ORD. #22-2014

AN ORDINANCE TO AMEND CHAPTER 400 ENTITLED "LAND USE ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE" TO IMPLEMENT A COMPREHENSIVE SET OF ADDITIONS, REVISIONS, MODIFICATIONS AND CORRECTIONS TO ARTICLE II "DEFINITIONS", ARTICLE III "GENERAL ADMINISTRATION; BUILDING CONSTRUCTION; PERMITS", ARTICLE IV "SITE PLAN AND SUBDIVISION REVIEW AND PLAT DETAILS", ARTICLE V "DESIGN GUIDELINES AND TECHNICAL STANDARDS", ARTICLE VI "ZONING", AND ARTICLE VII "ZONING DISTRICT USE AND BULK REGULATIONS " PURSUANT TO THE RECOMMENDATIONS SET FORTH IN THE *PERIODIC REEXAMINATION OF THE MASTER PLAN AND DEVELOPMENT REGULATIONS REPORT* ADOPTED BY THE MOUNT OLIVE PLANNING BOARD ON JUNE 20, 2013 AND IN ACCORDANCE WITH THE RECOMMENDATIONS PROVIDED BY THE TOWNSHIP PLANNING ADMINISTRATOR

WHEREAS, the Township of Mount Olive has established residential and nonresidential zone districts and a comprehensive set of land use regulations as set forth in Chapter 400, entitled "Land Use" in the Township Code; and

WHEREAS, Chapter 400 provides for both residential zone districts in §400-100 and nonresidential zone districts in §400-101 wherein certain land uses are permitted as conditional uses in accordance with N.J.S. 40:55D-67; and

WHEREAS, the Mount Olive Planning Board did adopt a comprehensive Master Plan in December 2003, an Amendment to the Land Use Plan Element in December 2004, a Stormwater Management Plan in March 2005, a Natural Resources Inventory in January 2007, an amendment to the Land Use Plan Element in July 2007, a Housing Element and Fair Share Plan in September 2009, Master Plan Reexamination Report in June 2010, as amended in July 2010, an Amendment to the Land Use Plan in October 2010, a Master Plan Reexamination Report pursuant to the requirements of Highlands Plan Conformance on March 15, 2011, and a Periodic Reexamination of the Master Plan and Development Regulations Report on June 20, 2013; and

WHEREAS, the Periodic Reexamination of the Master Plan and Development Regulations Report adopted by the Planning Board on June 20, 2013 did set forth a number of recommendations to modify, revise and correct Chapter 400 of the Township Code, entitled "Land Use Ordinance of the Township of Mount Olive" including both administrative procedures and specific changes to the various residential and nonresidential zone districts with respect to principal and conditional uses; and

WHEREAS, the Township's Planning Administrator conducted a comprehensive analysis of Chapter 400 and has identified a significant list of changes, revisions and corrections in order to bring Chapter 400 into current compliance with statutory requirements; and

WHEREAS, the Township Council of the Township of Mount Olive concurs with the recommendations put forward by the Planning Board in the Periodic Reexamination of the Master Plan and Development Regulations Report of June 20, 2013 and those of the Township's Planning Administrator and does find that the proposed changes are appropriate and will serve the public health, safety, morals, and general welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Olive, County of Morris and State of New Jersey that the Township's Land Use Ordinance be amended, revised and corrected to reflect the standards set forth herein.

Section 1. Article II, entitled "Definitions", is hereby revised and amended to add new definitions and modify certain existing definitions as follows:

§400-6 Definitions:

Approved Plan- A tree removal plan or forestry management plan which has been approved by the Planning Board, ~~Board of Adjustment, Building Inspector~~ or other Township agency provided for in this chapter.

Approving Authority - The Planning Board ~~or Zoning Board of Adjustment~~ of Mount Olive Township.

Banner - A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wire, ropes, strings or other materials that are not fixed or rigid.

Bar - An establishment in which alcoholic beverages are served, primarily by the drink and where food or packaged goods may also be sold.

Blade Flag Sign – A vertically oriented temporary sign used to advertise grand openings and other special events in the commercial zone districts

Certified Floodplain Manager (CFM) - Township Engineer or a local official who has obtained Certification from Association of State Floodplain Managers and is responsible for administering Mount Olive's floodplain management regulations.

Deck-dwelling/building - A roofless outdoor space built as an aboveground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure.

Health Club – An establishment that provides facilities for aerobic exercises, running, jogging, stationary bicycling, exercise equipment including, but not limited to, free weights and weight-lifting machines, and instructional classes involving said facilities, and ancillary facilities such as changing rooms, lockers, showers and saunas.

Hotel - A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities

House of worship - A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs.

Motel - A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door

Motor vehicle dealership - The use of any building, land area or other premise principally for the display, sale, rental, or lease of new or used automobiles and may include light trucks or vans, trailers, or recreation vehicles, and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

Motor vehicle repair - An establishment primarily engaged in the repair or maintenance of motor vehicles including brake, muffler, tire repair and change, lubrication, tune ups, transmission work, provided it is conducted within a completely enclosed building.

Nightclub – A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

Patio – A level, landscaped and/or surfaced area, usually made of concrete, brick or other masonry material, directly adjacent to a principal building at grade and not covered by a permanent roof.

Restaurant – An establishment where food and drink are prepared, served and consumed primarily within the principal building.

Veterinary clinic – A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Section 2. Article III, entitled "General Administration; Building Construction; Permits" is hereby revised and amended as follows:

§ 400-10. Building construction.

I. Claims procedure. As a condition precedent to the security being made the subject matter of litigation, the beneficiary thereof, hereinafter referred to as the "claimant," shall comply with the following mandatory procedures which are hereby established for the filing of claims under this chapter.

