THE 2014 LAND DEVELOPMENT ORDINANCE

OF THE

Township OF Cranford

NEW JERSEY

Adopted by the Township Committee of the Township of Cranford

Dec. 16, 2014

Ordinance No. 2014-25

PROPOSED

CODE OF THE TOWNSHIP OF CRANFORD

UNION COUNTY, NEW JERSEY

LAND DEVELOPMENT ORDINANCE

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Chapter 136. LAND DEVELOPMENT

Article I. General Provisions

§ 136-1. Purposes; definitions.

Editor's Note: Former Art. I, Short Title, which immediately preceded this section, was omitted 6-24-1992 by Ord. No. 92-19.

A. Purposes. The purposes of this chapter are as follows:

(1) To plan and guide the appropriate use or development of all land in a manner which will promote the public health, safety, morals and general welfare.

(2) To secure safety from fire, flood, panic and other natural and man-made disasters.

(3) To provide adequate light, air and open space.

(4) To ensure that land development does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.

(5) To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, maintenance of the character of neighborhoods, preservation of the environment and quality of life.

(6) To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

(7) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements.

(8) To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.

(9) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

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

(11) To encourage planned developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site.

(12) To encourage senior citizen community housing construction.

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

(14) To regulate the location of buildings and establish standards of development: to establish building lines and the location of buildings designed for residential, commercial, industrial, office or other uses within such lines; and to fix reasonable standards to which buildings or structures shall conform.

(15) To prohibit incompatible uses; to prohibit uses, buildings or structures which are incompatible with the character of development of the permitted uses within specified zoning districts and surrounding areas.

(16) To regulate alterations of existing buildings; to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

(17) To conserve the value of land and buildings throughout the Township.

(18) Within the community's resources, to meet the future housing needs of the citizens of the Township of Cranford and the region and to assure a full range of housing types to meet all income levels.

(19) To reduce public expenditures for emergency operations, evacuations and restorations.

(20) To prevent damage to transportation and utility systems.

(21) To minimize losses and damage to public and private property due to inundation caused by floodwaters and storm runoff.

(22) To restrict structures and land uses which increase flood heights, velocities, erosion and siltation.

(23) To prevent an increase in volume and rate of surface runoff due to development.

(24) To prevent further unwise developments in floodplains, thus reducing future expenditures for protective measures.

(25) To preserve, protect and enhance the natural environment of the floodplain.

(26) To maintain the useful life of water detention and retention areas by preventing sedimentation.

(27) To prevent dangers to life and property from flooding resulting from excessive water runoff and clogging of drainage structures.

(28) To preserve the recreational use of water bodies and enhance water quality by preventing stagnation.

(29) To prevent pollutants from entering streams, rivers and potable water supplies.

(30) To reduce public expenditures for repair of public facilities resulting from soil erosion and sedimentation.

B. Definitions.

(1) For the purpose of this chapter, unless the context clearly indicates a different meaning, the term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action. The singular shall also mean the plural, and "person" shall also mean other legal entities.

(2) As used in this chapter, the following terms shall have the meanings indicated:

ABUTTING COUNTY ROAD — Any existing or proposed county road shown on the adopted County Master Plan or Official Map, which adjoins or lies within a lot or parcel of land submitted for subdivision or site plan approval.

ACCESSORY USE OR STRUCTURE — A use or structure subordinate to and customarily incidental to the principal use or structure on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof.

ADMINISTRATIVE OFFICER — The Secretary of the Planning Board for the Planning Board and the Zoning Officer for the Board of Adjustment.

ADVERSE DRAINAGE CONDITION — The absence of drainage facilities, drainage easements or drainage rights-of-way leading to, along or through a street, road, drainage structure or property, either within or exterior to a proposed subdivision or site plan, of such location, size, design, construction or condition which would provide adequately for storm drainage or which would prevent flooding, erosion, silting or other damaging effect to a street, road, drainage structure or property or which would remove the threat of such damage.

ALLEY — A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

ANIMAL HOSPITAL — A place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to short-term boarding and shall be incidental to such hospital use.

ANIMAL KENNEL — Any building, structure or premises in which animals are kept, boarded, bred or trained for commercial gain.

APARTMENT — See "dwelling, multi-family."

APPEAL — As applies only to Article VI of this chapter, a request for a review of the Township Engineer's interpretation of any provision of Article VI or a request for a variance. [Added 2-22-1983 by Ord. No. 83-7]

APPLICANT — A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36. [Amended 12-12-2006 by Ord. No. 2006-46]

APPROVED PLAN — A plan which has been granted final approval of the Planning Board or Board of Adjustment of the Township of Cranford.

APPROVING AUTHORITY — The Cranford Planning or Zoning Board, unless a different agency is designated by statute.

AREA OF SHALLOW FLOODING — A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM), with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident. [Added 2-22-1983 by Ord. No. 83-7]

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area is also called the "floodplain" or "flood-prone area." [Added 2-22-1983 by Ord. No. 83-7]

ART GALLERIES -- establishments primarily engaged in retailing original and limited edition art works.

ARTIST AND ARTISAN STUDIO OR WORKSHOP — An establishment wherein persons skilled in the fine arts such as drawing, painting or sculpture, or persons with special skills or trade in the manual arts, such as pottery, glass blowing and jewelry-making, work or carry out light manufacturing or repairs.

ATTIC — The space between the ceiling beams of the top story and the roof rafters

ATTIC STORY — An attic having, within its space, possible floor area with headroom of five feet or greater over sixty (60) percent or more of the story directly beneath.

AUTO REPAIR GARAGE — Establishments primarily engaged in the repair and servicing of automobiles. Industrial truck repair is not included in this definition. [Added 7-17-2012 by Ord. No. 2012-20]

AWNING — A roof-like cover that projects from a wall of a building for the purpose of shielding a doorway or window from the elements. [Added 12-9-1986 by Ord. No. 86-56]

BAKERIES -- establishments primarily engaged in retailing baked goods that are made on or off the premises.

BANNER — A flexible substrate on which copy or graphics may be displayed.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

[Added 2-22-1983 by Ord. No. 83-7]

BASE FLOOD ELEVATION — The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

BASEMENT — That portion of a building which is partly or completely below grade. . [Amended 4-28-1987 by Ord. No. 87-8]

BEAUTY AND BARBER SHOPS — Establishments that are primarily engaged in furnishing beauty and hairdressing services including manicure, pedicure, and facial salons. [Added 7-17-2012 by Ord. No. 2012-20]

BED AND BREAKFAST ESTABLISHMENT — A building that contains a minimum of two units utilized for lodging and a morning meal for transient guests in exchange for compensation.

BLOCK — The areas bounded by one or more streets or a municipal boundary of sufficient size to accommodate a lot or lots of the minimum size required in this chapter.

BOARDERS — See "roomers."

BOARDING HOME FOR SHELTERED CARE — An establishment licensed by the New Jersey State Department of Health to operate as a "boarding home for sheltered care."

BUILDING — A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

(a) BUILDING, ACCESSORY — A subordinate building on the same lot with the principal or main building occupied or devoted exclusively to an accessory use.

(b) BUILDING, PRINCIPAL — A building in which is conducted the principal use of the site on which it is situated.

BUILDING COVERAGE — That area of a lot or site which is occupied or proposed to be occupied by a building. (See also "lot coverage" and "open space.")

CABARET OR NIGHTCLUB — Any room, place, space or premises operated as a commercial establishment in which eating and/or drinking may take place and in which there is also provided entertainment. Such entertainment may include music by a live musician or musicians, or any mechanical, electronic or other means, such as records, laser discs, audio or videotapes or other audio or audiovisual means; this does include the operation of a motion-picture theater. Also included as entertainment are any act, play, burlesque show, revue, pantomime, scene, dance act or song-and-dance act participated in by one (1) or more employees, guests, customers or any other person or persons. For the purpose of this definition, background piped-in music shall not be deemed as a form of entertainment.

CANDY STORES -- establishments primarily engaged in retailing candy and other confections, nuts, and

popcorn not for immediate consumption and not made on the premises.

CAPITAL IMPROVEMENT — A governmental construction project or acquisition of equipment or real property.

CAR DEALER, NEW — An establishment primarily engaged in the factory authorized retail sale of new cars; permitted accessory uses are the maintenance of a service and repair shop, the retail sale of used cars, car parts and accessories and the sale of used, new and unused light vehicles other than cars. [Amended 10-8-1985 by Ord. No. 85-60]

CAR DEALER, USED — An establishment solely engaged in the sale of used cars.

[Amended 10-8-1985 by Ord. No. 85-60]

CARPORT — A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

CELLAR — A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 1/2 feet.

CERTIFICATION — A signed, written statement by the appropriate officer that specific constructions, inspections, tests or notices, where required, have been performed and that such comply with this chapter.

CHANGE OF USE — A change from any use listed in §136-32 of this chapter to any other use, or from any use not listed to any other use. [Added 6-10-2003 by Ord. No. 2003-19]

CHANNEL — A watercourse with a definite bed and banks which confine and conduct continuously or intermittently flowing water.

CHILD-CARE CENTER — An establishment providing for the care, supervision and protection of children and for which, upon completion, a license is required from the Department of Human Services pursuant to Public Law 1983, Chapter 492 (N.J.S.A. 30:5B-1 et seq.). The floor area occupied by "child-care centers" shall not be counted against the maximum floor area ratio of permitted uses in nonresidential zones. [Added 8-20-1996 by Ord. No. 96-2]

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

CLUSTER — See "residential cluster."

COFFEE SHOPS -- establishments primarily engaged in serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. These establishments may carry and sell a combination of snacks, nonalcoholic beverages, and other related products (e.g., coffee beans, mugs, coffee makers) but generally promote and sell a unique snack or nonalcoholic beverage.

COMMERCIAL VEHICLE or COMMERCIAL LIGHT VEHICLE

Any such currently registered and operational motor vehicle containing advertising, signs, lettering, names or addresses, other than trademarks and labels of manufacturer and dealer, but not including any omnibus, school bus or school vehicle as defined by Title 39 of the New Jersey Revised Statutes. [Added 12-22-1981 by Ord. No. 81-50]

COMMON OWNERSHIP — Ownership of two or more contiguous parcels of real property by one person or by two or more persons owning such property jointly.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED — Any community residential facility licensed pursuant to P.L. 1977, c. 488 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, intermediate-care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health-care facility within the meaning of the Health Care Facilities Planning Act (P.L. 1971, c. 136, N.J.S.A. 26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. [Added 11-27-1984 by Ord. No. 84-52]

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE — Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (N.J.S.A. 30:14-1 through 30:14-14) providing food, shelter, medical care, legal assistance, personal guidance and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare. [Added 11-27-1984 by Ord. No. 84-52]

COMPLETE APPLICATION — An application form completed as specified by this chapter and the rules and regulations of the Boards and all accompanying documents required for approval of the application for development. [Added 12-9-1980 by Ord. No. 80-44]

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

CONVENIENCE STORE — Establishments that sell a range of everyday items such as groceries, prepared food for off-site consumption, toiletries, alcoholic and soft drinks, tobacco products, newspapers and may offer money order and wire transfer services. [Added 7-17-2012 by Ord. No. 2012-20]

COUNTY MASTER PLAN — A composite of the plan elements for the physical development of Union County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the

County Planning Board pursuant to N.J.S.A. 40:27-2 and N.J.S.A. 40:27-4.

COUNTY PLANNING BOARD — The Union County Planning Board.

COURT — Any open, unoccupied area which is bounded by three or more building walls.

COURT, INNER — An open area, unobstructed from the ground to the sky, which is bounded on more than three sides by the exterior walls of one or more buildings.

COURT, OUTER — An open space unobstructed from the ground to the sky which is bounded on not more than three sides by the exterior walls of one or more buildings.

CRITICAL AREA — A sediment-producing, highly erodible or severely eroded area.

CUL-DE-SAC — The turnaround at the end of a dead-end street.

CULVERT — A structure with a clear span of 20 feet or less under a driveway, road, railroad or pedestrian walk, not incorporated in a closed system.

CUT — Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface or excavated surface.

DAYS — Calendar days.

DEAD-END STREET — A street or portion of a street which is accessible by a single means of ingress or egress.

DECK — A raised horizontal structure without roof or walls and more than one foot in height at any point; also, an area having the characteristics of a patio but more than one foot in height at any point. [Added 8-20-1996 by Ord. No. 96-2]

DEDICATION FOR STREET PURPOSES — A dedication of land for construction, reconstruction, widening, repairing, maintaining or improving a street, public or private, and for the construction, reconstruction or alteration of facilities related to the safety, convenience or carrying capacity of said street, including but not limited to curbing, pedestrian walkways, drainage facilities, traffic control devices and utilities in or along road rights-of-way.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land 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.

DELICATESSENS - establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages.

DEVELOPMENT — (a) The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, landfill or land disturbance and any use or extension of use of land, for which permission may be required pursuant to this chapter.

(b) As applies only to Article VI of the Land Development Ordinance, any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. [Added 2-22-1983 by Ord. No. 83-7]

DEVELOPMENTALLY DISABLED PERSON — A person who is developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2). [Added 11-27-1984 by Ord. No. 84-52]

DEVELOPMENT CLUSTER — See "residential cluster."

DEVELOPMENT REGULATION — Zoning, subdivision, site plan, Official Map or other municipal regulation of the use and development of land, or amendment thereto, adopted and filed pursuant to the Municipal Land Use Law.

DIVERSION CHANNEL — A channel constructed across or at the bottom of a slope.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRIVE-IN RESTAURANT — A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption of the same takes place or is designed to take place outside the confines of the building in a motor vehicle on the site.

DRIVE-IN USE — A use where all or part of the business may take place outside the confines of the principal structure with the customer remaining in a motor vehicle.

DWELLING, ATTACHED — A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING, DETACHED — A dwelling which is not attached to any other dwelling.

DWELLING, MULTIFAMILY — A building containing more than two dwelling units.

DWELLING, NEIGHBORING — Any dwelling located on any of the following lots:

(a) The first or second lot in either direction from the subject lot on the same side of the street, without regard to intervening streets.

(b) A lot with any part of its street frontage opposite the subject lot or any other lot referred to in

Subsection B(2)(a) above. [Added 3-23-1982 by Ord. No. 82-27]

DWELLING, ONE-FAMILY — A building containing one dwelling unit.

DWELLING, SEMIDETACHED — A one-family dwelling attached to one other one-family dwelling by a common vertical wall.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

ELECTRONIC MESSAGE CENTER OR SIGN (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)

Display Time – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Dynamic Frame Effect – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

Scroll – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

ELEVATED BUILDING — A nonbasement building built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor, or, in the case of a building in a coastal high-hazard area, to have the bottom of the lowest horizontal structural member of the elevated building or structure above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

(a) In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

(b) In areas of coastal high hazard, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls. [Added 4-28-1987 by Ord. No. 87-8]

EMBANKMENT — A man-made or natural deposit of soil, rock or other material. (See "fill.")

ENCROACHMENT — Any obstruction within a delineated floodway.

ENVIRONMENTAL COMMISSION — A municipal advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

EROSION — The detachment, movement or wearing away of land surface, soil or rock by water, wind, ice or gravity.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories reasonably necessary for the furnishing of adequate service to the zone or neighborhood where located by public utilities or municipal or other governmental agencies. "Essential services" shall include first-aid and emergency-aid squad buildings.

EXCAVATION — Removal or recovery, by any means whatsoever, of minerals, mineral substances or organic substances, other than vegetation, from the water, land surface or beneath the land surface, whether exposed or submerged. Normal agricultural activities shall not be considered to be "excavation."

EXECUTIVE OFFICES — Offices used primarily for corporate headquarters and executive management and administrative purposes, including conference facilities and meeting rooms. "Executive offices" shall be limited to no more than four. [Added 8-28-1990 by Ord. No. 90-37]

EXISTING GRADE — The vertical location of the ground surface prior to excavating or filling.

EYEGLASS SALES AND REPAIR -- establishments primarily engaged in one or more of the following: (1) retailing and fitting prescription eyeglasses and contact lenses; (2) retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; and (3) selling nonprescription eyeglasses, which may or may not include an accessory medical professional office associated with an optometrist and/or ophthalmologist.

FAMILY — Any number of persons maintaining a nonprofit household. A "family" shall include foster children placed with a family by the State Division of Youth and Family Services or a duly incorporated child-care agency but shall not include roomers or members of a fraternity or sorority. (See also "household.")

FAMILY DAY CARE — A private residence which is registered as a family day-care home pursuant to the Family Day Care Provider Registration Act, P.L. 1987, c. 27 (N.J.S.A. 30:5B-16 et seq.) and is further defined as a private residence in which child-care services are provided for a fee and not less than three and no more than five children at one time for no less than 15 hours per week; except that the division shall not exclude a family day-care home with less than three children from voluntary registration. [Added 8-20-1996 by Ord. No. 96-2]

FARM — An area of land which is actively devoted to agricultural or horticultural use, which occupies no fewer than five acres, exclusive of the land upon which the farmhouse is located and such additional land as may actually be used in connection with the farmhouse as provided in N.J.S.A. 54:4-23.3, 54:4-23.4 and 54:4-23.11, except that livestock, poultry, fowl or other animals shall not be maintained on the premises for commercial gain unless incidental to the major agricultural activity.

FILL — Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by any person or persons. See also "embankment."

FINAL APPROVAL — The official action of the Planning Board or Board of Adjustment taken on a development plan which had been given preliminary approval and after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

FLOOD DAMAGE POTENTIAL — The susceptibility of a specific land use at a particular location to damage by flooding and the potential of the specific land use to increase off-site flooding or flood-related damages.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from: [Added 2-22-1983 by Ord. No. 83-7]

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FRINGE AREA — That portion of the flood hazard area outside of the floodway based on the

total area inundated during the regulatory base flood, plus 25% of the regulatory base flood discharge.

FLOOD HAZARD AREA — The floodplain, consisting of the floodway and the flood fringe area.

FLOOD HAZARD DESIGN ELEVATION — The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

FLOOD INSURANCE RATE MAP — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. [Amended 2-22-1983 by Ord. No. 83-7]

FLOOD INSURANCE STUDY — The official report in which the Federal Insurance Administration has provided flood profiles, the Flood Boundary and Floodway Map and the water surface elevations of the base flood. [Added 2-22-1983 by Ord. No. 83-7]

FLOOD MAP — A map prepared by Richard P. Browne, Associates, entitled "Delineation of Floodway and Flood Fringe Area," and approved by the State of New Jersey Water Policy and Supply Council, October 18, 1976, pursuant to N.J.S.A. 58:16A-52, or as revised by the Federal Insurance Administration.

FLOOD OF RECORD — Flood of August 2-3, 1973, for which accurate local records are available.

FLOODPLAIN — The same as the "flood hazard area," and shall include Zones A-1 through A-30 on the Flood Insurance Rate Map.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot. [Amended 2-22-1983 by Ord. No. 83-7]

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, but not including areas devoted exclusively to off-street parking and loading space for motor vehicles or any space where the floor-to-ceiling height is less than seven feet.

FLOOR AREA, NET — Gross floor area minus 15%.

FLOOR AREA, RATIO — The ratio of the gross floor area of all buildings on a lot to the lot area.

FLY ASH — Particles of gasborne matter, not including process material, arising from the combustion of solid fuel such as coal or wood.

FURNITURE STORES – establishments primarily engaged in retailing new furniture, such as household furniture and outdoor furniture; office furniture and/or furniture sold in combination with major appliances, home electronics, home furnishings, or floor coverings.

GARAGE — [Repealed 8-20-1996 by Ord. No. 96-2]

GARAGED — To be stored or parked entirely within the perimeter walls of a garage, with the doors closed except for purposes of ingress and egress. [Added 12-22-1981 by Ord. No. 81-50]

GARAGE, PRIVATE CUSTOMER AND EMPLOYEE — A structure that is accessory to a retail, commercial or manufacturing establishment, building or use for the parking and storage of vehicles operated by the customers, visitors and employees of such buildings and that is not available to the general public. [Added 8-20-1996 by Ord. No. 96-2]

GARAGE, PRIVATE RESIDENTIAL — A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof. [Added 8-20-1996 by Ord. No. 96-2]

GARAGE, PUBLIC — A structure or portion thereof other than a private customer and employee garage or private residential garage used for the parking and storage of vehicles and is available to the general public. [Added 8-20-1996 by Ord. No. 96-2]

GARAGE, REPAIR — Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles, trailers or recreation vehicles is conducted or rendered and which does not involve the sale of gasoline or other fuels. The sale of new or used vehicles is not a permitted use. [Amended 10-8-1985 by Ord. No. 8560; 7-28-1987 by Ord. No. 87-27]

GARDEN APARTMENT — See "dwelling, multifamily."

GASOLINE SERVICE STATION — A place where gasoline or other motor fuels are sold to the public and delivered directly into motor vehicles and which may also provide for the maintenance and service of motor vehicles or the sale and installation of motor vehicle equipment and accessories. [Added 10-8-1985 by Ord. No. 85-60; amended 7-28-1987 by Ord. No. 87-27]

GOVERNING BODY — The Township Committee of the Township of Cranford.

GOVERNMENT AGENCY — Any department, commission, independent agency or instrumentality of the United States and of the State of New Jersey and of any country, city, Township, village, authority, district or other governmental unit.

GRADE, FINISHED — The final grade or elevation of the ground surface conforming to the proposed design.

GRADE PLANE — Shall be defined as follows:

A. Areas Located Outside the Flood Hazard Area: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two (2) feet above the preconstruction grade on the upland side(s) of a structure on sloping sites.

B. Areas or Portions of the Building Area of a Lot Located Within the Flood Hazard Area: The reference plane

shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus one (1) foot.

GRADING — Any stripping, culling, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

GROCERY STORES — Stores commonly known as "supermarkets," "food stores," "grocery stores," and "delicatessens" primarily engaged in the retail sale of all sorts of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry, except that convenience stores are not included in this definition. [Added 7-28-1992 by Ord. No. 92-23; amended 7-17-2012 by Ord. No. 2012-20]

GROSS VEHICULAR WEIGHT — The gross vehicle weight rating established by the manufacturer. [Added 12-22-1981 by Ord. No. 81-50]

HABITABLE ROOM — Any room in a dwelling unit other than a kitchen or bathroom.

HAZARDOUS MATERIALS — Includes but is not limited to inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; and coal tar acids, such as phenols and cresols and their salts.

HAZARDOUS WASTE — Those wastes that can cause or help to cause illness or death or that, in the absence of proper management, represent a significant threat to either human health or the environment based upon the criteria of ignitability, corrosivity, reactivity and toxicity as established by the United States Environmental Protection Agency (EPA), pursuant to the provision of the Resource Conservation and Recovery Act of 1976. [Added 8-28-1990 by Ord. No. 90-37]

HEALTH CARE FACILITY — A facility which provides a full range of medical preventative, diagnostic, treatment and surgical services, excluding drug rehabilitation services, by a group of physicians to persons who come to the facility to receive medical services and depart from the facility on the same day, which may also include ancillary lab testing, pharmaceutical, food service and other support services. [Added 5-21-2013 by Ord. No. 2013-08]

HEIGHT — The vertical distance from the grade plane to the highest point of the roof surface of a building.

HIGHLY FLAMMABLE LIQUIDS OR GASES — Liquids or gases having a flash point of 100º F. (37º C.) or less or autoignition temperatures of 1,040º F. (560º C.) or less. [Added 8-28-1990 by Ord. No. 90-37]

HISTORIC SITE — Any building, structure, area or property that has been designated to be significant in the history, architecture, archeology or culture of this state. its communities or the nation pursuant to the New Jersey Municipal Land Use Law.

