

Chapter 30

ARTICLE 1: GENERAL PROVISIONS

30.100 Statutory Authority and Title

This chapter may be cited and referred to as the "City of Millville Land Use and Development Regulations."

30.101 Purpose and Intent

It is the intent and purpose of this Ordinance to exercise the authority delegated to municipalities under the Municipal Land Use Law (codified as N.J.S.A. 40:55D-1 *et seq.*) to regulate development in the City of Millville.

A. This Ordinance implements the Master Plan in the following manner:

1. Provide a blueprint for the City to accommodate a variety of land uses and densities in the appropriate locations while maintaining a balance between development and land conservation.
2. Protect open space and critical habitats around the Maurice River and preserve the remaining active farmland by encouraging low densities or clustered development in rural areas.
3. Direct large-scale, higher density development towards the Downtown Business District and other already developed areas of the City that are served or are logical for sewer extensions.
4. Sunset outdated Redevelopment Plans, which are no longer relevant, while recognizing the continuation of the Area in Need of Redevelopment designations.
5. Resolve wastewater management planning issues by designing land use boundaries that are consistent with current infrastructure and future sewer service area boundaries.
6. Encourage economic development and investment by attracting businesses and retailers to the Downtown Business District, commercial corridors and industrial centers.
7. Utilize data to create land use categories and boundaries that avoid potential use conflicts.
8. Reduce the number of land use categories to simplify zoning districts and limit overlay zones.
9. Present a clear purpose, intent and vision for each land use category.
10. Establish user-friendly land use regulations to reduce the need for reoccurring variances and code violations.

30.102 Interpretation of Standards

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the public health, safety, and welfare. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of the Code of the City of Millville, Cumberland

County, state, or federal government, the provisions of this Ordinance shall control. Where such other laws, ordinances, rules, regulations, or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, ordinances, rules, regulations, or resolutions shall control.

30.103 Prohibited Uses

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

30.104 Date of Application Approval

The time period for the effect of approval shall begin with the date of the adoption of the resolution memorializing such approval of the subject application by the Board of Jurisdiction.

30.105 Expiration of Variances

In the event a variance is granted for an application exempt from the requirements of site plan or subdivision review, the applicant shall secure a building permit, or, in the case where no building permit is required, a certificate of occupancy, within one year from the date of approval; otherwise the granting of the variance shall be deemed null and void.

In the event a variance is granted for a bifurcated application for development, the applicant shall apply for site plan or subdivision approval within one year of the date of approval of the variance; otherwise the granting of the variance shall be deemed null and void.

The Board may extend the grant of the variance for a period of up to one year if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, either directly or indirectly, from ~~moving forward with the project~~.

30.106 Conformance with Regulations and Exceptions

A. Required Conformance

1. No development, as specified in ***Section 30.802 [Zoning Permits]***, may be commenced within the city without a zoning permit issued by the zoning officer.
2. All applicable requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or

structures whether the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

3. A new application and a new certificate of occupancy shall be required in the event of a change of any use or of any structure unless specifically exempted within this Chapter.
4. No building shall be erected, and no existing building shall be moved, altered, enlarged, or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than as permitted within the Zoning Districts as described in this Ordinance.
5. No open space or yard area shall be encroached upon, *changed to impervious surface*, or reduced in any manner except in strict conformity with the regulations contained herein.
6. In the event of any unlawful encroachment or reduction of open space or yard area, the building or structure shall be deemed in violation of the provisions of this Ordinance and the certificate of occupancy for such building or structure shall be null and void.

30.107 Framework of this Chapter

- A. **Article 2** establishes zoning: use, bulk requirements and other regulations governing each of the sixteen Zoning Districts.
- B. **Article 3** contains the performance regulations and design standards that provide the basis for the physical development and redevelopment of land within the zoning districts.
- C. **Article 4** establishes the powers and functions of the Planning and Zoning Boards.
- D. **Article 5** explains Development Application Review standards upon which all applications for subdivision or site plan are measured.
- E. **Article 6** has the standards of review upon which all applications for subdivision or site plan are measured.
- F. **Article 7** contains information on Fees, Guarantees, Inspections and Off-tract improvements.
- G. **Article 8** covers Administration, Enforcement, Violations, and Penalties.
- H. **Article 9** explains the requirements of the City's Third Round Fair Share Plan as confirmed by Court order dated 1/5/16.
- I. **Article 10** details Amendment, Severability, Interpretation, Repealer and Enactment.
- J. **Article 11** is the Glossary with Definitions for terms used in this Chapter

ARTICLE 2: ZONING DISTRICTS AND REGULATIONS**30.200 Zoning Map**

The zoning map entitled "Zoning Map, City of Millville, New Jersey," dated _____, and as subsequently revised by the City Commission, is hereby adopted and made a part of this Ordinance. The original of the Map shall be maintained in the office of the City Engineer, and all changes made to the zoning districts shall be entered upon the Map at the time of adoption of any ordinance amending the Map.

30.201 Zoning Boundary Lines

Where uncertainty exists as to any of the zone boundaries as shown on the Zoning Map, the following rules shall apply:

1. A zone boundary line is intended to follow the center line of the streets, the edges of lot lines, the edges of railroad rights-of-way and streams as they exist on plats of record at the time of the adoption of this Chapter, unless otherwise indicated by dimensions on the Zoning Map.
2. The exact location of any disputed zoning district boundary line shall be determined by the Board of Adjustment pursuant to N.J.S.A. 40:55D-70b.
3. Where a zone boundary line approximately follows lot lines and does not scale more than ten feet therefrom, the lot lines shall be construed to be the zone boundary line, unless the zone boundary line is fixed by dimensions shown on the Zoning Map.
4. Where a zone boundary line divides a lot which is not subdivided, the location of the zone boundary line shall be determined by the map scale, unless the zone boundary line is fixed by dimensions shown on the Zoning Map.

30.202 General Zoning Regulations and Permitted Modifications applying to all Districts

No building or other structure shall hereafter be erected to exceed the height, to accommodate or house a greater number of families or households, to occupy a greater percentage of lot area or to have a narrower or smaller rear yard, front yard, side yard or other open spaces than are permitted in its Zone or in any other manner contrary to the provisions of this Chapter unless specifically excepted in this Chapter.

A. Variances from Performance Regulations and Design Standards

Deviations from the Performance Regulations and Design Standards for certain sections in **Article 3** shall require application and granting of variances prior to the issuance of a building permit and certificate of occupancy, including:

1. The location of all fences which do not meet setback requirements **per Section 30.306.**
2. The height of all fences which exceed the maximum permitted height **per Section 30.306.**
3. A landscaping buffer width less than the required distance **per Section 30.310.**

4. A storm water management basin which does not meet setback and other location regulations *per Section 30.304.*
5. Procedures for waivers and variances for the Residential Site Improvement Standards shall be as indicated *in Section 30.511.*

B. Utilities Lines

1. Utility Lines. The provisions for review by the Board of competent jurisdiction shall not apply to utility distribution or collection lines for water, sewerage, storm water, natural gas, and electric, nor telephone, and cable television or other telecommunications lines supplied by a public or local utility, or cable television company which are located in a public street providing service to private property.
2. Mobile Antennae. Small cell 5G mobile antennae installations shall be permitted as installations on utility poles, buildings, lampposts, and other street objects with the owner's approval and without site plan review in all Zoning Districts.

C. Frontage on Public Street

Every principal use shall be located on a lot with frontage upon a public street which has been improved in accordance with the applicable City standards or for which such improvement has been insured by the posting of a performance guaranty in accordance with this Ordinance.

D. Dedication of Right-of-Way

No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map, if any, and the street requirements of this Ordinance shall be approved unless such additional right-of-way, either along one or both sides of said street(s), as applicable, shall be deeded to the municipality or other appropriate governmental agency .

E. New Lots

1. *Every new lot shall have a frontage of at least 50 feet.*
2. Through lots with frontage on two streets will be permitted only under the following conditions:
 - i. Where the length of the lot between both streets is such that future division of the lot into two lots is improbable; and
 - ii. Access shall be to the street with the lower traffic function; and
 - iii. The portion of the lot abutting the other street shall be clearly labeled on the plat, and in any deed, so that street access is strictly limited to the street with the lower traffic function.
3. No new lot may be created in which the depth of the lot is more than 2.5 times the frontage unless the lot area is three times that required in the Zoning District.
4. For all lots, regardless of zone district or location within the City, 50% of the maximum area required for a lot, by use, in the applicable zoning district in which it is located, must be classified as upland and not wetlands as defined herein this chapter. As an example, if the

base district lot size is two acres for a single-family, detached dwelling and the actual lot size is three acres then 1.5 acres of the lot in question must be classified as uplands.

5. If there is a question regarding the suitability of a lot for development due to poor drainage conditions in a non-sewered area, the Board with jurisdiction can withhold approval until soil borings/permeation tests can demonstrate the lot's feasibility for development.

F. **Setback Requirements**

1. The front setback lines shall be determined from the actual or proposed (*see §30.202C*) right-of-way of the street on which the lot fronts. When there is an established setback of structures on four adjacent lots which do not meet the required front setback, the Zoning Official may issue a zoning permit to match the established alignment without requiring a variance.
2. Rear and side yard setbacks shall be determined from the lot lines.
3. On residential lots, no detached dwelling, accessory building, or driveway otherwise permitted in this Ordinance shall be located *within 10 feet* of a side or rear lot line unless a lot grading plan is submitted and approved by the Municipal Engineer that maintains positive lot drainage.
4. Transmission lines. No building shall be placed within 150 feet of the vertical plane established by the closest portion of a high voltage transmission line, underground petroleum or natural gas pipeline.
5. Limited access highways. No residential building shall be placed within 150 feet of the right-of-way line of Interstate 55.

G. **Requirements for Special Lots**

1. **Corner lot.** A corner lot shall be considered to have two front yards, one side yard, and one rear yard. The rear yard shall be considered the yard area opposite the front yard that is established by the location of the front door to the principal structure. Houses angled on the lot where the front door faces the intersection of the rights-of-way shall have side and rear yards established at the time of construction of the principal structure and so recorded on the zoning permit for the structure. In the event that a residential corner lot abuts three rights-of-way, the front yards shall be considered those fronting on a residential access or residential subcollector street. The rear yard shall be considered that portion of the lot abutting an arterial or collector street.
2. **Reverse frontage lots.** Lots which have frontage on both a residential access street (as defined in the Circulation Element of the Master Plan) and another higher order street shall establish the front yard facing the interior lowest order street and the rear yard abutting the higher order street.
3. **Frontage on cul-de-sacs or curved streets.** The minimum lot frontage may be reduced on curved alignments with an outside radius of less than 500 feet to not less than 75% of the

required minimum provided that the width of the lot at the building setback line is equal to or greater than the lot frontage requirement.

4. **Frontage on corner lots.** The minimum frontage requirement for any lot shall be met by the lowest order street. In the case of a corner lot with two streets of the same hierarchy, either residential street frontage may meet the minimum lot frontage required for that zone.
5. ***No public sewer. Where no public sewer is available, the minimum lot size for a new lot shall be one acre. Area, yard and building coverage restrictions shall be as required for the Low Density residential zoning district.***

H. **Non-conforming Lots**

The following requirements shall apply to non-conforming lots:

1. Merging of substandard lots. Whenever title to two or more contiguous lots, one or both of which is undeveloped, is held by the same owner [regardless of whether or not each of the lots may have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law] and one or more individual lots should, by reason of exceptional shallowness, topographical conditions, substandard area or yard space or similar measurements, not conform with the minimum lot area and dimension requirements for the zone in which it is located, the contiguous lots shall be merged into a single lot.
2. Non-conformity from public dedication. Whenever the owner of a lot existing at the time of adoption of this Ordinance has dedicated or conveyed land to the municipality in order to meet the minimum street width requirement of the official map or master plan of the municipality, the ~~construction~~ Zoning Official shall issue ~~building and occupancy~~ a zoning permit for the lot whose depth and/or areas are rendered substandard in area only because of such dedication and where the owner has no other adjacent lands to provide the minimum requirements.

I. **Undersized Vacant Lots**

Any lot, legally existing as of the date of this Ordinance adoption, that is rendered smaller than the minimum lot size currently required in the new zoning district for the proposed use may have a zoning permit issued for the proposed use without the need for variance approval, provided that each of the following conditions are met:

1. The lot is not within the Seasonal High Water Table Overlay district;
2. ***The lot is at least 3/4 the minimum lot size currently required for the proposed use;***
3. The proposed use is a permitted use in the subject zoning district;
4. The applicable maximum lot coverage specified for the proposed use in the subject zoning district is not exceeded;
5. The proposed new structure does not violate either:
 - a. the applicable maximum height requirement;
 - b. the applicable minimum yard setback requirements (except that the required side yard and/or rear yard setback distances may be reduced by the same percentage ratio as the

area of the undersized lot bears to the required lot size) and no side or rear yard shall be reduced to less than 1/2 than otherwise required;

6. The lot width is the size which was allowed by the approving authority at the time the lot was created.
7. All applicable parking requirements are met;
8. The potable water well and septic system locations conform to all applicable Board of Health requirements; and
9. The subject nonconforming area lot does not abut vacant land and, even if the subject lot abuts developed land, the subject nonconforming lot is the largest possible assemblage of contiguous land under the ownership of the applicant which might be utilized for the proposed use.
10. Applicants shall have the burden of proof in establishing that the undersized vacant lot has not been merged under the 'merger doctrine' of adjoining lots.

J. **One Principal Building per Lot**

Only one principal building may be erected on a lot except for related compatible buildings constituting one basic use or operation under one management and limited to the following:

1. Planned residential or garden apartment developments.
2. Public or institutional building complexes.
3. Shopping center developments.
4. Industrial or manufacturing building complexes.
5. Farms.
6. Planned developments.

K. **Non-Conforming Structures and Uses.**

The following requirements shall apply to non-conforming structures and uses:

1. **Certificate of Non-conformity.** The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a non-conforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the Ordinance which rendered the use or structure non-conforming. The applicant shall have the burden of proof. Application may be made to the Zoning Officer within one year of the adoption of this Ordinance or at any time to the Zoning Board of Adjustment. Denial by the Zoning Officer shall be appealable to the Zoning Board of Adjustment.
2. No non-conforming structure, or structure containing a non-conforming use, shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal for variance relief except for as in 3 and 4 below.
3. **Continuance.** Any non-conforming use or structure existing at the time of the passage of this Ordinance, having obtained a Certificate of Non-Conformity, may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired

in the event of partial destruction. Any such use or structure which is destroyed shall not be reconstructed or used except in conformance with this Ordinance.

4. Repair. Repairs and maintenance work required to keep a structure in sound condition may be made to a non-conforming structure containing a non-conforming use.

L. **Accessory Buildings**. The following regulations shall apply to all accessory buildings:

5. Accessory buildings as part of principal buildings. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.
6. Accessory buildings not to be constructed prior to principal building. No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the construction official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.
7. The height of an accessory building shall not exceed the height of the principal building or, in any case, *twenty-four (24) feet*.
8. Location of accessory buildings.
 - a. No accessory structure or use, except flagpoles and statues, shall be allowed in any front yard on a lot of less than one (1) acre.
 - b. An accessory building or structure may be erected in side and rear yard areas and shall be set back from property lines at least its height and a minimum of 5 feet.
9. No vehicle or trailer or part of any vehicle or trailer may be used as an accessory building.
10. A use may not be permitted in an accessory building that is not permitted in the zoning district.

M. **Height Limits**

1. All principal buildings and structures, except agriculturally utilized buildings located on an active farm, shall be subject to height limitations specified in the Zoning District Schedule except spires, belfries, domes, cupolas, chimneys, skylights, bulkheads and such necessary

mechanical appurtenances which are usually sited above roof level, provided that the following requirements are met:

- c. The total horizontal area covered by such features shall not exceed 20% of the area covered by the principal structure.
 - d. The excess height of any structure shall not exceed the height limitation of the District by more than 15 feet.
 - e. Accessory buildings may not exceed 24 feet in total height.
2. These height provisions shall not apply to a parapet wall or ornamental cornice (without windows) extending above the Zoning District height limit by less than five feet.
 3. Height of structures involved in electric power transmission are to be determined by the National Electric Safety Code.

N. Flag Lots

Flag lots may be created only as below:

1. The flag lot, excluding the access strip, shall contain a minimum gross area equal to or greater than the minimum lot area required in the Zoning District in which the flag lot is proposed.
2. Each flag lot shall abut an existing public, improved roadway, meeting the requirements of N.J.S.A. 40:55d-35.
3. The access strip shall have a width of no less than ~~25~~**40** feet for its entire length and may not exceed 500 feet in length.
4. No structures, septic systems or other obstructions shall be placed wholly or partially in the access strip.
5. Two adjoining flag lots may share an access strip provided there is a permanent cross-easement between the lots.
6. No access strip road opening shall be located closer than two times the minimum lot width of the Zoning District from another flag lot access strip.
7. Flag lots shall not be further subdivided.
8. An applicant requesting a flag lot subdivision may not own any contiguous lot or lots which would, if combined, provide sufficient lot frontage and width to create conforming, non-flag-type lots.
9. Any structure constructed on the flag-type lot shall have a minimum front setback for the Zoning District measured from the end of the access strip. Side and rear yard setbacks shall equal the minimum for the respective zone.
10. Wetlands shall not be included in minimum area requirements

O. Ponds

The following regulations and standards shall apply to all farm (irrigation), drainage or industrial ponds within any zoning district within the City of Millville:

1. All such ponds shall be designed and constructed in such a manner as to avoid steep slopes or embankments.
2. Where such ponds are located within 100 feet of a residential use, other than the residence of the farmer on whose land the pond is located, they shall have appropriate fencing around the man-made pond if required by the Planning Board. Such fencing shall be not less than four feet in height and shall have adequate safeguards to prevent access to the pond.
3. Specific drainage requirements as set forth herein this chapter or other applicable ordinances or regulations shall be applicable to such man-made ponds where determined by the Planning Board to be necessary to protect the public health, safety and general welfare.

P. Electric Charging Stations.

1. Definitions
 - a. Battery: (pl. batteries) a cell or cells onboard an electric vehicle which is used for storing and furnishing electrical energy for the purpose of propelling the vehicle.
 - b. Battery electric vehicle (BEV): an electric vehicle with an onboard battery that operates exclusively on electrical energy from the battery which battery is charged from an electrical power source (charging station) not onboard the vehicle.
 - c. Charging level: the standardized indicators of electrical force, or voltage at which an electric vehicle's battery is recharged. Typical electric vehicle charging levels and specifications are:
 - iv. Level 1 - AC slow battery charging. Voltage is 120 volts.
 - v. Level 2 - AC medium battery charging. Voltage is between 120 volts and 240 volts.
 - vi. Level 3 – DC fast or quick battery charging. Voltage is greater than 240 volts. Sometimes referred to as "DC Fast."
 - d. Charging station: equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device located onboard an electric vehicle. Various types of charging stations include:
 - i. Accessible charging station: a charging station incorporated into or immediately adjacent to a handicapped parking space
 - ii. Level 3 charging station: (sometimes: DC Fast charging station) a charging station that provides any single-phase voltage or current rating higher than that of Level 2, or any three phase supply voltage configuration.
 - iii. Private charging station: a charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, etc.) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).
 - iv. Public charging station: a charging station that is (1) publicly owned and publicly available (e.g., park & ride, public parking lots, on-street parking, etc.) or (2)

- privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots, etc.).
- f. Charging station equipment: the conductors, including ungrounded and grounded, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, charging stations or apparatus installed specifically for the purpose of delivering electrical energy from the charging station to the electric vehicle.
 - g. Charging station space: a dedicated, marked space that identifies the use thereof as
 - h. exclusively for the charging of electric vehicles.
 - i. Electric scooters and/or motorcycles: a 2-wheel or 3-wheel electric vehicle that operates exclusively on electrical energy stored in the vehicle's batteries.
 - j. Electric vehicle: a vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) electric scooters or motorcycles.
 - k. Neighborhood electric vehicle: an electric vehicle with four (4) wheels that conforms to federal regulations under Title 49 C.F.R. Part 571.500 which can from a stand still attain a speed of 20 miles per hour (mph) within one(1) mile but cannot exceed a speed of more than 25 mph.
 - l. Non-electric vehicle: a vehicle that does not meet the definition of "electric vehicle" as provided herein.
 - m. Plug-in hybrid electric vehicle (PHEV): an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor, and; (2) charges its battery primarily by connecting to a charging station or other electrical source not on board the vehicle; (3) may additionally be able to sustain a battery charge using an on-board internal combustion-driven generator; and (4) has the ability to be propelled through the use of electricity.
2. Permitted Locations
- a. Level-1 and Level-2 charging stations are permitted in every zoning district when accessory to the primary permitted use of said district. Charging stations located at single-family, multiple-family, and mobile home park dwellings shall be designated as private use only. Installation of level-2 charging stations shall be subject to building permit approval.
 - b. Level-3 (DC Fast) charging stations are permitted in DC, NC, HC, RC, I-BE, AE, ME, LMU districts when accessory to the primary permitted use. Installation shall be subject to building permit approval.
 - c. If the primary use of a parcel is the retail charging of electric vehicle batteries, then the use shall be considered a gasoline service station for zoning purposes.
3. Charging Station Requirements

- a. A charging station space may be included in the calculation for minimum parking spaces required for the use.
- b. Signage. Each charging station space shall be posted with signage indicating the charging station space is only for use by electric vehicles for charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
- c. Maintenance. Charging station equipment shall be maintained in all respects. A phone number or other contact information shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning or other equipment problems are encountered.
- d. Accessibility. Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment shall be located so as not to interfere with accessibility requirements of the American Disabilities Act or other applicable accessibility standards.
- e. Lighting. Where charging station equipment is installed, lighting providing .5 foot candles at ground level shall be provided.
- f. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- g. Charging Station Equipment Protection. Adequate charging station equipment protection, such as concrete-filled steel bollards, shall be used. Non-mountable curbing may be used in lieu of bollards, if the charging station is setback a minimum of 24 inches from the face of the curb.
- h. Usage Fees. An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable State and Federal regulations. Fees shall be prominently displayed on the charging station.
- i. Notification. Information shall be placed on the charging station, identifying voltage and amperage levels and time of use, fees, or safety information.
- j. Location (Specific to On-Street Parking). Placement of a single charging station is preferred at the beginning or end stall of a street

Q. Public Transportation Shelters

Public transportation shelters shall be encouraged and permitted in all Zoning Districts under the following standards:

1. Bus shelters shall be no less than five (5) feet distant from the curb line or a road's edge.
2. Placement shall be at a conspicuous location with a clear sight distance in the direction of all traffic flow of no less than two hundred fifty (250) feet. Bus shelter placement shall not block the sidewalk.
3. Except where bus shelters may be on opposite sides of the same street, no shelter shall be placed closer than three hundred fifty (350) feet to another shelter.
4. Bus shelters shall be on properly graded foundations substantially anchored against the elements and constructed to be free from standing water and stormwater runoff.
5. Streets adjacent to bus shelters shall have a pull off area that can accommodate the full length of at least one full-size 40-foot bus.
6. Bus shelters shall have a minimum of 5 linear feet of seating.
7. Advertisements, maps or other informational displays on a bus shelter may only be placed on the two (2) surfaces of one side wall of the shelter.
8. The operator or owner of the shelter shall be responsible to pay for the cost of maintenance of the shelter in a clean and safe manner.
9. All lighting shall be regularly serviced by the operator or owner who shall also be responsible for providing receptacles for trash and recycling, as well as emptying them regularly.
10. Lighting shall be provided under the roof of the shelter and shall be adequate for the safety of waiting transit users, but shall not cast illumination or glare on adjacent roads or properties.
11. Bus shelters shall meet all applicable municipal, state, and federal building codes, rules, and regulations and shall meet the following size and structure requirements:
 - a. The front of the shelter (the vertical plane closest to the street upon which the rear wall faces) shall be open and unobstructed.
 - b. The rear and side walls shall be made of safety glass.
 - c. The foundation/flooring shall be a concrete pad at least 4 inches thick.
 - d. All shelters shall be covered with a roof.

R. **Outdoor Storage**

1. Outdoor storage of any type shall not be permitted unless such storage is normally incidental to the permitted use(s) and part of the normal activities conducted on the premises therewith said permitted use(s).
 - a. All outdoor storage shall be subject to the requirements of the zoning district in which it is located including setbacks, area and coverage requirements; and
 - b. shall be screened from any property used or zoned for residential purposes.
 - c. No storage shall be permitted in front yard areas.
2. Storage Containers for Long Term Storage:
 - a. For the purposes of this Section "Long Term Storage" shall be defined as more than thirty (30) days.

- b. Except as set forth below, storage containers and trailers for storage purposes are permitted only in HC, RC, BE, AE zones subject to the following conditions:
 - c. Such containers shall be located in rear yards and shall comply with the standard rear and side yard building setbacks as well as any applicable buffer requirements for the district.
 - d. The coverage area of such containers in conjunction with the coverage area of permanent structures shall not exceed the overall building maximum coverage percentage of the zone in which the property is located.
 - e. Storage containers and trailers used for storage shall be screened from any street line by buildings, fences, walls, landscaped berms or evergreen shrubs and trees.
 - f. On properties adjacent to any residential zone, such containers shall also be screened by means of walls, berms, fences or evergreen plantings from properties in other zones.
 - g. Such containers may not be placed in such a manner as to reduce the number of available parking spaces on the property to less than that required by these Regulations.
 - h. Such containers may not be placed on vacant lots or any property without a permanent principal structure.
 - i. The Planning/Zoning may allow temporary containers other Districts in conjunction with a Site Plan approval provided that the need for such temporary containers is identified during the review process and the location and timing are specified on the Site Plan.
 - j. No hazardous material/waste may be permitted in a storage container unless specifically approved the Board with jurisdiction and in consultation with the Fire Department.
3. Temporary Storage Containers in Residential Zones:
- a. Storage Containers in Residential Zones are allowed after issuance of a Temporary Zoning Permit by the Zoning Officer or his/her designee subject to the following standards and conditions:
 - b. The containers shall only be allowed for temporary storage in conjunction with a bona-fide moving operation; a remodeling job on the same premises for which a building permit has been issued; or to store items for a house that has been damaged by fire, explosion or natural disaster and is awaiting repairs.
 - c. Temporary permits shall expire after thirty (30) days and may not be renewed or re-issued for the same premises until an additional ninety (90) days have passed since the removal of the previous container except in the case of a fire reconstruction where the Zoning Official may issue a permit that expires upon the issuance of a certificate of occupancy or ninety (90) days, whichever is sooner. A resident may petition the

- Planning Board for a permit for more than thirty (30) consecutive days for other than fire reconstruction if there is a particular situation warrants such a longer time frame.
- d. The above notwithstanding, temporary permits may be issued for up to sixty (60) days for containers that are to be used for temporary storage for a municipal uses such as schools, or libraries in residential zones. The Planning Board may approve a container for longer than sixty days if the Board finds a particular situation warrants such a longer time frame.
 - e. All temporary containers must be located behind the property line of the property on which they are located and in no case shall be allowed to obstruct any views of traffic from adjacent driveways or streets.
 - f. Prior to the issuance of any permits, the Fire Marshall shall sign off on the location of the temporary container.
 - g. Containers must be removed immediately upon the expiration of the permit.
 - h. Temporary Storage Containers used in residential districts shall be limited to containers that are specifically constructed for such use. No part of an inoperable trailer, i.e. the box of a former trailer, shall be allowed as a temporary or permanent structure in residential districts.

S. *Signs*

1. Purpose and Intent:

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the [municipality] to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- a. Setting standards and providing uniform, scientifically-based controls that permit reasonable use of signs and preserve the character of Millville.
- b. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- c. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- d. Establishing a process for the review and approval of sign permit applications.

2. Definitions

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.

Address Sign: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service. (Also known as: nameplate sign)

Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon Lighting: Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Festoon Lighting: A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Foot-candle: A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) footcandle is equal to one (1) lumen per square foot

Foot-lambert: A unit of emitted light (from a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) foot-lambert is equal to one (1) lumen per square foot.

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

Ground Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as monument sign)

Pole Sign: A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service

companies indicating danger or onstruction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Holiday Decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as seasonal decorations)

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as back-lit illumination)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Light Trespass: Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Limited Duration Sign: A non-permanent sign, permitted for 1 year, that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period. These may include real estate sales, construction or other similar types of signs.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee Sign: Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial Sign: A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Menu Sign: A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing: The spreading of one message across more than one sign structure.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Mural (or mural sign): A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-Premises Sign: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or

contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a third-party sign, billboard, or outdoor advertising)

Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Personal Expression Sign : An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

Sandwich Board Sign: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as A-frame sign)

Vehicular Sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as blade sign)

Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Scoreboard: A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Security Sign: An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as warning sign)

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §6.D. for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in §_____

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as bandit sign)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment..

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Temporary Sign: A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

Tri-Vision Boards: An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Vending Machine Sign: A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: fascia sign, parallel wall sign, or band sign)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

3. Prohibited Signs

The following signs are unlawful and prohibited.

- a. Abandoned signs.
- b. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of Millville Ordinances.
- c. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- d. Mechanical movement signs, including revolving signs.
- e. Pennant strings and streamers.
- f. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- g. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- h. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- i. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- j. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- k. Reflective signs or signs containing mirrors.
- l. Interactive signs.
- m. Signs incorporating beacon or festoon lighting.
- n. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- o. Roof signs.
- p. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

- q. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of Millville Ordinances.
- r. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined under State or Federal law.
- s. Any sign that promotes illegal activity.

4. Signs Exempt from Permit Requirements

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- a. Official traffic signs.
- b. Government/regulatory signs.
- c. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside and are located greater than three (3) feet from the window.
- d. Holiday and seasonal decorations.
- e. Personal expression signs of any sign type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and not illuminated.
- f. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.
 - i. Residential districts. Signs not to exceed three (3) sq. ft. in area.
 - ii. Non-residential districts. Signs not to exceed five (5) sq. ft. in area.
- g. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
- h. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not to exceed four (4) sq. ft. in area.
- i. Private drive signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
- j. Security and warning signs - These limitations shall not apply to the posting of conventional "no trespassing" signs that comply with state law.
 - i. Residential districts. Signs not to exceed two (2) sq. ft. in area.
- k. Non-residential districts. Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.
- l. Flags:
 - i. Location. Flags and flagpoles shall not be located within any right-of-way.
 - ii. Height. Flags shall have a maximum height of 30 ft.
 - iii. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.

- iv. Size. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.
- v. Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
- vi. Flags up to three (3) sq. ft. in area containing noncommercial messages are considered personal expression signs and are regulated in accordance with [202.S.4.e](#) above.
- m. Legal notices.
- n. Vending machine signs.
- o. Memorial signs, public monument or historical identification sign erected by the City including plaque signs up to three (3) sq. ft. in area.
- p. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- q. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
- r. Incidental signs, including incidental window signs.
- s. Directional signs, provided they do not contain any commercial messaging.
 - i. Area. No single directional sign shall exceed four (4) sq. ft. in area.
 - ii. Height. Directional signs shall have a maximum height of five (5) ft.
 - iii. Illumination. Directional signs shall be non-illuminated.
- t. Art and murals, provided such signs do not contain any commercial messaging.
- u. Temporary signs in accordance with [Section 202.S.9: Regulations by Sign Type](#) (Temporary Signs)

5. General Sign Regulations

- a. Sign location
 - i. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
 - ii. No sign may occupy a sight triangle.
 - iii. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
- b. Sign Materials & Construction: Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the relevant Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
- c. Sign Area.
 - i. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include

- any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
- ii. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all the letters, designs, and symbols.
 - iii. Signs may be double-sided.
 - a) On-premises signs.
 - Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
 - Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
 - b) Off-premises signs.
 - Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.
 - Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.
 - When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.
 - iv. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
 - v. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
 - vi. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located.
- d. Sign Height
- i. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a

- sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
- ii. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
 - iii. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located.
- e. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- f. Sign Illumination.
- i. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a) Location. Table 1 below provides detailed information about what types of illumination are permitted in each zoning district.
 - b) Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - c) No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
 - d) Hours of Operation:
 - Signs on non-residential properties may be illuminated from 5 am until 11 pm, or ½ hour past the close of business of the facility being identified or advertised, whichever is later.
 - Signs shall provide an automatic timer to comply with the intent of this Section.
 - e) Brightness: Message center signs and digital displays are subject to the following brightness limits:
 - During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits and at all other times, luminance shall be no greater than two hundred fifty (250) nits.

OR ALTERNATIVELY

 - Each sign brightness shall be limited to no more than .3footcandles above ambient light levels as measured 150 feet from the sing
 - Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
 - f) Message Duration: The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-Vision Board signs.

- Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
 - Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
 - Divide the visibility distance by the speed limit (feet/second).
 - Add an additional ten (10) percent of this number to the total.
 - The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8) seconds.
- ii. Types of Illumination: Where permitted, illumination may be:
- a) External: Externally illuminated signs, where permitted, are subject to the following regulations:
 - The source of the light must be concealed by translucent covers.
 - External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
 - b) Internal: Internally illuminated signs, where permitted, are subject to the following regulations:
 - Internal illumination, including neon lighting, must be static in intensity and color.
 - Message center signs are permitted in accordance with the regulations contained in **Sections 202-S.6.h and 202-S.7.b.**
 - Digital displays are permitted in accordance with the regulations contained in Section R.6.i and R.7.c
- iii. Electrical Standards.
- a) Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
 - b) All work shall be completed in full compliance with the National Electrical Code as set forth in the NJ DCA codebook (NJAC 5:23).
 - c) The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
 - d) The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the City as a condition for a sign permit.
- iv. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.

Vegetation screens shall not be employed to serve as the primary means for controlling glare.

- v. Illumination Standards by District (*see Table #1*)

TABLE 1: Illumination Standards by District

District	Illumination Type				Brightness Limitations (Digital & Message Center Signs)	Hours of Illumination	Motion Limitation Digital & Message Center Signs	Size Limitation as a Max % of Sign Area	
	Internal	Message Center Sign	External	Digital Display				Digital Display Sign	Mess. Center Signs
RESIDENTIAL (all districts)	N	N ²	Y	N	N/A	N/A	N/A	N/A	N/A
DC	Y	N ¹	Y	N	.3 foot candles ⁴	See 5Fd	See 5Ff	N/A	50%
NC	Y	N ¹	Y	N	.3 foot candles ⁴	See 5Fd	See 5Ff	N/A	50%
HC	Y	Y	Y	Y	.3 foot candles ⁴	See 5Fd	See 5Ff	30%	50%
RC	Y	Y	Y	Y	.3 foot candles ⁴	See 5Fd	See 5Ff	30%	50%
I-BE	Y	Y	Y	Y	.3 foot candles ⁴	See 5Fd	See 5Ff	30%	50%
AE	Y	Y	Y	Y	.3 foot candles ⁴	See 5Fd	See 5Ff	30%	50%
ME	Y	Y	Y	Y	.3 foot candles ⁴	See 5Fd	See 5Ff	100%	100%
LMU	Y	N ¹	Y	N	.3 foot candles ⁴	See 5Fd	See 5Ff	N/A	50%
OP/FARM	N	N ³	N ²	N	N/A	N/A	N/A	N/A	N/A
Off-Premises*	Y	Y	Y	Y	.3 foot candles ⁴	See 5Fd	See 5Ff	100%	100%
Temporary*	N	N	N	N	N/A	N/A	N/A	N/A	N/A
Portable*	N	N	N	N	N/A	N/A	N/A	N/A	N/A

* Off-premises, temporary, and portable signs are subject to the illumination regulations governing off-premises, temporary and portable signs, rather than the illumination standards governing the specific district where the sign is located

¹ Excludes marquee signs

² Excludes signs located in Parks or Recreational Facilities

³ Excludes scoreboards located in Parks or Recreational Facilities

⁴ above ambient level as measured 150 feet from sign center OR 5,000 Nits (Daytime) and 250 Nits (Nighttime)

6. Regulations by Sign Type: On Premise Signs**a. Wall Signs.**

No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.

b. Canopy or Awning Signs.

- i. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
- ii. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
- iii. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
- iv. Sign Placement.
 - a) Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
 - b) Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
- v. Sign Height.
 - a) The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
- vi. Any ground-floor awning projecting into a street right-of-way must be retractable.
- vii. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
- viii. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

c. Projecting Signs.

- i. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
- ii. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curbline or shoulder of a public street.
- iii. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

d. Window Signs.

- i. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.

e. Marquee Signs.

- i. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
- ii. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side.
- iii. No marquee shall extend closer to the curb than three (3) feet.
- iv. Sign Height.
 - a) No portion of a marquee sign shall extend vertically above the eaveline.

b) The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

f. Freestanding Signs.

- i. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
- ii. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
- iii. Sign Placement.
 - a) All freestanding signs shall be set back five (5) feet from the right-of-way, except for official traffic signs and government/regulatory signs.
 - b) No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

g. Manual Changeable Copy Signs.

- i. Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

h. Message Center Signs.

- i. Sign Type: Message center signs are permitted in the form of freestanding, monument, and wall signs and in accordance with [Table 1 for illumination](#).
- ii. Height: A message center sign shall have the same height limits as other permitted signs of the same type and location.
- iii. Area:
 - a) When used as an on-premises sign, message center signs shall not exceed more than 30% of the total area for all signs permitted on a property.
 - b) Maximum Number: Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
- iv. Message Display:
 - a) No message center sign may contain text which flashes, pulsates, moves, or scrolls.
 - b) Each complete message must fit on one screen.
 - c) The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).
 - d) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- v. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to [§21 Permits & Applications](#).
- vi. The addition of any message center sign to a nonconforming sign is prohibited.
- vii. Public Service Announcements: The owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

i. Digital Display Signs.

- i. Sign Type: Digital displays are permitted in the form of freestanding, monument, and wall signs and in accordance with [Table 1 for illumination](#).

- ii. Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.
- iii. Area:
 - a) When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
- iv. Maximum Number per Property: Where permitted, one (1) digital display sign is permitted per property
- v. Message Display:
 - a) Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - b) One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - c) The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
 - d) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- vi. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to [§30.802 \(Zoning Permit\)](#).
- vii. The addition of any digital display to a nonconforming sign is prohibited.
- viii. Public Service Announcements: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

7. Regulations by Sign Type: Off-Premises Signs

a. Locations Permitted.

- i. Off-premises signs are permitted in the following Zoning Districts:
 - a) Highway Commercial
 - b) Regional Commercial
 - c) Industrial-Business Enterprise
 - d) Airport Enterprise
 - e) Motorsports Enterprise

b. Message Center Signs.

- ii. Sign Type: Off-premises Message Center signs are permitted in the form of freestanding, monument, and wall signs and in accordance with Table 1 for illumination.
- iii. Height: An off-premise Message Center sign shall have the same height limits as other permitted signs of the same type and location.
- iv. Area:
 - a) Off-premises Message Center signs may be used for the full permitted sign area.
 - b) Maximum Number: Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
- v. Message Display:
 - c) No message center sign may contain text which flashes, pulsates, moves, or scrolls.
 - d) Each complete message must fit on one screen.

- e) The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).
 - f) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
 - vi. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to **§30.802 (Zoning Permit)**.
 - vii. The addition of any message center sign to a nonconforming sign is prohibited.
 - viii. Public Service Announcements: The owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- c. Digital Display Signs.
- i. Sign Type: Off-premises Digital Display signs are permitted in the form of freestanding, monument, and wall signs and in accordance with **Table 1 for illumination.**
 - ii. Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.
 - iii. Area: Off-premises Digital Displays may be used for the full permitted sign area.
 - iv. Maximum Number per Property: Where permitted, one (1) digital display sign is permitted per property
 - v. Message Display:
 - g) Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - h) One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - i) The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
 - j) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
 - vi. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to **§30.802 (Zoning Permit)**.
 - vii. The addition of any digital display to a nonconforming sign is prohibited.
 - viii. Public Service Announcements: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- d. Sign Size: An off-premises advertising sign is subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces.

TABLE 2: Size Restrictions by Posted Speed Limit for Off-Premises Signs

	Posted Speed Limit (MPH)				
	≤ 35	36 -45	46-55	56-65	Limited Access
Maximum Sign Area (sq. ft.)	60	100	150	200	300

- e. Height and Location of Sign.
- i. The lowest edge of an off-premises sign shall be at least seven (7) ft. above the finished grade.
 - ii. Off-premises signs shall have a maximum height of 30 ft.
- f. Spacing: Off-premises signs shall be:
- i. Set back from the ultimate right of way a distance equal to the height of the off-premises sign or 15 feet, whichever is greater.
 - ii. Located no closer than 25 feet from any property line.
 - iii. Located no closer than 50 feet from any building, structure, or on-premises sign located on the same property.
 - iv. Located no closer than 1,500 ft. from another off-premises sign on either side of the road measured linearly.
 - v. Located no closer than 500 ft. from any intersection, or interchange (on/off-ramp).
 - vi. Located no closer than 1,000 ft. from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.
 - vii. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
 - viii. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.
 - ix. Not located on a bridge.
- g. Number of Signs per Lot: There shall be no more than one off-premises sign per lot. Vertically or horizontally stacked signs shall not be permitted.
- h. Content: Off-premises signs shall not display any message or graphic of an obscene or pornographic nature as would meet the legal standard in New Jersey .
- i. Double-Sided Off-Premises Signs: Signs may be single or double-sided, in accordance with [§30.2025.5c3. Sign Area.](#)
- j. Message Sequencing: Message sequencing is prohibited.
- k. Construction and Maintenance.
- i. All plans for off-premises signs shall be certified by a licensed engineer registered in New Jersey.
 - ii. All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the [current NJ Construction Code.](#)

- iii. The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by the City.
- iv. Every three years, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in New Jersey and shall provide the City with a certificate certifying that the sign is structurally sound.
- l. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
- m. Landscaping.
 - i. Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
 - ii. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.
- n. Additional Regulations. All off-premises signs shall comply with any and all applicable zoning regulations of [municipality], and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the stricter regulation shall apply.
- o. Application/Plan Requirements. Plans submitted for off-premises advertising signs shall show the following:
 - i. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way .
 - ii. The location and species of existing trees.
 - iii. The distance to the nearest existing off-premises advertising sign.
 - iv. The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
 - v. Site plan containing all of the applicable requirements set forth in this Chapter, as amended.
 - vi. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- p. Illumination and Changeable Copy of Off-Premises Signs.
 - i. Off-premises signs may incorporate manual changeable copy signs.
 - ii. Off-premises signs may be illuminated, provided that:
 - a) All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.
 - iii. Light sources are not visible from any street or adjoining properties.
 - iv. The following illumination types shall be permitted subject to the regulations in ***Table 1: Sign Illumination.***
 - a) Message center sign
 - b) Digital display
 - c) External illumination
 - d) Internal illumination
 - v. Off-premises signs may incorporate Tri-Vision Boards.

a) The length of time each message of the Tri-Vision Board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for Tri-Vision Boards shall be calculated using the method described in Message Duration (Section 5.f.i.f))

q. Safety. In applying for any variance relief, the applicant bears the additional burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the matter and location that it is proposed and in the manner by which it is to be operated.

8. Regulations by Sign Type: Limited Duration Signs

a. Limited Duration Signs that comply with the requirements in this subsection shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

b. Size and Number.

i. Non-Residential Zones:

a) Large Limited Durations Signs: One (1) large limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large limited duration signs.

• Type allowed:

- Freestanding sign
- Window sign
- Wall sign

• Area: Each large limited duration sign shall have a maximum area of 16 sq. ft.

• Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.

b) Small Limited Duration Signs: In addition to the large limited duration sign(s) outlined above, one (1) small limited duration sign is permitted per property in all nonresidential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional small sign may be permitted.

• Type allowed:

- Freestanding sign
- Window sign
- Wall sign

• Area: Each small limited duration sign shall have a maximum area of 6 sq. ft.

• Height: Large limited duration signs that are freestanding shall have a maximum height of six (6) feet.

c. Permit Requirements.

i. A permit for a limited duration sign is issued for one (1) year and may be renewed annually.

ii. One (1) sign is allowed per permit. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.

- iii. An application for a limited duration sign permit must include:
 - a) A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed;
 - b) A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets.
 - c) The number of signs on the site.
- d. Installation and Maintenance.
 - i. All limited duration signs must be installed such that in the opinion of the Zoning Officer, they do not create a safety hazard.
 - ii. All limited duration signs must be made of durable materials and shall be well-maintained.
 - iii. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

Illumination: Illumination of any limited duration sign is prohibited.

e. Summary Table for Limited Duration Signs

TABLE 3: Summary Table for Limited Duration Signs

	Limited Duration Signs	
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	<p><u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area.</p> <p><u>Height:</u> Maximum 8 ft.</p>	<p><u>Number:</u> 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area.</p> <p><u>Height:</u> Maximum 8 ft.</p>
Small Limited Duration Signs (max area 6 sq. ft.)	<p><u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of frontage or has > 10,000 square feet of floor area.</p> <p><u>Height:</u> Maximum 6 ft.</p>	<p><u>Number:</u> 1 per property</p> <p><u>Height:</u> Maximum 6 ft.</p>

9. **Regulations by Sign Type: Temporary Signs**

- a. Temporary signs, as defined in this Section, located on private property, are exempt from standard permit requirements. Temporary signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
- b. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.
- c. Size and Number.
 - i. Non-Residential Districts:
 - a) Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large temporary sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large temporary signs.
 - Type
 - Freestanding sign
 - Window sign

- Wall sign
 - Banner
 - Area
 - Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 sq. ft.
 - Each large temporary banner shall have a maximum area of 32 sq. ft.
 - Height
 - Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
 - Banners shall hang at a height no greater than 24 feet.
 - b) Small Temporary Signs: In addition to the large temporary sign(s) outlined above, one (1) small temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has > 10,000 square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.
 - Type
 - Freestanding sign
 - Window sign
 - Wall sign
 - Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.
 - Height: Small temporary signs shall have a maximum height of six (6) feet.
- ii. Residential Districts:
 - a) Large Temporary Signs: One (1) large temporary sign is permitted per residential property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.
 - Type
 - Freestanding sign
 - Window sign
 - Wall sign
 - Banner Sign
 - Area
 - Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 square feet.
 - Each large temporary banner shall have a maximum area of 32 square feet.
 - Height
 - Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
 - Banners shall hang at a height no greater than 24 feet.
 - Small Temporary Signs: One (1) small temporary sign is permitted per residential property.
 - Type
 - Freestanding sign
 - Window sign
 - Wall sign

- Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.
- Height: Small temporary signs shall have a maximum height of six (6) feet.

d. Duration and Removal

- i. Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per year.
- ii. The City or Millville or the property owner may confiscate signs installed in violation of this chapter.
- iii. Neither the City nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

e. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

f. Municipal Notification: Temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower right and corner of the sign.

g. Installation and Maintenance.

- iv. All temporary signs must be installed such that in the opinion of the Zoning Officer, they do not create a safety hazard.
- v. All temporary signs must be made of durable materials and shall be well-maintained.
- vi. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

h. Illumination: Illumination of any temporary sign is prohibited.

i. Summary Table #4 :Temporary Signs.

TABLE 4: Summary Table for Temporary Signs

	Temporary Signs	
	Non-Residential Districts	Residential Districts
Large Temporary Signs (max area: 32 sq. ft. for banner, 16 square feet for all other signs)	<p><u>Number</u>: 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 square feet of floor area.</p> <p><u>Height</u>: <i>Ground</i>: Maximum 8 ft. <i>Banner</i>: Maximum 24 ft.</p>	<p><u>Number</u>: 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area.</p> <p><u>Height</u>: <i>Ground</i>: Maximum 8 ft. <i>Banner</i>: Maximum 24 ft.</p>
Small Temporary Signs (max area: 6 sq. ft.)	<p><u>Number</u>: 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 square feet of floor area.</p> <p><u>Height</u>: Maximum 6 ft.</p>	<p><u>Number</u>: 1 per property</p> <p><u>Height</u>: Maximum 6 ft.</p>

10. **Regulations by Sign Type: Portable Signs**

a. General Provisions.

- i. Illumination: Illumination of any portable sign is prohibited.

- ii. Hours of Display.
 - a) Signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM. In addition, all portable signs must be taken in during hours of non-operation of the business being advertised.
 - b) All portable signs must be taken in during inclement weather.
- iii. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
 - a) Number of signs: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
 - b) Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
 - c) Height: Signs shall have a maximum height of three and one-half (3.5) feet.
 - d) Sign Placement.
 - If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
 - The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
 - Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
 - e) Manual Changeable Copy.
 - Manual changeable copy signs are permitted when integrated into a sandwich board sign.
 - Commercial messages must advertise only goods and services available on the premises.

iv. Vehicular Signs: Vehicular signs are prohibited per Section 30.2025.A.3.c.

11. Regulations by Sign Type: Street Pole Banners

- a. General Provisions. Street pole banner signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
 - i. Illumination: Illumination of any street pole banner is prohibited.
 - ii. Area: Each street pole banner shall have a maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
 - iii. Height
 - a) When the street pole banner's edge is less than 18 horizontal inches from the curb, the lowest edge of the Street Pole Banner shall be at least 14 feet above the finished grade.
 - b) When the street pole banner's edge is greater than 18 horizontal inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
 - iv. Location
 - a) No street pole banner shall extend beyond the curbline.

- b) Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
- c) Street pole banners shall not interfere with the visibility of traffic signals or signs.
- d) No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
- v. Installation and Maintenance
 - a) All street pole banners must be made of lightweight and durable fabrics with wind slits.
 - b) Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.
- b. Permit Requirements
 - i. A permit for a street pole banner is issued for one (1) year and may be renewed annually.
 - ii. An application for a street pole banner permit must include the following:
 - a) A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.
 - b) A proof of the street pole banner design, including the banner's dimensions.
 - c) If brackets are to be installed, submit specifications for the bracket installation system.

12. Signs in Farmland Production and Open Space Districts

In addition to the exempt signs described in [Section 30.202S.4: Signs Exempt from Permit Requirements](#), the following numbers and types of signs may be erected in the Farmland Conservation and Open Space Districts, subject to the conditions specified here and in [Section 30.202S.5: General Regulations](#)

- a. Any limited duration sign as defined and regulated in [Section 30.202S.8: Regulations by Sign Type \(Limited Duration signs\)](#).
- b. Any temporary sign as defined and regulated in [Section 30.202S.9: Regulations by Sign Type \(Temporary Signs\)](#).
- c. Signs associated with a residential use or parcel within an agricultural/rural zone shall comply with [Section 30.202S.13: Signs in Residential Districts](#).
- d. Signs located within official Parks and Recreation Areas
 - i. Freestanding signs shall be permitted subject to the following regulations.
 - a) Number: One (1) sign per street access to a park or recreation facility.
 - b) Area: Each sign shall have a maximum area of 24 sq. ft. per sign face.
 - c) Height: Signs shall have a maximum height of ten (10) feet.
 - d) Illumination: The following illumination types shall be permitted subject to the regulations [Section 30.202S.5.f.: Sign Illumination](#).
 - External illumination
 - ii. Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, the hours and rules for the use of the grounds, etc. are exempt from permit requirements subject to the following:
 - a) Area: Each sign shall have a maximum area of ten (10) sq. ft.
 - b) Height: Signs shall have a maximum height of eight (8) feet.
 - c) Illumination: These signs shall be non-illuminated.
 - iii. Signs for recreation and sporting facilities shall be allowed provided that the following criteria are met:

- a) Signs on the interior walls or fence of an open stadium or field shall be no greater than 24 sq. ft. in size and shall be designed to be viewed from the inside of the stadium only, and non-illuminated.
- b) One (1) freestanding scoreboard, not to exceed 200 sq. ft. in area and 20 ft. in height, is permitted per playing field.
- Commercial messages shall not exceed 30% of the front face of the scoreboard.
 - The face of all scoreboards, including any attached commercial signs and panels, shall be permanently oriented toward the recreation and spectator area.
- c) Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202.5.f.: Sign Illumination](#).
- Internal illumination
 - External illumination
 - Message center sign
 - Digital display (not to exceed 30% of the total scoreboard area)
- e. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.
- iv. Number: One (1) sign at each street access, up to a maximum of two (2) signs per lot.
 - v. Area: Each sign shall have a maximum area of 32 sq. ft. per sign face.
 - vi. Height: Signs shall have a maximum height of six (6) ft.
 - vii. Illumination: These signs shall be non-illuminated.
- f. Wall and projecting signs for non-residential uses shall be permitted subject to the following regulations.
- i. Number: One (1) sign per tenant per building frontage up to a maximum of two (2) signs per tenant.
 - ii. Area: Each sign shall have a maximum area of 20 sq. ft. per sign face.
 - iii. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
 - iv. Illumination: These signs shall be non-illuminated.
- g. Window signs for non-residential uses shall be permitted subject to the following regulations.
- i. Area: A maximum of 15% of the total window area of any single building frontage may be used for signs.
 - ii. Illumination: These signs shall be non-illuminated.
- h. Off-premises signs [where/if permitted], are subject to the regulations found in [Section 30.202.7: Regulations by Sign Type: Off-Premises](#).
- i. Summary Table #5: Signs in Farmland Production and Open Space Districts (below).

TABLE 5: Summary of Sign Types: Farmland Production and Open Space Districts

	Wall and Projecting	Window	Freestanding
Maximum Number	Non-Residential Uses: 1 per tenant per building frontage, up to a maximum of 2 signs per tenant	N/A	Parks and Open Space: 1 per street access plus 1 freestanding scoreboard per playing field Non-Residential Uses: 1 per street access up to a maximum of 2 signs per lot
Maximum Area (sq. ft.)	Parks and Open Space: Signs on the interior walls or fence of an open stadium: 24 Non-Residential Uses: 20	Non-Residential Uses: 15% of total window area	Parks and Open Space: 24 (entrance), 200 (scoreboard), 10 (signs interior to the site) Non-Residential Uses: 32
Maximum Height	Non-Residential Uses: The eaveline or the bottom of the second story window sill, whichever is lower.	N/A	Parks and Open Space: 10 ft. (entrance), 20 ft. (scoreboard), 8 ft. (signs interior to the site) Non-Residential Uses: 6 ft.

13. Signs in Residential Districts

In addition to the exempt signs described in [Section 30.2025.4: Signs Exempt from Permit Requirements](#), the following numbers and types of signs may be erected in the Low, Medium and High Residential Districts subject to the conditions specified here and in [Section 30.2025.5: General Regulations](#).

- a. Any limited duration sign as defined and regulated in [Section 30.2025.8: Regulations by Sign Type \(Limited Duration Signs\)](#).
- b. Any temporary sign as defined and regulated in [Section 30.2025.10: Regulations by Sign Type \(Temporary Signs\)](#).
- c. Home Occupations
 - i. One (1) freestanding sign shall be permitted subject to the following regulations.
 - a) Area: Each sign shall have a maximum area of six (6) sq. ft. per sign face.
 - b) Height: Signs shall have a maximum height of six (6) feet.
 - c) Illumination: These signs shall be non-illuminated.
 - ii. One (1) wall or projecting sign shall be permitted, up to two (2) sq. ft. in area.
 - a) Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
 - b) Illumination: These signs shall be non-illuminated.
- d. Freestanding signs for residential developments or apartment buildings containing more than ten units shall be permitted subject to the following regulations.
 - i. Number: One (1) sign per street frontage.
 - ii. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
 - iii. Height: Signs shall have a maximum height of eight (8) feet.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations in [Section R.5.f: Sign Illumination](#).
 - a) External illumination

- e. Summary Table #6: Signs in Residential Districts.

TABLE 6: Signs in Residential Districts

	Residential Districts	
	Wall and Projecting	Freestanding
Maximum Number	Home Occupations: 1 per lot	Home Occupations: 1 per lot Residential Developments: 1 per lot
Maximum Area (sq. ft.)	Home Occupations: 2	Home Occupations: 6 Residential Developments: 15
Maximum Height	The eaveline or the bottom of the second story window sill, whichever is lower.	Home Occupations: 6 ft. Residential Developments: 8 ft.

14. Signs for Institutional Uses

- 15. In addition to the exempt signs described in [Section 30.2025.4: Signs Exempt from Permit Requirements](#), the following numbers and types of signs may be erected for Institutional uses, including schools, religious institutions, municipal buildings, hospitals, clubs, or permitted uses of a similar nature subject to the conditions specified here and in [Section 30.2025.5 General Regulations](#).
 - a. Any limited duration sign as defined and regulated in [Section 30.2025.8: Regulations by Sign Type \(Limited Duration signs\)](#)
 - b. Any temporary sign as defined and regulated [Section 30.2025.9: Regulations by Sign Type \(Temporary Signs\)](#).
 - c. Any portable sign as defined and regulated in [Section 30.2025.10: Regulations by Sign Type \(Portable Signs\)](#).
 - d. Any street pole banner as defined and regulated [Section 30.2025.11: Regulations by Sign Type \(Street Pole Banners\)](#).
 - e. Signs associated with a park or open space use in an institutional district shall comply with [Sections 30.2025.12d](#):
 - f. Signs associated with a residential use or parcel within an institutional district shall comply with [Section 30.2025.13: Signs in Residential Districts](#).
 - g. Freestanding signs for institutional uses, other than parks and recreational facilities, shall be permitted subject to the following regulations.
 - i. Number: One (1) sign per street access, up to two (2) signs per property held in single and separate ownership.
 - ii. Area: Each sign shall have a maximum area based on the lot size of the property as follows:
 - a) On lots less than two (2) acres: 24 sq. ft.
 - b) On lots of two (2) acres or more but less than five (5) acres: 40 sq. ft.
 - c) On lots of five (5) acres or more: 60 sq. ft.
 - iii. Height: Signs shall have a maximum height of ten (10) ft.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations [Section 30.2025.5.f : Sign Illumination](#).
 - d) Internal illumination
 - e) External illumination
 - f) Message center sign

- h. Freestanding signs located on the interior of the site used to identify facilities, on-site traffic direction, hours of operation, and other information are exempt from permit requirements, subject to the following:
- i. Area: Each sign shall have a maximum area of ten (10) sq. ft.
 - ii. Height: Each sign shall have a maximum height of eight (8) ft.
 - iii. Illumination: These signs shall be non-illuminated.
- i. Building signs, including wall signs, awning or canopy signs, projecting signs, and window signs, are permitted for institutional uses. The total maximum sign area of all building signs shall be based on the lot size of the property and wall area of the building as follows:
- i. Area:
 - a) a. On lots less than two (2) acres:
 - Total sign area of all building signs shall not exceed five (5) percent of the total wall area for all walls that directly face a public street or parking lot.
 - No single building sign shall exceed 24 square feet.
 - b) On lots of two (2) acres or more but less than five (5) acres:
 - Total sign area of all building signs shall not exceed six (6) percent of the total wall area for all walls that directly face a public street or parking lot.
 - No single building sign shall exceed 36 square feet.
 - c) On lots of five (5) acres or more:
 - Total sign area of all building signs shall not exceed seven (7) percent of the total wall area for all walls that directly face a public street or parking lot.
 - No single building sign shall exceed 60 square feet.
 - ii. Height: Signs shall have a maximum height equal to the eaveline.
 - iii. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202S.5.f.: Sign Illumination](#).
 - a) Internal illumination
 - b) External illumination, lit from above
 - c) Halo illumination or back-lit letters
- j. Upper-level building identification signs shall be permitted subject to the following regulations.
- i. Number: Two (2) signs per building.
 - ii. Area: Each sign shall have a maximum area of 200 sq. ft.
 - iii. Height: Signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eaveline.
 - iv. Location: Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
 - v. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202S.5.f.: Sign Illumination](#).
 - a) Internal illumination

k. Summary Table #7: Signs in Institutional Districts

TABLE 7: Signs for Institutional Uses

		Institutional Districts		
		Wall, Awning/Canopy, Projecting, and Window	Freestanding	Optional: Building Identification
Maximum Number		N/A	1 per street access, up to 2 per lot	2 per building
Maximum Area	<u>Lots < 2 acres:</u>	5% of the total wall face area of walls that directly face a public street or parking lot. No single wall sign shall exceed 24 sq. ft.	24 sq. ft.	200 sq. ft.
	<u>Lots ≥ 2 and < 5 acres:</u>	6% of the total wall face area of walls that directly face a public street or parking lot. No single wall sign shall exceed 36 sq. ft.	40 sq. ft.	
	<u>Lots ≥ 5 acres:</u>	7% of the total wall face area of walls that directly face a public street or parking lot. No single wall sign shall exceed 60 sq. ft.	60 sq. ft.	
Maximum Height		The eaveline	10 ft.	The eaveline

15. Signs in Downtown and Neighborhood Commercial Districts

In addition to the exempt signs described in [Section 30.202S.4: Signs Exempt from Permit Requirements](#), the following numbers and types of signs may be erected in the Neighborhood Commercial and Downtown Commercial District, subject to the conditions specified here and in [Section R.5: General Sign Regulations](#).

- a. Any sign permitted in residential districts, for appropriate uses, as defined and regulated in [Section 30.202S.13: Signs in Residential Districts](#).
- b. Any portable sign as defined and regulated in [Section 30.202S.10: Regulations by Sign Type \(Portable Signs\)](#).
- c. Any street pole banner as defined and regulated in [Section 30.202S.11: Regulations by Sign Type \(Street Pole Banners\)](#).
- d. The total area of all wall, awning/canopy, and projecting signs shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- e. Wall signs for non-residential uses shall be permitted subject to the following regulations.
 - vi. Number: One (1) sign per tenant per street frontage, up to two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
 - i. Area: Each sign shall have a maximum area of 12 sq. ft. per sign face.
 - ii. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.

- iii. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.2025.5.f: Sign Illumination](#).
 - a) External illumination, lit from above
 - b) Halo illumination or back-lit letters
- f. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
 - ii. Illumination: These signs shall be non-illuminated.
- g. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
 - ii. Area: Each sign shall have a maximum area of 10 sq. ft. per sign face.
 - iii. Height: Signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.

16. Signs in General Commercial and Industrial Districts

Except as noted below, the following numbers and types of signs may be erected in the Highway and Regional Commercial Districts, the Industrial-Business Enterprise District, the Airport Enterprise District and the Motorsports District subject to the conditions specified here and [Section 30.2025.5: General Regulations](#).

- a. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in [Section 30.2025.13: Signs in Residential Districts](#).
- b. Any portable sign as defined and regulated in [Section 30.2025.10: Regulations by Sign Type \(Portable Signs\)](#).
- c. Any street pole banner as defined and regulated in [Section 30.2025.11: Regulations by Sign Type \(Street Pole Banners\)](#).
- d. The total area of all wall, awning/canopy, and projecting signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
- e. Wall signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
 - ii. Area: Each sign shall have a maximum area of 32 sq. ft. per sign face.
 - iii. Height: Signs shall have a maximum height equal to the eave line.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.2025.5.f: Sign Illumination](#).
 - a) Internal illumination
 - b) External illumination, lit from above
 - c) Halo illumination or back-lit letters
 - d) Neon lighting
- f. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Height: Signs shall have a maximum height equal to the eaveline.

- ii. Illumination: The following illumination types shall be permitted subject to the regulations in [Section R30.202S.5.f: Sign Illumination](#).
 - a) External illumination, lit from above
- g. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
 - ii. Area: Each sign shall have a maximum area of twenty (20) sq. ft. per sign face.
 - iii. Height: Signs shall have a maximum height equal to the eaveline.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202S.5.f: Sign Illumination](#).
 - a) External illumination, lit from above
 - b) Neon lighting
- h. Window signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - ii. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202S.5.f: Sign Illumination](#).
 - a) Neon lighting
- i. Marquee signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Number: One (1) marquee sign per building.
 - ii. Area: The total area of signs on a single marquee structure shall not exceed 200 sq. ft. in area.
 - iii. Height: Signs shall have a maximum height equal to the eaveline.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202S.5.f: Sign Illumination](#).
 - a) Internal illumination
 - b) Message center sign
 - c) Digital display
- j. In addition to building signs, freestanding signs for non-residential uses shall be permitted subject to the following regulations.
 - i. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
 - a) For permitted gas stations, one (1) additional freestanding sign per street frontage shall be permitted for the advertising of gas prices and identification of the gas station only, up to two (2) additional signs per property.
 - b) For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted for the advertising items for sale to users of the drive-through lane only.
 - ii. Area: Each sign shall have a maximum area of 50 sq. ft. plus an additional 10 sq. ft. per tenant up to a maximum of 100 sq. ft.
 - a) Height: Signs shall have a maximum height of 20 ft.
 - b) Illumination: The following illumination types shall be permitted subject to the regulations in [Section 30.202S.5.f: Sign Illumination](#).
 - Internal illumination

- Message center sign
 - Digital display
- k. Upper-level building identification signs shall be permitted subject to the following regulations.
- i. Number: One (1) sign per building.
 - ii. Area: Each sign shall have a maximum area of 200 sq. ft.
 - iii. Height: Signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eave line.
 - iv. Location: Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
 - v. Illumination: The following illumination types shall be permitted subject to the regulations in **Section 30.202§.5.f: Sign Illumination.**
 - a) Internal illumination
- l. Off-premises signs shall be permitted, subject to the regulations detailed in **Section 30.202§.7: Regulations by Sign Type (Off-Premises).**
- m. **Summary Table #8**: Signs in Highway and Regional Commercial Districts, the Industrial-Business Enterprise District, the Airport Enterprise District and the Motorsports District

TABLE 8: Sign Regulations for General Commercial and Industrial Districts

General Commercial and Industrial Districts						
	Wall and Awning/ Canopy	Projecting	Window	Marquee	Freestanding	Optional: Upper-Level Building Identification
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant) Awning/ Canopy: N/A (see §7)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per building	1 per street frontage, up to 2 per lot (additional signs allowed for gas stations and drive-thru establishments)	1 per building (≥ 3 stories high)
Maximum Area (Total)	1.5 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type		N/A	N/A	N/A	N/A
Maximum Area (Individual)	Wall: 32 sq. ft. Awning/ Canopy: N/A (see §7)	20 sq. ft.	25% total window area (permanent signs); 35% (all signs)	200 sq. ft.	50 sq. ft. plus an additional 10 sq. ft. per tenant up to 100 sq. ft.	200 sq. ft.
Maximum Height	The eaveline		N/A	The eaveline	20 ft.	The eaveline

17. Permits & Applications

- a.** It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within Millville without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in **Section 30.202S.4:Exempt Signs.**
- b.** In order to apply for a sign permit, the applicant must provide the following information, in writing, to the Zoning Officer of the City of Millville:
- i. Name of organization and location.
 - ii. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
 - iii. Contact person and contact information.
 - iv. Description of the activities occurring on the site where the sign will be installed.
 - v. Description of any existing signage that will remain on the site.
 - vi. Identification of the type of sign(s) to be erected by the applicant.
 - vii. Site plan depicting the locations of proposed signage and existing remaining signage.
 - viii. Two copies of a plan drawn to scale depicting:
 - a) Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
 - b) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
 - c) Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.
 - d) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
 - ix. A permit fee, as specified in Chapter 30, Article 7 of the Land Use Regulations..
- c.** The Zoning Officer shall have **ten (10) business days** from the receipt of a complete application to review the application and respond.
- i. The Zoning Officer shall inform the applicant in writing (including email) if the application is incomplete within ten business days.
 - ii. A permit shall be issued on or before the end of the ten (10) business day review period if the application for a new sign or renewal complies with the regulations contained herein.
 - iii.** If the City does not respond within the ten (10) business day period, the **sign permit may be deemed approved [OR] If the City does not respond within ten business days, the applicant may appeal to the Zoning Board for relief.**
 - iv. An application for a sign permit may be denied by the Zoning Officer within the ten (10) business day review period if the application fails to comply with the standards contained herein. The Zoning Officer shall inform the applicant of the reasons for denying the application for sign permit by certified mail.
 - a) Upon denial of an application for a sign permit, the applicant has 30 business days to revise and resubmit the application for review by the Zoning Officer.
 - b) In the alternative, the applicant may also appeal the decision of the Zoning Officer to the Zoning Board within the same 30 business day time period.
 - c) The Zoning Board at its next regularly scheduled meeting, shall review the Zoning Officer's denial of the application.
- d.** With the exception of lighting permits for digital signs, these permits shall not expire provided that such signs are not abandoned or destroyed. In the instance that substantial repair or replacement

becomes necessary (i.e., repairs that costs more than 50% of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

- e. All illuminated signs, at the Zoning Officer's discretion, may require certification in order to demonstrate continued compliance with the brightness requirements set forth in [Section R.5.f: Sign Illumination](#). This certification must be renewed every three years. This will allow Millville to adjust standards as needed based on changing technology and evaluation of impacts. Millville reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.

18. Nonconforming Signs

- a. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- b. Nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
- c. To determine the legal status of existing signs in each of the cases listed in [Section 30.202S.18.b](#) (above), the applicant shall submit the following information to the Zoning Officer:
 - v. Type(s) of existing sign(s) located on the property.
 - vi. The area and height of all signs.
 - vii. For freestanding signs, the distance between the curbline or shoulder and the nearest portion of the sign.
 - viii. Type of sign illumination.
 - ix. The material of which the sign is constructed.
 - x. The building frontage.
 - xi. If an Off-Premises sign, the applicant shall also submit the plan requirements listed in [Section 30.202S.6.Types of Signs: Off-Premises](#).
- d. Nonconforming signs shall be exempt from the provisions of [Section 30.202S.18.b](#) under the following conditions:
 - i. The nonconforming sign possesses documented historic value.
 - ii. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, New Jersey DEP, or a local historical commission.
 - iii. When a nonconforming sign is required to be moved because of public right of way improvements.
- e. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
 - i. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. NOTE: Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 - ii. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
 - iii. An alteration in the structure of a sign support.
 - iv. A change in the mechanical facilities or type of illumination.

- v. A change in the material of the sign face.
 - vi. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
 - vii. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of a zoning permit for a different use.
 - viii. Invalidation of a certificate of occupancy for the use to which the sign relates.
 - ix. Vacation of the premises by the user to which the sign relates.
- f. All nonconforming temporary signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this Ordinance unless specific approval is granted as provided for in this Section.
- g. Abandonment.
If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted for a period greater than six months, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be completely removed by the owner of the property where the sign is located. In this context, a seasonal business such as a farm stand shall be considered operational even though closed for a period not to exceed nine months.

19. Signs on the Premises of Legally Nonconforming Uses

- a. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
- b. The number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time of this Ordinance adoption.

20. Substitution Clause

Notwithstanding any provision of this Chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

21. Violations

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as strict liability offences regardless of intent. Violators shall be fined a daily fee per sign displayed in violation of this Ordinance. The fee amount shall be established from time to time by Resolution of the Millville Commissioners.

- T. **Resource Extraction**
Resource extraction is not allowed in any zoning district in the City.

U. Temporary Uses

1. **Construction Trailers.** Temporary construction trailers at work sites shall be permitted in all zoning districts for office use and the storage of equipment and supplies during active construction activities. The installation of such trailers shall conform to the following requirements:
 - a. No trailer shall be installed at a work site prior to the issuance of a construction permit.
 - b. All such trailers shall be removed from the work site upon the issuance of a temporary or permanent certificate of occupancy to which the use of the trailer relates.
 - c. No trailer shall remain at a work site where active construction activity has ceased for a period of more than 30 days.
 - d. No trailer shall be located within 25 feet of a lot line or streetline.
 - e. Trailers shall be temporarily screened from public view by a combination of opaque fencing and/or landscaping.
 - f. No more than 3 temporary construction trailers shall be permitted per work site.
2. **Sales Offices.** Temporary sales offices for the marketing of residential development shall be permitted only upon the lot or tract to which such sales relate. Temporary sales offices shall conform to the following requirements:
 - a. No such office shall be installed prior to the issuance of stamped final subdivision plats or site plans, as the case may be.
 - b. Sales offices shall provide for no less than 5 and no more than 10 temporary off-street parking spaces located in a safe and convenient manner.
 - c. No sales office shall be located within 25 feet of a lot line or streetline.
 - d. Offices shall be temporarily landscaped along the foundation of the structure.
 - e. Sales offices shall be removed from the site immediately upon any of the following circumstances:
 - i. The issuance of a certificate of occupancy for a model dwelling unit.
 - ii. The sale or lease of 75% of the total number of housing units in the development.
3. **Emergency Housing.** Trailers for emergency housing for households displaced by fire, storm, flooding, or other natural disaster may be located on individual lots in zoning districts where single family detached and two-family residential uses are permitted for the period of reconstruction. The installation of such trailers shall conform to the following requirements:
 - a. The trailer shall be placed on the lot where the residence made uninhabitable by such disaster is located.
 - b. No more than one unit of emergency housing shall be permitted per lot.
 - c. All such trailers shall be removed from the reconstruction site upon the issuance of a temporary or permanent certificate of occupancy permitting the occupancy of the permanent residence.
 - d. No such trailer shall be placed in the front yard setback required for the respective zoning district.
 - e. Such temporary housing shall not exceed 900 square feet in floor area.

V. Drive Thru Lanes

Drive through businesses require special design considerations due to the high volume of traffic flow. The following requirements are designed to minimize the conflicts between on-site traffic with off-site traffic and pedestrians:

1. Lanes.
 - a. Separate lanes shall be provided that are distinctively marked (by striping and/or curbing) for queuing or stacking from the general circulation lanes necessary to enter or exit the site.
 - b. A bypass lane shall be provided for all drive-through operations with a minimum width of fourteen (14') feet.
 - c. All drive-through lanes shall have a minimum width of ten (10') feet and shall be striped or marked.
2. Queuing Requirements. Each drive through business shall provide sufficient queuing or stacking to prevent traffic hazards to the general public. The following queuing spaces shall be provided, which includes the space at the window or station:
 - a. Bank. For bank or similar financial establishment, sufficient space for a minimum of four (4) spaces for each drive-through window or station.
 - b. Restaurant. For fast food or drive-thru restaurants, sufficient space for a minimum of four (4) spaces for each drive-through window or station.
 - c. Car Wash. For car washes, sufficient space for a minimum of twelve (12) spaces.
 - d. For all other uses, alternative queuing standards shall be accepted if demonstrated that these standards better reflect local conditions or another use.
3. Intersection Proximity. To prevent congestion near intersections, drive through businesses shall not have entrances or exits within fifty (50') feet of a street intersection.
4. Pedestrian Safety. Pedestrian routes between the entrances to the principal structure and any parking area or sidewalk which require the crossing of drive-through lanes shall either be avoided or shall be clearly identified to pedestrians and motorists by pavements markings or signage.

W. Shared Parking

1. The use of shared parking to satisfy parking demand shall be permitted whenever the applicant can satisfy the requirements of this section to the satisfaction of the Board. The report does not have to be prepared by a professional transportation consultant.
2. An applicant seeking to satisfy its parking requirement using a shared parking approach shall prepare a parking report that documents how an adequate supply of parking spaces will be provided to satisfy projected parking demand.
 - a. The report shall be prepared using the most current shared parking methodology published by the Urban Land Institute or the Institute of Transportation Engineers.
 - b. The report may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the Trip Generation Handbook published by the Institute of Transportation Engineers. A captured and shared parking study report shall:
 - i. Calculate the projected peak parking demand for each land use that will be sharing the available parking supply using the latest edition of the ITE informational report Parking Generation.
 - ii. Calculate the extent to which parking demand will be mitigated on the site as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.
 - iii. Calculate the peak parking accumulation for the development, making use of shared parking procedures.

- iv. Expand the peak parking accumulation by 10% to determine the needed supply of parking spaces. This will assure an adequate capacity of spaces for the turnover of vehicles.
- v. Determine the number of on-site parking spaces that will be supplied.
- vi. Determine the number of on-street parking spaces that are available to the development in accordance with procedures established by this section.
- vii. Determine whether additional parking spaces will be needed to serve the development and if so how they will be supplied.

X. **Roadside Stands**

1. Roadside Stands shall be allowed seasonally from April 1st through October 31st in all residential districts under the following conditions:
 - a. No roadside stand structure shall be permanent or contain under cover more than *100 square feet* and be more than 15 feet high.
 - b. Roadside stands may have one sign no larger than 12 square feet.
 - c. The stand shall be located at least 30 feet from any street line.
 - d. The owner of the roadside stand must occupy the property on which it is located.

30.203 Regulations by Zoning District

A. **Applicability**

No use or occupancy of any building, structure, land or open space, either singularly or in any combination thereof, shall hereafter be changed to a different use or occupancy, and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

B. **Zones Enumerated**

For purposes of this chapter, the City of Millville is hereby divided into the following base zoning districts:

<u>Zoning District</u>	<u>Symbol</u>
Airport Enterprise	AE
Industry-Business Enterprise	IBE
Motorsports Enterprise	ME
Downtown Commercial	DC
Neighborhood Commercial	NC
Regional Commercial	RC
Highway Commercial	HC
Lakeshore Mixed Use	LAK
Laurel Lake Residential	LLR
Low Density Residential	LDR
Medium Density Residential	MDR
High Density Residential	HDR
Open Space	OP
Farmland Production	FP

C. **Uses Permitted**

Table 9 below specifies Permitted and Conditional Uses for Each District

LAND USE CLASSIFICATION		DC	NC	HC	RC	IBE	AE	ME	LMU	LLR	LDR	MDR	HDR	OP	FP
Assembly															
Theater		P	P	P	P	P	P	P	P						
Museums/Libraries		P	P	P	P	P	P	P	P						
Outdoor entertainment venues		P	P	P	P	P	P	P	P	C	P	P	P	P	P
Social Clubs		P	P	P	P	C	P	P	P	C	C	C			
Leisure Activities															
Sports Facilities															
• Indoor only		P	P	P	P	P	P	P	P		P	P	P		
• Outdoor activities						P	P	P	P	C	P			C	P
Golf Courses							C	P			P				P
Equestrian Stables							P	P	C		C			P	P
Vehicular racing							C	P							
Campgrounds							C	P		C				P	P
Natural Resources															
Agriculture															
• Farm											P	P		P	P
• Farm warehouse facility						P	P	P			C			P	P
• Farm Market											P	P		P	P
• Home Animal Agriculture			C							C	C	C		P	P
Forestry											C			P	P
Resource Extraction														C	C

D. Bulk Standards

1. The bulk standards for each Zoning District are listed below by District.
2. Each District’s standards are assigned according to the eight major land use classifications:
 - a. Residential
 - b. Commercial
 - c. Industrial
 - d. Institutional
 - e. Transportation
 - f. Utilities
 - g. Assembly
 - h. Leisure Activities
 - i. Natural Resources

E. Airport Enterprise District

1. Purpose

The Airport Enterprise Land Use Category is intended to support the Airport and related aviation, transportation and manufacturing establishments. These uses should continue to be permitted and if expansion is necessary, zoning policy should be permissive and supportive. Tourism related activities that complement existing uses should also be encouraged and permitted

The Airport Enterprise district should allow for the Airport and associated uses, such as aviation support and development, technology development, industrial parks, recreational uses, research and development, retail sales and tourist attractions. Expansion of these uses should be permitted and encouraged to continue the economic viability of this area. Additionally, this is an ideal setting for aviation, automotive and renewable energy industries as well as manufacturing, assembly, office, technology, warehousing, and distribution facilities.

