fixed seating, one parking space for every 75 square feet of floor area in the principal room devoted to worship.

7.500 Modification of Residential Parking Standards. Any modification of residential parking standards set forth in Sections 6.211 and 6.212 shall be considered a conditional use and shall be subject to review by the Planning Board to determine whether the modification can be accommodated without (a) materially affecting the visual character of the street and surrounding areas; and (b) adversely affecting adjacent properties and their use and enjoyment. The Planning Board may condition approval of a modification under this section on such landscaping, planting, or screening, as it deems necessary, to maintain the character of the street and prevent adverse affects on adjacent properties. (Ord. 97; 97-18; 97-39)

ARTICLE VIII

PERFORMANCE STANDARDS

8.100 General Application. As a condition of approval and the continuance of any use, occupancy of any structure, and the operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or to its designated representative, that the proposed use, structure, process, or equipment will conform fully with all of the applicable performance standards. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific types of equipment, machinery, or devices be installed, or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes. (Ord. 97; 97-39)

8.200 Conditional Permit. In the event a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this Article, the Planning Board may issue or may recommend issuance of a conditional permit. The conditional permit would be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation. Within thirty (30) days after a temporary certificate of occupancy is granted a final permit shall be applied for and satisfactory evidence submitted that all standards established by this Article have been met.

8.300 Continued Compliance. Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

8.400 Standards to be Enforced. No activity or use shall be permitted, established, maintained, or conducted in any district unless such activity or use complies with the following standards:

8.410 Air Pollution. No excessive smoke, fumes, gas, dust, odor or any other atmospheric pollutant shall be permitted beyond the boundaries of the lot whereon the use is located. Excessive smoke shall be all smoke of a shade or appearance darker than No. 2 on the Ringlemann Scale for grading the density of smoke, published by the U.S. Bureau of Mines.

8.420 Water Pollution.

8.421 Open Discharge. No pollution by the discharge of any waste material whatsoever into any watercourse, open ditch or land surface shall be permitted.

8.422 Sewerage Discharges. No waste material whatsoever shall be discharged into any sanitary disposal system or sewerage system except as permitted by relevant public health authorities and public sewerage control bodies. Any chemical or industrial waste which, in the determination of

the Borough Engineer, places undue loads on the municipal sewerage system shall not be discharged into such system and must be treated by the use generating such wastes.

8.423 Sewer and Water Connections. Except for R-Ag and R-100 zoning districts, no premises shall be developed unless served by municipal water supply and sanitary sewer system. (Ord. 97-08)

8.430 Safety Hazards. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause, to persons or property in the same or adjacent districts.

8.440 Nuisance Factors. No nuisance factors shall be generated.

8.450 Storage. No equipment or material shall be stored in such a manner that facilitates the breeding of vermin or endangers health in any way. Storage shall be in accordance with Subsection 5.360.

8.460 Drainage. Except for the R-AG and R- 100 zoning districts, no premises shall be developed unless positive drainage of the site is provided. Drainage shall be provided by means of structural and non-structural methods, with and without curbing, and where possible shall incorporate natural vegetated swales in lieu of inlets and pipes; and allow for curb cuts or flush curbs with curb stops for stormwater conveyance and to allow disconnection of impervious areas. Within the R-AG and R-100 zoning districts, such improvements shall be required by the Planning Board on advice of the Borough Engineer. (Ord. 97-08; 97-32)

8.470 Sidewalks. Except for the R-AG and R-100 zoning districts, no premises shall be developed unless sidewalks are installed on abutting streets. Within the R-Ag and R-100 zoning districts, such improvements may be required by the Planning Board on advice of the Borough Engineer. (Ord. 97-08)

8.500 Enforcement of Performance Standards. These standards shall be enforced in accordance with the provisions of Section 11.100 et seq. of this Ordinance.

ARTICLE IX

NON-CONFORMING USES AND STRUCTURES

9.100 Continuation of Use. A use, building or structure, lawfully in existence at the effective date of this ordinance, which shall be made non-conforming at the passage of this ordinance or any applicable amendment thereto, may be continued except as otherwise provided in this Article. Any non-conforming use, building, structure or lot may change ownership and continue to function as the same non-conforming use, building, structure or lot, provided that all other conditions of this Article are met.

9.200 Regulation of Non-Conforming Uses. No existing building or premises devoted to a non-conforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or when required to do so by law, and except as follows:

9.210 Restoration and Reconstruction. Any non-conforming use or structure damaged by fire, casualty or act of God may be repaired and used as before, provided that the floor area of such use, building or structure shall not exceed the floor area or building volume which existed prior to such damage. All repairs shall be completed within one year after damages occur or such use shall not be rebuilt except as a conforming use. In the event total destruction occurs or the Building Inspector authorizes the resumption of said use or rebuilding of said structure, then the provisions of Section 9.300 shall apply.