HOME OCCUPATION — Any activity carried out for gain by a resident conducted as an accessory use

in his dwelling unit. Newspaper delivery by minors shall not be considered a "home occupation."

HOTEL, MOTOR HOTEL or MOTEL — A building designed for occupancy as a temporary residence of one or more persons who are lodged with or without meals.

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 storage of food within the dwelling unit.

HOUSEHOLD APPLIANCE SALES -- establishments primarily engaged in selling and servicing household appliances, such as refrigerators, stoves, washing machines, clothes dryers, and room air-conditioners.

IMPERVIOUS SURFACE — Any material which generally reduces or prevents absorption of stormwater into previously undeveloped land. Retention and detention basins and drywells allowing water to percolate directly into the ground shall not be considered as "impervious surfaces."

INSTITUTIONAL AND PUBLIC USES — Nonprofit public or quasi-public institutions and uses such as houses of worship, public and private schools and/or land used for such purposes, but not municipally owned libraries, buildings, structures or land. [Amended 5-14-1991 by Ord. No. 91-11]

INTERESTED PARTY — In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; 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 chapter or under any other law of this state or of the United States or has been denied, violated or infringed by an action or a failure to act under this chapter.

JUNK — Any scrap, waste, reclaimable material and debris, whether or not stored or used in conjunction with the dismantling, processing, salvage, storage, baling, disposal or other use or disposition. "Junk" may include, for purposes of illustration, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, plaster, household appliances, wood, lumber, brush and building materials.

JUNKYARD — Any area, lot, parcel, building or structure used for the storage, sale, processing, abandonment or storage of junk.

LAND — Ground, soil or earth, including improvements and fixtures on, above or below the surface thereof.

LAND DISTURBANCE — Any activity involving the clearing, cutting, excavating, filling, grading and any other activity which causes land to be exposed to the danger of erosion.

LAWN AND GARDEN EQUIPMENT SALES AND REPAIR SHOPS – establishments primarily engaged in either repairing and/or servicing home and garden equipment such as lawnmowers, handheld power tools, edgers, snow- and leaf-blowers, and trimmers.

LIGHT VEHICLE [Added 12-22-1981 by Ord. No. 81-50]

(a) Pedal-operated vehicles, motorcycles, mopeds and other similar vehicles.

(b) The following light motor vehicle classes, as recognized by the United States Environmental Protection Agency:

[1] Cars, including station wagons.

[2] Pickup trucks, but only those with a gross vehicular weight which does not exceed 8,600 pounds. Pickup trucks with a gross vehicular weight exceeding 8,600 pounds may be classified as "light vehicles," provided that the length, width and height are the same as those of a comparable vehicle with a gross vehicular weight of 8,600 pounds or less, as produced by the same manufacturer during the same model year

[3] Vans, but only those with a gross vehicular weight which does not exceed 8,600 pounds. Vans with a gross vehicular weight exceeding 8,600 pounds may be classified as "light vehicles," provided that the length, width and height are the same as those of a comparable vehicle with a gross vehicular weight of 8,600 pounds or less, as produced by the same manufacturer during the same model year.

[4] Special purpose vehicles, but only those with a gross vehicular weight does not exceed 8,600 pounds. Special purpose vehicles with a gross vehicular weight exceeding 8,600 pounds may be classified as "light vehicles," provided that the length, width and height are the same as those of a comparable vehicle with a gross vehicular weight of 8,600 pounds or less, as produced by the same manufacturer during the same model year.

(c) This term does not include any omnibus, school bus or school vehicle as defined by Title 39 of the New Jersey Revised Statutes

LIMITED ASSEMBLY — The assembly or partial assembly of products and goods to be stored and distributed as part of the office and warehouse/distribution uses on-site. "Limited assembly" shall not include manufacturing operations which result in the conversion or modification of the chemical or physical properties of the component materials or result in chemical by-products of the operation. All "limited assembly" uses shall be subject to the performance standards set forth in § 136-24 of this chapter. [Added 8-28-1990 by Ord. No. 90-37]

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

LOT AREA — The computed area contained within the lot lines, but not including any street rights-of-way.

LOT CORNER — A parcel of land either at the junction of and abutting on two or more intersecting streets or abutting a single street at the point where the road tangents deflect by more than 45º. On corner

lots, there shall only be one rear lot line.

LOT COVERAGE — That portion of one lot or more than one lot which is improved or is proposed to be improved with buildings and structures, including but not limited to driveways, parking lots, pedestrian walkways, signs and other man-made improvements on the ground surface which are more impervious than the natural surface. (See also "building coverage" and "open space.")

LOT DEPTH — The distance between the midpoint of the front lot line and the midpoint of the rear lot line. [Amended 7-24-1990 by Ord. No. 90-33]

LOT, INTERIOR — A parcel of land other than a corner lot.

LOT LINE — A line of record bounding a lot.

LOT LINE, FRONT — The lot line separating a lot from a street right-of-way.

LOT LINE, REAR —Shall mean the lot line opposite and most distant from the front lot line or the point at which the two side lot lines meet in the case of a triangular lot. If a lot has two or more front lot lines, the line opposite the street used as the property address shall be considered the "rear" lot line.

[Amended 7-24-1990 by Ord. No. 90-33]

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT, THROUGH — An interior lot which extends from one street to another.

LOT WIDTH — The shortest distance between the side lot lines. [Amended 7-24-1990 by Ord. No. 90-33]

LOWEST FLOOR — The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so to render the structure in violation of other applicable nonelevation design requirements.

LUMBER YARDS -- establishments (except those known as home centers, paint and wallpaper stores, and hardware stores) primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be installed.

MAINTENANCE GUARANTY — Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this chapter.

MAJOR SITE PLAN — A development plan for one or more lots which meets one or more of the following criteria:

[Added 12-9-1980 by Ord. No. 80-44]

(a) Five or more acres.

(b) Six or more dwelling units.

(c) A planned development.

(d) Any new street.

(e) Any off-tract improvement which is to be provided pursuant to N.J.S.A. 40:55D-42.

MAJOR SUBDIVISION — A subdivision not classified as a minor subdivision.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent-chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. "Manufactured homes" are not permitted in the flood area in the Township of Cranford. In the event that such a use is permitted in the future or through the variance procedure, similar regulations regarding the basement and maintenance of "manufactured homes" shall become applicable. [Added 4-28-1987 by Ord. No. 87-8]

MANUFACTURED HOMES or MANUFACTURED HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [Added 4-28-1987 by Ord. No. 87-8]

MASTER PLAN — A composite of one or more written or graphic proposals for the development of the Township prepared and adopted pursuant to the Municipal Land Use Law.

MAYOR — The chief executive of the Township of Cranford.

MENTALLY ILL PERSON — A person who is afflicted with a mental illness as defined in N.J.S.A. 30A:4-23, *Editor's Note: N.J.S.A. 30:4-23 was repealed by P.L. 1987, c. 116, § 30, effective 6-7-1989.* but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge. [Added 11-27-1984 by Ord. No. 84-52]

MICROCELL — A small patch antenna which is generally surface-mounted to a building facade.MINOR SITE PLAN — Any site plan not a major site plan. [Added 12-9-1980 by Ord. No. 80-44]

MINOR SUBDIVISION — A subdivision of land for the creation of no more than three lots, provided that such subdivision does not involve a planned development, a new street, or an extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. [Amended 12-9-1980 by Ord. No. 80-44; 6-24-1992 by Ord. No. 92-19; 5-26-2009 by Ord. No. 2009-21]

MULCHING — The application of suitable materials on the soil surface to conserve moisture, hold soil

in place and aid in establishing plant cover.

MUNICIPAL LAND USE LAW — N.J.S.A. 40:55D-1 through 40:55D-92, as amended.

NATURAL GROUND SURFACE — The ground surface in its original state before any grading, excavation or filling.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this chapter. [Added 2-22-1983 by Ord. No. 83-7]

NONCONFORMING LOT — A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter 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.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of this chapter 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.

NUISANCE ELEMENT — Any smoke, solid particles or fly ash, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat.

NURSERY SCHOOL — A facility designed to provide daytime care or instruction for five or more children from two to five years of age, inclusive, and operated on a regular basis.

NURSING HOME — A building providing shelter and/ or supplemental health care for the elderly or infirm and meeting the standards and licensed by the State of New Jersey, to operate as a nursing home.

OBSTRUCTION — Includes but is not limited to any structure, fill, excavation, channel modification, rock, gravel, refuse or matter in, along, across or projecting into any channel, watercourse or flood hazard area which may impede. retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to pose a danger to life or property.

OFFICE DISTRIBUTION CENTERS — Includes the warehousing and distribution of goods, provided that up to 10% of the gross floor area of any "office distribution center" may be used for executive or administrative office uses ancillary to the warehouse distribution uses. Warehousing in "office distribution centers" shall not include the storage of fuels, hazardous materials, hazardous waste, highly flammable liquids or gases or petrochemical products. All warehousing and storage of goods shall be conducted entirely within enclosed structures and buildings. "Office distribution centers" shall not include miniwarehouses or similar uses or truck depots or similar uses. [Added 8-28-1990 by Ord. No. 90-37]

OFFICE SUPPLY AND SUPPORT STORES — Establishments primary engaged in supplying, reproducing, shipping, and selling of miscellaneous supplies in support of office uses. [Added 7-17-2012 by Ord. No. 2012-20]

OFFICIAL COUNTY MAP — The map, with changes and additions thereto, adopted and established from time to time by resolution of the Board of Chosen Freeholders of the county pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP — A map adopted in accordance with the Municipal Land Use Law or any prior act authorizing such adoption, which map shall be deemed conclusive with respect to the location and width of the streets, public parks and playgrounds and drainage rights-of-way shown thereon.

OFFICIAL SOILS INTERPRETATION — The interpretations of the soils described in the Somerset-Union Soil Survey of the National Cooperative Soil Survey of the Soil Conservation Service, United States Department of Agriculture, published by the County Soil Conservation District and adopted by resolution of the Union County Planning Board.

OFFICIAL SOIL MAP — The individual map sheets that are part of the Union County Soil Survey of the National Cooperative Soil Survey of the Soil Conservation Service, United States Department of Agriculture, published by the County Soil Conservation District and adopted by resolution of the Union County Planning Board.

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 contiguous portion of a street or right-of-way.

OFF-TRACT — Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE — Located on the lot in question.

ON-TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

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 area 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. (See also "building coverage" and "lot coverage.")

OPEN SPACE, COMMON — 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 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.

OPEN SPACE, GREEN — An area not occupied by structures or impervious surfaces.

OPEN SPACE, PUBLIC — An open space area conveyed or otherwise dedicated to the Township or a

Township agency, Board of Education, state or county agency or other public body for recreational and conservational uses.

OWNER — An individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest to seek or authorize development of land under this chapter.

PARABOLIC SATELLITE ANTENNA — Any apparatus which is designed for the purpose of receiving television, radio, microwave, satellite or similar signals and which is characterized by a round dish-type structure. [Amended 10-8-1985 by Ord. No. 85-60]

PARKING AREA, PRIVATE — Any open area, including parking spaces, driveways and access aisles or other public ways, used for the temporary storage of automobiles and other permitted vehicles for the private use of the owners or occupants of the lot on which the area is located.

PARKING AREA, PUBLIC — Any open area, including parking spaces, driveways and access aisles, other than a street or other public way, used for the temporary storage of automobiles and other permitted vehicles and available to the public, with or without compensation or as an accommodation for clients, customers and employees.

PARKING FACILITY — Any private customer and employee garage, private residential garage and public garage. [Amended 8-20-1996 by Ord. No. 96-2]

PARTY IMMEDIATELY CONCERNED — For purposes of notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under this chapter.

PATIO — A horizontal area located at existing grade and used for other than vehicular purposes, which is without roof or walls and surfaced with wood, macadam, masonry, stone, brick, block or other such material. [Added 8-20-1996 by Ord. No. 96-2]

PENTHOUSE — A roofed enclosure up to 12 feet in height on top of a building and occupying not more than 20% of the main roof area.

PERCOLATION TEST — A test designed to determine the ability to absorb water.

PERFORMANCE GUARANTY — Any security which may be accepted by the Township, provided that 10% of the total performance guaranty shall be in cash.

PERFORMANCE STANDARDS — The maximum emission level that a nuisance element is permitted under this chapter.

PERMIT — A certificate issued to perform work under this chapter.

PERMITTED USE — Any use which shall be allowed, subject to the provisions of this chapter.

PERMITTEE — Any person to whom a permit is issued in accordance with this chapter.

PERSON — A corporation, company, association, society, firm, partnership or joint-stock company, as well as an individual, the state and all political subdivisions of the state or any agency or instrumentality thereof.

PESTICIDE — Any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in persons or animals. The term "pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.

PET STORES — Establishments primarily engaged in the retail sale of pets including dogs, cats, fish, and exotic animals. [Added 7-17-2012 by Ord. No. 2012-20]

PHYSICIAN — A person licensed to practice medicine or surgery, or a chiropractic physician, doctor of podiatry or a person similarly licensed by the Board of Medical Examiners of the State of New Jersey. [Added 11-14-2005 by Ord. No. 2005-44]

PLANNED DEVELOPMENT — Any development which is a planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development. [Added 12-9-1980 by Ord. No. 80-44]

PLAT — A map or maps of a subdivision or site plan.

PLAT, FINAL — The final map of all or a portion of a subdivision or site plan which is presented to the Planning Board or Board of Adjustment for final approval in accordance with this chapter.

PLAT, PRELIMINARY — The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Board or Board of Adjustment for consideration and preliminary approval.

PLAT, SKETCH — The sketch map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

PORCH — A deck, patio or terrace with a permanent roof. [Added 8-20-1996 by Ord. No. 96-2]

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to this chapter prior to final approval after specific elements of the development plan have been agreed upon by the Planning Board or Board of Adjustment 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.

PROFESSIONAL ENGINEER — An engineer duly licensed by the State of New Jersey.

PROFESSIONAL OFFICE — The office of an accountant, architect, attorney, dentist, engineer or

physician. [Amended 3-8-2005 by Ord. No. 2005-3]

PROHIBITED USE — A use which is not permitted in a zone district.

PUBLIC AREAS — Existing or proposed public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and schools and other public buildings and structures.

PUBLIC DEVELOPMENT PROPOSAL — A Master Plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

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

QUORUM — The majority of the full authorized membership of the Board.

RAINFALL, EXCESS — The portion of rainfall which becomes direct surface runoff.

RECREATION, COMMERCIAL — Facilities operated as a business and open to the public for a fee and where no alcoholic beverages are served and no live entertainment is conducted.

RECREATION EQUIPMENT — Includes the following items if currently registered and in good repair: [Added 12-22-1981 by Ord. No. 81-50; 12-22-1983 by Ord. No. 83-7]

(a) RECREATION TRAILER — A trailer used to carry a boat, bicycle, motorcycle or some other similar item of "recreation equipment" or vehicle.

(b) HOUSE OR TRAVEL TRAILER — A portable structure mounted on or part of a trailer for use as a temporary dwelling for travel, recreation or vacation and having a maximum body length of 35 feet and a maximum body width of eight feet when factory-equipped for the road.

(c) PICKUP CAMPER — A portable structure designed to be mounted on a pickup or other truck for travel, recreation or vacation uses, but not including pickup caps which do not extend more than 12 inches above the standard cab of the pickup. Pickup trucks equipped with such caps shall be considered light vehicles.

(d) MOTOR HOME — A motor vehicle designed for use as a temporary dwelling for travel, recreation or vacations, but not including standard vans which are light vehicles and usable only for sleeping purposes. Such vans shall be considered light vehicles.

(e) CAMP TRAILER — A folding or rigid portable structure mounted on or part of a trailer and designed for travel, recreation or vacation uses.

(f) BOAT — Any kind of boat, float or raft.

RECREATION FACILITY — A place where sports, leisure-time activities and customary and usual

recreational activities, such as set forth in Major Group No. 79 of the Standard Industrial Classification Manual, are carried out.

RECREATION PERSONAL — An accessory use located on the same lot as the principal permitted use and designed to be used primarily for the occupants of the principal use and their guests.

RECREATION, PRIVATE — Facilities operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

RECREATION, PUBLIC — Facilities operated by the Township, county or other governmental agency.

REGULATORY BASE FLOOD — Flood having a one-percent chance of being equaled or exceeded in any given year.

REGULATORY BASE FLOOD DISCHARGE — The rate of flow produced by the regulatory base flood measured in cubic feet per second.

REGULATORY FLOODWAY — The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

REPAIRS, MAJOR — Include, but are not limited to, engine changeover or overhaul: front-end overhaul; transmission replacement or overhaul; rear-end replacement or overhaul; a job that would require jockeying of vehicles with wheels off the ground: sheet metal repair or replacement (bodywork); glazing: and all such work which is similar to those enumerated above.

[Added 7-28-1987 by Ord. No. 87-27]

REPAIRS, MINOR — Include, but are not limited to, flats; replacing hoses or belts; radiator service; lights, bulbs, windshield wipers; washing and polishing; tune-ups; the dispensing of motor fuels into vehicles; and all such work which is similar to those enumerated above. [Added 7-28-1987 by Ord. No. 87-27]

RESEARCH LABORATORIES — Limited to laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients. No tangible or physical product for general marketing shall be directly produced therein, and no operation shall be conducted which would generate hazardous waste or by-products. [Added 8-28-1990 by Ord. No. 90-37]

RESIDENTIAL CLUSTER — An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

RESIDENTIAL DENSITY — The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

RESTAURANT — An establishment in which food or drink is prepared, served and consumed within the principal building or taken out for off-premises consumption, but excluding drive-through service.

[Amended 3-8-2005 by Ord. No. 2005-3]

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 any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine lots by deed or other instrument.RETAIL SERVICE — Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, including, but not limited to, laundry, linen supply, diaper service, beauty and barber shops, shoe repair and nail salons. A personal service establishment may have accessory retail sales, but shall not be primarily engaged in retail sales. Funeral home services shall not be considered personal services.

RETAIL TRADE — Establishments engaged in the selling or rental of merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods. Retail sales establishments include galleries for the display and sale of art but do not include studios, schools, commercial schools or vehicle or boat sales, rental, leasing or service**.**

RIGHTS OF DISCHARGE — A legally recordable instrument granting to the developer the right to discharge collected waters upon lands exterior to the development.

ROOMER — A person other than a member of a family occupying a part of any dwelling unit who, for a consideration, is furnished sleeping accommodations in such dwelling unit and may be furnished meals as part of this consideration.

ROOMING HOUSE — Any dwelling or part thereof, in which space is let by the owner or operator to more than three persons who are not members of the family. Same as "boardinghouse."

SEDIMENT — Any solid material that is in suspension and is being or has been moved by water, ice, wind, and gravity or other means.

SEDIMENTATION — The transport and depositing of sediment.

SEDIMENT BASIN — A barrier or dam built across a waterway or at other suitable locations to retain sediment.

SHOPPING CENTER — Two or more retail commercial establishments located in one building or structure designated as a "planned commercial development" as defined herein.

SIGHT TRIANGLE — A triangular-shaped portion of land established at intersections in accordance with the requirements of this chapter in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance.

SIGN — A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land, directing attention to a product,

business, service or individual. However, a "sign" shall not include a display of official court or public notices or any official traffic control device and shall not include the flag, emblem or insignia of a nation, state, county, municipality or religious group. A "sign" shall not include a "sign" located completely within an enclosed building except if it is visible and directed to be seen from outside the building. Each display surface of the "sign" shall be considered to be a single "sign," except that where two such surfaces of a sign are physically attached, parallel and separated by less than 12 inches, the two surfaces shall be considered a single "sign."

SIGN, ABANDONED — A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.

SIGN, ALTERATION – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration. A change in the size or shape of an existing sign copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

SIGN, ANIMATED — A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:
1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

SIGN AREA — The gross area within a single continuous perimeter enclosing the extreme limits of a sign. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display unless the structural elements are purposely illuminated to form a part of the display. In the case of an open sign, made up of individual letters, figures or designs, the sign

area shall be deemed to include the smallest square, circle, rectangle or triangle that will encompass the extreme limits of the individual letters, figures or designs and any other material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. [Added 4-22-2003 by Ord. No. 2003-11]

SIGN, AWNING — A sign displayed on or attached flat against the surface or surfaces of an awning.

SIGN, BANNER — A sign utilizing a banner as its display surface.

SIGN, BENCH — A sign applied or affixed to the seat or back of a bench.

SIGN, BUILDING —A sign that is applied or affixed to a building.

SIGN, CANOPY — A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

SIGN, CHANGEABLE — A sign with the capability of content change by means of manual or remote input, includes the following types:
1) Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.
2) Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

SIGN, COPY — The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN, DIRECTIONAL — Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

SIGN DISSOLVE – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

SIGN, EXTERNALLY ILLUMINATED — See Illuminated Sign.

SIGN, FLASHING — See Animated Sign, Electrically Activated.

SIGN, GROUND — See Freestanding Sign

SIGN, ILLUMINATED — A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

SIGN, INTERNALLY ILLUMINATED — See Illuminated Sign.

SIGN, INTERIOR — Any sign placed within a building, but not including window signs as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

SIGN, MARQUEE — See Canopy Sign.

SIGN, MULTIPLE FACED - A sign containing three (3) or more faces.

SIGN, NONCONFORMING - A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

SIGN, OFF-PREMISE — See Outdoor Advertising Sign. See also, Wayfinding Sign.

SIGN, ON-PREMISE — A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

SIGN, OUTDOOR ADVERTISING — A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

SIGN, POLE - See Freestanding Sign.

SIGN, POLITICAL - A temporary sign intended to advance a political statement, cause, or candidate for office.

SIGN, PORTABLE - Any cord-connected sign not permanently attached to the ground and can be removed without the use of tools.

SIGN, PROJECTING - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

SIGN, PYLON – See Freestanding Sign.

SIGN, REAL ESTATE - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

SIGN, REVOLVING - A sign that has the capability to revolve three hundred and sixty degrees (360º) about an axis. See also: Animated Sign, Mechanically Activated.

SIGN, ROOF - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.

SIGN, SPECIAL EVENT — A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

SIGN, TEMPORARY — A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

SIGN, UNDER CANOPY OR SIGN, MARQUEE UNDER — A sign attached to the underside of a canopy or marquee.

SIGN, WALL OR FASCIA — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

SIGN, WAYFINDING — A sign, frequently off-premise, specifically designed to provide directional or destination information. See also, Off-Premise Sign.

SIGN, WINDOW - A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

SINGLE OWNERSHIP — Ownership by one or more persons in any form of ownership of a lot not adjacent to a lot or lots partially or entirely in the same ownership. [Added 12-9-1980 by Ord. No. 80-44]

SITE — Any plot or parcel of land or combination of contiguous lots or parcels of land.

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, floodplains, marshes and waterways; the locale 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 that an informed determination may be made by the Boards pursuant to this chapter.

SLOPE — The degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

SOIL — All unconsolidated mineral and organic material of whatever origin that overlies bedrock and which can be readily excavated.

SOIL CONSERVATION DISTRICT — The governmental subdivision of this state which encompasses this municipality, organized in accordance with the provisions of Chapter 24, Title 4 (N.J.S.A. 4:24-1 et seq.).

SOIL ENGINEER — A professional engineer who is qualified, by education and experience, to practice applied soil mechanics and foundation engineering.

SOIL EROSION AND SEDIMENT CONTROL PLAN — A plan which indicates necessary land treatment measures, including a schedule for installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the standards and specifications as adopted by the Somerset Union Soil Conservation District.

SPECIAL ACCESSORY USES — Those uses, as defined in § 136-34D of this chapter, which are permitted as ancillary to principal permitted uses in the C-3 Zone. [Added 8-28-1990 by Ord. No. 90-37.