2. **Permitted Uses**

a. Residential

- i. Single Family Detached
- ii. Townhouses

Commercial

- i. Retail Store
- ii. Regional store
- iii. Regional Shopping Center
- iv. Gasoline Stations/Car Washes
- v. Vehicle Repair/Storage
- vi. Vehicular Rentals/Sales
- vii. Commercial parking lot/garage
- viii. Restaurant
- ix. Professional/Administration Offices
- x. Data Processing/call Center
- xi. Craft Beverage Production/Tasting
- xii. Storage Facilities
- xiii. Motel

Industrial

- i. Assembly Plants
- ii. Manufacturing Plants
- iii. Warehousing/Storage/Trucking
- iv. Vehicle/Maintenance Yard (< 5 vehicles/equipment stored overnight)
- v. Boat Building

Institutional

- i. Child Day Care Center
- ii. Adult Day Care
- iii. Technical/Trade/Specialty School
- iv. Municipal/Public Facilities

Transportation

- i. Passenger terminal/depot
- ii. Boat storage
- iii. Airports and air transportation

Utilities

- i. Telecommunication Facilities
- ii. Accessory Commercial Solar Energy
- iii. Accessory Residential Solar
- iv. ~~Direct Utility Sale Solar Energy Plants~~

Assembly

- i. Theater
- ii. Museums/Libraries
- iii. Outdoor Entertainment
- iv. Social Clubs/Halls

Leisure Activities

- i. Indoor Sports Facilities
- ii. Outdoor Activities Facilities
- iii. Golf Courses
- iv. Equestrian Stables

Natural Resources

- i. Farm Warehouse

3. Conditional Uses**a. Commercial**

- i. Convenience Goods Store
- ii. Flea Market/Auctions
- iii. Drive thru restaurant
- iv. Boarding kennels
- v. Hotels

Industrial

- i. Solid Waste Collection/Recycling

Institutional

- ii. Outpatient/Urgent Care Clinic

Utilities

- i. Power station/Utility Facilities
- ii. Natural Gas Storage Distribution
- iii. Accessory Wind Commercial
- iv. Accessory Wind Residential
- v. Utility Scale Solar Energy Facility

Leisure Activities

- i. Vehicular Racing
- ii. Campgrounds

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine

whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Airport Enterprise District Regulations

In the Airport Enterprise District, the following general regulations shall apply:

- a. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. If the area of any outdoor sales or storage, except for approved motor vehicle display, shall be enclosed entirely by fences, walls, landscaping material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any public street or residential use.
- b. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties.
- c. In order to limit the adverse impact of a proposed general commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- d. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- e. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

6. Airport Enterprise District Area, Yard and Building Coverage by Land Use Classification

[Standards for the specific use as cited in Section ~~30.205~~ shall prevail when specified]

a. Residential Land Uses

- i. Minimum lot area: 2,000 sf
- ii. Maximum building height: lesser of 35 feet or 3 stories,
- iii. Maximum impervious surface ratio: .80
- iv. Maximum number of units/building 8

Per Townhouse unit

- i. Minimum lot frontage: 20 feet
- ii. Minimum lot depth: 90 feet

Setbacks

- iii. Minimum front yard w/garage: 30 feet
- iv. Minimum front yard without garage 15 feet
- v. Minimum side yard with common wall 0 feet
- vi. Minimum side yard w/o common wall 15 feet
- vii. Minimum rear yard: 20 feet

- viii. The following additional requirements shall apply to townhouse developments:
 - a) Townhouse units attached on a single linear plane shall not exceed a length of 170 feet.
 - b) Each townhouse shall have a private rear yard of 200 square feet minimum.
 - c) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage and recyclables as well as miscellaneous household equipment such as bicycles, garden equipment, and so forth.
 - d) Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks or patios closer than 5 feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and 6 feet tall measured from the deck or patio surface.

Stand-alone Commercial Land Uses

- i. Minimum lot area: 20,000 sf
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth 200 feet
- Setbacks**
- iv. Minimum front: 30 feet
- v. Minimum side: 15 feet
- vi. Minimum rear: 15 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .75

b. Stand Alone Industrial Land Uses

- i. Minimum lot area: 3 acres
- ii. Minimum lot frontage: 300 feet
- iii. Minimum lot depth 300 feet
- Setbacks**
- iv. Minimum front: 100 feet
- v. Minimum side to non-residential: 50 feet
- vi. Minimum rear to non-residential: 50 feet
- vii. Minimum side/rear to residential 100 feet
- viii. Maximum building height: 50 feet
- ix. Maximum impervious surface ratio: .65

c. Industrial Park/Airport Land Uses

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth 100feet
- Setbacks**
- iv. Minimum front: 30 feet
- v. Minimum side to non-residential: 20 feet

- | | | |
|-------|-----------------------------------|----------|
| vi. | Minimum rear to non-residential: | 20 feet |
| vii. | Minimum side/rear to residential | 100 feet |
| viii. | Maximum building height: | 50 feet |
| ix. | Maximum impervious surface ratio: | .80 |
- d. Institutional Land Uses
- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 40,000 sf |
| ii. | Minimum lot frontage: | 150 feet |
| iii. | Minimum lot depth | 200 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|---------|
| iv. | Minimum front: | 40 feet |
| v. | Minimum side: | 40 feet |
| vi. | Minimum rear: | 40 feet |
| vii. | Maximum building height: | 40 feet |
| viii. | Maximum impervious surface ratio: | .60 |
- e. Transportation Land Uses
- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 2 acres |
| ii. | Minimum lot frontage: | 200 feet |
| iii. | Minimum lot depth | 250 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front: | 100 feet |
| v. | Minimum side: | 75 feet |
| vi. | Minimum rear: | 70 feet |
| vii. | Maximum building height: | 40 feet |
| viii. | Maximum impervious surface ratio: | .80 |
- f. Utilities Land Uses (other than accessory renewables)
- | | | |
|-----|-----------------------|----------|
| i. | Minimum lot area: | 3 acres |
| ii. | Minimum lot frontage: | 250 feet |
- Setbacks**
- | | | |
|------|-----------------------------------|----------|
| iii. | Minimum front: | 100 feet |
| iv. | Minimum side: | 75 feet |
| v. | Minimum rear: | 70 feet |
| vi. | Maximum building height: | 40 feet |
| vii. | Maximum impervious surface ratio: | .80 |
- g. Assembly Land Uses
- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 1 acre |
| ii. | Minimum lot frontage: | 200 feet |
| iii. | Minimum lot depth | 250 feet |
- Setbacks**
- | | | |
|------|--------------------------|---------|
| iv. | Minimum front: | 75 feet |
| v. | Minimum side: | 75 feet |
| vi. | Minimum rear: | 75 feet |
| vii. | Maximum building height: | 40 feet |

viii. Maximum impervious surface ratio: .80

h. Leisure Activities Land Uses

- i. Minimum lot area: 10 acres*
- ii. Minimum lot frontage: 200 feet
- iii. Minimum lot depth: 300 feet

Setbacks

- iv. Minimum front: 75 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 50' (but no more than 1 story)
- viii. Maximum impervious surface ratio: .50

*Indoor Sports Facilities require 20,000sf

i. Natural Resources Land Uses

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth: 200 feet

Setbacks

- iv. Minimum front: 50 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 40 feet
- viii. Maximum impervious surface ratio: .80

F. Industry-Business Enterprise District

1. Purpose

The Industry- Business Enterprise Land Use Category is intended to support existing and expanding industrial uses while encouraging adaptive reuse of vacant buildings and underutilized properties. Where traditional manufacturing or heavy industrial uses exist and need to expand, zoning policy should be permissive and supportive. Also, there is opportunity to develop new creative uses and standards for the adaptive reuse of large vacant industrial buildings that may be repurposed to other lighter uses. The vision for this land use category is to preserve existing manufacturing in the zone, repurpose vacant buildings, develop undeveloped properties, and promote new uses that are compatible with the surrounding area but require more floor areas and parking than are available in the typical downtown property.

This district should encourage traditional heavy and medium industry as well as technology and research center uses. Emphasis should be given to other adaptive reuse categories for the creative repurposing of existing vacant buildings. Professional and educational uses that can be clustered within the reuse of an existing building or require more parking than typically available in the downtown should be permitted, along with other supportive uses that can conveniently serve employees working in the industrial

parks.

2. Permitted Uses

a. Commercial

- i. Convenience Store
- ii. Retail store
- iii. Regional Shopping Center
- iv. Flea Markets/Auctions
- v. Gasoline Stations/Car Washes
- vi. Vehicular Repair/Storage
- vii. Vehicular Rentals/Sales
- viii. Commercial parking lot/garage
- ix. Restaurant
- x. Drive Thru Offices
- xi. Customer Oriented Offices
- xii. Professional/Administration Offices
- xiii. Data Processing/call Center
- xiv. Boarding Kennels
- xv. Craft Beverage Production/Tasting Room
- xvi. Storage Facilities

Industrial

- i. Assembly Plants
- ii. Manufacturing Plants
- iii. Warehousing/Storage/Trucking
- iv. Vehicle/Maintenance Yard (< 5 vehicles/equipment stored overnight)

Institutional

- i. Child Day Care Center
- ii. Adult Day Care
- iii. Technical/Trade/Specialty School
- iv. Municipal/Public Facilities
- v. Rehabilitation/mental Health Facility

Transportation

- i. Passenger terminal/depot
- ii. Boat storage

Utilities

- i. Power station/Utility facilities
- ii. Telecommunication Facilities
- iii. Wind energy accessory on commercial
- iv. Wind energy direct utility sale
- v. Accessory Solar Energy

Assembly

- i. Theater
- ii. Museum/Library

- iii. Outdoor Entertainment

Leisure Activities

- i. Indoor Sports Facilities
- ii. Outdoor Activities Facilities

Natural Resources

- i. Farm Warehousing

3. Conditional Uses

a. Residential

- ii. Residential Conversion

b. Commercial

- i. Drive thru Restaurant
- ii. Home Occupation
- iii. Hotel
- iv. Motel

c. Industrial

- v. Solid Waste Collection/Recycling

d. Institutional

- i. High School
- ii. Outpatient/Urgent Care Clinic
- iii. Assisted Living/Nursing Facility

e. Utilities

- i. Natural Gas Storage/Distribution
- ii. Accessory Residential Wind Energy

f. Utility Scale Solar Energy FacilityAssembly

- i. Social Clubs

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. Industry- Business Enterprise District General Regulations

In the Industry-Business Enterprise District, the following general regulations shall apply:

- a. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. If the area of any outdoor sales or storage, except for approved motor vehicle display, shall be enclosed entirely by fences, walls, landscaping

material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any public street or residential use.

- b. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties.
- c. In order to limit the adverse impact of a proposed general commercial/industrial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- d. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- e. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

6. **Industry- Business Enterprise District Area, Yard and Building Coverage by Land Use**

Classification [Standards for the specific use as cited in Section ~~30.205~~ shall prevail when specified]

a. Stand-alone Commercial Land Uses

- i. Minimum lot area: 20,000 sf
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth: 150 feet

Setbacks

- iv. Minimum front: 40 feet
- v. Minimum side: 15 feet
- vi. Minimum rear: 15 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .75

b. Stand Alone Industrial Land Uses

- i. Minimum lot area: 3 acres
- ii. Minimum lot frontage: 300 feet
- iii. Minimum lot depth: 300 feet

Setbacks

- iv. Minimum front: 100 feet
- v. Minimum side to non-residential: 50 feet
- vi. Minimum rear to non-residential: 50 feet
- vii. Minimum side/rear to residential: 100 feet
- viii. Maximum building height: 50 feet
- ix. Maximum impervious surface ratio: .65

c. Industrial Park Land Uses

- i. Minimum lot area: 25,000 sf

- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth 100feet
- Setbacks**
- iv. Minimum front: 30 feet
- v. Minimum side to non-residential: 20 feet
- vi. Minimum rear to non-residential: 20 feet
- vii. Minimum side/rear to residential 100 feet
- viii. Maximum building height: 50 feet
- ix. Maximum impervious surface ratio: .80

d. Institutional Land Uses

- i. Minimum lot area: 40,000 sf
- ii. Minimum lot frontage: 150 feet
- iii. Minimum lot depth 200 feet
- iv. Setbacks**
- v. Minimum front: 40 feet
- vi. Minimum side: 40 feet
- vii. Minimum rear: 40 feet
- viii. Maximum building height: 40 feet
- ix. Maximum impervious surface ratio: .60

Transportation Land Uses

- i. Minimum lot area: 2 acres
- ii. Minimum lot frontage: 200 feet
- Setbacks**
- iii. Minimum front yard: 100 feet
- iv. Minimum side yard: 75 feet
- v. Minimum rear yard: 70 feet
- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

e. Utilities Land Uses (other than accessory renewables)

- viii. Minimum lot area: 3 acres
- ix. Minimum lot frontage: 250 feet
- Setbacks**
- x. Minimum front: 100 feet
- xi. Minimum side: 75 feet
- xii. Minimum rear: 70 feet
- xiii. Maximum building height: 40 feet
- xiv. Maximum impervious surface ratio: .80

f. Assembly Land Uses

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 200 feet

Setbacks

- iii. Minimum front: 75 feet
- iv. Minimum side: 75 feet
- v. Minimum rear: 75 feet
- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

g. **Leisure Activities Land Uses**

- i. Minimum lot area: 10 acres *
- ii. Minimum lot frontage: 200 feet

Setbacks

- iii. Minimum front: 75 feet
- iv. Minimum side: 75 feet
- v. Minimum rear: 75 feet
- vi. Maximum building height: 40 feet (but no more than 1 stories)
- vii. Maximum impervious surface ratio: .60

*Indoor Sports Facilities require 20,000sf

h. **Natural Resources Land Uses**

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 100 feet

Setbacks

- iii. Minimum front: 50 feet
- iv. Minimum side: 50 feet
- v. Minimum rear: 50 feet
- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

G. **Motorsports Enterprise District**

1. Purpose

The Motorsports Enterprise Land Use Category is intended to support the NJ Motorsports Park, NJ Field of Dreams and any future entertainment, manufacturing and/or research and development establishments particularly focused on motorsports or recreation related applications. This area should permit and promote the expansion of support facilities that cater to both drivers and visitors such as innovative technology development, motorsport design and manufacturing facilities, overnight accommodations, exotic car garages and related spectator events. This area is and can continue to be a significant economic asset.

This district should also accommodate the development of associated uses and new recreational and sports related industries that encourage development of other supportive uses or complementary recreational sports activities. All motorsports facilities, innovative technologies, related manufacturing, new recreational uses, and tourism related support amenities should be permitted and encouraged in this district.

2. Permitted Uses**a. Commercial**

- i. Retail store
- ii. Gasoline Stations/Car Washes
- iii. Vehicular Repair/Storage
- iv. Vehicular Rentals/Sales
- v. Commercial parking lot/garage
- vi. Restaurant
- vii. Professional/Administration Offices
- viii. Data Processing/call Center
- ix. Motel
- x. Craft Beverage Production/Tasting Room

Industrial

- i. Warehousing/Storage/Trucking
- ii. Vehicle/Maintenance Yard (< 5 vehicles/equipment stored overnight)

Institutional

- i. Child Day Care Center
- ii. Technical/Trade/Specialty School
- iii. Municipal/Public Facilities

Transportation

- i. Passenger terminal/depot

Utilities

- i. Power station/Utility facilities
- ii. Telecommunication Facilities
- iii. Accessory Solar Energy
- iv. ~~Direct Utility Sale Solar Energy Plants~~

Assembly

- i. Theater
- ii. Museums/Libraries
- iii. Outdoor Entertainment
- iv. Social Clubs/Halls

Leisure Activities

- i. Indoor Sports Facilities
- ii. Outdoor Activities Facilities
- iii. Golf Courses
- iv. Equestrian Stables
- v. Vehicular racing
- vi. Campgrounds

Natural Resources

- i. Farm Warehouse

3. Conditional Uses**a. Residential**

- i. Townhouses

Commercial

- i. Drive thru restaurant
- ii. Boarding kennels
- iii. Mobile Home Park
- iv. Hotel

Institutional

- i. Outpatient Treatment Center

Utilities

- i. Natural Gas Storage Distribution
- ii. Accessory Wind energy
- iii. Utility Scale Solar Energy Facility

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Motor Sports Enterprise District Regulations

In the Motor Sports Enterprise District, the following general regulations shall apply:

- a. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. If the area of any outdoor sales or storage, except for approved motor vehicle display, shall be enclosed entirely by fences, walls, landscaping material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any public street or residential use.
- b. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting streets and properties.
- c. In order to limit the adverse impact of a proposed use, the Board may require alternative site layouts, including increased perimeter setbacks, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as

part of the principal building design, and increased screening for light sources and outdoor activity areas.

- d. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- e. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- f. Municipal sewage and water shall be available to the project site or planned to be online at the time of project occupancy.

6. **Motor Sports Enterprise District Area, Yard and Building Coverage by Land Use Classification**
 [Standards for the specific use as cited in Section ~~30.205~~ shall prevail when specified]

a. **Residential Land Uses**

- i. Minimum lot area: 2,000 sf
- ii. Maximum building height: lesser of 35 feet or 3 stories,
- iii. Maximum impervious surface ratio: .80
- iv. Maximum number of units/building 8

Per Townhouse unit

- v. Minimum lot frontage: 20 feet
- vi. Minimum lot depth: 90 feet

Setbacks

- vii. Minimum front yard w/garage: 30 feet
- viii. Minimum front yard without garage 15 feet
- ix. Minimum side yard with common wall 0 feet
- x. Minimum side yard w/o common wall 15 feet
- xi. Minimum rear yard: 20 feet
- xii. The following additional requirements shall apply to townhouse developments:
 - a) Townhouse units attached on a single linear plane shall not exceed a length of 170 feet.
 - b) Each townhouse shall have a private rear yard of 200 square feet minimum.
 - c) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage and recyclables as well as miscellaneous household equipment such as bicycles, garden equipment, and so forth.
 - d) Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks or patios closer than 5 feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and 6 feet tall measured from the deck or patio surface.

b. **Commercial Land Uses**

- i. Minimum lot area: 20,000 sf

- | | | |
|-------|-----------------------------------|----------|
| ii. | Minimum lot frontage: | 100 feet |
| iii. | Minimum lot depth | 200 feet |
| | <u>Setbacks</u> | |
| iv. | Minimum front: | 30 feet |
| v. | Minimum side: | 15 feet |
| vi. | Minimum rear: | 15 feet |
| vii. | Maximum building height: | 35 feet |
| viii. | Maximum impervious surface ratio: | .75 |
- c. **Stand Alone Industrial Land Uses**
- | | | |
|-------|-----------------------------------|----------|
| i. | Minimum lot area: | 3 acres |
| ii. | Minimum lot frontage: | 300 feet |
| iii. | Minimum lot depth | 300 feet |
| | <u>Setbacks</u> | |
| iv. | Minimum front: | 100 feet |
| v. | Minimum side to non-residential: | 50 feet |
| vi. | Minimum rear to non-residential: | 50 feet |
| vii. | Minimum side/rear to residential | 100 feet |
| viii. | Maximum building height: | 50 feet |
| ix. | Maximum impervious surface ratio: | .65 |
- d. **Industrial Park Land Uses**
- | | | |
|-------|-----------------------------------|-----------|
| i. | Minimum lot area: | 25,000 sf |
| ii. | Minimum lot frontage: | 100 feet |
| iii. | Minimum lot depth | 100feet |
| | <u>Setbacks</u> | |
| iv. | Minimum front: | 30 feet |
| v. | Minimum side to non-residential: | 20 feet |
| vi. | Minimum rear to non-residential: | 20 feet |
| vii. | Minimum side/rear to residential | 100 feet |
| viii. | Maximum building height: | 50 feet |
| ix. | Maximum impervious surface ratio: | .80 |
- e. **Institutional Land Uses**
- | | | |
|-------|-----------------------------------|-----------|
| i. | Minimum lot area: | 40,000 sf |
| ii. | Minimum lot frontage: | 150 feet |
| iii. | Minimum lot depth | 200 feet |
| | <u>Setbacks</u> | |
| iv. | Minimum front: | 40 feet |
| v. | Minimum side: | 40 feet |
| vi. | Minimum rear: | 40 feet |
| vii. | Maximum building height: | 40 feet |
| viii. | Maximum impervious surface ratio: | .60 |
- f. **Transportation Land Uses**
- | | | |
|----|-------------------|---------|
| i. | Minimum lot area: | 2 acres |
|----|-------------------|---------|

- ii. Minimum lot frontage: 200 feet
- iii. Minimum lot depth 250 feet

Setbacks

- iv. Minimum front: 100 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 70 feet
- vii. Maximum building height: 40 feet
- viii. Maximum impervious surface ratio: .80

g. Utilities Land Uses (other than accessory renewables)

- i. Minimum lot area: 5 acres
- ii. Minimum lot frontage: 350 feet

Setbacks

- iii. Minimum front: 100 feet
- iv. Minimum side: 75 feet
- v. Minimum rear: 70 feet
- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

h. Assembly Land Uses

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 200 feet
- iii. Minimum lot depth 250 feet

Setbacks

- iv. Minimum front: 75 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 40 feet
- viii. Maximum impervious surface ratio: .80

i. Leisure Activities Land Uses

- i. Minimum lot area: 10 acres *
- ii. Minimum lot frontage: 200 feet
- iii. Minimum lot depth 300 feet

Setbacks

- iv. Minimum front: 75 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 50' (but no more than 1 story)
- viii. Maximum impervious surface ratio: .50

*Indoor Sports Facilities require 20,000sf

j. Natural Resources Land Uses

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth 200 feet

Setbacks

- iv. Minimum front: 50 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 40 feet
- viii. Maximum impervious surface ratio: .80

H. Downtown Commercial District

1. Purpose

The purpose of this land use category is to provide a variety of walkable retail and commercial establishments with a focus on the eclectic and the arts oriented. It serves the residents of the surrounding high density residential areas, as well as the rest of Millville and the region. A broad selection of retail uses such as art galleries, music and theater venues, dining, lodging, sales and personal and professional services should be available throughout the district. The establishments in this district should be convenient to City residents but also be interesting in design and type so as to draw tourists from other areas. The land use should honor the history of the City while enhancing the designated arts district by providing opportunities to artists wishing to live and work within the district.

2. Permitted Uses

a. Residential

- i. [See Conditional Uses](#)

Commercial

- i. Retail
- ii. Convenience Store
- iii. Restaurant
- iv. Customer oriented offices
- v. Professional/Administration Offices
- vi. Bed and Breakfast Inn
- vii. Craft Beverage Production/Tasting Room
- viii. Hotel
- ix. Live/work studios
- x. Small Scale Production/Artisan Studios
- xi. Art Performance Space

Institutional

- i. Child Day Care Center
- ii. Municipal/Public Facilities
- iii. Worship Center
- iv. Passenger Terminal/Depot

Utilities

- i. Accessory Solar Energy

Assembly

- i. Theaters

- ii. Museums/Libraries
 - iii. Outdoor Entertainment
 - iv. Social Clubs
- b. Leisure Activities
- i. Indoor Sport Facility

3. Conditional Uses

a. Residential

- i. Elevator Apartment
- ii. Retail/Office with residence above
- iii. Residential Conversion
- iv. Accessory Apartment

Commercial

- i. Convenience Store <4K sf
- ii. Commercial parking lot/garage
- iii. Home Occupation
- iv. Hotel

Institutional

- i. Adult Day Care
- ii. Family Day Care
- iii. Child Day Care
- iv. Adjunct to Religious Facility
- v. Urgent Care Clinic

Transportation

- i. Mooring and Docking facility

Utilities

- i. Telecommunication Facilities
- ii. Wind Energy
- iii. Solar Energy Accessory on Commercial Site

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Downtown Commercial Regulations

In the ~~Neighborhood Commercial~~Downtown Commercial District, the following general regulations shall apply:

a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.

b. Functional sidewalk facing entries are required and for buildings greater than 100 feet wide, an additional entrance is required every 70 feet.

c. Blank walls at the ground and second floor should not exceed 30 feet in length along sidewalks.

a-d. A minimum of 50% ground floor façade transparency is required.

b-e. In order to limit the impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

e-f. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.

e-g. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

e-h. No merchandise, products, waste, equipment or similar material or objects shall be displayed, sold or stored outside unless specifically authorized in an approved site plan.

6. **Downtown Commercial Area, Yard and Building Coverage by Land Use Classification**

[Standards for the specific use as cited in **Section 30.205** shall prevail when specified]

a. **Residential Land Uses**

i.	Minimum lot area	4,000 sf
i.	Minimum frontage	40 feet
ii.	Minimum lot depth	90 feet
iii.	Maximum impervious surface ratio	.50

Setbacks

iv.	Minimum front yard	20 feet
v.	Minimum side yard	15 feet
vi.	Minimum rear yard	25 feet

a. **Commercial Land Uses**

i.	Minimum lot area	5,000 sf
ii.	Minimum lot frontage	50 feet
iii.	Minimum lot depth	100 feet

Setbacks

iv.	Minimum front	15 feet
v.	Minimum side	10 feet*
vi.	Minimum rear	20 feet
vii.	Maximum building height	35 feet
viii.	Maximum impervious surface ratio	.80

*Unless continuous building street frontage

b. Institutional Land Uses

- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 10,000 sf |
| ii. | Minimum lot frontage: | 100 feet |
| iii. | Minimum lot depth | 100 feet |

Setbacks

- | | | |
|-------|-----------------------------------|---------|
| iv. | Minimum front: | 20 feet |
| v. | Minimum side: | 15 feet |
| vi. | Minimum rear: | 20 feet |
| vii. | Maximum building height: | 35 feet |
| viii. | Maximum impervious surface ratio: | .50 |

Utilities Land Uses (other than accessory renewables)

- | | | |
|------|-----------------------------------|-----------|
| i. | Minimum lot area: | 25,000 sf |
| ii. | Minimum lot frontage: | 125 feet |
| iii. | Minimum lot depth | 150 feet |
| iv. | Maximum impervious surface ratio: | .35 |

Setbacks

- | | | |
|-------|--------------------------|---------|
| v. | Minimum front: | 40 feet |
| vi. | Minimum side: | 40 feet |
| vii. | Minimum rear: | 60 feet |
| viii. | Maximum building height: | N/A |

c. Assembly Land Uses

- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 25,000 |
| ii. | Minimum lot frontage: | 60 feet |
| iii. | Minimum lot depth | 125 feet |

Setbacks

- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front: | 20 feet |
| v. | Minimum side: | 20 feet* |
| vi. | Minimum rear: | 50 feet |
| vii. | Maximum building height: | 40 feet |
| viii. | Maximum impervious surface ratio: | .80 |

*Unless continuous building street frontage

d. Leisure Activities

- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 25,000 sf |
| ii. | Minimum lot frontage: | 60 feet |
| iii. | Minimum lot depth | 100 feet |

Setbacks

- | | | |
|------|----------------|----------|
| i. | Minimum front: | 20 feet |
| ii. | Minimum side: | 75 feet |
| iii. | Minimum front: | 20 feet |
| iv. | Minimum side: | 20 feet* |
| v. | Minimum rear: | 50 feet |

- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

*Unless continuous building street frontage

I. Neighborhood Commercial

1. Purpose

The Neighborhood Commercial land use is intended for personal sales and services for the everyday needs of citizens living in adjacent residential districts. Limits on building size are designed to ensure comparability with scale of surrounding structures. The district also permits professional office uses and single family detached residences, which are already found in some of these locations. The areas are walkable to the adjacent residential areas but also have parking for those traveling by car.

Permitted uses should include retail, services, governmental, professional offices and restaurants. Auto-dependent uses such as gas stations, tire and automotive service shops, appliance stores, motels and big box stores are inappropriate in this land use category.

2. Permitted Uses

a. Residential

- i. Single Family Detached
- ii. Single Family Attached (1-2 units)
- iii. Duplex (1-2 units)

Commercial

- i. Convenience Store < 4k SF
- ii. Neighborhood Shopping Center
- iii. Restaurant (seating < 75)
- iv. Customer oriented offices
- v. Professional/Administration Offices
- vi. Funeral Home

Institutional

- i. Family Day Care
- ii. Grade School
- iii. Municipal/Public Facilities
- iv. Worship Center

Transportation

- i. Passenger Terminal/Depot

Utilities

- i. Accessory ~~Residential~~ Solar Energy

Assembly

- i. Theaters
- ii. Museums/Libraries
- iii. Outdoor Entertainment
- iv. Social Clubs

3. Conditional Uses

a. Residential

- i. Residential Conversions
- ii. Boarding House
- iii. Accessory Apartment
- ~~iii.~~ iv. [Utility Scale Solar Energy Facility](#)

Commercial

- i. Convenience Goods Store
- ii. Commercial with residence above
- iii. Home Occupation
- iv. Gasoline Stations
- v. Craft Beverage Production/Tasting Room

Institutional

- i. Adult Day Care
- ii. Child Day Care
- iii. Adjunct to Religious Facility
- iv. Urgent Care Clinic
- v. Assisted Living/Nursing Facility

Utilities

- i. Power station/Utility facilities
- ii. Telecommunication Facilities
- iii. Wind Energy
- iv. Solar Energy Accessory on Commercial Site

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. Neighborhood Commercial General Regulations

In the Neighborhood Commercial District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
- b. Whenever possible, parking for commercial uses shall be in the rear and well screened from residential uses.
- c. In order to limit the impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

- d. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- e. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- f. No merchandise, products, waste, equipment or similar material or objects shall be displayed, sold or stored outside unless specifically authorized in an approved site plan.
6. **Neighborhood Commercial Area, Yard and Building Coverage by Land Use Classification**
 [Standards for the specific use as cited in Section **30.205** shall prevail when specified]
- a. **Residential Land Uses**
- | | | |
|------|----------------------------------|----------|
| i. | Minimum lot area: | 5,000 sf |
| ii. | Minimum frontage | 50 feet |
| iii. | Minimum lot depth | 90 feet |
| iv. | Maximum impervious surface ratio | .80 |
- Setbacks**
- | | | |
|------|---------------------|---------|
| v. | Minimum front yard: | 25 feet |
| vi. | Minimum side yard | 20 feet |
| vii. | Minimum rear yard: | 50 feet |
- b. **Stand-along Commercial Land Uses**
- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 10,000 sf |
| ii. | Minimum lot frontage: | 75 feet |
| iii. | Minimum lot depth | 100 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|---------|
| iv. | Minimum front: | 20 feet |
| v. | Minimum side: | 15 feet |
| vi. | Minimum rear: | 15 feet |
| vii. | Maximum building height: | 35 feet |
| viii. | Maximum impervious surface ratio: | .75 |
- c. **Institutional Land Uses**
- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 2 acres |
| ii. | Minimum lot frontage: | 200 feet |
| iii. | Minimum lot depth | 250 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|---------|
| iv. | Minimum front: | 50 feet |
| v. | Minimum side: | 25 feet |
| vi. | Minimum rear: | 40 feet |
| vii. | Maximum building height: | 35 feet |
| viii. | Maximum impervious surface ratio: | .70 |
- d. **Assembly Land Uses**
- | | | |
|-----|-----------------------|----------|
| i. | Minimum lot area: | 1 acre |
| ii. | Minimum lot frontage: | 200 feet |

Setbacks

- iii. Minimum front: 75 feet
- iv. Minimum side: 75 feet
- v. Minimum rear: 75 feet
- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

Utilities Land Uses (other than accessory renewables)

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 125 feet
- iii. Minimum lot depth: 150 feet
- iv. Maximum impervious surface ratio: .35

Setbacks

- v. Minimum front: 40 feet
- vi. Minimum side: 40 feet
- vii. Minimum rear: 60 feet
- viii. Maximum building height: N/A

e. Natural Resources

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 150 feet

Setbacks

- iii. Minimum front: 75 feet
- iv. Minimum side: 75 feet
- v. Minimum rear: 100 feet
- vi. Maximum building height: 20 feet
- vii. Maximum impervious surface ratio: .70

J. Highway Commercial District

1. Purpose

The purpose of this land use category is to provide a variety of commercial establishments oriented to the auto-centric, general public. A broad selection of retail uses such as dining, lodging, sales and personal and professional services should be available on both sides of High Street and North Route 47 and Wade Boulevard. Businesses are convenient to all residents in the City and surrounds and have a service radius that is generally broader than the neighborhood commercial but less than regional commercial. The land uses should preserve and enhance Wheaton Village's structures and ongoing living history activities related to the nineteenth century glassmaking industry and village life, craft and artisan activities, commercial use of culturally significant production processes, related retail opportunities, and related recreational opportunities.

2. Permitted Uses

a. Commercial

- i. Convenience Store <4Ksf
- ii. Retail store
- iii. Shopping Center

- iv. Gasoline Stations/Car Washes
- v. Vehicular Repair/Storage
- vi. Vehicular Rentals/Sales
- vii. Commercial parking lot/garage
- viii. Restaurant
- ix. Customer oriented offices
- x. Drive thru offices
- xi. Professional/Administration Offices
- xii. Data Processing/call Center
- xiii. Motel
- xiv. Funeral Home
- xv. Self-Storage Facility

Institutional

- i. Adult Day Care
- ii. Technical/Trade/Specialty School
- iii. Municipal/Public Facilities
- iv. Worship Center
- v. Urgent Care Clinic

Transportation

- i. Passenger terminal/depot

Utilities

- i. Power station/Utility Facilities
- ii. Telecommunications Facilities
- iii. Accessory Commercial Solar Energy
- iv. Accessory Residential Solar

Assembly

- i. Theater
- ii. Museums/Libraries
- iii. Outdoor Entertainment
- iv. Social Club

Leisure Activities

- i. Indoor Sports Facilities

3. Conditional Uses

a. Residential

- i. Residential Conversion

Commercial

- i. Flea Markets/Auctions
- ii. Drive-thru restaurant
- iii. Home Occupation
- iv. Hotel

Institutional

- i. Child Day Care
- ii. Family Day Care Home
- iii. Adjunct to Religious Facility
- iv. Assisted Living

Utilities

- i. Accessory Wind Energy

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Highway Commercial Regulations

In the Highway Commercial District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
- b. In order to limit the adverse impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- c. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- d. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- e. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. If the area of any outdoor sales or storage, except for approved motor vehicle display, shall be enclosed entirely by fences, walls, landscaping material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any public street or residential use.

6. Highway Commercial Area, Yard and Building Coverage by Land Use Classification [Standards for the specific use as cited in Section **30.205** shall prevail when specified]

a. Residential Land Uses

- i. Minimum gross tract area: 3 acres
- ii. Minimum tract frontage 300 feet
- iii. Maximum gross density 10 units/acre
- iv. Building setback from tract perimeter 60 feet

- | | | |
|--|--|----------------------|
| v. | Parking area/internal driveway setback from per. | 25 feet |
| vi. | Maximum building height: | 38 feet or 3 stories |
| vii. | Maximum impervious surface ratio: | .70 |
| b. <u>Stand-alone Commercial Land Uses</u> | | |
| i. | Minimum lot area: | 25,000 sf |
| ii. | Minimum lot frontage: | 100 feet |
| <u>Setbacks</u> | | |
| iii. | Minimum front: | 40 feet |
| iv. | Minimum side: | 15 feet |
| v. | Minimum rear: | 15 feet |
| vi. | Maximum building height: | 35 feet |
| vii. | Maximum impervious surface ratio: | .75 |
| c. <u>Institutional Land Uses</u> | | |
| i. | Minimum lot area: | 1 acres |
| ii. | Minimum lot frontage: | 100 feet |
| <u>Setbacks</u> | | |
| iii. | Minimum front: | 50 feet |
| iv. | Minimum side: | 25 feet |
| v. | Minimum rear: | 40 feet |
| vi. | Maximum building height: | 35 feet |
| vii. | Maximum impervious surface ratio: | .70 |
| d. <u>Utilities Land Uses (other than accessory renewables)</u> | | |
| i. | Minimum lot area: | 2 acres |
| ii. | Minimum lot frontage: | 100 feet |
| <u>Setbacks</u> | | |
| iii. | Minimum front: | 100 feet |
| iv. | Minimum side: | 75 feet |
| v. | Minimum rear: | 70 feet |
| vi. | Maximum building height: | 40 feet |
| vii. | Maximum impervious surface ratio: | .80 |
| e. <u>Assembly Land Uses</u> | | |
| i. | Minimum lot area: | 1 acre |
| ii. | Minimum lot frontage: | 200 feet |
| <u>Setbacks</u> | | |
| iii. | Minimum front: | 75 feet |
| iv. | Minimum side: | 75 feet |
| v. | Minimum rear: | 75 feet |
| vi. | Maximum building height: | 40 feet |
| vii. | Maximum impervious surface ratio: | .80 |
| f. <u>Leisure Activities Land Uses</u> | | |
| i. | Minimum lot area: | 1 acre |
| ii. | Minimum lot frontage: | 150 feet |

Setbacks

iii.	Minimum front:	75 feet
iv.	Minimum side:	50 feet
v.	Minimum rear:	50 feet
vi.	Maximum building height:	40 feet (1 story)
vii.	Maximum impervious surface ratio:	.70

K. Regional Commercial District**1. Purpose**

The purpose of this area is to develop the remaining large tracts of available land in order to serve the retail needs of Millville and the larger regional market. This area is suited to accommodate the daily needs of local customers and be a destination for tourists visiting Wheaton Village and the NJ Motorsports Park seeking lodging, dining and other services during their stay. The accessibility of this area will entice motorists traveling on the Route 55 expressway, on their way to the Jersey Shore or other points of interest in southern New Jersey, to shop and stay in Millville. Uses in the Regional Commercial Zoning District should include compatible large-scale development such as professional and business offices, government buildings, entertainment centers and regional shopping centers.

2. Permitted Uses**a. Commercial**

- i. Convenience Store <4Ksf
- ii. Retail store
- iii. Regional Shopping Center
- iv. Gasoline Stations/Car Washes
- v. Vehicular Repair/Storage
- vi. Vehicular Rentals/Sales
- vii. Commercial parking lot/garage
- viii. Restaurant
- ix. Data Processing/call Center
- x. Hotel
- xi. Motel
- xii. Storage Facilities

Institutional

- i. Adult Day Care
- ii. Technical/Trade/Specialty School
- iii. Municipal/Public Facilities
- iv. Worship Center
- v. Urgent Care Facility

Transportation

- i. Passenger terminal/depot

Utilities

- i. Accessory Commercial Solar Energy

- ii. Telecommunication Facilities
- iii. Power station/Utility facilities

b. Assembly

- i. Theater
- ii. Museums/Libraries
- iii. Outdoor Entertainment
- iv. Social Clubs

c. Leisure Activities

- i. Indoor Sports Facilities

3. Conditional Uses

- a. Commercial Uses
 - i. Drive-thru Restaurants
- b. Institutional
 - i. Child Day Care
- c. Utilities
 - i. Wind Accessory

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board of Jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. Regional Commercial General Regulations

In the Regional Commercial District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
- b. In order to limit the adverse impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- c. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- d. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- e. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. If the area of any outdoor sales or storage, except for approved motor vehicle display, shall be enclosed entirely by fences, walls, landscaping

material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any public street or residential use.

6. **Regional Commercial District Area, Yard and Building Coverage by Land Use Classification**

[Standards for the specific use as cited in Section **30.205** shall prevail when specified]

f. **Stand-alone Commercial Land Uses**

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 100 feet

Setbacks

- i. Minimum front: 40 feet
- ii. Minimum side: 15 feet
- iii. Minimum rear: 15 feet
- iv. Maximum building height: 35 feet (except hotels)
- v. Maximum impervious surface ratio: .75

g. **Industrial Land Uses**

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 100 feet
- iii. Minimum depth: 150 feet

Setbacks

- iv. Minimum front: 40 feet
- v. Minimum side: 20 feet
- vi. Minimum rear: 20 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .70

h. **Institutional Land Uses**

- i. Minimum lot area: 2 acres
- ii. Minimum lot frontage: 175 feet
- iii. Minimum lot depth: 200 feet

Setbacks

- iv. Minimum front: 100 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 50 feet or four stories
- viii. Maximum impervious surface ratio: .60

i. **Transportation Land Uses**

- i. Minimum lot area: 1 acres
- ii. Minimum lot frontage: 100 feet

Setbacks

- iii. Minimum front yard: 100 feet
- iv. Minimum side yard: 75 feet
- v. Minimum rear yard: 70 feet
- vi. Maximum building height: 40 feet

vii. Maximum impervious surface ratio: .80

j. Utilities Land Uses (other than accessory renewables)

- i. Minimum lot area: 1 acres
 ii. Minimum lot frontage: 100 feet

Setbacks

- iii. Minimum front: 100 feet
 iv. Minimum side: 75 feet
 v. Minimum rear: 70 feet
 vi. Maximum building height: 40 feet
 vii. Maximum impervious surface ratio: .80

k. Assembly Land Uses

- i. Minimum lot area: 1 acre
 ii. Minimum lot frontage: 200 feet

Setbacks

- iii. Minimum front: 75 feet
 iv. Minimum side: 75 feet
 v. Minimum rear: 75 feet
 vi. Maximum building height: 40 feet
 vii. Maximum impervious surface ratio: .80

l. Leisure Activities Land Uses

- i. Minimum lot area: 1 acre
 ii. Minimum lot frontage: 150 feet

Setbacks

- iii. Minimum front: 75 feet
 iv. Minimum side: 50 feet
 v. Minimum rear: 50 feet
 vi. Maximum building height: 40 feet (but no more than 1 stories)
 vii. Maximum impervious surface ratio: .70

L. Lakeshore Mixed Use District

1. **Purpose**

The vision for this area, is a mixed use development including residential, retail, professional offices, assisted living, recreation and educational facilities. The retail uses should be closer to Union Crossing Boulevard and the residential uses should be closer to Union Lake. The Lakeshore Mixed Use Category should continue to preserve the environmental integrity of Union Lake through proper mitigation measures that minimize the effects of development, preserve the view of the lake, maintain a corridor for wildlife along the lake's edge and provides appropriate locations for passive recreation and other open space. Mixed use development, which offers a diversity of uses and preserves a maximum amount of woodland, should be encouraged on this tract.

The zoning should be consistent with any and all NJDEP regulations and maintain the proper riparian buffer and threatened and endangered species habitat buffers. The zoning should

encourage larger retail and office uses toward the existing hotel and access roads. A flexible long range General Development Plan should be encouraged for this property to ensure it is developed in a balanced manner.

2. Permitted Uses

a. Residential

- i. Townhouse
- ii. Garden Units

b. Commercial

- iii. Restaurant
- iv. Customer oriented offices
- v. Professional/Administration Offices
- vi. Hotel
- vii. Bed and Breakfast Inn

c. Institutional

- i. Adult Day Care
- ii. Child Day Care Center
- iii. Family Day Care
- iv. Municipal/Public Facilities
- v. Worship Center
- vi. Independent Living Facility

d. Utilities

- i. Accessory Residential Solar Energy
- ii. Accessory Commercial Solar Energy

e. Assembly

- i. Theater
- ii. Museums/Libraries
- iii. Outdoor Entertainment
- iv. Social Club

Leisure

- i. Indoor Sport Facility
- ii. Outdoor Sports Activities Facility

3. Conditional Uses

a. Residential

- i. Single Family Attached (1-2 units)
- ii. Duplex (1-2 units)
- iii. Cluster residential

b. Commercial

- i. Convenience Store
- ii. Retail Office with residence above
- iii. Retail Store
- iv. Neighborhood Shopping Center

- v. Commercial parking lot/garage
 - vi. Home Occupation
 - vii. Craft Beverage Production/Tasting Room
- c. Institutional
- i. Technical/Trade School
 - ii. Adjunct to Religious Facility
 - iii. Outpatient/Urgent Care Clinic
 - iv. Rehabilitation/mental health Facility
 - v. Assisted Living/Nursing Care Facility
- d. Transportation
- i. Marina on shore services
 - ii. Boat storage
 - iii. Mooring and Docking facility
- e. Utilities
- i. Telecommunication Facilities
 - ii. Accessory Wind Energy
 - iii. Utility Scale Solar Energy FacilityAccessory Solar Facility
- f. Leisure Activity
- i. Equestrian Stables
4. Accessory Uses
- Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.
5. General Lakeshore Mixed Use Regulations
- In the Lakeshore Mixed Use District, the following general regulations shall apply:
- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
 - b. In order to limit the impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
 - c. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
 - d. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.

- e. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside unless part of an approved site plan.

6. Lake Shore Mixed Use Area, Yard and Building Coverage by Land Use Classification [Standards for the specific use as cited in Section 30.205 shall prevail when specified]

a. Residential Land Uses – Townhouses/Garden Units

- i. Minimum gross tract area: 10 acres
- ii. Minimum tract frontage 400 feet
- iii. Maximum gross density 6 units/acre
- iv. Building setback from tract perimeter 60 feet
- v. Parking area/internal driveway setback from per. 25 feet
- vi. Maximum building height: 38 feet or 3 stories
- vii. Maximum impervious surface ratio: .60
- viii. Maximum number of units/building 8

Per Townhouse unit

- i. Minimum fee simple lot area 2000sf
- ii. Minimum lot frontage: 20 feet
- iii. Minimum lot depth: 90 feet

Setbacks

- iv. Minimum front yard w/garage: 30 feet
- v. Minimum front yard without garage 20 feet
- vi. Minimum side yard with common wall 0 feet
- vii. Minimum side yard w/o common wall 25 feet
- viii. Minimum rear yard: 20 feet
- ix. Additional requirements for townhouses:
 - a) Townhouse units attached on a single linear plane shall not exceed a length of 170 feet.
 - b) Each townhouse shall have a private rear yard of 200 square feet minimum.
 - c) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage and recyclables as well as miscellaneous household equipment such as bicycles, garden equipment, and so forth.
 - d) Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks or patios closer than 5 feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and 6 feet tall measured from the deck or patio surface.

Other Residential Land Uses (see Section 204.C for Clustering standards)

- i. Minimum lot area: 20,000 sf
- ii. Minimum frontage 100 feet
- iii. Minimum lot depth 150 feet
- iv. Maximum impervious surface ratio .30

- v. Setbacks**
- vi. Minimum front yard: 50 feet
 - vii. Minimum side yard: 20 feet
 - viii. Minimum rear yard: 35 feet
- b. Stand-alone Commercial Land Uses**
- i. Minimum lot area: 25,000 sf
 - ii. Minimum lot frontage: 100 feet
 - iii. Minimum lot depth: 150 feet
- Setbacks**
- iv. Minimum front: 40 feet
 - v. Minimum side: 20 feet
 - vi. Minimum rear: 20 feet
 - vii. Maximum building height: 35 feet (except hotels)
 - viii. Maximum impervious surface ratio: .60
- c. Institutional Land Uses**
- i. Minimum lot area: 1 acres
 - ii. Minimum lot frontage: 150 feet
 - iii. Minimum lot depth: 200 feet
- Setbacks**
- iv. Minimum front: 50 feet
 - v. Minimum side: 35 feet
 - vi. Minimum rear: 50 feet
 - vii. Maximum building height: 35 feet
 - viii. Maximum impervious surface ratio: .60
- d. Transportation Land Uses**
- i. Minimum lot area: 2 acres
 - ii. Minimum lot frontage: 125 feet
 - iii. Minimum lot depth: 200 feet
- Setbacks**
- iv. Minimum front yard: 100 feet
 - v. Minimum side yard: 75 feet
 - vi. Minimum rear yard: 70 feet
 - vii. Maximum building height: 40 feet
 - viii. Maximum impervious surface ratio: .40
- e. Utilities Land Uses (other than accessory renewables)**
- i. Minimum lot area: 1 acre
 - ii. Minimum lot frontage: 100 feet
- Setbacks**
- iii. Minimum front: 100 feet
 - iv. Minimum side: 75 feet

- v. Minimum rear: 70 feet
- vi. Maximum building height: N/A
- vii. Maximum impervious surface ratio: .20

f. Assembly Land Uses

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 200 feet

Setbacks

- iii. Minimum front: 75 feet
- iv. Minimum side: 75 feet
- v. Minimum rear: 75 feet
- vi. Maximum building height: 40 feet
- vii. Maximum impervious surface ratio: .80

g. Leisure Activities Land Uses

- i. Minimum lot area: 10 acres *
- ii. Minimum lot frontage: 150 feet

Setbacks

- iii. Minimum front: 75 feet
- iv. Minimum side: 50 feet
- v. Minimum rear: 50 feet
- vi. Maximum building height: 40 feet (but no more than 1 stories)
- vii. Maximum impervious surface ratio: .70

*Indoor Sports Facilities require 20,000sf

M. Laurel Lake Residential

1. Purpose

The purpose of the Laurel Lake Residential Land Use Category is to avoid inappropriate densities within areas exhibiting or prone to exhibit poor environmental conditions for septic systems, specifically low depth to seasonal high water table and/or soils with poor drainage characteristics.

2. Permitted Uses

All uses in the Laurel Lake Residential District are conditional upon meeting the Seasonal High Water Standards below.

3. Conditional Uses

a. Residential

- i. Single Family Detached
- ii. Accessory Apartment

b. Commercial

- i. Convenience Store <4Ksf
- ii. Restaurant < 75 seats
- iii. Home Occupation

iv. Bed and Breakfast

c. Institutional

- i. Adult Day Care
- ii. Child Day Care Center
- iii. Family Day Care
- iv. Municipal/Public Facilities
- v. Worship Center
- vi. Worship Center Adjunct Facility

d. Transportation

- i. Marina on shore services
- ii. Boat Storage
- iii. Mooring and Docking

e. Utilities

- i. Telecommunications Facility
- ii. Wind Energy
- iii. Accessory Residential Solar Energy
- iv. Accessory Commercial Solar Energy
- v. Utility Scale Solar Energy Facility

f. Assembly

- i. Social Clubs
- ii. Outdoor Entertainment

g. Leisure

- i. Outdoor Activities Sports Facility
- ii. Campgrounds

h. Natural Resources

- i. Home Animal Agriculture
- ii. Farm Market

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Laurel Lake Residential Regulations

In the Laurel Lake Residential District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
- b. In order to limit the impact of any proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading

and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.

- c. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- d. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- e. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside except when part of an approved site plan.

6. Specific High Water Table/Critical Area Regulations for Laurel Lake Residential District

- a. Purpose: These standards are established to avoid development within areas exhibiting or prone to exhibit poor environmental conditions, specifically low depth to seasonal high water table (SHWT) and/or soils with poor drainage characteristics, and to incorporate such areas into larger lot areas. It is recognized that the development of any parcel of land is impacted by existing environmental conditions and negative impacts on site development can be exacerbated by existing dense development and small lot sizes. The following standards govern the modification of development density in the Laurel Lake Residential District wherever municipal/community sanitary sewer connection is not available.
- b. Standards: These standards have been developed based on a special study of affected areas, adopted as part of the 1990 Master Plan, entitled "Land Use, Environmental Conditions and Alternative Solutions for the community of Laurel Lake, Millville, New Jersey." Based on the conclusions and recommendations of the this report the minimum lot size standards contained herein shall be strictly enforced.
 - i. These standards shall apply to all areas where the seasonal high water table is encountered within 10 feet of the surface as indicated by mottling or other physical evidence.
 - ii. Such areas will include those soil classifications as contained in the "Soil Survey of Cumberland County."
 - iii. For purposes of this chapter, seasonal high water table is defined as the upper limit of the shallowest zone of saturation which occurs in the soil.

Regulations

- i. Minimum parcel size for SHWT factor.
 - a) Any use which is permitted in the Laurel Lake Residential District shall be permitted provided that the minimum size parcel permitted for development is determined in accordance with the following table:

Depth to SHWT (feet)	Minimum Lot Size (square feet)
2 or less	40,000

3 to 4	30,000
5 to 7	20,000
8 to 9	16,000
10 or more	10,000

- b) The SHWT factor shall be determined based on the average depth to SHWT within the parcel being considered for development, and must be established and certified by a licensed professional engineer. In determining the SHWT factor, the depth to SHWT shall be rounded off to the nearest even foot.
- c) In establishing the average depth to SHWT, the engineer shall provide a minimum of one soil boring to a depth of 10 feet at a location being at the average elevation between the upslope and downslope sides and as near to the center as possible of the parcel being considered for development. The soil log shall describe in detail all profiles and characteristics of the soils encountered. Additional soil borings, topography and other site specific information may be required on parcels exhibiting extreme variations in site conditions, and shall be provided as necessary to support the establishment of the average depth to SHWT within the said parcel.
- ii. Any of the following uses are permitted uses in the Laurel Lake Residential area without regard to SHWT, provided that no building or structure, including swimming pools, driveways and parking areas or on-lot sewage disposal facilities shall be constructed.
- Woodland preserves and open spaces.
 - Reforestation in accordance with recognized conservation practices.
- iii. In considering a development application for subdivision within the Laurel Lake Residential Zone, the Planning Board shall place such conditions on the development as may be necessary to ensure that the development is designed in such a way as to minimize the impact of the development on the public health, safety and welfare of the City. Such conditions include, but are not limited to:
- Prohibiting development in all or parts of the critical area;
 - Requiring deed restrictions governing uses of the critical areas of the property;
 - Limiting tree or vegetation removal in the critical areas;
 - Limiting the size of the structure or the amount of disturbed area;
 - Requiring specific erosion or stormwater quantity or quality controls;
 - Acquisition of any other local, state, county or federal permits.
- d. Submission requirements
- Any development application for major or minor subdivision approval for lands within the areas regulated by this chapter must submit to the Planning Board the following:
 - All materials and documents required by _____ of this chapter;
 - Results of soil boring test conducted and certified by a licensed, professional civil engineer as specified above

- c) Calculations for minimum lot size based on the formula in M.6c above.
- ii. Any person constructing a single-family dwelling within the areas regulated by this chapter must submit to the Zoning Officer the following:
 - a) Zoning permit application;
 - b) Results of a soil boring test conducted and certified by a licensed, professional civil engineer as specified M.6 above;
 - c) A calculation for minimum lot size based on the formula in M.6c above.

e. Variances

- i. The Zoning Board of Adjustment may grant a variance to any provisions of these critical area regulations.
- ii. The Zoning Board may request detailed plans, sketches, and the preparation of an environmental impact study or modified form thereof.
- iii. In considering such requests for exceptions, the Zoning Board may refer the request for exception to the City Engineer, Planner and County Board of Health for recommendations. Such recommendations shall be made within 30 days after receipt of referral.
- iv. Where applicable, in accordance with the New Jersey Municipal Land Use Law, the Planning Board may act in place of the Zoning Board of Adjustment.
- v. Where actual site work demonstrates that the seasonal high water table estimate resulting from the soil boring as required is incorrect, the zoning permit is no longer valid and will be rescinded.

7. **Laurel Lake Residential Zoning District Area, Yard and Building Coverage by Land Use**

Classification [Standards for the specific use as cited *in Section 30.205* shall prevail when specified]

a. Residential Land Uses

- i. Minimum lot area: 10,000 sf
- ii. Minimum frontage 75 feet
- iii. Minimum lot depth 100 feet
- iv. Maximum impervious surface ratio .20

Setbacks

- v. Minimum front yard: 30 feet
- vi. Minimum side yard 20 feet
- vii. Minimum rear yard: 30 feet

b. Commercial Land Uses

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth 100 feet

Setbacks

- iv. Minimum front: 40 feet
- v. Minimum side: 20 feet
- vi. Minimum rear: 20 feet

- | | | |
|-------|-----------------------------------|-------------------------|
| vii. | Maximum building height: | 35 feet (except hotels) |
| viii. | Maximum impervious surface ratio: | .50 |
- c. Institutional Land Uses
- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 25,000 sf |
| ii. | Minimum lot frontage: | 100 feet |
| iii. | Minimum lot depth | 100 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|---------|
| iv. | Minimum front: | 35 feet |
| v. | Minimum side: | 20 feet |
| vi. | Minimum rear: | 35 feet |
| vii. | Maximum building height: | 35 feet |
| viii. | Maximum impervious surface ratio: | .40 |
- d. Transportation Land Uses
- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 1 acres |
| ii. | Minimum lot frontage: | 125 feet |
| iii. | Minimum lot depth | 200 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front yard: | 100 feet |
| v. | Minimum side yard: | 75 feet |
| vi. | Minimum rear yard: | 70 feet |
| vii. | Maximum building height | 40 feet |
| viii. | Maximum impervious surface ratio: | .60 |
- e. Utilities Land Uses (other than accessory renewables)
- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 1 acre |
| ii. | Minimum lot frontage: | 100 feet |
| iii. | Minimum lot depth | 200 feet |
- Setbacks**
- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front: | 100 feet |
| v. | Minimum side: | 75 feet |
| vi. | Minimum rear: | 70 feet |
| vii. | Maximum building height: | N/A |
| viii. | Maximum impervious surface ratio: | .20 |
- f. Assembly Land Uses
- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 35,000 |
| ii. | Minimum lot frontage: | 200 feet |
| iii. | Minimum lot depth | 100 feet |
| iv. | | |
- Setbacks**
- | | | |
|----|----------------|---------|
| v. | Minimum front: | 50 feet |
|----|----------------|---------|

- vi. Minimum side: 35 feet
- vii. Minimum rear: 50 feet
- viii. Maximum building height: One story
- ix. Maximum impervious surface ratio: .30

g. Leisure Activities Land Uses

- i. Minimum lot area: 10 acre
- ii. Minimum lot frontage: 150 feet
- iii. Minimum lot depth: 200 feet

Setbacks

- iv. Minimum front: 75 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 40 feet/1story
- viii. Maximum impervious surface ratio: .40

Natural Resources

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 150 feet
- iii. Minimum lot depth: 200 feet

Setbacks

- iv. Minimum front: 50 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 20 feet
- viii. Maximum impervious surface ratio: .30

N. Low Density Residential

1. Purpose

The purpose of this land use category is to maintain existing rural character, low density residences, farmland, agricultural related services and passive recreation uses. Subdivision of large properties into long, narrow lots is discouraged.

Areas included in a low density residential zoning district should maintain low residential densities sufficient to accommodate water quality standards. Sufficient road frontage should be required to avoid long narrow lots.

2. Permitted Uses

a. Residential

- i. Single Family Detached

b. Commercial

- i. Restaurant with seating for fewer than 75

c. Institutional

- i. Family Day Care

- ii. Municipal/Public Facilities
- iii. Worship Center
- iv. Independent Living Facility
- d. Utilities
 - i. Accessory Residential Solar Energy
- e. Assembly
 - i. Outdoor Entertainment
- f. Leisure Activities
 - i. Indoor Sports Facility
 - ii. Outdoor Sports Activities Facility
- g. Natural Resources
 - i. Farm
 - ii. Farm Market
- 3. Conditional Uses
 - a. Residential
 - i. Residential Conversions
 - ii. Accessory Apartment
 - iii. Rural Infill Housing
 - iv. Mobile Home Park
 - b. Commercial
 - i. Convenience Goods Store
 - ii. Restaurant with seating over 75
 - iii. Home Occupation
 - iv. Funeral Home
 - v. Boarding Kennels
 - vi. Bed and Breakfast
 - vii. Self Storage Facility
 - viii. Craft Beverage Production/Tasting Room
 - c. Institutional
 - i. Child Day Care Center
 - ii. Grade School
 - iii. Adjunct to Religious Facility
 - iv. Urgent Care Clinic
 - v. Rehabilitation Facility
 - vi. Assisted Living/Nursing Facility
 - vii. Cemetery
 - d. Utilities
 - i. Power station/Utility facilities
 - ii. Telecommunications Facilities
 - iii. Wind Energy
 - iv. Accessory Commercial Solar Energy

- v. Utility Scale Solar Energy Facility
- e. Assembly
 - i. Social Clubs
- f. Leisure Activity
 - ii. Equestrian Stables
- g. Natural Resources
 - i. Farm Warehouse Facility
 - ii. Home Animal Agriculture
 - iii. Forestry

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Low Density Residential Regulations

In the Low Density Residential District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
- b. In order to limit the impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- c. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- d. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- e. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside except when part of an approved site plan.

6. Low Density Residential Zoning District Area, Yard and Building Coverage by Land Use

Classification [Standards for the specific use as cited in Section 30.205 shall prevail when specified]

- a. Residential Land Uses (*see Section 30.204.C for Clustering standards*)
 - i. Minimum lot area: 1 acre
 - ii. Minimum frontage 200 feet
 - iii. Minimum lot depth 150 feet
 - iv. Maximum impervious surface ratio .30
 - Setbacks

- v. Minimum front yard: 50 feet
 - vi. Minimum side yard: 35 feet
 - vii. Minimum rear yard: 35 feet
 - viii. Maximum building height: 35 feet
 - ix. Maximum impervious surface ratio: .20
- b. Commercial Land Uses
- i. Minimum lot area: 2 acres
 - ii. Minimum lot frontage: 200 feet
 - iii. Minimum lot depth: 150 feet
- Setbacks**
- iv. Minimum front: 60 feet
 - v. Minimum side: 50 feet
 - vi. Minimum rear: 60 feet
 - vii. Maximum building height: 35 feet
 - viii. Maximum impervious surface ratio: .30
- c. Institutional Land Uses
- i. Minimum lot area: 3 acres
 - ii. Minimum lot frontage: 300 feet
 - iii. Minimum lot depth: 300 feet
- Setbacks**
- iv. Minimum front: 75 feet
 - v. Minimum side: 50 feet
 - vi. Minimum rear: 50 feet
 - vii. Maximum building height: 35 feet
 - viii. Maximum impervious surface ratio: .50
- d. Utilities Land Uses (other than accessory renewables)
- i. Minimum lot area: 5 acres
 - ii. Minimum lot frontage: 350 feet
 - iii. Minimum lot depth: 350 feet
- Setbacks**
- iv. Minimum front: 200 feet
 - v. Minimum side: 75 feet
 - vi. Minimum rear: 75 feet
 - vii. Maximum building height: 35
 - viii. Maximum impervious surface ratio: .20
- e. Assembly Land Uses
- i. Minimum lot area: 1 acres
 - ii. Minimum lot frontage: 200 feet
 - iii. Minimum lot depth: 200 feet

Setbacks

iv.	Minimum front:	75 feet
v.	Minimum side:	75 feet
vi.	Minimum rear:	75 feet
vii.	Maximum building height:	40 feet
viii.	Maximum impervious surface ratio:	.30

f. Leisure Activities Land Uses

i.	Minimum lot area:	10 acres*
ii.	Minimum lot frontage:	350 feet
iii.	Minimum lot depth	350 feet

Setbacks

iv.	Minimum front:	200 feet
v.	Minimum side:	75 feet
vi.	Minimum rear:	75 feet
vii.	Maximum building height:	40' but only 1 story
viii.	Maximum impervious surface ratio:	.20

*Indoor Sports Facilities require 20,000sf

Natural Resources

i.	Minimum lot area:	5 acres
ii.	Minimum lot frontage:	350 feet
iii.	Minimum lot depth	350 feet

Setbacks

iv.	Minimum front:	200 feet
v.	Minimum side:	75 feet
vi.	Minimum rear:	75 feet
vii.	Maximum building height:	35
viii.	Maximum impervious surface ratio:	.10

O. Medium Density Residential**1. Purpose**

The desired development pattern in the Medium Density Residential Land Use Category is single-family detached housing units on $\frac{1}{4}$ to $\frac{1}{2}$ acre lots. This category may also contain parks and civic facilities, for use by local residents. These residential neighborhoods are located in areas that are beyond walking distance from the availability of goods and services. Future development should be geared primarily towards auto-dependent single family residences. Commercial development should only be permitted as a conditional use.

2. Permitted Uses

- a. Residential
 - i. Single Family Detached
- b. Institutional
 - i. Family Day Care
 - ii. Municipal Public Facilities

- c. Utilities
 - iii. Accessory Residential Solar Energy
- d. Assembly
 - i. Outdoor Entertainment
- e. Leisure Activity
 - i. Indoor Sports Facilities
- f. Natural Resources
 - i. Farm
 - ii. Farm Market

3. **Conditional Uses**

- a. Residential
 - i. Single Family Attached (1-2 units)
 - ii. Duplex (1-2 units)
 - iii. Townhouses (3+ units)
 - iv. Residential Conversions
 - v. Accessory Apartment
 - vi. Cluster Residential

Commercial

- i. Restaurant
- ii. Home Occupation
- iii. Funeral Home
- iv. Bed and Breakfast

Institutional

- i. Child Day Care Center
- ii. Grade School
- iii. Worship Center
- iv. Adjunct to Religious Facility
- v. Outpatient/Urgent Care Clinic
- vi. Rehabilitation/mental health Facility
- vii. Assisted Living Facility
- viii. Independent Living Facility

Transportation related

- i. Marina on-shore services
- ii. Boat storage
- iii. Mooring and docking

Utilities

- i. Power station/Utility Facilities
- ii. Telecommunications Facilities
- iii. Accessory Wind Energy
- iv. Accessory Commercial Solar Energy
- v. Utility Scale Solar Energy Facility

Assembly

- i. Social Clubs

Natural Resources

- ii. Home Animal Agriculture

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Medium Density Residential Regulations

In the Medium Density Residential Use District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.
- b. In order to limit the impact of a proposed commercial use, the Board may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
- c. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- d. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- e. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside except when part of an approved site plan.

6. Medium Density Residential Zoning District Area, Yard and Building Coverage by Land Use

Classification [Standards for the specific use as cited in Section 30.205 shall prevail when specified]

- a. Residential Land Uses (*see Section 204.C for Clustering standards*)
 - i. Minimum lot area: 10,000 sf
 - ii. Minimum frontage 75 feet
 - iii. Minimum lot depth 100 feet
 - iv. Maximum impervious surface ratio .30

Setbacks

- v. Minimum front yard: 35 feet
- vi. Minimum side yard 25 feet
- vii. Minimum rear yard: 35 feet
- viii. Maximum building height: 35 feet

Per Townhouse unit

- i. Minimum fee simple lot area 2000sf
- ii. Minimum lot frontage: 20 feet
- iii. Minimum lot depth: 90 feet
- iv. Minimum front yard setback w/garage: 30 feet
- v. Minimum front yard setback without garage 20 feet
- vi. Minimum side yard setback with common wall 0 feet
- vii. Minimum side yard setback w/o common wall 25 feet
- viii. Minimum rear yard setback: 20 feet
- ix. Additional requirements for townhouses:
 - a) Townhouse units attached on a single linear plane shall not exceed a length of 170 feet.
 - b) Each townhouse shall have a private rear yard of 200 square feet minimum.
 - c) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage and recyclables as well as miscellaneous household equipment such as bicycles, garden equipment, and so forth.
 - d) Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks or patios closer than 5 feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and 6 feet tall measured from the deck or patio surface.

b. Commercial Land Uses

- i. Minimum lot area: 40,000
- ii. Minimum lot frontage: 150 feet
- iii. Minimum lot depth 150 feet

Setbacks

- iv. Minimum front: 100 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .45

c. Institutional Land Uses

- i. Minimum lot area: 1 acre
- ii. Minimum lot frontage: 200 feet
- iii. Minimum lot depth 300 feet

Setbacks

- iv. Minimum front: 50 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .65

d. Transportation Land Uses

- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 2 acres |
| ii. | Minimum lot frontage: | 125 feet |
| iii. | Minimum lot depth | 200 feet |

Setbacks

- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front yard: | 100 feet |
| v. | Minimum side yard: | 75 feet |
| vi. | Minimum rear yard: | 70 feet |
| vii. | Maximum building height | 40 feet |
| viii. | Maximum impervious surface ratio: | .40 |

e. Utilities Land Uses (other than accessory renewables)

- | | | |
|------|-----------------------------------|----------|
| i. | Minimum lot area: | 2 acres |
| ii. | Minimum lot frontage: | 250 feet |
| iii. | Minimum lot depth | 250 feet |
| iv. | Maximum impervious surface ratio: | .20 |

Setbacks

- | | | |
|-------|--------------------------|----------|
| v. | Minimum front: | 200 feet |
| vi. | Minimum side: | 75 feet |
| vii. | Minimum rear: | 75 feet |
| viii. | Maximum building height: | 35 |

Assembly Land Uses

- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 1 acres |
| ii. | Minimum lot frontage: | 200 feet |
| iii. | Minimum lot depth | 200 feet |

Setbacks

- | | | |
|-------|-----------------------------------|---------|
| iv. | Minimum front: | 75 feet |
| v. | Minimum side: | 75 feet |
| vi. | Minimum rear: | 75 feet |
| vii. | Maximum building height: | 40 feet |
| viii. | Maximum impervious surface ratio: | .30 |

f. Leisure Activities Land Uses

- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 25,000 sf |
| ii. | Minimum lot frontage: | 150 feet |
| iii. | Minimum lot depth | 200 feet |

Setbacks

- | | | |
|-------|-----------------------------------|----------------------|
| iv. | Minimum front: | 50 feet |
| v. | Minimum side: | 50 feet |
| vi. | Minimum rear: | 75 feet |
| vii. | Maximum building height: | 40' but only 1 story |
| viii. | Maximum impervious surface ratio: | .20 |

Natural Resources

- | | | |
|----|-------------------|---------|
| i. | Minimum lot area: | 5 acres |
|----|-------------------|---------|

- ii. Minimum lot frontage: 350 feet
- iii. Minimum lot depth 350 feet

Setbacks

- iv. Minimum front: 200 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 35
- viii. Maximum impervious surface ratio: .10

P. High Density Residential**1. Purpose**

The desired development pattern in the High Density Residential Land Use category is a traditional neighborhood setting consisting of single-family attached and detached housing units on lots of at least 1/8 acre in size. The street grid pattern should encourage pedestrian circulation and access to parks, schools and other civic facilities.

Additional commercial uses should not be permitted in this district as it is served by the adjacent Downtown, Neighborhood and Highway Commercial land use categories.

2. Permitted Uses**a. Residential**

- i. Single Family Detached
- ii. Single Family Attached (1-2 units)
- iii. Duplex (1-2 units)

b. Institutional

- i. Family Day Care
- ii. Municipal/Public Facilities

c. Assembly

- i. Outdoor Entertainment

d. Utilities

- i. Accessory Residential Solar Energy

e. Leisure Activities

- i. Indoor Sports Facility

3. Conditional Uses**a. Residential**

- i. Townhouses (3+ units)
- ii. Residential Conversions
- iii. Boarding House
- iv. Accessory Apartment
- v. Rooming House

b. Commercial

- i. Convenience Goods Store
- ii. Home Occupation

- iii. Bed and Breakfast

c. Institutional

- i. Child Day Care Center
- ii. Grade School
- iii. Worship Center
- iv. Assisted Living Facility
- v. Independent Living Facility

d. Utilities

- i. Power station/Utility Facilities
- ii. Telecommunications Facilities
- iii. Accessory Commercial Solar Energy
- iv. Accessory Commercial Wind Energy
- v. Utility Scale Solar Energy Facility

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General High Density Residential Regulations

In the High Density Residential Use District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on other residential properties and streets.
- b. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
- c. The Board may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
- d. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside except when part of an approved site plan.

6. High Density Residential Zoning District Area, Yard and Building Coverage by Land Use Classification [Standards for the specific use as cited in Section 30.205 shall prevail when specified]

a. Residential Land Uses – Townhouses

- | | |
|---|----------------------|
| i. Minimum gross tract area: | 10,000 sf |
| ii. Minimum tract frontage | 100 |
| iii. Maximum gross density | 6 units/acre |
| iv. Building setback from tract perimeter | 20 feet |
| v. Maximum building height: | 38 feet or 3 stories |
| vi. Maximum impervious surface ratio: | .75 |

- vii. Maximum number of units/building 4

Per Townhouse unit

- i. Minimum fee simple lot area 2000 sf
 ii. Minimum lot frontage: 20 feet
 iii. Minimum lot depth: 90 feet
 iv. Minimum front yard setback w/garage: 30 feet
 v. Minimum front yard setback without garage 20 feet
 vi. Minimum side yard setback with common wall 0 feet
 vii. Minimum side yard setback w/o common wall 25 feet
 viii. Minimum rear yard setback: 20 feet
 ix. Additional requirements for townhouses:
 e) Townhouse units attached on a single linear plane shall not exceed a length of 170 feet.
 f) Each townhouse shall have a private rear yard of 200 square feet minimum.
 g) A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit. This area shall include storage for garbage and recyclables as well as miscellaneous household equipment such as bicycles, garden equipment, and so forth.
 h) Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line. Fee simple townhouse decks or patios closer than 5 feet to the side property line shall have a decorative screen at least 60% visually opaque attached to its side edge and 6 feet tall measured from the deck or patio surface.

b. Residential Land Uses

- i. Minimum lot area: 5,000 sf
 ii. Minimum frontage 50 feet
 iii. Minimum lot depth 100 feet
 iv. Maximum impervious surface ratio .40
 • **Setbacks**
 v. Minimum front yard: 20 feet
 vi. Minimum side yard 15 feet
 vii. Minimum rear yard: 35 feet
 viii. Maximum building height: 35 feet

c. Commercial Land Uses

- i. Minimum lot area: 20,000
 ii. Minimum lot frontage: 125 feet
 iii. Minimum lot depth 150 feet
 • **Setbacks**
 iv. Minimum front: 40 feet
 v. Minimum side: 40 feet
 vi. Minimum rear: 40 feet
 vii. Maximum building height: 35 feet

viii. Maximum impervious surface ratio: .45

d. Institutional Land Uses

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 100 feet
- iii. Minimum lot depth: 100 feet
- **Setbacks**
- iv. Minimum front: 50 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .75

e. Utilities Land Uses (other than accessory renewables)

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 125 feet
- iii. Minimum lot depth: 150 feet
- iv. Maximum impervious surface ratio: .35
- **Setbacks**
- v. Minimum front: 40 feet
- vi. Minimum side: 40 feet
- vii. Minimum rear: 60 feet
- viii. Maximum building height: N/A

f. Leisure Activities Land Uses

- i. Minimum lot area: 25,000 sf
- ii. Minimum lot frontage: 150 feet
- iii. Minimum lot depth: 200 feet
- **Setbacks**
- iv. Minimum front: 50 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 40' but only 1 story
- viii. Maximum impervious surface ratio: .20

Q. Open Space Zoning District

1. **Purpose**

The purpose of any future zoning for these areas is to safeguard the natural beauty of Millville, preserve significant environmental features and improve the quality of air and water in Millville by protecting streams, wetlands, flood plains, and important woodlands. The vision for the Open Space Land Use Category is to form a regional greenway by connecting existing open space and parklands. This land use category is the most restrictive in that the intent of it

is to restrict future residential or commercial development.

Areas that are zoned in the Open Space district have the most restrictions on development and should prohibit new residential and commercial construction. Uses are to be limited to agriculture, active and passive recreation, conservation, habitat enhancement and stormwater management facilities. When developing land use regulations and zoning for this area, deference should be given to the City's goal of preserving 50% of Millville's land in open space, farmland and forest. The River Conservation Zone regulations that were crafted as part of the Congressionally-designated National Wild and Scenic Rivers program should be carried forward to continue to provide additional protection to this sensitive environment.

2. Permitted Uses

- a. Utilities
 - i. Accessory residential solar
- b. Leisure Activities
 - i. Equestrian Stables
 - ii. Campgrounds
- c. Assembly
 - i. Outdoor Entertainment
- d. Natural Resources
 - i. Farm
 - ii. Farm Warehouse
 - iii. Farm Market
 - iv. Home Animal Agricultural
 - v. Forestry

3. Conditional Uses

- a. Residential
 - i. Single Family Detached
 - ii. Cluster Residential
- b. Transportation
 - i. Mooring and Docking
- c. Utilities
 - i. Power Power station/Utility facility
 - ii. Telecommunications Facilities
 - iii. Accessory Residential Wind Energy
 - iv. Direct Wind Energy
 - v. Utility Scale Solar Energy Facility
- d. Leisure Activity
 - i. Outdoor Sports Activity Facility

4. Accessory Uses

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose related and be directly in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. General Open Space District Regulations

In the Open Space Use District, the following general regulations shall apply:

- a. For any lot which contains stream frontage, a vegetational buffer, composed of indigenous species, extending at least 50 feet in depth measured landward from the bank of the stream shall be maintained
 - i. If any lot, existing at the time of the adoption of this chapter, does not contain sufficient depth, measured landward from the ordinary high-water mark or wetland delineation as appropriate, to provide a fifty-foot buffer strip, this requirement may be reduced 50%.
 - For the purposes of normal pedestrian access to the waterfront, an opening of not more than 10 feet may be excluded from the buffer requirements.
- b. The removal of natural vegetation shall be controlled in accordance with the following
 - i. Clear-cutting shall be prohibited, except as necessary for constructing public facilities, roadways, utilities and parking areas.
 - Natural vegetation shall be restored insofar as feasible after any construction project.
 - Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen structures if in sight lines of water.
 - Dead, diseased, unsafe or fallen trees and noxious plants and shrubs (such as poison ivy) may be removed.
 - The selected removal or trimming of trees for timber harvest access, or woodlot improvements, landscaping, or public utility lines to service private single-family dwellings and other permitted uses is allowed.
 - No more than 20% of vegetation from any lot area shall be cleared.
- c. Pollution controls such that the location and nature of the septic systems must ensure that effluent from the septic tank(s) will not reach the ground or surface waters in a condition which will contribute to health hazards, taste, odor, turbidity, fertility, or otherwise impair the character of the adjacent or nearby waterway. All sanitary waste disposal facilities must conform to the requirements of N.J.A.C. 7:9A and the permit specifications of the Cumberland County Board of Health.

Grading and filling procedures to prepare for permitted development must meet the following standards:

- i. The smallest amount of bare ground shall be exposed for as short a time as feasible.

- ii. Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod shall be provided.
 - iii. Methods to prevent erosion and trap sediment shall be employed.
 - iv. Fill shall be stabilized to accepted engineering standards.
 - v. All federal, state, or local permits must be obtained.
 - vi. Applicant must provide a justification for the necessity of requiring fill and/or extensive grading.
- d. Nonconforming uses. Any lawful use, structure, premises or parts thereof existing at the effective date of this chapter shall be considered to be a nonconforming use. Said nonconforming use shall be regulated by **§ 30-202J of this chapter.**
- e. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.