(1) Place and manner for presentation of claims. All claims being made under this chapter shall be in writing and filed with the Inspector either personally or by registered or certified mail, return receipt requested, during regular working hours at the Municipal Building, ~~Route 46~~, P. O. Box 450, Budd Lake, New Jersey. A copy of the claim filed with the Inspector shall be served by the claimant upon the registrant.

§ 400-12. Clerical personnel for Planning Board.
B. Duties of clerical employee. The Secretary shall:
(1) Receive payment of all fees provided for in any matter which must be presented to the Planning Board, including but not limited to minor subdivisions, major subdivisions, and site plan approvals ~~and applications for garden apartment or medical office buildings~~. Said payment shall be by money order or check made out to the ~~Planning Board~~ Township of Mount Olive. The Secretary shall provide a receipt therefor and shall indicate thereon the nature of the payment.

§ 400-15. Conditional uses; issuance of permits.

D ~~(4) No permit shall be granted by the Board for a sand and/or gravel pit in any zone where authorized unless the Board shall first determine that such use will not have a damaging or adverse effect upon the adjacent properties or upon the Township. The Board shall further be bound by the following procedures and safeguards: prior to the grant by the Board for issuance of a permit for a sand and/or gravel pit, a map shall be furnished to the Planning Board showing the entire tract in which such sand and/or gravel pit is to be located. There shall be indicated on said map the location of the proposed sand and/or gravel pit and the finished contour of the pit in relation to the surrounding original ground level and adjoining roads within 1,000 feet of said pit.~~

~~(5) Service stations shall be subject to the following terms and conditions:~~

~~(a) The minimum lot size shall be two acres in either the C-1, or C-2 zone or C-LI zone.~~

~~(b) The minimum distance between service stations shall be 2,500 feet measured from the nearest lot line.~~

~~(c) The minimum setback for a building shall be the same as the zone in which the use is located, except that the minimum setback for canopies over gasoline pumps shall be 60 feet.~~

~~(d) The service station shall be permitted to sell gasoline and automobile related products. In addition, sales of convenience items may be sold within an enclosed structure of which the gross floor area shall not exceed 300 square feet 0.06. No goods, except for gasoline and automotive products, shall be displayed, stored or sold outside the structure. No food products, except prepackaged single-serve snack items and coffee prepared on site, shall be permitted for sale. No microwave, fountain drinks or beverage containers, except prepackaged containers of soda/juice/milk, shall be permitted. In addition, certain other products, such as road maps, newspapers, travel guides and personal hygiene articles, shall be permitted.~~

~~(e) Any such service station will be permitted to service automobiles in the customary manner but will not include any auto body work.~~

§ 400-18. Fees.

F. Variances and other appeals. Hearings by the ~~Board of Adjustment or the~~ Planning Board, as follows:

(1) Hear and decide appeals ~~(refunded if application is granted):~~

(a) Residential: $150. The escrow fee shall be $1,000.

(b) Nonresidential: $300. The escrow fee shall be $1,000.

(4) C variance.

(a) Residential: $100 per lot. The escrow fee shall be a minimum ~~$250~~ $500.00 per lot.

H. Escrow accounts.

(8) ~~A monthly~~ An accounting of all funds to be withdrawn by the Township from the escrow account shall be submitted by the Director of Planning, Zoning and Code Enforcement or such other designee ~~to the approving authority~~ ~~and~~ to the applicant at least 10 days prior to the withdrawal of said funds. Within said 10 days, the applicant shall have the opportunity to request, in writing, a hearing by the approving authority with respect to the reasonableness of the intended charges against the escrow account. In the event that the applicant requests such a hearing, no withdrawal shall be made from the escrow account until the approving authority shall have ruled on the appeal. If the approving authority finds in favor of the applicant, the withdrawals shall be adjusted accordingly. If no objection is filed within 10 days, the funds shall be withdrawn from the escrow account and transferred to the Township account from which the professionals, etc., shall be paid.

§ 400-20. Off-site improvements.

A. Prior to the final approval of all subdivisions and site plans hereafter submitted to the Planning Board ~~or Board of Adjustment~~ for final approval, the Board may require, in accordance with the standards adopted by this chapter, the installation or the furnishing of a performance guaranty in lieu thereof of any or all of the following off-site improvements it may deem to be reasonably related to the public health, safety and general welfare: street improvements, including sidewalks, and drainage improvements and water, sewerage and drainage facilities and such other off-site improvements as the Board may find necessary in the public interest and easements therefor. Off-site improvements shall include, but not be limited to, installation of new improvements and extensions and modifications of the existing improvements in accord with circulation and comprehensive utility service plans. Upon the recommendation of the Board as to those off-site improvements necessary, the governing body shall determine, in the case of each off-site improvement of the Township of Mount Olive, whether such improvement is to be:

§ 400-23. Zoning permits and certificates of occupancy; fees.

A. No zoning permit, building permit or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this chapter or for use of a lot which was created by subdivision after the effective date of and not in conformity with the provisions of this chapter. No site improvements, such as but not limited to additions, patios, decks, fences, <u>detached garages</u>, sheds, excavation or construction of public or private improvements, shall be commenced except in conformance with this chapter in accordance with plat approvals and the issuance of required permits.

§ 400-24. Planning Board.

F. Powers.

(4) Whenever the proposed development requires approval of a subdivision, site plan or conditional use, ~~but not~~ <u>and</u> a variance pursuant to Subsection d of N.J.S.A. 40:55D-70, the Planning Board shall have the power to grant ~~to the~~ same <u>in its capacity as the Zoning Board of Adjustment as per Section 400-24 F(2).</u> ~~extent and subject to the seine restrictions as the Board of Adjustment.~~

~~(a) Variances pursuant to N.J.S.A. 40:55D-70c;~~

~~(b) Direction pursuant to N.J.S.A. 40:55:D-34 for issuance of a permit for a building or a structure in the bed of a mapped street or a public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32; and~~

~~(c) Direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.~~

(7) The governing body may by ordinance provide for the reference of any matter or class of matters to the Planning Board before final action thereon by the governing body or municipal officer having final authority thereon. ~~except for any matter under the jurisdiction of the Board of Adjustment~~. Whenever the Planning Board shall have made a recommendation regarding a matter authorized by this subsection to another municipal body, such recommendation may be rejected only by a majority of the full authorized membership of such other body.