START OF CONSTRUCTION — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided that the actual "start of construction," repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. [Added 4-28-1987 by Ord. No. 87-8]

STORMWATER DETENTION — Any storm drainage technique which retards or detains runoff, such as

a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, ABOVE GRADE — Any story having its finished floor surface entirely above grade, except that a basement shall be considered to be a story above grade where basements or portions of basements that extend above the adjacent ground area to a height of three and a half (3.5) feet or greater as measured from any point of the finished first floor to the lowest finished grade of the ground adjacent to the building shall be considered a story.

STORY, ATTIC — An attic having, within its space, possible floor area with headroom of five feet or greater over sixty (60) percent or more of the story directly beneath.

STORY, HALF — A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three feet above the top floor level, in which space the possible floor area with a head room of five feet or less occupies at least 40% of the total area of the story directly beneath. The area shall not be habitable and shall only be assessable from a “pull down” style staircase.

STREAM ENCROACHMENT PERMIT — A permit issued by the New Jersey Department of Environmental Protection under the provisions of N.J.S.A. 58:126. *Editor's Note: N.J.S.A. 58:1-26 was repealed by P.L 1981, c. 262, § 26, effective 8-13-1981.*

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by this chapter; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved. and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET, LOCAL — A street which is used primarily for access to abutting properties.

STREET, MARGINAL ACCESS — A street which is parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

STREET, MINOR — See "street local."

STREET, PRIMARY ARTERIAL — A street so designated in the duly adopted Cranford Master Plan.

STREET, SECONDARY ARTERIAL — A street so designated in the duly adopted Cranford Master Plan.

STRUCTURE — (a) A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of land or water. (b) As applies only to Article VI of this chapter, in addition to the above definition, "structure" also means a walled and roofed building or a gas or liquid storage tank that is principally aboveground. [Added 2-22-1983 by Ord. No. 83-7]

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five 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; conveyances so as to combine 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, all of which are found and certified by the Development Coordinator to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the Township. The term "subdivision" shall also include the term "resubdivision." [Amended 12-9-1980 by Ord. No. 80-44]

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
(a) Any project for the improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. [Amended 12-22-1983 by Ord. No. 83-7.

SURFACE WATER — Water on land surface.

TEMPORARY PROTECTION — Stabilizations of erosive or sediment-producing areas.

TERRACE — A raised horizontal structure or area having the characteristics of a deck or patio but not more than one foot in height. [Added 8-20-1996 by Ord. No. 96-2]

TOPSOIL — The surface soil and soil material to a depth of six inches tillage, its equivalent in cultivated soil or the original or present A horizon plus B horizon (if in the top six inches), as defined by the

National Cooperative Soil Survey of the United States Department of Agriculture, before its removal or displacements for any purposes whatsoever. "Topsoil" shall be capable of supporting vegetables indigenous to the area.

TOWNHOUSE — An attached or semidetached dwelling with two direct means of access from the outside and having separate cooking, sleeping and sanitary facilities and separate facilities for sewerage, heating, water, electric and gas.

TOWNSHIP — The Township of Cranford.

TRACT — Property which is the subject of a development application.

TRAILER — A vehicular chassis or structure designed to be hauled by another vehicle and to carry any structure, object, material, person, animal or thing. [Added 12-22-1981 by Ord. No. 81-50]

TRANSCRIPT — A typed or printed verbatim record of the proceedings or reproduction thereof. [Added 12-9-1980 by Ord. No. 80-44]

VARIANCE — (a) Permission to depart from the literal requirements of this chapter. (b) As applies only to Article VI of this chapter, a grant of relief to a person from the requirements of Article VI which permits construction in a manner otherwise prohibited by Article VI where specific enforcement would result in unnecessary hardship. [Added 2-22-1983 by Ord. No. 83-7]

VEGETATIVE PROTECTION — Stabilization of erosive or sediment-producing areas by covering the soil with permanent or short-term seeding, mulching or sodding.

VEHICLE, MOTOR — A self-propelled device which is licensed as a motor vehicle by the State of New Jersey.

VEHICLE, RECREATIONAL — Vehicular-type, portable structures which can be towed, hauled or driven, primarily designed as temporary living accommodations for recreational, camping and travel use, including travel trailers, truck campers, camping trailers and self-powered motor homes.

VEHICULAR SALES AREA — An open area, other than a right-of-way, or public parking area, used for display, sale or rental of new or used vehicles in operable condition and where no repair work is done.

VENDING MACHINES — A coin-operated device located outside of a principal building, which dispenses various items or products such as, but not limited to, food, drink, ice, reading materials or toiletries. [Added 1-28-1986 by Ord. No. 86-2]

VETERINARIAN OFFICE — Establishments primarily engaged in the practice of veterinary medicine,

dentistry, or surgery and which are staffed by a veterinarian licensed by the New Jersey Board of Veterinary Examiners. [Added 7-17-2012 by Ord. No. 2012-20]

WATER BODIES — Any natural or artificial collection of water, whether permanent or temporary.

WATER-CARRYING CAPACITY — Ability of a channel or floodway to transport flow as determined by its shape, cross-sectional area, bed slope and coefficient of hydraulic friction.

WATERCOURSE — Any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WEB BASED RETAILERS – establishments engaged in retailing all types of merchandise using the Internet.

YARD — An open space which lies between the principal or accessory building or buildings and the nearest lot line, unoccupied and unobstructed from the ground upward except as permitted in this chapter.

YARD, FRONT — A space extending the full width of the lot between any building and the front lot line, measured perpendicular to the building at its closest point to the front lot line. Said "front yard" shall be unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

YARD, REAR — A space extending across the full width of the lot between the principal building and the rear lot line, measured perpendicular to the building at its closest point to the rear lot line. Said "rear yard" shall be unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

YARD, SIDE — A space extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular to the side lot line at its closest point to the principal building. Said "side yard" shall be unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

YARD, STREET SIDE — On a corner lot, the front yard where the face of a principal building does not front upon.

ZONING PERMIT — A document signed by the Zoning Officer, which is required by this chapter 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 which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom.

Article II. Development Administration

§ 136-2. Planning Board.

A. Establishment. The Planning Board, previously established, is hereby continued pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and shall consist of nine members of the following four classes:

(1) Class I: the Mayor.

(2) Class II: one of the officials of the Township other than a member of the governing body, to be appointed by the Mayor, provided that the member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be deemed to be the Class II Planning Board member if there are both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.

(3) Class III: a member of the governing body, to be appointed by it.

(4) Class IV: six citizens of the Township. to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education. A member of the Environmental Commission who is also a member of the Planning Board, as required by N.J.S.A. 40:56A-1, shall be a Class IV Planning Board member unless there are among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board.

B. Alternates.

(1) Two alternate members shall be appointed by the Mayor and shall be designated at the time of appointment as Alternate No. 1 and Alternate No. 2.

(2) Alternate members shall meet the qualifications of Class IV members.

(3) Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

[Added 2-9-1982 by Ord. No. 82-2]

C. Terms.

(1) The term of the member composing Class I shall correspond with his or her official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the

completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission.

(2) The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his or her term of office as a member of the Environmental Commission, whichever occurs first.

(3) The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever 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.

(4) The term of all Class IV members shall be four years.

(5) The term of alternate member shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only. **[Added 2-9-1982 by Ord. No. 82-2]**

D. Vacancies. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment, as above provided for the unexpired term.

E. Organization. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV, select a Secretary, who may or may not be a member of the Planning Board or a Township employee, and create and fill such other offices as established by ordinance.

F. Powers and duties. Powers and duties of the Planning Board shall be:

(1) To make and adopt and from time to time amend a Master Plan for the physical development of the municipality, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.

(2) To approve or deny applications for development in accordance with the provisions of this chapter.

(3) To approve or deny conditional use applications in accordance with the provisions of this chapter pursuant to N.J.S.A. 40:55D-67.

(4) To prepare and recommend for adoption an Official Map pursuant to N.J.S.A. 40:55D-32.

(5) To prepare, when authorized by the governing body, a capital improvements program pursuant to N.J.S.A. 40:55D-29.

(6) To participate in the preparation and review of programs or plans required by state or federal law or regulations.

(7) To assemble data on a continuing basis as part of a continuous planning process.

(8) To consider and make a report to the governing body within 35 days after referral, as to any proposed development regulation submitted to the Planning Board pursuant to the provisions of N.J.S.A. 40:55D-26a and also to pass upon other matters specifically referred to the Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.

(9) When reviewing applications for development, to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, variances pursuant to N.J.S.A. 40:55D-70c and 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 drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32. **[Amended 12-9-1980 by Ord. No. 80-44]**

(10) Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to N.J.S.A. 40:55D-60, to grant or deny approval of the application within 95 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and 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 plats. [Added 12-9-1980 by Ord. No. 80-44]

(11) To consider applications for exceptions from all the provisions of this chapter which pertain to preliminary site plan approval or preliminary or minor subdivision approval, except for those procedures or requirements set forth in Article V, Zoning, and those procedures or requirements set forth in the Municipal Land Use Law. In determining whether to approve such applications, the Planning Board shall consider whether they are reasonable and within the general purpose and intent of this chapter. In addition, the Planning Board shall consider the following in connection with applications seeking exception from site plan review:

(a) Whether the proposed development received previous site plan approval.

(b) Whether the proposed development involves normal maintenance or replacement.

(c) Whether the proposed development affects existing drainage, circulation, landscaping, lighting, signs and other considerations of site plan review.

[Amended 12-22-1981 by Ord. No. 81-50]

(12) To grant exceptions from all standards and procedures set forth in this chapter for good and sufficient reason, except as follows:

(a) Any standards or procedures set forth in the Municipal Land Use Law.

(b) Any standards and procedures set forth in Article V of this chapter, except as provided in Subsection F(9) above.

(c) Exceptions to signs, fences and parking requirements not part of any application for site plan or subdivision approval.

[Amended 12-9-1980 by Ord. No. 80-44]

(13) To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

[Amended 12-9-1980 by Ord. No. 80-44]

§ 136-3. Zoning Board of Adjustment.

A. Establishment.

(1) The Zoning Board of Adjustment, previously established, is hereby continued pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-69 et seq. and shall consist of seven residents of the Township of Cranford appointed by the governing body to serve for terms of four years from January 1 of the year of their appointment. The governing body shall also appoint two alternate members. Alternate members shall be designated by the Chairman as "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members. The term of each alternate member shall be two years.

(2) No member of the Zoning Board of Adjustment may hold any elective office or position under the Township. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

B. Officers. The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall select a Secretary, who may or may not be a member of the Board or a municipal employee.

C. Powers and duties. The Zoning Board of Adjustment shall also have the power:

(1) Appeals: to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an official based on, or made in the enforcement of, Article V of this chapter.

(2) Interpretation: to hear and decide requests for interpretation of the Zoning Map or Article V of this chapter or for decisions upon other special questions upon which the Board is authorized to pass upon by this chapter. Such appeals shall be made in accordance with N.J.S.A. 40:55D-17. **[Amended 12-9-1980 by Ord. No. 80-44]**

(3) Variances: where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation in this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, to grant upon an application or an appeal relating to such

property, a variance from such strict application, so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and further provided that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to NJ.S.A. 40:55D-60a.

(4) Granting of variances: to grant a variance to allow departure from regulations pursuant to Article 8 of the Municipal Land Use Law, including but not limited to allowing a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least 2/3 of the full authorized membership of the Board. No variance or other relief may be granted under the provisions of this section unless such variances or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purposes of the Zone Plan and Article V of this chapter. *Editor's Note: The Zoning Provisions are included in Art. V.* Any application under this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act. **[Amended 12-9-1980 by Ord. No. 80-44; 11-27-1984 by Ord. No. 84-52]**

(5) Permits for buildings or structures related to a street: to direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.

(6) Permits for buildings or structures not related to a street: to direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

(7) Subdivision or site plan approval or conditional use approval: to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to N.J.S.A. 40:55D-37 through 40:55D-59, inclusive, or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to Subsection C(4) of this section.

(a) The developer may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance shall be conditional upon granting of all required subsequent approvals by the Board of Adjustment. No such subsequent approval shall be granted unless such approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Zone Plan and Zoning Ordinance. The number of votes of Board members required to grant any such subsequent approval shall be as otherwise provided in this chapter for the approval in question, and the special vote pursuant to the aforesaid Subdivision d of N.J.S.A. 40:55D-70 shall not be required. **[Added 12-9-1980 by Ord. No. 80-44]**

(b) Whenever an application for development requests relief pursuant to Subdivision b of N.J.S.A. 40:55D-76, the Board of Adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the administrative officer or within such further time as may be consented to by the applicant. In the event that the developer elects to submit separate consecutive applications, the aforesaid provisions 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 chapter. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and 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 plats. **[Added 12-9-1980 by Ord. No. 80-44]**

(8) Waivers.

(a) To consider as a special question applications for waivers from the provisions of Article IV, Development Requirements and Standards, relating to parking, sign and fence requirements when such applications are not part of an application for site plan or subdivision approval. In determining whether to approve such applications, the Board of Adjustment shall consider the standards set forth in N.J.S.A. 40:56D-70c. In addition, waivers for commercial vehicles or recreation equipment shall be limited to a specific vehicle or item of equipment which shall be appropriately identified by make, model, year and identification and license numbers.

(b) To also consider the following in connection with waiver applications for parking recreation equipment or commercial vehicles in residential zone districts:

[1] Whether acquisition was prior to the adoption of applicable standards.

[2] The impact on drainage, aesthetics, on-street parking and the use of on-site parking facilities by other vehicles.

[3] The efficacy of proposed screening.

[4] The frequency of hours of use.

[5] Alternate storage or parking opportunities.

[6] The ability to use adjoining property for access to the rear yard when the side yards of the property are narrow or obstructed.

[7] Obstruction of sight distance from the subject property or other properties.

[8] Other nonconforming uses of the subject property, if any.

[9] The nonbinding recommendations of the Development Review Committee.

[Amended 12-22-1981 by Ord. No. 81-50]

D. Power to reverse or modify decisions. In exercising its power, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the action, order, requirement, decision, interpretation or determination appealed from and, to that end, have all the powers of the officer from whom the appeal was taken.

E. Temporary permits. Temporary permits may be authorized by the Board of Adjustment after a hearing for a period not to exceed one year for nonconforming uses incidental to construction projects on the same premises, including such uses as storage of building supplies and machinery and the assembly of building materials. In addition, the Board of Adjustment, after a hearing, may authorize a certificate of occupancy for a dwelling house to be temporarily used as a sales and management office for the sale of those homes within a subdivision, provided that all of the following requirements are complied with:

(1) The house to be used as such office is built upon a lot approved as part of a subdivision that has been approved by the Planning Board.

(2) Said house is of substantially similar design as those houses to be sold within the subdivision.

(3) No business other than that accessory to the management and sales of the lands owned by the applicant shall be permitted.

(4) Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

(5) The temporary certificate of occupancy issued under this section shall be for no longer than a one-year period. However, such permit may be renewed by the Board of Adjustment annually after a hearing.

§ 136-4. Provisions applicable to both Planning Board and Zoning Board of Adjustment.

A. Conflicts of interest. No member of the Boards shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter and shall not participate in any discussion or decision relating thereto.

B. Compensation. All members of the Boards shall serve without compensation.

C. Attorneys. There are hereby created the offices of Attorney for the Planning Board and Attorney for the Zoning Board of Adjustment. Each Board may annually appoint and fix the compensation for its Attorney. Such compensation shall be within the appropriation made by the governing body. Neither Attorney shall be the Township Attorney.

D. Experts and staff. Each Board may employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

E. Rules and regulations. The Boards shall adopt such rules, regulations and bylaws as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67-1 et seq.) shall apply.

F. Meetings.

(1) Meetings of each Board shall be scheduled at least once a month, unless canceled for lack of applications.

(2) Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.

(3) No action shall be taken at any meeting without a quorum being present.

(4) All actions shall be taken by majority vote of all members present except as otherwise required by any provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

(5) All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).

(6) A member of the Planning Board or Zoning Board of Adjustment who was absent for one or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him the transcript or recording of all of the hearing from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.

[Added 12-9-1980 by Ord. No. 80-44]

G. Minutes.

(1) Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons represented by counsel, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the Planning and Zoning office. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes.

[Amended 9-10-2002 by Ord. No. 2002-14]

(2) At least once each year, the Board shall review the minutes of all closed meetings held in conformance with the Open Public Meetings Act to determine whether the minutes may be made public.

H. (Reserved) *Editor's Note: Former Subsection H, Fees, as amended, was repealed 3-8-2005 by Ord. No. 2005-4. See now § 136-4.1, Fees.*

I. Hearings.

(1) Rules. The Boards shall make rules governing the conduct of hearings, which rules shall not be inconsistent with the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) or of this chapter.

(2) Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.

(3) Testimony. 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.

(4) Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Boards may exclude irrelevant, immaterial or unduly repetitious evidence.

(5) Maps and documents. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the Boards. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

J. Notice requirements for hearing.

(1) Public notice. Public notice of a hearing shall be given in the following cases:

(a) Application for preliminary approval of a major subdivision.

(b) Application which requires a variance, whether before the Planning Board or the Zoning Board of Adjustment.

(c) Application for major site plan approval.

[Amended 12-9-1980 by Ord. No. 80-44]

(d) Application for exception or waiver for signs, fences or number of parking spaces.

[Amended 11-10-1981 by Ord. No. 81-31]

(e) Variances in the floodplain as permitted in Article VI, § 136-43.

(f) Application for any nonresidential site plan where abutting a residential zone.

[Amended 11-27-1984 by Ord. No. 84-52]

(2) Public notice procedures.

(a) Public notice shall be given by publication in the official newspaper of the Township at least 10 days prior to the date of the hearing. Such notice shall be arranged by and paid for by the applicant prior to the issuance of the permit.

[Amended 11-27-1984 by Ord. No. 84-52; 4-12-2011 by Ord. No. 2011-06]

(b) Service of notices.

[1] Notice shall be given to the owners of all real property, as shown on the current tax duplicate, located in the state and within 200 feet in all directions of the perimeter of the property which is the subject of such hearing, provided that this requirement shall be deemed satisfied by notice to the 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. Notice shall be given by serving a copy thereof on the property owner as shown on said current tax duplicate or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate.

[Amended 12-9-1980 by Ord. No. 80-44]

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

(3) Other notices required.

(a) Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection J(2) of this section to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.

(b) Notice shall be given by personal service or certified mail to the County Planning Board of hearings on applications for development of property adjacent to an existing or proposed road shown on the Official Map or on the County Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.

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

(d) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Township Clerk pursuant to N.J.S.A. 40:55D-10b.

(e) Notice of a hearing on a Master Plan, capital improvements program or Official Map shall be given in accordance with NJ.S.A. 40:55D-13 and N.J.S.A. 40.55D-15, respectively.

(f) Notice pursuant to Subsection J(3)(a), (b), (c) and (d) of this section shall not be required unless public notice pursuant to Subsection J(1) or (2) of this section is required.

(4) Time for service. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing.

(5) Method of service. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.

(6) Form of notice. All required notices shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Tax Assessor's office. The notice shall indicate the location and times at which any maps and documents for which approval is sought may be reviewed by the public. If the application for development includes consideration of a conditional use, the hearing notice shall include reference to the conditional use.

(7) List of property owners furnished. Pursuant to the provision of N.J.S.A. 40:55D-12c, the Tax Assessor, within seven days after receipt of a request therefor and upon receipt of payment of a fee of $10 or $0.25 per name, whichever is more, shall make and certify a list from the current tax duplicate of names and addresses of owners in the Township to whom the applicant is required to give notice pursuant to Subsection J(2)(b) of this section. The applicant shall also supply to the Tax Assessor at the time of request a map showing all properties and current Tax Map information for the subject property and all properties within 200 feet of the perimeter of the subject property. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding.

[Amended 12-9-1980 by Ord. No. 80-44]

(8) Material to be filed with Board. The applicant shall file an affidavit of proof of service, form of notice, list of property owners served and map specified in Subsection J(7) above and affidavit of publication specified in Subsection J(2) above with the Board at least four days prior to the hearing date. **[Amended 4-12-2011 by Ord. No. 2011-06]**

K. Decisions.

(1) Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon. Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying the application. **[Amended 12-9-1980 by Ord. No. 80-44]**

(2) The Board may provide such written decision and findings and conclusions either on the date of the meeting at which the Board takes action to grant or deny approval or, if the meetings at which such action is taken occurs within the final 45 days of the applicable time period for rendering a decision on the application for development, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions of the Board thereon. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above. The adoption of a resolution of memorialization pursuant to this subsection shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of a majority of the members of the municipal agency who voted for the action previously taken, and no other member shall vote thereon. The vote on such resolution shall be deemed to be a memorialization of an action of the municipal agency and not to be an action of the municipal agency, except that failure to adopt such a resolution within the forty-five-day period shall result in the approval of the application for development, notwithstanding any prior action taken thereon. **[Amended 12-9-1980 by Ord. No. 80-44]**

(3) A copy of the decision shall be mailed by the Secretary of the Board within 10 days of the date of decision or resolution of memorialization to the applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed for such service. A copy of the decision shall also be filed in the office of the Township Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the Township. **[Amended 12-9-1980 by Ord. No. 80-44]**

(4) A brief notice of every final decision shall be published in the official newspaper of the Township. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision or date of resolution of memorialization. **[Amended 12-9-1980 by Ord. No. 80-44]**

L. Payment of taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39e and N.J.S.A. 40:55D-65h, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by a certificate from the Municipal Tax Collector that all current taxes are paid to date and that there are no assessments for local improvements which are due or delinquent on the property which is the subject of such application. No application for development shall be deemed complete for hearing by the appropriate Board absent the certificate of proof of payment of taxes unless this provision is waived by the Plaaning Board or Zoning Board of Adjsutment. **[Amended 12-10-2002 by Ord. No. 2002-22]**

M. Conditional approval.

(1) In the event that a developer submits an application proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Planning Board or Board of Adjustment shall process such application in accordance with this chapter and, if such application complies with all Township regulations, the Planning Board or Board of Adjustment shall approve such application conditioned on removal of such legal barrier to development.

(2) In the event that, during the period of approval heretofore or hereafter granted to an application, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this Article shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

(3) In the event that development proposed by an application requires an approval by a governmental agency other than the Planning Board or Board of Adjustment, the Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency. The Board shall make a decision on any application within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant unless the Planning Board is prevented or relieved from so acting by the operation of law.

N. Time extensions. The Board and an applicant may mutually agree to extend the time limit specified for action. Such extension shall be made for a specific period of time and indicated in the minutes of the meeting.

O. Time limit on variances. All construction pursuant to a variance, exception or waiver granted in connection with the approval of a site plan or subdivision shall be commenced within the statutory time limit for said site plan or subdivision or any extension thereof. A variance, exception or waiver which is not part of a site plan or subdivision shall be implemented within two years of the date of

approval. Any variance, exception or waiver not implemented as set forth herein shall be void. **[Amended 11-27-1984 by Ord. No. 84-52]**

§ 136-4.1 Fees. [Added 3-8-2005 by Ord. No. 2005-4]

A. Fees for applications or for the rendering of any service by the Boards or any member of their administrative staffs shall be as follows: **[Amended 3-14-2006 by Ord. No. 2006-8; 4-12-2011 by Ord. No. 2011-06]**

(1) Development review. For other than one- and two-family applications, a completeness review fee of $265 per Development Review Committee meeting is to be paid by the applicant prior to the meeting (the fee is to be credited toward the application fee for any future application for the same development proposal filed within one year of the date of the concept review meeting).