6. **Open Space Zoning District Area, Yard and Building Coverage by Land Use Classification**

[Standards for the specific use as cited in Section 30.205 shall prevail when specified]

a. Residential Land Uses

- i.*** See **Section for 204C Cluster Requirements**
- ii.*** Minimum lot area 3 acres
- iii.*** Maximum lot area 6 acres
- iv.*** Minimum lot frontage 150 feet
- v.*** Minimum lot depth 200 feet
- **Setbacks**
- vi. Minimum front yard: 50 feet
- vii. Minimum side yard: 50 feet
- viii. Minimum rear yard: 70 feet
- ix. Maximum building height 30 feet
- x. Maximum impervious surface ratio: .15

b. Transportation Land Uses

- i. Minimum lot area: 3 acres
- ii. Minimum lot frontage: 125 feet
- iii. Minimum lot depth 200 feet
- **Setbacks**
- iv. Minimum front yard: 100 feet
- v. Minimum side yard: 75 feet
- vi. Minimum rear yard: 70 feet
- vii. Maximum building height 40 feet
- viii. Maximum impervious surface ratio: .20

c. Utilities Land Uses (other than accessory renewables)

- i. Minimum lot area: 5 acres
- ii. Minimum lot frontage: 350 feet
- iii. Minimum lot depth 350 feet

- **Setbacks**

- iv. Minimum front: 200 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 35
- viii. Maximum impervious surface ratio: .20

d. **Leisure Activities Land Uses**

- i. Minimum lot area: 10 acres
- ii. Minimum lot frontage: 350 feet
- iii. Minimum lot depth: 350 feet

- **Setbacks**

- iv. Minimum front: 200 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 40' but only 1 story
- viii. Maximum impervious surface ratio: .10

Natural Resources

- i. Minimum lot area: 5 acres
- ii. Minimum lot frontage: 350 feet
- iii. Minimum lot depth: 350 feet

- **Setbacks**

- iv. Minimum front: 200 feet
- v. Minimum side: 75 feet
- vi. Minimum rear: 75 feet
- vii. Maximum building height: 35
- viii. Maximum impervious surface ratio: .10

R. **Farmland Production Zoning District**

1. **Purpose**

The intent and purpose of the Farmland Production District is to preserve and enhance the economic viability and quality of existing agriculturally productive lands, farms, and agricultural homesteads as well as maintaining a rural, low density environment.

Residential densities in the Farmland Production district should be a minimum of one unit per 10 acres in order to discourage overconsumption of prime cropland. In addition, other regulatory techniques such as mandatory clustering should be required in order to avoid developing deep, narrow lots along existing roadways. Deference should be given to the City's goal of preserving 50% of Millville's land in open space, farmland and forest.

2. **Permitted Uses**

a. **Residential**

- i. Single Family detached

- b. Commercial
 - i. Bed and Breakfast
 - c. Utilities
 - i. Accessory solar residential
 - ii. Accessory wind residential
 - d. Assembly
 - i. Outdoor Entertainment
 - e. Leisure
 - i. Outdoor Sports Activities Facility
 - ii. Golf Courses
 - iii. Equestrian Stables
 - iv. Campgrounds
 - f. Natural Resources
 - i. Farm
 - ii. Home animal agriculture
 - iii. Farm warehouse facility
 - iv. Farm Market
 - v. Forestry
- 3. Conditional Uses**
- a. Residential
 - i. Auxiliary Apartment
 - ii. Rural Infill Housing
 - iii. Cluster Residential
 - b. Commercial
 - i. Flea Markets/Auctions
 - ii. Boarding Kennels
 - iii. Craft Beverage Production/Tasting Room
 - c. Institutional
 - i. High School
 - ii. Cemetery
 - d. Transportation
 - i. Airports and air transportation
 - e. Utilities
 - i. Power station/Utility Facilities
 - ii. Natural Gas Storage/Distribution
 - iii. Telecommunication Facilities
 - iv. Accessory wind energy on commercial site
 - v. Direct utility sale wind energy
 - vi. Utility Scale Solar Energy Facility

4. **Accessory Uses**

Any use or structure incidental and subordinate to the principal use shall be permitted. At the minimum, this requires the accessory must serve some purpose in conjunction with, and ancillary to, the principal use. The Board with jurisdiction has the authority to determine whether, in each individual development, a structure or use encompasses the definition of accessory.

5. **General Farmland Production Regulations.** In the Farmland Production District, the following general regulations shall apply:

- a. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties and streets.

6. **Farmland Production Zoning District Area, Yard and Building Coverage by Land Use**

Classification [Standards for the specific use as cited in Section 30.205 shall prevail when specified]

a. Residential Land Uses

- i. See Section 205A.1 for Auxiliary Apartments*
- ii. see Section 204.C for Clustering standards*
- iii. Minimum lot area* 3 acres
- iv. Maximum lot area* 6 acres
- v. Minimum lot frontage* 150 feet
- vi. Minimum lot depth* 200 feet

• **Setbacks**

- vii. Minimum front yard: 50 feet
- viii. Minimum side yard: 50 feet
- ix. Minimum rear yard: 70 feet
- x. Maximum building height 30 feet
- xi. Maximum impervious surface ratio: .15

b. Commercial Land Uses

- i. Minimum lot area: 2 acres
- ii. Minimum lot frontage: 150 feet
- iii. Minimum lot depth 150 feet

• **Setbacks**

- iv. Minimum front: 100 feet
- v. Minimum side: 50 feet
- vi. Minimum rear: 50 feet
- vii. Maximum building height: 35 feet
- viii. Maximum impervious surface ratio: .45

c. Institutional Land Uses

- i. Minimum lot area: 20 acre
- ii. Minimum lot frontage: 700 feet
- iii. Minimum lot depth 1000 feet

- **Setbacks**

- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front: | 150 feet |
| v. | Minimum side: | 150 feet |
| vi. | Minimum rear: | 150 feet |
| vii. | Maximum building height: | 50 feet |
| viii. | Maximum impervious surface ratio: | .50 |

d. **Transportation Land Uses**

- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 20 acres |
| ii. | Minimum lot frontage: | 1000 feet |
| iii. | Minimum lot depth | 1000 feet |

- **Setbacks**

- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front yard: | 200 feet |
| v. | Minimum side yard: | 200 feet |
| vi. | Minimum rear yard: | 200 feet |
| vii. | Maximum building height | 40 feet |
| viii. | Maximum impervious surface ratio: | .40 |

e. **Utilities Land Uses (other than accessory renewables)**

- | | | |
|------|-----------------------------------|----------|
| i. | Minimum lot area: | 5 acres |
| ii. | Minimum lot frontage: | 250 feet |
| iii. | Minimum lot depth | 250 feet |
| iv. | Maximum impervious surface ratio: | .20 |

- **Setbacks**

- | | | |
|-------|--------------------------|----------|
| v. | Minimum front: | 200 feet |
| vi. | Minimum side: | 75 feet |
| vii. | Minimum rear: | 75 feet |
| viii. | Maximum building height: | 35 |

Assembly Land Uses

- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 10 acres |
| ii. | Minimum lot frontage: | 500 feet |
| iii. | Minimum lot depth | 500 feet |

- **Setbacks**

- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front: | 175 feet |
| v. | Minimum side: | 175 feet |
| vi. | Minimum rear: | 175 feet |
| vii. | Maximum building height: | 40 feet |
| viii. | Maximum impervious surface ratio: | .20 |

f. **Leisure Activities Land Uses**

- | | | |
|------|-----------------------|-----------|
| i. | Minimum lot area: | 10 acres |
| ii. | Minimum lot frontage: | 400 feet |
| iii. | Minimum lot depth | 1000 feet |

- **Setbacks**

- | | | |
|-------|-----------------------------------|----------------------|
| iv. | Minimum front: | 150 feet |
| v. | Minimum side: | 150 feet |
| vi. | Minimum rear: | 175 feet |
| vii. | Maximum building height: | 35' but only 1 story |
| viii. | Maximum impervious surface ratio: | .20 |

Natural Resources

- | | | |
|------|-----------------------|----------|
| i. | Minimum lot area: | 5 acres |
| ii. | Minimum lot frontage: | 350 feet |
| iii. | Minimum lot depth | 350 feet |

- **Setbacks**

- | | | |
|-------|-----------------------------------|----------|
| iv. | Minimum front: | 200 feet |
| v. | Minimum side: | 75 feet |
| vi. | Minimum rear: | 75 feet |
| vii. | Maximum building height: | 35 |
| viii. | Maximum impervious surface ratio: | .10 |

30.204 Special Zoning Requirements

A. Airport Hazard Overlay

1. **Purpose.** An Airport Hazard Overlay District is established in accordance with the requirements of the Air Safety and Hazardous Zoning Act of 1983, N.J.A.C. 16:62-1 et seq. The City shall not grant site plan or subdivision plat approval, or variances for land use or development activity within the Airport Hazard Area which would be contrary to the standards of this chapter. The purpose of the overlay district is to establish minimum standards for the control of airport and land use adjacent to airports to prevent the creation of airport hazards. No person shall build, rebuild, create or cause to be built, rebuilt or created any object or structure, or plant, or cause to be planted or permit to grow, any tree or vegetation which will interfere with, diminish, change, or obstruct the airspace, landing, and takeoff area available for the landing and take off of aircraft at the Millville Municipal Airport.
2. **Applicability.** All lands located within the Airport Hazard Area, as delineated in Figure #1 below, shall be governed by the standards and procedures specified in this chapter. Applicants seeking development approval for lands within the Airport Hazard Area should consult with the City development review staff for further guidance and interpretation of these requirements.
3. **Delineation of the Airport Hazard Area.** The Airport Hazard Area shall consist of a runway subzone, two runway end subzones, and two clear zones, as defined below. The outermost

boundaries of the runway subzone and runway end subzones shall comprise the full extent of the Airport Hazard Area.

4. Delineation of runway subzone. The runway subzone consists of a rectangle having the same center line and length of each runway and a width of 2,350 feet.
5. Delineation of runway end subzones. The runway end subzones consist of trapezoids located at either end of the runway subzone along the flight approach and departure path. Each runway end subzone shall extend 3,000 feet from the end of the runway subzone, as measured along the extended center line of the runway. The base of the runway end subzone coincides with the end of the runway subzone, and has a width of 2,350 feet. The width of the runway end subzone narrows as the distance from the end of the runway subzone increases. Its final width is 850 feet.
6. Delineation of the clear zones. The clear zones consist of trapezoids located within the runway end subzone along the flight approach and departure path.
 - a. Each clear zone extends 1,000 feet from the end of the runway subzone, as measured along the extended center line of the runway.
 - b. The base of the clear zone is collocated with the end of the runway subzone, and has a width of 250 feet. The width of the clear zone increases as the distance from the end of the runway safety zone increases. Its final width is 450 feet.
7. Use Restrictions. Uses permitted within the Airport Hazard Overlay Zone shall be restricted by the following standards prescribed by the Air Safety and Hazardous Zoning Act (N.J.S.A. 6:1-81 et seq.).
 - a. Prohibited uses within the Airport Hazard Area shall include:
 - i. Residential single-family dwelling units on lots less than three acres in size;
 - ii. Planned unit developments;
 - iii. Multifamily dwellings;
 - iv. Hospitals;
 - v. Schools;
 - vi. Aboveground, bulk tank storage of compressed flammable or compressed toxic gases and liquids;
 - vii. Any use that may attract masses of birds;
 - viii. Above grade major utility transmission lines and/or mains; and
 - ix. Within the runway end subzones only, the aboveground, bulk tank storage of flammable or toxic gases and liquids.
 - b. Permitted uses within the Airport Hazard Area shall include:
 - i. Residential, single-family dwelling units on a minimum lot size of three acres and not located in the clear zone. All residential dwellings must be physically located outside the clear zone;
 - ii. Open space;
 - iii. Agricultural uses;
 - iv. Roads, highways, rail rights-of-way;
 - v. Airports;

- vi. Commercial uses, if not located in the clear zone; and
 - vii. Industrial uses, if not located in the clear zone.
 - viii. Utility Scale Solar Energy Facility
8. Vertical standards. The following shall define vertical standards for the development of structures or growth of trees within the Airport Hazard Area:
- a. For purposes of determining vertical standards, the horizontal plane of the runway elevations at the Millville Airport shall be 87 feet above sea level.
 - b. Within the runway subzone, for a distance of 125 feet perpendicular to the runway center line, no development shall be permitted above the natural grade of the soil except for runway and flight safety equipment.
 - c. Within the remainder of the runway subzone maximum height standards shall be determined by establishing a plane which slopes upward and outward, from the edge of the area defined in Subsection H(2) above, at a rate of seven feet horizontally to one foot vertically, or 7:1. This upward plane ceases when it reaches the outer longitudinal borders of the runway subzone, at an elevation of 150 feet. (Re
 - d. The height standards within the runway end subzone are determined by first establishing a plane with a rising slope of one foot upward to 20 feet outward from the end of the runway subzone to the outermost end of the runway end subzone. This plane is bisected by the extended runway center line and is 250 feet in total width at its innermost dimension and widens uniformly along its three-thousand-foot length so as to have a total width of 850 feet at its outermost dimension where it intersects with the outermost portion of the runway end subzone at the elevation of 150 feet above its starting point.
 - e. The vertical standards within the remainder of the runway end subzone are determined by establishing sloping planes from the outermost longitudinal edges of the plane established in Subsection H(4) above. These planes rise upward at a rate of one foot upward to seven feet outward from the plane established in Subsection H(4) above, to where they meet the outermost longitudinal boundaries of the runway end subzone at the elevation of 150 feet.
9. Variance procedures. Any variance or other relief from the standards of this chapter granted by the City of Millville shall be conditioned upon the issuance of a permit by the New Jersey Commissioner of Transportation allowing the variance or relief. Provision for the issuance of a permit by the Commissioner shall be in accordance with N.J.A.C. 16:62-6.

FIGURE #1: Millville Airport Hazard Area**B. Planned Unit Development**

Planned Unit Development are permitted in the City in order to regulate complex development projects and permit flexibility in design standards and in order to promote creative design concepts for the development. PUDs are further intended to provide a higher level of amenities and to provide for protected natural open spaces of the site.

1. General Standards for all PUDs

- a. Applicability. All Planned Unit Developments will conform to the requirements for a General Development Plan application.
- b. General location criteria. Any tract proposed to be developed as a planned unit development shall have the following characteristics and qualifications.
 - i. It shall have direct access and a minimum frontage of 400 feet on a public road.
 - ii. The amount of frontage roads shall be sufficient to provide not less than two distinct and direct means of access.

- c. Minimum size of development. The tract size of a planned unit development shall be 75 acres and shall include the total land area within the boundaries designated for residential use, commercial and office use, open spaces, parking and driveways.

2. Residential Unit Development Standards

- a. Permitted uses. The following types of land uses are permitted within the planned unit development zone.
- i. Single family attached, duplex, garden units and townhouses.
 - ii. Neighborhood directed commercial uses such as:
 - a) Retail Stores below 4,000sf
 - b) Retail/office with residence above
 - c) Restaurants with seating for fewer than 75
 - iii. Recreational facilities for the PUD residents, such as recreational fields, basketball, tennis courts, swimming pool, and clubhouse.
- b. Open space. The minimum amount of open space to be designated within a planned unit development community shall be at least 20% of the gross acreage of the project.
- c. Area, height and setback requirements for residential
- i. Lot size. A lot shall have a minimum area of 3,500 square feet with a minimum width of 20 feet at setback line and depth of 90 feet.
 - Height. No unit shall exceed 2 1/2 stories in height or 35 feet.
 - Front yard. Units shall have a minimum front yard requirement of 20 feet from the front property line.
 - Side yard. All units shall have a minimum side yard requirement of zero feet on one side and six feet on the other side, except that these requirements shall not apply to on-grade patios and fences.
 - Rear yard. All units shall have a minimum rear yard of 20 feet.
 - Minimum unit size. One- or two-bedroom units shall have a minimum gross habitable floor area of 1,000 square feet, and three-bedroom units shall have a minimum gross habitable floor area of 1,100 square feet.
- d. Any commercial development shall meet the bulk and area standards for the Zoning District.
- e. Development standards.
- i. No residential building or structure shall be located closer than 50 feet from any exterior boundary line of the tract nor closer than 25 feet from any public road right-of-way or 30 feet from any internal collector road.
 - ii. Off-street parking facilities shall be provided for all units and shall have a minimum of 2.0 spaces per dwelling unit, one of which may be enclosed as a garage. Visitor parking shall have a minimum of 0.5 spaces per dwelling unit. No structure or portion of a structure constructed as a private garage or storage area shall be converted into living area.
 - iii. A community building shall be provided for social and recreational use of the residents and shall have floor space of no less than four square feet per dwelling unit.

- iv. Landscaping plans shall be provided at time of submission of preliminary plans.

3. Mixed Planned Unit Development

a. Permitted uses

- i. Residential: Garden apartments, townhouses, apartment buildings
- ii. Any Commercial or Institutional Land Use listed in *Summary Table _____*
- iii. *Any Institutional Land Use listed in Summary Table*
- iv. *Passenger terminals/depots*
- v. *Accessory renewable energy on commercial site*
- vi. *Any Assembly Land Use as listed in Summary Table*
- vii. *Sports Facilities*

b. Standards for Mixed Planned Unit Developments:

- i. No building shall exceed five stories or 75 feet.
- ii. No building, principal or accessory, shall be placed within 50 feet of the tract
- iii. A twenty foot landscaped buffer shall be placed around the entire perimeter except driveways.
- iv. All parking shall be off-street and meet the minimum requirements for the land use classification served.
 - a) Applicants may present a plan for shared parking.
- v. No loading shall face any public street or internal access road (exclusive of onsite service roads) unless it is shielded, bermed, or otherwise four-season-buffered from view from such street/road.
 - At a minimum, all Major Site Plan standards shall apply when not otherwise specified in this section.

4. Findings for Planned Developments. Prior to approval of a planned development the Planning Board shall make the following findings and conclusions pursuant to N.J.S.A. 40:55D-45:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to this Article;
- b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location, and purpose of the common open space are adequate;
- c. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate.
- d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of

the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

C. Residential Cluster

1. **Application.** Variable lot size adjustment regulations may be applied in accordance with the provisions of this subsection to modify lot areas, lot widths and depths, front yard, and rear yard requirements in the Low Density Residential, Open Space and Farmland Production Zone Districts at the option of the applicant, but only if the Planning Board finds that the proposed development fulfills the requirements set forth in below.
 - a. Residential cluster optional development, when permitted by the applicable zoning district, shall conform to the following provisions:
 - i. **Permitted Uses**
 - a) Single family detached
 - b) Single family attached
 - c) Duplex
 - d) Townhouse dwellings
 - e) Garden units.
 - ii. **Open Space.**
 - a) Open space for conservation must have a recognized environmental non-profit, county, state or federal sponsor.
 - b) The City will not accept open space for public dedication in its name.
 - c) Landscaping of non-agricultural open space shall be subject to ***Section 30.310.I (Landscaping Open Space).***
 - d) Land intended for agricultural use shall be a minimum of 10 acres.
 - iii. **Minimum Required Open Space.**
 - a) No residential cluster development shall include less than 40% of the total tract area for common open space.
 - b) Stormwater management basins and street rights-of-way shall not be considered toward 40% open space.
 - The minimum size of the tract of land proposed for development under this subsection shall be 50 acres.
 - **Public or Community Utility Systems Required.**
 - a) Residential cluster developments shall be required to be connected to public sewer and water or community well and septic.
 - b) Individual lot septic system and well shall not be permitted.
 - **Planned Development.** Any approval of an application for a residential cluster development shall include findings of fact as required for a Planned Development.

D. Agricultural Employee Housing

1. Agricultural employee housing may be constructed only in connection with an ongoing agricultural operation or agricultural purpose use or activity in which the residents of the housing are employed on a seasonal basis.
2. Such housing shall be designed, constructed and utilized for habitation during the period of April 30 to October 15 and shall not be occupied or utilized on a year-round basis.
3. All such housing shall conform to the following provisions:
 - a. All agricultural employee housing shall be located on land not classified as prime agricultural soils or other areas considered environmentally sensitive by the United States Soil Conservation Service or the City Master Plan.
 - b. Such housing shall have direct access to a public roadway, and the access road shall be so constructed and maintained in a safe, adequate manner to enable vehicles, including emergency vehicles such as ambulances and fire trucks, to reach the housing.
 - c. Areas shall be provided in close proximity to such housing for the parking of vehicles for the use of the residents.

E. Multi-Family General Regulations

1. Townhouses
 - a. No more than eight townhouses shall be attached in a series.
 - b. No more than two contiguous townhouse dwelling units shall be located on the same setback line.
 - c. Variations in front setbacks between contiguous townhouse dwelling units as required shall not be less than two feet.
 - d. There shall be a variety of design and architectural modes and setbacks for the purpose of presenting an aesthetically desirable overall effect over the entire townhouse complex with varied elevations, designs and structural appearances and without uniformity. Additionally, none of the townhouses shall be permitted to have flat roofs.
 - e. No townhouse dwelling unit of a single story shall have less than 800 square feet gross habitable floor area. No townhouse dwelling unit of two stories shall have less than 1,200 square feet of gross habitable floor area, with a minimum of 600 square feet on the first floor.
2. Garden Apartments
 - a. No garden apartment shall exceed 35 feet in height and two stories.

- b. Off-street parking facilities for the use of residents and guests shall be provided at a ratio of two parking spaces for each apartment dwelling unit
- c. There shall not be permitted any rental basement apartment units with any part below the outside finished ground level.
- d. Garden apartment dwelling units with fewer than two bedrooms shall have a minimum gross habitable floor area of 750 square feet. Apartment dwelling units with two bedrooms shall have a minimum gross habitable floor area of 900 square feet.
- e. No single detached building shall contain greater than 12 units.

F. **Additional Requirements for Residential Uses**

1. **Non-residential Areas**

Basements and cellars shall only be used for secondary purposes such as storage, utilities or similar uses.

2. **Decks/Patios**

- a. Decks shall not be attached to any floor higher than the first floor of a dwelling.
- b. No deck or patio is permitted in the front yard.
- c. For single family dwellings, any deck or patio shall be at least 15' from any property line or the allowable principal setback, whichever is the lesser.
- d. Decks or patios associated with a fee simple townhouse may be located on a side property line provided the townhouse is attached to another townhouse along such property line.

3. **Residential Sheds/Garages**

- a. Private residential tool sheds shall comply with the following regulations:
 - i. Residential Sheds are permitted in all residential zoning districts and as accessory use on any legally non-conforming residential lot.
 - ii. Permitted shed building coverage:

<u>Lot Size</u>	<u>Shed Building Coverage</u>	<u># of Sheds</u>
22,500 SF or greater	200 SF	3
9,000 SF to 22,499 SF	120 SF	2
7,500 SF to 8,999 SF	96 SF	1
7,499 SF or less	80 SF	1

- No shed shall exceed 12 feet in height.
- No shed shall be located in a front yard.

4. Residential Swimming Pools and Cabanas

- a. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residential building.
- b. Pools shall be considered impervious surface and counted toward the lot maximum impervious surface for the District.
- c. Pools shall be located in rear or side yard areas only.
- d. No swimming pool, pool apron or deck shall be closer than 15 feet to any lot line.
- e. Pool Fencing.
 - i. A private residential swimming pool area must be surrounded by a suitable fence with a self-latching gate at least 4 feet, but no more than 6 feet, in height.
 - ii. No opening in the fence shall exceed 3 inches in any direction, with the exception of fences with vertical elements only, such as picket fences; and gates. Vertical element fences shall not contain horizontal openings in excess of 2 inches, excepting gates, and the horizontal structural members shall face the pool.
 - iii. All gates shall be constructed of the same material as the fencing.
- f. Above ground swimming pools shall be considered to meet the requirements for the enclosure of swimming pools if the following conditions are met:
 - i. The sidewall of the pool is no less than 3 feet high along any point of its perimeter.
 - A fence with no horizontal opening in excess of 5 inches is attached to the sidewall and/or attached deck around the pool such that the combined height of sidewall and fencing is no less than 6 feet.
 - The steps and ladder to the pool are fenced in accordance with the regulations as otherwise described in this subsection.
- g. Cabanas shall not exceed 150 square feet in area and 15 feet in height.
- h. Pool effluent which is the result of draining, cleaning, filter, flushing or other pool maintenance operation shall not be permitted to flow overland across adjacent property lines and must be discharged to a street or storm sewer inlet.

5. Parking of Trucks/Buses in Residential Zones

- a. No trucks or buses shall be regularly parked in any residential zone or on a residential property in any zoning district, except that one truck or bus of a rated capacity not exceeding 5 tons gross vehicle weight, owned or used by a person resident on the premises, shall be permitted to be regularly parked or garaged on a residential lot which

also contains the primary residence of the owner, or on a residential lot which is contiguous to and also owned by the owner of the primary residence.

- b. If not garaged, such truck or bus must be parked on a surface which has been improved for parking.
 - c. This provision shall not be deemed to limit the number of vehicles used in the operation of construction equipment in active use during the time of construction on a lot approved for development.
6. **Recreational Vehicle Storage.** The following requirements apply to recreational vehicle storage:
- a. Trailers, boats or boat trailers which are twenty-one (21) feet or more in length as measured from outside dimensions, shall be parked or stored inside the confines of a building only.
 - b. All trailers, boats or boat trailers shall be stored in side or rear yard areas only; no trailer, boat, or boat trailer shall be parked or stored in the front yard area of a lot.
 - c. Each occupied single-family residential property may have outside parking or storage upon it for two recreational vehicles or trailers, in safe and effective operating condition. All recreational vehicles and trailers shall display thereon a current State license and/or registration. No self-propelled recreational vehicle stored on the property shall exceed 40 feet in length unless within the confines of a building.
 - d. Any trailer, boat or boat trailer parked in the side or rear yard area of any lot shall meet the applicable zoning district regulations governing setbacks of accessory buildings from property lines and buildings.
 - e. To obscure it from public view to the maximum extent possible, any trailer, boat or boat trailer parked or stored in a side or rear yard area and not in an enclosed building shall be screened by evergreen plantings at least 6 feet in height, spaced to form a 100% visually impervious buffer after two years.
 - f. No RV, trailer, boat or boat trailer may be parked on a public street for more than three consecutive nights.
 - g. At no time shall any recreational vehicle parked or stored on any lot be used for living, sleeping or housekeeping purposes.

G. **Flood Hazard Areas**

Chapter 20 of the Millville Code establishes the City's authority and regulations for development within the flood hazard areas of the City. All regulations in this Chapter that are impacted by those areas are subject to the standards required in Chapter 20.

30.205 Specific Use Conditions (see USES BY ZONING DISTRICT [Table 9])

It is the purpose of this section to provide standards for a variety of uses so that their location and operation will be consistent with the protection of the public's health, safety, and welfare. This section applies to uses that occur in various zoning districts where the specific criteria are not listed in the individual district. When the use is listed in Table A as a conditional use, the deviation from the specific standards below shall require a 'd-3' variance.

Any requirement in the applicable zoning district that is not modified by the criteria herein shall remain in full force and effect. The following criteria, in conjunction with meeting the general standards in [§30.505 \(Standards for Review of Applications\)](#), shall be met for the specific uses listed below:

A. Residential

1. Auxiliary Apartments

Millville shall permit an auxiliary apartment for the purpose of providing support to and maintenance of family units as part of the general purpose of promoting health, welfare and safety of its citizens.

- a. Auxiliary apartments shall be subject to the following regulations:
 - i. There shall be no more than one auxiliary apartment per lot or per primary residence.
 - ii. Auxiliary apartments shall be permitted only on those lots and in those primary dwellings which have no rental apartments.
 - iii. Auxiliary apartment shall be used only for residential purposes for one household.
 - iv. The owner of the lot must reside on-site.
 - v. An auxiliary apartment shall not contain an external entrance which faces the same street that the external entrance to the primary residence faces.
 - vi. Each auxiliary apartment shall be provided with one on-site parking space for sole use by its occupants(s).
 - vii. Creation of an auxiliary apartment unit is authorized by this section only if:
 - a) The owner of the residential structure within which it is created is, or is to be, an occupant of that residential structure or of the auxiliary unit; and
 - b) Each occupant of the auxiliary housing unit, or of the residential structure if the owner is to occupy the auxiliary housing unit, is a member of the family of the owner of the residential structure.
 - c) An auxiliary apartment shall contain no more rooms than a bathroom and kitchen plus two habitable rooms.

2. Boarding/Rooming Houses

a. Definitions

- i. **Boarding House:** Any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement. [N.J.S.A. §55:13B-3a]
- ii. **Rooming House:** A boarding house wherein no personal or financial services are provided to the residents. [N.J.S.A. §55:13B-3h]

b. Boarding/rooming houses may be permitted in accordance with [Table 9: Zoning Use by District](#), subject to the following conditions:

- i. No more than one boarding house per individual tract, parcel or platted lot is allowed.

- ii. A boarding house must be constructed/managed in compliance with all applicable a license issued by the NJ Department of Community Affairs NJSA 55:13B-7'
- iii. No more than two occupants per sleeping room are allowed.
- iv. All sleeping rooms shall be a minimum size of 70 square feet for one occupant and 120 square feet for two occupants.
- v. Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
- vi. Entry access to all boarding sleeping rooms shall be through the interior of the building.
- vii. No exit doors from individual boarding sleeping rooms shall lead directly to the exterior of the building.
- viii. Residents must have access on-site to a shared common area.
- ix. No cooking is permitted in any sleeping room. No cooking facilities are permitted in any
- x. sleeping room.
- xi. Each boardinghouse shall have a resident manager.
- xii. All residents must execute a lease before occupancy.
- xiii. Rooms must be leased to the same resident for at least seven consecutive calendar days.
- xiv. Parking spaces shall be provided as follows: one space for the resident manager; one-half space per leased sleeping room; and one space per four employees.

3. **Residential Conversion may be permitted in accordance with Table 9: Zoning Use by District, subject to the following conditions:**

[NOTE: See §30.205B.2 for Residential Conversions over Commercial]

- a. The purpose of this section is to regulate and control:
 - i. traffic and parking in the City's central business district and residential neighborhoods;
 - ii. preserve the historical integrity and character of the City's oldest areas;
 - iii. to promote appropriate population density for the area in order to contribute to the well-being of its citizens and neighborhoods.

To further that purpose, conversion of structures from their original building intent as conditionally permitted in certain Zoning Districts shall meet the following zoning regulations.

- a. Any conforming single family detached originally built as a three bedroom or more residence may add up to One additional dwelling unit under the following conditions:
 - i. The floor area of the original structure may not be enlarged for a conversion.
 - ii. No conversion shall result in more than two units, including the original.

iii. —

~~iv-iii.~~ All additional dwelling units shall have minimum habitable floor areas according to the following:

- (a) One-bedroom units: 550 square feet.
- (b) Two-bedroom units: 700 square feet.

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(c) Three-bedroom units: 900 square feet.

~~v-iv.~~ Every residential unit within a conversion must contain, at a minimum, 3 rooms including:

- a) Kitchen/living area (maybe one room but kitchen must contain sink, stove, oven and refrigerator);
- b) Separate bath facility with toilet, sink and shower/tub;
- c) Separate bedrooms with doors.

~~vi-v.~~ No efficiency units shall be permitted. The Planning Board may permit a greater or lesser amount of habitable floor area where, in its reasonable opinion, such is warranted by the specific circumstances of the particular building.

~~vii-vi.~~ Every room in a residential use conversion must have a window.

~~viii-vii.~~ No required external fire escape may be visible from a public street.

~~ix-viii.~~ The required parking (per RSIS standards for Garden Apartments) for the use must be met either on-site on a paved surface or through a shared parking agreement acceptable to the Board.

~~x-ix.~~ The external street façade may not be altered to accommodate the conversion. Corner lots shall be considered to have two street fronts.

~~xi-x.~~ Every building containing more than two residential units must provide a wheeled and lidded garbage and wheeled recycling container for each unit as well as a protected area for their outdoor storage.

~~xii-xi.~~ Each dwelling unit existing on the property in question shall have a minimum of 1,000 square feet of open space for aesthetic, recreational and related uses, which open space shall be in addition to any space created to fulfill parking requirements established by this chapter.

4. Elevator Apartments

a. Elevator Apartment standards

- i. No apartment building may be more than 6 stories or 65 feet high
- ii. Maximum number of units in one building: 60 units
- iii. Principal building setback:
 - a) From tract perimeter:
 - Building setback shall be 50 feet for any portion of the building with a height of 35 feet or less and building setback shall be increased to 100 feet when directly abutting a residential district.
 - Building setback shall be 100 feet for any portion of the building with a height in excess of 35 feet and building setback shall be increased to 200 feet when directly abutting a residential district.
 - b) From internal common driveway or street: 25 feet
- Minimum distance between buildings: 50 feet
- Accessory building setback from tract perimeter: 25 feet

- Parking area or internal driveway or street setback (excluding entrances and exits):
 - c) (1) From existing streetline: 50 feet
 - d) (2) From tract perimeter: 35 feet
- All utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located on the roof or at the side or rear of buildings and shall be screened by architectural elements or landscape plantings.
- See [Section 30-310](#) for landscaping buffer design standards

5. Mobile/Manufactured Home Park

a. Definitions:

MANUFACTURED HOME: A unit of housing which:

- i. Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;
- ii. Or is built on a permanent chassis;
- iii. Or is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and
- iv. Is manufactured in accordance with the standards promulgated for a manufactured home by the secretary pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," Public Law 93-383 (42 U.S.C. § 5401 et seq.) and the standards promulgated for a manufactured or mobile home by the Commissioner of the New Jersey Department of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (N.J.S.A. 52:27D-119 et seq.);
- v. A mobile/manufactured home as used in this Ordinance shall not be construed to include any motor vehicle with sleeping or living quarters that is intended for movement.

MANUFACTURED/MOBILE HOME LOT OR PAD

A parcel of land designed to accommodate a manufactured/mobile home and which includes a manufactured/mobile home stand and a mobile home yard. It shall be measured using a plot width which shall be the perpendicular distance between side plot lines, and a plot depth which shall be the actual distance between the side plot lines and need not be perpendicular to the street.

MANUFACTURED/MOBILE HOME PARK

Any plot or parcel of land containing two or more manufactured/mobile home lots or manufactured/mobile homes and which shall include all buildings used or intended for use as part of the equipment thereof.

MOBILE HOME:

A Unit of housing manufactured prior to 1974 and which does not meet the "National Manufactured Housing Construction and Safety Standards Act of 1974," P.L. 93-383 (43 U.S.C. and 5401, et seq.) and the standards promulgated for a manufactured mobile home pursuant to the "State Uniform Construction Code Act," N.J.S.A. 52:27D-119, et seq. For the purposes of this Ordinance, travel trailers and campers are not considered mobile homes

PARK MANAGEMENT

The owner of a manufactured/mobile home park or his designated agents being administrative officers of the manufactured/mobile home park.

TENANT

Any person who rents or leases a manufactured/mobile home lot or pad from a park management organization.

b. Requirements.

- i. No license is required and no special standards beyond those of the residential district in which it is located for the erection of a single manufactured home of less than 22 feet wide, located on a permanent foundation and occupied by the home owner.
- ii. Compliance. The provisions of this chapter comprise the minimum standards with which all manufactured/mobile home parks and the park management shall comply, as well as with the rules and regulations and policies or laws administered by the City or any agency or subdivision in this state having legal jurisdiction, including N.J.A.C. 5.23-3.19.
- iii. Permits.
 - a) No person shall construct or operate and maintain a manufactured/mobile home park in the City unless such person shall first obtain a conditional use permit for the construction and maintenance and operation thereof from the City.
 - b) All manufactured/mobile home park shall comply with the provisions of **205A.5.a above for** definition of "manufactured/mobile home park," as vacancies occur in the park.
 - c) Any approval of plans and applications for permit issued hereunder shall be subject to automatic revocation in the event the applicant to whom the approval is granted shall fail to commence construction of the manufactured/mobile home park for which a license is applied for within six months from the date of the granting of the approval.

c. Location of park.

- i. Manufactured/mobile home parks shall be permitted conditionally in those Zoning Districts as allowed or in locations for which a license has been granted or renewed;
- ii. Any enlargement or extension of any existing trailer court or mobile home park at the time of adoption of this chapter shall require a conditional use permit as if it were a new establishment.
- iii. Conditional use permits shall be issued or refused issuance on the basis of the criteria of this chapter and the general welfare.
- iv. No manufactured/mobile home park shall be located within one mile of any boundary of any other manufactured/mobile home park. Nothing in this subsection shall be construed to prohibit manufactured/mobile home licenses in existence prior to the date of this Ordinance.

d. Park Layout.

- i. The manufactured/mobile home parks site planning and improvements shall provide facilities appropriate to the needs of the residents for safe, healthful and comfortable living areas.
- ii. Manufactured/mobile home units shall be fitted to the terrain with a minimum disturbance of the land.
- iii. Existing trees, steep slopes, freshwater wetlands, floodplains and other natural site features shall be preserved to the extent practical.

e. Lot or pad layout and occupancy.

- i. Each manufactured/mobile home lot or pad shall be clearly identified by number.
- ii. Each manufactured/mobile home shall be adequate to accommodate the number of people occupying the same.
- iii. The number of manufactured/mobile homes permitted in a manufactured/mobile home park shall not exceed the number of manufactured/mobile home lots.

f. Minimum size.

The minimum size for a manufactured/mobile home park shall be 25 acres, which shall also be the minimum size of any additions to an existing manufactured/mobile home park.

g. Manufactured/mobile homes per acre.

The maximum number of manufactured/mobile homes permitted per acre shall be four.

h. Manufactured/mobile home lot or pad area.

- i. All manufactured/mobile home lots or pads shall have a minimum of 6,000 square feet with a minimum width of 60 feet and a minimum depth of 100 feet.
- ii. There shall be a separation of at least 25 feet between each manufactured/mobile home in a manufactured/mobile home park and every other manufactured/mobile home in the manufactured/mobile home park.
- iii. No manufactured/mobile homes shall be closer than 25 feet from the adjoining pad or property line or building structure or and 20 feet from the curblines of any private street or 35 feet from the center line of a street that does not have a curblines and 100 feet from the right-of-way line of any public street.
- iv. No gasoline and such similar flammable liquids or other types of storage shall be stored underneath a manufactured/mobile home.

i. Roads, sidewalks and drains.

- i. Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to manufactured/mobile home stands and other important facilities on the streets.
- ii. The streets shall be retained as private streets on the property and shall be a minimum paved width of 30 feet in width from curb to curb.
- iii. No manufactured/mobile home shall be occupied prior to the completion of the access streets thereto and that portion of the street sufficient to cover the frontage of the manufactured/mobile home lot.
- iv. The park management shall maintain the streets in the manufactured/mobile home park in order to provide a safe and adequate means of transportation

- throughout the manufactured/mobile home park for its inhabitants and their guests.
- v. Street repairs, sweeping and snowplowing, as needed from time to time, shall be provided by the park management.
 - vi. All roads, sidewalks and storm sewer drains shall be installed to comply with the provisions of RSIS.
- j. Parking.
- i. There shall be no parking permitted on any of the interior streets of the manufactured/mobile home park.
 - ii. At least two car parking spaces for each manufactured/mobile home shall be provided.
 - iii. Parking spaces shall be provided either in convenient bays or other area upon the manufactured/mobile home lot or pad.
- k. Streetlights.
- i. Streetlights shall be installed at every intersection and for every 300 feet along interior streets.
 - ii. The lights shall be of the mercury vapor lamp type and shall be illuminated from 1/2 hour after sunset until 1/2 hour before sunrise. J.
- l. Buffer strips.
- i. A buffer strip shall be maintained along all exterior property lines of the manufactured/mobile home park whether they be front lines, side lines or rear lines.
 - ii. Such buffer strips shall be at least 50 feet in width and shall be screened when necessary, according to the provisions of **30-310 [Landscaping]**.
- m. Service areas.
- i. A solid waste and recycling enclosure shall be provided within 250' of every trailer.
 - ii. Closed storage areas and areas where trash and garbage are stored shall be screened with a six-foot-high heavy timber or masonry enclosure.
 - iii. Trash enclosures shall meet the requirements of **Section 30-322 [Solid Waste Disposal Standards]**.
- n. Patio/Yard.
Individual pad site patio/yards shall not extend more than 10 feet from the permitted pad site and a minimum of 15 feet from the permitted side line of the common area surrounding the manufactured/mobile home site.
- o. Conformance with state and federal standards.
All manufactured/mobile homes shall conform with the New Jersey Manufactured Home Subcode, N.J.A.C. 5:23-3.19, and with the Federal Manufactured Home Construction and Safety Standards, as set forth in Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, which may be obtained from

the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420.

p. Water and sewer facilities.

All manufactured/mobile home parks located within the City shall conform to the State Sanitary Code and N.J.A.C. 5:23-3.19 requirements except when The City has requirements exceeding those requirements, in which event the stricter requirement will take precedence.

- i. Water and sewer. Mobile home parks shall only be permitted where the availability of public sanitary sewer and potable water exist or can be made available by the applicant for approval of such uses.

q. Fees.

The City may impose an annual fee based upon anticipated expenses to be incurred by the City in providing services to the park for each manufactured/mobile home park with not more than 50 manufactured/mobile home lots or pads shall be as provided in Chapter 150, Fees. For each manufactured/mobile home park exceeding 50 manufactured/mobile home lots or pads, the license fee shall be as provided in Chapter 150, Fees, plus an additional sum per month for each manufactured/mobile home registered in the manufactured/mobile home park during such month in excess of 50 lots or pads. A calendar month is hereby defined as any continuous thirty-day period of occupancy. The aforesaid fee shall accompany the application for the license.

r. Other Requirements.

- i. The applicant shall provide the City with a written agreement that she/he will permit entry to the manufactured/mobile home park at any time during the day or night of any authorized state, county or City police officer or other law enforcement official and by the Board of Health officer, Construction Official, Zoning Officer or other official of the Township or any agent designated by resolution of the Township Committee.
- ii. Inspection. Manufactured/mobile home park buildings and premises shall be subject to inspection by the City or its duly authorized representative.

6. **Rural Infill Housing.** Single family residential lots may be developed conditionally in Districts as listed in the Zoning Use Table for the sole purpose of providing opportunities for the development of individual lots too small or too constrained for farming. The subdivision of such lands for the purpose of the development of a single-family, detached residential dwelling may be permitted only in accordance with the following conditions:

- a. A deed restriction must be recorded prohibiting further subdivision.
- b. Any parcel to be used for rural infill housing shall be:
 - i. A maximum of 4 acres in size,
 - ii. Within or abutting existing residentially developed lands.
 - iii. Not be part of a prior subdivision that will make it subject to major subdivision review;
 - iv. Meet the standards for on-site provision of sanitary waste disposal and potable water supply.

- v. The yard and setback requirements for a single family dwelling shall apply to a rural infill residence along with all other applicable sections of this Ordinance.
- vi. Any rural residence lot created shall be located on an improved, public roadway, and no new road shall be constructed for any rural infill housing.

B. Commercial

1. Convenience store (less than 4000sf)

- a. All retail stores must be connected to public or community package sewer.
- b. Common concrete block shall not be used on any elevation visible from a public street. Any permitted façade with concrete block shall be painted.
- c. Retail stores oriented towards a street shall have a minimum of 50% of the first floor building facade consist of glass display windows.
- d. No merchandise, products or similar materials or objects shall be displayed, sold or stored outside.

2. Commercial with residential above

Conforming ground floor businesses within the Downtown, Neighborhood and Highway Commercial Districts may convert upper stories to residential units under the following conditions:

- a. No more than two units per floor shall be allowed.
- b. Every residential unit within a business-residential mixed-use conversion must contain, at a minimum 3 rooms including:
 - i. Kitchen/living area (maybe one room but kitchen must contain sink, stove, oven and refrigerator);
 - ii. Separate bath facility with toilet, sink and shower/tub;
 - iii. Separate bedrooms with doors.
- c. Each residential unit must be provided with one off-street parking space
 - i. The parking space may be located off-site but must be restricted and designated for the specific residential unit with an agreement filed with the City.
 - ii. The parking slot may not be more than 1,000 feet from the residential unit to which it is assigned.
- d. Trash collection is the responsibility of the property owner per [Millville City Ordinance Chapter 61-126](#). No trash may be placed for collection on the street within the Downtown Commercial District.

3. Retail Store. In addition to the requirements of the Zoning District in which it is located, retail stores shall comply with the following guidelines unless the Zoning District requirements are stricter:

- a. The building shall not be set back more than 40' from the access street.
- b. Parking and access
 - i. Parking areas shall be located to the side and rear of the building with a maximum of one row of single parking on the main public street.

- ii. Access should be limited to a maximum width of fourteen feet (14') for single one-way drives and twenty four (24') feet for double or two-way drives.
 - iii. All parking areas should be landscaped and screened to [Section 20.310](#) **[Landscaping]**.
 - iv. A minimum, ten percent (10%) area of interior of parking lots shall consist of landscaped islands consisting of a minimum of two (2) trees in each island with year round ground cover in the remaining space.
 - v. A landscape island of not less than two hundred square feet shall be provided for every twenty five (25) parking spaces in a parking lot
 - vi. No more than one single aisle of parking should be located between a building and an abutting right-of-way.
- c. Landscape Design
- i. Parking lots shall be landscaped and screened with a minimum 20' wide buffer between any parking space and a public street.
 - ii. The buffer should consist of trees planted no more than ten feet (10') on center intermixed with shrubs providing an opaque shield of at least 50% from headlight glare and parking lot lighting.
 - iii. Any area not used for parking shall be landscaped or hardscaped.
 - a) Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.
 - b) Such spaces may include a combination of vegetation and architectural features such as decorative pavement, benches, informational kiosks or bicycle parking.
- d. Stormwater Management
- i. Retention areas shall be designed to be organic in shape rather than geometric.
 - ii. Retention areas should be pedestrian accessible, linked to pedestrian walkways with seating whenever possible.
 - iii. Shared retention basins should be utilized wherever possible.
- e. Lighting
- i. Lighting for pedestrian areas shall not exceed 12' in height
 - ii. Parking and driveway lighting shall not exceed 18' in height and should be placed in landscaping islands whenever possible.
 - iii. Illumination shall meet recommendations of the Illuminating Engineering Society for Exteriors.
- f. Service Areas
- iv. All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays, and refilling areas, etc. should be landscaped and screened so that they are not visible from any public right-of-way.

- v. The screen should consist of landscaping or a solid wall, facade, parapet or other similar screening material which is architecturally compatible and consistent with the associated building.
- vi. Landscape screens if utilized must be high enough within one year of planting to provide the required screening.
- vii. Antennas, satellite dishes, storage buildings and other similar equipment not required for normal building operation should be located in the side or rear yard and should not exceed thirty five feet (35') in height.

4. Shopping Center.

- a. All Shopping Centers shall meet the following criteria:
 - i. No more than 30% of the lot area shall be occupied by principal uses.
 - ii. No more than 5% of the lot area shall be occupied by permitted accessory uses, except for parking and loading areas
 - iii. If the center consists of more than one building, buildings shall be separated by not less than 15 feet.
 - iv. All shopping centers shall abut and have their principal access onto a collector or arterial road.
 - v. Landscaped and planted areas providing adequate screening shall occupy a space at least 20 feet in width between parking areas and adjoining road right-of-way lines.
 - vi. A 50' buffer shall be provided if the Shopping Center abuts a residential district or residential property.
 - vii. No merchandise, products, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval.
 - a) The area of any outdoor sales or storage shall be enclosed entirely by fences, walls, landscaping material or a combination thereof in order to provide a visual barrier between the outdoor sales and storage areas and any street, residential zoning district or parking area.
- b. All Shopping Centers shall provide:
 - i. Areas and facilities for the collection of solid waste.
 - ii. Fire zones designed to facilitate easy access to structures for emergency vehicles. Such zones shall be approved by the appropriate local fire official.
 - iii. Pedestrian walkways.
 - iv. Screening to protect adjoining properties and roadways from direct glare from vehicles or from blowing debris.
- c. Neighborhood Shopping Center shall conform to the following conditions:
 - i. Lot area must be between two and 10 acres.
 - ii. A maximum of 50,000 square feet retail and office shall be included.
 - iii. Maximum building height shall be 35 feet.
 - iv. Lighting, paving and other design features shall be consistent throughout the Neighborhood Center.

- v. Residential units may be permitted under the following conditions:
 - a) Residential units may not be located on the ground floor.
 - b) Designated parking slots shall be provided for the residential uses conforming to the parking requirements of **Section 30.316 [Parking, Loading Areas and Driveways]**.
 - c) Residential units must contain a minimum of **500 square** feet of habitable floor area.
 - d) Not more than one residential use is permitted for each commercial use permitted, and total residential units shall not exceed eight for any one Neighborhood Shopping Center.
 - e) No commercial sign shall be attached to, overhang, or obstruct the view from a residential unit or be located in whole or part on the same level as any residential unit(s).
- Adjacent Neighborhood Shopping Centers shall provide access to each other without use of the public roadway or provide cause why this cannot be accomplished.
- d. Regional Shopping Centers shall conform to the following:
 - i. Minimum Bulk Requirements

a) Area	435,600 SF
b) Lot Frontage	200 feet
c) Lot Depth	200 feet
d) Front setback	30 feet
e) Side setback	30 feet
f) Rear Setback	40 feet
g) Maximum Height	50 feet
h) Maximum Building cover	30%
i) Maximum Impervious Cover	70%
j) Open Space	20%
 - No one store may occupy more than 30% of the shopping center.
 - Open Space must be landscaped or hardscaped (such as plaza with benches) for pedestrian use.
 - Parking and access
 - a) All parking areas should be landscaped and screened as specified below and in Landscaping **Section 30.310**.
 - b) A minimum, ten percent (10%) area of interior of parking lots shall consist of landscaped islands consisting of a minimum of two (2) trees in each island with yearround ground cover in the remaining space.
 - c) A landscape island of not less than two hundred square feet shall be provided for every twenty five (25) parking spaces in a parking lot.
 - d) No more than one single aisle of parking should be located between a building and an abutting right-of-way.
 - Landscape Design
 - a) Parking lots shall be landscaped and screened with a minimum 20' wide buffer between any parking space and a public street.

- b) The buffer should consist of trees planted no more than ten feet (10') on center intermixed with shrubs providing an opaque shield of at least 50% from headlight glare and parking lot lighting.
- c) Any area not used for parking shall be landscaped or hardscaped.
- d) Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.
- e) Such spaces may include a combination of vegetation and architectural features such as decorative pavement, benches, informational kiosks or bicycle parking.
- Stormwater Management
 - a) Retention areas shall be designed to be organic in shape rather than geometric.
 - b) Retention areas should be pedestrian accessible, linked to pedestrian walkways with seating whenever possible.
 - c) Shared retention basins should be utilized wherever possible.
- Lighting
 - a) Lighting fixtures shall be consistent throughout the Regional Center
 - b) Lighting for pedestrian areas shall not exceed 12' in height
 - c) Parking and driveway lighting shall not exceed 18' in height and should be placed in landscaping islands whenever possible.
 - d) Illumination shall meet recommendations of the Illuminating Engineering Society for Exteriors.
- Service Areas
 - a) All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays, and refilling areas, etc. should be landscaped and screened so that they are not visible from any public right-of-way.
 - b) The screen should consist of landscaping or a solid wall, facade, parapet or other similar screening material which is architecturally compatible and consistent with the associated building.
 - c) Landscape screens if utilized must be high enough within one year of planting to provide the required screening.
 - d) Antennas, satellite dishes, storage buildings and other similar equipment not required for normal building operation should be located in the side or rear yard and should not exceed thirty five feet (35') in height.

5. Gasoline Stations and Car Washes

- a. **Gasoline Stations** may be established when they meet the following conditions:
 - i. The minimum lot size shall be 20,000 square feet and the minimum lot frontage shall be 100 feet.

- ii. A gasoline station may be combined with a convenience store or membership club bulk retail outlet on the same lot, provided that the minimum lot size, or minimum leased area in the event the service station is part of a shopping center, shall be a minimum of 1.5 acres.
- iii. In addition to required site plan details, the site plan submitted in connection with an application for a gasoline service station shall also include:
 - a) The location of all fuel tanks and pumps;
 - b) The dimensions and capacity of each tank;
 - c) The depth the tanks will be buried below ground level;
 - d) The location and use of all structures, principal and accessory, to be constructed; and
 - e) Design details for any proposed canopy structure including:
 - Dimensioned elevation including any signage proposed
- iv. Driveways shall not be more than 24 feet at property lines and curblines and shall be located at least 10 feet from the intersection of street right-of-way lines. Driveway entrances shall be paved with portland cement or asphaltic concrete.
- v. Ingress and egress shall be designed to recognize turning movements generated. These access points shall be coordinated with the access points required for adjacent or nearby uses and the frequency of intersecting side streets. The reviewing Board may require a traffic circulation and traffic impact study as part of review.
- vi. Any part of a property or site to be used for the minor repair of vehicles, dispensing or changing fluids, or prolonged motor vehicle idling shall not be located within 100 feet of a residence, church, school, library, eating establishment or health-care facility unless undertaken entirely within an enclosed, ventilated, and soundproofed structure.
- vii. Fuel pumps shall be located at least 35 feet from any property line. All fuel tanks shall be installed underground and shall be located at least 30 feet from any property line.
- viii. Service station attendant booths, canopies and air pumps shall be permitted within the required front yard area of service stations but shall be no closer than 20 feet to any street line.
- ix. A minimum space of 25 feet shall exist between any two pumping islands and between any islands and any structures.
- x. All storage areas shall be screened from adjacent residential or institutional properties and all public streets.
- xi. No junked automobiles or parts and no unregistered motor vehicles shall be permitted outside an enclosed building.
- xii. As a minimum, screening as required in [Section 30.310](#) shall be required along any property line adjoining a residentially use or zoned property. The Planning Board may require additional buffering, and other protective measures as necessary to protect surrounding properties from the effects of light, noise, air pollution or other nuisances generated on site.

- xiii. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance; a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard.
 - xiv. Any part of the site subject to access by motor vehicles shall be paved. The areas used for the dispensing of gasoline or other fuels shall be provided with a hard surface and sufficient drainage to contain any spills of the liquids should they occur.
 - xv. Accessory goods for sale, such as motor vehicle oil and window wash fluid, may be displayed on the pump island(s).
 - All other exterior displays shall be permitted, provided:
 - a) that the area devoted to that purpose is in addition to the minimum lot size required for a gasoline station,
 - b) the area devoted to this purpose does not exceed 20% of the total area of the entire site,
 - c) the maximum sign area for the gasoline station is not exceeded, and
 - d) the location of the equipment being rented or offered for sale does not interfere with the required off-street parking requirements for the service station and does not interfere with the on-site traffic circulation indicated on the approved site plan.
 - xvi. All gasoline stations shall be provided with adequate facilities, equipment and structures to prevent degradation of or adverse effects to the environment and adjacent land uses. Such facilities and the equipment include storage tanks for used motor oil and petroleum products, emission control and air quality devices and separate disposal systems designed to properly handle wastewater used in connection with such uses, including motor vehicle or boat cleaning.
- b. **Car Washes.** In addition to complying with all the relevant requirements listed in Section **30.205B.5a (Gasoline Stations)**, carwashes shall also meet the following standards:
- i. Sufficient on-site area shall be provided to permit cars or other vehicles queuing for service. Queue areas shall not be in required setbacks and shall be screened from adjoining properties.
 - ii. All wastewater generated from such uses shall be disposed of in a public wastewater system or an approved on-site system designed to handle such flows. No wastewater will be allowed to leave the site through surface runoff or underground piping.
 - iii. Sufficient lane space for a minimum of 8 cars in queue shall be provided.
6. **Vehicle repair garages**, including body shops,
- a. Vehicle repair garages may be established when they meet the following conditions:
 - i. In addition to required site plan details, the site plan submitted in connection with an application for a repair garage shall also include locations for and maximum number of automobiles or motor vehicles in need of service that are to be garaged or parked on the premises at any one time.

- No part of the lot to be used for the repair of vehicles, dispensing or changing fluids, prolonged motor vehicle idling or the painting of vehicles shall be located within 100 feet of a residence, church, school, library, eating establishment or health-care facility unless undertaken entirely within an enclosed, ventilated, soundproof structure.
- All appliances, pits, storage areas and trash facilities other than motor fuel filling pumps or air pumps shall be within a building or roofed structure.
- All storage areas shall be screened from adjacent residential or institutional properties and all public streets.
- No vehicles shall be stored on-site which are not actively awaiting repair work except in the case of repair garages which are established in conjunction with the sale of motor vehicles. In which case, unregistered vehicles may be stored outside a structure in a designated sales or display area.
- No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.
- Buffer screening as required *in Section 30.310 [Landscaping]* shall be required along any property line adjoining a residentially used or zoned property. The Planning Board may require additional buffering, and other protective measures as necessary to protect surrounding properties from the effects of light, noise, air pollution or other nuisances generated on site.
- In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance; a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard.
- All repair garages shall be provided with adequate facilities, equipment and structures and shall be designed to ensure against degradation of or adverse effects to the environment and adjacent land uses. Such facilities and equipment include storage tanks for used motor oil and petroleum products, emission control and air quality devices and separate disposal systems designed to properly handle wastewater used in connection with such uses, including motor vehicle or boat cleaning.

7. **Vehicular Rentals/Sales.** New and used automobile sales uses shall conform to the following conditions above and beyond those required in the Zoning District:
- a. Minimum lot size shall be 5 acres
 - b. Minimum frontage shall be 500 feet
 - c. The use shall require a building with a minimum gross floor area of 15,000 sf.
 - d. No service bay door shall face a residential zoning district unless sound attenuation measures are installed to ensure that no sound greater than 50 decibels (dBA measurement) occurs at a point 150 feet distant or the property line, whichever is closer.
 - e. Service bays shall be oriented to the sides or rear of a building.
 - f. Exterior display of vehicle shall be located at ground level and demarcated with textured paving materials to distinguish the area from customer parking.
8. **Commercial Parking Garage and Lot**
- a. Parking Structure
 - i. The parking structure must adhere to the building setbacks of the zoning district.
 - ii. The appearance of a parking garage entrance shall be minimized so that they do not dominate the street frontage. Possible techniques include recessing the entry; extending portions of the structure over the entry; using screening and landscaping to soften the appearance of the entry; using the smallest curb cut and driveway possible; and subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.
 - iii. Entrance drives to garage parking (including underground parking) shall be located and designed to minimize interference with pedestrian movement. Pedestrian walks shall be continued across driveways.
 - iv. Landscaping. In addition to the landscaping requirements of **Section 30.310**, the following are required:
 - a) Perimeter landscaping strips around the structure.
 - b) Landscape planters, planter boxes, climbing vines, or another acceptable landscaping treatment on the exterior of the building.
 - b. Commercial Parking Lot
 - i. Parking lots shall be set back from all lot lines a minimum of 25 feet unless a larger setback is required in the zoning district.
 - ii. Parking shall not be permitted to be located in any required landscaping buffer.
 - iii. Parking areas for individual non-residential uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s) where feasible to minimize access points to the street. Such interconnection shall be established through an appropriate cross-access easement either unilaterally established by one party or by mutual agreement. The cross-access easement shall be approved by the Board of Jurisdiction.
9. **Restaurant with Drive-thru**
Drive-Through or Fast-Food Restaurants are subject to the following standards:
- a. A minimum lot size of 20,000 square feet shall be required.

- b. Separate drive-thru lanes shall be provided that are distinctively marked (by striping and/or curbing) for queuing or stacking from the general circulation lanes necessary to enter or exit the site.
 - c. A bypass lane shall be provided for all drive-through operations with a minimum width of fourteen (14') feet.
 - d. All drive-through lanes shall have a minimum width of ten (10') feet and shall be striped or marked.
 - e. Sufficient queue space shall be provided for a minimum of four (4) spaces for each drive-through window or station.
 - f. Drive-through windows and stacking lanes shall be screened from public and private streets, sidewalks, adjacent outdoor dining spaces, parks and public open spaces.
 - g. Drive-through speakers shall not be audible from adjacent properties.
 - h. Menu Sign. Drive-thru restaurants are permitted one (1) menu sign, which may include the name and logo of the restaurant to which the drive-through is attached, which shall conform to the following:
 - i. Shall not be visible from any roadway, and
 - ii. Shall be no larger than five (5') feet by seven (7') feet in area, and
 - iii. Shall not exceed eight (8') feet in height.
 - i. In addition to other items for consideration, the Board review shall include: on and off-site circulation, traffic safety, curbside parking, number or proximity of driveways, speed bumps, and other relevant site development factors.
10. **Home Occupation.** Home occupations shall be subject to the following regulations:
- i. Home occupations shall be limited to one per lot and shall be operated by a resident(s) of the dwelling unit in which it is located.
 - ii. No home occupation shall employ more than one non-resident.
 - iii. No more than two clients, customers, patients, or patrons shall be permitted at any given time on the premises for business or commercial purposes.
- No more than 20% of floor area shall be used in the principal residence for the home occupation.
 - Home occupations may occupy up to 50% of a lawful accessory structure.
 - No display of products shall be visible from the street.
 - No sounds emanating from the home occupation use shall be audible outside the building in which the home occupation is located.
 - No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings.
 - The home occupation shall not reduce the parking or yard requirements of the detached dwelling.
 - Parking spaces as required ***in Section 30.316C [Parking, Loading Areas and Driveways]*** for any home occupations are in addition to those required of residential units and shall not be located in any required front or side yard areas.

- All parking associated with the home occupation shall be screened from view of any public street behind a combination of hedging, landscaping or fencing.
- A home occupation shall be limited to one wall mounted sign no larger than 18" x 24" with no internal illumination.

11. Hotels/Motels

- a. Motels shall conform to the following conditions:
 - i. Minimum lot size shall be one acre.
 - ii. Minimum lot frontage shall be 300 feet.
 - iii. Any motel shall contain a minimum of at least 20 units of accommodation, exclusive of, but in addition to, a permanent, on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
 - Each unit of accommodation shall contain a minimum floor area of 250 square feet.
 - Ceilings shall be a minimum of 8 feet in height.
 - No more than 20% of the units may include cooking facilities. Kitchenette units must be a minimum of 350 square feet.
 - There shall be a maximum residency limitation on all guests of 14 consecutive days in units without kitchenette and 25 consecutive days in units with kitchenettes. The residency limitation shall not apply to an employee living on the premises.
- b. Hotels shall conform to the following conditions:
 - i. Minimum lot size shall be one acre.
 - ii. Minimum lot frontage shall be 300 feet.
 - iii. Each unit of accommodation shall contain a minimum floor area of 250 square feet.
 - iv. Ceilings shall be a minimum of 8 feet in height.
 - v. No more than 20% of the units may include cooking facilities.
 - vi. There shall be a residency limitation on all guests of a maximum of 30 days. The residency limitation shall not apply to an employee living on the premises or to occupants of the allowed units with cooking facilities.
 - vii. Restaurants and nightclubs shall be permitted as an accessory use within the hotel.
 - viii. Barber shops and hair salons, gift shops, newspaper stands, smoking shops and similar uses associated with hotel lobbies shall be permitted as accessory uses provided there is no direct access to the outside for customers and no exterior signage for those uses.

12. Bed and Breakfast. The use and occupancy of a detached dwelling shall be permitted for accommodating transient guest for rent, subject to the following additional conditions and restrictions:

- a. The lot shall meet the Zoning District's commercial bulk standards.
- b. No more than ~~six~~ guest rooms may be provided.
- c. No more than two adults and two children may occupy one guest room.

- d. The use shall be carried on primarily by members of the immediate family which must reside on the premises. Nonresident employees shall be limited to two in addition to the resident members of the family.
- e. There shall be no separate kitchen or cooking facilities in any guest room.
- f. Only guests of the facility and their invitees shall be served food and drink on the premises.
- g. The maximum uninterrupted length of stay at a bed and breakfast shall be 14 days.
- h. The use of any amenities provided by the bed and breakfast, such as swimming pools or tennis courts, shall be restricted in use to guests of the establishment.
- i. There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single wall mounted sign no larger than 18" x 24 and externally illuminated.
- j. If the facility does not have City water/sewer, the applicant shall demonstrate that the on-lot facilities are adequate to serve the maximum number of guests which could be housed at the facility at any one time.
- k. Parking:
 - i. One off-street parking space shall be provided for each guest room,
 - ii. Plus one space for each employee and
 - iii. Two spaces for the owners of the property. T
 - iv. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from adjacent properties and the street.
 - v. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty that establishes a right to the use of the off-tract parking is secured.

13. Funeral Homes. Funeral homes may be established as allowed in the Zoning District standards:

- a. Funeral homes with crematories must have a minimum lot size of five acres and meet all state standards.
- b. Funeral homes shall establish a buffer of 20' between an adjacent residential use and parking areas or driveway used for funeral procession queuing.
- c. Parking shall be provided on-site for the following:
 - i. One space for each official vehicle utilized by the funeral company.
 - ii. One space for each employee utilized for the average funeral size.
 - iii. Two spaces for the household if the funeral home is also a residence.
 - iv. Sufficient additional paved space to queue 10 cars.
- d. Parking shall be provided on-site or, through a formal agreement, at a lot within 500 feet of the funeral home lot as follows:
 - i. One space for every 75 square feet of public gathering space in the funeral home, including chapels, public hallways, waiting rooms and porches.

14. Auctions/Flea Markets

- a. Flea Markets may be established as allowed in the Zoning District regulations under the following conditions:
 - i. Any flea market conducted entirely within an enclosed structure shall be considered a retail sales use and meet the requirements for that use.
 - ii. All open-air flea markets shall be surrounded by a fence of a nature and design sufficient to prevent direct pedestrian access to sales areas except through specified gates or openings.
 - iii. No sales area shall be directly accessible to pedestrians or vehicles from adjoining streets.
 - iv. No use other than retail sales shall be permitted in conjunction with a flea market.
 - v. Residential occupancy of any tent, trailer, van, or other structure or vehicle shall be prohibited except during normal business hours.
 - vi. No open-air flea market shall be located closer than 100 feet from any residential use or zoning district.
 - vii. No open-air flea market shall operate or permit sales after sunset.
 - viii. Parking. All flea markets shall provide:
 - a) One and one-half spots for each vendor to accommodate vendors' trailers/vans.
 - b) One space for each 5 vendors for customers.
 - c) Designated loading spaces or areas for vendors shall be provided and maintained.
 - d) Flea markets operating at least six months of the year and open at least three days/week shall provide paved driveways, parking and loading areas for vendors.
 - ix. All flea markets shall provide for trash collection and disposal and shall have available lavatory facilities for use by the public.
 - x. In the case of open-air flea markets, one structure or mobile home may be used as an office and/or night watchman's facility.
 - xi. All flea markets shall be subject to site plan review.
- b. Auctions/Outdoor Sales may be held in accordance with the following conditions:
 - i. Estate sales and temporary sales of household belongings, and liquidation of business inventory are permitted in all zoning districts without site plan review provided:
 - a) No sale shall last more than seven consecutive days or for more than three weekends in any six month period.
 - b) No structures are altered, erected, constructed or installed in connection with the sale.
 - c) NOTE: Such activities may be subject to other regulations or licensing requirements of the City of Millville.
 - ii. Temporary sales or auctions held or sponsored by bona fide nonprofit organizations such as churches, schools, volunteer fire or safety organizations,

social or civic clubs or organizations and political parties shall not be subject to site plan review.

- iii. Sales/auctions of farm/nursery goods held on the same property shall not be subject to site plan review if they meet the following conditions:
 - a) Seventy-five percent of the goods must be grown on the auction property.
 - b) No more than one sale/auction per year is allowed.
 - c) No yearly auction/sale shall be for more than two days.
 - d) The sale/auction site must be setback 20' from a public street.
 - e) Sales must take place during daylight hours.
- iv. Auctions carried out as a continuous business operation or in connection with the sale of goods or services as a promotional campaign of any existing business or industry shall be considered to be a retail use subject to site plan review.
 - a) The applicant must meet the conditions and standards for a similarly sized retail business as well as:
 - Parking requirements for auction business shall be equivalent to the requirements for a retail business of the same size.
 - Auction businesses that accept consignment items must provide two times the loading space equivalent to the requirements for a retail business of the same size.
 - All auction business must be carried out within a structure.

15. Craft Beverage Production/Tasting Establishment. Craft beverage, including wine, beer, spirits, cider and mead, may be established as allowed in the Zoning District regulations under the following conditions:

- a. In the DC, NC, LMU and LDR Zoning Districts, the following conditions shall apply
 - i. Production shall be limited to no more than 5,000 barrels of beer, or 5,000 gallons of distilled spirits, wine, cider, or mead annually.
 - ii. Production activities and the area devoted to such activities shall be accessory to an on-site tasting room.
 - iii. Parking shall be provided in accordance with the requirements for small restaurant (seating less than 75) as established in Section 30.316C.
 - iv. Storage of materials used in the production process shall only be permitted within a completely enclosed structure.
 - v. Retail sales may be permitted provided the associated retail sales area shall be limited to 10% of the gross floor area of the space devoted to production and is limited to product produced on-site.
- b. In the AE, I-BE, ME Zoning Districts, the following conditions shall apply:
 - i. The use may be for production only.
 - ii. A tasting room, consisting of up to 30% of the total gross floor area of the establishment, for the consumption of products produced on-site may be permitted as an accessory use. Any food served shall be as an accompaniment to

those products produced onsite, and shall be limited to pre-packaged food items or food items that require limited preparation and/or reheating.

- iii. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing use pursuant to [Section 30.316C](#) Zoning Ordinance.
- iv. Parking for the tasting room shall be provided in accordance with the requirements for a restaurant establishment pursuant to [Section 30.316C](#).

16. Boarding Kennels

- a. The keeping of more than six dogs that are more than six months old for breeding, training, selling or boarding for a fee shall meet the following conditions:
 - i. Minimum lot size shall be six acres.
 - ii. No animal shelter or runway shall be located closer than 300 feet to any residential building other than the owners.
 - iii. The total number of dogs on the property shall not exceed five dogs per acre, or 30 dogs maximum, excluding dogs under six months of age.
 - iv. All kennels must present proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health or meeting the Rutgers BMP for kennels.
 - v. No less than one off-street parking space for each employee, plus one space for each seven animals in capacity, shall be provided, except for training facility, where one space shall be provided for each three animals.

17. Self Storage Facilities. Public self-storage facility shall conform to the following conditions:

- a. No storage of hazardous or combustible materials shall be permitted.
- b. No sale of material shall be permitted from the premises, except for the purpose of satisfying unpaid rent pursuant to law.
- c. No animals or livestock shall be permitted on the premises.
- d. No outside storage shall be permitted except that boats and recreational vehicles may be stored in the rear yard provided that they are screened from adjacent uses according to [Section 30.202R](#).
- e. Buildings shall be separated by a minimum of 30 feet except where the buildings' long axes parallel each other, in which case the minimum separation shall be 25 feet.
- f. Fencing and buffering
 - i. Every self-storage facility shall be fully enclosed with fencing or walls, or a combination thereof to a minimum of six feet in height.
 - ii. Fencing and walls facing a public right-of-way shall be either:
 - a) Decorative, including but not limited to, wrought and cast iron, painted aluminum picket, split face and polished concrete masonry units, and brick acceptable to the Board of Jurisdiction, or
 - b) Placed behind a landscape buffer/berm of 20' in width, landscaped to provide year round screening within two years.

- iii. Any other enclosing material may be used in other locations, except that any chain link or similar wire fencing shall be coated with vinyl or other suitable material in a subdued color.
- g. The facility shall be landscaped in accordance with [Section 30.310](#).
- h. A single residential unit for the use of a caretaker and immediate family shall be permitted.
- i. Each gate controlling entry to the self-storage facility shall have a minimum of two vehicle stacking spaces in front of the gate without blocking access to drive aisles, parking aisles or parking spaces.

C. **Industrial**

1. **Solid Waste Collection/Recycling Business**

- a. Private solid waste collection/recycling storage/sale business shall be permitted in zoning Districts as indicated on the Land Use Classification table and must meet the industrial setback and bulk standards for that district.
- b. Waste processing, including recycling facilities, incinerators, and resource recovery facilities shall meet the following conditions:
 - i. The site must be a minimum of 3 acres.
 - ii. All performance standards detailed in [Section 30.301](#) must be strictly adhered to.
 - iii. No waste processing facility shall abut a residential zone or residential use.

D. **Institutional**

1. **Day Care**

- a. **Adult Day Care** as defined by the NJ Department of Human Services, Division of Developmental Disabilities in the Standards for Adult Day Programs shall be permitted as listed in the Land Use Classification Table under the following conditions:
 - i. It shall meet all the requirements and be licensed by the State;
 - ii. An off street drop off/pick up area shall be provided;
 - iii. A trash and recycling disposal system meeting the requirements of [Section 30.302E \[Refuse and Recyclable Storage Area Standards\]](#) shall be provided if there are more than 10 clients.
- b. **Child Day Care Centers**. The following conditions shall be met by any Child Day Care Center:
 - i. Child Day Care Centers must be licensed and meet the standards of N.J.A.C. 10:122-1 *et seq.*
 - ii. The minimum lot size shall be 2 acres.
 - iii. The minimum lot frontage shall be 200 feet.
 - iv. No building shall be located within 50 feet of a lot line.
 - v. No day care center shall have access from a residential access street.
 - vi. A child care center that is integrated into and/or operated for the benefit of on-site employees shall not be required to provide off-street parking for the use.

- vii. Parking lots shall be properly screened and shall be a minimum of 50 feet from surrounding properties and public roads.
- c. Family Day Care Home. The following conditions shall be met by Family Day Care Facilities:
 - i. ***Family Day Care operations in the City of Millville must be registered with the Division of Youth and Family Services either directly or through a local sponsoring organization.***
 - ii. Family Day Care shall be limited to one per lot and shall be operated by a resident(s) of the dwelling unit in which it is located.
 - iii. No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings.
 - iv. Any outdoor play equipment shall not be located in any required front yard areas.
 - v. Parking spaces as required in Section 30.321C for any Family Day Care are in addition to those required of residential units and shall not be located in any required front or side yard areas.
 - vi. All parking associated with the home occupation shall be screened from view of any public street behind a combination of hedging, landscaping or fencing.
 - vii. A Family Day Care shall be limited to one wall mounted sign no larger than 18" x 24" with no internal illumination.
- 2. School. Private day schools must be recognized and approved by the NJ Department of Education and meet the following conditions as well as all other relevant use standards:
 - a. Grade
 - i. The minimum lot size shall be 4 acres.
 - The minimum lot frontage shall be 500 feet.
 - No building shall be located within 50 feet of a lot line.
 - No school shall be located on a residential access street.
 - Parking lots shall be properly screened and shall be a minimum of 50 feet from surrounding properties and public roads.
 - b. High School
 - i. The minimum lot size shall be 10 acres.
 - The minimum lot frontage shall be 700 feet.
 - No building or parking area shall be located within 50 feet of a lot line.
 - No school shall be located on a residential access street.
 - Parking lots shall be properly screened and shall be a minimum of 100 feet from surrounding properties and public roads.
 - Parking spaces must be provided for maximum staff anticipated at any one time plus one space for every 3 students.
 - c. Technical/Trade/Specialty
 - i. No school shall be located on a residential access street.
 - ii. Off street parking spaces must be provided at the rate of one per classroom plus one for every 2 students anticipated at full pupil capacity.

- iii. Technical/Trade/Specialty schools must meet the Performance and Design Standards of [§30-301 \[Performance Standards for All Uses\]](#) and [§30-302 \[Commercial and Industrial Buildings Design Standards\]](#).

3. Religious facility

a. Worship Center

- i. The following conditions shall be met by any house of worship:
 - a) Parking lots shall be properly screened and shall meet the following requirements:
 - a. No parking lot shall be permitted in a front yard;
 - b. Drop off and pick up lanes shall prohibit parking.
 - c. Parking lots shall be setback from any side property line 50 feet and any rear property line 35 feet and shall comply with the required buffer width as established in [§30-310.G \[Buffers\]](#).
 - b) The worship center shall be set back from any residential property line a minimum of 1½ times the height of the main roof line, or the zoning district requirement, whichever is greater.

b. Adjunct Facility

- i. Residential use
 - a) Accessory residential buildings, such as manses, convents, parish houses, rectories commonly associated with the house of worship, shall comply with residential use setback requirements for the Zone.
- ii. School use
 - a) Any house of worship with an associated school on the same premises shall meet the use standards for schools as stated in [§30-205.D.2 \[Schools\]](#).
- iii. Related use buildings
 - a) Structures utilized for the exercise of the religious expression of a religion, but not for actual worship, must meet the setback standards of their specific use classification within the Zoning district.

4. Health Care

- a. Urgent Care Facilities shall be allowed as stated in the Permitted Land Uses, [Table 9.](#) and shall meet the following conditions in addition to any other imposed elsewhere in this Chapter:
 - i. Urgent care facilities, whether stand-alone or within a shopping center, must provide:
 - a) One dedicated drop-off pickup area outside traffic or parking lanes
 - b) One parking spot for every employee on the maximum staff shift;
 - c) One parking spot for every 2 exam areas.
- b. Rehabilitation Facility shall be allowed as stated in the Land Use Table A and shall meet the following conditions in addition to any other imposed elsewhere in this Chapter:
 - i. The minimum lot area for a standalone rehabilitation facility is 3 acres;
 - ii. The Board may consider a smaller lot area if it involves the re-purposing of an existing building;

- iii. Parking shall be provided at the rate of one space per employee for the maximum staff shift
- iv. Visitor parking should be provided at the rate of one space for every ten patients.

5. Continuing Care Services

- a. Assisted living/nursing. The following are in addition to the standards of the Zoning District in which the development is located:
 - i. The building height shall not exceed three (3) stories or fifty feet (50') maximum;
 - ii. All utility meters or boxes, air compressors, heat pumps, or other exterior equipment shall be located at the side or rear of buildings and shall be screened from adjacent properties and public streets by architectural elements or landscape plantings.
 - iii. Where an outdoor patient/client space is provided, adequate visual screening from all other neighboring dwelling units, outdoor living spaces, parking areas and roadways shall be provided.
 - a) Screening may be accomplished with plant materials, masonry structures or wood fencing a minimum of 4 feet in height.
 - b) Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit.
 - iv. In addition to required parking:
 - a) a dedicated emergency parking area shall be provided adjacent to the entrance;
 - b) a dedicated drop off/pick up space shall be provided convenient to the entrance.
- b. Independent living. The following are in addition to the standards of the Zoning District in which the development is located:
 - i. The building height shall not exceed three (3) stories or fifty feet (50') maximum;
 - ii. Individual dwelling units shall meet or exceed minimum design requirements specified by the New Jersey Housing Mortgage Finance Agency or the New Jersey Department of Health and Senior Services, as applicable.
 - iii. Dwelling units shall be 100 percent age restricted within the framework of New Jersey and Federal law.
 - iv. Recreational amenities.
 - a) At least 20% of the site or 250 square feet per unit, whichever is greater, shall be designated on the site plan for active and passive recreational use of the residents of the project;
 - b) Where a project is located within 500 feet of any existing municipal park or similar facility, the Board may waive this requirement at the time of site plan review.