9.220 Repairs.

- a. Normal maintenance repair and incidental alteration of a structure containing a non-conforming use are permitted, provided they do not extend the area or volume of space occupied by the non-conforming use.
- b. A building or other structure containing residential non-conforming uses may be altered in any way to improve interior livability. No alterations may be made which would increase the number of dwelling units.

9.300 Reconstruction. When a non-conforming use or structure is destroyed or damaged beyond repair, and the owner or tenant of said use or structure desires to rebuild for any reason, the Planning Board may authorize such rebuilding if the rebuilding would not constitute a substantial enlargement of the use and if the rebuilding would provide better aesthetics, higher setbacks or assist in alleviating existing nuisance characteristics.

9.400 Termination of Non-Conforming Uses.

9.410 Abandonment. A non-conforming use shall be considered abandoned and may not be revived

- a. If it is terminated by the owner;
- b. If the non-conforming use of a structure or a structure and land in combination is discontinued for twelve consecutive months;
- c. If the non-conforming use of a parcel of land ceases for six months.

9.420 Conversion to Permitted Use. Any non-conforming use or structure which has been changed to a conforming status shall not be revived as a non-conforming use.

9.430 Subsequent Use. If a non-conforming use has been abandoned or converted to a permitted use, the subsequent uses shall only be those permitted in that zoning district.

ARTICLE X
PLANNING BOARD

10.100 Planning Board Membership. (Ord. 146; 97-39)

10.110. Planning Board Members. The Planning Board heretofore established in the Borough of Roosevelt is continued and shall consist of nine members. It shall have and exercise the powers set forth in Section 16 of P.L. 1975, c. 291, as amended (N.J.S.A. 40:55D-25). Pursuant to Section 14 of P.L. 1975, c. 291, as amended (N.J.S.A. 40:55D-23), the membership shall consist of the following four classes:

Class I - the Mayor;

Class II - an official of the municipality other than a member of the Borough Council, to be appointed by the Mayor for a term of one year;

Classes III - members of the Borough Council appointed by the Borough Council for a term of one year;

Class IV - six other citizens of the municipality, to be appointed by the Mayor for terms of four years, except as otherwise provided herein, who shall hold no other municipal office, position or employment, except that one Class IV member may be a member of the Board of Education and one Class IV member shall be a member of the Environmental Commission. The term of Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of such member's term of office as a member of the Environmental Commission, whichever occurs first. If the member of the Board of Education is appointed as Class IV member and such member ceases to be a member of the Board of Education before the expiration of the term for which he or she was appointed to the Planning Board, membership on the Planning Board shall terminate at the same time as membership on the Board of Education and that seat shall be filled for the unexpired term in the same manner as any other Class IV vacancy. The initial term of the two Class IV members added to the Planning Board as a result of the expansion from seven to nine members pursuant to this ordinance shall terminate on January 1, 1994 and January 1, 1995, respectively.

10.120. Planning Board Alternate Members. Pursuant to Section 13 of P. L. 1979, c. 216 (N.J.S.A. 40:55D-23. 1), there shall be four alternate members of the Planning Board, appointed by the Mayor for term of two years, who shall have the same qualifications as the Class IV members and shall be designated at the time of appointment as "Alternate No. 1", "Alternate No. 2", Alternate No. 3 and Alternate No. 4. The initial term of "Alternate No. 3" and "Alternate No. 4" shall terminate on January 1, 2007 and January 1, 2008 respectively. (Ord. 146, Ord. 146-1)

10.200. Other Powers and Duties of the Planning Board. All other powers and duties of the Planning Board not specifically designated in this Article shall be as set forth in Borough Ordinance 21 as it may be amended. (Ord. 146; 97-39)

10.300. Appeal to the Governing Body. As provided by N.J.S.A. 40:55D-17(a) any interested party may appeal to the Borough Council any final decision of the Planning Board approving an application for development pursuant to N.J.S.A. 40:55D-70d. Such appeal shall be made within 20 days of the date of publication of such final decision, and shall follow such additional procedures set forth in N.J.S.A. 40:55D-17. (Ord. 97-09)

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

11.100. Zoning Officer (Ord. 97; 97-39)

a. There is hereby appointed a Zoning Officer who is hereby given the duty, power and authority to enforce the provisions of this ordinance. He shall be responsible for the examination of all applications for permits, and the issuance of permits for the construction, alteration, enlargement and occupancy of structures and all non-conforming uses existing at the time of passage of this ordinance. The Zoning Officer shall be responsible for the recording and filing of all applications for permits with accompanying plans and documents, and to make such reports to the Zoning Board of Adjustment, Mayor, Council and the Planning Board as may be required. (Ord. 97; 97-39)

b. The Zoning Officer may be assisted by a deputy known as the Zoning Violations Officer who shall have the power to issue summonses for violations of the zoning ordinance as well as such other powers as may be assigned to him by the Governing Body. (Ord. 97; 97-39)