APPLICATION	APPLICATION FEE	ESCROW DEPOSIT
Subdivisions		
Minor		
Residential	$315, plus $55 per lot	$500 per lot
Nonresidential	$315, plus $55 per lot	$700 per lot
Major		
Preliminary	$420, plus $105 per lot	$1,000 per lot; $10,000 maximum
Final	$420, plus $55 per lot	1/2 the cost of the preliminary application
Resubmittal fee for revised plat	1/3 of original submission fee	0
Extension of preliminary or final approval	1/3 of original submission fee	0
Site plan		
Minor (residential)	$210, plus $20 per unit	$100 per unit, but not less than $1,000
Minor (nonresidential)	$525, plus $105 per 1,000 square feet of gross square feet of the proposed principal structures on the subject lots or lots or $20 per 1000 square feet of lot area, whichever is greater.	$40 per 100 of gross floor area floor area of the proposed principal structures on the subject lot or lots, but not less than $2,000
Major (residential)		

APPLICATION	APPLICATION FEE	ESCROW DEPOSIT
Preliminary	$525, plus $210 per new unit or $105 per remodeled unit	$500 per unit
Final	$525, plus $210 per new unit or $105 per remodeled unit	1/2 the cost of the preliminary
Major (nonresidential)		
Preliminary	$525, plus $25 per 1,000 square feet of gross floor area of the proposed principal structures on the subject lot or lots and $20 per 1,000 square feet of site area	$40 per 100 square feet of gross floor area of the proposed principal buolings on the subject lot, but not less than $1,000
Final	$525, plus $25 per 1,000 square feet of gross floor area of the proposed principal structures on the subject lot or lots and $20 per 1,000 square feet of site area	1/2 the cost of the preliminary
Appeals		
One- and two-family residential	$265	$250
Other residential	$525	$750
Nonresidential	$525	$750
Interpretations		
Interpretation of zoning regulations on map (one- and two-family residential)	$265	$250
Interpretation of zoning regulations on map (other residential)	$315	$750
Interpretation of zoning regulations on map (nonresidential)	$525	$750
Variance		
Bulk variances (one- and two-family residential)	$265 and $100 for each additional bulk or c variance	$500
Bulk variances (other residential)	$210 each	$1,500
Bulk variances (nonresidential)	$265 each	$2,500
Use variance (one- and two-family residential)	$315	$750

APPLICATION	APPLICATION FEE	ESCROW DEPOSIT
Use variance (other residential)	$525	$1,500
Use variance (nonresidential)	$790	$1,500
Conditional		
Conditional use (one- and two-family residential)	$370	$750
Conditional use (other residential)	$525	$1,500
Conditional use (nonresidential)	$790	$1,500
Waiver		
Fence (residential)	$160	$250
Fence (nonresidential)	$265	$750
Sign (residential)	$265	$250
Sign (nonresidential)	$420	$500
Site plan approval (residential)	$110 plus $10 per unit	
Site plan approval (nonresidential)	$262.50 plus $50 per 1,000 square feet of gross square feet of all principal buildings on the subject lot or lots	
Parking (one- and two-family residential)	$160	$500
Parking (other residential)	$370	$500
Parking (nonresidential)	$370	$750
Design and any other waivers	$100 each	$200 each
Meetings		
Special	$525 per special meeting	
Additional	$420 per hearing when testimony extends more than 2 meetings	0
Informal review	0	$400 nonrefundable

APPLICATION	APPLICATION FEE	ESCROW DEPOSIT
Copy of Master Plan	$70	
Certificate of Nonconformity	$265	$250
Copy of Land Development Ordinance w/Map	$30	
Rezoning [Added 9-12-2006 by Ord. No. 2006-33]	$1,500	$2,000

B. All fees shall be paid as follows:

(1) Fees shall be paid at the time of application.

(2) In the event that the application is for more than one category of relief or action, the fee shall consist of the total of the normal fees for each category of action.

(3) Additional fees. Applicants shall be required to pay any extraordinary costs relating to subdivision, site plan or conditional use review and/or approval. Applicants shall be required to pay all inspection fees for professionals with respect to the installation of improvements. All such fees and charges shall be based upon a schedule established by resolution of the Township Committee.

(4) Transcribing fees. The Boards may require the taking of testimony stenographical and having the same transcribed, the cost of which shall be borne and paid for by the appellant or applicant. The Boards may require such deposit to be made for such purposes as shall be reasonable in the circumstances.

(5) Escrow account.

(a) The escrow account is established to provide payment for the technical and professional costs of the review of applications and the review and preparation of documents and is based on the fee schedule of this section. Reviewing applications shall include, but shall not be limited to, all time spent at meetings by the professional staff.

(b) All deposits for technical, professional review and inspection fees shall be kept in an escrow account for that purpose by the Township. This account shall be managed by the Chief Financial Officer of the Township, in accordance with the terms of this section.

(c) Whenever an amount of money in excess of $5,000 shall be deposited by an applicant with the Township for professional services employed by the Township or the approving Board to review applications for development, municipal inspection fees in accordance with this chapter or to satisfy the guaranty requirements of this chapter, the money, until repaid or applied to the purposes for which

it was deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided by law, shall continue to be the property of the applicant and shall be held in trust by the Township. Money deposited shall be held in escrow. The Township receiving the money shall deposit it in a banking institution or savings and loan association in this state insured by an agency of the federal government or in any other fund or depository approved for such deposits by the state, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Township shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed $100 for the year. If the amount of interest exceeds $100, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Township annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the municipality may retain for administrative expenses a sum equivalent to no more than 1/3 of the entire amount, which shall be in lieu of all other administrative and custodial expenses.

§ 136-4.2. Professional fees.

[Added 3-8-2005 by Ord. No. 2005-4]

A. As used in this section, the following definitions shall apply:

IN-HOUSE PROFESSIONAL — Engineers, planners, attorneys, traffic officers and other professionals whose salary, staff support and overhead are provided by the Township of Cranford.

OUTSIDE PROFESSIONALS — Engineers, planners, attorneys, traffic consultants and other professionals whose salary, staff support and overhead are not provided by the Township of Cranford. Outside professionals shall include, without limitation, consultants who are not normally utilized by the Township or the reviewing board when an application presents issues, which are beyond the scope of the expertise of the professionals who normally serve the reviewing board or the Township.

PROFESSIONAL SERVICES — Time spent by a professional engineer, professional planner, attorney, traffic consultant or other professionals in connection with review of an application and/or review and preparation of documents in regard to such application. In appropriate cases, such services shall include, without limitation, review of plans, reports, relevant ordinance provisions, statutory law, case law and prior approvals for the same parcel; site inspections; and preparation of resolutions, developer's agreements and other documents.

B. Prospective developers shall bear the cost of all fees for professional services in connection with land development matters under consideration by the Planning Board, Zoning Board of Adjustment or the Township Committee.

B. Prospective developers shall bear the cost of all fees for professional services in connection with land

development matters under consideration by the Planning Board, Zoning Board of Adjustment or the Township Committee. **(1)** Said land development matters shall include but not be limited to applications for development, appeals, interpretations, application approvals, amendments to the Land Development Ordinance and amendments to the Master Plan.

(2) All fees and deposits shall be paid at the time of application. In the event that any escrow deposit shall be depleted, the Zoning Officer shall determine the additional deposit required and shall notify the applicant. No application shall be heard or otherwise processed until and unless all fees and deposits have been paid.

C. Professional services are:

(1) Services rendered by outside professionals to the Township and/or the reviewing board in connection with an application, plus all actual out-of-pocket disbursements incurred in regard to such services. All charges for services by each outside professional shall be billed at the same rate as all other work of the same nature performed by such professionals for the Township when fees are not reimbursed or otherwise imposed on an applicant. Charges for professional services of outside professionals shall be based upon a schedule of fees established by resolution, which may include a contract authorized by resolution. Such schedules shall be subject to annual review by the Township Committee.

(2) Services rendered by in-house professionals to the Township and/or the reviewing board in connection with an application. Services for in-house professionals shall be billed 200% of the hourly base salary multiplied by both the total number of hours of professional services spent by each in-house professional in connection with the application. The hourly base salary of each in-house professional shall be established by ordinance annually.

D. Applicable professional services shall be:

(1) Services which include but are not limited to inspections, investigations, reviews and attendance at meetings by planners, engineers, architects, landscape architects and other personnel and experts deemed necessary with respect to action on said land development matters.

(2) Attorneys services, including those of the board and/or municipal attorney in connection with an application which is presently pending before, or which has been approved by, a reviewing board. Such services include extraordinary legal research and preparation or review of documents, such as performance guarantees, developer and redeveloper agreements, easements, maintenance or property owners agreements, or any other matters in connection with any approval. Such services shall not include review of applications, attendance at meetings or preparations of resolutions granting or denying applications

E. A professional shall not review items which are subject to approval by a state governmental agency and which are not under municipal jurisdiction, except to the extent that research or consultation with a state agency is necessary due to the effect of a state approval on the applicant's application.

(2) Applications for which no escrow deposit is required by § 136-4.1.

G. At the time of filing any application, each applicant shall make a deposit for professional fees in accordance with the schedule contained in § 136-4.1. The applicant shall pay the deposit required for each approval which is requested or deemed necessary to cover the cost of professional services.

H. Payments.

(1) The Chief Financial Officer of the Township shall make all of the payments to professionals for services rendered to the Township or approving board for review for applications for development, review and preparation of documents, inspection of improvements or other purposes under this chapter. Such fees or charges are to be based upon the ordinances herein.

(2) Each payment charged to a deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and, for each date the service is performed, the hours spent in 1/4 of an hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer on a monthly basis, in accordance with the schedules and procedures established by the Chief Financial Officer. The professional shall send an information copy of all vouchers or statements submitted to the Chief Financial Officer simultaneously to the applicant. The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of the funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are $1,000 or less, or on a monthly basis, if the monthly charges exceed $1,000. If an escrow account or deposit contains insufficient funds to enable the Township or approving board to perform required application reviews or improvements inspections, the Chief Financial Officer shall provide the applicant with a written notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall, within 10 days, post a deposit to the account in an amount to be agreed upon by the Township or the approving board and the applicant. With regard to review fees, if the applicant fails to make said deposit within the time prescribed herein, the approving board shall be authorized to dismiss the application without prejudice, subject to the right of the applicant to seek reinstatement of said application by written notice to the Chief Financial Officer that the deposits have been posted. The application will be reinstated upon written notification by the Chief Financial Officer to the approving board that said deposits are, in fact, posted. In the interim, the required health and safety inspections shall be made and charged back against the replenishment of funds. With regard to inspection fees, the Township Engineer shall not perform any inspection if sufficient funds to pay for the inspections are not on deposit. Failure to post or maintain balances in accordance with the requirements of these sections will subject the developer to a stop-work order and/or suspension of construction permits.

(3) The applicant and Chief Financial Officer shall follow the following close-out procedures for all deposits and escrow accounts established herein. Said procedures shall commence after the approving authority has granted final approval of the development application, including completion of all

conditions of said approval, and/or has signed the appropriate subdivision map or deed or after all of the improvements have been approved. The applicant shall send written notice, by certified mail, to the Chief Financial Officer and the approving board and to the relevant municipal professional that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer shall render a written final accounting to the applicant on the uses to which the deposit has been put within 45 days of the receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the applicant along with the final accounting.

(4) All professional charges for review of the application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction review. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work, and such inspections shall be reasonably based on the approval development plans and documents.

(5) If the municipality retains a different professional or consultant in the place of the professional originally responsible for development, application review or inspection of improvements, the municipality or approving board shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving board shall not bill the applicant or charge the deposit or the escrow for any such services.

I. Dispute of charges; appeals; rules and regulations. All disputes relating to charges and appeals thereof shall be in accordance with N.J.S.A. 40:55D-43.2a.

§ 136-4.3. Hourly base salary for in-house professionals.

[Added 12-23-2008 by Ord. No. 2008-48]

A. The hourly base salaries for the in-house engineering professionals are established as follows:

(1) Township Engineer: $60.32.

(2) Assistant Township Engineer: $46.70.

§ 136-5. Development Coordinator.

The Development Coordinator shall be the Construction Official unless another person is appointed by the governing body. The Development Coordinator shall officially receive all applications for development except those that do not require approval by the Building Department. The Development Coordinator shall serve as the director of all prior approvals.

§ 136-6. Development Review Committee.

[Amended 11-10-1981 by Ord. No. 81-31; 8-14-2001 by Ord. No. 2001-20]

A. A Development Review Committee shall be established to review all applications for development or requests for

review presented to the Planning Board or the Board of Adjustment. The Development Review Committee shall be chaired by the Development Coordinator and shall include the Township Engineer, Construction Official Zoning Officer and, in addition any other municipal, county or state official as appointed by the Development Coordinator whose particular expertise may be required on a specific application. The Development Review Committee shall have the following responsibilities:

(1)

(2) To determine compliance with the technical standards set forth in Article IV and other provisions of this chapter.

(3) To make recommendations on the design and technical elements of any application.

(4)

B. The Development Review Committee shall make known its findings prior to the meeting when the application is to be considered.

§ 136-7. Zoning Officer.

[Amended 6-23-2009 by Ord. No. 2009-30]

The Zoning Officer shall be the Construction Official unless another person is appointed by the governing body. The Zoning Officer shall review all applications for development to ensure they meet the requirements of this chapter, except for those sections where another official is specifically given enforcement or administrative responsibilities. The Zoning Officer shall in no case, except upon a written order of the Boards or the governing body, approve the issuance by the Construction Official of any permit or certificate for the erection or structural alteration or occupancy of any building or land where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this chapter. It shall be the duty of the Zoning Officer to investigate any violations of this chapter coming to his attention, whether by complaint or arising from his own observation. Whenever a violation is found to exist, the Zoning Officer shall take appropriate action to enforce the provisions of this chapter, including, without limitation, notification of the owner, prosecution in municipal court or other enforcement proceeding.

§ 136-8. Township Engineer.

The Township Engineer shall be responsible for the following provisions of this chapter:

A. Administration and enforcement of Article VI, Stormwater Control; Flood Damage Prevention.

B. Review of all engineering plans accompanying applications for development.

C. Inspection of improvements constructed or installed as part of any application for development other than those which are the responsibility of the Construction Official.

D. Certification before acceptance that all such improvements meet applicable Township codes and ordinances.

§ 136-9. Township Committee.

The Township Committee shall be responsible for the following provisions of this chapter:

A. To adopt a capital improvements program in accordance with N.J.S.A. 40:55D-29.

B. Refer to the Planning Board, prior to adoption, any proposed development regulation, revision or amendment thereto in accordance with N.J.S.A. 40:55D-26.

§ 136-10. Certificates of subdivision approval or exempt subdivisions.

[Amended 12-9-1980 by Ord. No. 80-44]

Certificates of subdivision approval or exempt subdivisions shall be issued by the Township Engineer in accordance with N.J.S.A. 40:55D-56 of the Municipal Land Use Law. A fee of $10 shall be charged for each certificate of approval.

§ 136-11. Certificate of compliance; zoning permit.

[Amended 10-4-1994 by Ord. No. 94-29; 12-19-1995 by Ord. No. 95-43; 2-22-2000 by Ord. No. 2000-9; 6-10-2003 by Ord. No. 2003-19]

A. Certificate of compliance.

(1) No premises shall be occupied or used in whole or in part for any purpose whatsoever subsequent to any sale or conveyance, or upon any change of use, or for any use which is not a permitted use in the zone, until and unless a certificate of compliance shall have been applied for and issued. The application fee shall be $70. No certificate of compliance shall be issued until the premises has been inspected and compliance has been certified as follows:

(a) That the use of the premises is in compliance with Article V, Zoning. If the proposed use is a lawful nonconforming use or if a variance or conditional use approval shall have been granted, same shall be so stated in the certificate.

(b) That smoke alarms shall have been installed, where required, in accordance with N.J.S.A. 52:27D-198.1 et seq., or other applicable law.

(c) That carbon monoxide sensor devices have been installed, where required, in accordance with N.J.S.A. 52:27D-133.3.

(d) That stormwater is not discharged into the sanitary sewer system.

(e) That no outstanding construction permits under the Uniform Construction Code exist with respect to the property. *Editor's Note: See Ch. 92, Construction Codes, Uniform.* If any such outstanding construction permits exist, then the certificate of compliance shall be designated as conditional, and the outstanding permits shall be listed in the certificate.

(2) The approvals listed above shall be given as to Subsection A(1)(a), by the Zoning Official; as to Subsection A(1)(b), (c) and (d) by the Construction Official or a subcode official.

B. Zoning permits.

[Amended 3-8-2005 by Ord. No. 2005-4; 6-23-2009 by Ord. No. 2009-30]

(1) Zoning permits. Zoning permits shall be issued by the Zoning Officer and shall be subject to the following regulations:

(a) In no case shall a construction permit be issued for the erection or structural alteration of any building or structure, nor shall a certificate of occupancy be issued for any structure or use, unless a zoning permit has been issued.

(b) No zoning permit shall be issued for the erection, construction, reconstruction, alteration, conversion or installation of a structure or building unless the Zoning Officer finds that the plans and intended use conform in all respects to the provisions of this chapter.

(c) Whenever a construction permit is issued, a copy of the zoning permit authorizing the issuance of the construction permit shall be attached thereto for delivery to the person receiving the construction permit.

(d) Revocation of permit.

[1] The Zoning Officer may revoke any zoning permit if he finds that actual conditions or construction do not adhere to the plans, specifications, terms, conditions or approvals upon which the construction permit was issued or if he finds any violation of any applicable municipal or state regulation.

[2] The Zoning Officer shall give notice of the revocation of a zoning permit by delivering a written notice thereof to the owner and person engaged in the performance of work on the subject property. A copy of such written notice shall also be delivered to the Construction Official and Building Subcode Official.

[3] Once notice of the revocation of a zoning permit has been given by the Zoning Officer as herein provided, no person shall perform any work upon the subject property, except such work as is necessary to correct any deviation or violation giving rise to the revocation of the zoning permit, until such permit shall have been reinstated by the Zoning Officer when he is satisfied that any deviation or violation has been corrected.

(e) No zoning permit shall be issued unless the Zoning Officer finds that the subject property conforms to the provisions of this chapter and any terms, conditions and approvals upon which the construction permit was issued. No zoning permit shall be issued if the Zoning Officer is aware of any violation of any municipal or state regulation on the subject property.

(f) Copies of all zoning permits shall be kept on file in the office of the Zoning Officer.

(2) Fees. The required fee for an application for a zoning permit shall be $50 for all permits, other than those for single-family and two-family residences, and $25 for permits for single-family and two-family residences.

[Amended 4-12-2011 by Ord. No. 2011-06]

§ 136-12. Violations and penalties.

A. Subdivision.

(1) General. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which Township approval is required, such person shall be subject to a penalty not to exceed $1,000, and each lot disposition so made may be deemed a separate violation.

(2) Specific relief.

(a) In addition to the foregoing, the Township may institute and maintain a civil action:

[1] For injunctive relief.

[2] To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56 of the Municipal Land Use Law.

(b) 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 developer or his assigns or successors, to secure the return of any deposits 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 of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded, as set forth in N.J.S.A. 40:55D-55.

B. Conditions of approval. It shall be the responsibility of the owner and the occupant of real property to maintain and enforce all conditions required by the Boards in granting approval of an application for development as set forth in the resolution of approval, minutes of the Boards or on the site plan or subdivision plat submitted as part of the application. Where the owner or occupant is an entity other than an individual, each officer of a corporation, each managing member of a limited liability company or similar entity, and each general partner of a partnership, limited liability partnership, limited partnership or similar entity shall also be responsible. Failure on the part of any responsible person or entity to so maintain and enforce such conditions shall be considered a violation of this chapter and shall be punishable as such.

[Amended 11-9-2004 by Ord. No. 2004-42]

C. Other violations. Unless otherwise specifically provided herein, any violation of the provisions of this chapter shall be punishable by a fine not to exceed $1,000 or by imprisonment in the county jail for a term not to exceed 90 days, or both, at the discretion of the Municipal Court. Each day that the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

[Amended 6-24-1992 by part of Ord. No. 92-19]

Article III. Development Procedures

§ 136-13. Application for development.

A. General.

(1) Approval of an application for development is required before the development, as defined in § 136-1, of any land or before any change of occupancy for which a zoning permit would be required but cannot be issued pursuant to § 136-11, provided that subdivision or individual lot applications for detached one- and two-dwelling-unit buildings shall be exempt from site plan review and approval. The Zoning Official may waive site plan approval and certify zoning compliance for the issuance of a zoning permit pursuant to § 136-11 where the proposed development or change of occupancy or change of use does not affect or increase circulation, drainage, relationships of buildings to each other, landscaping, buffering, lighting, parking requirements, or any other considerations of site plan review.

[Added 7-28-1987 by Ord. No. 87-27; amended 6-10-2003 by Ord. No. 2003-19; 8-17-2010 by Ord. No. 2010-34]

(2) Informal review with technical personnel. Before filing a formal application in accordance with the procedure set forth in this Article, applicants are encouraged to meet with the Township's technical personnel, including the Township Engineer, Construction Official and Fire, Police and Health Departments, where appropriate, prior to submitting a formal application for development. The purpose of the informal meetings is to make the applicant aware of the specific requirements applicable to the area or type of development being considered.

[Amended 1-29-1980 by Ord. No. 80-44]

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

[Added 12-9-1980 by Ord. No. 80-44]

(4) Complete application.

[Amended 12-9-1980 by Ord. No. 80-44; 11-10-1981 by Ord. No. 81-31; 12-11-2012 by Ord. No. 2012-33]

(a) An application is required for the development of any land. Said application, together with the required fees and all exhibits required in Article IV, shall be submitted to the Zoning Officer. The Zoning Officer shall review the application to determine its completeness; determine the type of development action required; and forward the application to the proper board or agency for subsequent action. An application shall be certified as complete immediately upon the meeting of all requirements specified in this chapter and all rules and regulations of the Boards. It shall be deemed complete as of the day it is so certified by the Zoning Officer for purposes of the commencement of the time period for action by the Boards.

(b) If found to be incomplete, the application shall be returned to the applicant within 45 days of submission with information as to what is lacking, as per N.J.S.A. 40:55D-10.3 and in accordance with § 136-13A(4)(c).

(c) Determination of completeness no bearing on merits. A determination of completeness, pursuant to the terms and conditions hereof, is in no way to be interpreted or understood as an evaluation of the adequacy or acceptability of the information submitted, and shall not be construed as diminishing the applicant's obligation to prove in the application process that he/she is entitled to approval of the application.

(d) Checklist for completeness.

[1] Authority. This subsection is adopted pursuant to the authority granted the Township under N.J.S.A. 40:55D-10.3.

[2] Applicability. The checklist shall apply to all applications for development in all zones within the Township.

[3] Checklist. For the purposes of determining that an application for any development within the Township is complete, pursuant to the terms of N.J.S.A. 40:55D-10.3, an applicant shall be required to furnish the following information, documents and fees:

[a] A completed application form, as supplied by the Zoning Officer, containing full and complete responses and answers to all requirements and questions contained thereon.