§ 400-25. Public hearings and notices.

Any development involving a portion of a flood hazard area shall be the subject of a public hearing. All public hearings conducted on site plans, variances or appeals pursuant to N.J.S.A. 40:55D-70a before the Planning Board shall follow the requirements of the Municipal Land Use Law as summarized below:

B. The approving authority shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. ~~except that for all public hearings relating to preliminary site plans, preliminary major subdivisions and use variances, the applicant shall provide for the stenographic recording of the same and shall furnish the approving authority with a typewritten copy of the transcript by a certified shorthand reporter before rendering a decision on said application.~~ Minutes of every regular or special meeting shall be made available for public inspection during normal business hours at the office of the Secretary of the Board. Any interested party shall have the right to request copy of minutes by filing an Information Request form with the Township Clerk. In accordance with Ordinance 3-2011 copy of the minutes of the meetings of the Planning Board shall be free of charge.

C. Each decision on any application shall be in writing and shall include findings of facts and conclusions based thereon.
(1) A copy of the decision shall be mailed by the approving authority within 10 days of the decision to the applicant or, if represented by an attorney, then to the attorney; and a copy shall also be filed in the office of the administrative officer. ~~There shall be a charge of $0.25 per page for each additional copy of the decision or minutes transmitted to interested parties~~. In accordance with Ordinance 3-2011 copy of the decision of the Planning Board shall be free of charge.

D. All notices shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street addresses, if any, or by reference to lot and block numbers and the location and times at which any maps and documents are available for public inspection. Public Notice of a hearing shall be given for the following applications/matters:

a. Application for preliminary approval of major subdivision
b. Application which requires a variance, direction for issuance of permit per N.J.S.A. 40:55D-34 and 36; interpretation of Zoning Map or Zoning Ordinance per N.J.S.A. 40:55D-70(b); appeal of order of an administrative officer of the Township per N.J.S.A. 40:55D-70(a); certification of pre-existing nonconforming use per N.J.S.A. 40:55D-68; or conditional use per N.J.S.A. 40:55D-67.
c. Application for preliminary site plan approval.
d. Extension of preliminary major subdivision or a preliminary site plan per N.J.S.A. 40:55D-49 (d) or extension of final major subdivision or a final site plan per N.J.S.A. 40:55D-52 (b) for period of five (5) years or more.
e. Modification or elimination of a significant condition or conditions in memorializing resolution in any situation wherein the application for development to which the resolution pertains required public notice.

§ 400-27. Subdivision approval required; authority of Planning Board~~; exemptions~~.
A. ~~Except where a use variance is involved as outline in this Article under "Board of Adjustment the~~ The Planning Board shall approve all subdivisions. The Planning Board, when reviewing these applications, shall have the power to grant exceptions as noted in the section entitled "Exceptions" in § 400-17 in this Article. ~~to the same extent and subject to the same restrictions as the Board of Adjustment.~~ The Planning Board shall have the following authority:

B. Whenever an applicant shall request a variance to allow a structure or use in a district restricted against such structure or use, the ~~Board of Adjustment~~ Planning Board shall have the

power to grant subdivision approval in conjunction with its action on the use variance and may impose restrictions on the subdivision application ~~in the same manner as the Planning Board~~.

Section 3. Article IV, entitled "Site Plan and Subdivision Review and Plat Details" is hereby revised and amended as follows:

400-28 Environmental Impact Statement
C (2) An environmental impact statement shall be required in conjunction with any application before the ~~appropriate~~ Planning Board, which proposes the disturbance of more than 5,000 square feet of land and prior to the issuance of any permit or the commencement of any activity within the Township of Mount Olive which will result in the disturbance of more than 5,000 square feet of land area and in conjunction with any application, permit, request or activity, regardless of the size of the property, which is located in any critical area as defined by the Township's critical areas provisions (see § 400-40~~)~~ in Article V of this chapter) or which, in the opinion of the appropriate agency or official, might create a potential environmental hazard to the health, safety and welfare of the public.

400-29 Site plan review
A. No building permit shall be issued for any structure and no certificate of occupancy shall be issued for a new use of any existing building until the site plan has been reviewed and approved by the Planning Board, except that the approval of a site plan for a detached dwelling and its accessory buildings on a lot, including customary accessory buildings to a farm, shall not be necessary. ~~A building permit shall be applied for within one year of the approved date of a site plan; otherwise, said site plan shall require resubmission and approval.~~ The Board shall review the proposal, determine whether or not the applicable standards provided by this chapter have been observed, note objections to such parts of the plans that do not meet the standards and make corrections and recommendations for desired changes to effect compliance with the chapter and to provide the most desirable alternative for development to protect the public health, safety and welfare. The Planning Board shall refer the site plan to the Environmental Commission for its review and recommendations, which recommendations should be incorporated into the final decision of the Planning Board. The Planning Board may refer the site plan to other individuals, professionals, committees or subcommittees for comments and recommendations. An approved site plan shall be dated and signed by the Chairman of the Planning Board and returned to the applicant. A site plan receiving an approval with conditions or a denial shall not be signed and dated, but the conditions or reasons for denial shall be returned to the applicant in writing.