11.200. Construction Permits

11.210. Purposes To insure compliance with the provisions of this ordinance, no person shall erect, alter or convert any structure or building, or part thereof, nor alter the use of land, subsequent to the adoption of this ordinance, until the proper permit has been issued by the Zoning Officer. (Ord. 97; 97-39)

11.220 Application for Permits. All such applications shall be made in accordance with the provisions of the Uniform Construction Code. (Ord. 97; 97-39)

11.230 Issuance of Permits.

a. It shall be the duty of the Construction Official to issue the proper permits provided he is satisfied that the structure, building, sign, parking area, and the proposed use conforms with all requirements of this ordinance, Uniform Construction Code, and all other applicable codes and ordinances of the Borough of Roosevelt that may apply, and that all other reviews and action, if any, called for in said codes or this ordinance have been complied with and all necessary approvals secured therefor. (Ord. 97; 97-39)

b. All permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any construction operations of any kind including excavation unless a permit covering such operation has been displayed as required by this ordinance, nor shall construction operations of any kind be performed after notification of the revocation of said permit. (Ord. 97; 97-39)

11.240. Denial of Permits. When the Construction Official is not satisfied that the applicant's proposal will meet the requirements of this ordinance, he shall refuse to issue a permit and shall so notify the applicant in writing giving the reasons for denial. The applicant may appeal to the Zoning Board of Adjustment for a modification or reversal of the official's decision. (Ord. 97; 97-39)

11.250. Revocation of Permits. If it shall appear at any time to the Construction Official that the application or accompanying plan is in any respect false or misleading, or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the said Construction Official. After the permit has been revoked, the Construction Official may, in his discretion, before issuing the new permit, require the applicant to file an indemnity bond in favor of the Borough of Roosevelt with sufficient surety conditioned for compliance with this ordinance and all laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building or structure if it does not so comply. (Ord. 97; 97-39)

11.260. Expiration of Permits. If a permit has not been acted upon by the commencement of construction within one (1) year from the date of issuance, said, said permit and all rights created thereby shall expire. (Ord. 97)

11.300. Appeals from the Zoning Officer. Appeals to the Planning Board may be taken by any interested party affected by any decision of the Zoning Officer of the Borough based on or made in the enforcement of the zoning ordinance or official map. Such appeal shall be taken within sixty-five (65) days by filing a notice of appeal with the Zoning Officer specifying the grounds of such appeal. The Zoning Officer shall immediately transmit to the Planning Board all the papers constituting the record upon which the action appealed from was taken. (Ord. 97-09; 146; 97-39)

11.400. Time for Decision. The Planning Board shall render a decision not later than one hundred and twenty days (120) after the date that an appeal is taken from the decision of the Zoning Officer or the submission of a complete application for development to the Planning Board pursuant to the requirements of this Article. Failure of the Board to render a decision within such one hundred and 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. (Ord. 146; 97-39)

11.500. Certificate of Occupancy. (Ord. 97; 97-39)

11.510. New Uses. No building, structure or land shall be occupied or used until such time as a certificate of occupancy is issued by the Construction Official. Such certificate shall be issued upon application by the owner, prospective occupant or purchaser only after the Building Inspector determines that the facts represented on the application are correct and that the building, structure or use is in conformance with the provisions of this ordinance, the Uniform Construction Code and other codes and ordinances affecting construction and occupancy. A temporary certificate of occupancy may be issued for any structure or use for which site plan approval has been secured but not all conditions of approval have been complied with. The Planning Board shall approve the issuance and terms of any temporary certificate of occupancy. (Ord. 97; 97-39)

11.520. Existing Uses (Ord. 97; 97-39)

11.521. At the Time of Passage of this Ordinance. (Ord. 97; 97-39) Upon written request from the owner, tenant, occupant, or purchaser under contract, -the Building Inspector after inspection, shall issue an occupancy permit for a use legally existing at the time this ordinance is made effective, certifying the extent and kind of use and whether any such existing use conforms with the provisions of this ordinance.