[b] All required fees and charges pursuant to a schedule of fees to be supplied to the applicant by the Zoning Officer.
[c] Certificate of Tax Collector that all property taxes have been paid.
[d] An appropriate sketch plat, subdivision map or site plan, prepared in accordance with the terms and conditions of the appropriate Township ordinances, as follows:
[i] Preliminary and final minor and major subdivisions. Any application for a minor subdivision or a major subdivision, either preliminary or final, presented to either the Zoning Board of Adjustment or the Planning Board, shall comply with all of the terms and conditions of this Code, and subsequent amendments thereto, and all of the terms and conditions of any other applicable ordinance of the Township.
[ii] Preliminary and final site plans. Any application for a preliminary or final site plan, presented to either the Zoning Board of Adjustment or the Planning Board, shall comply with all of the terms and conditions of this Code, and amendments thereto, and all of the terms and conditions of any other applicable ordinance of the Township.
[iii] Variances, use variances, and conditional uses. All applications for variances, use variances and/or conditional uses shall comply with the various and miscellaneous sections of this Code, and amendments thereto, as may be required, depending upon the nature of the variance, use variance or conditional use requested, and all of the terms and conditions of any other applicable ordinance of the Township.
(e) In addition to any and all of the items as set forth under Subsection A(4)(d) above, each applicant before the Zoning Board of Adjustment or Planning Board is required to comply with all of the submission requirements contained within a document known as the "Township of Cranford Land Development Checklist," *Editor's Note: Schedule 2, Land Development Checklist, is included at the end of this chapter.* setting forth separate submission requirements with the corresponding designation as to which items contained on the checklist will be required for proposed development applications dependent upon the following designation:
[1] List of required items for all applications submitted to the Planning and Zoning Board of Adjustment.
[2] List of required items for applications appealing the Zoning Officer's determination.
[3] List of required items for requesting an interpretation of the Land Development Ordinance.
[4] List of required items for "C" variance relief and design waiver applications pursuant to N.J.S.A. 40:55D-70c.
[5] List of required items for "D" (a.k.a "use") variance applications pursuant to N.J.S.A. 40:55D-70d.
[6] List of required items for applications for approval of all conditional uses as stated in § 136-35 of the Township's Land Development Ordinance.
[7] List of required items for preliminary major and minor subdivision applications as defined in § 136-1B(2) of the Township's Land Development Ordinance.
[8] List of required items for major and minor final subdivision applications as defined in § 136-1B(2) of the Township's Land Development Ordinance.
[9] List of required items for all major and minor preliminary site plan applications.
[10] List of required items for applications for major and minor final site plan approval.
(f) The land development checklist must be completed by each applicant and submitted, together with all other items required for land development applications, before the Zoning Board of Adjustment or Planning Board.
(g) The Zoning Board of Adjustment and Planning Board may require an applicant to submit information in addition to that contained on the checklist depending upon unique conditions that may exist on each property for which a development application is submitted.
(h) In addition to the items set forth on the checklist, any application for development shall be subject to any rule, regulation or procedure, as adopted from time to time, by either the Zoning Board of Adjustment or Planning Board, copies of which shall be supplied to the applicant along with the application form.
(5) Additional information. The Planning Board or Board of Adjustment may require such additional information not specified in this chapter or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Boards.
[Amended 12-9-1980 by Ord. No. 80-44; 12-11-2012 by Ord. No. 2012-33]

B. Routing.

[Amended 12-11-2012 by Ord. No. 2012-33]

(1) Board of Adjustment. All complete applications requiring Board of Adjustment approval shall be referred to the Development Review Committee and the Board by the Zoning Officer.

(2) Construction Official. All complete applications which do not require action by the Board of Adjustment or Planning Board shall be referred to the Construction Official for action.

(3) Planning Board. All other complete applications for development shall be referred to the Development Review Committee and Planning Board by the Zoning Officer.

§ 136-14. Planning Board action.

A. General. The applicant or his agent shall appear at all regular meetings of the Planning Board whenever the application is being considered. Failure to appear shall give the Planning Board the right to postpone action on the application if the applicant or the agent's absence deprives the Planning Board of information necessary to make a decision.

B. Application for a major development.

(1) Preliminary approval.

(a) If the application is found to be a major development, the Planning Board shall schedule a public hearing, and the applicant shall be responsible for providing notice as set forth in Article II, § 136-4J. At the public hearing, the applicant shall submit to the Board a copy of the advertisement required under Article II, § 136-4J(1); an affidavit of notice of public hearing to persons served; an affidavit of ownership or authorization of owner to submit application; a map showing all properties within 200 feet as required in Article II, § 136-4J(7); and a letter from the Tax Collector that all taxes and easements for local improvements have been paid to date on the property.

(b) At the public hearing, the Planning Board shall consider the application as submitted, the recommendations and comments of all agencies to which the application was referred and those of the public and shall take action within 95 days of the submission of a complete application or within such further extension agreed to by the applicant. The Planning Board shall reject the application for development, grant preliminary approval or grant conditional preliminary approval. Preliminary approval shall confer upon the applicant those rights set forth in N.J.S.A. 40:55D-49.

(2) Final approval.

(a) Within three years from the date of preliminary approval or within such extension as allowed by N.J.S.A. 40:55D-49, the applicant may apply for final approval in the manner set forth in § 136-13A of this Article.

(b) The final plan shall incorporate all changes or modifications required by the Planning Board. The applicant shall submit an affidavit indicating that no changes were required or specifying the changes that have been made and the reasons for the changes.

(c) In addition to the exhibits required in Article IV and any other exhibits which may have been required as a condition of preliminary approval, the following materials shall accompany the application for final approval:

[1] A letter from the Township Engineer indicating:

[a] That the engineer is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed.

[b] That the applicant has either completed the installation of all improvements in accordance with the requirements of this Article or posted with the Township Clerk a performance guaranty in an amount sufficient to cover the cost of all improvements or uncompleted portions thereof, as estimated by the Township Engineer, and assuring the installation of such improvements on or before an agreed date.

[c] All items and amounts required for the corporate surety maintenance guaranty.

[d] That the final plan conforms to the preliminary plan as submitted and approved.

[2] A letter from the Township Tax Collector that all taxes and assessments for local improvements have been paid to date on the property.

[3] A letter from the Township Clerk indicating:

[a] That the amount, form and content of the performance and maintenance guaranties have been accepted by the governing body.

[b] Where appropriate, that moneys as required by this chapter have been paid the Township as reimbursal for construction inspection costs incurred since preliminary approval.

(d) The Planning Board shall act within 45 days of submission of a completed application or within such further time as may be mutually agreed upon. Failure of the Planning Board to act within the allocated time or a mutually agreed upon extension shall be deemed to be favorable approval, and the Township Clerk shall issue a certificate to that effect.

(e) If the application for development is a subdivision, the plan granted final approval shall be filed by the applicant with the county recording officer within 95 days from the date of such approval. If any final plan is not filed within that period, the approval shall expire. For good cause, the Planning Board may extend the time of the filing of the plan for an additional period not to exceed 95 days.

(f) The granting of final approval shall confer upon the applicant those rights set forth in N.J.S.A. 40:55D-50 and shall terminate the time period of preliminary approval for that part of the development for which final approval has been granted.

C. Application for preliminary and final approval. Combined preliminary and final approval may be granted, provided that all submission requirements for both approvals are met. The time limit within which the Board shall act shall be the longest permitted for either of the two approvals.

D. Application for a minor development.

(1) If the application is to be a minor development, the Planning Board shall reject, approve or conditionally approve the application within 45 days of the submission of a complete application. The approval of the Planning Board on a minor subdivision shall be considered a final approval.

(2) All submission requirements and procedures required for a major development shall be required for a minor development except that public notice of the hearing need not be issued.

§ 136-15. Board of Adjustment action.

If the Zoning Officer determines that the application requires action by the Board of Adjustment, it shall be forwarded to the Board of Adjustment, and the applicant shall be responsible for providing notice as set forth in Article II, § 136-4J. The Board of Adjustment shall refer the application to those agencies required to review the application and any other agency which it feels may assist it in its deliberations. If the application is for site plan approval, the Board of Adjustment shall refer the site plan to the Planning Board for its review and nonbinding recommendations, which shall be returned to the Board of Adjustment within 14 days of referral.

§ 136-16. (Reserved)

Editor's Note: Former § 136-16, Applications requiring joint action by Planning Board and Zoning Board of Adjustment, was repealed 6-10-2003 by Ord. No. 2003-19.

§ 136-17. Exceptions and waivers.

[Amended 11-10-1981 by Ord. No. 81-31]

A. Applications may be made to the Planning Board for exceptions from all the provisions of this chapter which pertain to preliminary site plan approval or preliminary or minor subdivision approval, except for those procedures or requirements set forth in Article V, Zoning, and those procedures or requirements set forth in the Municipal Land Use Law.

B. Applications may be made to the Board of Adjustment for waivers from the requirements of parking, signs or fences as set forth in Article IV, Development Requirements and Standards, which are not part of any application for site

plan or subdivision approval.

C. All applications for exceptions and waivers shall be submitted to the Zoning Officer, who shall forward them to the Development Review Committee for nonbinding recommendations.

D. The application shall indicate thereon the nature and reason for any exception or waiver being sought, and the nature of such application shall be indicated on any public notice required under Article II, § 136-4J.

E. Exceptions from the provisions of Article VI, Stormwater Control; Flood Damage Prevention, shall be made in accordance with the procedures set forth in Article VI, § 136-43.

§ 136-18. Performance guaranties.

A. General. No application shall be granted final approval by the Board until the completion of all required improvements has been certified in writing to the Board by the Township Engineer, unless the applicant shall have filed with the Township a performance guaranty. The performance guaranty shall be sufficient to cover all the costs of such improvements or incomplete portions thereof as estimated by the Township Engineer and shall assure the installation of such incomplete improvements on or before an agreed date in accordance with the time set forth Subsection C below. An additional amount of 20% of the estimate of the Engineer shall be included in the total amount of the performance guaranty to cover legal, engineering and other costs in the event that the applicant shall fail to complete the required improvements and the Township is required to install the improvements.

B. Type of guaranty. At least 10% of the performance guaranty shall be in cash deposited with the Township. Such cash shall be deposited to the credit of the Township and may be usable at any time in the event of the nonperformance of the applicant. Any interest earned by the Township on said cash deposit shall inure to the benefit of the applicant. The remaining portion of the performance guaranty shall be issued by a bonding or surety company authorized to do business in the State of New Jersey as approved by the Township Attorney.

C. Time of guaranty. Performance guaranties shall run for terms not to exceed 24 months. Performance guaranties with the consent of the principal and surety, if there is a surety, may be extended by the governing body by resolution for an additional period not to exceed 18 months.

D. Township completion. If the required improvements have not been installed in accordance with the standards and specifications of the Township within the time limit or extension thereof as described in Subsection C above and in the requirements of the performance guaranties, the obligor and surety shall then be liable to the Township for all reasonable costs of the improvements not installed. Upon receipt of the proceeds, the Township shall install such improvements and/or may use such portions of said performance guaranties as have been deposited in cash with the Clerk to assure the completion of said improvements in accordance with the terms of this Article and any applicable agreement.

E. Acceptance of performance bond by the governing body.

(1) Before accepting a performance bond, the governing body shall have the following:

(a) A letter from the Township Engineer stating that the proposed bond covers all the items required by the Planning Board with a list of the items and costs. The letter should also state that the plans and specifications meet all applicable Township ordinances.

(b) A letter from the Township Attorney approving the performance guaranty as to form and amount.

(2) After approval and acceptance of the performance guaranty by the governing body, a letter stating that fact shall be sent to the Planning Board before the Planning Board shall sign the final plats for filing with the county.

F. Release of performance guaranty. The procedures established in N.J.S.A. 40:55D-53 shall govern the release of performance bonds. Before the governing body releases any guaranties, or portions thereof, the following items shall be submitted to the governing body:

(1) As-built plans and profiles of all utilities and roads, with a certification by the applicant's engineer as to the actual location and construction.

(2) A statement or affidavit from the developer that there are no liens or other legal encumbrances on any of the improvements or utilities proposed to be deeded to the Township.

(3) A statement from the Township Engineer that all utilities and improvements required by the Planning Board have been installed and completed in accordance with applicable Township ordinances.
(4) A maintenance bond as provided in § 136-19 herein.
(5) Deeds, free and clear of all encumbrances, for all streets, public easements, drainage and conservation easements, other lands dedicated to public use and any improvements to be dedicated or deed to the Township or other public agency.

§ 136-19. Maintenance bond.

All improvements required by the Planning Board shall, before being accepted by the Township, be covered by a maintenance bond running in favor of the Township of Cranford in the amount of 15% of the estimated cost of the improvements as estimated by the Township Engineer. Said maintenance bond shall run for a period of two years and provide for the proper repair and/or replacement of any such improvements during said period. The two-year period shall be from the date of the acceptance of the improvements by the Township, and no performance guaranty shall be released by the Township until such time as the maintenance bond herein required has been posted with the Township.

§ 136-20. Acceptance of improvements.

A. The governing body shall not accept any road or other improvements into the municipal road system or for municipal ownership until the maintenance bond has been posted and all deficiencies are corrected or repaired. The Township may, however, undertake to remove snow and perform other municipal services as may be required on the roads prior to final acceptance, if the applicant presents a written request to the governing body and agrees in said request to hold the Township harmless for any damages to the roads or public improvements caused by snow removal or other municipal activities.
B. The governing body need not accept any roads or other improvements if the roads or other improvements will be used by the developer to complete other portions of the development.

Article IV. Development Requirements and Standards

§ 136-21. Plan details.

A. General. All maps, plats and plans required to be submitted by this chapter, including any application for planned development or conditional use approval, which requires site plan approval or subdivision approval shall conform to one of the following sizes: 8 1/2 inches by 13 inches; 15 inches by 21 inches; 24 inches by 36 inches; or 30 inches by 42 inches.

[Amended 12-12-2006 by Ord. No. 2006-46]

B. Sketch plan. All plans shall be based on accurate information at a scale of not less than one inch equals 50 feet unless otherwise noted and shall show the entire tract to be developed, giving the accurate location of all existing and proposed property and street lines, and shall also show or indicate the following information, unless waived by the Board:

(1) Key map: a map at a scale of not less than one inch equals 600 feet, showing the entire development, zone districts and its relation to all features shown on the Official Map and Master Plan located within 1/2 mile of the extreme limits of the development.

(2) Structures, wooded areas and topography: the location and dimensions of existing and proposed buildings and structures, including dimensions from all existing and proposed lot lines; wooded areas; those dogwood trees more than two inches in diameter (measured four feet above ground); all isolated trees more than eight inches in diameter (measured four feet above ground); and the topography within the portion to be developed and within 100 feet thereof at one-foot contours.

(3) Owners: the name of the owner of the subject property and all owners of property contiguous to and across existing or proposed streets from the subject property as disclosed by the most recent municipal tax records.

(4) Identity: the Tax Map sheet, block and lot numbers and zone district.

(5) Easements, watercourses and rights-of-way; the location of existing or proposed streets, roads, easements, public rights-of-way, streams, bridges, culverts, drainage ditches, natural watercourses, flood control basins, floodways and floodplains, in and within 200 feet of the development.

(6) Public areas: any existing or proposed parks, municipal lands, school sites, historic sites or other public areas shown on the duly adopted Master Plan and/or Official Map.

(7) Lots: the existing and proposed lot layout, lot dimensions, all required setback lines and lot areas of each lot in square feet. Lots shall be designated by letters for minor subdivisions and by consecutive numbers for major subdivisions until given official lot number designations by the Township.

(8) The date of the original plan and any revisions, the current name and the old name, if submitted previously under a different title.

(9) Any other information required by the Board.

C. Information required for minor subdivision plats. If the sketch plan is being submitted for minor subdivision approval, it shall contain the information required under Subsection E of this section and shall be a certified survey map drawn by a licensed New Jersey land surveyor. The plat shall provide for endorsement by the Chairman and Planning Board Secretary. If the plat is to be filed with the County Filing Officer, it shall meet the requirements of the Map Filing Act. *Editor's Note: See N.J.S.A. 46:23-9.9 et seq.*

D. Plan submitted for preliminary approval. The plan shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 50 feet. Contour maps and preliminary construction plans, including road profiles and utility plans, shall be submitted as part of the preliminary plan. Separate maps may be required by the Board for topography, utilities and road details. A soil erosion and sedimentation control plan and a grading plan shall be included. The plan shall be designed in compliance with the applicable provisions of §§ 136-22 and 136-23 of this Article and shall show or be accompanied by the following information:

(1) Key map: a map at a scale of not less than one inch equals 600 feet, showing the entire development, zoning district and its relation to all features shown on the Official Map and Master Plan located within 1/2 mile of the extreme limits of the development.

(2) Lots: lot layout, lot dimensions, all required setback lines and individual lot areas in square feet and acreage. Lots shall be designated by consecutive numbers until given an official lot number designation by the Township.

(3) Other contents: the plan name, Tax Map sheet and date, if a revision, block and lot numbers, date of plan preparation, reference meridian, scale, graphic scale and the following names and addresses:

(a) The record owner or owners of property to be developed. If other than an individual, the corporate officers or partners or other statutory agent.

(b) The applicant.

(c) The person who prepared the map, including seal and license number.

(4) Acreage: acreage of the tract to be developed to the nearest hundredth of an acre.

(5) Elevations and contours: sufficient elevations and contours at one-foot vertical intervals to determine the general slope and natural drainage of the land and the high and low points for the entire tract and for a distance of 100 feet from the tract boundary. All elevations shall be based on United States Coast and Geodetic Survey data.

(6) Existing and proposed features: the location of all existing and proposed property lines, streets, buildings, structures, parking areas, driveways, watercourses, railroads, easements, bridges, culverts, drainpipes, sanitary sewers, water mains, gas mains, powerlines and any natural features such as wooded areas, isolated trees over eight inches in diameter (measured four feet above ground) and dogwoods over two inches in diameter (measured four feet above ground) and rock formations. This data shall be determined by field and/or photogrammetric survey.

(7) Streets: preliminary plans and profiles at a scale of not less than one inch equals 50 feet horizontally and one inch equals five feet vertically, including cross sections every 50 feet or as specified by the Township Engineer, of all proposed streets, curbs, gutters and sidewalks within the development and proposed connection with existing or future continuing streets. The radii distances of all street lines shall be shown.

(8) Sewers, drains and ditches: preliminary plans and profiles at a scale of one inch equals 50 feet horizontally and one inch equals five feet vertically of all proposed and existing sanitary sewers, storm drains, drainage ditches and streams within the development, together with the locations, sizes, elevations, grades and capacities of any existing sanitary sewer, storm drain, drainage ditch or stream or watercourse to which the proposed facility shall be connected. When brook or stream channel improvements are proposed or required, the plans shall be approved by the State Department of Environmental Protection and the Union County Planning Board where applicable.

(9) Off-site improvements: When the development is contingent upon improvements outside the boundaries of the lot or tract to be developed, certification shall be supplied by the applicant, prior to Planning Board consideration for preliminary approval, that the improvements outside the tract are installed and will be available to the applicant.

(10) Setback lines: All front, rear and side yard lines shall be shown for all lots.

(11) Deed restrictions: A copy of any existing and proposed covenants or deed restrictions applying to the land being developed shall be submitted with the preliminary plan.

(12) Open space: Any open space proposed to be dedicated for public use, playgrounds or other public purpose shall be shown on the plan.

(13) Support capability: When deemed necessary to determine the suitability of the soil to support new construction, the Planning Board shall require test holes or borings to be made by a New Jersey licensed engineer or an approved testing laboratory at the expense of the applicant under the direction of the Township Engineer.

(14) Parking: indicate parking, loading and unloading areas with dimensions, traffic patterns, access aisles, curb radii and bumpers.

(15) Solid waste: indicate location and design of existing and proposed methods of solid waste storage and disposal.

(16) Landscaping and buffering: show what will remain and what will be planted; indicate names of plants and trees, dimensions and spacing, approximate time of planting and maintenance plans.

(17) Lighting: indicate types of standards and fixtures, locations, radii of light and intensities in footcandles.

(18) Signs: indicate the location, dimensions and details.

(19) Trees: plans shall clearly indicate all existing trees and their sizes in inches in diameter at breast height (dbh), i.e., measured four feet above ground. Trees to be removed and any trees previously removed within one year prior to the date of the plan shall be clearly indicated, both as to the trees to be removed and those previously removed. For the purpose of this subsection, a "tree" shall be as defined in § 136-23L below.

[Added 12-13-2005 by Ord. No. 2005-48]

(1) I hereby certify that this map and the survey have been made under my immediate supervision and comply with the provisions of the Map Filing Law. (Include the following if applicable.) I do further certify that the monuments as designated and shown hereon have been set.

Licensed Land Surveyor (Affix Seal)

Date

(If monuments are to be set at a later date, the following endorsement shall be shown on the map.)

(1a) I certify that a bond has been given to the Township of Cranford guaranteeing the future setting of the monuments shown on this map and so designated.

Township Clerk

Date

(2) I have carefully examined this map and find it conforms to the provisions of the Map Filing Law and the municipal ordinances and requirements thereto.

Township Engineer (Affix Seal)

Date

(3) This application No. _____ is approved by the Cranford Township Planning Board as a major development.

Chairman

Date

Secretary

Date

(20) Tree replacement: A tree replacement plan as set forth in § 136-23L below shall be submitted with any application for which trees are proposed to be removed, or for which trees have been removed, as set forth in Subsection D(19) above.

[Added 12-13-2005 by Ord. No. 2005-48; amended 12-12-2006 by Ord. No. 2006-46]

(21) Environmental Impact Statement.

[a] The Planning Board or Zoning Board of Adjustment or the Development Review Committee, whichever is appropriate, may require an applicant to prepare, at his own expense, an environmental impact statement describing and explaining the impact and effect of proposed land development upon natural systems and the environment of the Township. The Board shall retain the right to select a qualified consultant to prepare an EIS. An environmental impact statement shall be required at the discretion of the approving body and where:

1. The development site involves 5 acres or more; or

2. Twenty percent (20%) or more of the development site contains any combination of environmentally sensitive areas as defined in the Conservation Element of the Master Plan, i.e., wetlands, flood plains, etc.; or

3. Where the development site contains a trout production or trout maintenance stream or headwaters thereof; or

4. Where proposed project development will create a use which commonly uses any volatile or toxic substances as primary materials in their operation or is identified within the provision of the New Jersey Worker and Community Right To Know Act (N.J.S.A. 34:5A) by SIC code as a typical hazardous substance user; or

5. For smaller sites less than 5 acres, the Board may require an environmental impact statement if the Board finds that a special circumstance requires review; or

6. It is recognized that the level of detail required for various types of applications will vary due to site specific factors including size, location and nature of any particular project. Therefore, having determined that some flexibility is needed in preparing the environmental impact statement, the requirements for such a document pertaining to different types of development applications are listed below:

a. 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. The Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.

[b] Submission format. When an environmental impact statement is required, the applicant shall retain one (1) or more competent professionals to perform the necessary work. All applicable material on file in the Construction Department pertinent to local conditions shall be consulted. Any additional material pertinent to evaluation of regional impacts shall also be considered. Furthermore, as much original research as necessary shall be conducted to develop the environmental impact statement. All environmental impact statements shall consist of written and graphic materials which clearly present the required information utilizing the following format:

1. Project description. Indicate the purpose and scope of the proposed project. Enumerate the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended. The resident population, working population, and visitor population shall be estimated. The compatibility or incompatibility of the proposed project shall be described in relation to the following:

a. Municipal Master Plan, especially the land use and open space elements.

b. Union County Master Plan.

c. The State Development and Redevelopment Plan.

2. Site description and inventory. Provide a description of environmental conditions on the site which shall include, but not be limited to, the following items:

a. Types of soils. List and describe each soil type located on the site. If applicable, provide percolation data. Where the proposed area of land disturbance will involve soils with moderate or severe limitations (as per the Soil Survey of Union County - Soil Conservation Service) relative to the type of project proposed, a complete mapping of all soil types on the site shall be required indicating where those moderate and severe limitations exist.

b. Topography. Describe the topographic conditions of the site, with specific delineation of any lands with slopes exceeding 12 percent (12%).