D. Preliminary approval.
(1) The applicant shall submit a preliminary site plan to the administrative officer, who shall make the preliminary determination of whether the proposed use is permitted in the district in which it is located and whether there are any deficiencies in lot area, dimension, setback, yard requirements or the like as required by this chapter. Should the administrative officer determine that the proposed use is not permitted, the application shall be made to the ~~Board of Adjustment~~ Planning Board which shall process the entire application in accordance with the requirements of this chapter. The Planning Board shall hear all development matters, including appeals, interpretations and variance relief pursuant to N.J.S.A. 40:55D-70, ~~Should the plan reveal no use or bulk deficiencies or deficiencies in lot area, dimension, setback or yard requirements or that~~ as well as applications for ~~a permit is required by~~ building in the bed of a mapped street or public drainageway, flood control basin or public area, then the application shall be made to the Planning Board, which shall process the entire application pursuant to this chapter. The applicant

shall submit 10 full-size black line prints, 12 reduced copies of the preliminary site plan and one set of plans filed in pdf or similar format to the Planning Board Secretary at least ~~three~~ four weeks before the meeting at which discussion is desired, together with one original and four completed copies of the application form. The preliminary site plan shall be submitted at a scale of one-inch equals 10 feet, 20 feet, 30 feet, 40 feet or 50 feet. The plan shall be signed and sealed by an architect or engineer licensed to practice in the State of New Jersey and shall show or be accompanied by the following information:

F. No permit shall be issued by the ~~Building Inspector~~ Construction Code Official until receipt of the site plan approval or the expiration of the time, whichever comes first. If no report is received during the above time period or authorized extension(s), the Construction Code Official ~~Building Inspector~~ may thereupon issue the applicable permit. In the event that the Planning Board disapproves the plans, no permits shall be issued. Any applicant wishing to make a change in an approved application shall follow the same procedure as in the original application. Where a new use is proposed for any existing building, the approved site plan for the previous use, if any, may be submitted where no changes are contemplated on the site for the new use. ~~Where more parking or loading may be required, it shall be shown in the site plan or previously approved site plan, together with the extension or enlargement of the existing drainage system where deemed necessary by the Township Engineer prior to the issuance of a certificate of occupancy for the new occupant.~~

I. Outside agency plan submission. Each site plan submission shall provide documentation that plans have been submitted for review and approval to the following agencies:
(1) New Jersey Department of Environmental Protection for any application within the Highlands Preservation Area that meets the definition of a Major Highlands Development ~~highlands applicability determination~~ and compliance with the Freshwater Wetlands Protection Act. Applications seeking exemptions under Exemptions 1, 2, 4, 5, 6 or 8 may file a Highlands Exemption Application with the Planning Department.
(2) New Jersey Office of ~~Smart Growth~~ Planning Advocacy

J. Site Plan Exemption. Site plan approval by the approving authority shall not be required for single-family and two-family dwellings, as well as accessory buildings to agricultural and horticultural uses, unless such uses are located in a flood hazard area or involve a home occupation. Building alterations which do not involve a change in use, additional parking or additional building area shall be exempt. Changes in use which do not require additional parking shall be exempt.

§ 400-32. Subdivision review.
C. Minor subdivision.
(3) The Planning Board ~~approving authority~~ or a designated committee of same shall review the submission for its completeness and take action on accepting or rejecting the submission as a complete application within the required 45 day review period. ~~,no later than its first regular meeting following the ten-day review period~~. If incomplete, ~~the material shall be returned to the applicant for a resubmission at least 21 days prior to a subsequent meeting~~ a letter shall be sent to the applicant, within the required 45 day review period indicating the reasons for being deemed incomplete.

If complete, the Planning Board ~~approving authority~~ shall classify the application as a minor subdivision and shall approve, approve with conditions or deny the application within 45 days of

the date the application is deemed complete ~~of submission to the administrative officer~~ or such further time as may be consented to by the applicant. The decision shall be in writing and shall be sent to the applicant and the newspapers as required in the section entitled "Public hearings and notices" in this chapter.

Section 4. Article V, entitled "Design Guidelines and Technical Standards" is hereby revised and amended as follows:

§ 400-43. Driveway standards for single-family residences; exceptions; violations and penalties.
C. Exceptions.
(2) The Township Council shall consider the recommendations of the Township Engineer in such cases. The decisions of the Council shall be made by resolution. Applicant is required to post escrow fee in amount of $500.00 for the Township's professional(s) to review the proposal.

§ 400-45. Fire hydrants.
B. Location.
(3) No major subdivision or ~~major~~ site plan shall be approved by the Planning Board ~~or the Zoning Board of Adjustment~~ unless fire hydrants and water mains are shown on the preliminary plans. Where preliminary approval has been granted but construction has not started on underground improvements, construction and final plans shall be submitted in accordance with the requirements herein contained as to location of and distances between fire hydrants. Subdivisions of more than 15 dwellings providing single properties with water from a well source shall indicate and provide fire hydrants or dry lines as required by this chapter.

§ 400-46. Fire lanes.
B. Sutton Park Shopping Center. The following described areas in the Sutton Park Shopping Center ~~(also known as "A & P Shopping Center")~~ are hereby designated fire lanes, and all parking of vehicles within said area is prohibited:

C. ~~Foodtown Shopping Center~~ The Mall at 206. The following described areas in the ~~Foodtown Shopping Center~~ The Mall at 206 are hereby designated fire lanes, and all parking of vehicles within said areas is prohibited.

D. Village Green Shopping Center. The following described area in the Village Green Shopping Center is hereby designated as a fire lane, and all parking of vehicles within said area is prohibited:
(1) The area between the east corner of the ~~A & P Building~~ primary anchor store in the east corner of the shopping center and running south and west along said buildings in the shopping center as they face United States Highway 46 and ending at the east corner of the building located closest to the south edge of said shopping center, the total distance being 615 feet and the width being 24 feet as measured from the curbline to the closest parking spaces.

400-48 Flood damage prevention.
E. Basis for establishing areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Township of Mount Olive," dated August 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revisions thereto, are hereby adopted by reference and declared to be a part of this section. The

Flood Insurance Study is on file in the Mount Olive Township Municipal Building, ~~Route 46~~ 204 Flanders Drakestown Road, ~~Mount Olive~~ Budd Lake, New Jersey.