11.522. Non-Conforming Uses. (Ord. 97; 97-39) No change or extension of use, and no

alterations shall be made in a non-conforming structure, use or premises without an occupancy permit having first been issued by the Building Inspector stating that such change, extension or alteration is in conformity with the provisions of this ordinance, or that the same has been permitted by action of the Zoning Board of Adjustment. (Ord. 97; 97-39)

11.530. Change of Use. Whenever there occurs a change in the use of a building, structure, or land, a new occupancy permit shall be applied for to ensure compliance with all applicable codes and ordinances. (Ord. 97; 97-39)

11.540. Scope of Certificate of Occupancy. The certificate of occupancy shall contain sufficient information as to the extent and kind of use or uses, such that any future investigation of the premises would disclose the extent to which a use was altered. It shall also indicate whether such use is permitted or non-conforming and the extent to which the use does not conform to the provisions of this ordinance. (Ord. 97; 97-39)

11.600. Application for Development (Ord. 97-09, 146; 97-39)

11.610. A developer may file an application for development with the Planning Board for action under any of its powers without prior application to the Zoning Enforcement Officer. (Ord. 146; 97-39)

11.620. If an application for development is filed with the Planning Board, whether or not an appeal from a decision of the Zoning Enforcement Officer is also taken, the applicant shall submit three (3) copies of his completed application to the secretary of the Planning Board. The time for the Board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the secretary of the Planning Board within forty-five (45) days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted. (Ord. 146; 97-39)

11.630. A complete application for development under this Article shall consist of the following:

- a. A properly completed variance information application form. (Ord. 146)
- b. The required fee, as per Section 11.900 of this ordinance. (Ord. 146; 97-39)
- c. If subdivision and/or site plan and/or conditional use approval is also sought as part of an application for a variance pursuant to this ordinance, the applicant shall also include the information and documents required pursuant to the provisions of Borough Ordinance 21. (Ord. 146)

11.640. The secretary of the Planning Board shall distribute the application for review and report, and where required, approval as follows: (Ord. 146; 97-39)

- a. Planning Board.
- b. Borough Engineer.

11.700 Violations. (Ord. 97; 97-39)

11.710. Complaints of Violation. Any person may file a complaint if there is any reason to believe a violation of this ordinance exists. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate. (Ord. 97; 97-39)

11.720. Procedures for Abatement of Violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure or land in violation of this ordinance or any ordinance or regulation made under authority conferred hereby, the Governing Body, or with their approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, construction, repair, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use about such premises. (Ord. 97; 97-39)

11.730 Penalties. Any person, firm or corporation violating any provisions of this ordinance, shall upon conviction, be punished by a fine not to exceed two hundred (\$200) dollars for each offense or be imprisoned in the County jail for a term not exceeding thirty (30) days, or both. Each day that a violation occurs or is committed shall constitute a separate offense. In the event any penalty provided herein is in excess of that allowed by any other applicable code or ordinance, the penalty provisions of such other code or ordinance shall apply. (Ord. 97; 97-39)

11.800. Application Charges and Escrow Deposits. The applicant/developer shall, at the time of filing an application, or at such time as the applicant shall request referral of a proposal for development to the technical Planning Board prior to formal application, pay a fee to the Borough of Roosevelt through the Borough Clerk by cash, check, or money order in accordance with the fee schedule set forth hereinafter. (Ord. 97; 97-13; 97-25; 97-39)

11.810. Non-Refundable Fees - Schedule A. The fees set forth in Schedule A shall be non-refundable and are for the purpose of offsetting in-house administrative, clerical and technical costs, exclusive of expenses for professional consultants, such as legal, planning, engineering and other professional fees, costs and expenses, except as otherwise noted in Schedule A, The fee to be paid shall be the sum of the fees for the component elements of the plat or plan. Proposals requiring a combination of approvals, such as subdivision, site plan, and/or variances, shall require a fee equal to the sum of the fees for each element of the approval. (Ord. 97-25; 97-39)

11.820. Escrow Fees - Schedule B. (Ord. 97-18; 97-25; 97-39)The fees required by Schedule B shall be for the purpose of reimbursing the Borough for direct fees, cost, charges and expenses of professional consultants retained by or on behalf of the Borough, its boards, commissions or agencies and employees and staff of the Borough, its boards, commissions or agencies in reviewing and testifying and/or assisting the Borough In the processing of applications pursuant to the Land Use Ordinance and/or assisting the Borough in evaluation, planning and proper design of municipal services and facilities in order to meet the needs of the proposed project and for on-site inspections related thereto. The fees required by, Schedule B shall be deposited with the Borough at the time the initial development documents are submitted and shall remain in an interest bearing escrow fund. Whenever the amount of the fees paid to the Borough pursuant to Schedule B, or any cash performance or maintenance guarantees posted with the Borough by the applicant/developer, shall exceed five thousand (\$5,000.00) dollars, the Borough shall notify the applicant in writing of the name and address of the depository and the amount of the deposit. If the amount of interest earned on the cash deposit exceeds one hundred (\$100.00) dollars per annum, the entire amount shall belong to the applicant/developer and shall be refunded to him by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was originally deposited, as the case may be, except that the Borough may retain for administrative expenses no more than 33-1/3 percent of that entire interest amount, All costs, expenses, charges and fees incurred by the Planning Board, or other board, commission or agency of the Borough for the services of the planner, engineer, attorney, other

professional consultant, expert, employee or staff incurred as a direct result of the developer's project shall be charged to this escrow fund.