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

d. Vegetation. Describe the existing vegetation on the site. When required, prepare a map showing the location of major vegetative groupings such as woodland, open field and wetland. Where woodlands are delineated, indicate the forest type and its characteristics.

f. Wildlife. Identify habitats of any rare or endangered species as defined by the State of New Jersey.

g. Surface water. Describe existing watercourses and water bodies that are partially or totally on the site and their relationship to the area of land disturbance. Calculate existing surface runoff from the site. 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. When required, flood plain and wetland areas will be mapped in consultation with New Jersey Department of Environmental Protection and Energy. Existing drainage structures shall be mapped and the capacity of the drainage network shall be determined. Additionally, wetland areas shall be delineated and a Letter of Interpretation (LOI) where applicable from the New Jersey Department of Environmental Protection and Energy shall be provided.

f. Subsurface water. Describe the subsurface water conditions on the site both in terms of depth to ground water and water supply capabilities of the site. Where existing conditions warrant, provide detailed information regarding any existing wells within 500 feet of the site relative to depth, capacity and water quality. Discuss the water supply capabilities of the adjacent areas and the recharge capabilities of the site.

g. Unique, scenic and/or historic features. Describe and map those portions of the site that can be considered to have unique, scenic and/or historic qualities and any scenic view from the site.

h. Water quality and supply. Describe the proposed method of water supply and wastewater management.

i. 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 and Energy.

3. Impact. Discuss the probable negative and positive impacts the project will have on the topics described in section 136-24 C 1.

4. Environmental performance controls. Describe in detail what measures will be employed during the planning, 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:

i. Drainage plans which shall include but not be limited to soil erosion and sedimentation controls. Every effort should be made to limit off-site surface runoff to pre-development levels.

ii. Sewage disposal techniques.

iii. Water supply and water conservation proposals.

iv. Site design techniques sensitive to the natural environment which should include innovative landscape, building and circulation design.

v. Energy conservation measures such as building orientation and design.

vi. Noise reduction techniques.

vii. Miscellaneous on-site and off-site public improvements.

5. Alternatives. Discuss what alternatives were considered both in terms of site design and project location. Indicate why an alternative was rejected if it would have resulted in less of a negative impact than the subject proposal.

6. Licenses, permits and other approvals required by law. The applicant shall list all known licenses, permits and other forms of approval required by law for the construction and operation of the proposed project. 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. Where approvals have been granted, copies of said approvals shall be attached. Where approvals are pending, a note shall be made to that effect.

7. Documentation. 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 and footnoted where appropriate. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.

8. Disposition. The Board shall not approve any submission unless is determines and finds that the proposed development will not result in appreciable harmful effects to the environment. In making its decision, the Board shall give due consideration to any recommendations of the environmental committee.

(22) Community Impact Statement. The Planning Board or Zoning Board of Adjustment or the Development Review Committee, whichever is appropriate, in its sole discretion, may, as a condition of preliminary major subdivision or site plan approval, require the applicant to prepare, at his own expense, a Community Impact Statement describing and explaining the impact and effect of the proposed land development upon the Township's educational system and other municipal facilities. The Board shall retain the right to select a qualified consultant to prepare a Community Impact Statement. In determining whether or not such a statement shall be required, the Board in question shall give consideration to the character and size of the development and the recommendations of the Township's Board of Education, if any.

(23) Traffic Impact Statement.

[a] The Planning Board, Zoning Board of Adjustment or the Development Review Committee, whichever is appropriate, in its sole discretion, may require the applicant to prepare, at his own expense, a Traffic Impact Statement describing and explaining the impact and effect of the proposed land development upon all roads which are adjacent to or immediately affected by traffic. The Board shall retain the right to select a qualified consultant to prepare a Traffic Impact Statement. Such report shall be a requirement for all proposed developments generating 100 or more peak hour trips during the morning and evening as analyzed using the most recent edition of the Trip Generation Handbook of the Institute of Transportation Engineers, or as otherwise required by the reviewing Board.

[b] The Traffic Impact Statement shall be prepared by a person or persons having appropriate experience and background, and shall identify all relevant sources of information used in the preparation of said statement and shall, at a minimum, address the following:

1. Existing/Background conditions in the vicinity of the proposed project including:
   a) Roadway Network.
   b) Representative Traffic Count, not during holiday or summer periods.
   c) Traffic Accident Statistics.
   d) Availability of Public Transportation.
   e) Level of Service of adjacent roadway.

2. Traffic Generated by the proposed development including:
   a) Trip Generation.
   b) Trip Distribution.
   c) Modal Split.
   d) Trip Assignment.
   e) Level of Service under proposed conditions.

3. Traffic impacts caused by the proposed development as per change in existing conditions.

4. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State or County requirements, and, where applicable, proposed interaction with appropriate County Transportation Management Areas (TMA).

5. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern.

6. Any other information requested by the appropriate board reasonably required to make an informed assessment of potential traffic impacts of a proposed development.

7. Disposition. The Board shall not approve any submission unless it determines and finds that the proposed development will not result in appreciable harmful effects to traffic.

E. Final plan. The final plan and all final plans and profiles of improvements and other original exhibits shall show or be accompanied by the following, where applicable:

(1) Identification: the date, name and key map of the development, name or owner, scale, graphic scale and reference meridian. The final plan shall be drawn at a scale of not less than one inch equals 50 feet.

(2) Survey data: tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use and all lot lines with accurate dimensions. Where appropriate, the bearings, distances, arc lengths, central angles, tangents and radii of all curves and lot lines and areas of each lot

in square feet shall be shown.

(3) Public use: The purpose of any easement or land reserved or dedicated for public use shall be indicated.

(4) Block and lots: All block, lot and house numbers shall be approved by the Township Engineer and the Tax Assessor and shall be related to existing block and lot numbers as shown on the Official Tax Map of the Township.

(5) Monuments: The location and description of all required monuments shall be shown.

(6) Consent of owner: certification that the applicant is agent or owner of the land or that the owner has given consent to file said plan.

(7) Approval: When approval of a plan is required by any officer or body, whether municipal, county or state, approval shall be certified on the plat.

(8) Agreements: agreements providing for ownership of common areas, including the perpetual maintenance and continuance of ownership.

(9) Changes from preliminary: an affidavit is signed and sworn to by the applicant that the final plan is exactly the same as the preliminary plan approved by the Board. If there are changes, they shall be noted and the reasons indicated for the changes.

(10) Certifications: The following certifications shall appear on the final plan, where appropriate:

§ 136-22. Design standards: general.

§ 136-22.1 Purpose and applicability.

A. The intent of this section is to ensure that all developments conform to design standards encouraging sound development patterns within the Township. Where an Official Map or Master Plan has been adopted, development shall conform to them in accordance with the provisions of N.J.S.A. 40:55D-44 et seq.

B. The standards in this Section shall apply to all developments in the Township requiring site plan or subdivision approval, except that developments consisting solely of residential uses shall comply with the New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21 et seq., wherever there is a conflict between RSIS and the standards in this Section. Unless required otherwise by law or regulation, RSIS shall not apply to nonresidential or mixed-use development.

C. Relief from the standards herein shall be granted by way of exception pursuant to N.J.S.A. 40:55D-51.

§ 136-22.2 General requirements.

A. Circulation.

(1) Pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles.

(2) The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.

B. Design and building layout. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on and from surrounding development and contiguous and adjacent buildings and lands.

C. Lighting. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Lights shall be arranged so as to minimize glare and reflection on adjacent properties.

D. Buffering and landscaping.

(1) Buffering. Buffering shall be located to minimize headlights, noise, light from structures and the movement of people and vehicles and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, berms, evergreens, shrubs, bushes, deciduous trees, physical barriers or combinations thereof to achieve the stated objectives.

(2) Landscaping. Landscaping shall be provided as part of the overall development design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner. Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items. All developments except one- and two-family residential construction shall have professionally designed and executed landscaping.

(3) Buffering and landscaping guidelines in the C-3 Zone.

[Added 8-28-1990 by Ord. No. 90-37]

(a) All buildings in the C-3 Zone, unless they can be demonstrated to exhibit architecturally significant facades, shall be buffered and landscaped in accordance with the provisions of this subsection and Subsection D(1) and (2) of this subsection to provide an aesthetically pleasing and effective visual screen between residential and nonresidential uses. Portions of the buffer area may be lawned and landscaped to provide views of building facades with aesthetic architectural treatments.

(b) All existing landscape features of significance, such as mature hedgerows, buffer plantings and berms from previous developments, shall be located on site surveys, including component species and size, and shall be preserved or, if removed, shall be replaced with buffer plantings of size and species to effect substantially the same buffering effect in proposed buffer areas. A salvaged landscape feature may be substituted in whole or part at the discretion of the Board from which site plan approval is sought for required buffers in the zone.

(c) All structures requiring buffers to screen views from the street or adjacent residential areas shall provide a buffer of a minimum of 30 feet planted depth. Trees and shrubs shall provide a solid screen effect when viewed from the residential area of the street. A variety of plant material shall be used to create visual interest. Plant material shall be sufficiently large at installation and planted in a proper fashion to create an evergreen screen at least 10 feet in height within three growing seasons. Trees shall be planted at a minimum of 2 1/2 inches in caliper. Evergreens shall be planted at a minimum of six feet in height and shrubs shall be a minimum of two feet in height. Trees shall be a continuous component of the buffer. All plantings of shrubs shall be in double staggered rows, at a minimum.

(d) No parking areas, loading areas, storage railroad spurs, buildings or structures shall be located within the buffer area. Driveways may be permitted in the buffer area only when they provide direct driveway access from a street.

(e) Stormwater management facilities, including detention and retention facilities, may be located within a buffer area but shall not be located within 40 feet from the boundary of a residential zone.

(f) All loading docks in any C-3 Zone shall be located in the rear of buildings and shall be fully screened from streets, adjacent properties and all adjacent residential zones and uses.

(g) Overhead wires, where they exist, shall be replaced with underground wires. Typical highway street lamps shall be replaced with an approved residential street luminaires. Missing, dead, disfigured or dying street trees shall be replaced. No chain link fencing shall be allowed in the front yard. Alternatives, such as wrought iron, may be considered at the discretion of the Planning Board.

(4) A landscape plan prepared by a certified or licensed landscape architect, building elevations and lighting and architectural plans shall be submitted as part of all applications for development in the C-3 Zone.
[Added 8-28-1990 by Ord. No. 90-37]

(5) In any C-3 Zone District, it shall be the intent of the design guidelines to encourage streetscapes of the highest quality. For any such zone which abuts a residential zone, the C-3 development shall be designed to be compatible with the character of the adjacent residential area.
[Added 8-28-1990 by Ord. No 90-37]

E. Signs. Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site, located so as to achieve their purpose without constituting hazards to vehicles and pedestrians and shall comply with all applicable provisions of this chapter. There should be a consistent sign design theme throughout a particular project, neighborhood or area. The design theme should include style of lettering, construction, material, type of pole or standard, size and lighting. Color of letters and background should be carefully considered in relation to the color or material of buildings where the signs are proposed to be located.

F. Utilities. Storm drainage, including water retention and detention, sanitary waste disposal, water supply and solid waste collection and disposal, shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately carry runoff and sewage and to maintain an adequate supply of water at sufficient pressure.

G. Environmental considerations. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements. The Planning Board shall make available any development plan to the Environmental Commission for review and recommendations.

H. Street furniture. The site plan shall provide for those elements of street or outdoor furniture appropriate to the particular use. These may include phone booths, benches, bike racks, trash receptacles, bus shelters, kiosks and similar uses.

I. Conformance with Master Plan or Official Map. If the Master Plan or the Official Map provides for the reservation of designated streets, public drainageways, flood control basins or public areas such as parks, school sites, historic sites or similar lands within the proposed development, such areas shall be shown on the plan in locations and sizes suitable to their intended uses. The Planning Board may reserve the locations and extent of such public areas in accordance with the requirements of N.J.S.A. 40:55D-44.

§ 136-23. Design standards: specific.

§136-23.1 Streets and appurtenances.

(1) General. Proposed streets and extensions of existing streets shall conform to Master Plan and Official Map recommendations. Those streets not shown on the Master Plan or Official Map shall be designed and located to facilitate orderly circulation patterns, assure access by emergency vehicles and provide for future connections to adjoining property.

(2) Specific requirements for streets.

(a) Minor streets shall be so designed as to discourage through traffic.

(b) Developments abutting primary or secondary arterial streets shall, at the discretion of the Planning Board, provide reverse frontage with a buffer strip or driveways with turnarounds.

(c) Pavement widths.

[1] The rights-of-way and pavement widths shall not be less than the following:

Type of Street	Right-of-Way (feet)	Pavement (feet)
Primary arterial	66	44
Secondary arterial	60	40
Local street	40 to 50	24 to 32

[2] The right-of-way width for internal roads and alleys in multifamily, commercial and industrial developments shall be determined on an individual basis and shall, in all cases, be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for public safety equipment.

(d) No development showing reserve strips controlling access to streets shall be approved except where such strips have been deeded to the Township.

(e) Grades of arterial and collector streets shall not exceed 4%. Grades on other streets shall not exceed 10%. No street shall have a minimum grade of less than 1/2 of 1%.

(f) Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 60º. The block corners at intersections shall be rounded with a curve having a radius of not less than 20 feet.

(g) Street jogs with center-line offsets of less than 125 feet shall be prohibited.

(h) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(i) When connecting street lines deflect from each other at any one point by more than 10º and not more than 45º, they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.

(j) All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.

(k) Dead-end streets shall not be longer than 600 feet and shall provide a turnaround at the end with a radius of not less than 40 feet and tangent, whenever possible, to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.

(l) No street shall have a name which will duplicate, or so nearly duplicate as to be confused with, the name of an existing street. The continuation of an existing street shall have the same name. New streets shall be named by the governing body.

(m) Developments that include existing streets which do not conform to pavement and/or right-of-way widths as shown on the Master Plan, Official Map or as required by this Article shall provide for the dedication, and improvement to Township specifications, of the additional width. If the development adjoins one side of an existing street which does not meet Township standards, only 1/2 of the required extra width shall be dedicated and improved to Township specifications.

(n) Service features, garages, parking areas and entrances to dwelling units shall, where possible, be located on a side of the individual lot having access to a local street. Walkways should be designed to connect dwelling units with each other and connect each dwelling unit with common open space.

(3) Specific requirements for appurtenances.

(a) Street signs. The location of all street signs shall be approved by the Planning Board.

(b) Sidewalks. Sidewalks shall be concrete and required on all streets and shall have a minimum width of four feet and meet Township standards, except that sidewalks in the Special Improvement District, as defined in Ordinance No. 85-64 *Editor's Note: Ordinance No. 85-64 is on file in the office of the Township Clerk and may be examined there during regular office hours.* , shall be brick pavers, required on all streets and shall have a minimum width of four feet and meet Township standards.
[Amended 5-10-1988 by Ord. No. 88-19]

(c) Traffic signs and control devices. These improvements, such as stop, yield, one-way signs, etc., shall be designed and installed in accordance with applicable federal, state, county and municipal regulations. Recommendation as to their installation may be made by the Police Department or other competent agency.

(d) Guardrails. These shall be designed to prevent cars from leaving the road. They shall be installed where danger exists to the traveling public due to steep topography, narrow roadways, location of drainage ditches or other similar conditions.

(e) Curbs. Granite block curbs shall be required on all streets except that curbs in the Special Improvement District, as defined in Ordinance No. 85-64, *Editor's Note: Ordinance No. 85-64 is on file in the office of the Township Clerk and may be examined there during regular office hours.* shall be concrete and required on all streets in the Special Improvement District.
[Amended 5-10-1988 by Ord. No. 88-19]

(f) Streetlights. Streetlights shall be installed at street intersections, along vertical and horizontal curves, and at the end of dead-end streets. Lights shall be spaced approximately 300 feet apart. Light output shall be

appropriate for the specific location in accordance with standards recommended in the current edition of the Illuminating Engineering Society, IES Lighting Handbook.

(g) Street trees. Street trees shall be required in all residential and nonresidential zones. Shade trees shall not be more than 40 feet apart and located between the setback line and street right-of-way line if possible, including the side street or corner lots, and not closer than 25 feet from any existing or proposed streetlight or street intersection. The trees shall be planted so as not to interfere with utilities, roadways or sidewalks. Trees shall be nursery-grown stock of not less than three-inch caliper, measured one foot from the root system, with branches commencing not less than eight feet above grade when planted and staked in an approved manner. The property owner shall be responsible for the maintenance of all shade trees. The Township Engineer may waive the exact specifications to meet specific situations and requirements.
[Amended 6-24-1992 by part of Ord. No. 92-19; 8-20-1996 by Ord. No. 96-2]

(h) Buffers, fences and walls. Buffers, fences and/or walls may be required where existing or potential nuisances such as noise, aesthetics, air pollution or safety may adversely affect the environment of the development and surrounding areas.

(i) Landscaping. All open areas not utilized for parking areas, driveways, streets or roads, recreational facilities, patios or terraces shall be provided with lawns or other suitable growing ground cover, trees and shrubs. Continuous evergreen screening may be required along the tract boundary line, such screening to be no less than four feet high when planted. In addition, the Planning Board may, if conditions warrant, require supplemental screening by a solid fence up to six feet in height. Shade trees shall be provided along walks, driveways, parking areas, streets and roads. Screening or buffers, consisting of berms, fencing and/or landscaping may be required around recreation, parking, utility and refuse disposal areas and around other similar areas at the discretion of the Planning Board. All landscaping shall be maintained in good condition and shall be replaced where necessary. Where yards, patios and gardens in multifamily developments are shielded with masonry walls, such walls shall conform architecturally to and be of similar materials as the principal buildings in the development.

§136-23.2 Blocks.

(1) Block length and width or acreage within bounding roads shall be such as to accommodate the size of the lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation, safety and the extension of utilities. Blocks of over 1,000 feet in length may be required to have pedestrian easements near the center.

§136-23.3 Lots.

(1) Suitability. Where there is a question of the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, high water table, sewage disposal, excessive grade, configuration or similar circumstances, the Board may, after adequate investigation and with professional assistance if deemed necessary, withhold approval of such lots.

(2) Side lines. Insofar as is practical, side lot lines shall be at right angles to the street and radial to curved streets.

(3) Frontage. Each lot shall front upon an approved and improved street.

(4) Setbacks. All lot measurements and setbacks shall be measured from any proposed street right-of-way as may be set forth in the Master Plan and/or Official Map.

§136-23.4 Conservation easements.

(1) Where a development is traversed or bordered by a watercourse, drainageway, channel or stream or where it is desirable to preserve other areas within a development because of soil conditions, rock outcroppings, tree masses, wildlife habitat, vistas or other significant horticultural, environmental or natural features, there shall be provided a drainage and/or conservation easement of sufficient area and width to protect and preserve the aforementioned features and such further width or construction, or both, as will be adequate or required to achieve said purposes. Such easements shall carry the following limitations:

(a.) No trees or shrubs shall be removed or destroyed on lands in the easement except in accordance with approved forest management practices.
(b.) No structures of any description shall be erected unless permitted by the Board.
(c.) No fill or excavation of any kind shall be permitted, except as may be permitted by the Board.

§136-23.5 Erosion and sediment control. Measures used to control erosion and reduce sedimentation shall be approved by the Somerset-Union County Soil Conservation District. All requirements of Article VI, Stormwater Control; Flood Damage Prevention, shall apply to all developments.

§136-23.6 Utilities and facilities.

(1) Underground utilities.

(a) In all developments all utility distribution services shall be installed underground. The applicant shall arrange with the serving utility for the underground installation of the utilities' distribution supply lines, in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff, as the same are then on file with the State of New Jersey Board of Public Utilities Commissioners, and shall submit to the Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection; except, however, that lots which abut existing streets where overhead electric or telephone distribution supply lines have heretofore been installed on any portion of the street involved may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. All underground utility work which will be under the pavement of the street shall be laid sufficiently in advance to allow for complete settlement of the trenches, and in no event shall construction work be permitted over such excavation which, in the opinion of the Township Engineer, has not properly settled.

(b) In any particular situation where the applicant can clearly demonstrate that, because of unusual topographic conditions or other unusual conditions having to do with the land, the installation of such utilities underground is impracticable or otherwise not feasible due to such condition, then the Planning Board, in its discretion, may waive this requirement for underground installation.

(2) Refuse storage. Refuse storage areas shall be so designed as to minimize any detrimental effect on the character of any development.

(3) Laundry facilities. In multifamily developments, adequate laundry equipment, including washers and dryers, shall be provided and conveniently located for the sole use of occupants. Drying yards shall be prohibited.

(4) Television reception. Facilities for television reception shall be built into all multifamily developments. Individual roof antennas of any kind shall not be permitted.

(5) Swimming pools. A single swimming pool may be provided as an accessory use for the sole use of occupants on the same site as any multifamily development. Said pool shall comply in all respects with Chapter 207 of this Code, Swimming Pools, except that a pool and any other recreation facilities shall set back not less than 20 feet from any property line, and further provided that such facilities shall not be permitted in any required front yard.

(6) Design of facilities. In multifamily developments, accessory buildings and facilities shall be designed to harmonize with the overall character of the development and shall meet the setback requirements set forth herein.

(7) Storage. Adequate provision for the storage of such items as yard and garden equipment, fireplace wood, etc., shall be provided in all multifamily developments.§136-23.7 Circulation, driveways, parking and loading and unloading requirements.

(1) Driveway design standards.

(a) Curb openings. Driveways shall be designed to adequately accommodate the volume and character of anticipated vehicles. The following criteria shall be utilized in determining the length of the depressed curb segment:

	One-Way Operation		**Two-Way Operation**	
	Curbline Opening (feet)	**Driveway Width (feet)**	**Curbline Opening (feet)**	**Driveway Width (feet)**
Structures up to 10 families	12 to 15	10 to 13	12 to 30	10 to 26
10 families or over	12 to 30	10 to 26	24 to 36	20 to 30
Commercial and industrial **[Amended 12-9-1980 by Ord. No. 80-44]**	15 to 36	12 to 34	28 to 50	24 to 46
Service stations	15 to 36	12 to 34	24 to 36	20 to 34

(b) Minimum sight distances. Any driveway providing access to a public or private street shall be designed, graded and located so as to permit the following minimum sight distances, measured in each direction, along the intersecting street. Measurement shall be made from the driver's seat of a passenger automobile standing on the exit driveway with the front of the vehicle a minimum of 10 feet behind the edge of the street pavement.

Maximum Allowable Speed on Road (mph)	**Minimum Required Sight Distance (feet)**
25	150
30	200

Maximum Allowable Speed on Road (mph)	Minimum Required Sight Distance (feet)
35	250
40	300
45	350
50	400

(c) Minimum distances between driveways. Where two or more driveways connect a single site to any public or private road or individual driveways serve separate and adjoining sites, it is recommended that a minimum clear distance of 50 feet measured along the right-of-way line shall separate the closest of any two such driveways measured from the rights-of-way. A maximum of two driveways is recommended for any single site of a frontage of 300 feet or less.

(d) Minimum distance to property line or intersecting street. Driveways for other than one- and two-family homes shall not be located closer than five feet to a side or rear property line or 50 feet to the closest right-of-way line of an intersecting street.

(e) Maximum grades. Driveways shall not have a grade in excess of 10% over the entire length and not more than 2% for the first 25 feet from the street right-of-way line unless otherwise approved by the Board. Driveway aprons shall be of concrete and shall not be located where visibility is limited because of curves, topography or other features.