J. Administration.

(1) Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection E. Application for a development permit shall be made on forms furnished by the ~~Planning Official~~ Certified Floodplain Manager and may include, but not be limited to, plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

(2) Designation of the ~~Planning Official~~ Certified Floodplain Manager. The ~~Planning Official~~ Certified Floodplain Manager is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

(3) Duties and responsibilities of the ~~Planning Official~~ Certified Floodplain Manager. The duties of the ~~Planning Official~~ Certified Floodplain Manager shall include, but not be limited to:

(a) Permit review. The ~~Planning Official~~ Certified Floodplain Manager shall:

(c) Information to be obtained and maintained. The ~~Planning Official~~ Certified Floodplain Manager shall:

(d) Alteration of watercourses. The ~~Planning Official~~ Certified Floodplain Manager shall:

(e) Interpretation of FIRM boundaries. The ~~Planning Official~~ Certified Floodplain Manager shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). For the purpose of making interpretations, the ~~Planner~~ Certified Floodplain Manager shall make a field inspection to determine field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection J(4).

(4) ~~Variance~~ Waiver relief procedure.

(a) Appeal Board.

[1] The Planning Board ~~or the Zoning Board of Adjustment~~ as established by the Township of Mount Olive shall hear and decide appeals and requests for ~~variances~~ waiver relief from the requirements of this section.

[2] The Planning Board ~~or the Zoning Board of Adjustment~~ shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Construction Official in the enforcement or administration of this section.

[3] Those aggrieved by the decision of the Planning Board ~~or the Zoning Board of Adjustment~~ or any taxpayer may appeal such decision to the Superior Court of New Jersey, as provided by law.

[4] In passing upon such applications, the Planning Board ~~or the Zoning Board of Adjustment~~ shall consider all technical evaluations, all relevant factors, standards specified in other subsections of this section and:

[5] Upon consideration of the factors of Subsection J(4)(a)[4] and the purposes of this section, the Planning Board ~~or the Zoning Board of Adjustment~~ may attach such conditions to the granting of ~~variances~~ waiver relief as it deems necessary to further the purposes of this section.

[6] The Planning Official shall maintain the records of all appeal actions, including technical information, and report any ~~variances~~ waiver relief to the Federal Insurance Administration upon request.

K. Provisions for flood hazard reduction.
(1) General standards. In all areas of special flood hazard, the following standards are required:
(a) The Planning Board ~~or the Zoning Board of Adjustment~~ shall also determine, with the advice and assistance of the Township Engineer, Construction Official and other competent authority that:

400-49 Floodplain construction
C. Applicability. The following regulations shall govern developments in the floodway and flood hazard area:
(5) Floodplain construction. The Planning Department is authorized and directed to charge a fee of ~~$10~~ $25 for any certification delivered to any person pursuant to this section.

D. Procedure. The following procedure shall govern the issuance of such permits:
(1) The property owner shall apply to the Planning Board for approval of plans to erect any building, structure or obstruction which shall be filed with an application as established by the Planning Board. Along with said application, the property owner shall pay a filing fee in the amount of ~~$50~~ $100 and an escrow fee of $500 for professional review. Such plans shall include a true and accurate plot plan, submitted in triplicate, drawn to a scale of not less than one inch equals 50 feet, with contour lines at intervals of not more than two feet, reflecting United States Geological Service data, showing the exact size, shape, location and elevation of existing and proposed fill or regrading; the exact dimension and acreage of each lot or plot to be built upon or otherwise used; the location of the floodway and flood hazard area limits; the location, layout and elevation of existing and proposed parking areas, driveway, drainage, sewer and water facilities and connections, plantings, seedlings, screenings, fences and signs; and such other information as shall be reasonably required for an evaluation of the effect of the development upon flood control. Buildings or obstructions to be erected, moved or externally altered, added to or enlarged in the flood hazard area outside the floodway will be issued a permit upon proof being submitted to the Planning Board that the elevation of any floor thereof, including the cellar, is not less than one foot above the flood hazard area design flood profile.

(2) The Planning Board shall review the application as hereinafter provided, but approval thereof shall not relieve the applicant from complying with the provisions of the Land Use Ordinance, nor shall it constitute a recommendation of any ~~variance~~ waiver relief that the applicant may thereafter seek from the ~~Board of Adjustment~~ Planning Board.

§ 400-57. Off-street parking and loading.
I. Minimum loading requirements
~~Airport~~
~~Auto sales~~
~~Cemetery~~
~~Church~~
~~Dwelling unit~~
~~Finishing operation~~
~~Golf course~~
~~Hospital~~

~~Mines~~
~~Mortuary~~
~~Neighborhood convenience center~~
~~Pilot plants~~
~~Quarries~~
~~Veterinarian hospital~~

Hotel - Minimum number of spaces: 1

House of worship – none required

Motel - Minimum number of spaces: 1

Motor-vehicle dealership - Minimum number of spaces: 1
Motor-vehicle repair – none required

Veterinary clinic - Minimum number of spaces: 1

J. Minimum parking requirements. The number of parking spaces for ~~each use~~ all residential uses shall be provided in accordance with the Residential Site Improvements Standards (N.J.A.C. 5:21-1.1 et seq.) ~~shall be determined by the number of dwelling units,~~. Parking for nonresidential uses shall be determined by the amount of gross floor area as defined in this chapter or such other measure as noted below. Where a particular function contains more than one use, the minimum parking requirements shall be the sum of the component parts.
~~Airport~~
~~Auto sales~~
~~Cemetery~~
~~Church~~
~~Dwelling unit~~
~~Finishing operation~~
~~Golf course~~
~~Hospital~~
~~Mines~~
~~Mortuary~~
~~Neighborhood convenience center~~
~~Pilot plants~~
~~Quarries~~
~~Veterinarian hospital~~

Hotel – 1.5 spaces per guest room, plus 1 space per 100 square feet of gross floor area for banquet room(s), meeting/conference room(s), and restaurant space, plus .