Within 45 days after the filing of an application for development, the chief financial officer shall in conjunction with appropriate other representatives of the staff of the Borough, review the application for development to determine whether the escrow amount set forth in Schedule B is adequate, In conducting such review, the chief financial officer shall consider the following criteria:

- a. The presence or absence of public water and/or sewer servicing the site.
- b. Environmental considerations, including but not limited to geological, hydrological and ecological factors.
- c. Traffic impact of the proposed development.
- d. Impact of the proposed development on existing aquifer and/or water utility.

Upon completion of the review, the chief financial officer shall specify whether the escrow amount required by Schedule A is sufficient, excessive or insufficient. In the event the chief financial officer shall determine that the amount is excessive, he/she shall specify the amount that shall be deemed sufficient, including if appropriate, that no escrow be posted. In the event the chief financial officer shall determine the amount specified above is insufficient, he/she shall set the amount required to be posted in light of the criteria specified herein.

Prior to an application being determined complete, the applicant shall post the required escrow amount as set forth in schedule B, or as provided for above, with the Borough Clerk in the form of cash, certified check or money order.

If during the pendency of an application, the amount of the escrow account has been depleted to 20 percent of the original escrow amount, the chief financial officer shall again evaluate the application, as provided above, and notify the applicant of any additional escrow deposit required. The applicant shall immediately deposit the additional escrow amount with the Borough Clerk and notify the chief financial officer that the required deposit has been made. In the event that it is necessary for a board to take action on an application prior to the additional escrow deposit being made, any approval shall be conditioned upon the escrow deposit being made.

The determination of the chief financial officer shall be subject to review by the board which will be hearing or which has heard the application. Any such appeal shall be by letter specifying the reasons for the appeal and attaching the chief financial officer's determination. Any such appeal must be taken within ten days of the receipt of the written determination of the chief financial officer. In the absence of proof to the contrary, receipt shall be presumed three days from the date of the written determination. In the absence of keeping the escrow fund balance current or of taking a timely appeal from the determination of the chief financial officer, the Borough and any of its employees, officers, agents or agencies may refuse to take any action relating to the development which was the subject of the application, including but not necessarily limited to refusal to issue any permits, certificates, approvals or other documents.

Upon request of an applicant, the chief financial officer shall furnish the applicant with a statement of all disbursements made during the development review process.

All bills, invoices or vouchers submitted by professionals or experts relating to an application shall specify the services performed for said application.

Unit charges (i.e. per diem or hourly fees) of the professional or expert shall be in accordance with unit charges contracted for with the appropriate board or with the Borough.

All escrow funds not expended shall be refunded to the applicant within 60 days after the appropriate board has taken final action on an application, or after a withdrawal or dismissal of an application.

SCHEDULE A - NON-REFUNDABLE FEES	
APPLICATION	APPLICATION FEE
1. SUBDIVISIONS	
(a) Informal	\$250
(b) Minor	\$500
(c) Major Preliminary lot (unit)	\$750
(d) Major (Final)	\$500
2. SITE PLANS	
(a) Informal Review	\$250
(b) Minor Site Plan	\$500
(c) Preliminary Major	
i. Residential	\$750
ii. Non-Residential acre	\$750
3. VARIANCES	
“c” variances under N.J.S.A. 40:55D-70(c)	\$250
“d” variances under N.J.S.A. 40:55D-70(d) variance	\$250
4. OTHER SUBMISSIONS	
(a) Appeals under N.J.S.A. 40:55D-70(a)	\$500
(b) Interpretation under N.J.S.A. 40:55D-70(b)	\$250
(c) Conditional Use N.J.S.A. 40:55D-67	\$500
(d) Permit under N.J.S.A. 40:55D-34 (structure in bed of mapped street, public drainage way or flood control basin)	\$250
(e) Permit under N.J.S.A. 40:55D-35 (Lot lacking street frontage)	\$100
(f) Modification of a previous escrow for original approved application	One-half of fee for original application
(g) Appeals to Borough Council on (d) variance approvals	\$250
5. OTHER ZONING / PLANNING BOARD FEES	
(a) List of Adjacent Property Owners	\$0.25/name or \$10.00, whichever is greater
(b) Publication of Notice of Decision (to be paid at time of application)	\$25
(c) Zoning Permits	\$25
(d) Fence Permits	\$10
(e) Copy of Zoning Ordinance	\$75
(f) Copy of Master Plan (text and B/W map)	\$75
(g) Copy of Master Plan Map (24” x 36”)	\$25