(f) Driveway clearance. Any vertical curve on a driveway connecting a street with a parking lot or area shall be designed to prevent contact of the vehicular undercarriage with the pavement.

(g) Prohibited access in residential zones. No driveway shall be located in any residential zone to provide access to uses other than those permitted in such residential zone.

(2) Acceleration and deceleration lanes.

(a) The Board, in its discretion, may require roadway widening or other street improvements, including acceleration and deceleration lanes, to assure safe ingress and egress where minimum sight distances cannot be obtained. The following minimum standards are recommended:

	Acceleration Lanes		Deceleration Lanes	
Legal Speed Limit (mph)	Full Length (feet)	Taper (feet)	Full Length (feet)	Taper (feet)
25 to 39	200	150	150	200
40 to 49	350	200	200	250
50 or more	450	250	250	300

(b) The area behind the taper shall be cleared of all obstructions for an appropriate distance from the center line of the road to eliminate any hazardous conditions.

[Amended 12-9-1980 by Ord. No. 80-44; 11-10-1981 by Ord. No. 81-31; 12-22-1981 by Ord. No. 81-50; 8-23-1983 by Ord. No. 83-38; 11-27-1984 by Ord. No. 84-52; 10-8-1985 by Ord. No. 85-60; 1-28-1986 by Ord. No. 86-2; 10-10-1989 by Ord. No. 89-50; 8-28-1990 by Ord. No. 90-27; 8-28-1990 by Ord. No. 90-37; 7-8-1992 by Ord. No. 92-23; 6-25-1996 by Ord. No. 96-9; 8-20-1996 by Ord. No. 96-2; 11-14-2005 by Ord. No. 2005-44; 11-20-2009 by Ord. No. 2009-48; 7-17-2012 by Ord. No. 2012-20]a)

[3] Minimum setbacks and area requirements for parking areas.

[a] Location of Parking. No required off-street parking area shall be located in a minimum required setback as set forth in the Minimum setbacks for parking areas found below except for driveways used solely for access to parking areas.

Zone	From Street Right-of-Way	From Side or Rear Property Line (feet)	From Accessory or Principal Building (feet)	From a Residential Zone Boundary (feet)
R-1	Required building setback	3	0	0
R-2	Required building setback	3	0	0
R-3	Required building setback	3	0	0
R-4	Required building setback	3	0	0
R-5	Required building setback	3	0	0
R-6	Required building setback	10	0	10
R-7	Required building setback	10	20	10
R-8	Required building setback	10	20	10
R-SC-1	Minimum building setback	10	20	10
D-C	Required building setback	0	5	25
D-T	Required building setback	0	5	25
VC	Required building setback	0	5	25
NC	Required building setback	0	5	25
O-1	50 feet or required building setback (whichever is greater)	10	5	100
O-2	20 feet	5	5	10

Zone	From Street Right-of-Way	From Side or Rear Property Line (feet)	From Accessory or Principal Building (feet)	From a Residential Zone Boundary (feet)
ORC	Behind the front building face	5	5	10
C-1*	Required building setback	5	5	25
C-2	Required building setback	5	5	10
C-3	Required building setback	5	5	10
E-1	Required building setback	25	5	140
Institutional and public uses in all zones:	Required building setback	20	20	20

*NOTE: On corner or through lots, the setback for other than the front street right-of-way shall be not less than 10 feet.

[1]Each off-street parking space shall have a usable area of not less than 180 square feet, exclusive of access drives or aisles, and shall measure not less than nine feet in width and 18 feet in length and shall be of usable shape and condition. End-to-end parking spaces shall measure not less than eight feet in width and 23 feet in length. Not more than 2 1/2 feet of any stall length may be provided in an overhang area, provided that curbing and wheel bumpers are provided.

[2] Residential garages shall have a minimum interior width of 10 feet and a minimum interior depth of 20 feet.

[3] The number and dimensions of parking spaces for the handicapped shall meet the requirements set forth in State Department of the Treasury, Division of Buildings and Construction, Barrier-Free Design Regulations 17:19A-4.4.

(4) Size of aisles.

[a] The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90º.

Parking Angle (degrees)	Aisle Width (feet)
0 (end-to-end parking)	12
30	12

Parking Angle (degrees)	Aisle Width (feet)
45	13
60	18
90 (perpendicular parking)	24

(5) Maximum grades in parking areas

[a] The maximum grades in parking areas shall be as follows:

	Maximum Grade (percent)
Parking spaces and service aisles	5
Main approach walkways to buildings	4
Collector or other service walkways	6
Swales	10
Principal circulation aisles	6
Driveway entrances and exits up to 25 feet from right-of-way line	2
Driveway entrances and exits beyond 25 feet from right-of-way line	10

(6) Off-street parking in residential zones

[a] All off-street parking areas in nonresidential zones shall be used solely for the parking of light vehicles and commercial light vehicles belonging to visitors or occupants of the premises, with the following exceptions:

[1] Parking areas established and regulated by the Township or other government or agency, as approved by the Planning Board.

[2] Off-street loading and unloading areas required under Subsection G(4) of this section.

[3] Light vehicles to be serviced at repair garages and service stations.

(7) Sidewalks in parking areas.

[a] Sidewalks may be required between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic occurs. They shall have a minimum of four feet of passable width and shall be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of 2 1/2 feet is provided to accommodate such overhang.

(8) Landscaping, paving and drainage for parking areas.

[a] Not less than 10% of the area of each parking area shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the aesthetics, environment and ecology of the site and surrounding area. Waived required parking areas which are landscaped shall not be included in the required 10%.

[b] Off-street parking areas shall be effectively screened by a berm, fence or wall not less than four feet in height, maintained in good condition; or a screening hedge or other natural landscaping. The screening as required by this section may be waived by the Board if, in its judgment, because of topographic or other unusual conditions, said screening is not necessary to protect adjoining property.

[c] Parking lots shall be planted with trees at a rate of one (1) tree per twelve (12) spaces. Parking shall not extend more than twelve (12) spaces without a tree island break.

[d] Whenever an off-street parking area exceeds one hundred (100) spaces, the area shall be divided into four (4) sections with each section being separated by a curbed divided strip, a minimum of fifteen (15) feet wide, landscaped with canopy trees as provided in such divider strip to provide adequate and safe lighting for the site. Such divider strip shall also be designed with a pedestrian route similar to a sidewalk which will provide safe access from the off-street parking area to the principal buildings on the site.

[e] At time of parking lot construction and planter installation, all planter islands shall be excavated to the full width of the parking planter island and through the full depth of compacted subgrade to remove all compacted material, or other material harmful to plant health, and backfilled with clean planting fill.

[f] Pedestrian walkways shall be landscaped with additional shade or ornamental trees equal to an average of one (1) shade tree per fifty (50) linear feet of walkway, unless the walkway is adjacent or included within an existing compliant buffer or frontage planting. One (1) shade tree shall be planted for each two-hundred (200) square feet of separate additional landscaped area.

[g] Parking areas, loading areas and driveways shall be curbed with granite block except as provided in Subsection G(3)(i)[4] below.

[h] Driveways and parking areas for one and two family residences shall be paved from the driveway apron to the front building setback line with adequate safeguards for the edge of the driveway paving. The remainder shall be improved either with paving or with washed gravel or stone not exceeding 3/4 inch. The maximum permitted width of such driveways shall be 10 feet or 1/3 the lot width, whichever is greater, but in no case shall the width of any driveway exceed 26 feet. Circular driveways shall not exceed 15 feet in width. Parking shall only be permitted on a driveway or an improved parking area.

(9) Lighting in parking areas.

[a] All parking areas shall be lighted to provide a minimum of 1 1/2 footcandles throughout the parking area. The lighting level at any property line shall not exceed the minimum. Such lighting shall be shielded and shall not be a hazard or nuisance to the adjoining properties or the traveling public. Light fixtures shall not be higher than 16 feet above grade.

(10) Markings and access.

[a] Parking spaces, driveways and aisles shall be clearly marked with directional signs and double space markings. The Board may require certain areas be maintained for firefighting or other emergency purposes, and these areas shall be appropriately designated.

(11) Waiver of parking requirements.

[a] If any applicant can clearly demonstrate to the Board or if the Board determines that, because of the nature of the operation or use, the parking requirements of this section are unnecessary or excessive, the Board shall have the power to approve a site plan showing less paved parking area than is required by this section; provided, however, that a landscaped area of sufficient size to meet the chapter's requirement shall be set aside and reserved for the purposes of meeting future off-street parking requirements in the event that a change of use or operation of the premises shall make such additional off-street parking spaces necessary.

(12) Off-street loading and unloading.

(a) In any zone, in connection with every building or building group or part thereof hereafter erected which is to be occupied by public, semipublic, office, laboratory or commercial uses, there shall be provided and maintained on the same lot with such building, in addition to any required vehicular parking, at least one off-street loading and unloading space. For each industrial or warehouse use, there shall be provided at least one such space for each 15,000 square feet of net floor area, unless waived by the Board because of the nature of the proposed use.

(b) Each such space shall be not less than 12 feet in width, 50 feet in length and 14 feet in height and shall not occupy any part of any required front or side yard; provided, however, that on lots on which the side yard abuts a limited access highway or a railroad, such loading space may occupy the side yard.

(c) Loading and unloading areas may be used only for the parking of trucks and/or trailers used solely to service the facility where located.

(d) A sign stating that all truck engines shall be turned off upon parking shall be prominently posted in all loading and unloading areas.

(13) Bicycle racks.

[a] Bicycle racks shall be provided for all multifamily and nonresidential developments at the ratio of one bicycle space for each dwelling unit and one bicycle space for each 50 off-street parking spaces. At a minimum, bicycle parking for at least 3 bicycles shall be provided.

(14) Structured parking.

[a] The facades of structured parking shall be disguised facing public streets, public parking lots, plazas, and other locations that are highly visible from the public right-of-way using all of the following components.

1. Design of parking façades shall be integrated into the design of the building, and shall be architecturally integrated with the building façade both horizontally and vertically. Parking façades shall be broken into structural bays, following the bay pattern of the building.
2. The same type and quality of materials used elsewhere in comparable portions of building facades

shall be employed for parking area facades.

3. All garage areas shall include regular window-type openings. The openings shall either appear as larger 'storefront' windows or mimic the upper-floor window typology of the buildings in which they are located. Garage façade openings shall be designed to shield possible vehicle headlamp glare and leakage to adjacent streets, driveways, or residential units by means of translucent glass, spandrel glass, or planted trellises.
4. Translucent glazing and/or trellises with plantings shall be used to add visual interest to parking garage window openings. Trellises should provide a variety of textures, colors, and species; the plantings should remain green at all seasons of the year. Decorative window grilles are encouraged as well.
5. Where structured parking is located adjacent to a street at the ground floor or a public parking lot, a planter or a planting bed shall be provided next to the building facade, with minimum depth three (3) feet measured perpendicular to the façade, to soften the parking visibility.

§136-23.8 Building facades facing the street.

1. Applicability.

[a] All nonresidential buildings in the D-C, D-B, D-T, VC and NC districts, whether newly constructed or substantially improved, shall comply with the regulations in this section.

[b] The project architect will be responsible for providing sufficient drawings, calculations and general notes to specifically identify how the proposed building complies with the regulations set forth below.

[c] The word "facade" as used in this section refers to the building wall facing the street. In most instances, this will only be the front wall. In the case of a corner building, the regulations apply to both building walls facing the street.

2. Regulations.

[a] Materials.

1. To be used over at least 75 percent of the non-glazed portion of the building facade:

i. Standard brick masonry.

ii. Stone (e.g., brownstone, limestone, sandstone).

iii. Metal.

2. To be limited to less than 25 percent of the non-glazed portion of the building facade:

i. Wood or materials designed to simulate the appearance of wood.

ii. Synthetic stucco systems or exterior insulation and finish systems.

iii. Cement stucco.

[b] Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations as stipulated below:

1. Vertical demarcations.

i. A vertical demarcation shall be required at every 25 linear feet or less of building facade.

ii. A vertical demarcation having a depth of at least four feet shall be required for every 100 linear feet of building facade.

iii. Horizontal demarcations shall be required for any building taller than three stories. A horizontal demarcation may be achieved by such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, or a floor (such as the ground floor) which has a different material from the main facade.

[c] Fenestration.

1. All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).

2. The pattern or rhythm of fenestration shall be similar to that of the buildings on the balance of the same or opposite blockface to the greatest extent possible.

3. Glazing shall represent at least 40 percent of the total facade area.

§136-23.9 Building surfaces other than street facades.

1. Application.

[a] All nonresidential buildings in the D-C, D-B, D-T, VC and NC districts, whether newly constructed or substantially improved, shall comply with the regulations in this section.

[b] The project architect will be responsible for providing sufficient drawings, calculations and general notes to specifically identify how the proposed building complies with the regulations set forth below.

2. Materials.

[a] To be used over at least 25 percent of any exterior wall other than a street facade:

i. Standard brick masonry.

ii. Stone (e.g., brownstone, limestone, sandstone).

[b] To be limited to less than 75 percent of any exterior wall other than a street facade:

i. Wood.

ii. Synthetic stucco systems or exterior insulation and finish systems.

iii. Cement stucco.

3. Articulation. Horizontal demarcations shall be required for any building taller than three stories. A horizontal demarcation may be achieved by such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, or a floor (such as the ground floor) which has a different material from the main facade.

§136-23.10 . Signs.

Signs shall be permitted only in compliance with the following regulations, which are intended to provide attractive, coordinated, informative and efficient signing in the Township.

[Amended 11-27-1984 by Ord. No. 84-52; 10-8-1991 by Ord. No. 91-21; 11-24-1992 by Ord. No. 92-45; 8-20-1996 by Ord. No. 96-2; 5-13-2003 by Ord. No. 2003-10; 5-10-2005 by Ord. No. 2005-16; 9-23-2008 by Ord. No. 2008-31; 8-17-2010 by Ord. No. 2010-41]

(1) General regulations. The following regulations shall apply to all permitted and preexisting nonconforming signs:

(a) No signs shall be hung, erected or placed upon any building or structure unless a written application has been made to the Zoning Officer by the owner of the property and a permit issued upon payment of the established fee.

(b) All signs shall be kept in good repair, which shall include replacement or repair of broken structural elements, casings or faces, maintenance of legibility and all lighting elements.

(c) Whenever the Construction Officer shall determine that a sign has become structurally unsafe or endangers the safety of the building or the public, the Construction Officer shall order such sign be made safe or removed. Such order shall comply with the parameters set forth in N.J.A.C. 5:23-2.32.

[Amended 12-17-2012 by Ord. No. 2012-34; 5-21-2013 by Ord. No. 2013-08]

(d) The owner of the premises shall be responsible for keeping the area surrounding ground signs neat, clean and landscaped.

(e) Directional signs approved by the Boards and having areas of less than two square feet are exempt from area and location regulations, except that they shall be located a minimum of five feet from any property line, and further provided they do not constitute a hazard to the traveling public.

(f) The applicant shall comply with all applicable county, state and federal sign regulations.

(g) Nonconforming signs shall not be rebuilt, enlarged, changed or altered in size, location, text or appearance unless they shall be made to conform to these regulations.

(h) Where an overall sign plan has been approved by the Boards for any structure or as part of any site plan, any subsequent sign for the structure or site shall conform to the approved plan in terms of location, letter style, lighting, color, construction and material, height and dimensions.

(2) Prohibited signs. Signs prohibited in all zones shall specifically include, but not be limited to, the following:

(a) Any sign which does not pertain to an occupant, service or product actually occupying or provided on the premises where such sign is located.

(b) Signs which project more than six inches from the wall to which they are attached other than projecting signs as established in Subsection H(8)(f) below.

[Amended 12-17-2012 by Ord. No. 2012-34]

(c) Roof signs and signs extending above the wall to which they are attached.

(d) Marquees and canopy signs except as permitted in Subsection H(5) below.

(e) Banners, streamers, advertising flags, twirlers and like objects except in the D-C, D-B, D-T and VC Districts. For those districts banners, streamers, advertising flags, inflatable objects, twirlers, and like objects shall be permitted on a temporary basis for 30 days subject to approval from the Zoning Officer. Approval from the Downtown Management Cooperation will also be required for those parcels located in the Special Improvement District prior to the issuance of a permit from the Zoning Officer.

(f) Signs posted on fences, posts, utility poles or trees.

(g) Signs posted on or overhanging onto municipal property without the consent of the governing body.

[Amended 12-17-2012 by Ord. No. 2012-34]

(h) Signs standing, installed or painted on sidewalks or curbs, except sidewalk and sandwich board signs in the D-C, D-B, D-T and VC Districts.

(i) Exterior or window flashing signs except where otherwise permitted by this section.

[Amended 12-17-2012 by Ord. No. 2012-34; 5-21-2013 by Ord. No. 2013-08]

(j) Signs on bridges, abutments, retaining walls, embankments, standpipes, water towers or similar structures unless approved by the governing body.

(k) Signs painted directly on structures, except in the D-C, D-B, D-T and VC Districts, which are subject to approval from the Zoning Officer. Approval from the Downtown Management Cooperation will also be required for those parcels located in the Special Improvement District prior to the issuance of a permit from the Zoning Officer.

(l) Signs on accessory buildings.

(m) Signs which constitute a hazard to the traveling public.

(n) Pylon signs, except as permitted in Subsection H(5) below.

(3) Temporary signs in all zones.

(a) Temporary signs shall be permitted identifying architects, builders, brokers and contractors on premises where a building is being constructed, altered or repaired. No sign shall be displayed for a period exceeding the time required for such construction, alteration or repair or for one year, whichever is less. Unless affixed to the principal building, such signs shall be set back at least 10 feet from all property lines. There shall be no more than one such sign on any property. Said sign shall not exceed six square feet in size and shall not stand more than four feet above ground level.

(b) One temporary sign shall be permitted announcing that the property on which it is located is for sale or rent, provided that such sign shall be displayed for only so long as such property is for sale or rent. Unless such sign is attached to the principal building, it shall be no closer than 10 feet to any property line. Such sign shall not exceed six square feet in size nor stand more than four feet above grade.

(c) Temporary signs, advertising special sales or events, shall be permitted in all nonresidential zones, subject to the following restrictions:

[1] Such signs shall not be displayed for more than 30 consecutive days and not for more than 120 days per calendar year.

[Amended 12-17-2012 by Ord. No. 2012-34]

[2] Such signs are limited in size to no more than six feet in length and four feet in height.

[3] Such signs shall not be included when calculating the total amount of permitted signage.
[Amended 12-17-2012 by Ord. No. 2012-34]
(4) Signs in all the D-C, D-T, VC, D-B, O-1, O-2, ORC, , C-1 C-2, , E-1 and C-3 Zones.
[Amended 10-26-2010 by Ord. No. 2010-51; 12-17-2012 by Ord. No. 2012-34; 5-21-2013 by Ord. No. 2013-08]
(a) The total amount of permitted signage per business may not exceed 20% of the facade or wall to which the signs will be attached.
[1] Freestanding signs shall not be included in calculating the total amount of permitted signage.
[2] In the D-C, D-T, VC, and D-B Districts, the business name can only be placed on one permitted sign per business. A second sign containing the business name many be installed, provided it is not installed, on the same wall or facade facing the same street as the first sign.
(b) Exterior wall-mounted signs shall be permitted in all nonresidential zones, provided that:
[1] The maximum permitted area of any wall-mounted sign shall not exceed 10% of the facade area of the wall to which the sign is attached.
[2] The wall area shall be measured from the peak of the roof of the building to which the sign is attached and the length of the facade of the space the business is occupying or the length of the entire building to which the sign is attached, whichever is less.
[3] Each business shall be permitted to have no more than one wall sign per wall, provided that no sign shall be located less than 150 feet from a residential zone.
[4] Wall signs may be placed in an existing sign band, provided the sign band was approved as part of the overall sign plan by either the Township's Planning Board or Zoning Board of Adjustment.
(c) Signage shall be permitted on all awnings, provided that:
[1] Signage on awnings may not exceed 30% of the size of the awning.
[2] No internally lit or flashing signage shall be permitted on any awning.
(d) Window signage shall be permitted in all nonresidential zones, provided that:
[1] Window signage shall not exceed 20% of the entire business' overall window area.
[2] No moving or flashing window signs are permitted.
[3] No neon signage or lighting shall be permitted that outlines windows or architectural features such as doors, roofs, cornices, and the like unless otherwise permitted in this chapter.
(e) Freestanding signs shall be permitted in the O-1, C-1, E-1 and C-3 Zones.
[1] Only one freestanding sign shall be permitted on any single property. If any single property has more than one driveway on a single street and the driveways are at least 500 feet apart, the Planning Board may authorize an additional freestanding sign.
[2] The maximum height of the freestanding sign shall not exceed four feet above finished grade.
[3] The area of said sign shall not exceed 30 square feet on each side or surface.
[4] The location of said sign shall not be nearer than 1/2 the required setback from any abutting street right-of-way line or property line.
[5] The base of said sign shall be appropriately landscaped.
(f) Freestanding signs shall be permitted in the D-C, D-T, VC, D-B, O-2, ORC, , C-1, and C-2 Zones, in accordance with the following provisions:
[1] One freestanding sign, in addition to any directional signs, shall be permitted. On lots with more than 300 feet of street frontage on a single street and that contain more than one business, one additional freestanding sign for each business is permitted, provided that each sign is located a minimum of 50 feet from any other freestanding signs on the same lot.
[2] The area of the sign shall not exceed 12 square feet.
[3] The maximum height of the sign shall be four feet above finished grade.
[4] The minimum distance to the right-of-way line shall be 10 feet.
[5] The base of the sign shall be appropriately landscaped.
[6] Only lighting exterior to the sign shall be permitted.

(g) Projecting signs shall be permitted in all nonresidential zones, provided that:
[1] Projecting signs must be attached to the building by an ornamental bracket.
[2] No projecting sign may have more than two faces.
[3] No projecting sign, including brackets, may project more than 42 inches from the building to which it is attached.
[4] A projecting sign shall not be larger than 5% of the area of the facade to which it is attached. Ornamental brackets to which a projecting sign may be attached are not included in such five-percent calculation.
[5] All signs projecting to the right-of-way must receive approval form the Township Committee prior to installation.
(h) Sidewalk or sandwich board signs shall be permitted in the D-C, D-T, VC, and D-B Zones only, subject to the following regulations:
[1] No such signs shall exceed 30 inches in height. The overall height, including a support frame, shall not exceed 60 inches. The maximum width of any such sign shall be 24 inches.
[2] Signs may be constructed of only the following materials: painted wood, painted metal (with professional-quality painted message), chalkboard or dry-erase board.
[3] Sidewalk or sandwich board signs may be constructed only as follows: two sandwich boards that support each other (A-frame) or easel-type frame.
[4] Signs may be displayed only within the side property lines, as extended, of the business advertised. No sign shall be permitted other than one which advertises such business. No more than one sign shall be permitted for each business. Only first-floor businesses may utilize such signs. Signs may be displayed only during hours when the business is actually in operation.
[5] Signs may be displayed only in the following locations: adjacent to the building, in an entrance alcove, or adjacent to the curb. No such sign shall block pedestrian movement, access to benches, access to parking meters or access to motor vehicles. Signs may not be placed in the public right-of-way without express permission from the Township Committee.
[6] The Zoning Officer may direct that any sign which, in the discretion of the Zoning Officer, violates this chapter, or creates a safety hazard, be removed, modified or relocated.
(i) Design standards
[1] All signs and awnings in the D-C, D-T, and D-B Zones must comply with the following design criteria:
[a] Facade signs: wood, wood-like materials, matte-finished metal, aluminum.
[b] Individually applied letters: halo backlit letters, wood, wood-like materials, matte-finished metal or aluminum.
[c] Awnings: weather-resistant canvas-type fabric, solution-dyed acrylic, acrylic-coated polyester cotton and/or polyester cotton.
[d] Windows: hand-painted or decal lettering.
[e] Projecting: wood, wood-like materials, matte-finished metal or aluminum; brackets must be metal; no internal illumination.
[f] No neon or LED lighting or neon or LED lighting signs shall be permitted except that "Open" signs shall be permitted. Such signs shall be permitted in the window area only on the first floor and shall not be more than 10% of the window area. Flashing, blinking or moving lights are not permitted.
(5) Sign regulations for specific uses.
(a) Marquee and canopy signs. In addition to those other signs generally permitted under this article, theaters may display the following signs:
[1] Removable lettering on the front and/or sides of a canopy or marquee, which may be backlighted and which shall advertise current or coming attractions only.
[2] Not more than two additional signs, each not more than 12 square feet in size, may be attached to the front wall of the theater, which shall be used to advertise coming or current attractions only.
[3] Ticket-booth signs shall be governed by regulations affecting window lettering and window signs.
(b) Service station signs. Gasoline service stations and public garages shall be permitted to display only the following signs:

[1] One temporary sign, located inside the property line, specifically advertising special or seasonal servicing of motor vehicles, provided that such sign does not exceed seven square feet in size to a side.