6. Cemetery Facility

Cemeteries must conform with both municipal and state standards pursuant to N.J.S.A. 8A:3-1. Additionally, state law requires that the governing body of the City consent to a new cemetery or the enlargement of an existing one. Thus, approval by the governing body

and the Planning Board or Board of Adjustment will be necessary for any cemetery development.

- a. A cemetery shall include a burial place or graveyard, including a mausoleum or columbarium, provided that:
 - i. Cemetery area and bulk standards.
 - a) The minimum lot size shall be 25 acres for cemeteries with inground burial plots. Where only mausoleums or columbaria are used, the minimum lot size shall be six acres.
 - b) Not more than 20% of the entire area may be devoted to aboveground buildings not serving as burial markers or memorials, such as cemetery-related offices, chapels, and maintenance facilities. This restriction includes parking facilities.
 - c) All buildings shall be a minimum of 100 feet from any property line.
 - d) A twenty-foot vegetated buffer strip shall be provided between any burial site and the cemetery property line.
 - e) If the cemetery area exceeds 50 acres, one dwelling, to be used for custodial personnel, may be permitted. If the cemetery area is less than 50 acres, there shall be no dwellings.
 - b. Cemetery design standards.
 - i. The maximum height of mausoleums, columbaria and other burial structures shall be 20 feet.
 - ii. The maximum height of other allowed buildings, including dwelling units where permitted, shall be two stories not to exceed 35 feet. Accessory maintenance facilities shall not exceed 16 feet.
 - iii. For all entrance features, including gates, fountains, statuary, identification signs and the like:
 - a) There shall be not more than two identification signs at such entrance, and the same shall conform to Article VIII.
 - b) The main portion of entrance features shall be located at least 10 feet from the nearest right-of-way line of any public street.
 - c) No such entrance features shall exceed 12 feet in height.
 - c. Parking requirements shall be as follows:
 - i. Office space: not less than one space for each 200 square feet of floor area.
 - ii. Chapels: No less than one space for each 100 square feet of floor area of auditorium or three fixed seats, whichever is greater.
 - iii. Mausoleum, columbarium: not less than one space for each 25 crypts/burial vaults.

E. Transportation

1. **Passenger Terminal/Depot.** A passenger terminal for the terminus of buses or taxis shall meet the following additional standards:
 - i. A heated shelter for waiting passengers must be provided.

- ii. If more than two taxis or one bus are to be parked overnight outside, the parking area must be buffered per ***§30-310.G [Buffers]***.
- iii. Pickup and drop off and waiting lanes must be off public streets.

2. Marina

a. On shore services

- i. Marina related retail and services, such as boat sales, engine sales and repairs, marine supplies and equipment sales, restaurants, and bait and tackle shops may be located on the same lot as a mooring and docking or boat storage facility.
- ii. The marina related service must meet the following conditions:
 - a) The entire lot size upon which it is located must be at least 7,500sf.
 - b) No gasoline pump, gasoline storage tank or any structure used for storing any fuel or oil shall be situated nearer than 100 feet to adjacent residential zones.
 - c) If primary access is from a public street directly to the onshore services, the lot width must be at least 75 feet.
 - d) No building or structure shall be closer than 25 feet to the street line where off-street parking is provided at the side or rear of the building. If off-street parking is provided between the front of the building and the street line, the minimum setback from the street line to the building shall be 50 feet.
 - e) Parking spaces and loading areas should be apportioned as for the use in addition to any required for other marina uses.
 - f) Shared parking may be utilized if conditions as specified in ***§30-202W [Shared Parking]*** can be met.

b. Boat storage

- i. Boat storage may be located in any District as listed in ***§30-203C [Uses Permitted]*** if the following conditions are met:
 - a) Outdoor storage of boats is permitted provided a 50' buffer from any residential zone or use is provided per ***§30-310.G [Buffers]***.

c. Mooring and Docking

- i. Direct to the boat marine services such as dockage, boat landing, marine gasoline pumps on docks or bulkheads, electrical and sewage provisions are permitted provided the following conditions are met:
 - a) Lot area, not including docks, shall be a minimum of 5,000sf with a minimum of 50 foot frontage.
 - b) At least 1 1/2 spaces for each boat slip, excluding space for staging area cranes or boat lifts or gasoline pumps, shall be provided.
 - c) The land for parking may be used for winter storage if approved as part of the site plan, but may not include dry storage for year-round use or summer repair work.
 - d) No gasoline pump, gasoline storage tank or any structure used for storing any fuel or oil shall be situated nearer than 100 feet to adjacent residential zones

3. Airports

- a. Basic Utility Airports, air strips for small aircraft, are conditionally permitted in the Farmland Production district under the following conditions:
 - i. The lot must be a minimum of 40 acres.
 - ii. The landing area must be approved by the FAA and the landowner must have an aeronautical facility license with the NJ DOT Division of Aeronautics.

F. Utilities

1. Power Station/Utility facilities

- a. Utility Power Stations and Facilities. Facilities for public utilities, local utilities and cable television companies shall be permitted in certain zones as shown in ***§30-203C [Uses Permitted]***, but shall not include utility yards for the storage of vehicles nor for any use regarding maintaining and extending distribution networks, power generation, or facilities requiring a New Jersey Pollution Discharge Elimination System permit (NJPDES), provided that:
 - i. The proposed installation in a specific location must be necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - ii. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located
 - iii. Adequate enclosures of a wall or fencing and other safety devices must be provided as may be required. Enclosures, when used to enclose public utility facilities such as electrical power station, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Code in effect at the time of construction.
 - iv. A landscape buffer, in accordance ***with §30-310G [Landscape Buffers]***, and at a minimum width from all other uses of 50' shall be provided and maintained around the utility complex.
 - v. All of the other area, yard, height, and building coverage requirements of the respective zone and any other applicable requirements of this Ordinance shall be met

2. Natural Gas Storage/Distribution

- a. No use of this type shall be permitted within 200 feet of any residentially used or zoned lot.
- b. The site shall abut a paved road and all access to and from the site shall be from such county primary road.
- c. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures are contained on the site and will not cause the contamination of any water resource.

3. *Telecommunications Facilities*

a. Findings.

- i. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 (hereinafter the "Act") grants the Federal Communications Commission exclusive jurisdiction over:
 - a) The regulation of the environmental effects of radio frequency (RF) emissions from telecommunication facilities; and
 - b) The regulation of radio signal interference among users of the RF spectrum.
- ii. The city's regulation of towers and telecommunication facilities within Millville will not have the effect of prohibiting any person from providing wireless telecommunication services in violation of the Act.

b. Purpose

- i. To regulate the location of towers and telecommunication facilities within the City of Millville;
- ii. To protect residential areas and land uses from potential adverse impact of towers and telecommunication facilities;
- iii. To minimize adverse visual impact of towers and telecommunication facilities through careful design, siting, landscaping and the innovative camouflaging techniques;
- iv. To promote and encourage shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
- v. To promote and encourage the utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunication facilities;
- vi. To avoid potential damage to property and personal injury to residents caused by towers and telecommunication facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed
- vii. when no longer used or are determined to be structurally unsound;
- viii. To ensure that towers and telecommunication facilities are compatible with surrounding land use.

c. Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings described to them in this article, except where the context clearly indicates a different meaning:

ANTENNA SUPPORT STRUCTURE — Any building or structure other than a tower which can be used for location of telecommunication facilities.

MONOPOLE — A type of freestanding tower with a single shaft of wood, steel, concrete or other substance and a platform or racks for antennas arrayed on top or attached thereto.

STEALTH — Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally

screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

TELECOMMUNICATION FACILITIES — Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

- Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial.
- Any satellite earth station antenna one meter or less in diameter located in any Zoning District.

TOWER — A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

d. Federal and state approvals

In addition to the requirements set forth herein, all applicants must receive all necessary federal and state approvals, including but not limited to approval from the FCC and FAA, if applicable.

e. Telecommunications facilities on antenna support structures.

- i. Any telecommunication facilities which are not attached to a tower may be permitted on any antenna support structure that is a minimum of 100 feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located.
- ii. Telecommunications facilities are prohibited on all other structures unless the Zoning Officer can establish the following with the submission of the zoning permit:
 - a) That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than 20 feet;
 - b) That any telecommunications facilities and their appurtenances located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the support structure.
 - This setback requirement shall not apply to telecommunications facilities and their appurtenances located above the primary roof of an antenna support structure if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques acceptable to the Zoning Officer.
 - Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof, but

which do not protrude more than 18 inches from the side of such an antenna support structure.

f. Application for Development of Towers

- i. Towers shall be a conditional use in all zoning districts within the City of Millville subject to Planning Board approval except they are prohibited in the Medium and High Density Residential Districts and any land subject to the River Management Plan as adopted by the City of Millville and National Park Service.
- ii. Any application for a tower shall require conditional use approval and major site plan approval. To the greatest extent possible, both requirements shall be considered as part of a single application.
- iii. No person shall construct a tower unless approval has been received by the appropriate Planning and/or Zoning Board within the City of Millville.
- iv. Towers are exempt from the maximum height restrictions of the districts where located.
 - a) Towers shall be permitted to a height of 150 feet.
 - b) Towers may be permitted in excess of 150 feet in accordance with this section ***§ 30-205.F.3.r. [Criteria for site plan development modifications]***
- v. No new tower shall be built, constructed or erected in the City unless the tower is capable of supporting another person's telecommunication facility comparable in weight, size and surface area to the telecommunication facility installed by the applicant on the tower within six months of completion of the towers construction.
- vi. All persons seeking to build a tower must submit an application regarding the same to the City Planning Board. An application to develop a tower shall include, in addition to the required Application information for any major site plan:
 - a) The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within the City and also within a one-half-mile radius of the City boundaries, including City-owned property.
 - b) A tabular and map inventory of all of the applicant's existing telecommunications facilities located within two (2) miles of the City's municipal boundary.
 - c) FCC. Federal Communication Commission (FCC) license numbers and registration numbers, if applicable.
 - d) FONSI. Two copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC), if applicable.
 - e) FAA. Two copies of the determination of no hazard from the Federal Aviation Administration (FAA), if applicable.
 - f) The applicant must demonstrate the need for towers and why design alternatives, such as the use of microcell or 5G, cannot be utilized to accomplish the provision of the applicant's telecommunication services.
 - g) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the applicant's telecommunication facility on City-owned or privately owned towers or usable

- antenna support structures located within the City and a one-half-mile radius of the City.
- h) An alternative analysis, prepared and signed by the applicant's professional radio frequency engineer that the proposed tower or telecommunications facility cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within the City or a one-half-mile radius of the City.
 - i) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and nonresidential properties.
 - j) Written, technical evidence from a qualified engineer, acceptable to the Fire Marshal and the Construction Official operating within the City, that the proposed site of the tower or telecommunication facility does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
 - k) Color photo simulation showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.
 - l) The federal Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the City to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna supports structures) which meet FCC standards. The applicant shall be required to submit information on the proposed power density of their proposed telecommunications facility and demonstrate how this meets FCC standards.
- g. Minimum lot area
- i. The minimum lot area for any lot which will have a tower located thereon within the City of Millville shall be sufficient to comply with the setback requirements set forth in ***§ 30-205.F.3h [Setbacks]***.
 - ii. The minimum lot area shall be sufficient to permit a setback of a minimum of 150% of the height of the tower, measured from the perimeter of the base of the tower to the nearest property line.
 - The height of the tower shall be calculated as set forth ***in § 30-205.F.3i [Measurement of Tower Height]***
- h. Setbacks
- For the purpose of this section, the distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially zoned lands shall be measured from the base of

the tower to the closest point of residentially zoned properties. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of the City's municipal boundary.

- i. Setback for each tower adjacent to non-residentially zoned lots shall be 150% of the height of the tower from the property line on all sides. Example, a one-hundred-foot tower would have to be setback at least 150 feet from each property line on the property where said tower would be located.
 - ii. Towers shall be separated from residentially zoned lands by a minimum of 200 feet or 200% of the height of the proposed tower, whichever is greater.
 - iii. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
 - iv. Setback requirements may be modified, as provided *in § 30-205.F.3r [Criteria for site plan development modifications]* of this article, when placement of a tower in a location which will reduce the visual impact can be accomplished.
 - v. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to this article:
 - a) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - b) Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting guyed towers by a minimum of 1,500 feet.
 - c) Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of 750 feet.
- i. Structural requirements
All towers must be designed and certified by an engineer to be structurally sound, and at a minimum, be in conformance with the Uniform Construction Code and BOCA National Property Code and all other standards as set forth in this article or as otherwise applicable. All towers in operation shall be fixed to land.
- j. Measurement of tower height
Measurement of the tower height for the purpose of determining compliance with all requirements of this article shall include the tower structure itself, the base pad and any other telecommunication facilities attached thereto which extend more than 20 feet over the top of the tower structure itself. Tower heights shall be measured from grade
- k. Security
All telecommunications facilities shall be reasonably protected against unauthorized access. A telecommunication tower shall be enclosed by a fence or masonry wall with locked access, a maximum of eight (8') feet in height, so as to deter any trespassing onto such. Barbed wire is not permitted.
- l. Signs
No signs shall be permitted at or on any tower or antenna support structure except signs warning of any potential danger at such location.

m. Illumination

Towers shall not be artificially lighted except as required by the Federal Aviation Administration. Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is 300% of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

n. Exterior finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances the compatibility with adjacent land uses, and the same shall be approved by the Planning or Zoning Board of the City of Millville. For example, earth tone colors may be required for the fifty foot portion of the tower which is close to land or whose background is a forest or other type scenery or blue or sky colors may be required for the portion of the tower extending above 50 feet so that the same would blend in with the natural horizon.

o. Landscaping

- i. All landscaping on a parcel of land containing towers, antenna support structures or telecommunications facilities shall be in accordance with the applicable landscaping requirements as set forth in **§ 30-310G [Buffers]**
- ii. In addition to said requirements, the City may request perimeter trees which upon maturity would be 30 feet or higher performing a circular pattern around such tower, antenna support structure or telecommunications facility.
- iii. Additionally, any nontree area shall be landscaped to buffer adjacent land uses.
- iv. A wooden fence may also be required, and any landscaping shall be installed on the outside of any such fencing.

p. Access

- i. The parcel of land upon which a tower is located must provide access to at least one paved vehicular parking space on site.
- ii. Additional parking may be required by the Board of Jurisdiction based on use.
- iii. Adequate area must exist for vehicles to "turn around" at the site.
- iv. All access roads to the site must be paved with asphalt or be of compacted gravel.

q. Stealth design.

All towers must attempt to use stealth design, and no tower which is considered a conditional use shall be approved unless said stealth design is used.

r. Criteria for site plan development modifications

- i. Notwithstanding the tower requirements provided in this article, a modification to the requirements may be approved by the Planning and/or Zoning Board as a conditional use in accordance with the following conditions. In addition to the requirement for a tower application, the application for modification shall include the following:
 - a) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.

- b) Description of off-site or on-site factors which mitigate any adverse impact which might occur as a result of the modification.
 - c) A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based.
 - The technical study shall be certified by an engineer and
 - It shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights of-way and properties.
 - d) For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contact and negotiate an agreement for collocation, and the result of such attempts.
 - e) The Planning Board may require the application to be reviewed by an independent engineer under contract to the City to determine whether the antenna study supports the basis for the modification requested. The cost to
 - f) review by the City's engineer shall be reimbursed to the City by the applicant.
- ii. The Planning and/or Zoning Board shall consider the application and modification based on the following criteria:
- a) That the towers modified will be compatible with and not adversely impact the character and integrity of surrounding properties and the existing zone.
 - b) Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modifications.
 - c) In addition, the Board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower to mitigate any adverse impact which arise in connection with the approval of the modification.
- iii. In the following cases, the applicant must also document, in addition to the requirements cited above, the following:
- a) In the case of a requested modification to the setback requirement, ~~§ 30-205.F.3h [Setback Requirement]~~ that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the person is to locate the tower at another site which is closer in proximity to a residentially zoned land.
 - b) In the case of a request for modification to the separation requirements from other towers set forth in ~~§ 30-205.F.3h [Setback Requirement]~~ that the proposed site is zoned industrial, heavy industrial and the proposed site is at least double the minimum standard for separation from residentially zoned lands as provided in said ~~§ 30-205.F.3h [Setback Requirement]~~ .
 - c) In the case of request for modification of the separation and setback requirements from residentially zoned land as set forth in ~~§ 30-205.F.3h [Setback Requirement]~~ , if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facility

must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system and if the person is willing to create approved landscaping and other buffers to screen the tower from being visible to residentially zoned properties.

- d) In the case of a request for modification of the height limits for towers and telecommunications facilities or to the minimum height requirements for antenna support structures, that the modification is necessary to:
- Facilitate collocation of telecommunications facilities in order to avoid construction of a new tower;
 - To meet the coverage requirements of the applicant's wireless communications system which requirements must be documented with written, technical evidence from an engineer that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than such minimum height shall be approved.

s. Modification of Existing Towers

- i. A tower existing prior to the 2002, which was in compliance with the City's zoning regulations immediately prior to that date, may continue in existence as a nonconforming structure. Such nonconforming structure may be modified or demolished and rebuilt without complying with any of the additional requirements of this article, except for **§ 30-205.F.3h [Setback Requirement], § 30-205.F.3t [Certifications and Inspections], and § 30-205.F.3u [Maintenance]**, provided that:
- a) The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.
 - b) Certification by the Board to modify the tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming.
 - c) The height of the modified or rebuilt tower and telecommunications facilities do not exceed the maximum height allowed under this article.
- ii. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size or abandoned. For the purpose of this article a nonconforming structure which is discontinued for a period of more than 180 days, unless said discontinuance is for repairs, shall be considered abandoned.
- iii. This article shall not be interpreted to legalize any structure or use existing at the time this article is adopted which structure or use is in violation of any of the ordinances of the City of Millville or any other federal, state or county statutes, regulations, ordinance or other laws prior to the enactment of this article.
- t. Certifications and inspections
- i. All towers shall be certified by a NJ professional engineer to be structurally sound and in conformance with the requirements of the Uniform Construction Code and

- BOCA National Code and all other construction standards set forth by the City ordinances and federal and state law.
- ii. For new monopole towers, such certification shall be submitted with an application pursuant to [§ 30-205.F.3f.\[Application for Development of Towers\].](#)
 - a) of this article and said application shall be resubmitted every five years thereafter.
 - b) For existing monopole towers, certification shall be submitted within 60 days of the effective date of this article and then every five years thereafter.
 - c) For new lattice or guyed towers, such certification shall be submitted with an application pursuant to [§ 30-205.F.3f.\[Application for Development of Towers\].](#) of this article and shall be resubmitted every two years thereafter.
 - d) For existing lattice of guyed towers, certification shall be submitted within 60 days of the effective date of this article and then every two years thereafter.
 - e) The tower owner may be required by the City to submit more frequent certifications should there the City Engineer have reason to believe that the structural and electrical integrity of the tower is jeopardized.
 - u. The City or its agents shall have the authority to enter onto the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for purposes of determining whether it complies with all sections of this article and other City ordinances and any federal or state law or state, county or federal rule or regulation.
 - i. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. No notice is required for emergency inspections. All expenses related to such inspections by the City shall be borne by the tower owners.
 - v. Maintenance
 - i. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 - ii. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations and in such manner that will not interfere with the use of the property.
 - iii. All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition and working order and shall be repaired so that the same shall not menace or endanger the life or property of any person.
 - iv. All maintenance or construction of towers, telecommunications facilities or antenna support structures shall be performed by licensed maintenance and construction personnel.
 - v. All towers shall maintain compliance with current RF emission standards of the FCC and all other applicable FCC rules and regulations.

- vii. In the event that the use of the tower is discontinued by the tower owner, the tower owner shall provide written notice to the City of its intent to discontinue use and the date when said use shall be discontinued.
 - a) The tower owner shall be specifically responsible for this notice.
 - b) If FCC approval is required, the tower shall be dismantled within six months from the time it is no longer being used for telecommunication purposes and FCC approval is obtained, but in no event shall the tower exist in excess of 12 months from the time of discontinued use.

w. Abandonment

- i. If any tower shall cease to be used for a period of 365 consecutive days, the City Commission or City Planning Board, through the City Clerk, shall notify the land owner and the facility owner that such site has been abandoned.
- ii. Removal and restoration of such facilities is the responsibility of the owner of the facility. The property owner shall be responsible for the removal and restoration of such facilities in the event that the owner of the facilities fails to complete the removal and restoration of the facilities.
- iii. The facility owner shall have 30 days from the receipt of said notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period.
- iv. If the owner fails to show that the tower has been in use or under repair during said period, the City Commission shall issue a final determination of abandonment.
 - a) the owner shall within 75 days apply to the FCC for the dismantling and within 180 days of such approval dismantle and remove the tower.
 - b) If no such FCC approval is necessary, then said tower shall be dismantled and removed within 180 days of cease of use.
 - c) In no event shall the tower not be dismantled within 365 days from cease of use.
- x. As security for the obligations set forth in this section, the applicant, at the time of submitting the application, shall post a bond in an amount as determined by the City Engineer, but no less than \$30,000, to cover the anticipated cost and any removal of any such tower.

4. ***Accessory Small Wind and Small Solar Energy Facility***

a. Purpose

Millville wishes to utilize wind and solar energy as they are abundant, renewable, and nonpolluting energy resources; to reduce our dependence on nonrenewable energy resources; to decrease the air and water pollution that results from the use of conventional energy sources. Small wind and solar energy systems will enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio; and make the electricity supply market more competitive by promoting customer choice. In order to standardize and streamline the requirements for small wind and solar energy systems so that this clean, renewable

energy resource can be utilized in a cost-effective and timely manner in Millville, small alternative energy facilities will be allowed for the following:

- i. The primary purpose of a wind or solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind or solar energy system designed to meet the energy needs of the principal use. For the purposes of this subsection, the sale of excess power shall be limited so that in no event an energy system is generating more energy for sale than what is otherwise necessary to power the principal use on the property.
 - ii. Wind and solar energy systems shall only be permitted as an accessory use on the same lot as the principal use.
 - a) All non-residential systems require Planning Board approval.
 - b) All residential energy systems require approval from the Zoning Officer and Construction Office prior to installation. In the event that the Zoning Officer does not believe the provisions of this subsection will be satisfied, an applicant may request a variance from the Zoning Board.
 - c) Applications for an energy system shall include information demonstrating compliance with the provisions of this subsection.
 - a) This section shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. Approval shall cover the location of the system (shown on a survey of the property) only. For systems intended for uses other than the ones stated, the Planning Board approval shall be required.
- b. Definitions
- i. "Administrator" means the Millville Planning Office and/or the Zoning Officer.
 - ii. "Meteorological tower" or "met tower" means a structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
 - iii. "Owner" shall mean the landowner that intends to own and operate the small wind energy system in accordance with this ordinance.
 - iv. "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.
 - v. "Small wind energy system" means a wind energy system, as defined in this section, that
 - a) is used to generate electricity;
 - b) has a nameplate capacity of 100 kilowatts or less; and

- c) is as high as necessary to capture the wind energy resource for the use.
 - vi. "Total height" means, in relation to a wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.
 - vii. "Tower" means a monopole, freestanding, or guyed structure that supports a wind generator.
 - viii. "Small Wind energy system" means a wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.
 - ix. "Wind generator" means equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.
to fully utilize the wind generator.
 - x. "Generator" means equipment that converts energy from the wind and solar into electricity. This term includes all associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.
 - xi. "Small Solar energy system" means a solar generator and all associated equipment, including any base, foundation, structural support, wire, batteries or other components necessary to fully utilize the solar generator.
- c. Standards for small wind energy system (SWES). SWES shall be a permitted use in all zones subject to the following requirements:
- i. Minimum lot size. One-half (1/2) acre, provided the lot size conforms to the height requirements below.
 - ii. Minimum setbacks.
 - a) For lots between one-half (1/2) acre and three acres, wind turbines shall be set back from all property lines a distance equal to 100% of the height of the structure including the blades.
 - b) For lots larger than three acres, wind turbines shall be set back from all property lines a distance of equal to 200% of the height of the structure including the blades.
 - c) No portion of the wind generator shall extend beyond any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
 - d) No part of any small wind energy system shall extend over roads, parking areas, access drives, driveways or sidewalks.
 - iii. No more than one wind turbine shall be permitted per property.
 - iv. Wind turbines shall not be permitted in any front yard.
 - v. Maximum height.
 - a) Freestanding wind turbines shall not exceed a height of 50 feet on one-half (1/2) acre lots and 80 feet on lots between one acre and three acres.
 - b) On lots of three acres or more, a maximum height of 150 feet is permitted.

- c) The maximum height shall include the height of the blades at its highest point.
- vi. Wind turbines shall not be permitted as a rooftop installation unless specifically designed for roof ridge installation.
- vii. Wind turbines on residential properties shall have a nameplate capacity of 100 kilowatts or less.
- viii. Noise. All small wind energy systems shall comply with the following:
 - a) Between a residential use or zone, sound levels of the wind energy system shall not exceed 42 dBA at a common property line or 30 dBA to the closest occupied structure, whichever is most restrictive.
 - b) In all other cases at a common property line sound levels of the wind energy system shall not exceed 50 dBA.
 - c) These levels may be exceeded during short-term events such as utility outages and/or severe windstorms.
- ix. Shadow Flicker. A small wind energy facility shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
- x. Wind turbines shall be designed with an automatic brake or other similar device to prevent overspeeding and excessive pressure on the tower structure.
- xi. The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved by the Administrator.
- xii. Wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- xiii. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- xiv. The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower for a minimum height of twelve feet above the ground.
- xv. All moving parts of the wind energy system shall be a minimum of 15 feet above ground level.
- xvi. The blades on the wind energy system shall be constructed of a corrosive-resistant material.
- xvii. All guy wires or any part of the wind energy system shall be located on the same lot as the energy system.
- xviii. Met towers - A met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- xix. Construction. Tower construction shall be in accordance with the appropriate sections of the Basic Building Code as adopted by the State of New Jersey, and any future amendments and/or revisions to same.
- xx. Electromagnetic interference (EMI). Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause any harmful interference with radio and/or television broadcasting or reception and shall comply with the provisions of

Section 47 of the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.

- xxi. The structural design shall be signed and sealed by a professional engineer, registered in the State of New Jersey, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of New Jersey and all sections referred to hereinabove. The support tower shall be designed to survive a wind of 120 mph with a three second burst capability for a 140 mph gust.
 - xxii. The design calculations shall include a soil boring at the tower location and a soils analysis. If the soils of the site are not satisfactory for the intended construction, the plans shall be designed to eliminate or overcome the poor soils conditions.
 - xxiii. Labeling requirements. A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the small wind energy system:
 - a) The maximum power output of the system and the wind speed at which it is achieved.
 - b) Nominal voltage and maximum current.
 - c) Manufacturer's name and address, serial number and model number.
 - d) Maximum survival wind speed and the emergency and normal shutdown procedures.
 - xxiv. Utility company notification. The Atlantic City Electric Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of wind energy conversion systems so as to comply with the Utility Tariff specifications.
 - xxv. Safety. The wind energy conversion system manufacturer shall document that the wind energy conversion system model has operated safely in atmospheric conditions for a period of not less than three months and has provided energy not less than the equivalent of 25% of its predicted annual energy output under a twelve-mile-per-hour annual wind regime.
 - xxvi. Insurance. The owner of a small wind energy facility shall provide evidence to Millville that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the AWEF.
- d. Standards for small solar energy system.
- i. Solar panels shall be permitted as a rooftop installation in any zoning district.
 - a) The solar panels shall not exceed a height of eight inches from the rooftop.
 - b) In no event shall the placement of the solar panels result in a total height including building and panels than what is permitted in the zoning district which they are located.
 - ii. Solar panels shall be permitted as ground arrays in accordance with the following:

- a) All ground arrays shall be set back a distance of 20 feet from all property lines in a residential zoning district or in conformance with the setbacks required for commercial use as provided in the Zoning District for non-residential accessory ground arrays.
 - b) Ground arrays shall not be permitted in a front yard.
 - c) Ground arrays shall be located so that any glare is directed away from an adjoining property.
 - d) Ground arrays shall not exceed a height of 15 feet.
- e. Standards for ALL small energy systems
- i. Wind and solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.
 - ii. The design of wind or solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
 - iii. All applications for a wind or solar energy system shall conform to the provisions of **§30-325 [Tree Removal and Tree Cutting]** with respect to tree removal and replacement. Any trees and/or shrubs to be removed to accommodate the installation of a wind or solar energy system shall be accompanied by a plan demonstrating the need to remove the trees and replacement of the trees in accordance with the provisions of §30-334 [Tree Removal and Tree Cutting]. An applicant shall locate a wind or solar energy system so that tree removal is not required to the extent practical.
 - iv. The installation of a wind or solar energy system shall conform to the National Electric Code as adopted by the NJ Department of Community Affairs.
 - v. The installation of a wind or solar energy system is subject to all Atlantic City Electric Company (or its successor) requirements for interconnection.
 - vi. Signs. There shall be no signs that are visible from any public road posted on a small wind generator system or any associated building, except for the manufacturers or installer's identification, appropriate warning signs, or owner identification.
 - vii. Utility notifications and interconnection. Small wind energy and solar systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at NJAC 14:4-9.
 - viii. All electric lines/utility wires shall be buried under ground.
 - ix. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells, shall be enclosed with a six-foot high fence. The supporting tower shall also be enclosed with a six-foot high fence unless the base of the tower is not climbable for a distance of 12 feet.
 - x. When a building is necessary for storage cells or related mechanical equipment, the building may not exceed 140 square feet in area nor eight feet in height and must be located at least the number of feet equal to the height of the tower from any property line.

- f. Permitting Requirements and Procedures for Small Wind and Solar Energy Facilities
- i. Residential Accessory Small Wind and Solar Energy Permitting Requirements. A zoning permit shall be required for the installation of an accessory small wind or solar energy system on a residential property. The application shall include:
 - a) A plot plan depicting:
 - Property lines and physical dimensions of the property;
 - Location, dimensions, and types of existing major structures on the property;
 - Location of the proposed small wind energy system tower or solar array;
 - The right-of-way of any public road that is contiguous with the property;
 - Any overhead utility lines;
 - If for wind, system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - b) Fee as required in the Fee Schedule *Table 20 [§ 30-700A]*.
 - c) Expiration. A permit issued pursuant to this ordinance shall expire if:
 - The small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or
 - The small wind energy system is out of service or otherwise unused for a continuous 18-month period.
 - ii. Residential Accessory Small Wind and Solar Energy Permitting Procedure
 - a) The property Owner shall submit an application to the Zoning Officer for a zoning permit for a Residential Accessory small energy system.
 - b) The Zoning Officer shall issue a permit or deny the application within one month as consistent with Municipal Land Use Law of the date on which the application is received.
 - c) If the application is approved, the Zoning Officer will return one signed copy of the application with the zoning permit and retain the other copy with the application.
 - d) If the application is rejected, the Zoning Officer will notify the applicant in writing and provide a written statement of the reason why the application was rejected.
 - The applicant may appeal the decision to the Zoning Board and/or
 - The applicant may reapply if the deficiencies specified by the Zoning Officer are resolved.
 - iii. Non-residential accessory Small wind and Solar Permitting Requirements
 - a) All non-residential small wind and solar energy facilities require Planning Board approval as a site plan according to *Article 5 of this Chapter 30 [Development application review procedures and standards] and Article 6 [Application Submission Requirements]*.
- g. Abandonment
- i. A small wind energy system or ground array(s) solar energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned.

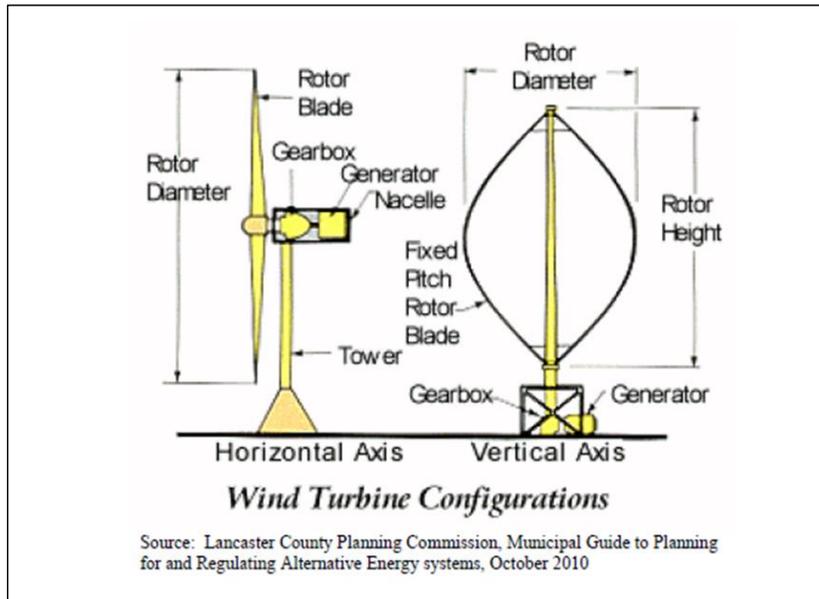
- ii. The Administrator may issue a Notice of Abandonment to the Owner of a small wind energy or ground array solar energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- iii. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice Receipt date.
- iv. If the Owner provides information that demonstrates the small wind energy or ground array solar energy system has not been abandoned, the Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn.
- v. If the Administrator determines that the small wind energy or ground array solar energy system has been abandoned, the Owner of the energy system shall remove the facility in its entirety at the Owner's sole expense within six months after the Owner received the Notice of Abandonment.
- vi. When an Owner of a wind or solar energy system has been notified to remove same and has not done so six months after receiving said notice, then the Administrator may remove such system and place a lien upon the property for the cost of the removal.
- vii. If removed by the Owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

5. Utility Scale (Principal) Wind Energy Facility.

a. Definitions

- i. FACILITY OWNER – The entity or entities having a legal or equitable interest in the Wind Energy Facility, including the respective successors and assigns.
- ii. FLICKER – A repeating cycle or changing light intensity.
- iii. GROUND CLEARANCE – The Minimum distance between the ground and any part of the wind turbine blade, as measured from the lowest point of the arc of the blades.
- iv. HUB HEIGHT – The distance measured from the surface of the tower foundation to the highest point of the wind turbine hub, to which the blade is attached.
- v. METEOROLOGICAL TOWER – A tower used for the measurement of wind speed.
- vi. NON-PARTICIPATING LANDOWNERS – Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.
- vii. OCCUPIED BUILDING – A residence, school, hospital, church, public library, commercial building or other building used for public gathering that is in use when the permit application is submitted.
- viii. OPERATOR – The entity responsible for the day-to-day operation and maintenance of the wind energy facility.
- ix. PARTICIPATING LANDOWNER – A landowner upon whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

- x. **PRINCIPAL WIND ENERGY FACILITY** – A system designed as the primary use on a lot, wherein the power generated is used primarily for off-site consumption.
- xi. **ROTOR** – That portion of the wind turbine, i.e. blades and associated hub and shaft, which is intended to be moved or activated by the wind.
- xii. **SHADOW FLICKER** – Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground or stationary objects.
- xiii. **TOTAL HEIGHT** – When referring to a wind turbine, the distance measured from the surface of the tower foundation to the highest point of a wind rotor blade when the blade is positioned at 90 degrees to the surface of the ground.
- xiv. **TOWER** – The supporting structure of a wind turbine on which a rotor and accessory equipment are mounted. The basic types of towers include self-supporting (free standing) or guyed.
- xv. **TURBINE HEIGHT** – The distance measured from the surface of the tower foundation to the highest point on the wind rotor.
- xvi. **WIND ENERGY FACILITY, PRINCIPAL** – An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. [See Accessory Wind Energy Facility]
- xvii. **WIND TURBINE** – A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any, as seen in the figure below.



b. Where Permitted

Principal Use Wind Energy Facilities (PWEF) shall be a permitted use in the Industry-Business Enterprise Zone and permitted conditionally in the Farmland Production and Open Space Districts.

c. Compliance with Accepted Standards

- i. The design of the PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL) Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of New Jersey and Millville.
 - a) The applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
 - b) The manufacturer specifications shall be submitted as part of the development application
- ii. All electrical components of the PWEF shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

- d. All applications for a PWEF shall conform to the provisions of ~~§30-325 [Tree Removal and Tree Cutting]~~, with respect to tree removal and replacement. Any trees and/or shrubs to be removed to accommodate the installation of a PWEF shall be accompanied by a plan demonstrating the need to remove the trees and replacement of the trees in accordance with the provisions of ~~§30-325 [Tree Removal and Tree Cutting]~~. To the extent practical, an applicant shall locate a wind or solar energy system so that tree removal is not required.
- e. Noise
- i. Audible sound from a PWEF shall not exceed 55 dBA for more than 5 minutes in any house, as measured at the exterior of any Occupied Building on a non-participating landowner's property.
 - ii. Methods for measuring and reporting acoustic emissions from Wind Turbines and the PWEF shall be equal to or exceed the minimum standards for provision described in AWEA Standard 2.1 – 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I. First Tier, as amended.
 - iii. Noise levels may be exceeded during short-term events such as utility outages and/or severe storms.
- f. Vibrations
No Wind Turbine shall cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
- g. Accessory Buildings, Structures & Mechanical Equipment
- i. When an accessory building or structure is necessary, it shall comply with all the requirements of the underlying zoning district for its use.
 - ii. Accessory buildings, structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes under the Industrial classification according to ~~Table 11 [Required Buffer Widths]~~ and it shall meet all the screening requirements of ~~§30-310G [Buffers]~~.
 - iii. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- h. Underground Wiring
Power and transmission line on-site shall be placed underground.
- i. Utility Notification
As part of the development application, the owner of a PWEF shall provide Millville with written confirmation that the public utility to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.
- j. Signage
PWEF shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner or Operator.

k. Lighting

PWEF shall not be artificially lighted, except to the extent required by the Federal Aviation Administration, the New Jersey Department of Transportation Bureau of Aeronautics or other applicable authority that regulates air safety.

l. Color

- i. PWEF shall be painted a non-reflective, flat color such as white, off-grey or grey unless required to be colored differently by FAA or BOA regulations.
- ii. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening and landscaping that will blend the PWEF into the natural setting and existing environment.

m. Scenic Vistas

No PWEF shall be installed at any location that would substantially detract from or block the view of a major portion of a scenic vista as viewed from a public road right-of-way, River, or publicly accessible parkland or open space within Millville

n. Braking System

All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

o. Shadow Flicker

- i. A PWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property. The facility owner and operator shall conduct, at the applicant's expense a modeling study demonstrating that shadow flicker shall not occur on any occupied building on a non-participating property.
- ii. A PWEF shall be designed in such a manner as to minimize shadow flicker on a roadway.

p. Location

No part of any PWEF shall extend over parking areas, access drives, driveways or sidewalks.

q. Insurance

The PWEF owner shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the City of Millville as part of final approval upon request.

r. Ice Throw

The potential ice throw or ice shedding for a PWEF shall not cross the property line on which the PWEF is located nor impinge on any right-of-way or overhead utility line.

s. Electronic Interference

The facility owner and/or operator shall ensure that the design and operation of any PWEF avoids any disruption or loss of radio, telephone, television, cell, Internet, or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

t. Wind Turbine Separation

Wind Turbines shall be separated from each other by a minimum of 1.1 times the total height of the highest wind turbine.

u. Lot Size

In order for a tract(s) of land to be eligible for a PWEF, it shall have a minimum lot size derived as follows: (2 acres X number of Wind Turbines) + 18 acres = minimum lot size.

v. Setbacks

- i. Wind Turbines shall be set back from the nearest Occupied Building or Non-Occupied Building on the participating landowner's property a distance not less than the setback requirements for the zoning district or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building or Non-Occupied Building.
- ii. Wind Turbines shall be set back from the nearest Occupied Building or Non-Occupied Building located on a non-participating Landowner's property a distance of not less than 3 times the Turbine Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied or Non-Occupied Building.
- iii. All Wind Turbines shall be set back from the nearest property line a distance of not less than the setback requirements for the zoning district or 2 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
- iv. All Wind Turbines shall be set back from the nearest public road a distance not less than the setback requirements for the zoning district or 1 times the Turbine Height, whichever is greater, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
- v. Each wind turbine shall be set back from above-ground power lines, public telephone lines and television cable lines a distance no less than 1.1 times its total height. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on such lines.
- vi. Wind Turbines shall be set back at least 2,000 feet from Established Bird Migration Routes as identified by the NJ Audubon Society and at least 1,500 feet from identified wetlands.
- vii. Accessory Buildings Setback
Accessory buildings, structures, and related equipment to the PWEF shall comply with the building setback requirements of the zoning district.

w. Height

There shall be no specific height limitations, as long as the total height meets sound and setback requirements and complies with regulations imposed by the FAA.

x. Warnings

- i. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

- ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- y. Safety & Security
- i. All access doors to Wind Turbines, including electrical equipment outbuildings and all appurtenances thereto shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
 - The minimum distance between the ground and any part of the wind rotor blade shall be 30 feet.
 - To limit climbing access, a 6 foot high fence with a locking gate shall be placed around the PWEF.
 - Wind Turbines' climbing apparatus shall be limited to no lower than 30 feet from the ground, or the Wind Turbines' climbing apparatus shall be fully contained and locked within the tower structure.
- z. Use of Public Roads
- i. The Applicant shall identify all state and local public roads to be used within the City of Millville to transport equipment and parts for construction, operation or maintenance of the PWEF.
 - The city Engineer or a qualified third party engineer hired by Millville and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
 - Any road damage caused by the applicant or its contractors shall be promptly repaired at the Applicant's expense.
 - The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.
 - Every effort should be made to use existing roads. Private entrance roads to PWEF shall be maintained in a mud-free condition.
- aa. Local Emergency Services
- i. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).
 - ii. The Facility Owner and/or Operator shall abide by all applicable local, state and federal fire code and emergency guidelines.
 - iii. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.
- bb. Application Requirements. A development application for a PWEF shall be considered a major site plan subject to a public hearing and shall include, in addition to the required site plan information from Article 6 [Application Submission Requirements], the following:
- i. A narrative describing the proposed PWEF, including an overview of the project; the project location; the approximate generating capacity of the PWEF; the approximate number, representative types and height or range of heights of Wind

- Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - ii. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the PWEF and setting forth the Applicant's and property owner's name, address and phone number.
 - iii. Identification of the properties on which the proposed PWEF will be located, and the properties adjacent to where the PWEF will be located.
 - iv. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWEF to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - v. A proposed foundation design and analysis of soil conditions by a professional engineer.
 - vi. Documentation showing that the PWEF will comply with all applicable requirements of the FAA and the State Bureau of Aeronautics.
 - vii. A shadow flicker study
 - viii. A Decommissioning Plan including time line, means and methods with engineering and demolition specifics as well as a plan for cleaning and restoration of the property to its pre-installed condition, including grading and vegetative restabilization to eliminate any negative impacts to surrounding properties.
 - ix. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the City to ensure compliance with this Ordinance.
 - cc. Public Inquiries and Complaints
 - i. The Facility Owner and Operator shall maintain a phone number and identify responsible person for the public to contact with inquiries and complaints throughout the life of the project.
 - ii. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.
 - iii. The Facility Owner and/or Operator shall keep a record of all such inquiries and complaints and shall submit a report thereof to Millville about any contacts not less than quarterly.
- 6. **Utility Scale (Principal Use) Solar Energy Facility**
 - a. Definitions
 - i. COLLECTOR SURFACE – Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, support and mounting hardware.
 - i. PRESERVED OPEN SPACE AND PRESERVED FARMLAND – Land on which a development easement was conveyed to, or retained by, the State Agricultural

Development Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 or N.J.S.A. 4:1C-31, section 5 of N.J.S.A. 4:1C-31.1, section 1 of N.J.S.A. 4:1C-38, section 1 of N.J.S.A. 4:1C-43.1, section 37 through 40 of N.J.S.A. 13:8C-37 through 13:8C-40, or any other State law enacted for farmland preservation purposes. A person who owns a preserved farmland may construct, install and operate solar energy systems on an area no more than ten acres for such a use on the preserved portions of the farm or on any portion excluded from preservation in accordance with P.L. 2009, c. 213 of New Jersey.

- ii. RENEWABLE ENERGY FACILITY – A facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or other solar-based technology.
 - iii. SOLAR COLLECTOR – A device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical or electrical energy.
 - iv. SOLAR ENERGY – Direct radiant energy received from the sun.
 - v. SOLAR PANEL – A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.
 - vi. UTILITY SCALE [PRINCIPAL USE] SOLAR ENERGY SYSTEM – One or more solar panels and all associated equipment involved in the conversion of solar radiation to electrical energy which functions as the principal use on the land on which such system is situated.
- b. Utility Scale Solar Energy System
- ~~vii.~~ Solar energy systems shall be permitted as conditional uses in the zoning districts within Table 9 in Section 30.203 on a minimum lot size of 200 acres. ~~the Industry-Business Enterprise, the Airport Enterprise and the Motorsports Enterprise Zoning Districts of the City.~~
 - viii. The Utility Scale Solar System shall constitute the principal use of the lot on which it is located. For all such systems major site plan approval is required.
 - ix. A site plan application for a solar energy system shall address, and not be limited to, buffering, care and maintenance of all property associated with the installation, security, visual impacts, drainage, traffic to and from the site and shall include. Installations shall be subject to the following requirements, in addition to applicable development application submission, review and performance standards:
 - a) All solar facilities must meet or exceed the standards and regulations of the Federal Aviation Administration (FAA), Board of Public Utilities (BPU), and any other agency of the local, state, or federal government with the authority to regulate such facilities that are in force at the time of the application.
 - b) The location of ground mounted arrays and freestanding collectors shall be setback a distance of seventy-five (75) feet from all property lines.

- c) Ground mounted arrays shall not exceed twenty (20) feet in height when oriented at maximum tilt.
- d) A thirty (30) foot wide perimeter landscaped buffer that includes a combination of evergreen trees and shrubs. A six (6) foot tall fence shall be located inside the landscape perimeter. ~~Plantings~~ shall not be a lesser height than that of the ~~solar~~ array at time of plantings. Natural vegetation or landforms on site may provide such screening as determined by the Board. No more than eighty percent (80%) of "under panel" surface of the total lot area shall be utilized for a solar energy system installation. No more than 25% maximum impervious coverage, exclusive of the panel areas as prescribed by N.J.A.C. 40:55D-38.1.
- x. A site plan application submission shall include:
- ~~a.~~ Visual Impact Analysis: Discuss the potential visual effects from the projects. Identify any measures to avoid, minimize, or mitigate visual effects.
 - ~~b.~~ Proposed storm-water measures: Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.
 - ~~c.~~ Screening Plan: Include any site grading and/or landscape plantings proposed along public roads or abutting residential and commercial properties.
 - ~~d.~~ A Maintenance Plan for grounds and landscaping buffers.
 - ~~e.~~ A site plan application shall also include a Decommissioning Plan including time line, means and methods with engineering and demolition specifics as well as a plan for cleaning and restoration of the property to its pre-installed condition, including grading and vegetative re-stabilization to eliminate any negative impacts to surrounding properties.
- ~~xv.~~ xi. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjoining properties and streets.
- ~~xvi.~~ xii. To the extent reasonably possible, solar energy systems shall be designed using such features as colors, materials, textures, screening and landscaping so as to blend into their settings and avoid visual blight. The solar energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color like white, grey or another non-obtrusive color. Finishes shall be matte or non-reflective.
- ~~xvii.~~ xiii. Solar energy systems shall not be used for the display of advertising.
- ~~xviii.~~ xiv. All solar energy system collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections must be inspected by the Construction Office or other appropriate electrical inspection agency as determined by the City. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
- ~~xix.~~ xv. When solar storage batteries are included as part of the solar energy collector system, they must be placed in a secure container or enclosure meeting the

requirements of the New Jersey State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the State of New Jersey and other applicable laws and regulations.

- ~~xxvi.~~ Clearing of natural vegetation for the installation of a solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the system and as otherwise prescribed by of **§30-325 [Tree Removal and Tree Cutting]**, as well as any other applicable laws, regulations and ordinances.
- ~~xxvii.~~ Any trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Any applicant shall locate a solar energy system so that tree removal is not required to the extent practical.
- ~~xxviii.~~ Any ancillary buildings and any outside storage associated with a solar energy system shall use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- ~~xxix.~~ Buffer widths shall meet the requirements of an industrial use to neighboring properties as shown in **§30-310G-4 [Required Buffer Widths]** and it shall meet all the screening requirements of **§30-310G [Buffers]**.

7. Decommissioning of Utility Scale Solar and Wind Energy Systems

- a. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Utility Scale Solar or Wind (including individual wind turbines) System, and all related improvements, within (12) twelve months after the end of the useful life of the facility or individual wind turbines, or when use has been discontinued or abandoned by the facility owner and/or operator. The Utility Scale Solar or Wind (including individual wind turbines) System will be presumed to be at the end of its useful life, discontinued or abandoned if no electricity is generated for a continuous period of twelve (12) months.
- b. Decommissioning shall include all the following relevant parts of the system including removal of the solar panels and support apparatus, both above and below ground, wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- c. Disturbed earth shall be graded, re-seeded and/or reforested to reclaim the site back to its predevelopment condition, based on the subdivision/land development plan or documented predevelopment condition, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- d. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the City of Millville after the first year of operation and every fifth year thereafter.
- e. Decommissioning Funds
 - i. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall

- Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs.
- ii. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within New Jersey and is approved by the City.
 - iii. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to [municipality].
- f. If the Facility Owner or Operator fails to complete decommissioning within the period, prescribed above, then the landowner shall have six (6) months to complete decommissioning.
 - g. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods described above then the City of Millville may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Millville shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns Millville may take such action as necessary to implement the decommissioning plan.
 - h. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated, and the city concurs, that decommissioning has been satisfactorily completed, or upon written approval of Millville in order to implement the decommissioning plan.

G. Assembly

1. Outdoor entertainment

It is the purpose of this Section to protect the public's health, safety and welfare with the requirement of a site plan or permit for outdoor entertainment activities within the City of Millville.

- a. Definitions. For the purposes of this **Section 30-205G.1 only**:
 - i. **Amplified event** means any event that includes electronically amplified music and/or voices.
 - ii. **Nonamplified event** means any event that does not include electronically amplified music and/or voices.
 - iii. **Nonprofit/fund raising event** means any event conducted by a commercial, residential/agricultural or nonprofit entity for the purpose of raising funds to be subsequently donated to an organization described in section 501(c) or (d) of the Internal Revenue Code of 1986 as amended.
 - iv. **Outdoor entertainment** means a specific event or activity held in the open or within a tent, sound stage, pavilion or amphitheater.
 - v. **Outdoor entertainment - commercial** means a specific outdoor entertainment event or activity conducted or sponsored by a commercial entity for profit or promotion of its business with an estimated attendance of **200 people** or more.

- vi. **Outdoor entertainment - nonprofit** means a specific outdoor entertainment event or activity conducted or sponsored by a nonprofit community organization, private school or club for the purpose of raising funds for charitable, educational, religious or other similar purposes with an estimated attendance of **150** people or more.
 - vii. **Outdoor entertainment - private** means a specific outdoor event or activity conducted or held on private property by the property owner or the owner's lessee such as a wedding reception, private party, or similar family or social functions with an estimated attendance of **150 people** or more.
 - viii. **Permittee** means a person to whom an outdoor entertainment permit/or site plan approval has been issued.
 - ix. **Person** means an individual, firm, partnership, corporation, trustee, association, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, person shall include employees and licensees.
 - x. **School** means an institution or place for instruction or education where 25 or more persons receive a full course of educational instruction with an organized body of teachers associated for pursuit and dissemination of knowledge.
 - xi. **Special Events Permit** means a zoning permit for an event at a specific site that occurs fewer than 4 times per year for 3 days or less at each occurrence.
- b. Special Events Permit required
- i. The city and its agencies and its public schools shall be exempt from the permit requirements of this chapter.
 - ii. Any person desiring to conduct or sponsor a private, commercial or nonprofit outdoor entertainment activity, as defined above, and occurring fewer than 4 times per year for 3 days or less at each occurrence, shall obtain a special events zoning permit from the Zoning Officer.
 - a) Special Events Permit application. For each special events occurrence, an application for a permit shall be filed with the Zoning Officer at least 30 days in advance of the date on which the entertainment event is to occur.
 - b) The application shall require the following information:
 - The name and address of the person or organization conducting the event and the names and dates of birth of the persons or of the managers and officers of the organization.
 - The date, time, and place of the event to be held.
 - Whether the persons conducting the event or the officers of the organization sponsoring the event are over 18 years of age; and whether such persons have been convicted of any crimes other than minor traffic offenses.
 - The approximate number of persons expected to attend the event.
 - A description of the type of outdoor entertainment to be conducted.
 - The name, address and telephone number of the entity providing the entertainment.
 - Whether amplified or non-amplified music or singing will be part of the entertainment.

- The number of security personnel to be employed together with their names and address.
 - Such other information as the Zoning Officer or the city shall require.
- iii. The Zoning Officer shall respond in writing to the permit application within ten days. Permits may be denied based upon any of the following determinations:
- a) The event would seriously endanger public safety;
 - b) The event would significantly and negatively damage the general public;
 - c) The event would unreasonably infringe upon the rights of abutting properties;
 - d) The event would conflict with another proximate event or interfere with construction or maintenance work;
 - e) There are not sufficient safety personnel or other necessary city staff to accommodate the event;
 - f) The applicant failed to complete the application form after being notified of the additional information required;
 - g) The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter;
 - h) Other issues in the public interest were identified by the city;
 - i) Failure to prepay expenses;
 - j) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity special events permit issued to the applicant within the past 12 months;
 - k) The property on which the event is to take place or the owners of the property on which the event is to take place are delinquent in the payment of property taxes, assessments, employment taxes or other financial claims of the city and/or contracted public agencies.
- iv. No Special Event entertainment shall be held or conducted between the hours of 12:30 a.m. and 9:00 a.m. on weekends or between 10:00 p.m. to 9:00 a.m. on weekdays.
- v. All Special Event Permit holders shall deposit a guarantee of \$500 with the City Treasurer to ensure that all physical aspects of the event, including temporary structures, sanitary facilities, lighting, signage, and trash are removed within 7 days after the event.
- c. Any person desiring to hold an outdoor entertainment event other than as defined in above in **§30-205G.1b** must submit an application for site plan approval to the Board of Jurisdiction.
- i. An application for use of a site as a permanent outdoor entertainment venue is a major site plan application and must meet all the application submission requirements of **Table 9 and § 30-600 [Application Submission Requirements]** in addition to the following conditions:
 - a) Minimum lot size shall be 5 acres.
 - b) A landscape buffer of 100' meeting the requirements of **§ 30-310G [Buffers]** shall be required to any residential zone or residentially used property.

- c) The requirements of the City of Millville noise ordinance (Ord. 2-2017) shall be utilized in determining approvals.
- d) Sunday through Thursday events shall terminate all amplified noise by 10 pm

2. Social Clubs

- a. Social clubs shall be permitted as indicated in ~~§ 30-203C [Uses Permitted]~~ with the following conditions in addition to those of the Zoning District:
 - i. All buildings shall be set back from all property lines a minimum of 20 feet.
 - ii. Parking shall be in the rear of the building and a landscape buffer per ~~§ 30-310G [Buffers]~~ of 15 feet shall be constructed between the parking area and any residentially zoned or used property.
 - iii. Social Clubs with kitchens and/or serving liquor must meet the requirements of ~~§ 30-322 [Solid Waste]~~ and ~~§ 30-316 [Parking, Loading and Driveway Standards]~~

H. Leisure Activities

1. Sports Facilities

- a. Indoor
 - i. Indoor sports facilities, such as health clubs and indoor court facilities, may have up to 50% of outdoor space devoted to an exercise track provided the lot size is 2 acres or more.
- b. Outdoor
 - i. Outdoor Sports Activities Facilities shall meet the following conditions in addition to those required elsewhere in this Chapter:
 - a) Accessory use structure such as concession stands, permanent bleachers, maintenance sheds, locker rooms and ticket areas may occupy a maximum of 10% of the site.
 - b) Parking requirements shall be determined by the Board based on a parking study submitted by the applicant that utilizes data from similar facilities.

2. Golf Courses. The following conditions shall be met by any golf course:

- a. Minimum tract area.
 - i. 9-hole golf course: 75 acres
 - ii. 18-hole golf course: 150 acres
 - iii. with social, recreational and/or dining amenities: 175 acres
- b. Golf courses may include, as accessory uses,
 - i. Clubhouse, pro shop, bar, snack bar, shelters, driving ranges and other uses customarily incidental to the principal use and,
 - ii. If a private club, dining rooms, social rooms, bar, locker rooms, outdoor court facilities for active recreation, swimming pool, cabanas, and other uses customarily incidental to a country club.
 - iii. Accessory structures and uses may not exceed 5% of the tract.
 - iv. The maximum height of any accessory structure shall be 35 feet.
- c. The golf course shall be designed with due consideration for safety of the public on adjacent lots, adjacent roadways and other golfers.

- d. Horizontal separation shall be maintained between the golf course and accessory structures, buildings and uses and adjacent off-site uses as follows:
- i. Minimum separation from any property line, road right-of-way or accessory structures, buildings and uses associated with the golf course (except course shelters), is as follows:
 - a) From golf tee: 75 feet, excepting tees in as in b) below;
 - b) Golf tees where the centerline of the hole is parallel or less than a 60° angle to a road or tract boundary: 150 feet;
 - c) From centerline of fairway or green and edge of driving range: 150 feet
 - ii. All accessory structures and buildings associated with the golf course including fencing for a driving range (but not including cart paths, parking, shelters or the course itself), shall be a minimum of 200 feet from any adjacent property line or road right-of-way.
 - iii. Parking lots shall be buffered per **§ 30-310G [Buffers]** and shall be a minimum of 200 feet from surrounding properties and public roads.
- e. Parking Requirements
- i. Golf course: Five spaces per hole
 - ii. Dining and social room: One space for each three seats.
 - iii. Bar: One space for each two seats.
 - iv. Outdoor court facility: One spaces per court.
 - v. Swimming pool: One space for every 100 square feet of water surface.
 - vi. Employee parking: One per employee measured by the maximum shift.
 - vii. Other uses shall be as otherwise required by this chapter.
- f. Design Requirements
- i. Exterior lighting of the golf course facility shall be limited to illumination of accessory uses, parking and site circulation.
 - ii. A driving ranges, if provided, may have illumination provided it is totally shielded from any neighboring properties or public roadways.
 - iii. The golf course facility shall be designed to the extent possible to preserve the contiguity of existing woodlands and woodland corridors. The layout and design shall meet the requirements of **§ 30-325G [Tree Removal and Tree Cutting]**.
 - iv. Golf courses shall be operated using an integrated turf management plan and an integrated pesticide and pest management plan specific to the operation and maintenance of the proposed golf course.
 - a) These plans shall be prepared in accordance with guidelines established by the New Jersey Department of Environmental Protection and shall also take into account guidelines promulgated by the United States Golf Association.
 - b) These plans shall include best management practices to prevent or minimize any adverse impacts of chemical applications on the groundwater and surface water resources associated with the golf course.
 - c) Vegetative buffer areas shall be encouraged between any turf which is to be chemically treated and any nonintermittent stream. Such buffer shall be of a

sufficient size and design to provide a neutralizing effect of chemicals carried by stormwater runoff.

- v. Necessary infrastructure and utilities shall be available from on-site municipal or private systems including sanitary sewer, potable water and irrigation water.
 - a) As part of the application for approval the applicant shall submit a plan for reduced pumping of groundwater in the event of declared drought conditions.
 - S
 - b) Such plan shall be incorporated into a developer's agreement with the municipality.

3. **Equestrian Stables:** The following conditions shall be met by any commercial equestrian stable:

- a. Stables must be built so as not to create offensive odors, fly-breeding or other nuisances and meet the NJ State Department of Agriculture standards for animal waste management. In addition:
 - i. Manure from stabled horses or other livestock must be removed from a stable or a similar housing structure three (3) times each week.
 - ii. Manure must be stored a minimum of twenty-five (25') feet from a stable and 150 feet from the nearest neighboring dwelling.
 - iii. No manure stockpile may exceed 100 square feet and all stockpiles should be limed once per week.
 - iv.
- b. Enclosed outdoor horse areas must be a minimum of 1,000 square feet for the first animal and 800 square feet for each additional animal.
- c. Stables must provide a minimum of 100 sf stall per horse.
- d. Parking
 - v. Parking for customers shall be separated from stable and loading areas by a 10' buffer strip.
 - vi. One parking stall shall be provided for every 5 horses in addition to one space for each fulltime employee or equivalent.

4. **Vehicle Racing. [CHECK WITH ZONING AND CITY RE: CHANGES TO EXISTING]**

Motor sports racing is allowed in designated zones under the following conditions:

- a. Minimum tract area is 200 acres
- b. Maximum lot coverage, including any surface utilized for racing as well as all impervious surfaces, is 50%
- c. Open Space and Landscaping:
 - i. A minimum of 40% of the site shall be undeveloped open space, natural areas, berms, buffers, landscaping or pervious parking areas.
 - ii. Undeveloped areas shall be maintained.
 - iii. The development shall meet the standards of §30-334 [Tree Removal and Cutting]
 - iv. A 100 foot buffer planted and maintained in accordance with §30-310G [Buffers] shall be constructed around the entire perimeter

- d. No night racing will be permitted.
- e. Local service and utility standards.
 - i. The development shall be serviced by the municipal wastewater collection and treatment system. The developer shall design and construct the on-site system to tie into the municipal system.
 - ii. The development shall be serviced by the municipal water system. The developer shall design and construct a system on site to tie into the municipal water system.
 - iii. All electric, telephone, television and other communications facilities, both main and service lines, shall be provided within easements or dedicated public right-of-way and intalled in accordance with the prevailing standards and practices of the utility or other companies providing such services. The placement and alignment of the poles shall be designed to lessen the visual impact of overhead lines.
 - iv. The developer shall provide adequate and efficient methods for handling solid waste disposal, including materials that are required to be recycled pursuant to municipal ordinance.
 - v. All temporary or portable sanitation facilities must be noted on a plan approved by the county health department as being adequate for anticipated attendance at any activity or event.
- f. Stormwater management standards.
 - i. All stormwater management systems shall be designed and engineered in accordance with the best available technology and in consultation with the City of Millville Engineering Department.
 - ii. A stormwater management system shall be designed and engineered to prevent an increase in non-point source pollution to the greatest extent feasible. The runoff collection system shall be designed to prevent watershed runoff to the greatest extent feasible.
- g. Environmental and visual standards.
 - iii. The design and placement of the racetracks and any structures shall be made in a manner to integrate the development attractively and harmoniously with its surroundings to enhance the natural features of the site.
 - iv. Careful attention shall be given to the design and quality of all structures and site amenities so that they are compatible within the development and compatible with the natural landscape.
 - v. Grading and construction plans shall comply with applicable soil erosion and sediment control regulations.
 - vi. Adequate and functional lighting shall be located so as to provide maximum aesthetics and safety while minimizing glare off site.
 - vii.
 - viii. All delivery areas are to be located at nonpublic entrances to the structures.
 - ix. Trash collection areas are to be adequately screened by berms, plantings or fencing.

h. Signage.

All identification, traffic circulation, and on-site advertising signs shall be governed by § 30-202S

i. Scheduling and Events

- i. The developers/operators shall submit for advisory purposes an annual schedule of races and motorsports related events by February 1 of each year, beginning in the second full year of operation, to the City Clerk. The City Clerk shall be notified of any significant changes to the proposed schedule, including cancelled events or added events.
- ii. An annual schedule of all non-motorsport special events, as defined in the definitional section herein[must be submitted to the City Clerk. A statement of the name and address of the promoters of the event, the advertising sponsor(s) of the event and a description of the event shall be provided to the City Clerk. The City shall be advised of any changes to the non-motorsports special events schedule.
- iii. For non-motorsports special events expected to attract visitors of 10,000 people or more, based upon contract arrangements and expected ticket sales, the event organizers must acquire a special events permit from the City of Millville City Clerk's office. This permit shall encompass all planned special events under one permit for the calendar year.
- iv. For all events expected to attract 10,000 spectators or more, there must be on file in the City Clerk's office a standard plan for crowd control, traffic flow and control, fire protection and medical emergencies, and trash collection. This plan is intended to maintain an orderly flow of spectators and traffic and to prevent spillover or trespass on adjoining properties that are not intended as the location of the proposed event. This standard procedures plan shall be submitted to the City Clerk's office 30 days prior to opening the premises and shall remain on file with the City Clerk's office and is subject to the review and approval of the Police Chief, Fire Chief, and Rescue Squad Chief, who may conduct a periodic review of said plan.
- v. In the event any of the aforementioned plans are found to be inadequate by the City professionals or consultants, the developers shall be notified and provided a reasonable amount of time to correct any deficiencies and resubmit said plan.
- vi. The Board of Commissioners and its assigns shall have the right to immediately revoke any permit issued under this section upon noncompliance with any of its provisions or conditions, provided the developer/operator has been provided at least 30 days' notice of said violations without compliance.

5. **Campgrounds**

Campgrounds for tents and recreational vehicles, where permitted, must comply with the following conditions:

- a. Campgrounds and camps may be established on parcel(s) which:
 - i. Are not less than 25% wooded or are adjacent and have direct access to a body of water, watercourse or natural stream, and

- ii. Not more than 25% of the parcel(s) involved are considered to be environmentally sensitive such as floodplain, recognized historic or archaeological site or structure, natural habitat of endangered or threatened species, areas with a slope of greater than 10% or other similar conditions.
- b. A site plan must be submitted showing, in addition to the requirements in **§ 30-600** **[Application Submission Requirements]** the following:
 - i. Location, configuration and size of each camp site;
 - ii. Evidence of potable water supply, such as a water availability certificate or letter of availability from a public system provider.
 - iii. An environmental impact study completed, signed and dated. The checklist shall identify the anticipated impacts and measures proposed to mitigate such impacts.
 - iv. Evidence of any required State or county permits and licenses required to operate the facility.
- c. Campground requirements:
 - i. Individual campsites intended for use by travel trailers, vans, or other recreational vehicles shall not be less than 65 feet in depth or 35 feet in width. Campsites restricted in use to tents may be of lesser size but not less than 2,000 square feet.
 - ii. At least 40% of the parcel(s) involved shall be maintained in permanent open space or recreational areas. Recreational facilities shall be provided and may include, but are not limited to, hiking or biking trails, beaches, ball fields, tennis, basketball or volleyball courts, picnic areas, swimming pools, playgrounds or tot lots and similar uses. Of areas set aside as permanent open space, at least 50% shall be in tracts of reasonable size in depth and shape to provide meaningful open space area.
 - iii. Campgrounds shall be restricted in occupancy to travel trailers, recreational vehicles or tents. Mobile homes or residential trailers or vehicles intended, capable or marketed for year-round residential occupancy shall be prohibited.
 - iv. All campgrounds shall be provided with permanent buffer areas intended to reduce or eliminate noise and glare or other nuisances to adjacent properties or uses and to assure the privacy of campers. The Planning Board may increase or decrease the buffer required according to site conditions and may require landscaping, screening or fencing in order to assure adequate buffer to achieve the intent of this section. The minimum buffer area as measured from the property line shall be:
 - a) From properties used or zoned for residential purposes without dense woods and shrub coverage: 300 feet.
 - b) From properties used or zoned for residential purposes with dense woods and shrub coverage: 150 feet.
 - c) From properties not zoned or used for residential purposes without dense woods and shrub coverage: 200 feet.
 - d) From properties not zoned or used for residential purposes with dense woods and shrub coverage: 100 feet.
 - e) From property lines adjacent to lakes, watercourses: 75 feet.

- v. All campgrounds shall conform to all health regulations, including the New Jersey Campground Code. The Planning Board, as a condition of its approval, may require the provision of specific facilities potable water, sanitary sewer and other health related facilities, utilities or other amenities designed and intended to protect the health and safety of the residents of the campground.
- d. Residency
 - i. As accessory uses to a campground, one residence for the use of the owner, manager or operator of the campground will be permitted and a "general store" designed, sized and intended primarily for use of the campground or camp residence.
 - ii. Permanent year-round residence in a travel trailer, recreational vehicle, tent or cabin at a campground or camp shall not be permitted.
 - iii. Residential occupancy of a campground or camp shall be prohibited except during the "season" and for any residence of the owner of the facility.
 - a) For purposes of this subsection, "residential occupancy" is hereby defined as that established for permanent year-round occupancy other than seasonal and incidental to recreational, educational, religious or sporting purposes including recreational area use.
 - b) The "season" shall be defined as April 1 to December 20 of any year.
 - c) Between January 1 and March 15 all travel trailers, vans, recreational vehicles or tents shall be removed from campsites and disconnected from all utilities. The travel trailer or recreational vehicle may be stored on a separate site or location within the campground as long as it is not occupied.
 - iv. No permanent foundation, patio, structure, porch, shed or other building shall be erected, constructed, connected or otherwise attached to any travel trailer or recreational vehicle or tent.
- e. Water Supply
 - i. Water must be available within 300 feet of every campsite.
 - ii. Water supply must be tested and approved by the County Health Department
- f. Sewage Disposal, Toilets and Shower Facilities
 - i. Sanitary facilities shall be provided on the basis of not less than one water closet, one wash basin and one shower stall for each sex for each 20 tents and trailer sites. All such facilities shall be under a permanent roof, and water closets shall be individually enclosed.
 - ii. Water supply and sewage disposal facilities shall be available and approved by local health authorities. Holding tanks for sewage from campers or trailers shall be properly installed, maintained and pumped on a regular basis.
 - iii. There shall be at least one sewage pump-out station conveniently located with access from the service driveway and with easy ingress and egress for recreational vehicles in each campground that is designed to accommodate recreational vehicles.

- iv. For camping spaces not connected to a sewage disposal system, there shall be clearly identified and approved dumping stations and facilities for the disposal of gray water convenient to each camping space. Every such sanitary facility shall be provided within a 300-foot radius of any camping space.
 - v. Sealed vault toilets, chemical toilets, or pit privies, or other alternate sewage disposal system, may be installed in lieu of utility buildings, subject to approval of the County Health Department and NJ DEP.
 - vi. In addition to meeting the location requirements for sanitary facilities as described above, the sanitary facilities shall include the appropriate quantities of toilets, urinals, hand-washing sinks, and shower stalls as approved by the Health Department or based on minimum standards for sanitary facilities.
 - vii. Sewage dumping stations and sewer connections shall comply with all NJ Department of Environmental Protection wastewater rules.
- g. Garbage and Refuse, Insect and Rodent Control:
- i. Adequate number of fly tight, watertight and rodent proof containers must be provided for all garbage and refuse.
 - ii. Garbage must be collected for disposal as often as necessary to prevent nuisance conditions and not less than once each week when any sites are occupied.
 - iii. Sites must be maintained free of accumulations of debris or material which may provide rodent harbor or breeding places for insect pests.
 - iv. Sites must be maintained free of weedy vegetation even when unoccupied.
- h. Circulation and lighting
- v. Interior and entrance roads may be dirt roads, but shall be of such gravel or sand, or be so treated to reduce dust.
 - a) All roads shall remain private roads and be at least 20 feet in width and shall not intersect a public street closer than 100 feet to a property line.
 - b) Interior roads shall be designed and laid out to provide adequate flow and movement of vehicles towing camper trailers.
 - c) Bicycle and pedestrian ways shall be provided and, wherever reasonable, separated from motor vehicle traffic.
 - vi. A maximum speed limit of 10 miles per hour must be clearly posted throughout the campground.
 - vii. Vehicular roads must be have lighting.
 - i. All accessory facilities must have safety and security lighting.

I. Natural Resources**1. Farm Warehouse**

- a. Any farm operating under the rules and regulations of the Right to Farm Act may store and arrange for distribution of its product.
- b. A farm warehouse that is utilized to store product of which more than 50% is not produced on site and is located in the IBE, AE or ME Zoning Districts must meet bulk standards and regulations for an industrial use in that Zone.
- c. A farm warehouse that is utilized to store product of which more than 50% is not produced on site and is located in the LDR, MDR, Open Space or Farmland Production Zoning Districts shall meet the following conditions:
 - i. A site plan must be submitted to the Planning Board as specified in ~~§30-600~~ **[Application Submission Requirements]**.
 - ii. Employee parking on a qualified farm may substitute crushed gravel or other pervious, durable surface for paving.
 - iii. Determination of the number of parking spaces for employees and the amount of area for loading shall be demonstrated by the applicant with regard to the intensity of the use, its seasonality and the number of fulltime employees.

2. Farm market

The following conditions shall be met for any farm market:

- a. The farm market structures shall not exceed 3,000 square feet in gross floor area.
- b. No farm market shall exceed one story in height.
- c. A farm market shall be set back from the right-of-way line a minimum of 100 feet and 150 feet from a side or rear property line.
- d. At least 50% of the number of products sold on an annual basis shall be produced on site.
- e. Signage shall meet the requirements of ~~§30-202S~~ for the Zoning District in which the Farm Market is located.
- f. Parking areas shall be a minimum of 100 feet from abutting properties.
- g. A safe ingress/egress area, at least 100 feet long and 20 feet wide, must be provided adjacent to the access road in addition to any parking area.
- h. U-pick operations shall be allowed seasonally provided the following conditions are met:
 - i. Parking for U-pick operations shall be limited to 15 vehicles
 - ii. The parking area for U-pick customers shall be stoned/graveled, not paved with impervious surface.

3. Home Animal Agriculture

- a. Home agriculture, including home animal agriculture, may be permitted in those zones and districts specifically permitting customary agricultural uses and as permitted by other City ordinances, as long as animal numbers, as well as care and management, reasonably conform to current recommended management practices established in "Recommended

Guidelines for Home Animal Agriculture in Residential Areas" published and revised by the New Jersey Cooperative Extension Service, New Jersey Agricultural Experiment Station.

- b. The provisions outlined in this section are based on the animal unit and bird unit concepts. Large, mature, domesticated animals are a unit of one, while smaller or immature animal numbers may be considered in a proportionate ratio. Animal units for specific categories are listed in the tables contained in this section by animal type.

c. Table 10: Guidelines for Home Animal Agriculture Housing

**Suggested Space and Housing Guidelines
for Fully Mature Farm Animals**

Animal	Horse	Beef Cow	Dairy Cow	Dairy Goat	Pig	Sheep	Hen	Broiler	Turkey
Unit	1 horse	1 cow	1 cow	1 goat	1 pig	1 sheep	1 hen	1 broiler	1 turkey
Enclosed Housing Area/Animal	- Tie stalls 45 sq. ft.; 5' x 9' - Box stall 12' x 8' or 10' by 10'	75-100 sq. ft.	75-100 sq. ft.	20-25 sq. ft.	48 sq. ft. with exercise yard; 100 sq. ft. without exercise yard	20-25 sq. ft.	3-4 sq. ft.	3-4 sq. ft.	6 sq. ft.
Exercise Yard Area/Animal	200 sq. ft.	100-125 sq. ft.	100-125 sq. ft.	50 sq. ft.	200 sq. ft.	50 sq. ft.	10 sq. ft.	-----	20 sq. ft.
Pasture Area/Animal	1-2 acres	1-2 acres	1-2 acres	0.2-0.3 acres	12-14 sows/acre/rotational pasture	0.2-0.3 acres	-----	-----	100 sq. ft.
Type of Housing and Boundary Setback	Enclosed ventilated barn or open 3-sided barn. Setback 50 ft.	Open front 3-sided barn. Setback 50 ft.	Open front 3-sided barn, free-stall or enclosed stanchion barn. Setback 50 ft.	Enclosed barn with removable side panels or windows. Setback 50 ft.	Enclosed barn, huts, shed, hutches or lean-to. Setback 50 ft.	Open front 3-sided shed. Setback 50 ft.	Enclosed barn. Setback 50 ft.	Enclosed barn. Setback 50 ft.	Enclosed barn. Setback 50 ft.
Fencing	-Electric -Wooden rail -Woven wire	-Barbed wire -Electric -Woven wire	-Barbed wire -Electric -Woven wire	-Electric -Woven wire	-Electric -Plank rail	-Electric -Woven wire	-Chicken wire	-----	-Chicken wire
Family Needs	1 horse per family member	1/2 - 1 beef animal/year; raise 2 animals/yr to provide continuous supply	1-2 cows	2-3 goats	2 pigs per yr.	6 sheep	6 hens	24 broilers	12 turkeys

Courtesy of the UNH Cooperative Extension Program

- d. No poultry or livestock shelter shall be erected closer than 100 feet to any property line.

4. Forestry.

Forestry use on any lot as permitted in [§30-203C](#) must meet the criteria in Chapter 70: Woodland Management of the City of Millville Code.

30.206 Protected Uses**A. Airports and Heliports.** See [§30-204A](#) above**B. Group homes**

Group home facilities are protected under the Municipal Land Use Law (NJSA 40:55D-66) and are permitted in all residential districts to the same extent as single family homes as long as their capacity does not exceed 15 clients.

C. Farms

Millville City recognizes the NJ Right to Farm Act and specifically adopts its rules and regulations for farming in the City. Agriculture is a permitted use in the Low Density Residential, Medium Density Residential, Open Space and Farmland Production Zoning Districts and is protected by the Right to Farm rules. To be protected under the Right to Farm act, agricultural operations, including practices, activities and structures, must:

1. Conform to generally-accepted agricultural management practices,
2. Comply with all relevant federal or state statutes and regulations, and
3. Not pose a direct threat to public health and safety.

D. Manufactured Housing

The Municipal Land Use Law requires that manufactured housing be subject to the same standards as similar uses, provided that the home is a minimum of 22 feet in width, installed on a permanent foundation and the same person owns the home and the lot on which the home is located.