6. LEGAL REVIEWS	
(a) Guarantee Review	
i Review of performance by Borough Attorney	\$200 / hour
ii Review of maintenance guarantee by Borough Attorney	\$200 / hour
(b) Preparation of developer's agreement by Borough Attorney	\$200 / hour
(c) Miscellaneous Reviews: Master Deed, Certificate of Incorporation, Bylaws, Unit Deed, etc.	\$200 / hour
7. REPRODUCTION FEES AND TAX MAP REVISION FEES	
(a) For Map Reproduction: \$3.00 per sheet for the plat and attachments, except that the minimum fee shall be \$50.00.	
(b) For Tax Map Revisions*: A fee of \$50.00 or \$8.00 per lot, whichever is greater, shall be charged for minor subdivision and final plats of major subdivisions to cover the cost of the Borough Engineer for revision of the Borough of Roosevelt Tax Maps. *For subdivision and site plans involving multifamily housing units or lots less than 9,000 square feet in area, the tax map revision fees shall be waived and the applicant shall be required to prepare tax map detail sheets at a scale to be determined by the Borough Engineer.	
(c) Revised Plats - Any proposed revisions to a plat, including all supporting maps and documents previously approved by the Planning Board, which approval is still in effect, shall require submission of a revised plat and payment of fees in accordance with the following:	
i. Where changes in the plat are requested by the Planning Board or Borough Engineer, no fees need be paid and only sufficient copies of the plat incorporating the changes as may be necessary for distribution.	
ii. Where there are only minor changes in the plat proposed by the applicant or required by another governmental agency where approval was a condition of the Planning Board, which do not involve any additional building or parking or significant change in the design of the site or subdivision, an application and application fee of \$25.00 will be required along with sufficient copies of the plat incorporating the changes as may be necessary for distribution.	
iii. Where there are changes in the plat proposed by the applicant, or required by another governmental agency whose approval was a condition of the Planning Board approval, which involve additional building or parking or a significant change in the design of the site or subdivision, an application and application fee equal to one-half the fee required for the initial submission, will be required along with sufficient copies of the plat incorporating the changes as may be necessary for distribution. (97-39)	
iv. Where the proposed changes involve a change in use and/or major alteration of the design concept of the plat approved by the Planning Board, it shall be considered a new application and shall require the full payment of fees as set forth in this section for new applications for development.	
v. Where revisions in the plat only involve additional information required as a condition of a previous approval, no additional fees shall be required.	
8. REQUESTS FOR RE-APPROVAL OR EXTENSIONS OF TIME WHERE NO CHARGE IS REQUIRED	
1. Minor Subdivision – re-approval only	\$100.00
2. Major Subdivision and site plans	\$200.00
3. Other applications for development (soil removal, etc.)	\$ 50.00

9. SITE PLAN CHARGES COMPUTATION	
In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the site area charge shall be based upon an area extending 20 feet outside the limits of all construction, including grading and landscaping, as well as all other areas of the site the Borough Engineer believes are reasonably affected by the development application. The 20 feet around the disturbed areas shall not extend beyond the property lines. The Borough may still require reasonable improvements and upgrading to portions of the site not within the disturbed or affected areas.	
10. SIGN APPEALS	\$50.00
11. REVIEW OF SALES MAP	\$200.00
12. STREET SIGN	Actual Cost
13. REVIEW OF TECHNICAL REVIEW COMMITTEE PRIOR TO FORMAL APPLICATION	\$ 50.00 / Session
14. GENERAL DEVELOPMENT PLAN APPLICATION FEE	\$500.00
(Ord. 97-13; 97-18; 97-25; 97-39)	
SCHEDULE B - ESCROW FEES	
APPLICATION	ESCROW
1. SUBDIVISIONS	
(a) Informal Review	\$1,500
(b) Minor	\$3,500
(c) Major Preliminary	\$7,000 + \$200 / lot (unit)
(d) Major (Final)	50% of Preliminary Application Escrow Amount
2. SITE PLANS	
(a) Informal Review	\$1,500
(b) Minor Site Plan	\$2,500
(c) Preliminary Major	
i. Residential	\$7,000 + \$200 / lot (unit)
ii. Non-residential	Site Plan Area: \$4,000 + \$200 / acre Proposed Building Area: \$2,000 + \$0.20 / s.f
(d) Final Major Site Plan	50% of Preliminary Application Escrow Amount
3. VARIANCES	
(a) "c" variance under N.J.S.A. 40:55D-70(c)	\$750
(b) "d" variance under N.J.S.A. 40:55D-70(d) variance	\$5,000 per variance