House of worship – 1 per 3 seats; 5 per 1,000 square feet of gross floor area where seating is not provided.

Motel – 1 space per guest room plus 1 space per employee

Motor-vehicle dealership – 1 per 300 square feet of showroom area and sales office

Motor-vehicle repair – 4 per bay and work area

Veterinary clinic – 3 per examination room

§ 400-74. Surface water management.

D. Review of plan. The surface water management plan shall be submitted to the Township Engineer for review and approval. If the applicant is before the Planning Board ~~or Board of Adjustment~~, the Township Engineer shall report to the appropriate agency whether he approves or disapproves the surface water management plan. The agency may condition its approval of the applicant for site plan, subdivision or variance upon approval by the Township Engineer of the surface water management plan. In the event that the applicant disagrees with the decision of the Township Engineer regarding the surface water management plan, the applicant may take an appeal to the Planning Board. ~~before which the application is being considered~~.

H. Special requirements for single-family dwellings. All single-family residential dwellings are exempt from the requirement in this section of submission of a surface water management plan. However, in all such dwellings, house leaders must be connected into an on-site dry well (of sufficient size to handle the discharge from the dwelling), a Township drainage facility or a Township drainageway approved by the Township Engineer. This section shall in no way be construed as limiting the power of ~~the Board of Adjustment or~~ the Planning Board to require submission of information and/or plans relating to surface water management.

§ 400-75. Tree removal, replanting and forestry management plans.
C. Definitions. As used in this section, the following terms shall have the meanings indicated:

Approving Authority - The Planning Board ~~or the Zoning Board of Adjustment~~ of Mount Olive Township

Woodland Management Plan – A plan prepared in accordance with criteria set forth in N.J.A.C. 18:15-2.10.

E. Tree removal and forestry management plans required.
(1) A tree removal plan shall be included ~~filed~~ with every application before the Planning Board ~~or the Board of Adjustment~~ for approval of a subdivision, resubdivision, site plan, planned development, conditional use or zoning variance or prior to any other development requiring tree removal or planting, except as otherwise provided in this subsection or Subsection F.

(3) When final approval of a subdivision, resubdivision or planned development has been granted by the Planning Board ~~or the Board of Adjustment~~ but where tree removal has not yet been undertaken on the subject property, a tree removal plan shall be filed with the ~~relevant~~ Board within 60 days of the passage of this section. Nothing in this requirement shall abrogate any vested subdivision rights acquired by final approval.

F. Exceptions

(9) Trees to be removed as part of a "woodland management plan" submitted to the Township Tax Assessor pursuant to N.J.A.C. 18:15-1.1 et seq. and filed with the Planning Department.

Section 5. Article VI, entitled "Zoning" is hereby revised and amended as follows:

§ 400-77. Interpretation and general provisions.
B. Zoning district lines are intended to follow street center lines, streams and lot or property lines unless otherwise indicated by dimensions on the map. Dimensions are in feet, measured horizontally and measured from the street right-of-way lines or railroad right-of-way line even if the center line of that street serves as a district line. The location of any disputed zoning line shall be determined by the ~~Board of Adjustment~~ Planning Board. District lines extend vertically in both directions from ground level.

§ 400-83. Stream corridor buffers.
F. Permitted activities. The Planning Board ~~or Zoning Board of Adjustment~~ may permit the following activities within the stream buffer area, subject to review and approval.

G. Waivers. The Planning Board ~~or Zoning Board of Adjustment~~ may waive the stream corridor buffer requirements of this section if the ~~applicable~~ Board has jurisdiction with respect to site plan, subdivision or bulk variance review and approval. Said waiver(s) must demonstrate good cause, such as, but not limited to, permit additions to existing buildings or structures which are located within the stream corridor or buffer. Waivers granted under this subsection shall be subject to other requirements of this chapter or those of the Morris County Soil Conservation District or the New Jersey Department of Environmental Protection with regard to flood hazard controls, soil erosion control measures, stream encroachment and freshwater wetlands regulations.

§ 400-85. Affordable housing.
F. Administrative agent for the Township's affordable housing units.
(2)(f) Where the Township designates a developer to assist in the marketing of the affordable units in the developer's development, the costs of marketing the affordable units and administering the affordability controls are to be the developer's responsibility, and the requirement shall be a condition of the municipal Planning Board approval. ~~or Zoning Board of Adjustment~~

§ 400-87. Nonconforming uses, structures or lots.
The lawful use of land, buildings or structures existing when this chapter was adopted may be continued on the lot or in the structure although they may not conform to this chapter, and any such structure may be restored or repaired in the event of partial destruction thereof; provided, however, that none shall be enlarged, extended, relocated, converted to another use or altered, except in conformity with this chapter, except as permitted below. Land on which a nonconforming use or structure is located and any nonconforming lot shall not be subdivided or resubdivided so as to be made more nonconforming in any manner.

A. Abandonment or termination of a nonconforming use.

(1) A nonconforming use shall be considered abandoned if:

(a) It is terminated by the owner and is discontinued for 12 consecutive months;

~~(b) A nonconforming use involving a structure is discontinued for 12 consecutive months; or~~

~~(c) A a nonconforming use of land without structure(s) ceases for a period of six months.~~

(2) ~~The subsequent use of the abandoned building, structure and/or land shall be in conformity with this chapter.~~ A nonconforming use shall be considered terminated upon the total destruction, by design or accident, of the structure in which the nonconforming use was taking place.

(3) After abandonment or termination of a nonconforming use, the subsequent use of the abandoned building, structure and/or land shall be in conformity with this chapter.

C. Maintenance. Maintenance may be made to a nonconforming use, structure or lot, provided that the maintenance work does not change or intensify the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose or increase the nonconformity in any manner.