ARTICLE 3: PERFORMANCE REGULATIONS AND USE STANDARDS**30.300 Relationship of City Standards to the Residential Site Improvement Standards**

- A. **This Article** establishes performance and design standards within the City of Millville for non-residential development and for residential development that has not been preempted by the statewide Residential Site Improvement Standards [RSIS] (N.J.A.C. Title 5, Chapter 21).
1. The General Provisions of the Residential Site Improvement Standards (RSIS) are listed below for the convenience of the user in order to assist in determining the applicability of the RSIS standards to a residential application.
 2. The remainder of this Article establishes performance and design standards for areas of residential development that has not been preempted by the statewide Residential Site Improvement Standards as well as for non-residential development.
 - a. Construction of all residential improvements not regulated by the Residential Site Improvement Standards *shall conform to the technical requirements of the City of Millville Engineering Department Standards* and shall conform to the standards of this Chapter 30.
 - b. In this Article, the word "shall" is understood to be mandatory unless granted an exception by the Board of Jurisdiction pursuant to N.J.S.A. 40:55D-51 and the word "should" mean the standard is encouraged but not mandatory.
- B. **RSIS General Provisions**
1. The Residential Site Improvement Standards shall govern any site improvements carried out or intended to be carried out or required to be carried out in connection with any application for residential subdivision, site plan approval, or variance before any Planning Board or Zoning Board of Adjustment created pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.); or in connection with any other residential development approval required or issued by any municipality or agency or instrumentality thereof.
 2. Except as is otherwise specifically provided, these rules shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, maintenance, and use of any site improvements constructed by a developer in connection with residential development. The rules are to be interpreted as the minimum required to ensure the public health and safety, and the maximum that may be required in connection with residential development.
 3. These rules shall apply to all site improvement work and appurtenant construction including streets, roads, parking facilities, sidewalks, drainage structures, grading, and utilities which are undertaken by a developer in connection with residential development or use.
 - a. Where both residential and commercial development are planned in a mixed-use development, these rules shall apply to the residential part or parts of such development where such residential part or parts are discrete and separate from planned commercial

- parts as evidenced by, for example, separate building(s), separate parking, and separate access features.
- b. These rules shall apply to all utilities created by or deriving their authority from municipal ordinance to operate within a given jurisdiction.
 - c. Choice among options contained in these rules shall be the applicant's unless otherwise specified in these rules.
4. Nothing contained in these rules shall be construed to limit the powers of any municipality to establish and enforce any requirement concerning:
- a. Layout, arrangement, and location of improvements, shade trees, landscaping, or reservation of areas for public use, pursuant to N.J.S.A. 40:55D-38;
 - b. Preservation of existing natural resources; arrangement of physical elements for safe and efficient vehicular and pedestrian circulation, by, for example, traffic calming measures as described in "Residential Street Design and Traffic Control", by W. S. Homburger et al. (Institute of Transportation Engineers, 1989), parking, and loading; screening, landscaping, and location of structures; or conservation of energy and use of renewable resources; pursuant to N.J.S.A. 40:55D-41; or
 - c. Use, bulk, height, number of stories, orientation, and size of buildings and other structures; the percentage of lot or development area that may be occupied by structures, lot sizes and dimensions, floor area ratios, or other measures to control development intensity; or the provision of adequate light and air pursuant to N.J.S.A.40:55-65.
5. The provisions of these rules shall not preempt or in any way affect the exercise of any authority by the State or any county government with respect to site improvements conferred by any State law or any regulation promulgated there under. Nor shall these rules be in any way interpreted to modify or otherwise affect rules promulgated pursuant to the Pinelands Commission Act, N.J.S.A. 13:18A-1 et seq. (N.J.A.C. 7:50). It is the intent of these rules to be consistent with all other applicable laws, rules and regulations. Where these rules and any other State or county laws, rules or regulations establish differing requirements, then the requirements of these rules shall govern, except where any such differing requirement is more restrictive.
6. These rules shall not apply to driveways on private property held in fee-simple as individual residential lots outside of the public right-of-way, including common driveways established by easements shared by more than one dwelling unit on private property.
7. These rules are intended to ensure the public health, safety, and welfare insofar as they are affected by site improvement work and shall be so construed.

30.301 Performance Standards for All Uses

An application for a permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a construction permit may be issued with the condition that no certificate of occupancy will be issued until such time as this documentation is submitted with respect to the particular

occupant. A new application and a new certificate of occupancy shall be required in the event of a change of any use or of any structure.

A. **Dust or Dirt.**

No emission which can cause any detrimental effect on human beings, animals, vegetation or property or which can cause an excessive soiling at any point, and in no event any emission from any chimney or otherwise of any solid or liquid particles shall be permitted in excess of that prescribed by the laws of the State of New Jersey.

B. **Electrical and/or Electronic Devices**

1. All electrical or electronic devices shall be subject to the provisions of Public Law 90-602, 90th Congress, HR 10790, dated October, 1968, entitled "An Act for the Protection of Electronic Product Radiation."
2. Radiation products, as defined in DHEW Publication No. (FDA) 76-8003, shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property boundaries.
3. The applicant, upon request, shall certified data wherein measurements made in accordance with the procedure and standards set forth in the DHEW Publication No. (FDA) 75-8003 adequately demonstrate compliance with the minimum standards established by the Act.
4. All other forms of electromagnetic radiation lying between one hundred (100) KHz and ten (10) GHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations.
5. Additionally, electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multi-family dwellings) as the result of the operation of such equipment.

C. **Glare**

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

D. **Heat**

No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which would cause the temperature to rise or fall in any body of water.

E. Liquid or solid waste storage and/or disposal.

1. No discharge shall be permitted into any private sewage disposal system, or stream or into the ground in such a state or manner that it can:
 - a. Contaminate any water supply or
 - b. Cause the emission of dangerous or objectionable elements or
 - c. Render any waterbody or underground aquifer undesirable as a source of water supply or recreation, or
 - d. Destroy aquatic life.
2. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors and enclosed in appropriate containers adequate to eliminate such hazards.
3. No materials or wastes shall be deposited upon any lot in such form or manner or quantity as may be transferred off that lot by natural causes or forces.

F. Noise

Noise levels shall be designed and operated in accordance with Chapter 52, Sections 70 through 81 of the Millville City Code and those rules established by the New Jersey State Department of Environmental Protection as they are adopted and amended.

G. Odor

Odors shall not be discernible at the lot line or beyond.

H. Radiation

No activity involving ionizing radiation shall be permitted which will cause radiation at any point on or beyond any lot line in excess of limits contained in the United States Nuclear Regulatory Commission's Rules and Regulations as amended from time to time.

I. Smoke

There shall be no emission of smoke from any source whatever to a density greater than that prescribed by the laws of the State of New Jersey.

J. Toxic or noxious matter.

No use shall discharge any toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property, business, marine life or wildlife.

K. Ventilation

1. No use shall obstruct the natural ventilation of adjacent uses.
2. No use shall contaminate the air with excessive heat or odor.
3. No air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines 10 feet or equipped with baffles to deflect the discharged air away from the adjacent use.

L. Vibration

There shall be no vibration which is discernible to the human sense of feeling beyond the immediate lot.

30.302 Commercial and Industrial Design Standards

All commercial and industrial uses shall comply with the following design standards:

A. Air Quality

No use governed by state and federal air quality regulations shall emit heat, odor, vibrations, noise or any other pollutant into the air which exceeds the most stringent requirements of the applicable state or federal requirements.

B. Effluent

Effluent from a treatment plan shall at all times comply with the following standards:

1. Maximum quantity of effluent shall be 10% of the minimum daily stream of flow.
2. Maximum five-day biochemical oxygen demand shall be 25 parts per million.
3. Maximum five-day biochemical oxygen demand after dilution (BOD of effluent multiplied by quantity divided by quantity of stream flow) shall be 25 parts per million.
4. Maximum total solids shall be 5,000 parts per million.
5. Maximum phenol shall be 0.01 part per million.
6. No effluent shall contain any other acids, oils, dust, toxic metals or corrosive or other toxic substances in solution or suspension which would create odor, poison or otherwise pollute any stream in violation of applicable laws of the State of New Jersey.

C. Fire and explosion hazard.

1. All industrial activities shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazard, as determined by state or local officers, to a use on an adjacent property.
2. Free- or active-burning materials shall be enclosed with noncombustible walls and shall be set back at least 40 feet from any lot line or shall be protected with automatic sprinklers.
3. Materials or products which produce flammable or explosive vapors under ordinary weather temperatures shall be adequately safeguarded.

D. Vehicular Customer Service Areas

Temporary stopping space for vehicles of patrons at a roadside business establishment, such as a neighborhood convenience store or farm market produce stand, gasoline service station, drive-in

bank, fast food take-out window, or similar uses, shall ensure that all stopping or maneuvering is designed to be a minimum of 10 feet removed from the right-of-way line of the road.

E. Refuse & Recyclable Storage Area Standards

1. Areas adjacent to or within off-street parking areas shall be designated for refuse/recyclable storage and pickup areas for all commercial and industrial uses and conform to the following requirements:
 - a. A six-inch (6") thick concrete pad should be provided for the floor of the enclosure, extending beyond the front of the enclosure to allow for easier maneuvering of the dumpster(s).
 - b. An enclosure shall be provided to properly screen and enclose such areas to prevent the unsightly display and the scattering of debris, and conform to the following:
 - i. The enclosure(s) shall be of such size to house all dumpsters, other refuse containers, and stored recyclable material.
 - ii. The exterior shall be masonry or similar solid material that is compatible with the principal structure(s) on the site; and
 - iii. The height shall not be less than five (5') feet, nor more than eight (8') feet in height.
 - iv. The wall of an adjacent building may serve as one side, provided there are no window openings, the wall is of non-combustible construction, no combustible roof eave overhang and all fire code standards are met. Otherwise, trash receptacles must be a minimum of five (5') feet from any wall.
2. An opaque, sturdy material gate that can be fastened closed shall be provided. The access gate or fence shall be exempt from the provisions of any ordinance of this municipality regulating the height of fences.
3. The enclosure access shall be located as to prevent the visual display of refuse from any adjacent parking area and public street or right-of-way.
4. Refuse and recyclable storage areas shall not be permitted in any residential buffers and shall conform to the parking setbacks of [Section 30.316 \[Parking, Loading and Driveways\]](#) and [Section 30.322 \[Solid Waste\]](#).
5. Landscaping, such as vines, shrubbery, and evergreens shall be provided around all visible to the public sides of the masonry enclosure per [Section 30.310.F.2.](#)

30-303 Development Name

- A. The proposed name of any development shall not duplicate, or too closely approximate, the name of any other development or locality in or in close proximity to the City.
- B. The Planning Board shall have final authority to designate the name of the development which shall be determined at the preliminary stage of development review.

30-304 Drainage and Storm Water Management**A. Applicability of Standards**

1. New Jersey Stormwater Management Rules (N.J.A.C. 7:8) shall apply to all developments which disturb one acre of ground or more and/or increase impervious surface by $\frac{1}{4}$ acre or more.
2. Chapter 60 of the Millville Municipal Code, "Stormwater Management and Pollution" Control" applies to all 'major development' in the City.
3. The Drainage and Storm Water Management Standards in this Section 30-203 shall apply to all non-residential development not identified as "major" under the NJ Stormwater Management Rules and its provisions shall prevail in all applications to the extent that they supplement provisions of the RSIS or the NJ Stormwater Management Rules.

B. Purpose.

It is hereby determined that the lands and waterways within Millville are at times subjected to flooding; that such flooding is a danger to the lives and property of the public; that such flooding is also a danger to the natural resources of the municipality, the county and the State; that development tends to accentuate such flooding by increasing storm water runoff due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition; that such increased flooding produced by the development of real property contributes increased quantities of waterborne pollutants and tends to increase channel erosion; that such increased flooding, increased erosion, and increased pollution constitutes deterioration of the water resources of the municipality, the county and the State; and that such increased flooding, increased erosion and increased pollution can be controlled by the regulation of storm water runoff from such development. It is therefore determined that it is in the public interest to regulate the development of real property and to establish standards to regulate the discharge of storm water runoff from such developments as provided in this Ordinance.

C. Storm Water Management Goals.

1. Storm water management plans submitted pursuant to **Article 6 [Application Submission Requirements]** shall demonstrate careful consideration of the general and specific concerns, values and standards of the City's Master Plan and applicable county and State storm drainage control programs, and any county mosquito commission control standards, and shall be based on environmentally sound site planning, engineering and landscape architectural techniques.
2. The design of all stormwater management facilities shall address water quality, flooding and groundwater recharge and shall incorporate the use of non-structural stormwater management strategies to the maximum extent practical.
3. Land subject to periodic or occasional flooding (flood plain hazard areas) shall not be developed in such a way to endanger life or property or aggravate the potential for flooding. Such land shall be reserved for open space or other similar uses. (See also §426.)

D. Best Available Technology (BAT) Required.

1. Development shall use the best available technology to minimize off-site storm water runoff, increase on-site infiltration, simulate natural drainage systems, and minimize off-site

discharge of pollutants to ground and surface water and encourage natural filtration functions.

2. Best available technology may include measures such as extended detention basins, infiltration basins, contour terraces and swales.

E. Lot Grading.

Lots shall be graded to secure proper drainage away from buildings and into streets. Additionally, drainage shall be provided in a manner which will prevent the collection of storm water in pools or other unauthorized concentrations of flow, and water shall not flow across adjacent property lines unless specifically approved by the Municipal Engineer. The Municipal Engineer may direct the installation of a piped under drain system and soil stabilization fabric within roadways, drives and parking lots if deemed necessary.

1. Grading in lawn areas shall meet the following minimum standards:
 - a. Provide a minimum of 6 inch drop in the first 20 feet from a building.
 - b. Overland grades throughout the site shall be a minimum of 2%.
 - c. Grades for swales shall be a minimum of 1%
 - d. Maximum slopes on residential lots shall be 5:1 (horizontal: vertical) except where approved by the Municipal Engineer.
2. All work shall be in accordance with the established design standards of the municipality and as required by the Municipal Engineer.

F. Storm Water System Strategy and Design

1. Intent

- a. The system shall be adequate to carry off or store the storm water and natural drainage water which originates not only within the lot or tract boundaries, but also that which originates upstream of the lot or tract boundaries and normally flows through the tract.
- b. Storm water run-off, natural drainage water or water discharged from any source shall not be so diverted as to overload the existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for managing these conditions.

2. Prohibited Design

- a. Over the sidewalk, under the sidewalk and/or through the curb drains for the purpose of routing the discharge from sump pumps is prohibited. These facilities must outlet into an adequate water course or drainage system as approved by the Municipal Engineer.
- b. Roof leaders must be connected to an approved drainage system as approved by the Municipal Engineer.
- c. In the absence of a practical outlet for either sump pump or roof leaders, other systems, such as drywells, as approved by the Municipal Engineer may be used. Drywells shall be setback from all property lines a minimum of 10 feet.

3. Excavations

- a. Subsurface structure excavations shall be carried out by the contractor and, only where considered necessary by the City Engineer, shall they be carried below the required facility installation level to remove and replace unstable soils with thoroughly tamped gravel, crushed stone or crushed slag.
- b. Adequate bracing, shoring and sheeting shall be installed to protect workmen, members of the public, public and private property and the work underway.
- c. Where deemed necessary by the City Engineer, the contractor shall provide, install and operate an adequate well-point system for dewatering to stabilize excavation bottoms and banks.

4. Stormwater runoff calculations. Techniques and designs for computing storm water runoff shall be in accordance with N.J.A.C. 7:8-5 and N.J.A.C. 5:21.

5. Soil testing is required for all proposed infiltration basins and drywells. Testing shall be witnessed by the Municipal Engineer, unless such requirement is waived.

6. Drainage

- a. Whenever possible, all lots shall be designed to provide positive drainage to the roadway facility fronting same without flowing onto or across adjacent property.
- b. If this is impractical, the disposal of storm drainage through adjacent properties shall be through easement areas by underground piping and inlets, swales, et cetera.
- c. The depth of standing water at the pavement gutter line shall not exceed 9 inches for a 100 year storm event.

G. Storm Water Management Basins

Storm water management basins shall be required for all tracts except as subsequently noted below and shall be designed to provide adequate storage of storm water runoff for a 100-year storm event. Additional requirements include:

1. Basin required. A detention basin shall be required if site improvements will increase storm water runoff by one (1) cubic foot per second (CFS) in the 100-year storm event.
2. Permitted basin location. All storm water management basins shall conform to the following siting requirements:
 - a. Any storm water management basin in a residential zoning district shall be located within the setbacks for a principal building on the lot. For purposes of determining compliance, the setback shall be measured from the toe of an exterior slope of the bermed edge of a basin or, when the edge is not bermed, the water's edge reached in a 100-year storm event, whichever provides the greater setback.
 - b. No storm water management facility, including basins, shall be located within a required landscape buffer per ***§30-310G [Landscaping]***.
3. Use of retaining walls. No storm water management facility shall make use of retaining walls unless approved as part of a formal landscaping plan under sub-paragraph #5 below or if

located in the interior of a basin and not visible from a public right-of-way or adjacent property (whether developed or undeveloped) from ground level.

4. Naturalistic design required for detention. The detention area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. Linear or geometric shapes are to be avoided unless approved as part of a formal landscaping plan under sub-paragraph #5 below.
5. Formal design permitted for retention.
 - a. The design for stormwater retention facilities may use a variety of landscape forms, including formal reflecting pools, fountain features, and naturalistic lakes and ponds.
 - b. Retaining walls may be utilized when essential to formal landscape designs which incorporate water features and/or stormwater management functions.
6. Conveyance.
 - a. Detention basins shall be designed to convey all runoff from the 100-year storm event from the basin without creating adverse impacts on property.
 - b. Backwater impacts from the filling of the basin shall also be considered in the design of the facility.
7. Detention basins shall discharge into a stable outfall structure, whether natural or manmade. Stability calculations based on the 100-year storm outflow shall be required showing adherence to Soil Conservation Service standards.
8. Any storm water facility approved as a part of site plan or subdivision application shall be constructed and functioning prior to the issuance of a building permit for construction of a building.
 - a. In the event that an approved site plan includes the renovation or adaptive reuse of an existing building, the Municipal Engineer shall have the discretion to waive strict compliance with this sub-paragraph.
9. An agreement for the ownership and maintenance of detention facilities serving two or more lots, with cross easements, shall be furnished to the satisfaction of the Board of Jurisdiction.
10. Detention basins shall be constructed on individual lots (not part of a residential building lot) in all residential subdivisions and may be constructed within an easement in all residential minor subdivisions.
11. For development with less than one-quarter ($\frac{1}{4}$) acre of new impervious surface coverage, a deed restriction shall be established which limits the total new impervious surface coverage to less than one-quarter ($\frac{1}{4}$) acre. This impervious surface coverage limitation shall be applied to

the subject lot or equally distributed between all lots within a subdivision, as deemed appropriate by the Board of Jurisdiction.

H. **Landscaping.**

1. Stormwater management areas, including retention and detention basins, drainage ditches and swales, and wetland areas shall be landscaped in accordance with the standards in **§30-310 [Landscaping]** and shall contain indigenous species to the maximum extent practical.
 - a. This may involve integration of these areas as aesthetic landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function.
 - b. Detention and retention basins should be located in cleared areas where reasonably feasible.

I. **Detention Facility Maintenance**

1. Maintenance of the detention facility shall be the responsibility of the owner of the property upon which the detention facility is located.
 - a. The owner may be a homeowner's organization or an open space organization established for the purpose of owning and maintaining common lands and facilities including conservation, open space, floodplain, drainage, recreation and park areas
 - b. The Association shall be in accordance with N.J.S.A. 40:55D-43.
 - c. See also **§30-308 [Homeowners Associations]** for provisions concerning the establishment of homeowners' associations for open space.
2. Membership in any homeowners or created open space organization by all property owners shall be mandatory.
 - a. Required membership in any such organization and the responsibilities upon the members shall be in writing between the organization and the individual in the form of a covenant with each member accepting liability for a pro rata share of the organization's costs.
 - b. The City of Millville shall be a party beneficiary to such covenant and entitled to enforce its provisions.
 - c. The terms and conditions of said covenant shall be reviewed by the Board and City attorneys prior to final approval.
3. Executed deeds shall be tendered to the municipality simultaneously with the granting of final approval stating that the prescribed use(s) of the lands in the common ownership shall be absolute and not subject to revision for possible future development.
4. The homeowners or open space organization shall be responsible for liability insurance, municipal taxes, maintenance of land and facilities and inspection and certification of facilities that may be erected on any land deeded to such organization and shall hold the municipality harmless from any liability.
5. Any assessment levied by the homeowners or open space organization may become a lien on the private properties in the development. The duly created organization shall be allowed to

- adjust the assessment to meet changing needs and any deeded lands may only be sold, donated or in some other way conveyed to the municipality for public purposes only.
6. The homeowners or open space organization initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the planned development, along with the covenant and model deeds and the articles of incorporation of the association prior to the granting of final approval by the municipality.
 7. Part of the development proposals submitted to and approved by the Board and the City shall be provisions to insure that control of the homeowners or open space organization will be transferred to the individual lot owners in the development based on a percentage of the dwelling units sold and/or occupied, together with assurances in the bylaws that the organization shall have the maintenance responsibilities for all lands to which they hold title.
 8. Should the proposed development consist of stages, the Board may require that acreage proportionate in size to the stage being considered for final approval be set aside simultaneously with granting of final approval for that particular stage, even though these lands may be located in a different section of the overall development.
 9. In the event that the detention facility becomes a danger to public safety or public health, or if it is in need of maintenance, the the City shall so notify in writing the responsible person.
 - a. From that notice, the responsible person shall have 14 days to affect such maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his/her designee.
 - b. If the responsible person fails or refuses to perform such maintenance and repair, the City may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- J. **Easement Requirements.** See also [*§30-309 \[Land Use Restrictions\]*](#)
1. If a lot or tract is traversed by a watercourse, surface or underground drainage way or drainage system, channel, stream or drainage swale, the City may require a drainage right-of-way easement shall be provided and dedicated to:
 - a. The City of Millville or
 - b. other owners of private underground drainage system conforming substantially with the lines of such watercourse or drainage system and of such width or construction or both as will be adequate to accommodate expected storm water runoff in the future
 - c. Such easement dedication shall be expressed on the plat as follows: "Drainage easement granted to _____ for the purposes provided for and expressed in the Land Use Ordinance of the City of Millville."
 2. No structures, trees, shrubs or obstacles of any kind shall be installed within the limits of the drainage easements and such prohibition shall be recorded as such in the easement deeds. Fences may be constructed in drainage easements under City jurisdiction, provided the following conditions are met:
 - a. Fence must cross easement at 90° angle.
 - b. An access opening 16' in width must be provided via either removable sections or gates.

- c. Lower edge of fence must be minimum 6" above the ground for width of the easement.
- d. No other structures, grade alterations or landscaping may be installed in the easement.
- e. Access for City personnel shall be provided upon reasonable notice. Owner shall be responsible for removing fence sections, unlocking gates, etc.
- f. Fence may not be constructed directly above a drainage pipe along a property line.
- g. An agreement summarizing the above conditions must be recorded in the Cumberland County Clerk's office. Proof of recording is required prior to issuance of a building permit.
- h. Fences may be constructed in easements under other agency jurisdiction if written authorization from easement owner is provided.

30-305 Energy Conservation

Millville City added a Sustainability Plan Element to its Master Plan in 2009. One of the five goals is to "Promote Energy and Water Conservation." The goal notes that "planning and development regulations are key elements in enabling energy conservation...." The following standards are based on the goal of the Sustainability Plan to promote alternative energy.

- A. Lot orientation. The buildable area of lots shall be oriented so that an imaginary line running perpendicular from the long axis of the buildable area will point within 30° of true south. To accommodate the orientation of buildable areas of lots in accordance with this section, the majority of streets should, within the limits of practicability and feasibility, be oriented along an east west axis, with maximum deviations of 30° from true east.
- B. Lot arrangement. The lot arrangement shall be such that the buildable area for each lot will be situated so that homes built to the permitted height will not interfere with the availability of direct sunlight to the south sides of buildable areas on adjacent lots in the subdivision between 9:00 a.m. and 3:00 p.m. Eastern Standard Time on December 21.
- C. Landscaping. Wherever plantings are proposed or required as provided under the provisions of this chapter, no plantings of trees, shrubs or any object shall be permitted which will result in shading or interfering with solar access to the south wall of any proposed or existing building. When reviewing proposed landscaping for any proposed development, the approving authority shall not require or permit, where reasonably able to do so, any planting or the placement of an object or structure which will substantially interfere with solar access to adjacent buildings or existing solar devices or structures.

30-306 Fences, Hedges and Walls

- A. Agriculture. Fences, hedges and walls constructed for farm purposes on qualified farms to control pests and predators in accordance with approved management practices established by the State Agriculture Development Committee are exempt from these standards.
- B. Zoning Permit Required. Fences, hedges and walls require a Zoning permit and may be erected in all Zoning Districts provided:
 - 1. They are located within the property boundaries, and
 - 2. Do not encroach on any public right-of-way, and

3. Do not encroach on any property line.
- C. General Fence Standards:
1. Fences on residentially utilized properties within non-residential districts shall meet the standards for Residential Districts.
 2. These standards shall not apply to the installation of a wall for the purpose of retaining earth.
 3. ***Construction permits shall be required for all fences over six feet in height.***
 4. All fences, walls, and hedges shall be maintained in accordance with Chapter 11, Article XI, Property Maintenance Code, of the Code of the City of Millville.
 5. Non-residential Districts
 - a. Height. Fences shall be limited to 10 feet in height. Walls shall be limited to 6 feet in height.
 - b. Landscape Plan. Fencing and walls for all uses requiring site plan approval shall be considered within the overall context of a landscape plan that considers the function and aesthetic quality of the fencing or wall.
 - c. Finished Side. All permitted fences shall be situated on a lot in such a manner that the finished or non-structural side shall face abutting properties.
 - d. Prohibited Types. No fence or wall shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals, except that the provisions applicable to animals shall not apply to farms.
 - e. Stormwater Flow. Fences and walls shall be erected to avoid damming or diverting the natural flow of water or shall be integrated into a grading plan that provides for the adequate movement of storm water.
 - f. Limitations on Chain Link. Chain link fences shall only be permitted in conjunction with manufacturing or warehousing operations, recreational facilities, and institutional uses. Landscaping may be required in conjunction with such fencing.
 6. Residential District Fence Standards
 - a. Fences and walls may be placed on the property line.
 - b. All permitted fences shall be situated on a lot in such a manner that the finished side shall face adjacent properties.
 - c. No fence shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms.
 - d. No wall or fence shall be erected or altered so that said wall or fence shall be over four (4) feet in height in front yard areas and six (6) feet in height in side and rear yard areas except:
 - i. A dog run or privacy area may have fencing a maximum of 7 feet in height provided such area is located in rear yard areas only and is set back from any lot line at least 15 feet.

- ii. A deer protection fence consisting of wooden poles with horizontal stretched wire a maximum height of 8 feet shall be permitted in the Low and Medium Density Districts and on residential properties in the Lakeshore Mixed Use District.
- iii. A tennis court or other sporting fence requirement shall be located in rear yard areas only and may be surrounded by a fence a maximum of 15 feet in height.
 - a) Such fencing shall be set back from any lot line the distances required for accessory buildings in the zoning district for the use as stipulated in this Chapter.
- iv. Six foot high fences are permitted in the rear yard of a reverse frontage lot and the side yard of a corner lot.
- e. A private residential swimming pool area shall be surrounded by a fence at least 4 feet, but no more than 6 feet, in height (see [§30-204F.4 \[Residential Swimming Pools/Cabanas\]](#) for additional standards).
- f. Buffer areas shall meet the requirements specified in [§30-310G \[Buffers\]](#)

30-307 Fire Protection

In order to provide fire protection to new developments the following standards shall apply:

- A. All dead-end roads will terminate in an area adequate to provide ingress and egress for fire-fighting equipment.
- B. The rights-of-way of all roads will be maintained so that they provide an effective fire break.
- C. All proposed developments of 25 units or more will have two accessways to public rights-of-way and the accessways shall be of such width and surface composition sufficient to accommodate and support fire-fighting equipment.
- D. Wherever a central water supply system will serve a development, provision shall be made for fire hydrants along the streets, driveways and/or on the walls of nonresidential structures.
 - 1. The location of hydrants shall be approved by the appropriate City fire official and the City Engineer and in accordance with National Fire Protection Association (NFPA) standards.

30-308 Homeowner's Association

In the case of residential development for which a homeowner's association is required, the site plan shall be accompanied by such information as will permit the approval authority to make detailed findings concerning the ability of the proposed association to adequately perform the function for which it is designed. Information to be submitted by the applicant in this regard and subject to approval or revision is as follows:

- A. The time when the association is to be created in relation to the project's timetable.
- B. Mandatory or automatic nature of membership in the organization by a resident and his/her

- successor(s).
- C. Permanence of open space and recreational area protective covenants.
 - D. Liability of organization for insurance, taxes and maintenance of all facilities.
 - E. Provisions made for pro rata sharing of costs and assessments.
 - F. Capacity of the organization to administer common facilities and preserve the benefits of the open space and recreational areas.
 - G. The restrictions, covenants and other devices establishing automatic membership in the association and the responsibilities of that membership.
 - 1. The Homeowners' Association bylaws shall be reviewed by the City attorney to ensure that the organization can maintain the common open space or common property or lands in reasonable order and condition.
 - 2. The bylaws should contain a provision that should the organization fail to maintain the common open space or common property or lands in reasonable order and condition, the City may institute procedures to do so, including assessment against the individual properties.

30-309 Land Use Restrictions and Easements

Land use restrictions shall be required as applicable when a proposed development includes one or more of the restrictions contained herein. Land use restrictions shall be recorded with the County Recording Officer as deeds of easements or shall be placed on final plats for such recording, as appropriate.

A. Drainage Easements.

Within required drainage easements, no regrading or the installation of structures, fences, trees and shrubs shall be permitted unless otherwise modified by **§30-304J [Easement Requirements]**.

B. Conservation Easements

Conservation easements for wetlands, wetlands transition buffer, flood plain or flood plain buffer shall remain in their natural, undisturbed state within which no building or clearing shall be permitted, excepting the removal of minor underbrush or dead trees that are hazardous to people or buildings.

C. Clear Sight Easements

Areas designated as clear sight triangles shall remain free of visual obstructions between 2½ and 10 feet in height with the exception of street and traffic control signs, traffic control boxes, fire hydrants, lighting poles and field sited street trees as approved by the Board of Jurisdiction or the City Engineer.

D. Utility Easements

Easements for public and local utilities shall conform to any requirements of the appropriate company or authority. **[See also §30-202B Utility Lines]**

E. Clear Access Easements

Cross-access easements shall permit pedestrians and motorists to travel from adjacent lots to the lot in question without the necessity for traveling on the public right-of-way provided that vehicular cross access is intended for convenience in traveling between lots and not as a substitute for utilizing public streets during routine travel.

F. Other Land Use Restrictions

Restrictions or easements of other governmental agencies with jurisdiction of the application for development shall conform to any requirements of the appropriate agency or authority.

30-310 Landscaping**A. Purpose**

Landscaping shall be provided, conforming to the specifications established herein, in order to preserve the natural character of the City and enhance the aesthetics of development for the benefit of present and future residents. Plantings and landscaping provide multiple benefits including flood control, groundwater recharge, soil nutrients, air purification, assistance with energy efficiency, and noise abatement. Landscaping and buffering increase property values, reduce traffic speeds, provide habitats, and improve the health, welfare, and quality of life in the City.

B. Applicability. Landscaping and buffering shall be required for the following:

1. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals singly or in common as well as other inanimate materials such as water, sculpture, art, walls, fences and paving materials.
2. A landscape design shall be provided as part of site plan and subdivision submissions with the exception of minor subdivision plans, in accordance with **Article 6 (Application Submission Requirements)**. All applications for major and minor site plan and major subdivision plan approval shall comply with the minimum standards as set forth in this section. The applicable Board may require additional landscaping to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.

C. Provisions for Landscaping Design: The following general provisions shall apply to the installation and design of landscapes:

1. Where subdivisions only are applied for, the minimum standards shall apply only to street trees and to common open space and areas proposed to be dedicated to the public.
2. Local soil conditions and water availability shall be considered in the choice of landscaping.
3. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.
4. Landscaping shall be conceived holistically and be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural

features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building proposed.

5. Landscaping provided as part of any development plan should provide for a variety and mixture of plantings that blends in with the existing landscape character avoiding linear and repetitive installations of trees and shrubs with an emphasis on native plant species.
6. All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation.
7. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities and storm water management facilities.
8. All plants shall be tolerant of specific site conditions. The use of native species is strongly encouraged. Exotic, non-native invasive plant species shall not be permitted.
9. Plant's susceptibility to disease, their colors, textures, shapes, blossoms, and foliage characteristics shall be considered in the overall design of a landscape plan.
10. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.
11. Visual screening is required to buffer all trash enclosures, above ground propane tanks, HVAC ground equipment and other similar structures as identified by the site review.

D. Site Protection.

1. Existing vegetation on-site should be preserved during the design, planning, and construction of any development.
2. **Topsoil.** All topsoil, whether imported or from on-site, shall comply with the following requirements:
 - a. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least six (6") inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
 - b. Topsoil disturbed in the course of development shall not be removed from the site and shall be stored for redistribution.
 - c. Topsoil shall be loamy sand, sandy loam, clay loam, loam, silt loam, or other soil approved by the Board or Municipal Engineer. It shall be natural, fertile soil capable of sustaining vigorous plant growth and shall be of a uniform quality, free from subsoil, slag, cinders, stones 1" inch or larger in any dimension, lumps of soil, sticks, roots, trash, or other extraneous, undesirable materials. Topsoil shall also be free of viable plants or plant parts

of Bermuda grass, quackgrass, johnson grass, nut sedge, poison ivy, Canada thistle, or similar material.

- d. When topsoil, stockpiled on site, is to be reused, soil debris to include roots, sods, stones, clay lumps, and other extraneous materials harmful to plant growth shall be removed prior to reuse.
- e. Topsoil shall meet the following requirements:
 - i. ph range - 5.5 to 6.5.
 - Organic matter - four (4%) percent minimum.
 - Soluble salts no higher than five hundred (500) parts per million.
- f. Materials stripped from the following sources shall not be considered suitable for use as topsoil:
 - i. Soils having less than 5.0 ph value.
 - Chemically contaminated soils.
 - Areas from which the original surface has been stripped and/or covered over such as borrow pits, open mines, demolition sites, dumps, and sanitary landfills.
 - Wet excavation

3. **Removal of debris.**

- a. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with New Jersey Department of Environmental Protection regulations.
- b. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development.
- c. All dead or dying trees, standing or fallen, shall be removed from the site.
- d. If trees and limbs are reduced to chips, they may, subject to approval of the Municipal Engineer, be used as mulch in landscaped areas, provided they have been properly composted.

4. **Protection of Existing Trees.** The following procedures shall be observed in order to protect retained plantings and trees:

- a. Prior to any grubbing or clearing, all trees to be retained within twenty-five (25') feet of proposed improvements should be protected from equipment damage by enclosing the drip line of the trees with sections of snow fence. Groups of trees may be protected by fencing the drip lines of the entire tree mass to be retained.
- b. Heavy equipment is not permitted within the drip line of trees to be protected.
- c. Feeder roots should not be cut within the drip line.
- d. Neither impervious cover, nor concrete washouts, storage of equipment, materials debris or fill shall be permitted within the drip line of any existing tree to be retained.
- e. If excavation is necessary in areas where trees are to be retained, trenches should be no closer to the trunk than half the distance from the drip line. The trench should be backfilled as soon as possible, avoiding compaction.

- f. During construction cleanup, all debris must be hauled away. Fences and barriers around trees should be the last thing to be removed from the site.
- g. All soil erosion and vegetation protection shall conform with the standards of the County Soil Conservation District regulations.

5. Tree Removal.

- a. The removal of trees having a DPM (Diameter at Point of Measurement) of six (6”) inches or greater in diameter is not permitted outside of fifteen (15’) feet of improvements, which includes any such buildings or structures, driveway, sidewalks, septic facilities and similar accessory facilities.
- b. The protection of the greatest number of trees within the fifteen (15’) foot disturbance area is encouraged.

6. Replacement Trees.

Replacement tree(s), for every tree outside the fifteen (15’) foot disturbance area shall be required elsewhere on the subject site for each tree removed over 6” in DPM.

7. Prohibited Removal.

Under no circumstances are trees are permitted to be removed in the following areas:

- a. Stream Buffer
- b. Residential Buffer
- c. Wetlands or wetlands buffer, subject to NJDEP approval.

E. Street Trees

Street trees are generally defined as trees located on land along streets, located in the right-of-way, or similar public way. Street trees provide a variety of benefits including enhanced economic value, reduced traffic speeds and pedestrian safety, energy savings, and aesthetic benefits. The planting of street trees shall conform to the following:

1. Location.

- a. Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan.
- b. Trees shall be spaced evenly along the street between the curb and sidewalk.
 - i. Where the distance between the curb and sidewalk is less than 5 feet, sidewalks should be placed in a public access easement outside of the right-of-way to create a planting strip at least 5 feet wide to facilitate street tree growth.
 - ii. In commercial areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows:

Tree Size at Maturity	Soil Volume
(Height in feet)	(in cubic feet)
Large trees (45'+)	200
Medium-sized trees (30'-45')	150
Small trees (to 30')	100

NOTE: Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

2. **Spacing.** When trees are planted at predetermined intervals along streets, spacing shall depend on tree size per chart below:

Tree Size at Maturity (Height in feet)	Planting Interval (in feet)
Large trees (45'+)	40
Medium-sized trees (30'-45')	30
Small trees (to 30')	20

NOTE: Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and street lights

3. **Street tree type and size.**

- a. Street tree size shall be at least ten (10') feet in height, balled and burlapped, when planted, and have a minimum caliper of two-and-one-half (2½") inches.
- b. To prevent the total loss of sections of trees by disease or insect infestation, a variety of trees shall be used in each street tree planting. This does not preclude the use of a singular species of tree to create a strong design statement. In general, no more than five (5) trees in a row or cluster should be of the same species.
- c. Tree type may vary depending on overall effect desired but as a general rule, all trees shall be large deciduous trees except, when overhead wires are present, only trees estimated to be 20-25' at maturity should be utilized.
- d. Tree selection shall be approved by the Board.
- e. Provision shall be made by the developer for regular watering and maintenance until they are established. Dead or dying trees shall be replaced by the developer during the next suitable planting season.

4. **Shrubs**

- a. Shrubs shall be a minimum of two and a half (2½') feet in height.
- b. Location. In conjunction with other plantings, shrubs should be planted particularly along parking lot perimeters to shield headlights, and in areas to screen utilities and trash facilities

F. **General Site Development.**

A diverse mixture of various shrubs, groundcover, ornamental trees, and shade and evergreen trees shall be planted within a site. These quantities are exclusive of plants that are required for stormwater plantings pursuant to §516.F, buffers pursuant to §508.F, street trees pursuant to §508.E, off-street parking islands pursuant to §508.G, and replacement trees pursuant to §508.D.3. The following plantings shall be required as part of site plan and/or major subdivision development:

1. **Shade Trees.**

- a. Requirement. A minimum of one (1) shade tree shall be planted for every 2,000 square feet of open space.

- b. Permitted Species. Shade tree species should be consistent with the conditions of the site and must be approved by the Board.
- c. Size. Shade trees, except for those existing, preserved, or transplanted, shall be at least ten (10') feet in height, balled and burlapped, when planted, and have a minimum caliper of two-and-one-half (2½") inches.
- d. Location. Shade trees should be specifically planted within ten (10') feet of parking lot perimeter, along the southern exposure of structures to utilize passive solar design and radiation, and along storefronts.

2. Evergreen Trees.

- e. Requirement. A minimum of one (1) evergreen tree shall be planted for every 4,000 square feet of open space.
- f. Permitted Species. Permitted evergreen species include American Holly (*Ilex opaca*), Colorado Spruce (*Picea pungens*), Douglas Fir (*Pseudotsuga taxifolia*), Eastern Red Cedar (*Juniperus virginiana*), Japanese Black Pine (*Pinus thunbergi*), Nellie R. Stevens Holly (*Ilex x 'Nellie R. Stevens'*), Norway Spruce (*Picea abies*), Siberian Spruce (*Picea omorika*), Weeping Alaskan Cedar (*Chamaecyparis nootkatensis 'pendula'*) and White Fir (*Abies concolor*). Alternate selections may be approved at the discretion of the Board.
- g. Size. Evergreen trees, except for those existing, preserved, or transplanted, shall be a minimum of six (6') feet in height.
- h. Location. Evergreen trees should be planted along the northern exposure of structures to shield from winter northerly winds, around trash facilities and large ground-mounted infrastructure, as well as individually for accent and in groups to add structure and mass to the landscape.

3. Shrubs.

- a. Requirement. A minimum of thirty (30%) percent of the open space shall be planted with shrubs.
- b. Permitted Species. Shrub species should be consistent with the conditions of the site and must be approved by the Board.
- c. Size. Shrubs shall be a minimum of two and a half (2½') feet in height.
- d. Location. In conjunction with other plantings, shrubs should be planted particularly along parking lot perimeters to shield headlights, and in areas to screen utilities and trash facilities.

4. Groundcover.

- a. Requirement. A minimum of ten (10%) percent of the open space shall be planted with groundcover plantings.
- b. Permitted Species. Permitted groundcover species include Andorra Juniper (*Juniperus horizontalis plurnosa*), English Ivy (*Hedera helix*), Flowering Quince (*Chaenomeles japonica*), Grapes sp. (*Vitis sp.*), Lowbush Blueberry (*Vaccinium angustifolium*), Myrtle (*Vinca minor*), Pachysandra (*Pachysandra terminalis*), Shore Juniper (*Juniperus conferta*), St. Johnswort (*Hypericum calycinum*), Summersweet (*Clethra alnifolia*), Sweetbox

(*Sarcococca hookeriana* var. *humilis*), and Yellow Root (*Xanthorrhiza simplicissima*). Alternate selections may be approved at the discretion of the Board.

- c. Size. Groundcover plantings shall vary in size.
- d. Location. Groundcover plantings should be planted in place of large areas of mulch, planting beds, and to break up vast lawn areas, as well as on berms, steep slopes, and swales.
- e. Mulch shall not be considered a groundcover substitute.

G. Buffers.

Landscaping buffers are areas required to minimize and visually screen any adverse impacts or nuisances on a site or from any adjacent area. In order to promote a desirable visual environment and maintain the development character, and quality of the City, a natural or planted buffer shall be installed on the subject property in conformance with the following:

1. General requirements.

- a. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if deemed appropriate by the Board of Jurisdiction, fences or walls in sufficient quantities and sizes to perform their necessary screening function.
- b. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required yard area.
- c. Buffers shall be continuous except for access drives as approved by the Board.
- d. Storm water management facilities, parking, dumpster enclosures, accessory building or above ground structures, and similar encroachments shall not be permitted in the required buffer area.
- e. The minimum width of a landscape buffer shall be dependent on the proposed use of a property and the land uses adjacent to it in accordance with the ***30.310.F4 (Table 11: Required Minimum Buffer Widths below)***.
- f. Buffers required for commercial and industrial uses must have a deed restriction for their maintenance and against their removal as part of their approval.
- g. Existing vegetation may substitute for all or part of the required buffer plantings and may be accepted in lieu of new plantings if the existing plantings meet the density requirements and only at the discretion of the Board of Jurisdiction.

2. Plant densities and structure requirements.

- a. The density of plantings and the requirements for structures shall vary with the width of the buffer in accordance with Section ***30.310.F5 (Table 12: Minimum Plant Density for Buffers)***.
- b. Installation of a fence or wall within required buffers of under 15 feet may, at the Board's discretion, reduce the number of required plantings in the Table: Minimum Plant Density for Buffers by 20%.

3. Design.

- a. Buffer areas shall be planted to maintain a solid and continuous landscaping screen with a variety of evergreen and deciduous trees, shrubbery, grass, ground cover, berms, natural features, as well as fencing.
- b. Within the buffer area, a screen shall be provided that consists of both high level and low level plant material of sufficient mass to initially provide an effective year round visual screen to a height of not less than six (6') feet at the time of installation.
- c. This screen shall be planted in a free form fashion to avoid the appearance of a straight line or "wall" of plant material.

4. **Table 11: Required Minimum Buffer Widths Between Uses**

Proposed Land Use	Adjacent Land Use										
	Agricultural	Single Family/ Duplex	Other Residential	Commercial*	Offices	Industrial	Institutional	Transportation	Utilities	Assembly**	Leisure Activity
Agricultural	None	100'	100'	50'	75'	50'	100'	25'	25'	50'	100'
Single Family Duplex	100'	None	25'	40'	35'	100'	50'	50'	50'	50'	150'
Other Residential	100'	25'	None	25'	25'	100'	50'	35'	50'	50'	150'
Commercial*	50'	40'	25'	None	25'	25'	None	None	None	None	None
Offices	50'	40'	25'	15'	None	50'	None	25'	25'	None	50'
Industrial	50'	100'	100'	40'	50'	None	50'	None	None	50'	50'
Institutional	100'	50'	50'	None	None	50'	None	35'	35'	50'	100'
Transportation	25'	50'	35'	None	25'	None	35'	None	25'	None	None
Utilities	25'	50'	50'	None	25'	None	25'	25'	None	50'	50'
Assembly	50'	50'	50'	None	None	50'	50'	None	50'	None	25'
Leisure Activity	100'	150'	150'	None	50'	50'	100'	None	50'	25'	None

*Includes all Commercial uses except Office space

**Except Outdoor Entertainment Venues which require a 100' landscaped buffer between itself and any other use.

5. **Table 12: Minimum Plant Density for Buffers**

Required Buffer Width	Minimum # of Required Plant Types per 100 Lineal Feet of Buffer			
	Large/Med Trees	Small/Ornamental Trees	Evergreens/Conifers	Shrubs
25 feet	5	8	15	30
35-40 feet	6	9	18	36
50 feet	8	12	24	48
100 feet	10	15	30	60

H. **Cul-de-Sac Landscaping.**

Where a homeowner's or condominium association is established or intended to be established for the maintenance of common open space or storm water management basins, vegetated islands in the center of cul-de-sacs should be proposed that exhibit the following criteria:

1. All plant material shall be designed for a mature height under 30 inches (2.5 feet) or above 7 feet in order to allow for proper visibility.
2. All plants shall be tolerant of drought, salt and reflected heat from pavement.
3. Ground cover plantings shall be consistent with the degree of maintenance expected for the cul-de-sacs and of sufficient density to entirely cover the ground surface.

I. **Stormwater Facilities Landscaping**

Stormwater management areas including retention and detention basins, drainage ditches and swales, and wetland areas shall be landscaped in accordance with the standards in this subsection. The screening of outfall structures and emergency spillways from public view is of particular importance in the landscape design. This may involve integration of these areas as aesthetic landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function. Detention and retention basins should be located in cleared areas where reasonably feasible.

1. Stormwater detention facility landscaping.
 - a. Interior tree planting.
 - i. Basins designed as naturalized wetland areas shall be planted with a quantity of trees equal to the number necessary to cover the entire area of the interior of the basin to the emergency spillway elevation at a rate of one tree per 400 square feet. Notwithstanding the minimum planting size as otherwise required in this section, of this number 10% shall be

2" –2.5" caliper, 20% shall be 1.5" to 2" caliper, and 70% shall be 6-8' height whips. The trees shall be planted in groves and spaced 5 feet to 15 feet on-center.

- ii. Basins designed to function as dry basins shall be planted with trees in areas of the interior of the basin where there will not be interference with the maintenance of the basin and low flow channel, as determined by the Municipal Engineer and incorporated into the Stormwater Management Plan for the project.
- b. The ground should be seeded with a wildflower or wet meadow grass mix but in certain circumstances may require sod or hydroseeding to stabilize the basin slopes.
- c. All plants shall be tolerant of typical flood plain and wetland conditions.
- d. Planting other than wildflowers and grasses shall not be located within 10 feet of low flow channels to facilitate drainage.
- e. The perimeter area (slopes above the high water line) shall include shade trees at a rate of 60/1000 lineal feet, evergreen trees at a rate of 30/1000 lineal feet and sufficient ornamental trees and shrubs to screen drainage structures and create visual interest. Trees should be grouped in concert with the grouping of trees in the interior of the basin
- f. Where basins are required to be located in existing wooded areas because of existing topological constraints, islands of existing vegetation should be retained. If the existing vegetation is retained, the new plantings requirement shall be correspondingly reduced.
- g. Provisions for emergency access as well as general maintenance of the basins shall be reviewed by the Board of Jurisdiction. Plantings shall be designed to disguise yet not hinder vehicular access.
- h. Plantings shall not be permitted upon any berm associated with a detention basin unless approved by the Municipal Engineer.
- i. All basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading and planting.

J. Open Space Landscaping

Common or public open space provided as a part of any multi-unit residential development or as cluster development shall be landscaped in one of the following ways, depending upon the intent of the use for the open space.

1. Conservation use.

Conservation areas are appropriate in areas adjacent to and inclusive of natural features to be preserved, including wooded areas, water bodies, streams wetlands, and steep slopes. The following conservation use design guidelines shall apply:

- a. Natural features shall be encompassed in open space areas rather than moved or eliminated in the development process.
- b. Cleared areas shall be revegetated to a naturalistic appearance where appropriate.
- c. Revegetated areas may be seeded with a wildflower and/or meadow grass mix.

2. Recreational Open Space.

The following landscape standards shall apply for recreational uses:

- a. Grading and plantings of the recreation area shall remain consistent with the overall landscape design. The landscape design shall consist of massed deciduous and evergreen trees and berms to create spaces and views and ornamental trees and shrub masses for visual variety, interest and detail.
- b. In general, plants shall be provided at the following rates:
 - i. (1) Shade trees - 15 per acre
 - (2) Evergreen Trees - 5 per acre
 - (3) Flowering Shrubs - 3 per acre
 - (4) Shrubs - 20 per acre

These quantities are exclusive of plants that may be required for landscape buffers

Adjacent dwelling units shall be buffered from active play areas.

- c. In the area where a recreation facility fronts onto a public or private street, fencing may be required at the discretion of the Board to provide controlled access. The adjacent street tree planting shall be continued along this area, and any buffer planting shall be integrated with open space plantings.

K. Off Street Parking and Loading Area Landscaping.

The objectives of the landscape architectural treatment of all parking areas shall be to provide for safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to limit paved areas, to provide for screening from public right-of-way and buildings, to reduce the overall visual impact of parking lots, and to provide shade and reduce heat island effects. All non-residential parking lots and residential parking lots in excess of 5 spaces shall conform to the following requirements:

1. Parking and loading areas shall be screened by a combination of berms, hedges, fences or walls. The minimum screening height at planting shall be 3 feet and shall have a height of at least 4 feet within three years of installation. Loading dock areas shall be screened with a minimum height

of 8 feet at planting and shall achieve a height of at least 12 feet five years after installation.

2. No more than 20 parking spaces shall be placed in one row of parking without an intervening landscape island.
3. Landscape Islands
 - a. The minimum width of landscape islands shall be 9 feet on the side of parking spaces and 10 feet between parking bays to allow for overhang of cars and car doors and sufficient soil volume for plant growth.
 - b. If sidewalks are incorporated through the long axis of the landscape islands, their width shall be added to these requirements.
 - c. All islands shall be curbed with concrete or Belgium block.
 - d. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis.
 - e. Landscape islands shall be planted with a combination of deciduous trees, evergreen and deciduous shrubs, and ground cover at the rate of 6 large or medium trees, 4 small or ornamental trees and 60 shrubs per 100 lineal feet along the long axis of the island. Trees required to be replaced from site clearing may be placed in such landscape islands at the discretion of the Board.
4. Parking lot lighting should be sited, whenever possible, within landscape islands.
5. Landscaping shall be installed at grade with the top of curb or lower, to prevent over mulching around the base of a tree.
6. Loading & Parking Screen.
 - a. All off-street loading and parking areas shall be sufficiently screened to obscure the view of the loading vehicles and platforms, shield headlights and lighting, and other effects from any public street or adjacent uses throughout the year.
 - b. Visual screening is required to buffer all trash enclosures, above-ground utilities, propane tanks and other similar structures as identified by the applicable Board or Zoning Officer.
 - c. All off-street loading and parking shall be buffered by a combination of trees, shrubs, evergreens, hedges, berms, fences, or walls.

L. Landscape Plan Details.

1. A landscape plan shall be provided concurrent with the submission of all site plans and subdivision plans, with the exception of minor subdivision plans, per Article 6.
2. The plan shall be prepared, signed, and sealed by a Licensed Landscape Architect, Professional Engineer, Professional Planner, or other qualified

professional certified by the State of New Jersey. A Licensed Landscape Architect is preferred.

3. In addition to any requirements of Article 6, the landscaping plan shall show:
 - a. Wood Areas. Location of groups of existing trees or other vegetation not to be disturbed;
 - b. Tree Protection.
 - i. the size, species and general health condition of existing trees having a DPM of six (6") inches or greater, identifying which ones are proposed for removal or damaged in such a way as to require removal; and
 - ii. general outline of any and all proposed buildings or structures, driveway, sidewalks, septic facilities and similar accessory facilities indicating clearing limits; and
 - iii. existing topography within twenty feet of the proposed disturbed area including proposed grading, if any; and
 - iv. a chart summarizing the number of proposed trees and replacement trees; and
 - v. written justification for the removal of any and all specimen trees.
 - c. Planting Legend to include key, botanical name, common name, quantity, initial and mature height and proposed caliper or size;
 - d. Proposed Plantings. Location of proposed plantings;
 - e. Formulas & Calculation of planting density, including the number of required and proposed plantings of the following:
 - i.* Replacement trees, per **§30.310.D.6:**
 - ii. Distance between street trees identification of applicable tree group, per **§30.310.E.2:**
 - iii. Density of buffer plantings, number of plantings per 100 lineal feet, per **§30.310.G.2:**
 - iv.* iv. Off-street parking plantings, in accordance with **§30.310.K:**
 - v.* v. Stormwater plantings, per each landscaping zone, in accordance with **§30.310.I.**
 - f. Sight Triangles, per **§30.320.**
 - g. Details. A chart of planting details and notes, including but not limited to those outlined above:
 - i. Botanical name;
 - ii. Common name;
 - iii. Quantity;
 - iv. Size at time of planting and at full maturity;
 - v. Spacing.
 - vi. Planting details
 - vii. Tree Protection details

30-311 Lighting

- A. **Purpose.** The purpose of this Section is to provide regulations for outdoor lighting that will:
1. Provide sufficient lighting shall be provided on each site and along roadways for safety, utility, security, productivity, enjoyment and commerce.
 2. Avoid the creation of hazards to motorists and pedestrians or nuisance to adjoining property owners or residents.
 3. Minimize adverse offsite impacts including light trespass, obtrusive light and curtail light pollution.
 4. Conserve energy and resources to the greatest extent possible.
- B. **Applicability**
1. All outdoor lighting, including, but not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party, shall comply with the requirements of this Ordinance.
 2. When twenty-five (25%) percent or more of existing outdoor light fixtures is being replaced or modified, all lighting shall be updated to comply with the requirements of this Ordinance.
 3. When twenty-five (25%) percent or less, including none, of light fixtures are proposed for replacement or modification in conjunction with a minor site plan approval or other Board action, all fixtures should be retrofitted to minimum standards, including but not limited to changing the wattage of fixtures, adjusting the angle of fixtures to prevent glare, painting infrastructure, adding shields, and similar improvements to conform to this Section.
 4. Exceptions. The following shall be exempt from the requirements of this Section:
 - a. Lighting for public monuments and statues.
 - b. Lighting that is only used under emergency conditions.
 - c. Lighting required by federal, state or provincial laws or regulations.
 - d. Lighting for a private single-family home, provided they conform to the General Requirements of **§30-311C below.**
- C. **General Requirements.** The following shall apply to all outdoor lighting fixtures in the city:
1. All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code. Lighting shall be designed to minimize

energy and maintenance requirements and shall comply with the U.S. Energy Policy Act of 1992 as it may be amended or superseded.

2. No lighting shall:
 - a. Be directed towards traffic,
 - b. Shine directly or reflect into windows or onto streets and driveways in such a manner as to interfere with driver vision; or
 - c. Create glare as a visual obstruction.
 3. Lighting shall not be directed towards the sky, known as uplighting, to prevent interference with commercial aviation routes and reduce light pollution.
 4. Flood lights, searchlights, flashing, rotating, and moving lights are strictly prohibited.
 5. The use of standard shoe box and wall-pack fixtures is discouraged.
 6. At no time shall the light source be visible from adjacent properties. A maximum of 0.25 footcandles at a height of five (5') feet above the property line and/or right-of-way line, excluding points of ingress and egress for vehicles shall be permitted.
 7. Pole-mounted light fixtures shall be installed at a height no greater than twenty (20') feet from ground level with said pole foundation installed to a depth of five (5') feet below grade.
 8. All sites shall utilize full cutoff flat lenses per the definition of the Illuminating Engineering Society of North America (IESNA).
 9. Shields. Light shields shall be installed on all non-conforming lights adjacent to a residential property or zone, around the perimeter of the property, and along any street right-of-way to control glare.
- D. **Security Lighting.** For all non-residential sites, the following requirement shall apply:
1. Lighting systems shall be designed so that they can be reduced or turned off when they are not necessary.
 2. Controls shall be provided on all new lighting systems that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system, such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system.
 3. All site lighting shall be illuminated for safety and security reasons one hour after close of business or before 10pm, whichever occurs earlier, until sunrise at no more than forty (40%) percent of the standard lighting.

Motion activated lighting systems and 24-hour operations shall be exempt from this requirement.

E. Recreational Facilities.

for outdoor athletic fields, courts or tracks shall require Planning Board approval, which shall consider the minimum standards of glare, upright, light trespass, fixture angles, illumination levels, time of illumination, length of use, shield installation, surrounding land uses, as well as other requirements of the City Code.

F. Street Lighting.

1. All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.
2. Design Criteria. The design of street lighting shall take into consideration:
 - a. The brightness of the abutting uses in comparison to pavement brightness as seen by both motorists and pedestrians;
 - b. The ability to discern objects on the street or its edge in comparison to abutting uses; its brightness contrast;
 - c. The time available to the motorist and pedestrian to view such objects;
 - d. The amount of direct glare from the luminaire or lamp and reflected glare from the pavement.
3. Lighting Placement
 - a. Except for rural roads and lanes, lighting standards shall be located at the following places:
 - i. At every street intersection.
 - ii. At the end of each cul-de-sac.
 - iii. At curves with an inside radius of less than 300 feet, unless the standard is within 300 feet of another.
 - iv. A maximum of every 600 feet on straight road segments.
 - b. Light standards shall be staggered on both sides of the roadway.
4. Fixture type. In general, any street lamp type installed by the electric service provider shall be permitted provided that the lamp is high pressure sodium and the illumination provided is greater than or equal to the following:
 - a. A 100 watt lamp at each intersection and cul-de-sac; or, as directed by the Municipal Engineer for special circumstances; and
 - b. A 50 watt lamp at all other locations.
 - c. Rural streets shall not be illuminated except as may be required by the Planning Board for public safety purposes and is primarily expected at intersections with arterial and collector roads.

5. Installation Process

- a. Street lighting shall be installed at no cost to the City of Millville by the developer in locations approved by the applicable Board or City Engineer.
- b. For residential subdivisions, street lighting shall be installed, prior to the issuance of any Certificate of Occupancy, along all roadways necessary to ensure at least one route of illuminated access for any occupied structure and in conformance with R.S.I.S.
- c. Operating expenses for residential subdivision lighting on streets to be dedicated to the City shall be assumed by the Township when fifty (50%) percent of the section is occupied.

G. Off Street Surface Parking Lighting.

All non-residential parking lots and residential parking lots for more than five spaces shall conform to the following requirements:

- 1. Sufficient illumination shall be provided for all off-street parking, loading, entrances and exits, and pedestrian areas to enable the safe movement of persons, vehicles, and to provide for security.
- 2. The illumination of parking areas shall adhere to the following standards, outlined in **Table 13** below.

Table 13 : Minimum Illumination for Surface Parking

Activity Type	Vehicular Traffic Footcandles	Pedestrian Safety Footcandles	Pedestrian Security Footcandles
Low activity	0.5	0.2	0.8
Medium activity	1.0	0.6	2.0
High activity and intersections	2.0	0.9	4.0

H. Lighting Plan Requirements

1. A lighting plan shall be provided concurrent with the submission of all site plans and subdivision plans, with the exception of minor subdivision plans, per the Checklist in [Article 6 of this Chapter](#).
2. The plan shall be prepared, signed, and sealed by a Certified Landscape Architect, Professional Engineer, Professional Planner or other qualified professional.
3. The lighting plan shall show:
 - a. All existing lights, including building-mounted and canopy fixtures, within one hundred (100') feet of the site in question, including location of all poles and luminaries.
 - b. Computer generated photometric grid showing footcandle readings every five (5') feet, including building-mounted and canopy fixtures. The plan should note whether the lines are initial or maintained.
 - c. The plan shall identify the maintained horizontal illuminance shown as footcandles, including the following required and proposed levels, per area:
 - i. Maximum
 - ii. Minimum
 - iii. Average, during operating and non-operating hours.
 - iv. Average to minimum uniformity ratio.
 - v. The Plan shall have a description of outdoor light fixtures component specifications, including pole-mounted, building-mounted, canopy lights and all exterior fixtures, including:
 - a) Lamp type
 - b) Wattage
 - c) Isolux diagrams for each fixture
 - d) Reflectors
 - e) Optics
 - f) Angle of cutoff
 - g) Shields
 - h) Manufacturers catalog cuts.
 - i) The number of each luminary type.
 - j) Pole height and mounting height of the luminaries and detail of the pole.
 - k) Pole base, foundation design, and foundation detail, in accordance with the Uniform Construction Code.
 - vi. Light levels along the property lines.
 - vii. All proposed and existing freestanding and wall-mounted lights.
 - viii. Fixtures with existing shields and fixtures proposed for shield installation
 - ix. The hours of operation of the proposed use.

- x. The Lighting Plan integrated with the Landscape Plan to determine the correct location of canopy trees.
- d. A night light function test shall be conducted by the Zoning or Planning Board Engineer to ensure lighting levels conform to approved plans, which shall be required prior to the issuance of any Certificate of Occupancy.

30-312 Manholes, Inlets and Catch Basins

- A. Whenever manholes, inlets or catch basins are proposed and/or required to be constructed, all materials used shall meet the latest testing standards for the materials involved.
- B. All such structures shall be designed and constructed in accordance with the approval of the City Engineer.

30-317 Monumentation

- A. Monuments shall be the size and shape required by N.J.S.A. 46:26B of the Map Filing Law, as amended, and shall be placed in accordance with said statute and indicated on the final plat.
 - 1. Major Subdivision. As part of a major subdivision, concrete monuments shall be installed at all tract boundary corners and at all points of the right-of-way which establish a publicly dedicated street. A metal alloy pin of permanent character shall be installed at all remaining lot corners of all approved lots.
 - 2. Minor Subdivision. As part of a minor subdivision, metal alloy pins of a permanent character shall be installed at all lot corners of all approved lots.
- B. Performance Bonding of Monuments. All monuments and/or pins that are not installed at the time of subdivision approval shall be bonded in accordance with **Article 7** of this Chapter.

30-314 Natural Features. *See also 30-325 [Tree Removal and Tree Cutting]*

- A. In connection with the clearing of any site for a proposed development or in the construction of any proposed development, natural features of the site, such as trees (particularly those trees with a diameter of six inches or more at DPM), brooks, streams, wetlands, hilltops and scenic vista or views, shall be preserved or the applicant will present a plan to the Board of Jurisdiction to mitigate the damage.
- B. On individual lots, care shall be taken to preserve individual trees, to enhance soil stability and landscape treatment of the area.

30-315 Open Space

- A. **Applicability and Conformance.**
1. All planned development as defined by N.J.S.A. 40:55D-6, excepting planned industrial development or planned commercial development that is entirely nonresidential, shall provide adequate common or public open space in accordance with the provisions of this section.
 2. Provisions made within any development for open space and recreational areas shall be reviewed, found adequate and approved by the Planning Board or the Zoning Board of Adjustment, as the case may be.
 3. In its review, the Board with jurisdiction shall investigate either through an Environmental Impact Statement per ***§30-611E [Environmental Impact Statement documentation]*** or a separate document describing the open space plan in narrative and plan form:
 - a. the size of the parcels devoted to open space and recreational areas,
 - b. their location within the project,
 - c. the topography,
 - d. the uses contemplated upon such open spaces and recreational areas in terms of configurations of the parcels under consideration,
 - e. facilities and improvements to be provided,
 - f. the provisions made for maintenance and access to the parcels,
 - g. traffic circulation around parcels,
 - h. the ecological functions of natural systems,
 - i. the staging or timing of the development of the open space and recreational areas, and the proportionate amount and development of such land.
- B. **Open space design guidelines.** The design of parks and active recreation areas shall achieve the following objectives:
1. Meet the needs of the target residents;
 2. Achieve a balance and compatibility between active and passive recreational uses;
 3. Provide visual appeal;
 4. Adapt the land to the features of the terrain rather than altering the land to suit the use;
 5. Design with regard for solar orientation and prevailing winds;
 6. Ensure protection of environmentally sensitive areas; and
 7. Enhance recreational opportunities.
- C. **Open space standards.** Open space may include any of the several different types of open space listed below. The calculation of open space area shall

conform to the requirements in this subsection.

1. Active recreation, including golf courses.
2. Passive recreation, including trails, trailheads and paths.
3. Conservation.
4. Agriculture.
 - a. Existing farmsteads retained within open space used for agricultural purposes shall be permitted as an additional principal use.
 - b. In the event that the farmstead and agricultural use are located on an undivided parcel, a presumptive one acre shall be subtracted from the open space land area to account for the farmstead use in the calculation of required open space.
 - c. The farmstead shall conform to the bulk regulations for the underlying zoning district and shall count as one housing unit in the calculation of overall tract density.
5. Stormwater management facilities consisting of the following types as defined by the New Jersey Stormwater Best Management Practices Manual, latest edition:
 - a. Constructed stormwater wetlands; pond wetlands; and
 - b. Wet ponds.
 - c. Dry ponds, provided they are calculated to be part of the 50% of the open space lands listed in Subsections ~~§30-315C.6.a~~ through ~~§30-315C.6.g~~ below.
6. No more than 50% of the land area of required open space shall consist in total of the following types of land:
 - a. One-hundred-year floodplain identified as Zones A and AE on the Federal Emergency Management Agency flood insurance rate maps;
 - b. Freshwater and tidal wetlands;
 - c. State open waters;
 - d. Areas with slope in excess of 15%;
 - e. Critical nesting sites of endangered and threatened species;
 - f. Other areas unsuitable for open space purposes identified during the approving authority's review of the environmental impact statement.
7. Open space shall not include any of the following uses or conditions:
 - a. Vehicular or railroad rights-of-way.
 - b. Land deed restricted from such use.
 - c. Contaminated land that is not cleaned to a residential standard pursuant to N.J.S.A. 58:10B-1 et seq., as it may be amended or superseded.
8. The amount of common open space proposed shall adhere to the applicable requirements of the zoning district, planned development

- standards or conditional use provisions as otherwise required within this Chapter 30.
9. Minimum land area. The minimum land area for each type of open space shall be as follows:
 - d. Park with no active recreation: 1/2 acre.
 - e. Park with active recreation: one acre.
 - f. Conservation: two acres.
 - g. Open space with Subsection ~~§30-315C.5~~ uses: two acres.
 - h. Agricultural use: five acres.
 - i. Regardless of these minimum land area requirements, the area of each parcel of open space shall be usable for its intended purpose.
 10. Minimum dimension. The minimum dimension of any open space shall be 100 feet in any direction for planned unit developments and 50 feet in any direction for all other development projects.
 11. Undeveloped open space intended for conservation purposes should be left in its natural state, except for appropriately designed trails, underground piping, endwalls and energy dissipaters necessary for stormwater management.
 - a. The Board with Jurisdiction may require a developer to make improvements, including but not limited to the removal of dead or diseased trees, nonnative invasive plants, and landscaping [~~§30-315C.12 below~~].
 - b. In all areas where critical habitat for endangered or threatened species restricts development, the open space plan should be designed to eliminate or severely restrict human activity in those areas.
 - c. Other environmentally sensitive land in conservation areas should be designed for limited human use in accordance with state and federal regulations.
 12. Active recreation areas shall be fully operational upon the issuance of 25% of the certificates of occupancy in any one phase of the development as approved by the board with jurisdiction. Active recreation requirements shall be:
 - a. In all planned developments with a residential component of 25 dwelling units or more, active recreation facilities consisting of playgrounds, playfields, parks or other recreation suitable to the development shall be provided as part of the developed common open space.
 - i. Such facilities shall be conveniently located and accessible to all dwelling units.
 - ii. Active recreation shall be provided at a minimum rate of 10 acres per 1,000 people projected to live in the development,

- with a minimum of two acres regardless of the projected population.
- b. For planned developments of fewer than 25 dwelling units, the applicant shall have the right to pay a fee in lieu of providing active recreation in the amount of \$2,500 per dwelling, payable prior to the issuance of the initial certificate of occupancy for each dwelling.
- D. Open space landscaping. Common or public open space provided as a part of any part of any planned development shall be landscaped in one of the following ways, depending upon the intent of the use for the open space:
1. Conservation and passive recreation use. Conservation areas are appropriate in areas adjacent to and inclusive of natural features to be preserved, including wooded areas, water bodies, streams, wetlands, and steep slopes. The following conservation use design guidelines shall apply:
 - a. Natural features shall be encompassed in open space areas rather than moved or destroyed in the development process.
 - b. Cleared areas shall be revegetated to a naturalistic appearance where appropriate.
 - c. Revegetated areas may be seeded with a wildflower and/or meadow grass mix.
 2. Active recreation. The following landscape standards shall apply for active recreational uses:
 - a. Grading and plantings of the recreation area shall remain consistent with the overall landscape design. The landscape design shall consist of massed deciduous and evergreen trees and berms to create spaces and views and ornamental trees and shrub masses for visual variety, interest and detail.
 - b. In general, plants shall be provided at the rate of 15 large deciduous trees, five evergreen trees, three flowering shrubs and 20 other deciduous and evergreen shrubs per area in locations not intended for active sports fields.
 - c. These quantities are exclusive of plants that may be required for landscape buffers per §30-310G [Buffers] installed between residential and active recreation uses.
 3. Adjacent dwelling units shall be buffered from active play areas in accordance with §30-310G [Buffers].
 4. In the area where a recreation facility fronts onto a public or private street, fencing may be required to provide controlled access. The adjacent

- street tree planting shall be continued along this area, and any reverse frontage buffer planting shall be integrated with open space plantings.
5. Pedestrian and vehicular traffic patterns must be adequately designed to provide proper access to, in, around, and from the proposed uses.
 6. Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions to ensure:
 - a. Open space will not be further subdivided.
 - b. The use of the open space will continue in perpetuity for the purpose specified.
 - c. Appropriate provisions are made for the maintenance of the open spaces.
 7. The type of ownership of land dedicated for open space purposes shall be subject to the approval of the Planning Board. Type of ownership may include:
 - a. the City, subject to acceptance by the City Commission;
 - b. other public agencies;
 - c. quasi-public organizations; homeowners' or cooperative associations;
 - d. shared, undivided interest by all property owners in the subdivision.
 - e. Proposed ownership of all common open space areas shall be identified by the developer at the preliminary application stage.
 8. Every parcel of land offered to and accepted by the City shall be conveyed to the City by deed at the time of final approval. Should the subdivision consist of development stages, the Planning Board may require that acreage proportionate in size to the stage being considered for final approval be donated to the City simultaneously with the granting of final subdivision approval for that particular stage, even though these lands may be located in a different section of the overall development.
 9. If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, *per §30-308 [Homeowners' Associations]* to be submitted with the application for final approval.
 10. In the event that a nonmunicipal organization with the responsibility for the open space fails to maintain it in reasonable order and condition, the City of Millville may serve written notice upon such organization or upon the owners of the development setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within 35 days thereof, and shall state the date

and place of a hearing thereon which shall be held within 15 days of the notice.

30-316 Parking, Loading Areas and Driveways

A. Purpose

The purpose of this section is to ensure that uses have a minimum level of off-street parking to prevent congestion on City streets while avoiding unnecessary parking requirements which may increase the cost of development and contribute to flooding and nonpoint source pollution. The parking ratios contained herein reflect the City's commitment to reduce its impact on the environmental and natural resources as outlined in the Sustainability Element of the Master Plan. The parking standards advance the goal of reducing runoff volume and providing water quality benefits.

B. Applicability

1. No building or structure shall be either erected or any major reconstruction or change in use made to an existing building or structure unless off-street parking spaces are provided as set forth below:
 - a. For residential developments, off-street parking shall be provided as required in the New Jersey Residential Site Improvement Standards N.J.A.C. 5:21-1 et. seq.
 - b. For non-residential developments, the parking standards established in ~~§30-316C below~~ shall apply.

C. Requirements

1. The parking requirements in ~~Table 14, below~~ set a model standard each use for the Board of Jurisdiction to consider. The Table is based on "Parking Generation" 4th Edition from the Institute of Transportation Engineers, 2010 with adjustments for Millville characteristics.
2. Alternative off-street parking generator standards may be accepted by the Board if an applicant demonstrates to the Board that other standards better reflect local conditions.
3. Where a permitted use of land includes more than one category of parking generation, the parking requirement shall be the sum of the individual uses calculated separately.
4. Shared parking.
 - a. Shared parking spaces utilized by more than one user, which allows parking facilities to be used more efficiently, is encouraged.
 - b. Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas that vary by time of day, day of week, and/or season of the year.
 - c. When an applicant can demonstrate that two or more parking generators have complementary parking demand peaks, the Board of

Jurisdiction may permit up to a 50% reduction in the required total number of parking.

5. Parking Requirements **Table #14**

LAND USE	OFF STREET PARKING SPACES
Convenience Goods Store	One for each two hundred (200) square feet of Gross Floor Area (GFA) plus one for each employee on maximum shift
Commercial w/ residence above	One (1) for every two hundred and fifty (250) square feet of Gross Leased Area (GLA) PLUS one (1) for every residential unit.
Retail store	One for each two hundred and fifty (250) square feet of GFA plus one for each business vehicle.
Regional Shopping Center	Five per one thousand (1,000) square feet of GFA
Neighborhood Shopping Center	Four per one thousand (1,000) square feet of GFA
Grocery Store	Four (4) per one thousand (1,000) square feet of GFA.
Gasoline Stations/Car Washes	One for every two (2) fuel pumps + one space per employee on the maximum work shift.
Vehicle Repair (auto body shop)	Three (3) per service bay + one space per employee on the maximum work shift.
Vehicular Rentals/Sales	One for each four hundred (400) square feet of GFA.
Restaurant	One (1) for every three (3) seats, plus one (1) for every two (2) employees total. If no seating is provided, one (1) for every fifty (50) square feet of floor area with a minimum of ten (10) spaces.
Drive thru Restaurant	1 per 100SF GFA of building
Offices, General and Professional	One (1) for every two hundred and fifty (250) square feet of GLA
Data Processing/call Center	One for every two employees on maximum shift
Home Occupation/Office	One (1) for each additional employee beyond the primary resident.
Funeral Homes	One (1) for every fifty (50) square feet for public mourning accommodation plus one for each employee at maximum capacity.
Boarding Kennels	One for every one thousand (1,000) square feet of GFA + one per employee on the maximum work shift.
Hotel/Motel	One per guest room + one for every (2) employees. NOTE: Any banquet hall, restaurant, and/or bar shall be counted separately.
Bed and Breakfast Inn	One per guest room + one for every 2 off-site employees.
Storage Facilities	One (1) for every ten thousand (10,000) square feet of floor area devoted to storage, plus one (1) for every on-site employee, but not less than five (5) spaces total.
Assembly/Manufacturing Plants	One per employee on the maximum work shift. The Board may choose to use one per every five hundred

LAND USE	OFF STREET PARKING SPACES
	(500) square feet of GFA if it feels reliable employment data is not available
Warehousing/Storage/Trucking	One per five thousand (5,000) square feet of GFA plus one per vehicle used in connection with the business.
Boat building	One per employee on maximum shift
Adult Day Care	One per employee on maximum shift.
Child Day Care Center	One per six (6) children + one per employee on the maximum work shift, with adequate area for maneuvering, stacking, and drop-off/pick-up.
Family Day Care Home	Adequate off-street area for drop-off/pick-up
Grade school	One for each employee, fulltime or part time
High school	One for each employee, fulltime or part time plus one for each
College	Two (2) for each three (3) students + one per administrator, teacher, and any other employee.
Technical/Trade/Specialty	Two (2) for each three (3) students + one per administrator, teacher, and any other employee.
Municipal and Public Safety facilities	One per full time employee
Worship Center	One (1) for every three (3) seats, plus one (1) per church worship official or employee (twenty inches of bench shall be considered one seat). If the number of seats is unknown, one (1) for every fifty (50) square feet of floor area.
Urgent Care Clinic	Two (2) for each doctor, plus one (1) for each two hundred (200) square feet of gross floor area.
Rehabilitation Facility	One for each three (3) beds + one for each two (2) employees.
Assisted living/nursing facilities	One for each three (3) beds + one for each two (2) employees.
Independent living facilities	One for each apartment unit plus one for each employee, full time or part time.
Passenger terminal/depot	Adequate off-street pick-up/drop-off area plus one for each employee.
Marina	One for each three boat slips plus one per employee
Marina on-shore services	One for each two hundred (200) square feet of Gross Floor Area (GFA) plus one for each employee
Boat storage	One for every ten boats stored
Mooring and docking	One for every two mooring spots
Power substations	One (1) for each vehicle stored on the premises, plus one (1) for each employee on the shift which has the greatest number of employees.
Theater	One (1) for every three (3) seats or one (1) for every fifty (50) square feet of floor area if fixed seats will not be used
Museums/Libraries	One for each four hundred (400) square feet of GFA, exclusive of storage space.

LAND USE	OFF STREET PARKING SPACES
Outdoor entertainment venues	One for every three persons at maximum capacity
Social Clubs	One for every three (3) persons of the legal occupancy of the facility
Indoor Sports Facilities	5 per 1,000 sq. ft. GFA
Outdoor activities Facilities	Ten for each field.
Golf Courses	Five (5) per each golf hole + one per employee on the maximum work shift
Equestrian Stables	One per 3 horses on site plus one for each employee, either part time or full time.
Campgrounds	If campground has store, one for each two hundred (200) square feet of Gross Floor Area (GFA) plus one for each employee
Hunting Clubs	One for every five members
Farm warehouse facility	One for each fulltime warehouse employee.

- D. **Parking Structures.** Off-street parking structures shall comply with the following requirements:
1. Parking structures will only be permitted in the Downtown and Industrial-Business Enterprise Zones.
 2. **Lot & Yard Requirements.** The parking structure must adhere to the building setbacks of the respective zone within which it is located.
 3. **Parking.** All off-street parking requirements of **§30-316** shall apply where relevant.
 4. **Facade.** In addition to the building design guidelines of §504, the following shall apply:
 - a. The facade facing any public or private road shall have an architectural design treatment that is compatible to the principal structure with the exception of glazing or facade openings.
 - b. The appearance of structured parking entrances shall be minimized so that they do not dominate the street frontage of a building. Possible techniques include:
 - i. using screening and landscaping to soften the appearance of the structure;
 - ii. recessing the entry;
 - iii. extending portions of the structure over the entry;
 - iv. using the smallest curb cut and driveway possible; and
 - v. subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.
 - c. Entrance drives to structured parking (including underground parking) shall be located and designed to minimize interference with

pedestrian movement. Pedestrian walks shall be continued across driveways.