4. OTHER SUBMISSIONS	
(a) Appeals under N.J.S.A. 40:55D-70(a)	\$1,000
(b) Interpretation under N.J.S.A. 40:55D-70(b)	\$1,000
(c) Conditional Use under N.J.S.A. 40:55D-34	\$3,500
(d) Permit under N.J.S.A. 40:55D-34 (Structure in bed of mapped street, public drainage way, or flood basin)	\$ 500
(e) Permit under N.J.S.A. 40:55D-70 (Lot lacking street frontage)	\$500
(f) Modification of a previous escrow for original approved application	50% of Escrow Amount for Original Approved Application
(g) Appeals to Borough Council on N.J.S.A. 40:55D-70(d) variance approval	\$1,000
5. INSPECTION FEES	
When any improvement proposal approved by the municipal agency includes the construction of improvements, the developer, owner or applicant shall pay to the Borough of Roosevelt, prior to the issuance of any development permit or the start of construction, a sum determined on the basis of the Performance Guarantee estimate as follows:	
(a) Seven (7) percent of the amount of the performance guarantee estimate up to \$1,000,000 <u>plus</u>	
(b) Five (5) percent of the amount of the performance guarantee estimate between \$1,000,000 and \$5,000,000 <u>plus</u>	
(c) Three (3) percent of the amount of the performance guarantee in excess of \$5,000,000	
NOTE: The minimum inspection fee shall be \$250.00	

(Ord. 97-13; 97-18; 97-25, 97-37, 97-39)

**SCHEDULE C
PLANNING BOARD CHECKLIST**

**FOR
APPEALS, INTERPRETATIONS, VARIANCES, CONDITIONAL USES
AND PLANNING VARIANCES**

	"A" Appeal	"B" Interpretation or Special Question	"C" Variance	"D" Variance	Conditional Use	Planning Variance
PLANS SPECIFICATIONS						
1. Plans clearly and legibly drawn or reproduced at a scale not smaller than 1 inch equals 100 feet.	X		X	X	X	X
2. Sheet size either 15" x 21", 24" x 36", or 30" x 42"			X	X	X	X
3. Plans shall be prepared by an architect, planner, engineer, land surveyor, or the applicant where appropriate.			X	X	X	X
4. Plans prepared to scale based on deed description, tax map or similarly reasonably accurate data for the purpose of review and discussion by the Planning Board.			X	X	X	X
GENERAL INFORMATION						
5. Metes and bounds description of parcel in question based upon current land survey information.			X	X	X	X
6. Property line shown in degree, minutes and seconds.			X	X	X	X
7. Key map showing location of tract to be considered in relation to surrounding area.			X	X	X	X
8. Title block containing name of applicant, preparer, lot and block numbers, date prepared, date of last amendment and zoning district.			X	X	X	X
9. Each block and lot numbered in conformity with the municipal tax map as determined by the municipal tax assessor.			X	X	X	X
10. Scale of plan, both written and graphic.			X	X	X	X
11. North arrow giving reference meridian.			X	X	X	X
12. Space for signatures of Chairperson and Secretary of the Planning Board.					X	X
13. Names of all property owners within 200 feet of subject property.	X	X	X	X	X	X
14. Location of existing and proposed property lines with dimensions in feet to the nearest two decimal places.	X		X	X	X	X
15. Zoning district, in which parcel is located, indicating all setbacks, lot coverage; height, floor area ratio; and density, both as to required and proposed. Indicate the above both written and graphically.			X	X	X	X

Roosevelt, New Jersey Zoning Ordinance

	“A” Appeal	“B” Interpretation or Special Question	“C” Variance	“D” Variance	Conditional Use	Planning Variance
16. Zone requirements per Ordinance and per application.	X	X	X	X	X	X
17. Acreage of affected parcel to the nearest hundredth of an acre.	X	X	X	X	X	X
18. Provide a photograph of the premises in question taken from the opposite side of the street.			X	X	X	X
NATURAL FEATURES OF THE SITE AND WITHIN 200 FEET THEREOF						
19. Contours to determine the natural drainage of the land. Intervals shall be: up to 10% grade-2 feet; over 10% grade-5 feet.					X	X
20. Cliffs and rock outcroppings.					X	X
21. Flood plains.					X	X
22. Natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines.					X	X
23. Aquifer recharge areas, including safe sustained ground water yield.					X	X
24. Wooded areas indicating predominant species and size.					X	X
25. Location of trees 6 inches or-more in diameter, as measured one foot above ground level, outside of wooded area, designating species of each.					X	X
26. Areas in which construction is precluded due to presence of stream corridors and/or steep slopes.					X	X
27. All areas to be disturbed by grading or construction.					X	X
MAN-MADE FEATURES ON SITE AND WITHIN 200 FEET THEREOF						
28. Location of existing structures and their setbacks from existing and proposed property lines.	X	X	X		X	X
29. Location and type of existing easements or rights-of-way including power lines.			X		X	X
30. Location of existing railroads, bridges, culverts, drain-pipes, water and sewer mains and other man-made installations affecting the tract			X		X	X
31. Location of existing wells and septic systems.			X		X	X
32. When Applicant intends to use a conventional septic disposal system; location of test holes, test results and approximate location of the intended disposal field.			X	X	X	X
33. Plans and profiles of proposed utility layouts, such as sewers, storm drains, water, gas and electric, showing feasible connections to existing or proposed utility systems.			X		X	X
34. Location and description of monuments whether set or to be set. .			X		X	X