D. Nonconforming lots and structures.

(1) Any existing structure on a nonconforming lot or any existing structure on a conforming lot which violates any yard requirements may have additions to the principal building and/or construction of an accessory building without ~~an appeal for~~ obtaining a variance, provided that the total permitted building coverage is not exceeded and that the accessory building and/or the addition to the principal building do not violate any other requirements of this chapter.

(2) In the event of the total destruction, by design or accident, of a nonconforming structure, construction of a new structure shall comply with all requirements of this chapter or appropriate variances shall be obtained.

E. Restoration and repairs.

(1) Any nonconforming building or structure or any building or structure in which a non-conforming use is taking place, which building or structure ~~use which~~ has been condemned or damaged by fire, explosion, flood, windstorm or act of God shall be examined by the following three people: the Construction Code Official ~~Zoning Officer~~; the owner or an architect or engineer selected by the owner; and a third person agreed to by the Construction Code Official ~~zoning officer~~ and the owner, whose fee shall be paid by the owner. If, in the opinion of the majority of the above three people, the value of repairing the ~~condition~~ building or structure is greater than 50% of the value of replacing the entire building or structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of the appropriate of the appropriate ~~a use~~ variance(s) as provided by state statutes.

(2) Where the value of repairing the ~~condition~~ building or structure is determined to be less than 50% of the value of replacing the entire building or structure, the nonconforming building or structure or the building or structure containing the non-conforming use may be rebuilt and used for the same purpose as before, provided that it does not exceed the height, area and bulk of the original structure.

§ 400-88. Pastoral animals.

A. General provisions.

(1) Pastoral animals may be maintained in any zone, provided that a minimum lot size of one acre exists for the first animal and that the lot size is increased an additional one-half (1/2) acre

for each additional animal, and further provided that any such animal must be provided with a stable or coop under a roof of at least 100 square feet per animal, and further provided that said stable or coop shall conform to the setback requirement for the zone wherein it is located. For the purposes of this chapter, ~~25~~ 5 (five) fowl shall be the equivalent of one pastoral animal.

(4) For purposes of regulations pertaining to pastoral animals, an acre shall be deemed to be ~~40,000~~ 43,560 square feet, and 1/2 acre shall be deemed to be ~~20,000~~ 21,000 square feet.

§ 400-90. One principal building per lot; exception.
No lot shall contain more than one principal building, except that shopping centers, industrial developments, multifamily complexes, ~~residential/golf course developments~~ swimming pools, both indoor and outdoor, health clubs, training facilities within an enclosed building receiving site plan approval may be permitted to have more than one building or use on a lot in accordance with the zoning district in which it is located. Antennas for wireless telecommunications services shall be permitted as an additional principal permitted structure and use in all zone districts, subject to site plan approval.

§ 400-91 Residential Clusters
C. Open space requirements. All open space, as designated on any cluster development, ~~shall~~ may be either dedicated to the municipality for use in its sole discretion or dedicated to an organization for the ownership and maintenance of the common open space for the benefit of the owners and residents of the development. The open space and any organization for the ownership and maintenance of said open space shall have the following requirements:

(2) Within 90 days of the granting of preliminary approval, the developer shall petition the Township governing body to have the governing body consider whether or not it desires to accept the open space as Township property. No final approval of any subdivision pursuant to these provisions shall be granted indicating that the open space shall be owned by the Township unless the governing body, prior to final approval, has agreed to accept ownership. ~~Whether or not the open space shall be dedicated for ownership by the Township shall be within the sole discretion of the Township governing body.~~ In the event that the Township governing body does not desire to own the open space, then said open space shall be dedicated to a nonprofit organization whose membership is restricted to owners and/or residents of the development and which organization shall be formed solely for the purpose of ownership and maintenance of the common open space. Any such organization shall be controlled under the following regulations:

§ 400-94. Service stations.

C. ~~It is intended that service stations be designed compatibly with other permitted commercial and industrial uses in the zone in which they are located, that they not be stripped along the available highway frontage or at each quadrant of a convenient intersection and that they be located within shopping centers and in office and industrial complexes as an integral part of the overall design.~~ Ingress and egress shall recognize the turning movements generated. These access points shall be coordinated with the access points required for the nearby uses, the frequency of intersecting side streets, the minimizing of left turns off collector and arterial streets and the maintaining of building setbacks compatible with the required setbacks and landscaping.

E. Service stations shall be subject to the following terms and conditions:
(1) The minimum lot size shall be two (2) acres in the C-1 and C-2 zones. The minimum lot size shall be five (5) acres in the C-LI zone.

(2) The minimum setback for a building shall be the same as the zone in which the use is located, except that the minimum setback for canopies over gasoline pumps shall be 60 feet.

(3) The service station shall be permitted to sell gasoline and automobile related products. In addition, sales of convenience items may be sold within an enclosed structure. The area established for sale of convenience items shall have a maximum FAR of 0.06 which shall be calculated as part of the total permitted FAR in the applicable zone district. No goods, except for gasoline and automotive products, shall be displayed, stored or sold outside the structure.

(4) Any such service station will be permitted to service automobiles in the customary manner but will not include any auto body work.

400-95 Signs: address banana type signs,

C. General regulations as to signs.
(8) No sign may ~~substantially~~ interfere with any door, window, fire escape or other large opening that provides light and/or ingress or egress.

(11) Blade flag signs shall be permitted in accordance with the following standards:
(a) Limit of one sign per each seventy-five feet (75 ft.) of linear frontage on a public roadway.
(b) Maximum duration per sign: fourteen (14) calendar days.
(c) Maximum display permits per calendar year: four (4).
(d) Prompt removal of sign(s) upon expiration of permit shall be a condition of approval.

D. Prohibited signs.
All pennants, flags, blade flag signs, and similar signs for commercial purposes are prohibited, except for special events and sales where a one-week temporary permit can be acquired from the enforcement officer. The fee for such temporary permit shall be 50% of the fee set forth in § 400-10 of this chapter.