5. **Landscaping.** In addition to the landscaping requirements of ~~§30-310~~, the following are required:
 - i. Perimeter landscaping strips around the structure.
 - ii. In landscape planters, planter boxes, climbing vines, or another acceptable landscaping treatment on the exterior of the building.

E. Off-street Loading Requirements

1. All loading areas, including staging, must be on the subject lot of the use.
2. Off-street loading shall be required for every retail, industrial, institutional and governmental use for the loading and unloading of material or merchandise.
3. Office uses in excess of 20,000 gross square feet in either a single building or in a combination of buildings as part of an office park shall also be required to provide off-street loading.
4. Off-street loading shall be as required:
 - a. Retail uses of 5,000 sf. or less shall provide one loading space 12' x 35'. Retail uses singularly or in combination shall provide one loading space 15' x 60' for each 25,000 sf. up to 100,000 sf., plus one space for each additional 100,000 sf. up to 500,000 sf., plus one additional space for each 250,000 sf. thereafter.
 - b. Industrial uses shall provide one loading space 15' x 60' for each 20,000 sf. or part thereof.
 - c. Institutional uses shall provide one loading space 15' x 60' for each 50,000 sf. or part thereof.
 - d. Governmental uses shall provide one loading space 12' x 35' for each 100,000 sf. or part thereof.
 - e. Office uses greater than 20,000 sf. shall provide one loading space 12' x 35' for each 50,000 square feet or part thereof.
5. Additional loading spaces may be necessary and required dependent upon the specific activity.

F. Parking and Loading Design

1. All off-street parking and loading shall have sufficient area to permit on-site maneuvering and docking as well as provisions for pick off/drop off areas where the use requires them.

2. The minimum dimensions of stalls and aisles in parking facilities shall be as follows:
 - a. Parking space width shall be at least nine feet.
 - b. Parking space depth shall be at least 18 feet, with the dimensions measured on the angle for all angle parking
 - c. Minimum width of aisles providing access to parking spaces for one-way traffic only, varying with the angle of the parking, shall be:

Angle of Parking (degrees)	Minimum Aisle Width (feet)
Parallel	12
30	12
45	14
60	18
90	24

- d. Minimum width of aisles providing access to stalls for two-way traffic shall be 25 feet.
 - e. Aisles not adjacent to parking spaces within and providing access to off-street parking areas shall have the following minimum dimensions:
 - i. One-way aisles must be a minimum of fifteen (15') feet wide.
 - ii. Two-way aisles must be a minimum of twenty-two (22') feet wide.
 - f. Up to 25% of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of eight feet in width and 16 feet in length. Compact parking spaces must be identified with proper signage.
3. Driveway Setback. Residential driveways shall be set back 5 feet from the side or rear property line. This requirement, however, shall not prevent access from an alley.
4. Parking Lot Setback.
 - a. Drive aisles, except for the entrance/exit openings, shall be considered part of the parking area.
 - b. All off-street parking areas shall have a minimum parking setback requirement from the mutual property line, which shall conform to the following:
 - i. Residential. A minimum of twenty-five (25') feet is required between off-street parking areas and adjacent parcels zoned for residential use or a parcel upon which a residential use is located.
 - ii. Right-of-Way. A minimum of twenty (20') feet is required between off-street parking areas and an existing or proposed right-of-way.

- iii. Non-Residential. A minimum of five (5') feet is required between off-street parking areas and adjacent parcels, except where an easement or shared parking area exists in conformance
 - c. Parking shall not be permitted to be located in any required landscaping buffer.
 - d. Internal lot lines of lots comprising a regional shopping mall development tract shall not be constructed to require application of parking setbacks.
 - 5. Wheel guards, bumper guards or continuous curbing shall be utilized so that no part of parked vehicles will extend beyond the line of the parking space. One wheel stop shall be placed at the end of each parking space.
- G. **Material.** The following material may be utilized for off-street parking areas:
- 1. Asphalt & Concrete. Any asphalt or concrete surface shall meet the standards of New Jersey Department of Transportation standard specifications for Road and Bridge Design.
 - 2. Porous Pavement. Asphalt Pavement/Popcorn mix is produced with a high percentage of air voids (15-20%) that allows water to pass rapidly through the pavement.
 - 3. Permeable Pavers. Specially designed concrete paver blocks with gaps that are filled with stone/sand to allow water to infiltrate into the soil. (Note that the paver units do not need to be permeable, only the gaps between the paver units).
 - 4. Loading. When loading areas are to be used in conjunction with parking, the following shall be required:
 - a. Parking areas to be used exclusively for automobile traffic, except for infrequent small truck deliveries, shall be constructed of two (2") inch Hot Mix Asphalt (HMA) 9.5M64 Surface Course, four (4") inches Hot Mix Asphalt (HMA) 19M64 Base Course, and 6" of dense graded aggregate.
 - b. Parking areas subject to heavy loadings from trucks or other heavy vehicles shall be constructed of a two (2") inch Hot Mix Asphalt (HMA) 9.5M64 Surface Course, five (5") inches Hot Mix Asphalt (HMA) 19M64 Base Course, and 6" of dense graded aggregate.
 - c. Loading areas for trucks shall be constructed of either the truck pavement standard mentioned above, or of a 6" inch thick pad of

Class B, Portland Cement concrete reinforced with No. 5 bars at 12" on center each way.

5. Alternate pavement designs may be approved by the Planning or Zoning Board Engineer.
6. Soils information, design report, and/or a maintenance manual shall be provided to determine if there are any unusual subgrade conditions when utilizing porous pavement, pavers or other pervious design.

H. Driveways, Non-Residential

1. All entrance and exit drives are to be designed to allow for the turning movements of the AASHTO WB-50 design vehicle, without encroaching on opposing lanes of traffic in the public streets. A reduced design standard may be allowed when it can be demonstrated that said type vehicles will not access the site at a specific driveway.
2. Number. The number of driveways per site, shall be determined by the following:
 - a. For lots having seventy-five (75) or fewer parking spaces, not more than one (1) two-way access drive or two (2) one-way access drives on any one street shall be permitted.
 - b. Properties having a frontage of less than one hundred and fifty (150') feet shall have no more than one two-way driveway or two one-way drives on any one street.
 - c. Properties having less than one thousand (1,000') feet frontage shall have no more than two (2) two-way driveways on any one street or four one-way drives on any one street.
 - d. Any frontage greater than one thousand (1,000') feet may have more than two (2) drives on one street; however, the number, location, size, and design shall be subject to approval of the Planning or Zoning Board.
3. Width. Two-way entrance/exit drives shall be a width of twenty-four (24') feet, not to exceed thirty (30') feet in width for existing driveways. One-way drives shall have a minimum width of eighteen (18') feet and a maximum width of twenty-two (22') feet.
4. No driveway shall be located less than ten (10') feet from the side property line or within thirty (30') feet of an existing drive, whichever is greater.
5. Driveways shall be no closer than thirty (30') feet of any residential zone, at the property line(s).

6. Driveway Lengths. The minimum length of an entrance driveway to be kept clear of parking maneuvers shall be:

<u># of Spaces</u>	<u>Distance</u>
15 or less	10'
16 to 50	20'
51 to 100	30'
101 to 299	40'
300 +	60'

7. Driveway radii shall not exceed twenty-five (25') feet.
8. No parking stalls that require the use of the entrance and exit drives, as access aisles shall be permitted. In turn, no parking stalls shall be permitted along entrance and exit driveways.

30.318 Sidewalks for Non-Residential Uses

I. Sidewalks.

1. This following section provides standards for sidewalk placement and minimum sidewalk widths in non-residential developments.
2. The Board of Jurisdiction may require wider sidewalk widths where anticipated pedestrian traffic volumes would necessitate additional capacity.
 - a. Calculations of required sidewalk widths that differ from the standards as set forth herein shall be made using the Highway Capacity Manual, latest edition, published by the Transportation Research Board.
3. Sidewalks shall be required on both sides of the street for all collector, secondary arterial and arterial roads in non-residential development.
4. In general, sidewalks shall be placed in the right-of-way, parallel to the street unless an exception has been permitted to preserve topographical or natural features, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides equally safe and convenient circulation.
5. Sidewalks may be placed in a public access easement adjoining the right-of-way in order to provide sufficient room for various functions within the right-of-way, as follows:
 - a. In commercial areas, the sidewalk area may abut the curb incorporating additional width for street furniture such as bus stops and shelters, planters, signage, benches, street tree planting holes and grates, newspaper vending machines, traffic control devices, light poles and similar obstacles; however, a continuous clear pedestrian

- passageway of 7.5 feet in width a minimum distance of 5 feet from the curbline shall be maintained.
- b. In addition to required sidewalks along streets, commercial developments shall provide internal sidewalks creating convenient linkages between the commercial development and all surrounding streets, including residential streets. Internal sidewalks shall be provided linking such commercial development to adjoining non-residential developments. Cross-access easements pursuant to ~~§30.309~~ *[Land Use Restrictions and Easements]* shall be provided for such pedestrian linkages.
6. In planned commercial or industrial developments, sidewalks may be located away from the road system to link the street, buildings within a complex, and on-site activities such as parking and recreational areas.
 7. The following sidewalk widths for non-residential use that do not involve retail shall be required:
 - a. Along non-residential streets separated from the curb by at least 5 feet: 4 feet.
 - b. Along non-residential streets adjacent to the curb: 6 feet
 - c. Between a main entrance and its closest parking: 8 feet
 - d. Where vehicles overhang the sidewalk: 6 feet
 - e. Within parking areas: 4 feet
 - f. Between buildings: 6 feet
 8. The following sidewalk widths for retail development shall be required:
 - a. Along non-residential streets separated from the curb by at least 5 feet: 8 feet
 - b. Along non-residential streets adjacent to the curb: 12 feet
 - c. Between a main entrance and its closest parking: 12 feet
 - d. Where vehicles overhang the sidewalk: 6 feet
 - e. Within parking areas: 4 feet
 - f. Between buildings: 6 feet
 9. Sidewalks and graded areas shall comply with the design criteria of the American with Disabilities Act and New Jersey Department of Transportation. Permeable paving materials shall be used where

- appropriate and stormwater management and related drainage controls shall comply with **§30.304 [Drainage and Stormwater Management]**.
10. All sidewalk and drive apron construction shall be in accordance with New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.
 11. The concrete to be used for sidewalks and drive aprons shall be Class "B" 4,000 p.s.i. air entrained. The sidewalks and drive aprons may require a crushed stone foundation for unusual loads or soil conditions if directed by the Municipal Engineer. The following minimum thickness shall apply:
 - a. Sidewalks shall be a minimum thickness of 4 inches.
 - b. Drive aprons and sidewalks at drive aprons shall have a minimum thickness of 6 inches and they shall have welded wire fabric reinforcement mat not less than #6 x #6 on a 6 inch by 6 inch grid pattern.
 12. Pre-molded bituminous expansion joint material shall be installed every 20 feet and half depth contraction joints installed every 4 feet.
 13. Monolithic curb and drive apron construction shall be prohibited.
 14. **Handicapped passage.**
 - a. Sidewalks and walkways less than 6 feet in width shall provide widened areas at least every 200 lineal feet sufficient to permit the passage of two wheelchairs in opposite directions.
 - b. The widened area shall be at least 6 feet wide. In general, this requirement may be met through the intersection of driveway's paved surfaces with sidewalks.

30.319 Bikeways and Bicycle Parking

A. Bikeways.

1. Separate bicycle paths shall be required where specified as part of the City's adopted master plan and the 2013 City of Millville Transportation Improvement Study.
2. Bicycle lanes, where required, shall be placed as specified in the 2013 Transportation Improvement Study, specifically as shown in Table 6: Proposed Bicycle Network Matrix.
3. Bikeways shall be constructed in accordance with the bicycle facility design guidelines published by the New Jersey Department of Transportation.

B. Bicycle Parking Facilities

1. **Applicability.** Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any

change in the occupancy of any new building that results in the need for additional auto parking facilities per Subparagraph #2 below.

2. Requirement. The required number of bicycle storage spaces shall be provided as follows:
 - a. Non-Residential Uses: One bicycle storage space for every forty (40) vehicular parking spaces with a minimum of three spaces required.
 - b. Multi-Residential Uses: One bicycle storage space for every twenty (20) dwelling units.
 - c. Single-family dwellings shall be exempt from this requirement.
3. Location. The location of bicycle parking spaces shall be provided as follows:
 - a. Well-lit for safety purposes; and
 - b. Paved and drained to be reasonably free of mud, dust, and standing water; and
 - c. Not impede pedestrian or automobile traffic flow; and
 - d. Placed as to not cause damage to plant material from bicycle traffic; and
 - e. located on private property and not within the public right-of-way; and
 - f. located within fifty (50') feet of a building main entrance.
4. Design. Bicycle parking infrastructure shall be designed as follows:
 - a. Allow bicycle frame and both wheels to be securely locked to a structure.
 - b. Permanent construction shall be affixed to the pavement, such as heavy gauge tubular steel with angle bars, inverted-U or ribbon racks.
 - c. Bicycle parking facilities shall provide the following minimum dimensions:
 - i. two (2') feet in width,
 - ii. six (6') feet in length, with additional back-out or maneuvering space of at least five (5') feet, and
 - iii. an overhead vertical clearance of seven (7') feet.

30.320 Sight Triangles

A. Easements.

1. Dedicated sight triangles shall be required at each quadrant of an intersection of streets, and streets and driveways.
2. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement.
3. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than 30 inches above the street center line or lower

than ten feet above the street center line except for street name signs and official traffic regulation signs.

4. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle and that requirement shall be included in the easement verbiage.

B. Street Intersections.

1. Dedicated sight triangles shall be provided at all street intersections. The apex shall be set a minimum of twenty (20') feet behind the curb or edge of pavement of the uncontrolled street. The sight line length shall be based on NJDOT Figure 6-B (dated November 18, 1994) standards as shown below:

Table 15: Sight Triangle

<u>Design Speed</u>	<u>Length</u>
30 mph	380 feet
35 mph	480 feet
40 mph	580 feet
45 mph	700 feet
50 mph	840 feet
55 mph	1,000 feet

2. Vertical curves and sight distances shall be based on an estimated design speed of the roadway where it is likely the speeds will frequently exceed the posted limit.

C. Street-Driveway Intersections

1. Any proposed development requiring site plan approval shall provide dedicated sight triangle easements at each driveway with the driveway classified as a 30mph street for purposes of establishing distances.
2. Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setback required by the zoning provisions.

30.321 Soil Erosion and Sediment Control

- A. Purpose. The purposes for the control of soil erosion and its resulting

sedimentation include:

1. The control of soil erosion and sedimentation damage resulting from the excavation, relocation, removal or disturbance of soil within Millville;
2. The prevention of flooding due to the construction of stream channels by the depositing of sediment;
3. The preservation of the lands and the existing environment within the City;
4. The protection of exposed soil surfaces for the protection of persons and the property of its inhabitants; and
5. The preservation of public health, safety and general welfare.

B. Applicability

1. Any soil disturbance of over 5,000 square feet must submit a "Soil Erosion and Sediment Control Plan" to the Cumberland County Soil Conservation District for approval as part of its Application submission to the City.
2. Except for the exceptions listed in #3 below, a **Grading Permit** shall be required to excavate, cut, strip or otherwise disturb land or soil in a combined area greater than 500 square feet for use on or off a plot.
3. Nothing in this **Section 30.321** shall be construed to prevent any owner from excavating, cutting, stripping, or otherwise disturbing lands or soil for the following purposes:
 - a. The construction, use and modification of a single family dwelling and accessory uses; provided any related land disturbance does not exceed an area of 500 square feet. The exemption applies only where such single family dwelling is not part of a subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such units. New construction of single family homes which are part of a larger plan of development are required to secure approval of a soil erosion and sediment control plan of more than 5,000 square feet are disturbed.
 - b. Gardening for noncommercial purposes.
 - c. Commercial, agricultural or horticultural use when in accordance with accepted farm agricultural practices, approved by the Cumberland County Soil Conservation District and NJ Department of Agriculture Best Management Practices.
 - d. Excavation, cutting, stripping or other land or soil disturbance necessary for the construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems and other utility service connections.

- e. Installation, removal, replacement or maintenance of landscaping, including trees, shrubs, flowers and cover, where the existing land contours are not changed by more than one foot.

C. Soil Removal Permitting

1. Soil removal permits shall be required when an amount of soil exceeding 600 cubic yards is to be removed from any site, regardless of the time span to accomplish such removal.
2. Application for such permit shall be made on a prescribed form to the City Engineer and shall also contain information as to the amount and extent of soil to be removed.
 - a. The City Engineer shall have the discretion to waive some or all the requirements for soil removal permit if he deems the proposed removal in keeping with the purpose of this Subsection A.
 - b. If the City Engineer waives any or all the requirements for a soil removal permit, he/she shall place a written note to that effect on the permit.
3. In reviewing permits for soil removal permits, the City Engineer shall consider the following criteria:
 - a. Any proposed soil removal shall be done in a manner which will minimize erosion and sedimentation damage and other adverse consequences.
 - b. Whenever feasible, natural vegetation shall be retained and protected.
 - c. The extent of the disturbed area and the duration of its exposure shall be kept within practical geographic and time limits.
 - d. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during the land/soil disturbance.
 - e. Drainage provisions shall accommodate any increased water runoff resulting from modified soil and surface conditions during and after the land or soil removal.
 - f. Water runoff shall be minimized and retained on-site wherever possible to facilitate ground water recharge and to mitigate possible downstream damage.
 - g. Sediment shall be retained on-site to the maximum extent feasible.
 - h. Necessary diversions and sedimentation basins and similar required preventive measures shall be installed prior to any on-site land or soil disturbance or removal.
 - i. All actions should be in compliance with minimum standards and specifications contained in Standards for Soil Erosion and Sediment Control in New Jersey.

- j. Prevention and dust and mud control procedures on the premises in question, as well as on abutting lands must be in place.
 - k. Preservation of soil fertility and the resulting ability of the affected area to support plant and tree growth by preservation of adequate topsoil must be assured.
 - l. necessary lateral support and grades of abutting lands, structures and other improvements must be maintained.
 - m. Work must prevent pits and declivities which are hazardous or which provide insect breeding locations.
 - n. Physical characteristics and limitations of the soil for the uses to which the land may lawfully be put must be established.
 - o. Drainage provisions to accommodate any increased runoff resulting from such soil removal activity must be in place throughout operations.
 - p. Such other factors as may reasonably bear upon or relate to the public health, safety and general environmental welfare shall be considered.
4. Conditions Applicable to Issuance of a Soil Removal Permit
- a. Posting of a performance bond or other security to insure proper and timely completion and maintenance of the work in accordance with specified requirements included in the Municipal Engineer's report.
 - b. Time limitations for commencement and completion of the project, together with provision for inspection and approval following completion in accordance with all applicable conditions and provisions of this section.
 - c. Upon issuance of a soil removal permit, but prior to commencement of construction, the applicant shall issue a performance guarantee in accordance with **Article 7.**
5. Inspection and Enforcement
- a. All soil erosion control installations shall be inspected during the time of their installations under the supervision of the Municipal Engineer to insure satisfactory completion. The cost of said inspection shall be in accordance with **Article 7.**
 - b. If the Municipal Engineer finds violation of the terms and conditions of the permit(s) at any time, he or she may revoke said permit(s) forthwith, may require necessary emergency erosion and sedimentation control measures to be installed promptly.
 - c. In the event that building permit violations are also involved in the alleged violation, the Construction Code Official shall, on his or her own initiative or at the request of the Municipal Engineer, revoke said

building permit, which shall be effective until reissued upon abatement of the violation.

- d. The applicant shall have the soil removal plan as approved by the Municipal Engineer on-site at all times during construction. The Municipal Engineer may further issue a stop construction order concurrently with permit revocation if a project is not being executed in strict accordance with the approved plot plan.
- e. No certificate of occupancy for a project shall be issued unless there has been compliance with the provisions of the approved plot plan for permanent measures to control soil erosion and sedimentation, as evidenced by a formal report by the Municipal Engineer of such compliance to be filed with the Construction Code Official prior to issuance of any such certificate of occupancy. A copy of this report shall also be sent to the County Soil Conservation District by the Construction Code Official.

30.322 Solid Waste

- A. All multifamily, commercial, industrial, recreational and public uses shall provide for centralized collection of solid wastes, including provisions for recycled materials.
- B. All such areas and facilities, including provisions for source separation and resource recovery, shall conform to any adopted solid waste disposal plan or ordinance applicable to the area involved.
- C. There shall be at least one trash and recycling pick-up location provided for each multi-family or non-residential building which shall be separated from parking spaces either inside or outside the building.
- D. All trash and recycling locations shall be enclosed and located in a manner which is obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three.
- E. All exterior solid waste enclosures shall be constructed of masonry compatible with the architectural materials of the building.
- F. If located within the building, the doorway may serve both the loading and trash/garbage functions and, if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions. Moreover, if located outside the building, the container shall be situated on the same

horizontal plane as the driveway providing access to the container.

30.323 Streets and Curbing

A. General

1. The arrangement of streets shall conform to the Circulation Element of the Master Plan. Right-of-way widths for non-residential streets shall be as indicated in the Circulation Element of the Master Plan (Table VI-8).
2. For streets not shown on the Master Plan, the developer shall provide for the extension of existing streets.
3. Residential streets shall be arranged so as to discourage through traffic but not to such an extent that the mobility of residents is impaired. Residential streets shall be designed to permit their extension to adjacent undeveloped lots or lots that have not been constructed to their permitted zoning density.
4. In the event that a development adjoins or includes existing streets that do not conform to widths as shown on the adopted master plan or the street width requirements of this Ordinance, additional land along either or both sides of said street, sufficient to conform to the right-of-way requirements, shall be dedicated for the location, installation, repair and maintenance of streets, drainage facilities, utilities and other facilities customarily located in street rights-of-way.
 - a. The necessary deeds of ownership shall be furnished, and the dedication shall be expressed as follows: Street right-of-way granted permitting the entrance upon these lands for the purposes provided for and expressed in the Land Use Ordinance of the City of Millville. This statement shall in no way reduce the developer's responsibility to provide, install, repair or maintain the facilities in the area dedicated by ordinance and/or as shown on the plan and/or as provided for by any maintenance or performance guarantees.
 - b. If the development is along one side only, one-half of the required extra width shall be dedicated. Additionally, that portion of the existing street or road adjoining or included within a site plan or major subdivision shall be improved by the developer, including excavation, grading, base courses and surfacing in accordance with the street improvement standards of this Ordinance.

B. Design Guidelines for Residential Streets. In addition to the regulations of the RSIS, the following requirements shall also apply to the layout of residential streets:

1. Cul-de-sacs. Cul-de-sacs shall be avoided to the greatest feasible extent. Short loop streets shall be preferred to cul-de-sacs. Cul-de-sacs in excess

of 600 feet shall be designed with an intermediate turnaround not to exceed every 500 feet.

2. Alleys. Alleys may be required when net residential density exceeds 5 units per acre.

C. Right-of-Way for Non-Residential Streets

1. Required width. The right-of-way shall be measured from lot line to lot line.

a. Major Arterial streets –	66 to 100 feet.
b. Minor Arterial streets-	66-86 feet
c. Major Collector streets -	66-86 feet
d. Minor Collector streets -	50-86 feet
e. Local streets -	50 to 66 feet.
f. d. Cul-de-sac -	60 feet.
2. Cul-de-sacs should be less than 600 feet in length and shall be paved with a minimum radius of 50 feet at its turnaround end.
3. The right-of-way shall be sufficiently wide to contain the cartway, curbs, shoulders, sidewalks, graded areas, utilities and street tree planting strip.
4. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than the existing street.

D. Specifications for Non-Residential Streets. The quality of surfacing and base materials shall adhere to the minimum standards set forth by the county or State requirements when said paving concerns roads under their jurisdiction and where such standards exist. The following municipal standards shall apply:

1. A crown of 6 inches shall be provided, unless otherwise directed by the City Engineer.
2. The minimum requirements of any new street shall be constructed according to the specifications and procedures as set forth in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.
3. On all local roads, the base course shall be 5 inches of Bituminous Stabilized Base, Mix I-2, placed on a compacted, unyielding subgrade consisting of a minimum of six inches of solid aggregate I-5 or Dense Graded Aggregate Base Course (DGABC) which has been inspected and approved by the City Engineer.
4. On all municipal non-residential collector and arterial streets, the base course shall consist of bituminous stabilized base, Mix I-2, applied in two lifts upon a compacted unyielding subgrade consisting of a minimum of 6 inches of soil aggregate I-5 or Dense Graded Aggregate Base Course (DGABC) which has been inspected and approved by the City Engineer.

Municipal collector streets shall have 6 inches of base course, while municipal arterial streets shall have 7 inches.

5. The surface course for all classes of municipal streets shall consist of 2 inches of bituminous concrete, FABC, Mix I-5 applied according to New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.
 6. In all cases, an atomized spray tack coat shall be applied between the surface course and the base course in accordance with the Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.
 7. All streets shall have a minimum grade of 0.75%. The maximum grade for new local streets shall be 6% and the maximum grade for new collector and arterial streets shall be 4%.
 8. Base Core Sampling
 - a. Upon paving completion, uniformly selected core samples intact for full thickness of base course shall be provided, at the rate of one sample for every 1,000 square yards of base course, at the expense of the developer.
 - b. Where deficiencies in required thickness are noted, at least two additional cores will be required to determine the extent of the deficiency.
 - c. When the thickness of the pavement as indicated by any core sample shall show a deficiency of 1/4 inch or more from the required thickness, the City Engineer, at his option, may direct the developer to:
 - i. Remove and replace the bituminous-stabilized base course to the correct thickness; or
 - ii. Construct an overlay of bituminous concrete suitable to the Engineer to correct the thickness deficiencies.
 9. The approval of any Official Map or tax map delineating streets shall in no way be construed as an acceptance of any street as improved to specifications.
- E. Street Signs. Appropriate street signs meeting municipal specifications and approved by the City Engineer as to size and location shall be installed at the intersection of all streets.
- F. Additional Standards
1. No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been dedicated to the City under conditions approved by the City attorney.
 2. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or the street width requirements of

this section shall dedicate additional width along either one or both sides of the street. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.

3. Maximum grades within intersections shall be 3%.
4. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60°. Approaches to all intersections shall follow a straight line for at least 100 feet.
5. No more than two streets shall meet or intersect at any one point and the centerlines of both intersection streets shall pass through a common point. Measuring from this common point, two intersections shall be spaced a sufficient distance to permit a minimum of two lots between the two street rights-of-way.
6. The block corners at intersections shall be rounded at the curbline with the street having the highest radius requirement determining the minimum standard for all curb lines. Curb radii shall be as follows:
 - a. Arterial streets: 30 feet
 - b. Collector streets: 25 feet
 - c. Local streets: 20 feet
 - d. On undersized streets without on-street parking, curb radii may be enlarged to accommodate adequate turning movements for passenger vehicles.
7. Street jogs with centerline offsets of less than 125 feet shall be prohibited.
8. A tangent at least 200 feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect from each other at any one point, they shall be connected by a curve with a radius conforming to AASHTO or ITE standards to establish minimum sight distances within the right-of-way based on the design speed of the street.
9. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
10. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
 - a. Alternatively, the Board of Jurisdiction may require that a temporary dead end be constructed with a cul-de-sac and landscaped traffic island which will become a traffic circle once the temporary street is extended.
11. No street shall have a name which will duplicate or so nearly duplicate the name of an existing street within the City or in a neighboring municipality

as to be confused with the existing street. The continuation of an existing street shall have the same name.

12. In order to enforce basic traffic laws and regulations, developments with private or semipublic streets, off-street parking, off-street loading, sidewalks, bikeways and other circulation facilities shall, as a condition of approval, request that the provision of N.J.S.A. 39:5A-1 be made applicable to the development.

G. Curbs and Gutters for Non-Residential Streets

1. Curbs shall generally be required on all cartways but may be substituted for graded shoulders on low volume streets where appropriate (see following subsection). Curbs are intended to provide the functions of a vehicular barrier, as a control for storm water runoff, and as slope protection.
2. A sidewalk curb ramp shall be provided wherever a public sidewalk or public pedestrian easement crosses a curb or other change in elevation such as a graded shoulder.
 - a. Curb ramps shall be constructed in accordance with standards published by the Architectural and Transportation Barriers Compliance Board and the New Jersey Department of Transportation, Pedestrian Compatible Planning and Design Guidelines.
 - b. Curb ramps shall be designed to fully incorporate the required sidewalk width. Curb ramps shall be designed to provide tactile warning of the cartway for the visually impaired.
3. Belgian block curbing may be installed in business and office park developments.
 - a. Stones used for secondary and primary local roads shall not be less than 10 inches in height and shall be constructed to show a vertical face above the roadway pavement of 6 inches.
 - b. Stones used for municipal collector and arterial roads shall not be less than 12 inches in height and shall be constructed to show a vertical face above the roadway pavement of 8 inches. The concrete to be used shall be Class "B" concrete (minimum 4,000 p.s.i., air entrained) as specified in the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction (1989) and amendments thereto.
 - c. Pre-molded bituminous expansion joint material shall be installed not less than every 50 feet through the curb footing.
4. Concrete curbing shall meet the following specifications:
 - a. The concrete to be used for curbs shall be Class "B" concrete (minimum 4,000 p.s.i., air-entrained) as specified in the Standard

Specifications for Road and Bridge Construction (1989) and amendments thereto.

- b. Curbs shall be constructed in 20 foot sections. Pre-molded bituminous expansion joint material shall be installed every 20 feet and half depth contraction joints installed every 10 feet. Joints shall be sealed as specified by the City Engineer.
- c. Concrete curbs for secondary and primary local roads shall be:
 - i. 8 inches wide at their base and not less than 6 inches wide at their top.
 - ii. Their heights shall not be less than 18 inches and be constructed to show a vertical face above the roadway pavement of 6 inches. The rear top corner of this curb shall have a radius of 0.25 inch and the front top corner shall have a radius 0.5 inch.
 - iii. Curbs at driveway openings shall be constructed to the full depth of 18 inches, which depth shall extend a minimum of 6 inches on either side of the depression.

H. Graded Shoulders for Non-Residential Streets

1. Shoulders and/or drainage swales may be required instead of curbs when:
 - a. Shoulders are required by the approving authority;
 - b. Soil and/or topography make the use of shoulders and/or drainage swales preferable; and/or
 - c. It is in the best interest of Millville to preserve the area's rural character by using shoulders and/or drainage swales instead of curbs. The Board of Jurisdiction shall review and approve all waivers from curbing with the advice of the City Engineer.
2. Shoulders shall be a minimum of 4 feet wide on each side of the cartway and shall be located within the right-of-way. Wider shoulders may be required where existing grade dictates.
3. Shoulders may consist of:
 - a. a paved shoulder constructed in accordance with the street specifications as otherwise required in this section,
 - b. a gravel shoulder,
 - c. a stabilized turf shoulder, or
 - d. a graded turf shoulder without stabilization. Stabilized turf shoulders are preferred.
4. Stabilized shoulders are required on roadways with less than a twenty-four (24') foot cartway.
5. The construction method used shall be based on anticipated traffic speeds, volumes and vehicle usage on the roadway and shall be designed to be bicycle compatible. The Municipal Engineer shall provide the Board

of Jurisdiction with a recommendation during the application process as to the appropriate shoulder design for the development in question.

I. Roadway Excavation

1. Roadway excavation shall include the removal and satisfactory disposal of all materials taken from within the limits of the work that are necessary for the construction and preparation of the roadbed, embankment, subgrade, shoulders, slopes, side ditches, drainage structures, trenches, waterways, intersections, approaches, and private entrances, as indicated or directed.
 - a. All suitable materials removed from the excavations shall be used as far as practicable in the formation of the embankment, subgrade and shoulders, and at such other places as directed.
 - b. Ditches and waterways shall be excavated to the depth and width shown on plans, or as may be indicated or directed by the City Engineer.
2. During construction of the roadway the roadbed shall be maintained in such condition that it will be well drained at all times. After construction, the road shall be restored and repaved to the satisfaction of the City Engineer.
3. Embankments.
 - a. Embankments shall be formed of suitable material placed in successive layers of not more than 12 inches in depth for the full width of the cross-section commencing on a subgrade approved by the City Engineer,
 - b. Embankment shall be compacted by approved mechanical equipment and by distributing the necessary hauling uniformly over each succeeding layer.
 - c. Stumps, trees, rubbish, and/or other unsuitable material or substances shall not be placed in the embankments, nor shall the embankment be commenced on soft or organic-laden soil.
4. Borrow excavation.
 - a. When embankment from off-site is required, sufficient suitable material shall be obtained by the contractor from borrow pits located beyond the limits of the work.
 - b. This material shall be shown as quality satisfactory for the purpose for which it is required and it shall be approved by the City Engineer.
 - c. Borrow will include the furnishing, removal, placing and satisfactory compacting of the additional material necessary to complete the embankments, subgrade and shoulders.

5. Formation of subgrade.
 - a. The bottom of excavation of the box to receive the pavement surface shall be true to line, grade and cross-section established or indicated on approved drawings.
 - b. After all drains and drainage structures have been installed and the subgrade has been shaped and compacted, it shall be brought to a firm unyielding surface by rolling the entire area with an approved three wheel power roller weighing not less than 10 tons.
 - i. Any areas which are soft and yielding or which will not compact readily when rolled or tamped shall be removed.
 - ii. All loose rock or boulders found in the earth excavation shall be removed or broken off to a depth of not more than 6 inches below the surface of the subgrade.
 - iii. All holes or depressions made by the removal of material shall be filled with suitable material and the whole surface compacted uniformly.
 - c. If the surface of a present roadway conforms approximately to the surface of the finished subgrade, it shall be scarified or rooted to a uniform depth for the full width of the paved surface sufficient to eliminate all depressions and irregularities and to permit uniform reshaping.
 - d. When necessary, additional approved material shall be added to bring the subgrade to the desired elevation and cross-section, and the whole shall be rolled as previously specified, until thoroughly compacted.
 - e. Sod, roots, and other objectionable material shall not be used in forming the subgrade.
6. Protection of subgrade.
 - a. All ditches and drains shall be completed before placing any pavement construction material.
 - b. The subdivider shall protect the subgrade and keep it drained at all times.
 - c. Neither foundation nor surfacing material shall be deposited on the subgrade until the subgrade has been checked and approved by the Municipal Engineer.
7. Slopes in embankment and excavation shall be formed with a slope not steeper than one unit vertically to two units horizontally unless otherwise directed by the City Engineer.

30.324 Subdivision Layout

A. Lot Configuration

- 1 Unless otherwise specified in this Ordinance, where a lot is formed from part of a lot already occupied by a building, any subdivision of the lot shall

be drawn to minimize or not exacerbate any violation of the requirements of the Ordinance with respect to the existing building and all yard, setback, buffers and open space existing.

- 2 All resulting new lots shall have dimensions consistent with the requirements of the zoning district in which they are located.

B. Development Name

The proposed name of any development shall not duplicate, or too closely approximate, the name of any other development or place name in, or in close proximity, to the City. The Planning Board shall have final authority to designate the name of the development which shall be determined at the preliminary stage of development review.

30-325 Tree Removal and Tree Cutting

A. Purpose

The purpose of this section is to control and regulate indiscriminate or excessive removal, cutting, and destruction of trees, and to control, regulate, and prevent conditions which cause an increase in storm water runoff, sedimentation, soil erosion, reflected heat, air or noise pollution, or inhibit aquifer recharge. The regulations which follow are designed to limit such adverse impacts. These regulations are in addition to and complement Chapter 70: Woodland Management of the City Code.

B. Definitions

Tree Protection Zone. The tree protection zone is all the area of a site to be developed except buildings, parking, driveways, streets, storm water management facilities, and utilities plus a fifteen foot perimeter around each of the above for grading. The tree protection area(s) are intended to be reserved for tree retention or are to be planted with replacement trees for areas that have been cleared for site development.

Clear Cutting. The removal of all standing trees on a lot or portion of a lot.

Diameter at Point of Measurement (DPM). The diameter of a tree measured four and one-half (4 ½) feet (forestry method) above the ground level on the downhill side for existing trees.

Specimen Tree. Any tree or grouping of trees that has been determined to be of a high environmental, social or cultural value because of its age, size, species or other professional criteria.

C. Approval Required.

No person directly or indirectly shall, without either first obtaining a zoning permit or an approval in the site plan or subdivision application process, remove or relocate to another site any tree within a Tree Protection Zone or remove any specimen tree regardless of location. "Removal" shall include, but not be limited to:

1. Damage inflicted to the root system by machinery, storage of materials and soil compaction, change of natural grade above or below the root system or around the trunk;
2. Damage inflicted on the tree permitting fungus, pest, or other infestation;
3. Excessive pruning or thinning leading to a failure to thrive; and
4. Paving over the root system with an impervious material within such proximity as to be fatally harmful to the tree.

D. **Exemptions**

The following tree cutting and tree removal activities, except for all specimen trees, shall be exempt from the provisions this Section:

1. There is no restriction on the number of trees removed less than 6" in caliper.
2. Lots that are 75,000 square feet or less may remove up to 5 trees with DPM's 6" inches or more in any consecutive two (2) year period.
3. Lots that are greater than 75,000 square feet may remove up to 10 trees with DPM of 6" inches or more in any consecutive two (2) year period.
4. Any tree growing on property approved to operate as a nursery or garden center.
5. Commercial nurseries and fruit orchards.
6. Christmas tree farms.
7. Any tree growing on property actively operated as a farm, which is removed to create fields for crops or forage and not sold for profit.
8. Trees which, in the opinion of a Township employee acting officially, constitute an immediate threat to the health, safety or welfare of the general public.
9. Public or local utilities maintaining easements or rights-of-way in the normal course of business.
10. Communications companies regulated by the Federal Communications Commission maintaining communications lines and equipment.
11. Approved game management practice, as recommended by the State of New Jersey, Department of Environmental Protection, Division of Fish, Game and Wildlife.
12. Properties devoted to the practice of silviculture for which farmland assessment has been approved or are operated under the NJ Forest Service' Forest Stewardship' Program.

E. **Application Procedure**

1. Unless exempted above, any person wishing to cut and remove trees within the municipality for a non-commercial harvest purpose shall file a Zoning Permit application (unless a Site Plan or Subdivision Plan is being

- submitted to the Planning or Zoning Board) prior to soil disturbance or the issuance of a building permit.
2. The harvesting of trees for commercial purposes shall require a Harvest Plan as required in Chapter 70-3 of the Millville City code and for which application can be made to the Zoning Officer.
 3. In addition to the Zoning Permit information, the following additional information shall be supplied on a sketch that is overlaid on a current (within 2 years) survey or on an aerial from Google maps or similar application:
 - a. Outline the area on tract where tree removal is planned;
 - b. Individually locate each specimen tree.
 - c. Where the area to be surveyed is greater than 10,000 square feet, a representative wooded rectangular area 100' x 100' may be surveyed and its results extrapolated to the remaining wooded area. A minimum of one sample plot per five (5) acres of total wooded area identified for the tree removal project shall be surveyed. The location of the sample plots shall be subject to the approval of the Zoning Officer or the Board engineer if the application is subject to review, who may seek recommendations from the Board's planning consultant.
 - d. A description of the type of tree removal project, that is:
 - i. Thinning;
 - ii. Selective cutting;
 - iii. Clear cutting.
 - e. All streams, wetlands and FEMA flood hazard areas as shown on the City mapping site, should be delineated.
- F. **Standards for Tree Retention.** The following standards shall apply to all trees regardless of location:
1. Existing trees on a site contemplated for development shall be retained to the greatest feasible extent.
 2. In off-street parking areas and storm water management facilities, islands of trees shall be retained.
 3. No paving of any impervious nature shall be placed within the dripline of any tree, and the grade shall be such that drainage of rainwater will water the root area without pooling or exceeding the requirements of the species. Excess water shall be admitted to storm sewers in the parking lot or drained by other means acceptable to the Municipal Engineer.
 4. Any live tree which is substantially damaged as a result of grading or general construction shall be replaced with another tree. A tree shall be

substantially damaged when one-half or more of the tree bark is destroyed below 4 feet or the trunk is girdled.

5. Any tree used in a required landscape/buffer planting or to replace a damaged tree shall have a trunk or main stem which is at least 2.5 inches in caliper, unless the tree is used for storm water management facility plantings, and shall meet the specifications of the American Nurserymen's Association standards.
6. Existing trees are encouraged to be used for the required buffer zone of trees and shrubs to be established in accordance with Section 30.310 [Landscaping].
7. Trees in the area between the street line and the setback line of the building shall be preserved to the greatest extent possible.
8. Specimen trees shall not be removed unless the Zoning Officer, a Township employee, or a Board with Jurisdiction deems them in writing diseased or constituting a hazard to the general public.

G. **Violations**

9. In addition to any other penalties that may be assessed for violation of this Ordinance, any person violating any provisions of this section shall be liable to a fine not to exceed \$500.00 as set by the City Commission for each offense.
10. The destruction or substantial damage/destruction of each individual tree shall be construed to be a separate offense.
11. In addition, any tree(s) removed without a permit shall be replaced by the violator with nursery stock, equal, whenever possible, to the caliper of the tree(s) unlawfully removed. Replanting shall be completed in one year of the non-permitted removal if the land is not to be lawfully developed.
12. In addition to the foregoing, the City may institute and maintain a civil action for injunctive relief restraining the continuance of any unlawful tree removal project.

30.326 Wastewater Disposal

- A. Sanitary sewer facilities shall be provided and installed in accordance with NJDEP regulations, the City's the specifications set in this section and as required by the City Engineer,
 1. Developments designated as within the City's sewer service area in the NJ DEP approved Millville Wastewater Management Plan must plan to be connected to the City's sanitary sewer system.
 2. Documentation that treatment can be provided shall be obtained from the Millville Sewer Utility and submitted to the Board of Jurisdiction as a requirement for approval.
 3. Sanitary sewer facilities shall be designed and installed for either immediate or future connection with a public or on-site community

sanitary sewer system approved by the New Jersey Department of Environmental Protection and the City Commission of the City of Millville.

4. On-site septic systems shall be provided in addition to the required installation of sanitary sewer systems (collection lines and other related facilities) for those developments expected to be provided with public sanitary sewers within a reasonable period of time.
 - a. All individual on-site septic systems shall be installed within the front yard of the lots or in any area approved by the Construction Official in order to facilitate the eventual connection of the system to public facilities.
5. In areas that the Board of Jurisdiction determines a public sanitary sewer system does not exist or is not expected to be provided within a reasonable period, the Board may waive the requirement that sanitary sewer facilities be installed and connected to public sewer systems.
6. In those cases in which a public sanitary sewer system is not presently available and the site of the proposed development is unsuitable for individual on-site septic systems as determined by the New Jersey Department of Environmental Protection or other county or local agency, an on-site community sanitary sewer system approved by the New Jersey Department of Environmental Protection and the City Commission shall be installed.

B. Sanitary Sewer System Standards

1. All sanitary sewer systems shall comply with the rules and regulations established by the Department of Health, State of New Jersey, as amended.
2. Sanitary sewer pipe shall be sized for full flow from the tract. The City may require larger pipe sizes to accommodate future extensions.
 - a. Minimum grades for sanitary sewer lines shall be 4/10 of 1% for asbestos-cement pipe and 5/10 of 1% for vitrified clay pipe.
 - b. Cast-iron pipe specifications:
 - i. Cast-iron pipe shall be centrifugally cast and shall be provided with mechanical joints, with both pipe and joints conforming to applicable American Standards Association specifications.
 - ii. Cast-iron pipe shall be thickness Class 22 for pipe diameters of 12 inches or less and thickness Class 21 for pipe diameters of 14 inches or more.
 - iii. All cast-iron fittings, including Y-branches, shall conform to the requirements of the current American Waterworks Association's specifications and shall be provided with joints suitable for use with adjoining pipe.
 - iv. Cast-iron fittings shall be Class D for fitting diameters of 12 inches or less and Class B for diameters of 14 inches or more.

- v. Cast-iron saddles shall be subject to the approval of the City Engineer.
 - c. Asbestos-cement pipe and fittings specifications
 - i. Asbestos-cement pipe and fittings shall conform to applicable requirements of the American Society for Testing Materials specifications, as amended.
 - ii. Except where required for special conditions, asbestos-cement type pipe fittings shall be non-pressure Class 1500 for pipe diameters of 12 inches or less and Class 2400 for pipe diameters of 14 inches or more.
 - iii. All asbestos-cement pipe and fittings shall be furnished with sleeve-and-gasket-type couplings designed for use with the size and class of pipe specified.
 - d. Vitrified clay pipe and fittings specifications
 - i. Vitrified clay pipe and fittings shall conform to the applicable requirements of the American Society for Testing and Materials specifications, as amended.
 - ii. Except where required for special conditions, such as excessive depth, vitrified clay pipe fittings shall be standard strength.
 - iii. All vitrified clay pipe and fittings shall have factory-fabricated gasket-type couplings which conform to the American Society for Testing and Materials specifications therefor.
3. Excavation and backfill
- a. Excavation and backfill shall conform to the requirements set forth for subsurface structure excavations.
 - b. Applicable requirements for protecting excavations from cave-ins and water accumulations set forth under *[§ 30-304.F3 \[Stormwater Management System Strategy and Design\]](#)*, shall apply.
 - c. Pipes shall be laid in straight lines between manholes except where otherwise specifically provided by the City Engineer. When deviation from a straight line is permitted, the deflection of each joint shall not exceed the manufacturer's recommended maximum for the type, joint and size of pipe being installed.
 - d. All pipes shall be laid to uniform grades between manholes.
 - e. Each section of pipe shall be solidly bedded in the trench bottom and shall be supported for its full length except where excavation has been made for joints. Before making each joint, the ends of the pipes and all joint members shall be thoroughly cleaned.
 - f. All jointing shall be done in strict accordance with the manufacturer's recommendations and the directions of the City Engineer.
 - g. All visible leakage of any description and no matter where located shall be corrected by the contractor in a manner satisfactory to the

City Engineer, whether or not the total leakage into the sewer is within the allowable maximum as determined by infiltration tests.

- i. Such infiltration tests shall be made when and as directed by the City Engineer, and no connections to flowing lines shall be made until the testing is complete and satisfactory results have been obtained.
- ii. The contractor shall furnish all labor, material and equipment necessary for the infiltration tests.
- iii. No section of sanitary sewer between adjacent manholes will be considered satisfactory or acceptable when the rate of infiltration exceeds 1/2 of the above-specified rate.
- iv. Leakage in excess of the above shall be located and corrected by the contractor. Y-branch and service laterals which are not to be immediately connected to flowing lines shall be securely plugged so as to provide a permanently watertight seal, and the contractor shall accurately record the station and direction of each such stub.
- v. These shall also be located on the contractor's copy of the plans and permanently marked with a crosscut on the curb or a hub stake driven at the curblin.

30-327 Water Supply

- A. All water distribution systems shall be designed and installed in accordance with the regulation of the New Jersey Department of Environmental Protection (NJDEP) and, for residential development, the New Jersey Residential Site Improvement Standards (RSIS) as set forth under N.J.A.C. 5:21-5. The system is to be designed to ensure the provision of adequate pressure and volume of water necessary to provide for the maximum daily demand plus fire suppression
- B. Public Water Required.
 1. Where a site is located accessible to public water, water mains shall be constructed in such a manner as to make adequate water service available to each lot or building within the development.
 2. The entire system shall be designed in accordance with the requirements and standards of the local and/or State agency having approval authority and shall be subject to their approval.
 3. The system shall also be designed with adequate capacity and sustained pressure and in a looped system with no dead-end lines, whenever possible.

C. Main Extension.

1. Residential subdivisions shall be connected to an existing public water supply system if public service is available within the following distances:
 - a. 200 feet for one unit, 400 feet for two units,
 - b. 600 feet for three units,
 - c. 800 feet for four units, and
 - d. 1,000 feet for five to fifteen units.
 - e. For developments greater than fifteen units which are within one mile of an existing public water system, adequate justification should be provided as to why they should not provide a connection to the existing public water supply system.
 - f. For developments of greater than fifteen units which are more than one mile from the City system, the water supply strategy shall be determined on a case-by-case basis taking into consideration, the density of the developments, economic considerations, and ground water availability and quality.

D. Dry Lines.

1. If a public water supply system will be provided to the area within a 6 year period as indicated in the Utility Element of the Master Plan or other official document, the Board of Jurisdiction may require installation of a capped system or “dry lines” (mains only) within the road right-of-way; or alternatively,
2. The Board may require a payment in lieu of the improvement.

E. Capacity Requirements.

1. The water supply system shall be adequate to handle the necessary flow based on complete development.
2. The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is provided, the system should be capable of providing the required fire demand plus the required domestic demand.
3. Non-residential water demand shall be computed as promulgated by the standards of the American Water Works Association (AWWA).
4. The water supply system shall be designed to carry peak-hour flows and be capable of delivering the peak hourly demands.

F. Fire Protection.

1. Fire protection shall be furnished for any development connected to a public water supply system.
2. Minimum flow capacity for fire hydrant design shall be based on recommendations by the National Fire Protection Association (NFPA).

3. The distance between buildings for both residential and non-residential structures shall be considered in the design of the fire control system.
4. Fire Hydrants.
 - a. Hydrants shall be spaced to provide necessary fire flow, and the average area per hydrant typically should not exceed 120,000 square feet. In addition, hydrants shall be spaced so that each building shall be within 400 feet of a hydrant.
 - b. A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.
 - c. Hydrants shall be located at the ends of lines, and valves of full line size shall be provided after hydrant tees at the ends of all dead lines which may be extended in the future.
 - d. Size, type and installation of hydrants shall conform to the specifications as set forth in NFPA Standard 291.
 - e. Final fire hydrant location shall be subject to the approval of the City Engineer who may consult with appropriate fire officials. The final location of fire hydrants shall be marked on as-built plans and submitted to the City.
- G. Individual Wells. Where no public water is accessible, water shall be furnished either on an individual lot basis or by community well. The following provisions shall apply to the installation of individual wells:
 1. No person shall locate, construct or alter any individual water supply until a permit for the proposed activity has been issued by the Cumberland County Health Department.
 2. No building permit for a new home or other structure for which an individual well is required shall be issued unless the well has been drilled, tested and certified to be in compliance with the New Jersey Department of Environmental Protection rules pursuant to N.J.A.C. 7:10-12.1 et seq. for the construction of such public non-community and non-public water systems. Such certification shall be made by the applicant's engineer or NJ certified well driller.
 3. Prior to preliminary subdivision approval of ten or more lots, test wells shall be drilled and observations taken to ensure sufficient water quality

and quantity pursuant to the requirements of the City Engineer for the proposed development.

- a. Developments proposing fewer than 30 lots shall drill one test well and two observation wells
 - b. Developments of 30-50 lots shall drill two test wells and 2 observation wells.
 - c. Developments over 50 lots shall conform to NJDEP standards.
 - d. Additional test and observation wells may be required by the City Engineer within the Seasonal High Water Table area or for unusual soil conditions.
4. No well shall be located within 100 feet of another well, either existing or proposed.

**ARTICLE 4: POWERS AND FUNCTIONS OF THE PLANNING AND ZONING
BOARDS**

30.400 Establishment of the Planning Board

There is hereby established the City of Millville Planning Board which shall consist of nine regular members and two alternate members. The adoption of this Ordinance shall not be construed to affect any standing member of the Planning Board.

A. Members and Terms in Office

The regular members shall be appointed as follows from the following four classes:

1. Class I: The Mayor or his/her designee in his/her absence, whose term on the Planning Board shall correspond to his/her official tenure as Mayor.
2. Class II: One of the officials of the City, other than a member of the governing body, to be appointed by the Mayor subject to the limitations contained in N.J.S.A. 40:55D-23. The term of the member composing Class II shall be for one year or terminate at the completion of his or her respective term of office, whichever occurs first.
3. Class III: One member of the City Commission to be appointed by it. The term of the Class III member shall be for one year or terminate at the completion of his or her respective term of office, whichever occurs first.
4. Class IV: Six other citizens of the City to be appointed by the Mayor.
 - e. The Class IV members shall hold no other City office, position or employment, except that one member may be a member of the Zoning Board of Adjustment and one member may be a member of the Board of Education.
 - f. The term of a Class IV member who is also a member of the Zoning Board of Adjustment or Board of Education shall terminate whenever he or she is no longer a member of such other body or at the completion of his or her Class IV term, whichever occurs first.
 - g. The terms of Class IV members cannot exceed 4 years and shall be staggered so that the Class IV terms shall be distributed evenly in accordance with the provisions of N.J.S.A. 40:55D-23.
 - h. The stipulations of N.J.S.A. 40:55D-23a shall apply should the City create an Environmental Commission or Historic Preservation Commission.

B. Alternate Members

1. The two alternate members shall be appointed by the Mayor and meet the qualifications of Class IV members.
2. Alternate members shall be designated as either Alternate #1 or Alternate #2.

3. The initial terms of the alternate members shall not exceed two years and shall be staggered in accordance with the provisions of N.J.S.A. 40:55D-23.1. Thereafter, the term of each alternate member shall be two years.
4. Role of Alternate Members:
 - a. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class.
 - b. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.
 - c. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

C. **Vacancy**

A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

D. **Removal**

1. Any member other than a Class I member may be removed by the City Commission for cause but only after public hearing and other due process proceedings.
2. Cause for removal shall include misconduct in office, unexcused absences from a majority of the meetings held during a consecutive twelve-month period or the conviction of a crime.

E. **Conflict**

No member or alternate member of the Planning Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. A member who is disqualified to act on a particular matter shall not continue to sit with the Board on the hearing of such matter or shall participate in any discussion or decision.

F. **Substitute Members**

1. If the Planning Board lacks a quorum with both its regular and alternate members either by reason of vacancy or conflict of interest, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board.
2. Such temporary members shall be selected in order of seniority of continuous service to the Zoning Board of Adjustment until the required minimum number of members necessary to constitute a quorum has been reached. The Chairman or Chairwoman of the Zoning Board of Adjustment shall determine which member serves in the event there are members of equal seniority.

G. **Reorganization**

The Planning Board shall hold a yearly re-organization meeting to select, from among its Class IV regular members, a Chairperson and a Vice-chairperson.

The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.

H. **Funding**

The governing body shall make provisions in its budget and appropriate funds for the expenses of the Planning Board.

I. **Experts and staff.**

1. The Planning Board may annually contract for, and fix the compensation for, an attorney licensed in New Jersey other than the City Attorney.
2. It may employ or contract for experts and other staff and services as it deems necessary.
3. However, the Planning Board shall not exceed the amount appropriated by the City Commission for its use, exclusive of gifts and/or grants.

30.401 Powers and Jurisdiction of the Planning Board

The Planning Board shall have the powers listed below in accordance with provisions of the Municipal Land Use Law:

1. Make, adopt and, from time to time, amend a Master Plan for the physical development of the municipality, pursuant to Article 3 of the Municipal Land Use Law;
2. Prepare a Re-examination of the Master Plan at least every ten years;
3. Participate in the preparation and review of programs or plans required by state or federal law or regulation;
4. Assemble data on a continuing basis as part of a continuous planning process;
5. If requested by the City Commission, prepare a program of municipal capital improvements projects projected over a term of 6 years and amendments thereto and recommend same to the City pursuant to Article 4 of the Municipal Land Use Law;
6. Approve subdivision plats and site plans;
7. Grant the following variances, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, when the Planning Board is reviewing applications for approval of subdivision plans, site plans or conditional uses:
 - a. Variances pursuant to N.J.S.A. 40:55D-70a-c,
 - b. Direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area, and
 - c. Direction pursuant to N.J.S.A. 40:55D-35 for issuance of a permit for a building or structure on a lot not abutting a street;
8. Consider and make report to the City Commission within 35 days after referral by the Commission of any proposed official map or amendment to

the official map, to any development regulation, revision or amendment in accordance with N.J.S.A 40:55D-26;

9. Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body of the City for the aid and assistance of the governing body or other agencies or officers.

30.402 Establishment of the Zoning Board of Adjustment

There is hereby established the City of Millville Zoning Board of Adjustment which shall consist of seven regular members and four alternate members all of whom shall be appointed by the City Commission. The adoption of this Ordinance shall not be construed to affect any standing member of the Zoning Board.

A. Members and Terms in Office

1. Terms of Members.
 - a. The term of each regular member shall be four years and the term of each alternate member shall be two years.
 - b. Alternate Members. Alternate members shall be designated at the time of their appointment as Alternate No. 1, Alternate No. 2 and so forth through Alternate #4.
2. Role of Alternate Members.
 - a. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member.
 - b. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.
 - c. In the event that a choice must be made as to which alternate member is to vote, Alternate Members shall be chosen numerically.
3. Additional Memberships. No member of the Zoning Board of Adjustment shall hold an elective office or position under the municipality.

B. Removal

Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

C. Vacancy

If a vacancy shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only.

D. Conflict

No member or alternate member of the Zoning Board shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. A member who is disqualified to act on a particular matter shall not continue to sit with the Board on the hearing of such matter nor shall participate in any discussion or decision.

E. Substitute Members.

1. If the Zoning Board of Adjustment lacks a quorum of its regular or alternate members either by reason of vacancy or conflict of interest, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Zoning Board.
2. Such temporary members shall be selected in order of seniority of continuous service to the Planning Board until the required minimum number of members

F. Reorganization

The Zoning Board shall hold a yearly re-organization meeting to select, from among its members, a Chairperson and a Vice-chairperson. The Board shall also select a secretary who may or may not be a member of the Board or a municipal employee.

G. Funding

The governing body shall make provisions in its budget and appropriate funds for the expenses of the Zoning Board.

H. Experts and staff.

1. The Zoning Board may annually contract for, and fix the compensation for, an attorney licensed in New Jersey other than the City Attorney.
2. It may employ or contract for experts and other staff and services as it deems necessary.
3. The Zoning Board shall not exceed the amount appropriated by the City Commission for its use, exclusive of gifts and/or grants.

30.403 Responsibilities of the Zoning Board of Adjustment**A. Powers**

The Zoning Board shall have the powers listed below in accordance with provisions of the Municipal Land Use Law:

1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the Zoning Officer based on or made in enforcement of the Land Use Ordinance (N.J.S.A. 40:55D-70a);
2. Hear and decide requests for interpretation of the Zoning Map or Land Use Ordinance or for decisions upon other special questions upon which the Zoning Board is authorized to pass on any Zoning or Official Map Ordinance N.J.S.A. 40:55D-70b) ;
3. Grant a variance, in accord with N.J.S.A. 40:55D-70c, from the strict application of a regulation, upon an application or an appeal, to relieve difficulties or hardships:
 - a. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of

property; or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property; or

- b. Where in an application or appeal relating to a specific piece of property the purposes of this Ordinance set forth in §101 would be advanced by deviation from the Land Use Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow the departure from zoning regulations; provided, however, that no variance from those departures enumerated in §403.4 (below) shall be granted under this section; and provided, further, that the proposed development does not require approval by the Planning Board of a subdivision, site plan, or conditional use in conjunction with which the Planning Board has power to review a request for a variance pursuant to §401.
4. Grant a variance, under N.J.S.A. 40:55D-70d, to allow a departure from the zoning regulations, in particular cases and for special reasons to permit:
 - a. A use or principal structure in a district restricted against such use or principal structure;
 - b. An expansion of a non-conforming use;
 - c. Deviation from a specification or standard pertaining solely to a conditional use;
 - d. An increase in the permitted floor area ratio;
 - e. An increase in the permitted density except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision; or
 - f. A height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

A variance under this subsection shall be granted only by the affirmative vote of at least five members.

The Board shall have the power to grant subdivision or site plan approval or conditional use approval to the same extent and subject to the same restrictions as the Planning Board in applications under this subsection.

5. Direct issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 and 40:55D-34 or direct issuance of a permit for a building or structure not related to a street pursuant to N.J.S.A. 40:55D-36 unless the application requires approval of a

subdivision, site plan or conditional use in which case it will be heard by the Planning Board.

6. The Zoning Board of Adjustment may affirm, reverse or modify the action, decision, order, requirement, interpretation or determination appealed from the Zoning Officer. To that end, it shall have all the powers of the official from whom the appeal is taken.

B. Zoning Board Report

The Zoning Board of Adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on Land Use Ordinance provisions which were the subject of variance requests as well as its recommendations for Land Use Ordinance amendment or revision, if any. The Zoning Board of Adjustment shall send copies of the report and resolution to the City Commission and the Planning Board.

ARTICLE 5: DEVELOPMENT APPLICATION REVIEW PROCEDURES AND STANDARDS

30.500 Division of Jurisdiction in Development Applications

A. Planning Board

The following provisions set forth the jurisdiction of the Planning Board in the review of development applications:

1. The Planning Board shall have the power to grant subdivision or conditional use approval simultaneously with site plan approval.
2. Whenever the proposed development requires approval of a subdivision, site plan, or conditional use, but not a variance pursuant to *N.J.S.A. 40:55D-70d*, the Planning Board, in lieu of the Zoning Board of Adjustment, to the same extent and subject to the same restrictions, shall receive, review, and act upon applications for variances and the issuance of permits pursuant to *N.J.S.A. 40:55D-32, -34, -36 and -70c*.
3. Bifurcation of application.
 - a. A developer may elect to submit a separate application requesting approval of variances and the issuance of permits pursuant to *N.J.S.A. 40:55D-32, -34, -36 and -70c* and a subsequent application for any required approval of a subdivision, site plan, or conditional use.
 - b. The separate approval of any variance or issuance of permit shall be conditioned upon the grant of all required subsequent approvals by the Planning Board.
 - c. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance, or where a deviation would advance the purposes of the Master Plan and the Land Use Ordinance and the benefits of the deviation would outweigh the detriments.
 - d. Whenever relief is requested pursuant to this subsection, the public notice shall include a reference to the request for a variance or direction for issuance of a permit, as the case may be.
4. Grant variances pursuant to *N.J.S.A. 40:55D-70c*.
5. Direct issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to *N.J.S.A. 40:55D-34*.
6. Direct issuance of a permit for a building or structure not related to a street pursuant to *N.J.S.A. 40:55D-36*.

B. Zoning Board of Adjustment in lieu of Planning Board

The Zoning Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan,

subdivision or conditional use approval when reviewing an application for a variance pursuant to N.J.S.A. 40:55D-70d.

30.501 Provisions Applicable to Both Boards

A. Meetings

1. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled at least once a month and all scheduled meetings are to be held unless announced as canceled on the City website for lack of applications.
2. Special meetings may be scheduled at the call of the chairman or on the request of any two board members and shall be held on notice to its members and the public in accordance with the Open Public Meetings Act, P.L. 1975.
3. Actions at meetings.
 - a. All agenda items requiring action by either Board, except adjournments, shall be taken with a quorum present.
 - b. No action shall be taken on an application unless it has been declared complete pursuant to **§30.602 [Submissions Required for All Applications] and Table 19 Submission Checklist.** The Board may delegate the determination of completeness to City Staff.
 - c. All actions shall be taken by a majority vote of the members present at the meeting, except as otherwise provided for in N.J.S.A. 40:55D-70d. Failure of a motion to receive the number of votes required to approve an application for development pursuant to the exceptional vote requirements of §30.403A4 shall be deemed an action denying the application.
4. A member of a Board who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter in spite of his or her absence from one or more of the meetings provided that the Board member certifies in writing to the Board that he or she has read the missed hearing(s) transcript or listened to a recording(s) of the hearing.
5. All meetings shall be open to the public and notice of all meetings shall be given in accordance with the requirements of the Open Public Meeting Law, C. 231, Laws of New Jersey, 1975.
6. An executive session for the purpose of discussing and studying any matters to come before either Board shall not be deemed a regular meeting within the meaning of this Ordinance.

B. Records

1. Minutes of every Board meeting shall be kept and shall include, at a minimum:
 - a. the names of the persons appearing and addressing the Board,
 - b. the persons appearing by attorney,

- c. the action taken by the Board, and
- d. the findings and reasoning for findings, if any, made by it.
2. The minutes shall be made available for public inspection during the normal business hours at the Planning Office within ten days of the meeting
3. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings resulting from the hearing. The City shall charge a fee for minutes per _____
4. A verbatim recording shall be made of every hearing.
 - a. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means.
 - b. The City shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his or her expense, provided that the charge for a transcript shall not exceed the City's cost.

30.502 Public Hearings

The Planning Board or Zoning Board of Adjustment shall hold a hearing on each application for development.

1. Each Board shall make rules governing hearings before it.
2. Maps and documents for which approval is sought at a hearing shall be on file in the City Planning office and available for public inspection during normal business hours at least 10 days before the date of the hearing.
3. If maps or related material are to be revised as a result of any Planning or Zoning Board meeting, the applicant shall file the original application requirement number of copies, with revision date printed clearly on each page, at least 10 days prior to the meeting of the Board at which the hearing is scheduled to take place.
4. The applicant may produce other documents, records or testimony at the hearing itself only to substantiate, clarify or supplement the previously filed maps and documents.
5. The officer presiding at the hearing, or a designee, shall have power to administer oaths **to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law." N.J.S.A. 2A:67A-1 et seq. shall apply.**
6. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented,

subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

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

30.503 Decisions

A. Findings and Conclusions

The Board shall include findings of fact and conclusions for each decision on any application for development and shall reduce the decision to writing by either:

1. A resolution adopted at a meeting held within the time period required for action by the Board on the application for development or
2. A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the Board voted to grant or deny approval.
 - a. Only the members of the Board who voted for the action taken may vote on the memorializing resolution and
 - b. the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution.
 - c. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.
 - d. The vote on any such resolution shall be deemed to be a memorialization of the action of the Board and the date of the adoption of the resolution shall constitute the date of the decision for the purposes of the mailings, filings, and publications required by law.

B. Failure to Adopt Resolution or Memorializing Resolution

If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested person may appeal to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorneys' fees, shall be assessed against the municipality.

C. Time Allowed for Board Consideration on Applications

1. Upon submission of an application certified as complete by the Board (or the Board's designee), the Board shall grant or deny approval within the

time frames specified in [Table 16](#) below unless the applicant consents to an extension of time.

2. If one complete application falls into more than one category in the table below, the Board shall have the greater amount of time for decision.

Table 16

Type of Application	Days for Board to act on complete application
Minor Site < ten acres or dwelling units	45
Minor Subdivision	45
Preliminary Major Site Plan < 10 acres and < 10 dwelling units	45
Preliminary Major Site Plan with more than 10 acres and 10 dwelling units	95
Preliminary Major Subdivision Plan of < 10 lots	45
Preliminary Major Subdivision more than 10 lots	95
Final Major Subdivision or Site Plan	45
General Development Plan	95
Conditional Use Application	95
Variance	120

30.504 Public Notice of a Hearing

A. No Notice Required

Public notice shall not be required for:

1. Conventional Minor Site Plan applications
2. Request for minor subdivision approval
3. Final Site Plan (Except see [§30.504B.11 below](#))
4. Final Subdivision (Except see [§30.504B.11 below](#))
5. Any other application not specifically listed in [§30.504B](#) below.

B. Notice Required

Public notice shall be given for the following applications to either Board:

1. Any request for an informal or conceptual review;
2. Any request for a variance (N.J.S.A. 40:55D-70);
3. Any request for conditional use approval;
4. Appeals from the decision of the Zoning Officer under N.J.S.A. 40:55D-70a;
5. Any request for interpretation of the Land Use Ordinance or Zoning Map under N.J.S.A. 40:55D-70b;
6. Any request for a certificate of non-conforming use (N.J.S.A. 40:55D-68);

7. Any request for the issuance of a permit to build within the bed of a mapped street or public drainage way or on a lot not abutting a street (N.J.S.A. 40:55D-34 and -35);
8. Any request for general development plan approval;
9. Any request for preliminary major subdivision approval;
10. Any request for preliminary major site plan;
11. Any final major subdivision or site plan for which preliminary approval was five years previous.
12. Any request for a zoning change not part of a general reexamination of the Master Plan or Master Plan adoption.

C. Notice Contents

A hearing requiring public notice shall include, at a minimum:

1. the date, time and place of the hearing,
2. the nature of the matters to be considered,
3. identification of the property proposed for development by street address, if any, and by reference to lot and block number as shown on the current tax duplicate in the office of the Tax Assessor
4. the location and times at which maps and documents for which approval is sought can be inspected pursuant to N.J.S.A. 40:55D-10.

D. Notice Requirements

1. The Planning Office shall notify the applicant at least two weeks prior to the public hearing for the subject application that the application is complete for a hearing on a specified date.
2. Notice of a hearing requiring public notice shall be given by the applicant at least 10 days prior to the date of the hearing in the following manner:
 - a. by publication in the official newspaper as designated by the Board; and
 - b. to all owners of real property as shown on the current tax duplicate located in the State and within 200 feet in all directions of the property which is the subject of the hearing; provided that this requirement shall be deemed satisfied by notice to a condominium association, in the case of any unit owner whose unit has a unit above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it.
 - i. Notice to a partnership may be made by service upon any partner; notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
 - ii. Notice to a condominium association, horizontal property regime, community trust or homeowner's association where only common elements or areas are located within 200 feet of

the property which is the subject of the hearing may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners of such common elements or areas.

- iii. Notice shall be given by serving a copy on the property owner, as shown on the current tax duplicate, or his or her agent in charge of the property or by certified mailing to the property owner at his or her address as shown on the current tax duplicate.
 - c. Notice by personal service or certified mail shall be given to the clerk of any adjoining municipality or municipalities when the property involved is located within 200 feet of said adjoining municipality or municipalities.
 - d. Notice shall be given to the Cumberland County Planning Board by personal service or certified mail when the application for development involves property adjacent to an existing county road or proposed road shown on the county official map or the county master plan or adjoins other county land, or is situated within 200 feet of a municipal boundary.
 - e. Notice shall be given to the Commissioner of Transportation of the State of New Jersey by personal service or certified mail when the property abuts a State highway.
 - f. Notice shall be given to the State Planning Commission by personal service or certified mail when the hearing involves an application for development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Planning office.
 - g. When the hearing involves a major subdivision or major site plan application, notice by personal service or certified mail shall be given to public utilities, local utilities, and cable television companies when such entity possesses a right-of-way or easement within the municipality and have registered with the municipality pursuant to N.J.S.A. 40:55D-12.1
 - h. The applicant shall be responsible for giving proper notice to all property owners who do not reside within the municipality
3. A return receipt is not required.
 4. The ten day notice requirement shall be from date of mailing.
- E. **Property List**
1. At the written request of an applicant, the Tax Assessor shall, within 10 days, make and certify a list from current tax duplicates of names and

addresses of owners within the municipality to whom the applicant is required to give notice.

2. The applicant shall be entitled to rely upon the information and failure to notice any owner absent from the list shall not invalidate any proceeding.

F. Proof of Service

The applicant shall file an affidavit or proof of service with the Planning Office at least two business days prior to the meeting.

30.505. General Standards for Review of Applications

Applications for development shall be reviewed for meeting the standards for development contained within this Ordinance and more particularly the following specific objectives:

A. Development Compatibility.

1. All development shall permit and encourage only those uses of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, the drainage system, soil capabilities, groundwater and aquifer recharge quality.

All developments are to include only those uses that are compatible with allowed uses in the zoning district and with existing uses on adjacent lands. Such compatibility shall be determined on the basis of:

- a. inventories of the natural features of the site,
- b. plans indicating the physical relationship among types of uses and any natural or man-made barriers, existing or planned, between different uses adjacent to the proposed development, and
- c. sufficient information in the application to determine the effect of the proposed development upon the quality of life of the City of Millville.

B. Relationship to the Master Plan

All developments shall be planned and designed to achieve the goals and objectives for land development in the City's Master Plan with regard to conservation, historic preservation, community facilities, recreation, open space, recycling, affordable housing, utility distribution, circulation, land use, fiscal impact, and economic development.

C. Relationship to Millville Development Patterns

All development shall be planned and designed to achieve the City's goals of permitting and encouraging a population density and a development pattern in the municipality that facilitates the provision of public utilities and services, including public water and public sewerage, storm drainage systems, recreation areas, public schools, state, county, and local roads, in an orderly, functional and economical manner.

30.506. Specific Review Guidelines

- A. **Regard for Natural Features.** (See **§30.612 Environmental Impact Analysis** for submission requirements)
1. All residential and non-residential uses shall be designed with deference for the topography and natural features of the site.
 2. Weight shall be given to designs which reduce impacts on wildlife.
 3. Special consideration shall be given to the preservation of natural features, including large trees, stands of specimen vegetation, waterways, aquifer recharge areas, scenic, cultural, and historic sites and other community assets within the site area.
 4. Developments shall be designed and to minimize tree clearance.
- B. **Structures**
1. All housing and supporting uses shall be sited so as to enhance privacy for residential uses, ensure natural light for all principal residential rooms, and, to the greatest extent possible, incorporate natural energy gain measures.
 2. The Board of Jurisdiction may, at its discretion, require preliminary architectural elevations and floor plans for any structure to be erected or modified, in order to understand the scope and nature of the proposed development and its compatibility with the character of the area for review.
- C. **Development Compatibility**
1. All development shall permit and encourage only those uses of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect:
 - a. the natural character of the land,
 - b. the stormwater and drainage system,
 - c. soil capabilities,
 - d. groundwater and aquifer recharge quality,
 - e. to include only those uses that are compatible with allowed uses in the zoning district and existing uses on adjacent lands.
 2. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating:
 - a. the physical relationship among types of uses and any natural or man-made barriers,
 - b. existing or planned, between different uses both within and adjacent to the proposed development,
 - c. and sufficient information to determine the effect of such development upon the quality of life of the City of Millville.

D. Fiscal Impact (See [§ 30.611F \[Community Impact Analysis\]](#) for Submission Requirements)

The fiscal costs to the City and Board of Education from providing services to a development shall be a consideration in relation to the gain of revenue and its impact upon the municipal and school board tax rates.

E. Traffic and Circulation (see [§30.614 \[Traffic and Circulation Impact Study\]](#) for Submission Requirements)

1. Pedestrian and vehicular traffic movement within and adjacent to a development shall ensure that all parking spaces are conveniently arranged, safe and usable.
2. Site access shall not severely impact traffic flow on adjacent streets.
3. Ingress/egress of vehicles shall be designed to prevent stoppages in site circulation.

F. Open Space (See [§30.315 \[Open Space\]](#) for standards)

1. Common open space and adequate recreation areas shall be set aside in suitable locations to provide for the recreation needs of the residents and the owners of the development and those portions of the project that, because of their natural features, constitute important visual amenities and environmental resources.
2. Open Space Development should create, after completion, a continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas in accordance with the goals and objectives of the Master Plan.

G. Landscaping (See [§30.310 \[Landscaping\]](#) for standards)

Landscaping shall be reviewed for the ability to:

- a. integrate the site elements of topography, water, buildings, parking and loading areas,
- b. the buffering of incompatible uses, and
- c. for diversity and arrangement, among including species, fencing, walls and other landscaping elements utilized.

H. Lighting (See [§30.311 \[Lighting\]](#) for standards)

1. Lighting for the function of the site shall be reviewed for the safe movement and security of persons and vehicles.
2. Lighting shall be designed to minimize glare and effect upon adjacent property.

I. Signs (See [§30.202S \[Signs\]](#) for standards)

Signs shall be evaluated for their:

- a. harmony with other signs on- and off-site,
 - b. the design of the building or buildings to which they relate, and
 - c. the character of the community in their location.,
 - d. Potential as a hazard to pedestrians or motorists.
- J. **Solid Waste Management and Recycling** (See [§30.302E and §30.322. \[Refuse and Recycling\]](#) for submission requirements)
Solid waste disposal (including recycling), shall be reviewed and considered with attention to the adequacy of existing systems and to the potential for improvements.
- K. **Compatibility of residential and non-residential uses**
1. When two land use categories are proximate, commercial developments shall secure the compatibility of the uses by designing landscaped off-street parking and loading as well as buffer areas to sufficiently screen the commercial use from residential.
 2. Non-residential uses shall be designed to protect residential uses from the noise, exhaust emissions and other negative aspects of commercial vehicular traffic.
- L. **Sewer and Water Impact** (See [§30.615 \[Sewer and Water Impact Analysis\]](#) for submission requirements)
Effects of additional sewer and water usage on capacity shall be reviewed and considered with attention to the adequacy of existing systems and to the potential for improvements.

30.507 Standards for Granting a Variance

A. Standard

- 1 No variance or other relief may be granted under the terms of this Article unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Land Use Ordinance.
- 2 Any variance from the terms of this Article hereafter granted by the Planning Board or Zoning Board of Adjustment, as the case may be, permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within 12 months from the date of entry of the judgment or determination of the Zoning Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the Township Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding. (See also § _____).

30.508 Appeals to Zoning Board and Applications to Zoning Board**A. Right of Appeals**

1. Appeals to the Zoning Board of Adjustment may be taken by an interested party affected by any decision of the Zoning Officer based on or made in the enforcement of the zoning provisions of this Ordinance or a duly adopted official map.
2. Such appeal shall be taken within 20 days by filing a notice of appeal with the official from whom the appeal was taken, specifying the grounds of such appeal.
3. The official from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Direct Filing. A developer may file an application for development with the Zoning Board of Adjustment for action under any of its powers without prior application to the Zoning Officer.

C. Time Standards

1. Whenever an application for development requests relief pursuant to N.J.S.A. 40:55D-70d, the Zoning Board of Adjustment shall grant or deny approval of the application within 120 days after submission by an applicant of a complete application to the Planning office or within such further time as may be consented to by the applicant.
2. In the event that the applicant elects to submit separate consecutive applications (bi-furcate), the aforesaid provision shall apply to the application for approval of the variance. The period for granting or denying any subsequent approval shall be as otherwise provided in this Ordinance.
3. Failure of the Zoning Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the City Clerk as to the failure of the Zoning Board of Adjustment to act shall be issued on request of the applicant. It shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plat.

30.509 Appeal of a Zoning Board Decision**A. Right of Appeal.**

1. Any interested party may appeal to the City Commission any final decision of the Zoning Board of Adjustment approving an application for a use variance (N.J.S.A. 40:55D-70d).

2. Nothing in this Ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.

B. Procedure for Appeal.

1. Such appeal shall be made in accordance with the requirements of N.J.S.A. 40:55D-17 within 10 days after the date of publication of the decision pursuant to N.J.S.A. 40:55D-10i. by serving upon the municipal clerk personally or by certified mail a notice of appeal specifying the grounds and the name and address of the appellant, and, if represented, his or her attorney.
2. A copy of such notice shall also be filed by the appellant with the Zoning Board of Adjustment.
3. The notice served upon the municipal clerk shall be accompanied by a payment to the municipality of a fee in accordance with ~~§ 30.700.A~~ of this Ordinance.
4. The appeal may be made only upon the record established before the Zoning Board of Adjustment.