Roosevelt, New Jersey Zoning Ordinance

	“A” Appeal	“B” Interpretation or Special Question	“C” Variance	“D” Variance	Conditional Use	Planning Variance
35. Location, names and widths of all existing and proposed streets on the property and within 200 feet of the tract			X		X	X
36. Required road dedication.			X		X	X
37. Road orientation (as it relates to energy conservation).			X		X	X
38. Plans, profiles and cross-sections of all proposed new streets and/or access to proposed streets.			X		X	X
MISCELLANEOUS						
39. Proposed sight easements where required.			X	X	X	X
40. Proposed drainage easements where required,			X	X	X	X
41. Natural resource inventory information including;			X	X	X	X
a. Soil types as shown by the current Soil Conservation Survey Maps.			X	X	X	X
b. Soil depth to restrictive layers of soil.			X	X	X	X
c. Permeability of the soil by layers,			X	X	X	X
d. Height of soil water table and type of water table.			X	X	X	X
e. Flood plain soil (status).			X	X	X	X
f. Limitation for foundation.			X	X	X	X
g. Limitation for septic tank absorption field (only where septic tank is proposed to be used).sob			X	X	X	X
h. Limitation for local road and streets.			X	X	X	X
i. Agricultural capacity classification.			X	X	X	X
j. Erosion hazard.			X	X	X	X
42. Landscaping plan including the type quantity, size and location of all proposed vegetation. The scientific and common names of all vegetation shall be included.					X	X
43. Soil Erosion and Sediment Control Plan consistent with the requirements of the Freehold Soil Conservation District.					X	
44. Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage run-off requirements.			X	X	X	X
45. The purpose of any proposed easement of land reserved or dedicated to the public or common use shall be designated and the proposed uses of sites other than residential proposed uses of sites other than residential shall be noted.	X	X	X	X	X	X
46. Any sections for which a waiver is specifically being requested and a narrative paragraph explaining why the Applicant is entitled to such a waiver.	X	X	X	X	X	X

(Ord. 97-38; 97-39)

11.900. Guarantees (Ord. 97; 97-13; 97-39)

11.910. After approval of a plan has been granted and prior to the issuance of a building permit, the applicant shall tender to the Borough of Roosevelt a performance guarantee for all improvements approved on the plan which involved improvements in public rights-of-way, improvements extending utility and drainage facilities within the site, lighting, curbing and paving, landscaping, and conditions involving the control of storm water runoff, soil removal, grading, and soil erosion and sedimentation control. The Planning Board may condition the approval of the plan upon the Borough's receipt of a performance guarantee secured in the same manner prescribed for performance guarantees in the subdivision ordinance. (Ord. 97; 97-13; 97-39)

11.920. Prior to the issuance of a certificate of occupancy, the Borough shall require the filing of a maintenance guarantee with the Borough of Roosevelt covering all items included under the performance guarantee. The maintenance guarantee shall be for an amount approved by the governing body upon the advice and recommendation of the Borough Engineer, but for an amount not more than 15 (fifteen) percent of the original estimate of the cost of installing the improvements. The maintenance guarantee shall run for a period of two years. The final amount of the maintenance guarantee shall be based, among other things, on the length of time the improvement has been installed prior to filing the maintenance guarantee. (Ord. 97; 97-13; 97-39)

11.930. No performance guarantee or maintenance guarantee shall be required for the installation of improvements for utilities which improvements have been installed by the utility company involved. Such improvements and utility installations will include gas, telephone, and electric installations performed by said utility companies. (Ord. 97; 97-13; 97-39)

ARTICLE XII

AMENDMENTS, INTERPRETATION AND VALIDITY

12.100 Governing Body May Amend. All amendments to this ordinance and to the Zoning Map, which forms a part hereof, shall be adopted in accordance with the provisions of Chapter 291, Laws of New Jersey, 1975 (N.J.S.A. 40:55D-1) as amended and supplemented.

12.200 Interpretation. In the interpretation and the application of the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires higher performance standards, the provisions of this ordinance shall apply.

12.300 Repeal. All ordinances and all provisions thereof inconsistent with the provisions of this ordinance be and the same are hereby repealed, except that any building permit, variance, special exception permit, occupancy permit or other permit validly issued pursuant to any such ordinance shall remain valid and effective and shall continue to be governed by the terms and conditions of such ordinance.

12.400 Validity. If any section, subsection, sentence, clause or phrase of this ordinance or the location of any district boundary shown on the zoning map that forms a part hereof is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance or zoning map.

12.500 Effective Date. This ordinance shall take effect on final adoption after publication thereof as provided by law.