§ 400-99.1 Docks piers and boathouses
B. (6) Nothing in this section shall be construed to waive the jurisdiction or remedies of the ~~Zoning Board of Adjustment~~ Planning Board, where applicable.

M. Appeals. Where a dispute exists as to the determination of the Zoning Officer on the issuance of a permit, the applicant may bring an appeal to the ~~Zoning Board of Adjustment~~ Planning Board in accordance with the procedures established by law.

Section 6. Article VII, entitled "Zoning District Use and Bulk Regulations" is hereby revised and amended as follows:

B. 400-100 Public/Conservation District.

(3) Conditional uses shall be as follows:

(a) ~~Churches;~~ schools offering academic instruction with curricula approved by the State of New Jersey; cemeteries and golf courses.
~~(b) Hospitals with minimum ten-acre lots.~~
~~(d) Club pools and associated recreation areas with minimum five-acre lots.~~

C §400-100 RR-AA
(3) Conditional uses shall be as follows:
(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.
(b) ~~Hospitals with minimum ten-acre lots.~~
(d) ~~Club pools and associated recreation areas with minimum five-acre lots.~~
(e) Home occupations, in accordance with the definition set forth in this chapter.
(f) ~~Campgrounds with minimum ten-acre lots.~~

(5) Bulk regulations shall be as follows:
(a) The maximum overall residential density shall not exceed one dwelling unit for every five acres. ~~Developments which are not developed under the residential cluster principle shall be permitted a lot area of four acres and would be subject to the standards set forth in the Schedule of Limitations.~~

D. §400-100 RR-A
(3) Conditional uses shall be as follows:
(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.
(b) ~~Hospitals with minimum ten-acre lots.~~
(d) ~~Club pools and associated recreation areas with minimum five-acre lots.~~
(f) ~~Campgrounds with minimum ten-acre lots.~~

(5) Bulk regulations shall be as follows:
(a) The maximum overall residential density shall not exceed one dwelling unit for every three acres. ~~Developments which are not developed under the residential cluster principle shall be permitted a lot area of 100,000 square feet and would be subject to the standards set forth in the Schedule of Limitations.~~

E. R-1: Residential District.
(3) Conditional uses shall be as follows:
(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.
(b) ~~Hospitals with minimum ten-acre lots.~~
(d) ~~Club pools and associated recreation areas with minimum five-acre lots.~~

F. R-2 Residential District
(1) Permitted principal uses shall be as follows:
~~(c) Planned adult communities, in accordance with §400-98~~

(3) Conditional uses shall be as follows:
(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.
~~(b) Hospitals with minimum ten-acre lots.~~

~~(d) Club pools and associated recreation areas with minimum five-acre lots.~~

G. R-3Residential District

(3) Conditional uses shall be as follows:

(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.

~~(b) Hospitals with minimum ten-acre lots.~~

~~(d) Club pools and associated recreation areas with minimum five-acre lots.~~

~~(f) Mortuaries.~~

I. R-4 Residential District

(3) Conditional uses shall be as follows:

(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.

~~(c) Club pools and associated recreation areas with minimum five-acre lots.~~

~~(e) Medical centers and mortuaries.~~

J. R-5 Residential District

(3) Conditional uses shall be as follows:

(a) ~~Churches~~ Houses of Worship; schools offering academic instruction with curricula approved by the State of New Jersey; ~~cemeteries and golf courses~~.

~~(b) Hospitals with minimum ten-acre lots.~~

~~(d) Club pools and associated recreation areas with minimum five-acre lots.~~

~~(f) Medical centers and mortuaries~~.

§ 400-101. Nonresidential districts.

A. C-1 and C-2 Commercial Districts.

(1) Permitted principal uses shall be as follows:

(a) Retail sales of goods and services. ~~including a~~ Automobile and ~~/~~ truck sales and laundromats in the C-2 District only.

(c) Veterinary ~~hospitals~~ clinics.

(f) Health clubs ~~and fitness centers~~.

~~(h) Recreation centers of a nonnuisance character, except for amusement arcades.~~

~~(i) Motels and hotels.~~

(3) Conditional uses shall be as follows:

(a) C-1 District.

[1] Service stations and motor vehicle ~~auto~~ repair, ~~but not including body shops~~, in accordance with the standards regulating service stations in this chapter, specifically § ~~400-15D(5) and~~ 400-94.

~~[2] Amusement arcades, provided that they shall be no closer than 750 feet to any church, school or place of business selling or disbursing alcoholic beverages. Furthermore, no amusement arcade shall be located where such a use will be prejudicial to the character of the neighborhood, create a threat to public safety or have a damaging or adverse effect upon adjacent properties.~~

~~[3] Convenience markets with a minimum of one parking space per 100 square feet of gross floor area.~~

~~[5] Retail sales of goods and services but not including automobile truck sales, provided that the minimum lot area is one acre and the minimum lot frontage is 200 feet.~~

(b) C-2 District.

[1] Service stations, motor vehicle ~~auto~~ repair, ~~amusement arcades and convenience markets~~, in accordance with the standards referenced above for the C-1 District.

(5) Bulk regulations shall be as follows:

~~(b) Buildings shall have a minimum floor area of 1,000 square feet.~~

C. C-LI: Commercial/Light Industrial District.

(1) Permitted principal uses shall be as follows:

(g) Veterinary ~~hospitals~~ clinics.

(k) Health clubs. ~~and fitness centers~~.

(p) Medical ~~centers and mortuaries.~~ clinics.

I. Professional/Business Zone ~~/commercial zone.~~

Section 7.

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

Section 8.

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.

ATTEST

_____ _____

Lisa Lashway, Township Clerk John Mania, Council President

CERTIFICATION

I, Lisa Lashway, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on , 2014 and adopted by the Township Council at a regular meeting of the Township held on , 2014.

_____

Lisa Lashway, Township Clerk