C. Stay of Proceedings.

An appeal to the City Commission shall stay all proceedings in furtherance of the action in respect of which the decision appealed from was made unless the Zoning Board of Adjustment certifies to the City Commission after the notice of appeal has been filed with such Board, that by reasons of facts stated in the certificate, a stay would in the Board's opinion cause imminent peril to life or property; and in such a case, proceedings shall not be stayed other than by order of the Superior Court on application upon notice to such Board and on good cause shown.

30.510 Notice of Decision to Public and Applicant

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

A. Mailing of Decision.

1. A copy of the decision shall be mailed to:
 - a. the applicant and to
 - b. the appellant, if the appellant is a differing interested party,
 - c. or, if either or both is represented, then to the respective attorney(s) without charge,
 - d. and for a reasonable charge to any other interested person who has requested it, not later than 10 days after the date of the Board resolution on the decision.

B. Newspaper Notice of Decision.

1. A brief notice of every final decision shall be published in the official newspaper of the municipality.
2. Such publications shall be arranged by the responsible City official without separate charge to the applicant or to the appellant, if the appellant is a differing interested party.
3. The notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

C. Filing of Decision.

A copy of the decision and all submitted documents of record shall be filed with the Planning Office.

30.511 Exceptions, Waivers and Special Area Standards for RSIS [N.J.A.C. 5:21-3]**A. Exceptions**

Under the rules of N.J.A.C. 5:21-3.1, the Board of Jurisdiction may grant such *de minimis* exceptions from the requirements of the site improvement standards as may be reasonable and within the general purpose and intent of the Residential Site Improvement Standards (RSIS) if the literal enforcement of one or more provisions of the standards is impracticable or will exact undue hardship because of peculiar conditions pertaining to the development in question.

B. Waivers

1. Under the rules of N.J.A.C. 5:21-3.2, a municipality or developer may, in connection with a specific development, request a waiver of any site improvement standard adopted under this section in accordance with N.J.S.A. 40:55D-40.4(c).
2. A waiver request may also be made jointly by a municipality and a developer.
3. The NJ DCA's Site Improvement Advisory Board may approve a request for a waiver based on any danger to public health and safety that would be caused by adherence to a standard specified in this section.

ARTICLE 6: APPLICATION SUBMISSION REQUIREMENTS**30.600 Conformity Required.**

- A. Whenever an application for development to the Planning or Zoning Board is permitted or required by this Article, it shall be in such form, and accompanied by such maps, documents, and materials as described in the [*Table 19 \[Application Submission Checklist\]*](#) which is appended to this [*Article 6*](#) and made a part of the Ordinance.
- B. No development application shall be accepted for submittal unless it conforms to the form, content, and data requirements of this Article and the Submission Checklist.
- C. The standards for submission contained in this Article and shall be considered the minimum requirements. The Board of Jurisdiction may require further information if it feels it is necessary for the promotion of the public health, safety, and general welfare.

30.601 Submission of Application Required.

- A. **Projects requiring an Application for Development under this Chapter**
 1. Minor Site Plan Approval;
 2. Preliminary and Final Major Site Plan Approval;
 3. Minor Subdivision Approval;
 4. Preliminary and final Major Subdivision Approval;
 5. Conditional Use Approval;
 6. Variance Relief;
 7. Appeals or Interpretations of decisions of the Zoning Officer;
 8. Certificates of Nonconformity; and
 9. Informal Conceptual Review.
- B. **Subdivision and Site Plan Approval Required**
 1. Except as otherwise permitted, no building permit shall be issued for any building or use or enlargement of any building or use unless a site plan is first submitted and approved by the Planning Board or Zoning Board of Adjustment as the law directs.
 2. No subdivision of land shall be valid unless a plat is first submitted and approved by the Millville City Planning Board or Zoning Board of Adjustment.

C. Exemptions from Site Plan Review

1. Building permits for individual lot applications involving only a detached one- or two-dwelling unit residential building.
2. Accessory buildings as otherwise permitted for single and two-dwelling residential uses.
3. Other buildings or structures incidental to residential uses as allowed elsewhere in this Chapter 30.
4. **Accessory buildings for non-residential uses, with a maximum 500 square foot size limitation.**
5. The alteration or repair of an existing building which is not either a detached one- or two-dwelling unit building upon determination by a written and filed opinion from the Zoning Officer that the alterations or repair:
 - a. Will not result in additional lot coverage whether by buildings or site improvements.
 - b. Will not increase the number of required off-street parking or loading spaces.
 - c. Will conform to the maximum and minimum standards as set forth in **Article 2: Regulations by Zoning District.**
 - d. Is not proposed in conjunction with a use requiring a conditional use permit.
 - e. No exemption from site plan review shall be permitted for any use, building structure, or landscape either currently listed on the local, State or National Register of Historic Places, or eligible for such listing as evidenced by a Certificate of Eligibility from the New Jersey Historic Trust.
 - f. Expansion of an existing conforming non-residential structure provided the expansion will not result in more than ten percent (10%) of additional building coverage and if, in the written and filed opinion of the Zoning Officer, this addition will not create a nuisance to adjoining land uses. Site Plan Review Waiver

D. Site Plan Review Waiver

1. The Board of Jurisdiction may waive the requirement of site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including:
 - a. topography;
 - b. vegetation;
 - c. drainage;
 - d. floodplains;

- e. marshes and waterways;
 - f. open space;
 - g. walkways,
 - h. means of ingress and egress;
 - i. utility services;
 - j. landscaping;
 - k. structures;
 - l. signs;
 - m. lighting and screening devices;
 - n. and other considerations of site plan review.
2. Any applicant desiring a waiver under this section shall present sufficient credible evidence to allow the Board to reach such conclusions as would permit a waiver. Such evidence may consist of:
 - a. sketches,
 - b. property descriptions,
 - c. methods of operation,
 - d. photographs,
 - e. testimony,
 - f. or other documentation or information as the Board may require.
 3. The reviewing Board shall render a decision based on such evidence and may attach conditions to any waiver so granted.

30.602 Submissions Required for All Applications.

- A. All applications for development shall contain: the items required for their type of application as listed in the submission checklist contained in [Table 19 \[Submission Checklist\]](#) (located at the end of this [Article 6](#)).
- B. For an application for development which requests a hardship variance, a use variance, a special permit, or a decision on a special question, and which is not accompanied by a site plan or subdivision, the required information shall include all relevant checklist items as well as the application form.
- C. Determination of application completeness will not commence until the application fee is paid.

30.603 Permissible Division of Responsibility for Plan Preparation

- A. **Depiction of Existing Conditions on a Site Plan**
 1. Survey of property and exact location of existing conditions: Land Surveyor.
 2. The existing location of vegetation, general flood plain determination, or general location of buildings, utilities, or structures: Architect, Engineer, Land Surveyor, Landscape Architect, or Planner.

B. Preparation of a Site Plan

1. The location of proposed buildings and their relationship to the site and the immediate environs: Architect or Engineer.
2. The location of drives, parking layout, pedestrian circulation and the means of ingress and egress: Architect, Engineer, Planner or Landscape Architect.
3. Drainage facilities for site plans of 10 acres or more; or, involving stormwater detention facilities; or, traversed by a water course: Engineer.
4. Other drainage facilities: Architect or Engineer.
5. Connections with utilities and their on tract extension: Engineer.
6. Off tract utility extensions: Engineer.
7. On site sanitary sewage disposal or flow equalization facilities: Engineer.
8. Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: Architect, except where the building is part of an engineering or industrial project, in which case an Engineer.
9. Landscaping, signs, lighting, screening material or other information not specified above: Architect, Planner, Engineer, or Landscape Architect.
10. The general layout of a preliminary site plan or general development plan for a multiple building project, showing the development elements including their relationship to the site and the immediate environs: Architect, Engineer, Planner, or Landscape Architect.

C. Preparation of a Major Subdivision Plat

1. The general location of facilities, site improvements, and lot layouts: Architect, Engineer, Land Surveyor, Planner, or Landscape Architect.
2. The design and construction details of all public improvements, including street pavements, sidewalks, curbs, sanitary sewage, and storm drainage facilities: Engineer.
3. Final subdivision plat with metes and bounds: Land Surveyor.

D. Environmental Impact Statement (see §30.612 for Submission Requirements)

Engineer, Planner or Landscape Architect

E. Community Impact Statement (see §30.613 for Submission Requirements)

Planner

F. Circulation Impact Study (see §30.614 for Submission Requirements)

Transportation Engineer or Planner

G. Sewer and Water Impact Study (see §30.615 for Submission Requirements)

Engineer or Planner

H. Other Submissions

As qualified by the Board of Jurisdiction

30.604 Completeness of Applications.**A. Certification of Completeness**

1. An application for development shall be complete for the purposes of commencing the applicable time period for action by the Board when:
 - a. Certified by the Board, or
 - b. When no waivers are requested, an application may be certified complete by duly authorized Board Committee or Board Designated Land Use Administrator.
2. If the Board, the designated Committee, or designee does not certify the application as complete within 45 days of the date of its submission, the application shall be deemed complete upon expiration of the 45 day period for the purposes of commencing the applicable time period unless:
 - a. The application lacks information required in **Table 19 [Submission Checklist] below at the end of this § 30.604**; and
 - b. The Board or its authorized committee or designee has notified the applicant, in writing of the deficiencies in the application within 45 days of submission of the application.

B. Submission Requirement Waivers

1. The applicant may request that one or more of the submission requirements be waived (NOTE: To waive submission of a the site plan requirement where required, applicant must fulfill the requirements of **§30.601D [Site Plan Review Waiver]**).
2. The Board shall grant or deny the request within 45 days.
3. The Board may later request the submission of a waived item during technical review if it determines it is required for a complete review of the application.

C. Board Requests for Further Information

1. The Board may subsequently require additional information not specified in this Ordinance and/or correction of any information found to be in error as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met.
2. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Board.

D. Revision Submissions

Re-submitted drawings, either at the request of the Board or at the instigation of the applicant shall be provided with the revision graphically highlighted and revision date marked on each copy of each revised map and cover sheet.

30.605 Application for Informal (Concept) Review.**A. Application for Informal (Concept) Review.**

1. An applicant may request the Planning Board to hold an informal review of a concept design plan for which an applicant intends to prepare and submit an application for development.
 - a. A concept design plan shall be submitted to the Planning Office at least **30 days** prior to a regularly scheduled meeting in form, content, and number as required by the Submission Checklist.
 - b. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.
 - c. The concept design plan and its documentation shall show a general design of the development and its public improvements sufficient for the Board to consider the concept.
 - d. Acceptance of the concept design plan does not constitute an approval, nor shall it be considered a valid basis for the construction of improvements or other commitments which depend upon the concept plan's design characteristics.
 - e. Neither the applicant nor the Board shall be bound by the plan or its review.
2. In no event shall the concept design review be considered a preliminary plat submission or preliminary site plan submission for the purpose of deeming an application complete nor shall it constitute a general development plan, preliminary plat or preliminary site plan approval by the Board.
3. Any future applicant may request a pre-application conference with a municipal representative(s) to present a proposal informally.

30.606 Application for Minor Subdivision and Minor Site Plan**A. Submission Required**

When an applicant proposes development that meets the definition and criteria for a minor subdivision or minor site plan, an application in form, content, and number as required by **Table 19 [Submission Checklist]**, shall be submitted.

B. Criteria for Minor Classification

Applications shall be classified either as minor subdivisions or minor site plans only upon meeting the definitional requirements in **Article 11 [Glossary of Terms]** and the following criteria:

1. Minor Subdivision

- a. The subdivision shall consist of no more than 3 lots in total including the remainder lot; and
- b. The tract was not the subject of a minor subdivision approval within five years of the date of the resolution of memorialization.

2. Minor Site Plan

- a. The proposed development contains less than 2,000 square feet of new or converted floor area; and
- b. Fewer than 10 additional parking spaces will be required;
- c. The proposed development disturbs less than 7,000 square feet of soil; and
- d. The development does not involve any lots abutting an arterial or collector road or street as shown in the City Master Plan;
- e. The proposed development does not involve planned development, any new street, or extension of any off-street improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42; and

C. Required Submission Date

In order to be considered for a completeness hearing/and or technical review, the applicant shall submit an application and associated documentation to the Planning Office at least 21 days prior to a regularly scheduled hearing.

D. Review by Staff for Completeness

1. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall report their findings to the applicant and Board.
2. The Board or its designee shall determine the completeness of the application in accordance with **§604A**. No application shall be scheduled for a public hearing unless it is determined to be complete.

E. Time Period for Board Consideration

Once the application is deemed complete the Board shall have 45 days to grant or deny the application, with or without conditions **[See Table 16 in § 501C]**

F. Remainder of Tract

At the Board's discretion and where the remaining portion of a tract that is to be subdivided is of sufficient size to be developed further, the applicant may be required to submit a concept plan for the entire remaining portion of the tract to indicate a feasible plan whereby the site plan applied for, together with subsequent site plan(s) that may be submitted, shall not create, impose, aggravate, or lead to any adverse condition.

G. Board Action on Applications

1. The Board shall act upon the application after:
 - a. it has sufficiently reviewed the application,
 - b. the Board professionals have adequately reviewed the application,
 - c. the applicant has had sufficient opportunity to present its request for development approval to the Board,
 - d. the concerns of other interested persons have been considered.
2. In any event, the Board shall grant or deny the application for a minor site plan within 45 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant. The decision and resolution of the Board shall be in writing in accordance with N.J.S.A. 40:55D-10g through -10i.
3. Minor subdivision and site plan approval shall be deemed final approval by the Board.
4. The Board may condition approval on terms ensuring the completion of improvements and performance in accordance with this Ordinance and N.J.S.A. 40:55D-38, -39, -40, and -53, as amended.
5. Whenever review or approval of an application for development by the Cumberland County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the County Planning Board or approval by the Cumberland County Planning Board by its failure to report thereon within the required time period.
6. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the City Clerk as to the failure of the Board to act shall be issued on the request of the applicant.

H. Effect of Approval: Minor Subdivision

1. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date of approval; provided that the approved minor subdivision shall have been duly recorded pursuant to N.J.S.A. 40:55D-47.
2. Extensions may be requested and may be granted pursuant to N.J.S.A. 40:55D-47f and -g.

I. Effect of Approval: Minor Site Plans

1. The zoning requirements and general terms and conditions whether conditional or otherwise, upon which minor site plan approval was

granted shall not be changed for a period of two years after the date of approval.

2. Extensions may be requested and may be granted pursuant to N.J.S.A. 40:55D-46.1c.

J. Expiration of Approval

The Board approval shall be null and void unless the applicant secures a Zoning Permit within three years of the date of the approval resolution date.

K. Distribution of Documents

Upon the granting of site plan approval by the Board and the fulfillment of any conditions, the approved plan, including the resolution of approval, shall be sent to:

1. Applicant (notice of approval only)
2. Planning Board file.
3. Municipal Engineer.
4. Municipal Planning Official
5. Zoning Officer (approval and conditions only)
6. Construction Code Official.
7. Township Clerk.
8. Tax Assessor.
9. City Fire/Safety officials where applicable.
10. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

30.607 Application for General Development Plan Approval.

A. General Development Plan and Content

A completed general development plan shall comprise a comprehensive plan for the development of a planned development which shall include the land use and development proposals including the following elements for the subject property:

1. A general land use plan indicating the tract area and general locations of the land uses to be included in the planned development.
 - a. The total number of dwelling units and amount of nonresidential floor area to be provided and the proposed land area to be devoted to residential and nonresidential use shall shown,
 - b. the proposed types of nonresidential uses shall be shown,
 - c. the land area to be occupied by each proposed use shall be estimated. The density and intensity of the entire planned development shall be set forth,
 - d. a residential density and a nonresidential floor area ratio shall be provided.

2. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian and bicycle access, within the planned development and any proposed improvements to the existing transportation system outside the planned development.
3. A community facility plan indicating the scope and type of supporting community facilities which may include cultural or educational facilities, historic sites, libraries, hospitals, firehouses and police stations.
4. An environmental impact statement in accordance with [§ 30-612 \[Environmental Impact Statement\]](#).
5. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the City or the school district as a result of the completion of the planned development.
 - a. The fiscal report also shall include a detailed projection of property tax revenues which will accrue to the City, county and school district according to the time schedule for completion of the project.
6. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the City will be fulfilled by the development pursuant to N.J.S.A. 52:27D-301 et seq. as amended by legislation or court order.
7. A local service plan indicating those public services which the applicant proposes to provide, including water, sewer, cable and solid waste disposal.
8. An open space plan showing:
 - a. the proposed land area and general location of parks and any other land area to be set aside for conservation and recreational purposes
 - b. a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands.
9. A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site.
10. A utility plan indicating:
 - a. the need for and showing the proposed location of sewer and water lines,
 - b. any drainage facilities necessitated by the physical characteristics of the site,
 - c. proposed methods for handling solid waste disposal
 - d. and a plan for the operation and maintenance of proposed utilities.
11. Proposed timing in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interest of the public and

of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.

12. A written development agreement between the City and the developer relating to the planned development.

B. Preapplication Conference

1. Any applicant for a planned development may request a preapplication conference with the staff of the Planning Board to informally discuss and clarify the development review procedures and the site plan improvement standards required by this chapter prior to the filing of a general development plan or application for development.
2. A request for a preapplication conference is the responsibility of the applicant and shall be made in writing to the Planning Board. The request shall include:
 - a. the name and address of the applicant,
 - b. the location of the property proposed for development
 - c. and a brief description of the nature of the proposed development.
3. Within 10 working days following receipt of a written request for a preapplication conference, the staff of the Planning Board shall schedule a preapplication conference and notify the applicant of the date, time and location of the conference.
4. At the preapplication conference the applicant may present a conceptual or schematic plan, a rough draft of a general development plan or any other materials that are descriptive of the proposed development. No representations made by the developer or the staff during the course of the conference shall be binding on either party with respect to any general development plan or application subsequently submitted.

C. Submission Required

When an applicant proposes development that meets the definition and criteria for a planned development in [§ 30.204B \[Planned Unit Development\]](#), an application in form, content, and number as required by [Table 19 \[Submission Checklist\]](#) shall be submitted.

D. Minimum Tract Area

The minimum land area for the submittal of a general development plan application shall be greater than 75 acres.

E. Required Submission Date

In order to be considered for a completeness hearing/and or technical review, the applicant shall submit an application and associated documentation to the Planning Office at least 30 days prior to a regularly scheduled hearing.

F. Review by Staff for Completeness

1. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall report their findings to the applicant and Board.
2. The Board or its designee shall determine the completeness of the application in accordance with ~~§604A~~. No application shall be scheduled for a public hearing unless it is determined to be complete.

G. Public notice and hearing.

1. If the application is found to conform to the definition of a general development plan and is complete:
 - a. the Board shall formally determine that a complete application has been submitted, and
 - b. shall set a time and date for public notice and hearing
2. The Board may delegate the setting of the time and date for public notice and hearing to the Planning Secretary.
3. Public notice shall be given in accordance ~~with §30.504~~.
4. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.

H. Substantial Amendment.

If during the hearing on the application, either the Board requires any substantial amendment in the layout of the tract or its improvements or the applicant proposes substantial amendment in the layout of the tract or its improvements, an amended application shall be submitted and proceed as an original submission.

I. Remainder of tract

Any lands contemplated for development under the provisions of the general development plan shall be included in the application.

J. Board Action on Applications

1. The Board shall act upon the application after:
 - a. it has sufficiently reviewed the application,
 - b. the Board professionals have adequately reviewed the application,
 - c. the applicant has had sufficient opportunity to present its request for development approval to the Board,
 - d. the concerns of other interested persons have been considered.
2. In any event, The Board shall grant, grant with conditions, or deny the application for a general development plan within 95 days of the date of

determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant.

- a. Failure of the Board to act within the aforementioned time periods, shall be evidence that the Board has granted general development approval to the site plan.
 - b. Failure of the Board to act within the time period prescribed shall constitute approval and a certificate of the City Clerk as to the failure of the Board to act shall be issued on the request of the applicant.
3. Findings for planned unit developments
Prior to the approval by written resolution of a general development plan for the initial approval of a planned unit development, the Planning Board shall find the facts and conclusions as stated in N.J.S.A 40:55D-45.
4. Contents of written hearing resolution. Prior to the approval by written resolution of a general development plan for the initial approval of a planned unit development, the Planning Board shall find the following facts and conclusions:
- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to zoning Ordinance standards adopted pursuant to N.J.S.A. 40:55D-65c of the Municipal Land Use Law;
 - b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
 - c. That provisions through the physical design of the proposed planned unit development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
 - d. That the proposed planned unit development shall not have an unreasonably adverse impact upon the area in which it is proposed to be established;
 - e. In the case of a proposed planned unit development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and the residents, occupants, and owners of the proposed development in the total completion of the development are adequate.

K. Contents of written hearing resolution

1. The decision and resolution of the Board shall be in writing in accordance with N.J.S.A. 40:55D-10g through -10i and shall include not only conclusions, but also:
 - a. findings of fact related to the specific proposal;
 - b. shall set forth the reasons for the grant, with or without conditions, or for the denial;
 - c. and shall set particularly in what respects the plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:
 - i. Whether the plan is in general conformity with the provisions of the Master Plan of the City of Millville.
 - ii. In what respects the plan is or is not consistent with the statement of objectives for planned unit development as set forth in **§ 30.204B**.
 - iii. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reason why such departures are or are not deemed to be in the public interest.
 - iv. The purpose, location and amount of the common open space, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.
 - v. The physical design of the plan and the manner in which said design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation, landscaping, and visual enjoyment.
 - vi. The relationship, beneficial or adverse, of the proposed planned unit development to the neighboring area in which it is proposed to be established.
 - vii. In the case of a plan that proposes development over a period of 5 or more years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the planned unit development in the integrity of the plan, including the performance guarantees.

L. Sequence of Actions Regarding Approval

1. Failure of the Board to so act within the required period(s) of time shall be deemed to be a grant of the general development plan approval of the plan as submitted.
 - a. A certificate of the City Clerk as to the failure of the Board to act shall be issued on the request of the applicant.
 - b. Such certificate shall be sufficient in lieu of a resolution of approval and written endorsements and shall be accepted by the county recording officer for the purpose of filing.
2. When the general development plan approval is granted by the Board, either as submitted or with conditions, the Board, as part of its resolution, shall specify the drawings, specifications, and form of performance guarantee as provided by statute that shall accompany subsequent applications for site plan or subdivision approval.
3. In the event that the general development plan approval is granted subject to conditions, the applicant shall within 45 days after receiving a copy of the written approval of the Planning Board, notify the Planning Board of the acceptance or refusal of all conditions.
 - a. If the applicant agrees to all modifications and conditions made a part of the approval of a general development plan, the applicant and the City shall enter into a Municipal Development Agreement pursuant to N.J.S.A. 40:55D-45.2.I, which shall specify the terms and conditions to be honored by both parties to assure the implementation of the approved planned development.
 - b. If the applicant refuses to accept all conditions, the Board shall be deemed to have denied general development plan approval.
 - c. In the event the applicant does not, within the required time period, notify the Board of the acceptance or refusal to of the conditions of the general development plan approval, and in the event such lack of notice shall prevent the Board and the applicant from mutually agreeing to a change in such conditions, the Board, at the request of the applicant, may extend the time during which the applicant shall notify the Board.
 - d. The Board may set forth those conditions which it deems necessary to protect the interests of the general public, and the residents and occupants of the planned unit development. Such conditions may include, but are not limited to:
 - i. the sequence and distribution of uses and densities,
 - ii. limitations of land areas to be developed within a given period,
 - iii. or provision of physical means to address critical or unique environmental conditions.
 - iv. Such conditions shall be predicated on the following criteria:

- a) That each stage of a planned unit development shall contain, within reasonable limits, an agreed upon balance of commercial and residential uses, open space, and community facilities to assure that the planned unit development is a viable self-sustaining community unit at any given stage in its growth.
 - b) That each stage of development shall include required open space in proportion to that part of the total commercial and residential development units in the planned unit development that are to be developed in that stage. Such open space shall include both recreation and conservation uses accessible to the general public and open space which shall be physically proximate and accessible to the resident population within the planned unit development.
 - c) That the size and timing of successive stages of a planned unit development shall be conditioned upon the availability and provision of suitable capacity of facilities such as arterial highways, primary roadways of Cumberland County, primary roadways of Millville, sewer, water, storm water drainage, and other services whose capacities must be expanded as a result of the development of the planned development.
4. Whenever review or approval of an application for development by the Cumberland County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

M. Effect of Approval:

1. A plan that has been given general development plan approval with conditions accepted by the applicant (and provided that the applicant has not defaulted under nor violated any of the conditions of the general development plan approval) shall not be modified, revoked or otherwise impaired by action of the City or any of its present or future agencies or officers pending an application or applications for subdivision or site plan approvals for each section without the consent of the applicant provided that an application for subdivision or site plan approval is filed within 5 years of the date upon which the general development plan has been approved.
2. In the event the developer has not applied for preliminary approval of a section or sections of an approved general development plan within 5 years of the date upon which the general development plan was

approved, such approval may be terminated by the Planning Board upon written notice to the applicant.

3. The Planning Board may grant these rights for a period of time longer than 5 years but not longer than 20 years as shall be reasonable taking into consideration:
 - a. The number of dwelling units and nonresidential floor area permissible under the general development plan approval;
 - b. Economic conditions; and
 - c. The comprehensiveness of the development

N. Expiration of Approval

1. The planned development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any changes in the Municipal Land Use Law or any changes to the Land Use and Development Regulations contained in this chapter which were adopted after the effective date of the approval.
2. Upon completion of each section of the planned development as set forth in the approved general development plan, the developer shall notify the planning office, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. If the City does not receive such notification at the completion of any section of the development, the planning office shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.
3. If a developer does not complete any section of the planned development within one year of the date provided for its completion in the approved general development plan, or if the City has cause to believe that the developer is not fulfilling his obligations under the approved development plan,
 - a. The planning office shall notify the developer, by certified mail, that the developer shall have 10 days within which to give evidence that he is fulfilling his obligations under the approved plan.
 - b. Thereafter, the City shall conduct a hearing to determine whether or not the developer is in violation of the approved plan.
 - c. If the City at such hearing finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.
4. In the event that a developer who has general development plan approval does not apply for preliminary approval or an extension as in §30-607M [Effect of Approval] for the planned development which is the subject of the approved general development plan within five years of the date

upon which the plan was approved by the Planning Board, the City shall have cause to terminate the approval.

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

O. Distribution of Documents

Upon the granting of a preliminary site plan approval or preliminary subdivision approval by the Board the preliminary plans, including the resolution of approval, shall be sent to:

7. Applicant (notice of preliminary approval only)
8. Planning Board file.
9. Municipal Engineer.
10. Municipal Planning Official
11. City Fire/Safety officials as requested by the Board
12. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

30.608 Application for Preliminary Major Subdivision and Site Plan.

A. Submission Required

1. When an applicant proposes development that meets the definition and criteria for a major subdivision or major site plan, a preliminary application in form, content, and number as required by **Table 19 [Submission Checklist]** shall be submitted.
2. An application that is filed for simultaneous preliminary and final approval must submit the fee and escrow for the combined application (**See Table 20: Fees and Escrow**).
 - a. The application will be reviewed as a preliminary application and will be heard within the time constraints of a Preliminary application, but

the Board may request additional time for consideration based on the request for Final approval.

- b. The Board may grant preliminary approval only if it feels that it is in the best interests of public health and safety.

B. Criteria for Major Classification

Applications shall be classified either as major subdivisions or major site plans only upon meeting the definitional requirements in [Article 11 \[Glossary of Terms\]](#) and the following criteria:

1. Major Subdivision

Any subdivision not defined as minor according to this Ordinance (See [Article 11: Glossary of Terms](#)).

2. Major Site Plan

Any site plan not defined as minor according to this Ordinance (See [Article 11: Glossary of Terms](#)).

C. Required Submission Date

In order to be considered for a completeness hearing/and or technical review, the applicant shall submit an application and associated documentation to the Planning Office at least [21 days](#) prior to a regularly scheduled hearing.

D. Review by Staff for Completeness

1. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall report their findings to the applicant and Board.
2. The Board or its designee shall determine the completeness of the application in accordance with [§604A](#). No application shall be scheduled for a public hearing unless it is determined to be complete.

E. Public notice and hearing.

1. If the application is found to conform to the definition of a major site plan or major subdivision and is complete:
 - a. the Board shall formally determine that a complete application has been submitted, and
 - b. shall set a time and date for public notice and hearing
2. The Board may delegate the setting of the time and date for public notice and hearing to the Planning Office.
3. Public notice shall be given in accordance [with §30.504](#).
4. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.

F. Time Period for Board Consideration

Once the application is deemed complete the Board shall grant, grant with conditions or deny an application for preliminary approval in accordance with: [\[See also Table 16 in §30.501C\]](#):

1. Preliminary Major Site Plan:
 - a. A site plan of 10 acres or less or 10 dwelling units or less within 45 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant, or
 - b. A site plan of more than 10 acres or more than 10 dwelling units within 95 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant.
2. Preliminary Major Subdivision:
 - a. A subdivision of fewer than 10 lots within 45 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant, or
 - b. A subdivision of more than 10 lots within 95 days of the date of determination that a complete application has been submitted to the Board or within such time as may be consented to by the applicant
3. Upon failure of the Board to act within the aforementioned time periods, the Board shall be deemed to have granted preliminary approval to the preliminary major site plan or subdivision.

G. **Substantial Amendment.**

If during the hearing on the application, either the Board requires any substantial amendment in the layout of the tract or its improvements or the applicant proposes substantial amendment in the layout of the tract or its improvements, an amended application shall be submitted and proceed as an original submission.

H. **Remainder of Tract**

Where the remaining portion of a tract that is to be subdivided or developed is of sufficient size to be developed further, the applicant may be required to submit a concept plan for the entire remaining portion of the tract to indicate a feasible plan whereby the site plan applied for, together with subsequent site plan(s) that may be submitted, shall not create, impose, aggravate, or lead to any adverse condition.

I. Board Action on Applications

1. The Board shall act upon the application after:
 - a. it has sufficiently reviewed the application,
 - b. the Board professionals have adequately reviewed the application,
 - c. the applicant has had sufficient opportunity to present its request for development approval to the Board,
 - d. the concerns of other interested persons have been considered.
2. The Board may condition approval on terms ensuring the completion of improvements and performance in accordance with this Ordinance and N.J.S.A. 40:55D-38, -39, -40, and -53 (as amended).
3. Whenever review or approval of an application for development by the Cumberland County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the County Planning Board or approval by the Cumberland County Planning Board by its failure to report thereon within the required time period.
4. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the City Clerk as to the failure of the Board to act shall be issued on the request of the applicant.

J. Effect of Approval: Preliminary Major Site Plan and Preliminary Major Subdivision

The standards of N.J.S.A. 40:55D-49a-g shall determine the rights associated with preliminary approval of a preliminary major site plan or preliminary major subdivision for a period of three years or for an extension as allowed in N.J.S.A. 40:55D-49c-g.

K. Expiration of Approval

After the granting of an application for preliminary subdivision or preliminary site plan, the applicant shall file an application for final approval within three years of the date of approval or within the specified time of any extensions properly granted by the Board, otherwise the preliminary approval shall be considered null and void.

L. Distribution of Documents

Upon the granting of site plan approval by the Board and the fulfillment of any conditions, the approved plan, including the resolution of approval, shall be sent to:

5. Applicant (notice of approval only)
6. Planning Board file.
7. Municipal Engineer.
8. Municipal Planner
9. Zoning Officer (approval and conditions only)
10. Construction Code Official.
11. Township Clerk.
12. Tax Assessor.
13. City Fire/Safety officials where applicable.
14. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

30.609 Application for Final Major Subdivision and Site Plan.

A. Submission Required

1. Final applications for major subdivision or site plans may be submitted in the form and number as required by **Table 19 [Submission Checklist]**:
 - a. The application meets the definitional requirement for a major site plan or major subdivision,
 - b. It is prior to the expiration of preliminary approval for the subject tract,
2. The application for final approval may include whole, or a section, or sections of the preliminary development plan.
3. Final plans shall conform substantially to preliminary plans.
4. Final plans shall address all the conditions of any prior preliminary approvals.
5. Final Plans shall show all information required for preliminary plan plus any new requests as condition of final approval with revisions/changes shall be shown in bubble to differentiate.

B. Review by Staff for Completeness

1. The Municipal Engineer, Planner, and/or other professional shall review all aspects of the application and shall report their findings to the applicant and Board.
2. The Board or its designee shall determine the completeness of the application in accordance with **§604A**. No application shall be scheduled for a Board hearing unless it is determined to be complete.

C. Hearing

1. If the application is found to conform to the definition of a final major site plan or final major subdivision and is complete:
 - c. the Board shall formally determine that a complete application has been submitted, and

- d. shall set a time and date for a hearing .
2. The Board may delegate the setting of the time and date for a hearing to the Planning Office.
3. All persons having an interest in the proposed development shall be given an opportunity to be heard at the hearing.

D. Board Action on Applications

1. The Board shall act upon the application after:
 - a. it has sufficiently reviewed the application,
 - b. the Board professionals have adequately reviewed the application,
 - c. the applicant has had sufficient opportunity to present its request for development approval to the Board,
 - d. the concerns of other interested persons have been considered.
2. Final approval shall be granted if the detailed drawings, specifications, plans, estimates, and other documentation of the application conforms to the standards established by this Ordinance and any other applicable Ordinance for final approval and all the conditions of preliminary approval have been met or will be met to the satisfaction of the Board.
3. The Board may condition approval on terms ensuring the completion of improvements and performance in accordance with this Ordinance and N.J.S.A. 40:55D-38, -39, -40, and -53 (as amended).
4. Whenever review or approval of an application for development by the Cumberland County Planning Board is required pursuant to N.J.S.A. 40:27-6.3, the Board shall condition any approval upon the timely receipt of favorable action on the application by the County Planning Board or approval by the Cumberland County Planning Board by its failure to report thereon within the required time period.
5. Failure of the Board to act within the time period prescribed shall constitute approval, and a certificate of the City Clerk as to the failure of the Board to act shall be issued on the request of the applicant.

E. Effect of Approval

The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or not, shall not be changed for a period of 2 years after the date of final approval without an extension as specified in N.J.S.A. 40:55D-52a-d

F. Expiration of Approval

After the granting of an application for final subdivision or final site plan, the applicant shall obtain a building permit or soil disturbance permit **within five years of the date of approval**, otherwise the approval shall be considered null and void.

G. Distribution of Documents

Upon the granting of final site plan or subdivision approval by the Board and the fulfillment of any conditions, the approved plan, including the resolution of approval, shall be sent to:

1. Applicant (notice of approval only)
2. Planning Board file.
3. Municipal Engineer.
4. Municipal Planner
5. Zoning Officer (approval and conditions only)
6. Construction Code Official.
7. Township Clerk.
8. Tax Assessor.
9. City Fire/Safety officials where applicable.
10. Such other municipal, county or State agencies or officials as directed by the Board or in the resolution of approval.

30.610 Recording of Final Subdivision Plat After Approval**A. Requirements for Recording**

The developer shall submit to the Planning Office three prints of any approved final subdivision for compliance review with the conditions of approval.

1. The developer will be notified, after review and acceptance by the Planning and Engineering departments, that the plans have been signed by the Board Chair and Board Secretary.
2. No plat shall be signed by the City without compliance with **Article 7 [Fees, Guarantees, inspections and Off-Tract Improvements]**.
3. The developer shall, then, submit **two mylars and one digital copy** of the plat for Millville's permanent use as well as any required by other agencies.
 - a. The digital plat shall be in a format approved by the Municipal Engineer.
 - b. The Municipal Engineer, at his discretion, may waive the requirement for a digital copy upon a written request which must be placed in the file.

B. Time for Recording of Plat

Final approval of a major subdivision shall expire 95 days from the date of signing the plat unless it has been filed by the developer with the county recording officer.

1. The Board of Jurisdiction if a good cause is shown, may extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.
2. The Board of Jurisdiction may extend the 95-day or 190-day period if the developer proves to the reasonable satisfaction of the Board of Jurisdiction that:
 - a. The developer was barred or prevented, either directly or indirectly, from filing because of delays in obtaining legally required approvals from other government or quasi-governmental entities; and
 - b. The developer applied promptly for and diligently pursued the required approvals.
 - c. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the Board of Jurisdiction. The developer may then apply for an extension either before or after the original expiration date.

30.611 Impact Evaluation Standards and Documentation Required

In order to protect the public health, safety, and welfare, all development applications, including subdivisions, site plans, and rezoning requests shall include specific information pertaining to the impact of the proposal upon external physical systems, public facilities and public services. The data that shall be included in the application are specified in [Sections 611 E to H](#) below.

- A. **Topics Covered**. The following topics are subject to the impact review requirements of this subsection:
 1. Environmental
 2. Community
 3. Traffic
 4. Sewer and Water
- B. **City Standards and Data**. For each of these topics, the sections below specify the City's standards and data that must be submitted in order to document the proposed use, available capacities, estimated impacts, and impact mitigation.
 1. Applications for preliminary or final subdivision or site plan review shall not be deemed complete until the data required for each topic, as applicable, is submitted to the Planning Board.
 2. The specific sections specify methods, multipliers, and other instructions to be followed in calculating impacts.
 3. Alternate calculations submitted by the applicant are acceptable, subject to the Planning Board's accepting these findings as to greater accuracy or currency.

C. Impact Mitigation

Applicants are encouraged to propose ways to mitigate the identified impacts of their projects as part of the application process. Mitigation may occur in several ways, including the phasing of the project based upon public investment, voluntary contributions or private solutions to rectify capacity shortfalls or enable public resolution of capacity shortfalls.

D. General Standard for Impact Mitigation

1. It is the goal of the City that adverse impacts of new development on public facilities, such as the transportation systems, sewerage collection and treatment systems, water systems, public services, and schools, shall be prevented, or minimized, through careful planning by the developer to accurately predict such adverse impacts and to take reasonable actions in cooperation with the City to mitigate potential adverse impacts.
2. Adverse impacts include increases in demand or usage that would exceed available capacities of road, sewer and water, and schools, or that would exceed the fiscal and operational capabilities of the City to provide public services to the development.
3. It is recommended, but not mandatory, that the applicant participate in a preapplication conference with City Staff to verify generation assumptions, existing capacities and mitigation procedures.

E. Environmental Impact Statement.**1. When Required**

The impact on the environment generated by land development projects necessitate a comprehensive analysis of the variety of problems that may result and the actions that can be taken to minimize these problems. It is further recognized that the level of detail required for various types of applications will vary depending on the size of the project, the nature of the site and the location of the project. Therefore, having determined that flexibility is needed in preparing the environment impact statement, the Submission of an environmental impact statement shall be made in accordance with the following requirements:

- d. All agricultural operations conducted in accordance with a plan approved by the soil conservation district and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the submission of an environmental impact statement.
- e. Any variance application to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an environmental impact statement unless specifically requested by the Board.
 - i. The Board may request an environmental impact statement where there exists significant critical areas or suspected environmental hazard on the site in question.

- ii. The Zoning Board of Adjustment or its designee shall inform the applicant regarding the scope of the information that may be required.
 - f. Any minor subdivision and/or minor site plan applications to the Board shall not require an environmental impact statement unless specifically requested by the Board.
 - i. The Board may request an environmental impact statement where there exists significant critical areas or suspected environmental hazard on the site in question.
 - ii. The Board or its designee shall inform the applicant regarding any information that may be required.
 - g. All general development plan submissions.
 - h.** All preliminary major subdivision and preliminary major site plan applications shall be accompanied by an environmental impact statement ***when proposed development exceeds 20 lots or housing units and/or when more than 50,000 gross square feet of non-residential construction is proposed.***
 - i. Notwithstanding the categories of development that are excluded from the requirement to submit an Environmental Impact Statement, the Board of Jurisdiction may require the submission of information that may be included in the document that is reasonably necessary to make an informed decision.
2. Submission Format
- a. When an environmental impact statement is required, the applicant shall retain one or more competent professionals to perform the necessary work.
 - b. All applicable material pertinent to local conditions shall be consulted.
 - i. The applicant should consult the City Planning Department and Engineering Department for suggestions of City documents pertinent to the evaluation.
 - ii. Any additional material pertinent to the evaluation of regional impacts shall also be considered.
 - iii. Furthermore, as much original research as necessary shall be conducted to develop the environmental impact statement.
 - c. All environmental impact statements shall consist of written and graphic materials which clearly present the required information addressing the following areas and utilizing the following format:
 - i. Project description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended.
 - ii. Demographics. The resident population, working population, and visitor population shall be estimated.

- iii. Master plan compatibility. The compatibility or incompatibility of the proposed project shall be described in relation to the following documents:
 - a) Municipal master plan, especially the land use, sustainability, farmland preservation and conservation elements.
 - b) Master plans of adjacent municipalities, if project is within 1,000 feet or is expected to impact other municipalities.
 - c) Cumberland County Master Plan, farmland preservation plan, and Open Space and Recreation Plan .
 - d) Other pertinent planning documents as suggested by City staff or the Board.
- iv. Site description and inventory. An inventory shall be provided of environmental conditions on the site which shall include the following items:
 - a) Soils. A description of each soil type located on the site from the USDA National Resources Conservation Service or county Soil Conservation Service.
 - When septic effluent disposal or private well, whether individual or community, is proposed, a description of each soil type located on the site from the Soil Survey of Cumberland County - Soil Conservation Service shall be provided.
 - If available, percolation data shall be submitted.
 - Where proposed land improvements would involve severe limitations for the development of buildings or roads, then soil information shall be submitted for the entire site.
 - b) Topography. Describe the topographic conditions of the site, with specific delineation of any lands with slopes exceeding 12%.
 - c) Geology.
 - When septic effluent disposal or private well, whether individual or community, is proposed, a description of each geologic formation shall be provided.
 - Depth to potable water for wells shall be delineated where it would impact proposed land improvements.
 - d) Vegetation.
 - A description of the existing vegetation on the site shall be provided using the categories in the Vegetative Cover Map of the Conservation Plan Element of the Millville Master Plan.
 - A delineation of the tree line, where existing, shall be depicted. Where woodlands are delineated, the forest type shall be indicated.

- Any vegetation utilized by endangered or threatened species shall be identified.
- e) Wildlife.
- Where the Endangered and Threatened Species Map of the Conservation Element indicates that a site contains federal and/or state endangered or threatened species, a survey of the land for such species and an assessment of critical habitat shall be performed as part of the environmental impact statement.
 - If critical habitat is found, the applicant shall submit a habitat protection plan by a qualified scientist indicating the means by which the proposed development shall be designed to avoid degradation of the habitat and/or mitigation measures to be undertaken.
- f) Surface water.
- When the natural drainage pattern will be significantly altered, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters.
 - Flood plains and wetlands shall be delineated.
- g) Subsurface water.
- Where private or community wells are proposed, a description of subsurface water conditions shall be provided on the depth to ground water and the water supply capabilities of the site.
 - Where existing conditions warrant, detailed information regarding existing wells within 500 feet of the site relative to depth, capacity and water quality shall be described.
- h) Cultural resources.
- A Stage 1A cultural resources survey shall be undertaken pursuant to State of New Jersey Executive Order No. 53, as it may be amended or superseded.
 - A Stage 1B cultural resource survey shall be conducted should the Stage 1A review provide any indication of the presence of cultural resources.
- i) Historic resources. The historic resources that would be affected by the proposed development shall be discussed if the site is included within the Historic Preservation Element of the Master Plan as an identified structure or within an identified historic district.
- j) Existing development features. A description of any existing improvements shall be provided.
- k) Miscellaneous. When warranted, an analysis shall be conducted of existing air quality and noise levels as

- prescribed by the New Jersey Department of Environmental Protection.
- v. Area and regional description
- a) Provide a description of the surrounding environs.
 - b) Describe the existing land use pattern.
 - c) When required, describe in detail the existing infrastructure with respect to the drainage and transportation network as well as any central sewerage and water supply facilities.
 - d) Include an appropriate regional analysis relative to the proposed project.
- vi. Environmental performance controls. Describe in detail the measures to be employed during the construction and operation phases which will minimize or eliminate negative impacts on and off site that could result from the proposed project. Of specific interest are:
- a) Sewage disposal techniques.
 - b) Water supply and water conservation proposals.
 - c) Energy conservation measures.
 - d) Noise reduction techniques.
- vii. Impact.
- a) Discuss both the negative and positive as well as off-tract impacts.
 - b) Indicate those negative impacts that are unavoidable.
 - c) The specific concerns that shall be considered include, but are not limited to, the following:
 - Flooding and flood plain impact.
 - Impact on surface water and groundwater quality.
 - Impact on the capacity to supply groundwater.
 - Sewage disposal impacts.
 - Alteration to existing vegetation and its impact on wildlife and wildlife habitats.
 - Destruction or disturbance of cultural resources.
 - Noise level impacts.
 - Energy utilization.
 - Blighting or improving effects on neighborhoods
- viii. Alternatives. Alternatives to the arrangement of the proposed development shall be discussed. The Board of Jurisdiction shall reserve the right to require alternative arrangements of land, buildings, and infrastructure to determine a design of lesser impact.
- ix. Licenses, permits and other approvals required by law.
- a) The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project.

- b) This list shall include, but will not be limited to, approvals required by the municipality, as well as agencies of the county, State and Federal governments.
 - c) Where approvals have been granted, copies of said approvals shall be attached.
 - d) Where approvals are pending, a note shall be made to that effect.
- x. Documentation.
- a) All publications, file reports, manuscripts or other written sources of information related to the project, the project site and the municipality which were consulted and employed in compilation of the environmental impact statement shall be listed.
 - b) A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately.
 - c) Dates and locations of all meetings shall be specified.
3. Disposition. The Board shall not approve a submission unless it determines and finds that the proposed development:
- a. Will not result in appreciable harmful effects to the environment;
 - b. Has been designed and conceived with a view toward the protection of regional sources; and
 - c. Will not place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.
- F. Community Impact Statement
1. Purpose and Scope. The purpose of the community impact evaluation is to enable the City to anticipate the need for additional public services that will be required by new development and prepare or coordinate for any increased service requirements.
 2. When Required.
 - a. All applications for a general development plan, for preliminary major subdivision approval where more than 10 lots are proposed and for all applications for preliminary major site plan approval in excess of 50,000 gross square feet of floor area shall be accompanied by a community impact statement analyzing the proposed development and its expected impacts upon existing municipal facilities and services.
 - b.** The community impact statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest as well as providing data and opinions concerning the impacts in **§ 30-612.F.2** below.

3. Submission Format

- a. When a community impact statement is required, the applicant shall retain one or more competent professionals to perform the necessary work.
- b. All applicable material pertinent to local conditions shall be consulted.
 - xi. The applicant should consult the City Planning Department and Engineering Department for suggestions of City documents pertinent to the evaluation.
 - xii. Any additional material pertinent to the evaluation of regional impacts shall also be considered.
 - xiii. Furthermore, as much original research as necessary shall be conducted to develop the environmental impact statement.
- c. All community impact statements shall consist of written and graphic materials which clearly present the required information addressing the following areas:
 - i. Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development, including those attracted to the City for the number of projected jobs in non-residential development.
 - ii. Schools impact.
 - a) An analysis of the anticipated number of public school students projected to be added and the ability of the existing public school facilities to absorb the additional population projected ten years into the future.
 - b) The overall anticipated cost of facilities necessitated and the development's share of the cost on a pro rata basis by the increase in student population shall be provided.
 - iii. Community facilities impact.
 - a) An analysis of the existing community facilities and infrastructure available to serve the proposed development and its impact on the adequacy of existing public water facilities, public sewerage facilities; recreational facilities; library facilities, and senior services.
 - b) Should such facilities be determined inadequate to serve the proposed development, the remedies, either expected or proposed by the applicant, shall be indicated along with the estimated costs for such additional facilities.
 - iv. Services impact. An analysis of the existing services provided by the municipality to serve the proposed development and the impact of the development upon police protection, fire protection, solid waste disposal, and street maintenance services.
 - v. Fiscal Impact. An analysis of the revenues expected to be generated from the development compared to the anticipated

costs which the proposed development is expected to generate. Revenues and costs shall be shown for the City, the school system and the library system.

G. Circulation Impact Statement

1. When Required. circulation impact study shall be submitted for all general development plans, preliminary major subdivisions and preliminary major site plans.
2. Submission Format. Circulation impact studies shall consist of two components, a planning report and a traffic impact report.
 - a. Planning report. The planning report component of the circulation impact study shall include the following:
 - i. An introduction indicating the applicant, the location of the site in question, and a description of the site from a land use and transportation perspective.
 - ii. The extent to which any proposed street system meets requirements for street hierarchy, right-of-way and cartway width, and sidewalks.
 - iii. The extent to which the proposed circulation system conforms to the Circulation Element of the Master Plan.
 - iv. The extent to which internal circulation for vehicles, people and the movement of goods is adequate.
 - v. The extent to which the safety of pedestrians, bicyclists and the traveling public is protected.
 - vi. The provisions made to provide connectivity to the street system, any bicycle pathways and/or lanes, pedestrian generators, and the local and regional greenway network.
 - a) The City of Millville Transportation Improvement Study (2013) contains information on street connectivity, pedestrian and bicycle pathways.
 - b. Traffic Impact Report. The traffic impact report component of the circulation impact study shall include the following:
 - i. A description of the project phasing, access points, and connection to other existing or proposed developments.
 - ii. An analysis of existing conditions, including:
 - a) A description of the study area and the rationale behind choosing this area;
 - b) A description of the study area's roadway facilities, including number of lanes, functional classification, condition, location and type of traffic signals, and location of other traffic control devices or signs;
 - c) The location of transit routes and stops and any transit facilities, including on-street, off-street, and private facilities, and service frequency;
 - d) The location of school bus routes and stops;

- e) The location of pedestrian crosswalks, sidewalks, and bicycle pathways;
- f) Traffic volume data including turning movement counts at key intersections during the peak periods of the day, truck movements, pedestrian counts, and transit use;
- g) Volume/capacity analysis and an assessment of existing conditions.
- iii. Traffic characteristics of the site, including:
 - a) Traffic generation of the proposed uses in the development;
 - b) Traffic distribution.
- iv. Future demands on the transportation system.
 - a) Projection of non-site related traffic to the build-out year or years of the site (base conditions);
 - b) Projection of all traffic, including site traffic, to the build-out year or years of the site.
- v. Impact analysis and recommendations.
 - a) Levels of service shall be computed for each analysis year both with and without the inclusion of site traffic;
 - b) Comparison of levels of service conditions with site traffic, and, with site traffic after recommended improvements are constructed;
 - c) Recommendations for automobile reduction techniques;
 - d) Schematic plan of any recommended improvements.
- vi. Site plan analysis, if applicable.
 - a) Location of access points;
 - b) Demand for parking and loading;
 - c) Sight distance analysis.

H. **Sewer and Water Impact Analysis**

1. **Purpose and scope of sewer impact evaluation**

- a. The purpose of the sewer impact evaluation is to ensure that all elements of the sewerage system servicing a proposed development requesting connection to the Millville Sewer Utility have sufficient capacity to service the additional effluent generated by the development. All applicants that will require sewer services shall submit with their preliminary application information estimating the effluent generated by their project and the capacity of each element of the system.
- b. The capacity analysis shall include information documenting the capacities for each of the following elements, as furnished and verified by the appropriate jurisdiction responsible for the element:
 - i. Capacity of the sewer pipe or conduit for the entire network between the property or development site, and the treatment plant;

- ii. Capacity of the spray fields, including pipe capacity to the field;
 - iii. Storage capacity of the lagoons, or effluent holding ponds; and
 - iv. Capacity of the treatment plant.
2. Method of calculating capacities. For each element in the system, the available capacity will be computed according to the following formula:
$$Q = Y - (X + Z)$$
Where
Q = Available capacity of the element
Y = Design capacity of the element, or capacities authorized by the appropriate jurisdiction
X = Current usage, measured as average flows
Z = Approved usage per building permits issued or final development approved, but not yet built or in usage. Does not include preliminary development approvals
3. Data for determining residential sewer and water flow demand. The data summarized in ***Table 17 [Residential Water and Sewer Demand by Type and Size of Housing Unit]***, or alternate factors documented by the applicant and acceptable to the Sewer Utility, shall be utilized by the applicant in projecting additional sewerage generated by the development.
4. Data for determining non-residential sewer flow demand.
 - a. Commercial, business and institutional flow shall be based on 50 gallons per employee per day.
 - b. Significant Industrial Users shall have the responsibility of documenting flows from historical data to the satisfaction of the City Engineer and the Sewer Utility.
5. ***Table 18*** summarizes non-residential water demand to be utilized in applications.

Table 17.**Residential Water and Sewer Demand by Type and Size of Housing Unit**

Housing Type/ Size	Number of Residents	Residential Water Demand* (daily)	Sewer Flow** (daily)	Peak Sewer Flow*** (daily)
Single-Family Detached				
2-bedroom	2.13	215	160	640
3-bedroom	3.21	320	240	960
4-bedroom	3.93	395	295	1,180
5-bedroom	4.73	475	355	1,420
Garden Apartment				
1-bedroom	1.57	120	120	480
2-bedroom	2.33	175	175	700
3-bedroom	3.56	270	270	1,080
Townhouse				
1-bedroom	1.69	125	125	500
2-bedroom	2.02	150	150	600
3-bedroom	2.83	210	210	840
4-bedroom	3.67	275	275	1,100
High-Rise				
Studio	1.07	80	80	320
1-bedroom	1.34	100	100	400
2-bedroom	2.14	160	160	640
Mobile Home				
1-bedroom	1.73	130	130	500
2-bedroom	2.01	150	150	600
3-bedroom	3.47	260	260	1,040

NOTES:

*Based on 100 gallons per day (gpd) per resident for single-family, 75 gpd for other units (rounded).

**Based on 75 gpd per resident for all units (rounded).

***Based on four times daily sewer flow (rounded).

Source (population): U.S. Census Public Use File (units built 1975-1980 and monitored by 1980 Census.)

Table 18**Non-Residential Water Demand**

Commercial Institutional	Parameter	Gallons/Day Per	
		Parameter	Peak Hour
Office building	Square foot	0.093	0.521
Medical office	Square foot	0.618	4.970
Retail	Square foot	0.106	0.271
Hotel	Square foot	0.256	0.433
Motel	Square foot	0.224	1.550
Restaurant	Seat	24.200	167.000
Drive-in restaurant	Car stall	100.000	547.000
School, elementary	Student	3.830	37.400
School, high	Student	8.020	79.900
Service station	Inside sq. ft.	0.251	4.890
Theater	Seat	3.530	3.330

Source: Michael Greenberg, et al., "A Primer on Industrial Environmental Impact" (New Brunswick, N.J.: Center for Urban Policy Research, 1979).

NOTES:

Other uses shall be derived from the American Water Works Association (AWWA) Water Distribution Systems Handbook (Larry W. Mays, 2000)

6. Sewer impact Standard

- a. The available capacity for all elements of the sewer system shall be sufficient to service the projected demand of the proposed development.
- b. If insufficient capacity exists the project shall not be approved until mitigation measures are established and approved by the Planning Board which will increase the system's capacity.

7. Documentation to be submitted by the applicant.

- a. All projects that will require sewer services shall submit with their preliminary application a sewer impact evaluation analysis containing:
 - i. the capacity and demand data,
 - ii. description of plans to tie into existing sewer facilities, including the status of efforts to have such tie-ins approved by the City.
- b. If insufficient capacities exist, the report shall discuss what mitigation measures will be implemented to increase the capacities to meet anticipated demands.

8. Potable water impact evaluation purpose and scope.

- a. The purpose of the potable water impact evaluation is to ensure that all elements of the potable water supply system servicing the proposed development have sufficient capacity to furnish the additional water that will be required by the development.
- b. All applicants that will require potable water shall submit with their application information estimating water usage required by the development as well as the capacity of each element of the water supply system.

- a. The capacity analysis shall include information documenting the capacities for each of the following elements, as furnished and verified by the appropriate jurisdiction responsible for the element:
 - i. Capacity of the water pipe for the entire network between the property or development site, and the well on storage facility.
 - ii. Resource capacity of the aquifer, and status of saltwater intrusion in area of wells.
 - iii. Storage capacity of water tanks and water pressure capacity.
9. Method of calculating capacities water capacity
 - a. The capacity of the water pipe and storage capacity shall be determined by the same formula used for calculating sewer capacities, per ***§ 30.506L2 [Method of calculating capacities]***
 - b. The resource capacity of the aquifer and status of saltwater intrusion shall be subject to approval and determination by the New Jersey Department of Environmental Protection.
 - c. The storage capacity of water tanks capacity shall be determined by the same formula used for calculating sewer capacities, per ***§ 30.506L2 [Method of calculating capacities]***.
 - d. Water pressure capacity shall meet the requirements for fire-fighting protection
10. Potable water impact standard
 - a. The available capacity of all elements of the water system shall be sufficient to service the projected demand of the proposed development.
 - b. If insufficient capacity exists the project shall not be approved until mitigation measures are established and approved by the Board of Jurisdiction that will increase the system's capacity.
11. Water Demand Documentation to be submitted by the applicant
 - a. All projects that will require potable water shall submit with their application a water impact evaluation analysis containing the capacity and demand data and analysis of any issues related to groundwater protection.

NEXT PAGES***Table 19. Application Submission Checklist***

REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
I. ADMINISTRATIVE MATERIALS									
I.A Completed City of Millville Application form, signed and dated	X	X	X	X	X	X	X	X	X
I.B Folded plot/plans (16 required)	X	X	X	X	X	X	X		
I.C Application Fees and Initial Escrow	X	X	X	X	X	X	X	X	X
I.D Corporate disclosure form if required per NJSA 40:55-48.1	X	X	X		X		X	X	X
I.E Site Plan Waiver Request, if desired, must consist of a detailed explanation of rationale for request.		X						X	X
I.F Completed Submission Checklist signed and dated by party responsible	X	X	X	X	X	X	X	X	X
I.G List of any waivers requested from design/performance standards (NOTE: Zoning Requirements may not be waived. They require a variance if there is a deviation from the standard. (See Section 30.202A))	X	X	X		X		X		
I.H List of variances required with explanation for each one 1. Narrative statement of the special or particular reasons a variance is requested for this property 2. Narrative statement as to the specific facts which show that relief sought can be granted without substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and the zoning regulations.	X	X	X		X		X	X	X
I.I Copy of Zoning Permit denial (if issued)	X	X	X		X			X	X
I.J List of all required Federal, State, County and/or City regulatory approvals and their status	X	X	X	X	X	X	X	X	X

*Includes all applications that do not require, or are requesting waiver of, sealed site plan, including applications for: informal conceptual review, appeals, interpretations, requests for certificate of non-conformity, some conditional use requests, existing development that will not require any site changes or additional development.

REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
I.K Staging plan (if Planned Development)							X		
I.L Confirmation of new block and lot numbers from tax assessor office	X			X			X		
I.M Table showing Subject Property and all properties within 200' of perimeter of Subject Property's: 1. Zoning District 2. Block and lot numbers 3. MOD IV property class 4. Property Address							X	X	X
I.N List of any (OR statement that none are involved): 1. Existing or proposed easements for telephone, electric, gas, water and sewer utilities; 2. Deed restrictions and covenants, 3. Master deeds and any proposed by-laws of any homeowner's or community associations; 4. Proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body	X	X	X	X	X	X	X	X	X
I.O Neighborhood characteristic photographs depicting the Subject Property from the opposite side of the street as well as all properties fronting both sides of the street of the block on which the Subject Property is located. Photography should be dated and labeled.							X	X	X

*Includes all applications that do not require, or are requesting waiver of, sealed site plan, including applications for: informal conceptual review, appeals, interpretations, requests for certificate of non-conformity, some conditional use requests, existing development that will not require any site changes or additional development.

REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
I.P Dated Aerial images(s) depicting the Subject Property and 200' in each direction from the Subject Property and showing the location and size of structures and from other land uses as well as all access points to such uses.							X	X	X
I.Q Statement of building use: 1. Use of all proposed structures. 2. Height of all proposed structures. 3. Operational information for all non-residential development including: • Number of and maximum employees per shift; • Seating capacity, if relevant; • Expected truck/trailer/delivery patterns; • Any anticipated expansion plans for any structure.		X			X	X	X	X	X
I.R Written confirmation of access/availability from City Sewer and Water Utilities for any proposed connections.	X	X	X		X		X		
II. REPORTS (as required by Ordinance)									
II.A Stormwater Management Report per Section 30.303		X			X	X	X		
II.B Environmental Impact Report [See Section 30.506.G for requirements]			X		X		X		
II.C Circulation Impact Analysis [See Section 30.506.F for requirements]			X		X		X		
II.D Schools Impact Analysis [See Section 30.506.H for requirements]			X		X		X		
II.E Sewer and Water Impact Analysis [See Section 30.506.E.1]	X		X		X		X		
II.F Affordable Housing Analysis [See Article 9 for when required]		X	X		X		X		

*Includes all applications that do not require, or are requesting waiver of, sealed site plan, including applications for: informal conceptual review, appeals, interpretations, requests for certificate of non-conformity, some conditional use requests, existing development that will not require any site changes or additional development.

REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
III. PLAT/PLAN DETAILS									
III.A Unless site plan review is specifically waived by the Board of Jurisdiction, all plans, plats and documentation shall be signed and sealed by the appropriate licensed or certified professional per <u>Section 30.603</u>	X	X	X	X	X	X	X		
III.B Plat/plan sizes shall be on paper sized: 1. <u>30 by 42 inches.</u> 2. <u>24 by 36 inches.</u> 3. <u>15 by 21 inches.</u> 4. <u>11 by 17 inches or,</u> 5. <u>8-1/2 by 13 inches (with a formal site plan waiver only).</u>	X	X	X	X	X	X	X		
III.C Plans shall be submitted digitally in addition to paper requirement			X	X	X	X	X		
III.D Title block showing: 1. type of application, 2. tax map sheet number, 3. block and lot of subject property, 4. street location, 5. original drawing date, and 6. space for future revisions, incl. reason for revision and date.	X	X	X	X	X	X	X		
III.E Signature block for Board Chair, Board Secretary & Municipal Engineer	X	X	X	X	X	X	X		
III.F Index list of all sheets in Plan Set			X	X	X	X	X		
III.G North arrow, graphic and written scale at: <u>Subdivision: Less than 3 acre tract: no smaller than 1" = 50'</u> <u>Greater than 3 acre tract: scale at 1" = 100'</u>	X	X	X	X	X	X	X		

*Includes all applications that do not require, or are requesting waiver of, sealed site plan, including applications for: informal conceptual review, appeals, interpretations, requests for certificate of non-conformity, some conditional use requests, existing development that will not require any site changes or additional development.

REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
<p><i>Site Plan: Less than 1 acre: scale no smaller than 1" = 30'</i> <i>----- Greater than 1 acre: 1" = 50'</i> One overall tract map must be provided.</p>									
<p>III.H A schedule showing bulk requirements for specific use within Zoning District, as well as proposed to be provided, including lot area, width, depth, setbacks, building coverage, parking spaces etc.</p>	X	X	X	X	X	X	X		
<p>III.I Current tax sheet with existing block and lot number(s) of the Subject Property as well as all properties within 200' of the subject. Street names of all streets bounding the subject property shall be clearly visible.</p>	X	X	X	X	X	X	X		
<p>III.J Zoning District (including any overlay districts) of Subject Property as well as all properties within 200' with block and lot numbers. Street names of all streets bounding the subject property shall be clearly visible.</p>	X	X	X	X	X	X	X		
<p>III.K Certified list of all property owners located within 200' of outer perimeter of subject property with Block and Lot, MOD IV property class, property address and Zoning District.</p>	X	X					X		
<p>III.L All existing lot lines of subject tract and all properties within 200' with Block and Lot shown</p>	X	X	X	X	X	X	X		
<p>III.M All proposed new and eliminated lot lines with graphic indication of boundary, lot lines to be removed, and new lot lines.</p>	X		X	X			X		
<p>III.N Certification Block as required under NJ Rev Stat § 46:26B-2 (2013)</p>	X		X	X			X		
<p>III.O Monumentation as specified in NJ Rev Stat. 46:26B-3 (2013)</p>				X			X		
<p>III.P Signature and seal of a licensed public land surveyor</p>	X		X	X			X		

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REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
III.Q Date of property survey if site plan overlaid on survey		X			X	X	X		
III.R Contour map based on USGS mapping <u>at 2' intervals</u> showing existing topography with proposed grading lines overlaid.			X	X	X	X	X		
III.S Limits of disturbance plan clearly showing outermost line(s) for all construction proposed.	X	X					X		
III.T General location of any wooded areas and identification of all isolated trees with a diameter of six inches or more DPM		X	X		X		X		
III.U Location and dimensions of any existing/proposed easements, ROW dedications, and/or sight triangle dedications affecting tract.	X	X	X	X	X	X	X		
III.V Drainage Map including location, dimensions & flow direction of all streams, lakes and drainage rights-of-way within the limits of the tract(s) and within 200 feet	X	X	X	X	X	X	X		
III.W FEMA special flood hazard area designation and floodway lines	X	X	X	X	X	X	X		
III.X Wetland and wetland transition area designation accompanied by: 1. If freshwater wetlands, a letter of interpretation from the NJDEP indicating the absence of freshwater wetlands or indicating the presence and verifying delineation of the boundaries of freshwater wetlands; or 2. A copy of any application made to the NJDEP for any permit concerning a proposed regulated activity in or around freshwater wetlands 3. If coastal wetlands, documentation of CAFRA permitting.	X	X	X	X	X	X	X		

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REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
III.Y Delineation of any NJ DEP Stream Encroachment lines that may affect the development	X	X	X	X	X	X	X		
III.Z Location, dimensions and property line setbacks for all existing and proposed structures, fences and any other improvements and uses on the subject property and within 200 feet of the subject property	X	X	X	X	X	X	X		
III.AA Location of existing and proposed fire hydrants, gas, electric, telephone, sewer and water lines.		X	X			X	X		
III.BB Finished elevations, corners of all structures or dwellings, existing or proposed with first floor elevations.			X	X	X	X	X		
III.CC Identification of any structures or features to be removed or relocated	X	X	X	X	X	X	X		
III.DD Show dimensions, locations of existing and cross sections of proposed: 1. Driveways with width at road opening; 2. Interior aisles, lanes, fire lanes; 3. Curbs and ADA ramps 4. All sidewalks and pedestrian paths; 5. Interior directional signage and road striping; 6. Sight triangles for intersections of new streets and street openings.		X	X	X	X	X	X		
III.EE Names, locations, dimensions, including cartway width and ROW width of existing and proposed streets, acceleration/deceleration lanes, and curbs within the site and up to 300' from perimeter of development. All proposed streets shall show cross sections.			X	X			X		

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REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
III.FF Parking and loading, per <u>Section 30.321 and 325</u> , including: 1. Location and number of each parking spaces with any restricted/designated spaces; 2. Location and size of loading area(s); 3. Location and detail(s) for solid waste management/recycling; 4. Bicycle parking as required.		X			X	X	X		
III.GG Show any Bicycle Network lanes/paths within 300' of development perimeter per 2013 Transportation Study Figure 25.			X		X		X		
III.HH Details, including profiles, drainage, grading contours and basins of a Storm Water Management Plan (if Plan required under <u>Section 30.300 or Section 30.302</u>).	X	X	X	X	X	X	X		
III.II Sewage disposal and Water Plan per <u>Section 30.335</u> , including plans, sizes and profiles of proposed improvements			X		X		X		
III.JJ Soil permeability tests (when required under Seasonal High Water Standards)	X	X	X		X		X		
III.KK Delineate any areas proposed for dedication for public use.	X	X	X	X	X	X	X		
III.LL Lighting Plan per <u>Section 30.311</u>		X	X	X	X	X	X		
III.MM Landscape plan per <u>Section 30.310</u> , including on Plan: 1. Plant list showing: • Botanical name; • Common name; • Quantity; • Size at time of planting and at full maturity;		X	X	X	X	X	X		

*Includes all applications that do not require, or are requesting waiver of, sealed site plan, including applications for: informal conceptual review, appeals, interpretations, requests for certificate of non-conformity, some conditional use requests, existing development that will not require any site changes or additional development.

REQUIRED ITEM	Minor Applications		Major Applications				General Development Plan	Other *	Variance (ID as 'c' or 'd' or both) *
	Sub-division	Site Plan	Subdivision		Site Plan				
			Prelim.	Final	Prelim.	Final			
<ul style="list-style-type: none"> • Spacing. 2. Planting details 3. Tree Protection details 									
III.NN Site signage location and details <i>per Section 30.202B</i>		X	X	X	X	X	X		X
III.OO Soil Erosion and Sediment Control Plan (for developments disturbing more than 5000SF) per N.J.S.A. 4:24-39 <i>et seq</i> and as updated by P.L. 2010, Chapter 113 (Top Soil and Land Grading Standards)		X	X	X	X	X	X		
III.PP Affordable Housing Plan as applicable under <i>Article 9</i>			X		X		X		
III.QQ All Required deed restrictions and documentation to indicate compliance with Millville's Fair Share Plan for Affordable Housing.									

*Includes all applications that do not require, or are requesting waiver of, sealed site plan, including applications for: informal conceptual review, appeals, interpretations, requests for certificate of non-conformity, some conditional use requests, existing development that will not require any site changes or additional development.

**ARTICLE 7: Fees, Guarantees, Inspections, Off- and On-Tract Improvements,
Occupancy Permits and As-Built Requirements**

30-700 Application and Escrow Fees

A. Fee Schedule. Every application for development shall be accompanied by a check payable to the municipality in accordance with the following schedule:

APPLICATION TYPE	FILING FEE	REVIEW ESCROW INITIAL DEPOSIT
VARIANCES		
"A" Variance (Appeal)		
• Residential	\$50.00	\$500.00
• Non-Residential	\$100.00	\$500.00
"B" Variance (Interpretation)		
• Residential	\$50.00	\$500.00
• Non-Residential	\$100.00	\$1,000.00
"C" Variance (Bulk)		
• Residential	\$200.00	\$700.00
• Non-Residential	\$500.00	\$1,000.00
"D" Variance (Use)		
• Residential	\$300.00	\$700.00
• Non-Residential	\$500.00	\$1,000.00
SUBDIVISION PLANS		
Minor Subdivision Plan (and Redivision with no new lot)	\$100.00 + (\$50.00/lot)	\$500.00 + \$50/lot
Preliminary Major Subdivision Plan		
• Up to 10 lots	\$500.00	\$2,000 + \$100.00/lot
• 11 lots or more	\$500.00	\$10,000 + \$50.00/lot
Final Major Subdivision Plan		
• Up to 10 lots	\$500.00	\$1,000 + \$100.00/lot
• 11 lots or more	\$500.00	\$5,000 + \$50.00/lot
Amended Subdivision Plan	\$300.00	25% of preliminary escrow
Extension of Subdivision preliminary or final approval	\$200.00	\$500
Certification of Subdivision Approval (40:55D-56)	\$100.00	
SITE PLANS		
Site Plan Waiver	\$100.00	\$500.00 per acre
Design Waiver per Waiver	\$50.00	\$100 per waiver
Minor Site Plan	\$500.00	\$1,000.00 per acre
Preliminary Site Plan		
• Residential	\$500.00	\$1,000 + (\$50.00/unit)
• Non-Residential	\$500.00	\$2,500 + (\$200.00/acre)
Final Site Plan		
• Residential	\$500.00	\$1,000 + (\$50.00/unit)
• Non-Residential	\$500.00	\$2,500 + (\$50.00/acre)
Amended Site Plan (by Applicant)	\$300.00	25% of preliminary escrow
Extension of preliminary or final Site Plan approval	\$200.00	\$500.00
General Development Plan	\$1,000.00	\$5,000.00 + \$50/unit
MISCELLANEOUS		
Concept Plan before Planning Board		\$300.00

APPLICATION TYPE	FILING FEE	REVIEW ESCROW INITIAL DEPOSIT
Certificate of Non-Conformity	\$50.00	\$500.00
Conditional Use with no site plan	\$200.00	\$500.00
Property Owners List	\$0.25/name or \$10.00, whichever is greater.	
Request for a Relief of Condition of Approval	\$50.00	\$200.00
Appeal to City Commission from Zoning Board decision	\$250.00	None
Grading Permit	\$200.00	None
Soil Removal Permit	\$250.00	\$200 minimum plus \$50/hr after 4hrs.

B. Purpose of Fees.

1. The application charge is a flat fee to cover direct administrative expenses and is non-refundable.
2. The escrow account is established to cover the costs of professional services including engineering, legal, planning and other expenses connected with the review of the submitted materials.
 - a. Payments to professionals for services rendered shall be in accordance with N.J.S.A. 40:55D-53.2a and c.
 - b. In accordance with N.J.S.A. 40:55D-53 and N.J.S.A. 40:55D-53.1, sums not utilized in the review process shall be returned to the applicant upon written request.
 - c. If additional sums are deemed necessary, the applicant shall be notified by certified mail or personal service of the required additional amount and shall add such sum to the escrow.
 - d. Payment shall be due from the applicant within 15 days of receipt of the notice.
 - e. If payment is not received within 15 days, the applicant shall be considered to be in default, and such default may be grounds for denial of the application.

C. More Than One Request. Where one application for development includes several approval requests, the sum of the individual required fees shall be paid.

D. Costs of Review and Inspection.

1. Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application.
2. Additionally, each applicant shall agree in writing to pay all reasonable costs for the municipal inspection of the constructed improvements.
3. All such costs for review and inspection must be paid before any construction permit is issued and all remaining costs must be paid in full before any occupancy issued or bonding is released.

E. Court Reporter.

1. If an applicant desires a court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the municipality shall be at the expense of the applicant who shall arrange for the reporter's attendance.
2. The municipality records the proceedings before the Board and a copy of the recording shall be made available at no more than the cost to reproduce it.

F. Waiver of Fees for Affordable Housing.

1. The escrow fees for developments that will provide affordable housing units toward the City's Fair Share Plan shall be reduced by the percentage of affordable housing provided.
2. All building permit and certificate of occupancy fees shall be waived by the approving municipal agency for all housing units being provided by the applicant for low and moderate income families.

G. Close-out Procedure

In accordance with N.J.S.A. 40:55D-53.2d, any balance, including interest, remaining after final approvals or, if there is an inspection escrow, after improvements are approved, shall be refunded at the developer's written request.

30.701. Guarantees for Off-Tract Improvement**A. Payment of Pro Rata Share.**

1. The Board of Jurisdiction shall require as a condition of final subdivision or final site plan approval that the applicant pay for his or her pro rata share of providing off-tract improvements, including the acquisition of land and easements, necessitated or required by the approved development.
2. The applicant shall either install the necessary off-tract improvements or pay the pro rata share to the City, at the option of the City. Such off-tract improvements shall be clearly, directly and substantially related to the approved development.

B. Improvements to be Constructed at the Sole Expense of the Applicant.

In cases where the need for an off-tract improvement is created by the proposed subdivision or site plan and where no other property owners receive a special benefit thereby or where no planned capital improvement by a governmental entity is contemplated, the applicant shall be solely responsible for the cost and installation of the required improvements.

C. Other Improvements.

1. In cases where the need for any off-tract improvement is created by the proposed subdivision or site plan and where the Board of Jurisdiction determines that properties outside the subdivision or tract will also be benefited by the improvement, the Board shall forward to the City Commission a list and description of all such improvements together with its request that

- the Commission determine and advise the Board of the procedure to be followed in its construction or installation.
2. The Board shall defer final action upon the subdivision or site plan until receipt of the City Commission's determination or until the expiration of 30 days after the forwarding of such list and description to the Commission without such determination having been made, whichever occurs sooner.
 3. The City Commission, within 30 days after receipt of said list and description, shall determine and advise the Board whether:
 - a. The improvement or improvements are to be constructed or installed by the municipality:
 - i. As a general improvement, the cost of which is to be borne at general capital improvement (except as otherwise provided as a contribution by the applicant); or
 - ii. As a local improvement, all or part of the cost of which is to be specially assessed against properties benefited thereby in proportion to benefits conferred by the improvements in accordance with N.J.S.A. 40:56 (except as otherwise provided as a contribution by the applicant); or
 - iii. The improvement or improvements are to be constructed or installed by the applicant under a formula for partial reimbursement as hereinafter set forth.
 4. If the City Commission determines that the improvement or improvements shall be constructed or installed as a general capital improvement:
 - a. the City Engineer shall estimate the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subject tract, will be specially benefited thereby, and the applicant shall be liable to the municipality for such excess.
 - b. The City Commission shall adopt an ordinance authorizing and providing for the financing of the capital improvement or improvements in a manner consistent with the obligation of the applicant for any difference in the total cost over total benefits conferred.
 5. If the City Commission determines that the improvement or improvements shall be constructed or installed as a benefit assessment:
 - a. the City Engineer shall estimate the difference between the total costs to be incurred and the total amount by which all properties, including the subject tract, will be specifically benefited by the improvement.
 - b. The applicant shall be liable to the municipality for the difference in total cost over total benefits occurred as well as for the amount of any special assessments against the subdivision property or tract for benefits conferred by the improvement or improvements.
 - c. The City Commission shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements and the assessment of benefits arising in a manner consistent with the obligation of the applicant.
 - d. The City Commission shall proceed in accordance with N.J.S.A. 40:56, except to the extent modified by the obligation of the applicant for any excess of total costs over total benefits conferred.
-

D. Cost Allocation.

Nothing in this section shall be construed to prevent the municipality and applicant from agreeing to use a different method of allocating cost.

E. Costs Included.

The cost of an improvement shall be construed to encompass all costs related to such improvement, including, but not limited to, planning, feasibility studies, surveying, permit acquisition, property and easement acquisition, design, construction, and inspection of a project.

F. Performance Guarantee.

The applicant shall be required to provide, as a condition for final approval a performance guarantee for the off-tract improvements as follows:

1. A performance guarantee in favor of the City of Millville in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the City Engineer.
2. The Municipal Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the developer

G. Refund of Deposit.

In any case in which an applicant shall deposit money with the municipality for the completion of an improvement that is to be constructed pursuant to this Ordinance by the municipality, the applicant shall be entitled to full refund of such deposit if the City Commission of the municipality shall not have enacted an ordinance authorizing the improvement within 10 years after the date of all other improvements are completed.

H. Deposit of Funds.

All monies paid an applicant pursuant to this section shall be deposited with the City in a trust fund account. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose.

I. Redetermination of Assessment Upon Completion of Improvements.

1. Upon completion of off-tract improvements required pursuant to this section, the applicant's liability, shall be recalculated in accordance with the actual, as compared with the estimated, cost of the improvements.
2. To the extent that it shall decrease the amount of the cost estimate, the City shall refund the amount of such difference to the applicant.
3. In cases where improvements are specially assessed against all benefited properties, recalculation shall be made by the municipal assessing authority in the course of the special assessment proceedings.
4. In other cases, it shall be made by the Municipal Engineer.

30.702. Guarantees for On-Tract Improvement**A. Guarantee(s) Required.**

Before recording final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to N.J.S.A. 40:55D-65d, the approving Board,) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance the conditions of this Section 30.702.

1. The developer shall furnish a performance guarantee in favor of the City in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the municipal engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.
2. The developer shall also furnish a performance guarantee to include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping. This may,

at the developer's discretion, be posted as a separate performance guarantee from ~~§30-702.A1~~ above.

3. The city engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee(s), which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.
4. All performance guarantees shall be submitted to the City Finance Officer and forwarding to the City Commission for adoption.

B. Bonding and Cash Requirements

1. The performance guarantee shall be the approved performance guarantee estimate and as surety a performance bond in which the applicant shall be principal, the bond to be provided by:
 - a. an acceptable surety company licensed to do business in the State of New Jersey,
 - b. an irrevocable letter of credit drawn on a banking or savings and loan institution located in and licensed to do business in the State of New Jersey or
 - c. such other form of security as may be approved by the Township Attorney, or
 - d. cash, or a certified check shall be deposited with the City of Millville by payment to the City Treasurer.
 2. The performance guarantee in favor of the City shall be in an amount not to exceed 120% of the cost of the installation and improvements allowed by statute.
 3. The Township Treasurer shall issue its receipt for such cash deposits and shall cause the same to be deposited in a bank named by the City for this purpose to be retained as security for completion of all requirements and to be returned to the developer on completion of all required work and expiration of the period of maintenance guarantee or, in the event of default on the part of the developer, to be used by the City to pay the cost and expense of obtaining completion of all requirements.
 4. Ten percent (10%) of the amount of the approved performance guarantee estimates shall be deposited with the City by the applicant in cash. The remaining 90% may be in cash, surety bond or other securities or guaranties approved by the City Attorney.
 5. In the event of default, the ten-percent fund herein mentioned shall be first applied to the completion of the requirements and the cash or the surety shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety may recite the foregoing provisions.
 6. Irrevocable letters of credit shall include, but not be limited to, the following provisions:
 - a. Is for a period of time and expires in two years; and
 - b. Permits the City to draw upon the letter of credit if the developer fails to furnish another letter of credit which complies with the provisions of this subsection 30 days or more in
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advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

C. Temporary Certificate of Occupancy Guarantee

1. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee.
2. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to ~~§30-702.A1~~ above, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released.
3. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the City Engineer.
4. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item.
5. The "temporary certificate of occupancy guarantee" shall be released by the City Engineer's recommendation to the City Commission upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

D. Safety and Stabilization Guarantee

1. A developer shall furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality.
2. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee.
3. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:
 - a. site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
 - b. work has not recommenced within 30 days following the provision of written notice by the City to the developer of the municipality's intent to claim payment under the guarantee.
 - i. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed

during which all work on the development has ceased for reasons other than force majeure.

- ii. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

4. Amount of Safety and Stabilization Guarantee

- a. The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
- b. The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
 - i. \$5,000 for the first \$100,000 of bonded improvement costs, plus
 - ii. two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus
 - iii. one percent of bonded improvement costs in excess of \$1,000,000.

5. Release of Safety and Stabilization Guarantee

- a. The City shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
- b. The City shall release a "safety and stabilization guarantee" upon the municipal engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

E. **Time Allowed for Installation under Performance Guarantee**

1. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution.
2. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

F. **Failure to fulfill Obligations of Performance Guarantee**

If the required bonded improvements are not completed or corrected in accordance with the performance guarantee:

1. the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected and
2. the City may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
3. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

G. Procedure for Release of Performance Guarantee

Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system:

1. The obligor may request by certified mail addressed in care of the municipal clerk, that the City Engineer prepare, in accordance with the itemized cost estimate prepared by the City Engineer and appended to the performance guarantee pursuant to ~~§30-702A.3~~, a list of all uncompleted or unsatisfactory completed bonded improvements. A copy of the request shall be supplied by the obligor to the City Engineer.
 - a. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor.
 - b. The City Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the City Commission and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
 - c. The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, :
 - i. the nature and extent of the incompleteness of each incomplete improvement or
 - ii. the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory.
 - d. The report prepared by the City Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to ~~§30-702A.3~~.
 - e. If the City Engineer fails to send or provide the list and report as requested by the obligor within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the City Engineer to provide the list and report

within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

2. The governing body, by resolution, shall either:
 - a. approve the bonded improvements determined to be complete and satisfactory by the City Engineer, or
 - b. reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and
 - c. shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to ~~§30-702A.3~~.
 3. The resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the City Engineer.
 4. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.
 5. In the event that the obligor has made a cash deposit with the City as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the municipality may retain cash equal to the amount of the remaining "safety and stabilization guarantee".
 6. If any portion of the required bonded improvements is rejected, the City may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure for release, as set forth in this section, shall be followed.
 7. If the governing body fails to approve or reject the bonded improvements determined by the City Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time"
 - a. approval of the complete and satisfactory improvements and
 - b. approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the
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municipal engineer and appended to the performance guarantee pursuant to ~~§30-702A.3~~; and

- c. the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
8. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the City Engineer.

H. Inspection Fees

1. The obligor shall reimburse the City for reasonable inspection fees paid for the work of the City Engineer for the inspection of improvements.
2. The inspection fees shall not exceed the sum of the amounts set forth in subparagraphs ~~3~~ of this paragraph ~~§ 30-702G~~.
3. The developer to post the inspection fees in escrow in an amount:
 - a. not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under ~~§30-702G~~ and
 - b. not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee ~~§ 30-702G~~, which cost shall be determined pursuant to section N.J.S.A. 40:55D-53.4
4. For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments.
 - a. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees.
 - b. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.
5. For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments.
 - a. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees.
 - b. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the City Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
6. If the City determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to ~~§30-702G.4&5~~, is insufficient to cover the cost of additional required inspections, the City may require the developer to deposit additional funds in escrow provided

that the City delivers to the developer a written inspection escrow deposit request, signed by the City Engineer, which informs the developer of:

- a. the need for additional inspections,
 - b. details the items or undertakings that require inspection,
 - c. estimates the time required for those inspections, and
 - d. estimates the cost of performing those inspections.
7. If final approval allows the development by stages or sections, the provisions of this section shall be applied by stage or section.
8. To the extent that any of the improvements have been dedicated to the City of Millville on the subdivision plat or site plan, the City Commission shall be deemed, upon the release of any performance guarantee required pursuant to ~~§30-202E~~, to accept dedication for public use of streets or roads and any other improvements made according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the City Engineer.

30.703 Issuance of Certificate of Occupancy

- A. Occupancy permits for any buildings will be issued only when the installation of any curbs, all utilities, all functioning water supply and sewage treatment facilities, all necessary storm drainage to ensure proper drainage of the lot and surrounding land, rough grading of lots, final course for the driveway and base course for the streets, unless formally waived by the City Engineer, are installed to serve the lot and structure for which the permit is requested.
- B. Streets, if installed prior to final approval, shall not be paved until all heavy construction is complete; shade trees shall not be planted until all grading and earthmoving is completed; and seeding of grass areas shall be the last operation.

30-704 As-Built Plan Requirements

- A. As-built plans shall be presented to the City Engineer before improvements may be inspected.
 - B. No Certificate of Occupancy shall be issued unless an as-built plan is submitted and approved by the Municipal Engineer.
 - C. As-Built Plans shall consist of two prints and one digital submission indicating the constructed conditions and/or locations of:
 - a. Final grading;
 - b. Roads including curbing and sidewalks;
 - c. Utilities;
 - d. Building location and spot elevation of corners;
 - e. Driveways and parking lots;
 - f. Stormwater management facilities, including as-built topographic contours and volume calculations;
 - g. Walls and fences; and
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- h. Other structures deemed pertinent by the Municipal Engineer.

30.705 Maintenance Guarantee

1. The developer shall post with the City, prior to the release of a required performance guarantee, a maintenance guarantee to cover the items in ~~§30-702.A1-2~~ (where applicable) in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.
2. The developer shall post with the City, upon the inspection and issuance of final approval of the following private site improvements by the City Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).
3. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

30.706 Ownership by Other Entities

In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the City for such utilities or improvements.

ARTICLE 8: ADMINISTRATION, ENFORCEMENT, VIOLATIONS, AND PENALTIES**30.800 Administration.**

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the municipality. Any action taken by the municipality under the terms of this Ordinance shall give primary consideration to the abovementioned matters and to the welfare of the entire community.

30.801 Enforcement.

- A. **Zoning Officer.** The Zoning Officer and, as established by the Administrative Code of the City, shall administer and enforce the provisions of this Ordinance. The duties of the Zoning Officer shall include the following:
1. The issuance of zoning permits pursuant to ~~§30-803~~;
 2. The issuance of non-conforming use certificates pursuant to the time limitation of N.J.S.A. 40:55D-68;
 3. Investigate allegations of the use of property in contravention of this Ordinance, whether by his or her own cognizance, referral by municipal office or outside agency and/or complaint.
 4. Cause citations to be issued alleging violations of this Ordinance and assist the Municipal Prosecutor in bringing such complaints before Municipal Court.
 5. Other matters of a similar nature as directed by the City Commission or its designee.
- B. **When Required**
- Precedent to the issuance of a permit pursuant to the State Uniform Construction Code (N.J.S.A. 52:27D-123, et seq.) for the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure; and the use or occupancy of any building, structure or land, the Zoning Officer shall determine that their respective conditions comport with each of the following, as applicable:
- a. The requirements of this Ordinance; or
 - b. Through the grant of a duly authorized variance by the Board of Jurisdiction; or
 - c. Through the grant of a duly authorized design or performance exception by the Board of Jurisdiction; or
 - d. Through the approval or approval with conditions of a zoning permit in accordance with ~~§30-803~~.

30.802 Interpretation

- A. It is the intent of this chapter that all questions of interpretation and enforcement
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shall be presented first to the Zoning Officer and thereafter to the Board of Adjustment or Planning Board through the appeal process authorized by the Municipal Land Use Law and the provisions of this chapter. The Zoning Officer shall consult with the City Attorney, Solicitor for the Board of Adjustment or the Solicitor for the Planning Board if he feels a legal opinion is required.

- B. State statutes and state regulations. It is the intent that current state statutes and state regulations are controlling. In the event that there is any conflict between the provisions of this chapter and the current state statutes or state regulations, the latter shall control.
- C. County regulations or requirements. In the case of any conflict between the provisions of this chapter and any county regulation or requirements, the most stringent regulation or requirement shall apply.
- D. City ordinances. In the case of any conflict between the provisions of this chapter and any other City ordinance or regulation contained in the Municipal Code, the most stringent ordinance or regulation shall apply.
- E. Whenever a reference is made in this chapter to a publication, the most recent publication or revisions thereto shall apply.
- F. Pending applications. All applications for development filed prior to the effective date of this chapter may continue according to procedures and time schedules in effect at the time the application was filed, but any appeals arising out of decisions made in connection with these applications shall be governed by the current provisions of this chapter.

30.803 Zoning Permit 1

A. Zoning Permit Required

1. Except for that development which is exempt from a permit requirement under ~~Sec. 30.803.A.2~~ below, no development may be commenced within the city without a zoning permit issued by the zoning officer including but not limited to the following types of exterior and interior work:
 - a. Exterior Work:
 - i. Additions to existing buildings, garages, accessory buildings, or other structures.
 - ii. Change of use or expansion of use.
 - iii. Demolition.
 - iv. Alterations, changes, or modifications to building lots or sites related to site improvements including, but not limited to, increased impervious lot coverage.
 - v. All new grading and earthwork operations on residential lots that result in land disturbance of 500 square feet or more require a Grading Permit.
 - vi. Excavation or fill related to site improvements.
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- vii. Fences, retaining walls.
 - viii. Land clearing and development
 - ix. Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is four (4) inches or greater in caliper during any consecutive twelve (12) month period.
 - x. Exterior lighting independent of a structure or a building mounted light of more than _____foot candles_.
 - xi. New buildings, garages, sheds, accessory buildings, and other structures.
 - xii. New or expanded parking areas, driveways, and walkways. Including paving existing gravel surfaces.
 - xiii. Porches, patios, and decks.
 - xiv. Satellite dish antennae over 12 inches in diameter, wireless telecommunications facilities, or other antennae.
 - xv. Signs, including new, changes in size and conversions from one type of sign to another.
 - xvi. Site improvements.
 - xvii. Placement of exterior utility meters and dumpsters.
 - xviii. Permanent Swimming pools or swimming pools over 18" deep (installation and removal).
 - xix. Subdivision of land or any boundary or lot line adjustment between two or more lots.
 - xx. Permanent handicapped ramps.
- b. Interior work:
- i. Increase in habitable living space (including, but not limited to, attic, bedroom, basement, garage, and winterizing or otherwise enclosing a porch).
 - ii. Installation of additional kitchen.
 - iii. Change in use.
 - iv. Home occupations.
 - v. Increase or decrease in the number of units.
2. Exemptions:
The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:
- a. Exterior modifications to a single family dwelling on a conforming lot.
 - b. Such an exemption shall not be applicable to any of the following changes, which do require a zoning permit:
 - i. Increased lot coverage;
 - ii. Increased habitable living space;
 - iii. Changes in setbacks or building footprints; and
 - iv. Construction of additional stories to an existing structure.
 - v. Improvements in a Special Flood Hazard Area.
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- c. The removal of trees from any lot containing a single family home or duplex which consists of no more than three-quarters (3/4) of one acre.
 - d. Individual tree removal projects
 - e. The maintenance or repair of any exterior architectural feature, or its replacement in kind, which does not involve a change in the location, design, material, or the outward appearance of the feature;
 - f. Temporary ramps to serve the handicapped or disabled, for a period of not more than 90 days.
 - g. The temporary stabilization and securing of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety pursuant to a written order of the same issued under the authority of the city building inspector.
 - h. Where temporary stabilization is not reasonably available, the emergency demolition of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety pursuant to an order of the same issued under the written authority of the city building inspector and with the written concurrence of the city engineer. This exemption does not extend beyond the required demolition, clearing of debris, securing or filling cellar holes, and related erosion control and stormwater management.
 - i. All structures of 24 square feet or less and no taller than 15 feet, as long as they are located in compliance with applicable setbacks. This exemption is limited to 1 such structure, or multiple structures in aggregate up to 24 square feet, per property. This exemption does not apply to properties located within the Special Flood Hazard Area.
 - j. Children's play structures.
 - k. Urban agricultural exemptions for lots more than 40,000 sf:
 - i. Cold frames of 6 feet in height or less. This exemption does not apply to properties located within the Special Flood Hazard Area.
 - ii. Up to 2 seasonal hoop houses, each 200 square feet or less, without foundations and as long as they are located in compliance with applicable setbacks. This exemption applies only to seasonal hoop houses that are sheathed in translucent plastic or similar material for a maximum of 9 months per year and are maintained in an intact condition. The frame may remain in place year-round. This exemption does not apply to properties located in the Special Flood Hazard Area.
 - iii. Urban agricultural uses or structures located on building rooftops.
 - iv. Sale of food produced onsite or at an individual's community garden plot not to exceed \$1,000 per year. Food may be processed within the individual's residential kitchen.
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3. Determination of Non-Applicability:

A determination of non-applicability may be made by the zoning officer with a written decision from the planning office outlining the request of the applicant and that a zoning permit is not required. Photographs of the property shall be required to document the existing condition. The determination may be made and a decision may be issued the same-day, but shall be subject to the appeal period for administrative determinations.

B. Requirements for Issuance

1. No zoning permit shall be issued for any use or structure until all site plan, subdivision and variance approvals and conditions imposed by the Board of Jurisdiction in accordance with the provisions of N.J.S.A. 40:55D-1 et seq., have been met
2. No zoning permit shall be issued until all due and payable review and inspection fees and all local taxes and assessments on the property have been paid.
3. No zoning permit shall be issued without the approval of any agency of any local, county, state or federal government having jurisdiction over the proposed use or structure, unless such agency approval is a function of the duties and responsibilities of the Millville City Construction Code Official.

C. Permit Application

1. The Zoning Officer and Planning Department shall authorize the form of the zoning permit application and update it from time to time as needed. Except where a site plan is required elsewhere in the Ordinance, zoning permits may be illustrated with a drawing drawn to scale showing any existing or proposed

building or open land uses and their exact relation to all property lines and street lines.

2. The application shall, at a minimum, contain the following information:
 - a. Applicant's name, address, telephone number, and email address;
 - b. Land Owner's (if different) name, address, telephone number and email address;
 - c. Street address, block and lot, of the property in question;
 - d. Description of current use of property and proposed changes/improvements to the property;
 - e. Zoning District of the property;
 - f. Dimensions and setbacks from property lines and each other of all principal and accessory buildings;
 - g. Whether the lot and/or structures are presently conforming uses in the Zone District;

h. The current and proposed impervious cover on the lot.

D. Lot Grading Plan

At the discretion of the construction official, an individual lot grading plan shall be required for a building, building addition, deck, and shed. The plan shall be reviewed and approved by the Municipal Engineer.

E. Issuance of Permit

1. A zoning permit granting the application, granting with conditions, or denying the application shall be issued within ten (10) business days of receipt of the request. Business days shall mean Monday through Friday, excluding legal holidays and furlough days.
2. Any zoning permit may be denied by the Zoning Officer, or any permit issued may be suspended or revoked by the Zoning Officer for any of the following causes:
 - a. Insufficient information as requested on the application form;
 - b. An application with false information;
 - c. The applicant is in violation of the Zoning Ordinance.

30.804 Violations

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

30.805 Penalties**A. Fines**

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

B. Selling Land Before Final Subdivision Approval

1. If, before final subdivision approval has been granted, any person as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this Ordinance, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed \$1,000.00, and each lot disposition so made may be deemed a separate violation.
 2. In addition to the foregoing, the municipality may institute and maintain a civil action:
 - a. For injunctive relief; and
 - b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.
 3. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his or her assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording
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of the instrument of transfer, sale conveyance of said land, or within six years if unrecorded.

ARTICLE 9: AFFORDABLE HOUSING FAIR SHARE PLAN REGULATIONS**30-900 Development fees and regulations.**

The governing body of the City of Millville (the Municipality) desires to adopt an ordinance setting forth regulations for the collection, maintenance and expenditure of development fees to comply with the regulations established by the Council on Affordable Housing (COAH) in order to secure third-round substantive certification for the Municipality.

30-901 Purpose; legislative authority.

- A. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52-27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7),⁴⁷ COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- C. These regulations establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, § 8 and §§ 32 through 38.⁴⁸ Fees collected pursuant to these regulations shall be used for the sole purpose of providing low- and moderate-income housing. These regulations shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

30-902. Basic requirements.

- A. These regulations shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- B. The Municipality shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

30-903 Definitions

As used in this article, the following terms shall have the following meanings unless the

context clearly indicates that a different meaning is intended.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

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

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with §§ 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

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

30-904 Residential development fees.

A. Imposed fees.

- (1) Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units and the specified higher percentage up to 6% of the equalized

assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- B. Eligible exactions, ineligible exactions and exemptions for residential development.
- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - (3) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use or is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - (4) Developers of structures demolished and replaced as a result of a natural disaster shall be exempt from paying a development fee.

30-905 Nonresidential development fees.

- A. Imposed fees.
- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
 - (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
 - (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final
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certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

- B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.
- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
 - (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
 - (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
 - (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Municipality as a lien against the real property of the owner.

30-906 Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
 - B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final
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assessments as per the instructions provided in Form N-RDF.

- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
 - D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 - E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 - F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 - G. Should the Municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of § 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
 - H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
 - I. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Municipality. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Municipality. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State
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Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

30-907 Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount.
 - (1) Payments in lieu of on-site construction of affordable units;
 - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the Municipality's affordable housing program.
- C. Within seven days from the opening of the trust fund account, the Municipality shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

30-908 Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Municipality's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable
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housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 and specified in the approved spending plan.

- B. Funds shall not be expended to reimburse the Municipality for past housing activities.
 - C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (1) Affordability assistance programs may include down payment assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 - (3) Payments in lieu of construction of affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
 - (4) The Municipality may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
 - (5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
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30-909 Monitoring.

The Municipality shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Municipality's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designated by COAH.

30-910 Ongoing collection of fees.

The ability for the Municipality to impose, collect and expend development fees shall expire with its substantive certification unless the Municipality has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification and has received COAH's approval of its development fee ordinance. If the Municipality fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Municipality shall not impose a residential development fee on a development that received preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Municipality retroactively impose a development fee on such a development. The Municipality shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

30-911 Fair share regulations.

The governing body of the City of Millville (the Municipality) desires to adopt an ordinance setting forth regulations to comply with the Municipality's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households and in order to secure third-round substantive certification for the Municipality.

30-912 Intent.

This article of the Municipal Code sets forth regulations regarding the low- and moderate-income housing units in the Municipality consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing" for the period beginning June 2, 2008, with amendments through October 20, 2008, N.J.A.C. 5:80-26.1 et seq., and the Municipality's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this article applies requirements for very low-income housing as established in P.L. 2008, c. 46 (the Roberts bill). These regulations are also intended to provide assurances that low- and

moderate-income people occupy these units. These regulations shall apply except where inconsistent with applicable law.

30-913 Proportion of low-income units by sale, rental and number of bedrooms.

Except for affordable housing developments constructed pursuant to low-income tax credit regulations:

- A. At least half of the "for sale" affordable units within each affordable housing development shall be affordable to low-income households.
- B. At least half of the "rental" affordable units within each affordable housing development shall be affordable to low-income households. Of the total number of affordable rental units, 13% shall be affordable to very low-income households.
- C. At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low-income households.

30-914 Bedroom distribution of affordable units.

- A. Affordable housing developments which are not limited to age-restricted households shall be structured in conjunction with realistic market demands so that:
 - (1) The combination of efficiency and one-bedroom units is no greater than 20% of the total number of affordable units.
 - (2) At least 30% of all affordable units shall be two-bedroom units.
 - (3) At least 20% of all affordable units shall be three-bedroom units.
- B. Affordable housing developments that are limited to age-restricted households shall, at a minimum, have a total number of bedrooms equal to the number of age-restricted affordable units within the affordable housing development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

30-915 Rents and sales prices of affordable units based on household size and number of units.

- A. In conjunction with realistic market information, the following shall be used to determine maximum rents and sales prices of the affordable units:
 - (1) Efficiency units shall be affordable to one-person households.
 - (2) A one-bedroom unit shall be affordable to a one-and-one-half-person household.
 - (3) A two-bedroom unit shall be affordable to a three-person household.
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- (4) A three-bedroom unit shall be affordable to a four-and-one-half person household.
- B. A four-bedroom unit shall be affordable to a six-person household. For assisted living facilities, the following standards shall be used:
 - (1) A studio shall be affordable to a one-person household.
 - (2) A one-bedroom unit shall be affordable to a one-and-one-half-person household.
 - (3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- C. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:
 - (1) Provide an occupant for each unit bedroom.
 - (2) Provide children of different sexes with separate bedrooms.
 - (3) Prevent more than two persons from occupying a single bedroom.

30-916 Establishing median income by household size.

Median income by household size shall be established using a regional weighted average of the uncapped Section 8 income limits published by HUD, computed as set forth in N.J.A.C. 5:97-9.2.

30-917 Establishing average rents of affordable units.

- A. The maximum rent of restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of median income. Each affordable housing development must achieve an affordability average rental of no more than 52% for restricted rental units. Each affordable housing development shall establish at least one rent for each bedroom type for all low- and moderate-income units, provided at least 13% of these restricted rental units are affordable to households earning no more than 30% of median income. For low-income rental units established in a market to affordable rental program only, the maximum rent for a low-income unit shall be affordable to households earning no more than 44% of median income.
 - B. Low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development.
 - C. Gross rents, including an allowance for utilities, shall be established for the various-sized affordable units at a rate not to exceed 30% of the gross monthly income of the appropriate household size as set forth in Subsection A above. The allowance
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for utilities shall be consistent with the utility allowance approved by NJDCA for use in its Section 8 Program.

- D. No affordable rental units in the COAH requirement shall be subject to a rent control ordinance which may be adopted or in place in the Municipality during the time period in which affordable housing COAH controls are effective.

30-918 Establishing average sales prices of affordable units.

- A. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income. Each affordable housing development must achieve an affordability average sales price of no more than 55% for restricted ownership units. Moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type. For low-income sales units established in a market to affordable sale program only, the maximum sales price for a low-income unit shall be affordable to households earning no more than 40% of median income.
- B. Low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development.
- C. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

30-919 Condominium or homeowners' association fees.

If an affordable housing unit is part of a condominium association or homeowners' association, the master deed shall reflect that the assessed affordable homeowners' fee be established at 100% of the market rate fee. This percentage assessment shall be recorded in the master deed.

30-920 Reservation of units.

- A. Low-income housing units shall be reserved for households with a gross household income equal to or less than 50% of the median income approved by COAH.
 - B. Pending release of COAH's rules implementing P.L. 2008, c. 46, very low-income
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housing units shall be reserved for households with a gross household income equal to or less than 30% of the median income approved by COAH.

- C. Moderate-income housing units shall be reserved for households with a gross household income in excess of 50% but less than 80% of the median income approved by COAH.

30-921 Reoccupancy certificates.

Upon resale of an affordable unit, a certificate of reoccupancy shall be required in accordance with N.J.A.C. 5:80-26.10.

30-922 Phasing of construction.

Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units, whether developed in one stage or in two or more stages:

Minimum Percentage of Low- and Moderate-Income Units Completed	Percentage of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90

30-923 Control period for affordable housing.

Any conveyance of a newly constructed low- or moderate-income sales unit shall contain the restrictive covenants and liens that are set forth in N.J.A.C. 5:80-26 et seq.

30-924 Administration of affordable housing program.

- A. The Municipality is ultimately responsible for administering the affordable housing program, including affordability controls and the affirmative marketing plan in accordance with the regulations of COAH pursuant to N.J.A.C. 5:97 et seq., and the UHAC pursuant to N.J.A.C. 5:80-26 et seq.
- B. The Municipality has delegated to the Municipal Housing Liaison this responsibility for administering the affordable housing program, including administering and enforcing the affordability controls and the affirmative marketing plan of the Municipality in accordance with the provisions of this article, the regulations of COAH pursuant to N.J.A.C. 5:96 and 5:97 et seq., and the UHAC pursuant to N.J.A.C. 5:80-26 et seq. The Municipality shall, by resolution, appoint the Municipal Planning Director as the Municipal Housing Liaison.

- C. Subject to COAH approval, the Municipality may contract with one or more administrative agents to administer some or all of the affordability controls and/or the affirmative marketing plan in accordance with this article, the regulations of COAH pursuant to N.J.A.C. 5:96 and 5:97 et seq., and the UHAC pursuant to N.J.A.C. 5:80-26 et seq. If the Municipality enters into such a contract, the Municipal Housing Liaison shall supervise the contracting administrative agent(s) and shall serve as liaison to the contracting administrative agent(s).
- D. The Municipality intends to contract with an experienced affordable housing administrator to be the administrator of the sale and rental of all new affordable housing. The experienced affordable housing administrator will also oversee and administer income qualification of low- and moderate-income households, place income-eligible households in low- and moderate-income units upon initial occupancy, place income-eligible households in low-and moderate-income units as they become available during the period of affordability controls and enforce the terms of the required deed restrictions and mortgage loans. The experienced affordable housing administrator will specifically administer and implement:
1. An administrative plan and program and related monitoring and reporting requirements as outlined in N.J.A.C. 5:80-26.15 et seq., and Chapter 30 of the Municipal Code, titled Land Use and Development Regulations
 2. A plan for certifying and verifying the income of low- and moderate-income households as per N.J.A.C. 5:80-26.16.
 3. Procedures to assure that low- and moderate-income units are initially sold or rented to eligible households and are thereafter similarly resold and rerented during the period while there are affordability controls as per N.J.A.C. 5:80-26 et seq.
 4. The requirement that all newly constructed low- and moderate-income sales or rental units contain deed restrictions with appropriate mortgage liens as set forth in the appendices in N.J.A.C. 5:80-26 et seq.
 5. The several sales/purchase options authorized under N.J.A.C. 5:80-26 et seq., except that the Municipality retains the right to determine, by resolution, whether or not to prohibit, as authorized under N.J.A.C. 5:80-26 et seq., the exercise of the repayment option.
 6. The regulations determining whether installed capital improvements will authorize an increase in the maximum sales price and which items of property may be included in the sales price as per N.J.A.C. 5:80-26.9.
- E. The developers/owners of any inclusionary site shall be responsible for the experienced affordable housing administrator's administrative fee, affirmative marketing and advertising and such shall be a condition of Planning Board or Zoning Board approval. Subsequent to the initial sale of an affordable sale unit, the seller of an affordable sale unit shall be responsible for the experienced affordable
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housing administrator's administrative fee, affirmative marketing and advertising, and such shall be a condition of any affordable housing deed restriction governing the affordable unit.

- F. The Municipality reserves the right to replace the experienced affordable housing administrator with another municipal authority or other agency authorized by COAH or the Superior Court to carry out the administrative processes outlined above.

30-925 Affirmative marketing plan.

- A. The Municipality shall adopt by, resolution, an affirmative marketing plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
 - B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 6 and covers the period of deed restriction.
 - C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 6, comprised of Salem, Atlantic, Cape May and Cumberland.
 - D. The Administrative Agent designated by the Municipality shall assure the affirmative marketing of all affordable units consistent with the affirmative marketing plan for the Municipality.
 - E. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements and landlord/ tenant law.
 - F. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
 - G. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Municipality.
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30-926 Time period for controls.

- A. Newly constructed low- and moderate-income rental units shall remain affordable to low-and moderate-income households for a period of at least 30 years.
- B. Newly constructed low- and moderate-income for-sale units shall remain affordable to low-and moderate-income households for a period of at least 30 years.
- C. Rehabilitated owner-occupied housing units that are improved to code standard shall be subject to affordability controls for 10 years.
- D. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least 10 years.
- E. Housing units created through conversion of a nonresidential structure shall be considered a new housing unit and shall be subject to affordability controls for new housing units as designated in Subsections A and B above.
- F. Affordability controls on accessory apartments shall be for a period of 10 years.
- G. Affordability controls for units in alternative living arrangements shall be for a period of 30 years.
- H. Affordability controls on market to affordable units shall be for a period of at least 30 years.

30-927 Selection of occupants of affordable units.

- A. The administrative agent shall use a random selection process to select occupants of low-and moderate-income housing.
- B. A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et seq

30-928 Adaptable and accessible units per N.J.A.C. 5:97-3.14

- A. The first floor of all townhouse dwelling units and of all other multistory dwelling units which are affordable to low- or moderate-income households shall be subject to the technical design standards of the Barrier Free Subcode (N.J.A.C. 5:23-7).
 - B. Each affordable townhouse unit or other affordable multistory dwelling unit that is attached to at least one other dwelling unit shall have the following features:
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1. An adaptable toilet and bathing facility on the first floor;
 2. An adaptable kitchen on the first floor;
 3. An accessible route of travel: An interior accessible route of travel shall not be required between stories;
 4. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 5. Accessible entranceways:
 - a. The developer shall provide an accessible entranceway as set forth at N.J.A.C. 5:97-3.14 for each affordable townhouse unit or other affordable multistory dwelling unit that is attached to at least one other dwelling unit; or
 - b. The developer shall provide funds sufficient to make 10% of the adaptable entrances in the development accessible as set forth at N.J.A.C. 5:97-3.14.
 6. The developer of the project shall submit a conversion plan indicating the steps necessary to convert the unit from being adaptable to accessible. Said plan shall be submitted at the time of issuance of a building permit.
 7. Where the developer will provide funds sufficient to make 10% of the adaptable entrances in the development accessible, the developer of the project shall submit the following to the Municipality, at the time of issuance of the building permit, in order to determine the required funds:
 - a. Funds sufficient to make 10% of the adaptable entrances in the development accessible; and
 - b. A cost estimate for conversion of 10% of the adaptable entrances in the development to accessible.
 8. In the case of an affordable unit or units which are constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed by the Municipality
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ARTICLE 10: AMENDMENT, SEVERABILITY, INTERPRETATION, REPEALER AND ENACTMENT

30.1000 Amendments

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

30.1001 Severability of Ordinance

If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a whole, or any other part thereof.

30.1002 Interpretation

If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Lawrence, then the restriction which imposes the greater limitation shall be enforced.

30.1003 Repealer

All Ordinances or parts of Ordinances of the City of Millville which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

30.1004 Enactment

This Ordinance shall take effect on _____ and upon the filing thereof with the Cumberland County Planning Board after final passage, adoption, and publication by the Millville City Commission in the manner prescribed by law.

ARTICLE 11: GLOSSARY OF TERMS**30.1100 Word Usage**

- A. Any word or term not defined within this Ordinance shall be as defined in the Municipal Land Use Law, N.J.S.A., 40:55D-1 et seq., or by State of New Jersey land use standard and then by standard usage for the context in which the word is used.
- B. In interpreting this Article:
1. Words in one tense shall include other tenses or derivative forms;
 2. Words in the singular shall include the plural and, in the plural, the singular;
 3. Either gender shall include the other;
 4. The word "shall" is mandatory;
 5. The word "may" is permissive;
 6. The word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used";
 7. The word "lot" includes the words "plot," and "premises."
- C. Definitions identified with the initials:
1. "MLUL" are taken from the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and
 2. "RSIS" means the definition was taken from the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).
 3. Unlabeled definitions pertain only to this Ordinance.
- D. Some definitions for specific uses are found only in the sections specific to them and are not cross-referenced.

30.1101 Definitions

ABANDONMENT: The cessation of a use of a property (land and/or structures) by the owner, with the intention of neither resuming the use nor transferring rights to the property to another who will so use the property.

ACCESSORY USE OR STRUCTURE: To meet the definition of an accessory use or structure, the use or structure shall meet the following conditions:

- The accessory use or structure must be conducted on the same lot as the principal use,
 - The accessory use or structure must be customarily found in connection with the principal use,
 - The accessory use or structure shall be less significant than the principal use while serving the purpose of the purpose of the principal use and
 - there must be a unity of ownership between the principal and accessory use or structure.
-

ADVERSE EFFECT: Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on the subject site, adjoining properties or the surrounding community; or a deviation from the standards of this Ordinance not approved by a Board of competent jurisdiction.

ADULT DAY CARE: A facility that meets the standards of the NJ Department of Human Services, Division of Developmental Disabilities in the Standards for Adult Day Programs

AGE-RESTRICTED DEVELOPMENT: See Independent Living Facility.

AGRICULTURAL EMPLOYEE HOUSING: Residential dwellings, for the seasonal use of employees of an agricultural or horticultural use.

AIRPORT, BASIC UTILITY: An airport or air strip designed for single engine or small twin engine landings. This airport is designed for small airplanes in Airport Reference Code B-I. (FAA12).

AIR SAFETY AND HAZARD ZONE: Any such district delineated pursuant to *N.J.S.A. 16:62-6*.

AISLE: The traveled way by which cars enter and depart parking spaces. [RSIS]

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

ALTERATION: Any change in, or addition to, the supporting or structural members of a building or other structure such as the bearing walls, partitions, columns, beams, or girders, or any change to adapt a structure to a different use. A structural alteration shall also include the removal of a building from one location to another.

AMENDED APPLICATION: An replacement application for development that replaces another, which has been deemed complete but not granted, denied, or withdrawn by the applicant, and is for the same site or part thereof. An amended application shall be processed and reviewed as a new application.

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 signals.

APPLICANT: A developer submitting an application for development. [MLUL]

APPLICATION FOR DEVELOPMENT: The application or appeal forms, together with the required fees and all accompanying documents required by this Ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to *N.J.S.A. 40:55D-34* or *N.J.S.A. 40:55D-36*. [MLUL]

APPROVING AUTHORITY: The Planning Board or Zoning Board of Adjustment of the municipality unless a different agency is designated by Ordinance. [MLUL]

ARTERIAL STREET, MAJOR: Streets intended to carry heavier levels of traffic, typically in excess of 8,000 vehicles per day, that constitute the main routes of travel for commuters and shoppers through the City.

ARTERIAL STREET, MINOR: Streets, mostly two lanes, that carry lesser levels of traffic, typically greater than 3,000 ADT, but less than 8,000 ADT.

ART PERFORMANCE SPACE: Including but not limited to theater, poetry, dance performance or recitals for live music. Such performance space shall not exceed 5,000 square feet of permanent installation. Temporary installations may exceed this maximum but may not be used for more than 30 consecutive days. All uses must abide by noise regulations contained within the development regulations.

ASSISTED LIVING RESIDENCE: A facility which is licensed by the NJ Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor.

AUCTION, TEMPORARY: The sale by auction of goods, property, real and personal, and other items at a given location for no more than three consecutive days or two, two-day weekends during a thirty-day period, regardless of the ownership of the property or goods being sold or the person or organization doing the selling.

AUCTION, PERMANENT: The sale of goods or personal property on a continual basis from the same location by the same individual, group, corporation, business or organization on a daily, weekly, monthly or otherwise regular basis, regardless of the ownership of the goods or personal property being sold.

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

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

AUTOMOBILE WRECKING: An establishment that recycles parts and other materials from motor vehicles or otherwise disposes of same.

AUTOMOTIVE SERVICE CENTER: A service station which does not sell fuel.

AUXILIARY APARTMENT: An apartment within a residence that meets the following:

- The owner of the residential structure within which it is created is, or is to be, an occupant of that residential structure or of the auxiliary unit; and
- Each occupant of the auxiliary housing unit, or of the residential structure if the owner is to occupy the auxiliary housing unit, is a member of the family of the owner of the residential structure.
- An auxiliary apartment shall contain no more rooms than a bathroom and kitchen plus two habitable rooms.

BASE COURSE: A layer of material under the surface course built directly on top of the subgrade unless there is a sub-base course, in which case, the base course is constructed directly above this layer.

BASEMENT: The portion within a building that has its floor surface below the adjoining ground level.

BED-AND-BREAKFAST INNS: A facility providing overnight accommodations with a morning meal to transients for compensation.

BELGIAN BLOCK: A type of paving stone used as curbing generally cut in a truncated pyramidal shape, laid with the base of the pyramid down.

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

BICYCLE LANE (BIKE LANE): A portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. [RSIS]

BIFURCATE: To present a development proposal to the Board of Jurisdiction for review pursuant to N.J.S.A. 40:55D-76b via an initial separate application for variance approval followed by a subsequent application for subdivision, site plan, conditional use, or other approval. Each application that is submitted as part of an applicant's bifurcated development proposal presentation, the initial application and any subsequent one, shall constitute and be reviewed by the Board as a separate new application for development, with each application being subject to the payment of all fees and escrows required for new applications, and each application having a separate deeming of completeness.

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

BILLBOARD: See SIGN, OFF-PREMISE.

BOARDING HOUSE: Any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement. [N.J.S.A. §55:13B-3a]

BOARD or BOARD OF JURISDICTION: The Planning Board or the Zoning Board of Adjustment of the City of Millville.

BUFFER: A strip of land containing natural or planted screening materials and separating one kind of land use from another or separating components of a development project.

BUILDING: The combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof. [MLUL]

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

BUILDING HEIGHT: The vertical distance measured to the highest point from the mean elevation of the finished grade at the foundation along the side(s) of the building facing a street. In all cases where this

Ordinance provides for height limitations by reference to a specific height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within said footage.

BUILDING SETBACK LINE: The line parallel to the property line at a distance equal to the depth of the required yard in the zone district under consideration. In the case of a lot abutting two streets, required front yard setbacks from both streets shall be observed.

BUILDING, PRINCIPAL: A structure in which is conducted the principal use of the site on which it is situated.

BULK REGULATIONS: Standards and controls that establish the maximum size of building and structures on a lot and the buildable area within which the building may be located, including area, coverage, setback, height, floor area ratio, and yard or other requirements affecting the physical placement of buildings and structures on a lot.

CABANA: An accessory building used in conjunction with a private residential swimming pool for use as a changing room and pool equipment storage and which may contain showering facilities.

CALIPER: For measurement of nursery stock, the diameter of a tree trunk measured in inches at a point 12 inches above natural grade. [See Diameter at Point of Measurement DPM]

CAMPER: Any of the following:

- A self-propelled, vehicular structure built as one unit on a chassis and designed for temporary living for travel, recreation, vacation or other short-term uses which may contain cooking, sleeping, and sanitary facilities.
- An immobile structure containing cooking and sleeping facilities for travel, recreation, vacation or other short-term uses and designed to be attached to the body of another vehicle for transporting from one location to another.
- A portable, vehicular structure built on a chassis, designed for camping, the body of which is basically rectangular with a flat top not more than 4 feet above the surface of the ground. The camper is designed to have a temporary tent erected above the 4 foot level for camping activities.
- A portable structure built on a chassis designed for towing and as temporary dwelling for travel, recreation, vacation and other short-term uses and having an outside body width not exceeding 8 feet and a length not exceeding 30 feet, and which may contain cooking, sleeping and sanitary facilities.

CAMPGROUND: Campground means any area used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping areas" do not include youth camps, industrial camps, U.S. Forest Service Camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self contained recreational vehicles created adjacent to motor sports facilities.

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

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

CAR WASH: Any building or premises or portions thereof used for washing automobiles, light trucks and vans for compensation.

CELLAR: See **BASEMENT**.

CEMETERY: A use of land for a burial place or graveyard, including a mausoleum or columbarium.

CERTIFICATE OF OCCUPANCY: A document which shall authorize, and be required for each, occupancy and use of a building or land and shall continue in effect only so long as such building and the use of such land is in full conformity with the requirements of this Chapter 30 and the Uniform Construction Code. A certificate of occupancy shall only be issued upon completion or alteration or prior to any changes in occupancy of a building or land only after it is determined by the appropriate issuing officer that said construction or change is in full compliance with this Chapter 30 and the Uniform Construction Code. Maintenance of a valid certificate of occupancy shall be the responsibility of the property owner.

CERTIFIED PLAN, SOIL EROSION: A plan for soil erosion and sediment control which meets the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Commission as determined and approved by the City Engineer.

CHANNEL: Any natural or man-made waterway or course through which to convey the constant or intermittent flow of water. [RSIS]

CHILD CARE CENTER: Child care centers provide care for six or more children below 13 years of age who attend less than 24 hours per day. Child Care Centers must be licensed and comply with the provisions of N.J.A.C. 10:122-1 et seq.

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

CIRCULATION IMPACT ASSESSMENT: An assessment which objectively describes, analyzes and documents both the beneficial and adverse circulation and traffic effects of a proposed subdivision and/or land development and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in ~~§30-611G~~.

CLUB, SOCIAL OR FRATERNAL: A private organization for social purposes in which the principal use is in enclosed buildings and limited outdoor sports are involved

CLUSTER DEVELOPMENT: A contiguous or non-contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. [MLUL]

COLLECTOR STREET, MAJOR: This street type, as its name suggests, collects and distributes traffic between lower-order residential streets and the higher order streets in the FHWA's system.

COLLECTOR STREET, MINOR: Streets that provide frontage for access to lots and carry traffic to and from adjoining residential access streets. Minor Collectors connect to either (Residential) Major Collectors or Arterials.

COMMERCIAL VEHICLES: Vehicles used in the conduct of business, retail, service or industrial purposes.

COMMON OPEN SPACE: An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and/or lot or dwelling owners of the development. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development. [MLUL]

COMMUNITY IMPACT STATEMENT: An assessment which objectively describes, analyzes and documents both the beneficial and adverse population, school, community facility, services and fiscal effects of a proposed subdivision and/or land development and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in ~~§30-611f~~.

COMPLETE APPLICATION: An application for development complete for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board of Adjustment, as the case may be, when so certified by the Board or its authorized designee as indicated in Article 6 of this Ordinance.

CONDITIONAL USE: The use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in this Chapter 30 and upon the issuance of an authorization therefor by the Millville Planning Board.

CONDOMINIUM: A multiunit property, or a method of ownership of such a property, in which a tenant holds full title to a single residential or commercial unit and joint ownership in the common grounds and/or supporting facilities of the property. The term may also refer to the unit held in single ownership.

CONTINUING CARE RETIREMENT COMMUNITY: An age-restricted development that provides a continuum of accommodations and care from independent living to long-term bed care, and which enters into contracts to provide lifelong care in exchange for the payment of monthly fees, plus an entrance fee, in excess of one year of monthly fees conforming to N.J.S.A. 52:27D-330 et seq., as it may be amended or superseded

CONVENIENCE GOODS STORE: A retail store of less than 4,000 square feet in size, intended for neighborhood/local shopping in which the primary business is the sale of packaged goods and/or groceries and a wide variety of sundries, including but not limited to food, beverages, cigarettes, candy, confectionary items, film and film processing, small appliances, clothing, toys, nonprescription medicines, cards, pain relievers and pharmacy items purchased with or without prescriptions, health, hygiene and medical aides and supplies, refrigerated items, cosmetics, paper products, seasonal decorations and similar items

CONVENTIONAL DEVELOPMENT: Development other than planned development. [MLUL]

CONVERSION: The remodeling or alteration of a structure to accommodate the provision of more dwelling units than were originally intended. Conversions include the alteration of a nonresidential structure into a dwelling unit for at least one family and the modification of a single-family structure more dwelling units per Sections 30-205B.2 and 30-205A.3.

COVERAGE, LOT: See **LOT COVERAGE**

CRAFT BEVERAGE PRODUCTION/TASTING ESTABLISHMENT: A facility, licensed by the state of New Jersey in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually and that have as an accessory use or are accessory to a public tasting room. Establishments exceeding the above production quantities or establishments which solely manufacture product without a tasting room shall be deemed a manufacturing, production and processing establishment and meet industrial use standards.

CRITICAL AREAS: Water bodies (including streams, ponds and lakes), 100-year flood plains, freshwater wetlands, aquifer recharge areas, habitats of threatened or endangered species, high water table within one foot of the surface and slopes in excess of 25%; areas with sediment-producing, highly erodible or severely eroded soils.

CUL-DE-SAC: A minor land-service street closed at one end and having an adequate vehicle turning area at the closed end.

CURB: A vertical or sloping edge of a roadway constructed of concrete, Belgian block, or stone.

DATE OF SUBMISSION: The date of submission of an application for development shall be the date that the Planning Office receives:

- Complete and signed and dated City of Millville Land Development application form;
- Required fee and initial escrow payment;
- Completed Submission Checklist with the signature of the person who completed it and every page initialed;
- A written statement of the rationale for each waiver requested.

dba: The expression of the relative loudness of sounds in air as perceived by the human ear and weighted to reduce decibel values of sound at low frequencies.

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

DEMOLITION: The partial or total razing or destruction of any building or of any improvement to land.

DENSITY, GROSS: The permitted number of dwelling units per gross area of land to be developed [MLUL]

DENSITY, NET: Density of a development after roads, common open space and storm water management areas are deducted, calculated by dividing area by total units.

DENSITY, RESIDENTIAL: The number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

DESIGN ENGINEER: A person professionally qualified and duly licensed 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. [RSIS]

DESIGN STANDARDS: Regulations that set forth specific improvement requirements. [RSIS]

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface or subsurface water in order to impede its flow and to release collected water gradually at a rate not greater than that existing prior to the development of the property, into natural or man-made outlets.

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

DEVELOPMENT: The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation of landfill, and any use or change in use of any building or other structure or land or extension of use of land, for which permission may be required. [MLUL]

DEVELOPMENT FEE: Money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*. [Ord. 2012-09, 5/5/09]

DEVELOPMENT REGULATION: A zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, adopted pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*). [MLUL]

DIAMETER AT POINT OF MEASUREMENT (DPM): The measurement for a tree's diameter at 4 1/2 feet above the ground line.

DISTRICT: The specific zoning districts in this Ordinance.

DRAINAGE: The removal of surface water or ground water from land by drains, grading, or other means, including the control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the biological function of stream channels, the means necessary to preserve an adequate water supply, and the prevention or alleviation of flooding. [MLUL]

DRAINAGE SYSTEM: Natural and man-made components that contain, convey, absorb, store, treat, or dispose of surface water runoff or groundwater. [RSIS]

DRAINAGE RIGHT-OF-WAY: Lands required along a stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage; or, required for the installation and maintenance of storm sewers and facilities, or drainage ditches and swales.

DRIPLINE: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground

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

DWELLING: Any structure or portion thereof which is designed or used for residential purposes.

DWELLING TYPES:

- Single Family Detached: Standard single-family residential structures
- Single Family Attached (2 units): Two dwelling units side-by-side sharing one roof with each unit having a separate front and rear access.
- Duplex (2 units): Two unit building that is divided horizontally with each unit having a separate entrance from the outside or through a common vestibule
- Townhouses (3+ units): Three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard.
- Garden units: Multiple units in one building with common entrance and no elevator and no more than 2 stories
- Multi-unit (elevator): Multiple units utilizing common lobby entrance and elevator

EASEMENT: A right to use the real property of another or a restraint from doing something otherwise lawful on one's land, created by deed or other legal means for the benefit of private persons or the public, for one or more specific purposes such as access, drainage, provision of utility services, historic preservation, conservation or agricultural purposes.

EASEMENT, AGRICULTURAL: Land on which a development easement was conveyed to, or retained by, the State Agricultural Development Committee, a board, or a qualifying tax exempt nonprofit organization pursuant to any State law enacted for farmland preservation purposes.

EASEMENT, CONSERVATION: An easement generally prohibiting most development and intended for protection of environmentally sensitive areas as defined by this Ordinance.

EASEMENT, CROSS ACCESS: A portion of a property which is permanently reserved for the purpose of enabling vehicular and/or non-vehicular access between adjoining properties and may be either improved or unimproved.

EASEMENT, SIGHT: An easement that establishes a clear sight triangle.

EAVE: The projecting lower edges of a roof overhanging the wall of a building.

ELECTRIC VEHICLE: Any car, truck or other vehicle that does not produce a tailpipe or evaporative emissions or is a plugin hybrid.

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

ENVIRONMENTAL IMPACT STATEMENT: An assessment which objectively describes, analyzes and documents both the beneficial and adverse environmental effects of a proposed subdivision and/or

land development and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in [§30-611E](#).

ENVIRONMENTALLY SENSITIVE AREA: An area where the physical alteration of the land is in some way restricted or constrained, either through regulation, easement, deed restriction or ownership, such as but not limited to wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are included as identified using the NJDEP's Landscape Project as approved by the NJDEP's Endangered and Nongame Species Program.

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice, and gravity. [MLUL]

EROSION AND SEDIMENT CONTROL PLAN: A plan which fully indicates necessary land treatment measures including a schedule of the timing for their installation which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the minimum standards and specifications contained in the Standards for Soil Erosion and Sediment Control in New Jersey, as promulgated by the State Soil Conservation Committee.

ESCROW: A deed, bond, money, or a piece of property held by a third person to be delivered by him or her to the grantee only upon fulfillment of a condition or upon the grantor's failure to fulfill a condition.

EXCAVATION OR CUT: Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

FACADE AREA: The total area of the exterior face of a building including walls, windows, doors, and fixtures below the top of the parapet of a building with a flat roof, the cornice line of a building with a gambrel, gable, or hip roof, or the upper slope line of a building with a mansard roof, that faces a public street, pedestrian walkway, or mall.

FAMILY: One or more persons occupying a dwelling unit as a single household, who are living together as a stable and permanent living-unit, either as a genetically related group or operating as the functional equivalent thereof.

FAMILY DAY CARE HOME: A child care facility operated within a private residence for fewer than 6 children (not including resident children).

FARM: A parcel of land meeting the criteria for the NJ Right to Farm Act N.J.S.A. 4:1C-1 et seq) and the rules promulgated with regard to it.

FARM MARKET: A permanent building, which may or not be enclosed, operated seasonally or year round at which at least 50% of the products sold are primarily grown or produced on the farm where it is located.

FARM BUILDING: Any structure (barns, sheds, silos, cribs, greenhouses, etc.) located on a farm and used for housing of agricultural equipment, produce, livestock or poultry or for incidental or customary processing of farm products, provided that such building is used in conjunction with active farm operations. The term "farm building" shall not include dwelling.

FARMSTEAD: A group of buildings on a farm which includes a residence for the farmer engaged in agricultural activities on the site, and storage buildings for equipment, livestock, crops, and other items used in farming; grange.

FARM WAREHOUSE: A structure intended for the temporary storage of agricultural products and in which more than 50% of the goods stored over a period of a year are not grown on the property in which the warehouse is located.

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

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

FIRST FLOOR AREA: The residential portion of a dwelling unit, excluding basements, garages, carports and breezeways, measured by using the outside dimensions of the residential portion of the building. For a split-level, bi-level, or tri-level dwelling, the area shall be considered to be the sum of the areas of two adjoining levels, excluding basements and garages, provided both levels are connected by permanent, built-in stairs in the interior of the building.

FARM WAREHOUSE: A structure intended for the temporary storage of agricultural products and in which more than 50% of the goods stored over a period of a year are not grown on the property in which the warehouse is located.

FLEA MARKET: Any occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and/or used, for sale to the public. NOTE: A private garage sale shall not be considered a flea market for purposes of this chapter.

FLOOD HAZARD AREA: The land in the floodplain subject to a one-percent-or-greater chance of flooding in any given year.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls of the building. Floor area shall not include areas devoted to mechanical equipment serving the building, areas devoted exclusively to off-street parking for motor vehicles, and truck loading and unloading spaces, open or roofed spaces designed for pedestrian movement from parking/loading areas, nor any space where the floor-to-ceiling height shall be less than 6½ feet.

FLOOR AREA, GROSS (G.F.A.): The plan projection of all roofed areas on a lot multiplied by the number of full stories under each roof section, provided that the area under any roof overhang of 2 feet or less shall not be included in the G.F.A. calculation. GFA shall not include: areas in a roofed structure devoted exclusively to off-street parking for motor vehicles and truck loading and unloading spaces; and open or roofed spaces designed for pedestrian movement from parking/loading areas.

FLOOR AREA, HABITABLE: The finished and heated area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least 6½ feet including working, living, eating, cooking, sleeping, stair, hall, service and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories and unfinished attics and basements

FORESTRY: The growing and harvesting of trees for commercial purposes.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, licensed by the State of New Jersey for such purpose.

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

GARAGE, REPAIR: Any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing or repair of vehicles is conducted or rendered.

GAS STATION: See **SERVICE STATION**

GENERAL DEVELOPMENT PLAN: A comprehensive plan for the development of a planned development pursuant to N.J.S.A. 40:55D-45.2. [MLUL].

GOVERNING BODY: The City Commission of the City of Millville, in the County of Cumberland, State of New Jersey.

GROUND COVER: Low-growing plants or sod that in time form a dense mat covering the area in which they are planted.

GROUP HOME: Community residences (as defined in the NJSA 40:55D-66.2) for the developmentally disabled, shelters for victims of domestic violence, community residences for the terminally ill, adult family care homes for the elderly and physically disabled adults, and/or residences for persons with head injuries are licensed facilities which provide services to no more than 15 persons

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

HEIGHT: The vertical distance measured to the highest point of a structure or building from the average elevation of the finished grade five feet from the foundation.

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

HOME ANIMAL AGRICULTURE: The activity of producing, principally for home use or consumption, animals or their products, including the growing, harvesting, storage, preparation for use associated with raising animals and any sales that are incidental, and only when conducted and performed within the recommendations of the New Jersey Agricultural Experiment Station or equivalent research institution.

HOME OCCUPATION: An activity carried out for gain by a resident, conducted entirely within a dwelling unit or dwelling accessory unit, which occupation is clearly incidental and secondary to the use of the lot for residential purposes, pursuant to the criteria in [Section 30.205.B.10](#)

HOTEL: A building consisting of individual sleeping units designed for transient travelers and not for permanent residency, except that up to 3% of the total units may be provided for the sole use of resident employees, typically with a height of three or more stories, with a centralized lobby and elevator bank.

HOUSE OF WORSHIP: A building used for religious purposes.

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

ILLUMINANCE: The amount of light measured in foot-candles that falls onto an object or plane.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including, for the purposes of this Ordinance, compacted graveled areas.

IMPERVIOUS SURFACE RATIO: The total area of impervious surfaces divided by the total site area.

IMPROVEMENT: Any constructed element which becomes part of, is placed upon, or is affixed to real estate. [RSIS]

INDEPENDENT LIVING FACILITY: a residential development including accessory buildings and required or permitted social, cultural, medical and recreational facilities limited to certain age groups conforming to 24 CFR Part 100 Subpart E, Housing for Older Persons, of the federal Fair Housing Amendments Act of 1988, as it may be amended or superseded.

INDUSTRIAL PARK: A tract identified as and comprehensively planned for industrial uses whether or not the buildings are erected in one development stage or over a period of time.

INTERESTED PARTY: In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this Ordinance, or whose rights to use, acquire, or enjoy property under this Ordinance, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this act. [MLUL]

ISLAND: [In street and parking lot design] A raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting. [RSIS]

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

LAKES AND PONDS: Natural or artificial bodies of water which retain water year-round.

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

LAND (for soil erosion control purposes): Any ground, soil or earth, including marshes, swamps, drainage ways and areas within the municipality not permanently covered by water.

LAND DISTURBANCES: Any activity involving an excavation or cut, stripping or other disturbance of land or soil as herein defined.

LANDLOCKED: A lot or parcel of land without direct access to a public street.

LANDOWNER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having legal title to the land. The holder of an option or contract to purchase, or

other person having an enforceable proprietary interest in such land, may file an application as the landowner for the purposes of this Chapter 30 and must identify their interest.

LAND CLEARING: The destruction or removal of all vegetation on a lot by manual, mechanical or chemical methods.

LIMITS OF DISTURBANCE: The boundaries of that area of land to be cleared of trees and other vegetation in conjunction with a proposed development or land use.

WORK/LIVE ARTIST STUDIO: A single, enclosed private living and work space of not less than 1,000 square feet where at least 50% of the total space is devoted to work space for the creation, display and sale of art and the remaining is used for living purposes. A minimum of 500 square feet of living space on the upper levels of a building shall be required.

LOADING SPACE: An off-street space or berth, not less than 12 feet in width, 70 feet in length and 15 feet in height, on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading, and so arranged that no vehicle is required to back into a public right-of-way.

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

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

LOT AREA: The area contained within the lot lines of a lot not including any portion of a street right-of-way and not including any wetlands, floodways, wetland buffer areas, or public easements.

LOT, CORNER: A lot on the junction of an abutting two or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135 °) degrees. Each corner lot shall have two front yards, one side yard, and one rear yard, per ~~§30-202G.1.~~

LOT COVERAGE: The total area covered by impervious surfaces on a property, including but not limited to, buildings, surfaced or unsurfaced parking areas, driveways, sidewalks, patios, pools and decks.

LOT DEPTH: The shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line. In the event of an irregularly shaped lot, the measurement of depth shall exist continuously along not less than 50% of the required frontage.

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

LOT FRONTAGE: The horizontal distance between side lot lines measured along the street line.

LOT LINE, FRONT: The lot line abutting a road right-of-way, the STREETLINE.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line or the point at which the two (2) side lot lines meet, as the case may be.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT WIDTH: The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum lot width shall be measured at the minimum required building setback line and shall equal lot frontage. Lot width equals lot frontage.

MAINTENANCE GUARANTY: Any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required under the authority of N.J.S.A. 40:55D-1 et seq.

MAJOR SITE PLAN: Any site plan not classified as a minor site plan.

MAJOR SUBDIVISION: Any subdivision not classified as a minor subdivision.

MANUFACTURED HOUSING: A unit of housing which:

- Consists of one or more transportable sections which are substantially constructed off-site and, if more than one section, are joined together on site; or
- Is built on a permanent chassis; or
- Is designed to be used, when connected to utilities, as a dwelling on a permanent foundation; and
- Is manufactured in accordance with the standards promulgated for a manufactured home pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," P.L. 93-383 (43 U.S.C. and 5401, et seq.) and the standards promulgated for a manufactured mobile home pursuant to the "State Uniform Construction Code Act," N.J.S.A. 52:27D-119, et seq.

MAP, OFFICIAL: A map adopted, and as amended, by the City Commission which reflects the provisions of the Master Plan. The official map shall be deemed conclusive with respect to:

- the location and width of streets and public drainage ways, and
- the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence,
- zoning district boundaries unless there is specific wording in the Ordinance defining a boundary.

MAP, ZONING: A map showing the delineation of zoning boundaries as detailed in Article 2 of this Chapter 30 of the Millville Municipal Code.

MARINA: A dock or basin operated for profit or to which public patronage is invited providing moorings or marine services for power yachts, launches or other watercraft.

MINOR SITE PLAN: A development plan that meets all the following:

- A combined total of less than 2,000 square feet of gross floor area will be converted to a new use and/or will be newly constructed;
 - Fewer than 10 additional parking spaces will be required;
-

- Less than 7,000 square feet of surface area of land will be disturbed [using the definition of "disturbance" that appears in the Soil Erosion and Sediment Control Act, (N.J.S.A. 4:24-39 et seq.)];
- Does not involve any lots abutting an arterial or collector road or street as shown in the City Master Plan;
- Does not involve planned development, any new street, or extension of any off-street improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42; and
- Contains all the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

MINOR SUBDIVISION: A subdivision of land that contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor subdivision have been met and does not involve:

- The creation of more than two lots, sites or other divisions of land in addition to any one retained parcel, for the purpose, whether immediate or future, of sale or building development;
- A planned development;
- Any new street;
- Extension of any off-tract improvement, the cost of which is to be prorated pursuant to the provisions of N.J.S.A. 40:55D-42; Does not adversely affect the development of the remainder of the parcel or of adjoining property;
- A previous subdivision approval involving the same property within the last five years that would render the application a major subdivision.

MOBILE HOME: A Unit of housing manufactured prior to 1974 and which does not meet the "National Manufactured Housing Construction and Safety Standards Act of 1974," P.L. 93-383 (43 U.S.C. and 5401, et seq.) and the standards promulgated for a manufactured mobile home pursuant to the "State Uniform Construction Code Act," N.J.S.A. 52:27D-119, et seq. For the purposes of this Ordinance, travel trailers and campers are not considered mobile homes

MOTEL: Building or buildings containing a series of rooms for rent to transients, with direct access to the exterior of each unit without the necessity for passage through the main lobby.

MULCH: A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and aid plant growth. Mulch is not a ground cover.

OUTDOOR STORAGE: The keeping of any object(s), material(s), equipment or merchandise outside the confines of a building overnight.

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

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

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

NUISANCE: An unreasonably offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, constituting a substantial invasion or disturbance of others' rights, including but not limited to an excessive or concentrated movement of noise, dust, smoke, fumes, odor, glare, flashes, vibration, shock waves, heat, electronic or atomic radiation, liquid or gaseous objectionable effluent.

NURSING HOME/FACILITY: A long term care institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. Nursing facility shall include the terms skilled nursing facility and intermediate care facility.

OFF-SITE: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application, or on a contiguous portion of a street right-of-way or drainage or utility easement. [MLUL]

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

OFF-STREET LOADING SPACE: See LOADING SPACE.

OFF-TRACT: Not located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way of drainage or utility easement. [MLUL]

OFF-TRACT IMPROVEMENTS: Improvements made outside the original tract to accommodate conditions generated inside the original tract that are transferred off site as a result of the proposed development.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. [MLUL]

OUTDOOR STORAGE: The keeping of any object(s), material(s), equipment or merchandise outside the confines of a building overnight.

PARKING SPACE: A storage area provided for the parking of a motor vehicle. [RSIS]

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

PERFORMANCE GUARANTEE: Any security, which may be accepted by Lawrence Township, including but not limited to surety bonds, letters of credit pursuant to N.J.S.A. 40:55D-53.5 or cash. [MLUL]

PERMITTED USE: Any use of land or buildings as allowed by this Ordinance.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PERVIOUS SURFACE: Any surface that permits a significant portion of surface water to be absorbed. [RSIS]

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

PLAN, CONCEPT: *A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification [RSIS]; an informal review by the Planning Board at which no approvals or commitments are made.*

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

PLANNED DEVELOPMENT: Any of the following:

A. Residential cluster: A contiguous or non-contiguous area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. [MLUL]

B. Mixed Planned unit development: An area with a specified minimum contiguous or non-contiguous acreage to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of non-residential uses to residential uses as shall be specified herein. [MLUL]

PLANNING BOARD: The Planning Board of Millville established pursuant to N.J.S.A. 40:55D-23. [MLUL]

PORCH: An outdoor living space with a roof supported by columns attached to a dwelling.

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

PRE-APPLICATION CONFERENCE: An initial meeting between a developer and a municipal representative(s) which affords a future applicant the opportunity to present their proposal informally.

PRELIMINARY APPROVAL: The conferral of certain rights pursuant to N.J.S.A. 40:55D-46, 40:55D-48 and 40:55D-49, prior to final approval after specific elements of a development plan have been agreed upon by the City agency and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS: Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs. [MLUL]

PRINCIPAL BASIN: A detention or retention basin whose function is controlling or managing the runoff from a particular area or property that is to be developed. [RSIS]

PROPORTIONATE SHARE: The portion of the total capital improvement costs for off-tract water, sewer, drainage and street improvements that are reasonably attributable to new development pursuant to N.J.S.A. 40:55D-43, Pro-rata share.

PUBLIC OPEN SPACE: An open space conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses. [MLUL]

PUBLIC STREET: For site plan or subdivision purposes:

- any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; or
- is shown upon a plat heretofore approved pursuant to law; or
- is approved by official action as provided by N.J.S.A. 40:55D-1 et seq.; or
- is shown on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of a Planning Board and the grant to such Board of the power to review plats,

and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

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

PUBLIC WATER SUPPLY SYSTEM: A water supply providing piped water to the public for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals pursuant to N.J.A.C. 7:19-1 et seq.

QUORUM: A majority of the full authorized membership of a municipal agency.

RECREATION, ACTIVE: Leisure time activities, usually of a formal nature with a set of sanctioned rules and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields; including, but not limited to, court games, swimming, track and field events, golf, playground activities, and field sports.

RECREATION, PASSIVE: Leisure time activities not involving formal rules of play or action with lesser physical activity than active recreation; including, but not limited to, bird watching, walking, picnicking, and sunbathing.

RECREATIONAL VEHICLE: Includes any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; or any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; or any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and any folding structure, mounted on wheels designed for travel, recreation, and vacation use.

RECYCLING PLANT: A resource recovery facility for reprocessing used materials at which bundling, crushing and storing are incidental to the primary purpose of reprocessing.

REGIONAL STORE: A Department store, Warehouse store, Superstore intended for retail trade for goods requiring parking for more than 50 cars and/or occupying 30,000SF

REHABILITATION FACILITY: a building, or portion of a building, principally engaged in providing inpatient and outpatient services for physical or mental health maintenance, diagnosis (including testing) and rehabilitation from pain or other physical or mental condition of patients. Care may be provided on a short term or long term

basis. Other services may also be provided as a secondary service. Such facilities may include laundries, cafeterias, gift shops, laboratories, and medical offices as accessory uses.

RESTAURANT: Eating, dining and other associated restaurant activities to be consumed on premises

RESTAURANT – DRIVE THRU: A prepared foods establishment with seating to eat food on premises and/or obtained at a service window for off-premise consumption.

RESUBDIVISION: The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of streets or the establishment of any streets within any subdivision previously made and approved or recorded according to law, but not including conveyances so as to combine existing lots by deed or other instrument. [MLUL]

RETAIL STORE: Retail trade for goods or for services sold on site. *A Retail store of over 30,000 square feet is classified as a Regional Store and must meet the Ordinance provisions a Regional Store.*

RETAINING WALL: A structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced. [RSIS]

RETENTION BASIN: A stormwater management basin designed to retain some water on a permanent basis. [RSIS]

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. [RSIS]

RIPARIAN: An area of land of water within or adjacent to a surface water body.

ROADSIDE STAND: A small, seasonal retail market.

ROOMING HOUSE: A boarding house wherein no personal or financial services are provided to the residents. [N.J.S.A. §55:13B-3h]

RURAL INFILL HOUSING: The development of a single family detached dwellings in an agricultural areas on individual lots too small or deemed to be unsuitable for farming.

SEARCHLIGHT: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move or that creates an illusion of such rotation or movement

SEASONAL HIGH WATER TABLE: The level below the natural ground surface to which water seasonally rises in the soil in most years.

SEDIMENTATION: The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion. [MLUL]

SELECTIVE CUTTING: The removal of larger trees on an individual basis while leaving trees of lesser size for future harvest.

SENIOR CITIZEN: Any person who has attained the age of sixty-two (62) years, or the surviving unmarried spouse of a deceased senior citizen if the survivor is at least 55 years.

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

SEPTIC TANK: A watertight receptacle which receives the discharge of sanitary sewage from a building sewer or part thereof, and is designed and constructed so as to permit settling of settleable solids from the liquid,

partial digestion of the organic matter, and discharge of the liquid portion into a disposal field or seepage pit. [RSIS]

SERVICE STATION: Lands and buildings providing for the sale of fuel, lubricants and automotive accessories; maintenance and minor repairs for motor vehicles may be provided, but not to include auto body work, automobile painting, automobile wrecking, the sale or rental of passenger vehicles and trucks, the long-term storage of inoperable vehicles, parking for fee, or car wash facilities.

SETBACK: The distance between any building and any lot line.

SETBACK LINE: The line that is the required minimum distance from any lot line and that establishes the area within which a structure must be erected or placed.

SEWER: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams. [RSIS]

SEWER IMPACT ANALYSIS: An evaluation to ensure that all elements of the sewerage system servicing a proposed development requesting connection to the Millville Sewer Utility have sufficient capacity to service the additional effluent generated by the development according to the standards in [§30-611H](#).

SIDEWALK SALE: An outdoor display and sale of merchandise similar to that sold inside the business for up to four (4) days on a sidewalk or adjacent grassed area.

SHOPPING CENTER: A group of commercial establishments built on one tract that is planned and developed as an operating unit and provides on-site parking in definite relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated

SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses. [RSIS]

SIDEWALK: A paved or leveled surface provided for pedestrian use and usually located at the side of a cartway within the right-of-way.

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

SIGN: See §30-202S for all sign definitions.

SILVICULTURE: The growing, harvesting and care of woodland for sale pursuant to a management plan.

SINGLE ROOM OCCUPANCY: An arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), and which is not used for limited tenure occupancy in a hotel, motel or established guest house, regardless of the number of individuals occupying any room or rooms.

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

SITE PLAN: A development plan of one or more lots on which is shown:

- The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; and
- The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and
- Any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this Ordinance. [MLUL]

SITE PLAN, MINOR: See MINOR SITE PLAN

SITE PLAN, MAJOR: Any site plan not classified as a minor site plan. [MLUL]

SITE PLAN REVIEW: The examination of the specific development plans for a lot. Wherever the term "site plan approval" is used in this Ordinance, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Board of Jurisdiction.

SKETCH PLAT: See PLAN, CONCEPT.

SMALL SCALE PRODUCTION ESTABLISHMENT: An establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to, vertical farming or the making of electronics, food products, non-alcoholic beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass, ceramic or paper, together with accessory uses such as training or educational programs. Such uses may not exceed 3,500 square feet and are not intended to have negligible negative impact on surrounding properties. AGRICULTURE, CRAFT BEVERAGE PRODUCTION ESTABLISHMENT, RESTAURANT, RESTAURANT WITH DRIVE-THROUGH, or CARRYOUT RESTAURANT are not small-scale production establishments.

SOCIAL CLUB: See CLUB, SOCIAL OR FRATERNAL

SOIL: The arable layers of unmodified sediments beneath any surfacing material and above bedrock.

SOIL CONSERVATION DISTRICT: A governmental subdivision of this State, which encompasses this municipality, organized in accordance with the provisions of N.J.S.A. 4:24.

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

SOIL STRIPPING: Any activity which significantly disturbs vegetated or an otherwise stabilized soil surface including clearing and grubbing operations.

SOIL TEST: A test pursuant to N.J.S.A. 7:9A-1 et seq. designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

SPECIMEN TREE: Any tree or grouping of trees that has been determined to be of a high environmental, social or cultural value because of its age, size, species or other professional criteria.

SPORTS FACILITY, INDOOR: A facility intended for active recreation ranging from aerobics and exercising equipment to indoor facilities for soccer, tennis, basketball and similar sports.

SPORTS FACILITY, OUTDOOR: Resource for leisure activities, usually of a formal nature with a set of sanctioned rules and often performed with others, requiring equipment and taking place at prescribed places, or fields; including, but not limited to, court games, swimming club, track and field events, playground activities, and field sports.

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

STORMWATER MANAGEMENT MEASURES: Broad term for structural and nonstructural control of stormwater runoff and nonpoint pollution. [RSIS]

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

STORY: Any covered area with a clear headroom of six feet six inches or more, whether finished or not, except a basement.

STREAM: A waterway which is classified by the New Jersey Department of Environmental Protection as a stream for any reason.

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

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

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

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

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

- Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are 5 acres or larger in size;

- Divisions of property by testamentary or intestate provisions;
- Divisions of property upon court order including but not limited to, judgments of foreclosure;
- Consolidation of existing lots by deed or other recorded instrument; and
- The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality.

The term "subdivision" shall also include the term "resubdivision". [MLUL]

SUBDIVISION, MINOR: See MINOR SUBDIVISION

SUBDIVISION, MAJOR: See MAJOR SUBDIVISION

SUBGRADE: The prepared surface upon which pavements and shoulders are constructed. [RSIS]

SURFACE COURSE: The placement of the asphalt concrete material on a previously prepared base course. [RSIS]

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

SWIMMING POOL: A man-made structure that impounds water where none would under natural circumstances be collected and that is regularly maintained for recreational use. A wading pool with a depth of less than 18 inches or a portable swimming device, located above ground level, with a surface area less than 125 square feet and a water depth less than 24 inches, temporary in character, and constructed of materials other than concrete and masonry, shall not be deemed a "swimming pool."

SWIMMING POOL, PRIVATE: A noncommercial, privately owned swimming pool constituting a structure and use that is accessory to a residential principal structure(s) and use.

SWIMMING POOL, PUBLIC: Any swimming pool that does not meet the definitional requirements of a private swimming pool.

TEMPORARY CONSTRUCTION TRAILER: A trailer for office use or storage used during the period of construction on a site or tract as otherwise permitted in this Ordinance.

THEATER: An indoor venue designed for the presentation and viewing of live performances, theatrical productions and/or motion pictures

THINNING: The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on a lot.

THREATENED OR ENDANGERED SPECIES: Flora or fauna identified pursuant to N.J.S.A. 23:2A-1 et seq. or 50 C.F.R. 17.11(h) and 17.12(h) as they may be modified or superseded.

TOPSOIL: Either of the following:

- The natural, undisturbed surface layer of soil having a higher level of organic matter than subsequent layers, a pH of 5.0 to 7.5, and suitable for satisfactory growth and maintenance of permanent, locally-adapted vegetation.

- Where the original surface layer has been removed, the reapplication of soil material used to cover an area so as to improve soil conditions for establishment and maintenance of adapted vegetation. The reapplied material must be friable, loamy soil reasonably free of debris, objectionable weeds, and stones; have a natural pH of 5.0 to 7.5; have an organic matter content greater than 2.0 percent; and contain no toxic substances which may be harmful to plant growth. [RSIS]

TRACT: A contiguous area of land composed of one or more lots to make one parcel of land meeting the requirements of this Ordinance for the use(s) intended.

TRAFFIC IMPACT ASSESSMENT: See **CIRCULATION IMPACT ASSESSMENT**.

TRANSCRIPT: A typed or printed verbatim record of the proceedings before a municipal agency, or reproduction thereof. [MLUL]

TRANSITION BUFFER (or AREA): An upland area adjacent to freshwater wetlands which minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem.

TRAVEL TRAILER: See **CAMPER**.

TREE: A woody plant that has the potential to reach a height of at least 8 feet, has a single stem, and has a definite crown shape.

URGENT CARE CENTER: A type of medical clinic in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended-hour access for illness and injury care. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

UTILITY FACILITY: Any building, structure or yard area necessary for maintenance or service of electric, sewage, water, tele-communications transmission and distribution, but not including accessory renewable energy facilities.

UTILITY LINES: Pipes and cables necessary for the distribution or collection of water, sewerage, storm water, natural gas, and electric, telephone, and cable television or other telecommunications lines.

UTILITY RIGHT-OF-WAY: The lands required for the installation and maintenance of public utilities.

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

VEHICLE SALES/SERVICE: All types of consumer motor vehicles and parts dealers, including showrooms, open lots and repair and maintenance services

WAIVER: A deviation from a required submission item, performance standard, or design standard that does not require a variance. .

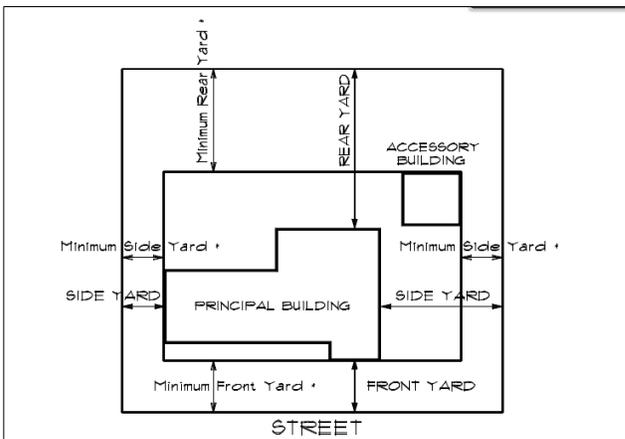
WATER IMPACT ANALYSIS: An evaluation to ensure that all elements of the water system servicing a proposed development have sufficient capacity to service the projected demand generated by the development according to the standards in ***§30-611H***.

WETLAND, FRESHWATER: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a

prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation pursuant to N.J.A.C. 7:7A-1.4. Wetlands include lands with poorly drained or very poorly drained soils as designated by the Natural Cooperative Soils Survey of the U.S. Soils Conservation Service and as defined in N.J.A.C. 7:50-6.3 through 6.5.

WOODLAND: Areas, groves or stands of trees greater than 6 inches in caliper; or stands of trees greater than 12 inches in caliper consisting of more than 10 individual trees.

YARD, FRONT: An open space extending across the full width of the lot and lying between the street



line and the closest point of the principal building on the lot. The depth of the front yard shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines. The minimum required front yard shall be the same as the required setback.

YARD, REAR: An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot.

YARD, SIDE: An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot.

ZONING OFFICER: The individual responsible for enforcement and interpretation of the Development Regulations provisions of the City of Millville.

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

Sketch courtesy of Lawrence Township