[2] One nonmoving, freestanding or pylon sign advertising the name of the station and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 30 square feet in size to a side, and further provided that such sign shall be more than 10 feet but less than 20 feet above ground level and is no closer than five feet to any property line.

[3] Additional signs or lettering displayed over individual entrance doors or bays, bearing legends essentially the same or similar to the following: "washing," "lubrication," "repairs," or "mechanic on duty." There shall be no more than one such sign over each entrance or bay, such signs shall not exceed six square feet in size, nor shall the lettering on such signs be greater than 12 inches high.

[4] Customary lettering or other insignia which are an integral part of a fuel pump and consisting only of fuel name, lead warning sign, price indicator and any other sign or signs as required by law. Such sign shall not exceed three square feet in aggregate area on each pump.

[5] A single, nonilluminated credit card sign, not exceeding two square feet in size, may be placed on or near each pump island.

(c) Signs accessory to parking areas. In all zones, signs designating entrance or exit, and/or street address, to or from a parking area shall be limited to one sign with a maximum area of four square feet for each exit or entrance. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of six square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed two square feet. All such signs shall be located five feet from a property line.

(d) (Reserved) *Editor's Note: Former Subsection H(5)(d), regarding sidewalk or sandwich board signs, former Subsection H(6), regarding signs for multi-use or multi-structure developments, and former Subsection H(8), regarding signs in nonresidential districts, as amended, were repealed 12-17-2012 by Ord. No. 2012-34. This ordinance also redesignated former Subsection H(7) as Subsection H(6) and former Subsection H(9) as Subsection H(7).*

(6) Signs in residential districts. Only the following types of signs shall be permitted in residential districts:

(a) Signs accessory to parking areas for institutional uses. Signs designating entrance or exits to or from a parking area shall be limited to one sign for each such exit or entrance, with a maximum size of two square feet for each sign. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of six square feet shall be permitted. Private driveway signs indicating the private nature of a driveway shall be permitted, provided that the size of any such signs shall not exceed two square feet.

(b) Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than one square foot.

(c) Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semipublic nature may be erected and maintained, provided that:

[1] The size of any freestanding sign shall not exceed 10 square feet, and not more than one such sign shall be placed on a property, unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage.

[2] Signs may be affixed to a maximum of two walls of a structure. The total sign area on each wall shall not exceed 20 square feet or 2% of the wall, whichever is less. The wall area shall be measured from ground level to the bottom of the roof eaves and from the side of the building to the other side.

(7) Signs for professional offices in detached single-family residences in residential and nonresidential districts. Not more than one nonilluminated sign not to exceed two square feet in area shall be permitted.

§136-23.11 . Fences or walls. Fences or walls in excess of 18 inches in height shall be considered as accessory uses to a principal permitted use and are permitted in accordance with the standards set forth below:

(1) Type of fence or wall.

Degree of Openness		
Solid (50% or more solid)	**Semiopen (25% up to 50%)**	**Open (up to 25%)**
Solid picket Board	1 x 2 wood screen	Split rail Contemporary
Board and batten Louver panel	Contemporary picket	rail Wire mesh
Staggered board Panel 1 x 4 wood screen	Cinder or concrete block laid on side	Rail and wire mesh
Brick		

NOTE: "Openness" is defined as the total area of solid elements divided by the total area of the fence. Translucent, transparent or clear plastic or similar materials shall be considered as solid elements.

(2) Maximum height and location.

[Amended 12-22-1981 by Ord. No. 81-50; 12-10-1991 by Ord. No. 91-37; 9-14-1999 by Ord. No. 99-19; 11-30-2010 by Ord. No. 2010-52]

Yard Type	Maximum Fence Height[1,2,3] (feet)	Permitted Fence
Front	4	Up to 50% solid
Side	6	Up to 100% solid
Rear	6	Up to 100% solid

NOTES:

[1]On corner lots, fences over four feet in height shall be set back from any street right-of-way line a distance which is not less than the setback distance of the principal building on the lot.

[2]Fences running along the rear lot line of properties fronting on one street, which lot line forms the side lot line of a property fronting along another street, shall not exceed four feet in height between the street right-of-way line a distance which is not less than the setback distance of the principal building on the abutting lot.

[3]Where a property abuts an unimproved street, also known as a paper street, and but for the unimproved street, the yard abutting said street would be a rear yard, fences up to six feet in height are permitted so long as said street remains unimproved. Once said street is improved, then the fence would have to be reduced in height to conform to the front or side yard requirements of this section.

(3) General regulations on fences and walls.

(a) No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.

(b) Open security fences up to eight feet high shall be permitted in any industrial zone upon proper application to the Construction Official.

(c) Hedges and other landscaping shall be exempt from the height limitations of this section but shall not be located so as to conflict with Subsection I(3)(a) above.

(d) All fences shall be erected within the property lines with the finished (preferred or decorative) side of all fences or walls facing the street or adjoining property (facing away from the lot on which it is erected). All posts used in connection with the fence or wall shall be on the side of the fence or wall most interior to the property on which it is to be erected. No fence or wall shall be erected so as to encroach upon a public right-of-way.

[Amended 5-13-2003 by Ord. No. 2003-15]

(e) No fence or wall shall be constructed with barbed wire, metal spikes or other such dangerous material nor constructed in such a manner as to be dangerous to animals or humans.

(f) Split-rail fences used at property corners as part of a general landscaping or decorative plan shall be exempt from the provisions of this subsection.

(g) Plans for fences in flood fringe areas that otherwise meet the requirements of this section shall be approved only by the Township Engineer prior to the issuance of a building permit.

[Added 8-20-1996 by Ord. No. 96-2]

(h) Chain link and board-on-board fences shall not be permitted in any front yard.

[Added 9-14-1999 by Ord. No. 99-19]

J. Look-alike provisions.

(1) No dwelling shall hereafter be erected or constructed in the R-1 through R-5 Residential Zones which shall be like or substantially like any existing or proposed neighboring dwelling in more than three of the following six building elements:

(a) Height of the main roof ridge above the elevation of the first floor.

(b) Length of the main roof ridge.

(c) Width between outside walls at the ends of the dwelling under the main roof.

(d) In the front elevation, relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the dwelling.

(e) In the front elevation, relative location of windows.

(f) In the front elevation, materials used in the exterior wall of the dwelling.

(2) Minimum changes required.

(a) For Subsection J(1)(a), (b), (c) and (d) above, dwellings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than six feet.

(b) For Subsection J(1)(e) above, dwellings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two feet.

(c) For Subsection J(1)(f) above, dwellings shall be deemed to be like each other if the difference between materials used is not more than 30% of the wall area.

(d) Dwellings between which the only difference in relative location of elements is an end-to-end or side-to-side reversal of elements shall be deemed to be like each other in relative location of such elements.

§136-23.12 Awnings.

[Added 12-9-1986 by Ord. No. 86-56]

(1) General. Awnings shall not be affixed to any building except in the D-C, D-T, VC and D-B Business Zones.

(2) Awnings shall be permitted to extend not more than four feet beyond the facade of the structure to which the awning is attached. Awnings shall not be permitted to overhang the Township's right-of-way without express consent of the Township Committee.

[Amended 12-17-2012 by Ord. No. 2012-34]

(3) The outer decorative skin shall be of vinyl, canvas or similar pliable material.

(4) No form of physical attachment to the ground in the right-of-way shall be permitted. This includes posts, columns and other support structures.

(5) All nonfolding awnings shall be permanently affixed to the building facade. No separate structural support members such as guy wires, posts or gussets shall be visible from the right-of-way:

(6) All awnings shall provide for an unobstructed area of not less than seven feet in height between the lowest part of the awning and the ground level.

(7) Awnings which incorporate logos, emblems, words or other such informational symbols shall also meet any and all applicable sign regulations.

(8) All awnings shall be thoroughly and rigidly secured and shall be repaired and maintained as necessary to keep them secure, safe and free from causing any danger or damage to persons or property.

(9) No awning shall be erected or maintained so as to obstruct access to any fire escape, window, door, vehicular or pedestrian traffic on any public or quasi-public right-of-way.

(10) "Waterfall" or "bubble" (convex shape) awnings are not permitted.

[Added 12-17-2012 by Ord. No. 2012-34]

(11) No awning shall be backlit.

[Added 12-17-2012 by Ord. No. 2012-34]

(12) The outer decorative skin of all awnings shall be of canvas or canvas-type material, acrylic, acrylic-coated polyester cotton or polyester cotton. No other material, such as vinyl or metal, is permitted.

[Added 12-17-2012 by Ord. No. 2012-34]

§136-23.13 Tree replacement.

[Added 12-13-2005 by Ord. No. 2005-48]

(1) The following terms shall have the following meanings as used in this subsection:

PROTECTED TREE

Any woody perennial plant with a trunk exceeding 18 inches in diameter (56.52-inch circumference) measured at a point 4.0 feet above the ground level on the downhill side of such tree.

TREE

Any woody perennial plant with a main stem or trunk exceeding five inches in diameter (16 inches in circumference) measured at a point 4.0 feet above the ground level on the downhill side of such tree.

(2) A tree replacement plan shall be submitted with each application for development in which trees are proposed to be removed or have been removed as provided in § 136-21D(19). On-site replacement trees shall be provided for all trees removed, in accordance with the following table:

Diameter of Existing Tree (inches)	Number of Replacement Trees (minimum of three inches dbh)
Less than 6	1
Greater than or equal to 6 and less than 12	3
Greater than or equal to 12 and less than 18	4
Greater than or equal to18 and less than 24	5
Greater than or equal to 24 and less than 30	7
Greater than or equal to 30 and less than 36	10
Greater than or equal to 36	The equivalent of three-inch diameter trees or greater needed to equal the diameter of the removed tree

(3) If the site cannot accommodate the number of trees hereby required as replacement, the developer shall be required to contribute to a special fund, to be known as the "Tree Planting and Preservation Fund," in the sum of $500 per tree; provided, however, that if a tree to be removed is a protected tree, the amount of the contribution shall be determined by the Superintendent of Public Works. Such determination shall be based upon the value of the tree, calculated by the methodology adopted in the Township of Cranford's Community Forestry Management Plan. The Tree Planting and Preservation Fund shall be used by the Township for the planting of trees in the Township with the goal of replacing trees removed. The fund shall be administered by the Township Treasurer and Township Administrator with advice from the Superintendent of Public Works.

[Amended 12-12-2006 by Ord. No. 2006-46]

§ 136-24. Performance standards.

A. General applications.

(1) As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall certify compliance with the performance standards contained herein. Permits and certificates required by other government agencies shall be submitted to the Board as proof of compliance with applicable codes.

(2) For use variances which must meet these performance standards, the Zoning Board of Adjustment shall not issue a permit for any use, structure, process or equipment until it receives certification from the applicant regarding compliance with the performance standards established herein.

(3) The regulations contained in this section shall not apply to one- and two-family dwellings but shall apply to any home occupations contained in them.

(4) All the requirements of this section shall be items covered in the developer's agreement.

(5) The standards set forth in this section shall be considered minimum standards. If standards established by the State of New Jersey or other agencies having jurisdiction over the nuisance elements require a higher standard, then the higher standard shall apply.

B. Temporary certificates of occupancy.

(1) In the event that a determination cannot be made at the time of application that a proposed use, process or equipment will meet the standards established in this section, the Board may recommend issuance of a temporary certificate of occupancy. The temporary certificate of occupancy shall be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation.

(2) Within 60 days after a temporary certificate of occupancy is granted, satisfactory evidence shall be submitted to the Construction Official that all standards established by this section have been met. Upon such submission, a final certificate of occupancy shall be issued.

C. Regulation of nuisance elements.

(1) The determination of the existence of nuisance elements shall be made at the following locations:

Nuisance Characteristics	Location of Test
Smoke	Vent or smokestack
Solid particles or fly ash	Vent or smokestack
Odors	Property line
Liquid waste	Property line
Solid waste	Property line
Radiation	Vent or smokestack
Noise	Setback line
Vibration	Building wall
Glare	Property line
Temperature change:	
Gas	Vent or smokestack

Nuisance Characteristics	Location of Test
Liquid or solid	Property line

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

D. Standards to be enforced.

(1) Air pollution.

(a) General. No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which will interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Township. All provisions of Title 7, Chapter 27, of the New Jersey Administrative Code or the regulations contained in this section, whichever shall be more stringent, shall apply.

(b) Smoke. In any nonresidential zone, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three minutes in any 15 consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal-combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.

(c) Solid particles and fly ash.

[1] In any zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than 50% of the allowable emissions established by N.J.A.C. 7:27.

[2] No open burning shall be permitted in any zone.

[3] All incinerators shall be approved by the State Department of Environmental Protection.

[4] Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficient to prevent the generation of dust from the movement of such vehicles or equipment.

(d) Odors. In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected.

(2) Wastes.

(a) Liquid wastes. No liquid waste shall be discharged into any watercourse in the Township. If the applicant proposes to construct facilities for the treatment of waste, he shall supply:

[1] A statement by the New Jersey Department of Environmental Protection that such proposed facilities are in compliance with applicable state laws and regulations.

[2] Approval by the appropriate officials of the installation of such facilities. No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate Township or Rahway Valley Sewerage Authority official shall have first investigated the character and volume of such wastes and shall have certified that it will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

(b) Solid waste. Each property owner shall be responsible for:

[1] Adequate and regular collection and removal of all refuse except where the Township assumes such responsibility.

[2] Compliance with all applicable provisions of the New Jersey Department of Environmental Protection.

[3] Compliance with all provisions of Title 7, Chapter 26, or the New Jersey Administrative Code, where applicable.

[4] No accumulation on the property of any junk or other objectionable materials.

(3) Radiation. All use of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended, and Title 7,

Chapter 28, of the New Jersey Administrative Code, whichever shall be more stringent.

(4) Noise.

(a) The purpose of this section is to ensure that the environmental character of the area surrounding the proposed use, with respect to noise, shall not be altered. The standards established herein shall be interpreted in any specific case with this objective in mind.

(b) Measurements shall be made by a competent acoustical engineer using equipment meeting the United States of America Standards Institute Standard S 1.4 - 1961 or the latest revision thereof and S 2.22 or the latest revision. All measurements shall be made in at least eight frequency bands.

(c) Ambient noise levels shall be made for periods of at least one hour and on three separate occasions during the period when the proposed use shall be operated.

(d) The permitted noise level of the proposed use, measured at the measuring location, shall not exceed the ambient noise levels in each frequency band.

(e) Parked trucks and those loading or unloading shall be required to turn off all engines.

(f) The maximum continuous airborne sound limits set forth in Title 7, Chapter 29, of the New Jersey Administrative Code shall not be exceeded.

(5) Vibration. In any zone, no vibrations discernible without instruments at the measuring location shall be permitted.

(6) Glare. No single standard for glare is promulgated in this chapter due to the impracticability of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or activities producing such glare are carried on within a structure. Necessary glare-producing devices, such as roadway and walkway lighting, shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

(7) Temperature change. Any use or process shall not produce a temperature change greater than 3º C. at the measuring location.

(8) Fire and explosion hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Board may require the applicant to supply proof of:

(a) Approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry, indicating that adequate safeguards against fire and explosion have been taken or installed.

(b) Approval from the Township of Cranford Fire Department that the applicant has complied with all applicable Township fire prevention regulations.

§ 136-25. Construction requirements.

A. Township standards. All standards and specifications of the Township as now or hereafter adopted, if any, shall govern the design, construction and installation of all improvements required. Failure of the developer, his contractor or agent to conform to said specifications shall be just cause for the suspension of the work being performed. No developer shall have the right to demand or claim damages from the Township, its officers, agents or servants by reason of said suspension.

B. Other standards. In the event that the Township has not adopted standards for a specific type of improvement, then generally accepted engineering standards as set forth in current engineering and construction manuals, as may be approved and modified by the Township Engineer for a specific situation, shall be used.

C. Grades. All construction stakes and grades shall be set by a licensed land surveyor. One copy of all cut sheets shall be filed with the Township Engineer prior to the commencement of any construction.

D. Inspection. The applicant shall advise the Township Engineer 48 hours prior to the commencement of the construction or installation of any improvements. No underground installation shall be covered until inspected and approved by the appropriate official. If, during installation of any of the required improvements, the developer fails to meet specification requirements or to correct unacceptable work, the developer shall be notified in writing by certified mail that the developer has failed to comply with specifications or to correct

unacceptable work, and said notice shall set forth in detail what has not been properly installed. If, within 10 days after mailing, the developer has failed to perform in accordance with the notice, the Township shall then cause a stop-work order to be served upon the developer, and a copy shall be sent to the governing body and Planning Board. All work shall cease until the Construction Official is satisfied that all specifications are adhered to or the unacceptable work is corrected.

E. Site conditions. During construction, the site shall be maintained and left each day in a safe, clean and orderly manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Construction Official or other authorized personnel.

F. Disposal of dead trees, litter and building materials. All stumps, litter, rubbish, brush, weeds, dead and dying trees, roots, debris and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Construction Official prior to issuing an occupancy permit. No such refuse shall be buried on the site.

G. Earth and topsoil removal. No earth or topsoil shall be removed or used as spoil except as provided by Chapter 197 of the Code of the Township of Cranford. Retained topsoil shall be put aside and redistributed over the entire site after construction has been completed.

H. Changes in elevation.

(1) No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved preliminary plan.

(2) Minimal changes in elevation or contours necessitated by field conditions may be made only after approval by the Township Engineer. All said changes shall be shown on the final plan and indicated as a change from the preliminary, or, if final approval has been granted, all changes shall be shown on the as-built plans.

§ 136-26. Improvements.

A. General. Prior to the granting of final approval, the applicant shall have installed or constructed improvements required by the Board or shall have posted a performance guaranty or surety sufficient to cover the costs of said improvements. The Board may solicit local, county, state, federal, public or semipublic agencies and knowledgeable individuals on what improvements shall be required. Improvements recommended by other agencies, such as a utilities authority or county, state or other governmental agencies may be required by the Board as a condition of final approval. It is recognized, however, that in certain situations all of the improvements listed below may not be appropriate or needed. These items may then be waived by the Board.

B. Specific improvements to be constructed or installed.

(1) Stormwater. The on-site stormwater disposal system shall be in accordance with Article VI of this chapter.

(2) Sewage disposal. Provisions shall be made to convey effluent from each lot through laterals and interceptors of adequate size, material and capacity to collectors and then to trunk sewers to public treatment facilities.

(3) Water. Provision shall be made to provide each lot with an adequate and continuous supply of potable water.

(4) Utilities. Gas lines, telephone lines, electrical service, cable television and similar utilities shall consist of those improvements required by the applicable utility or federal or state law.

(5) Vehicular and pedestrian improvements. Such improvements shall include paving, curbs, gutters, sidewalks, bicycle paths, driveways, lighting, traffic signs, traffic control devices and guardrails.

(6) Other improvements. These improvements shall include, but are not limited to, the following: shade trees, topsoil, earth removal, borrow and fill, improvements to prevent erosion and landslides, improvements to prevent damage to adjacent property, to protect vistas and existing natural growth.

(7) Monuments. Monuments shall be of such size, shape and location as required by the Map Filing Law.

(8) Temporary improvements. During construction the Township Engineer may require the installation or construction of improvements to prevent or correct temporary conditions on the site which could cause personal injury or damage to property or constitute a health hazard. These conditions may result from erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may

include grading, plantings, retaining walls, culverts, pipes, guard rails, temporary roads and others appropriate to the specific condition.

§ 136-27. Off-site and off-tract improvements.

A. General. Prior to the final approval of all applications for development hereafter submitted, the Board may require, in accordance with the standards adopted by this Article, the installation, or the furnishing of a performance guaranty in lieu thereof, of any or all of the following off-site and off-tract improvements it may deem to be reasonably related to the public health, safety and general welfare: street improvements, including sidewalks and drainage improvements, water, sewerage, drainage and electric facilities, and such other off-site and off-tract improvements as the Board may find necessary in the public interest, and easements therefor. Off-site and off-tract 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 as well as the acquisition of any lands which may be required. Upon the recommendation of the Board as to those off-site and off-tract improvements necessary, the Mayor and governing body shall determine, in the case of each off-site or off-tract improvement, whether such improvement is to be:

(1) Constructed by the Township of Cranford as a general improvement.

(2) Constructed by the Township of Cranford as a local improvement.

(3) Constructed by the developer with a formula providing for partial reimbursement by the Township of Cranford if the improvement benefits properties other than the subject property.

B. Cost allocation. The allocation of costs for any off-site or off-tract improvement shall be determined and apportioned in accordance with the following standards:

(1) The Board shall estimate, with the assistance of the Township Engineer and such other persons having pertinent information or expertise, the cost of the improvement and the amount by which all properties to be serviced thereby, including the subject property, will be specially benefited therefrom.

(2) Upon estimating the cost of the improvement as provided in Subsection B(1) above, the Board may require that the applicant provide, as a condition for approval of the application, a bond satisfactory to the Township Attorney or a cash deposit in lieu thereof to ensure payment to the municipality, in one of the following amounts:

(a) If the improvement is to be constructed by the Township as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount by which all properties to be serviced thereby, including the subject property, will be specially benefited by the improvement.

(b) If the improvement is to be constructed by the Township as a local improvement, then, in addition to the amount referred to in Subsection B(2)(a), the estimated amount by which the subject property will be specially benefited by the improvement.

(c) If the improvement is to be constructed by the applicant, an amount equal to the estimated cost of the improvement; provided, however, that if the improvement benefits properties other than the subject property, the Township of Cranford shall reimburse the applicant for all sums not attributable to the subject property, provided further that, in computing said sums, the applicant shall not be reimbursed with the amount by which the subject property was specially benefited.

(3) If the improvement is constructed by the Township, the actual cost shall be established, and the applicant shall be required to pay only his appropriate share of the cost as established by Subsection B(2).

(4) If the improvement is constructed as a local improvement, as provided by Subsection B(2), and the applicant disputes the determination of the special benefit received by the subject property by reason of the improvement, its remedy shall be the appeal procedure set forth in N.J.S.A. 40:56-54 and 40:56-55.

C. Standards to determine degree of benefit. In determining to what degree properties not part of the application for

development have been specially benefited and to what degree the need for the off-site and off-tract improvement was created by the proposed development, the Board may consider the following:

(1) Road, curb, gutter and sidewalk improvements may be based upon the anticipated increase of traffic generated by the development. In determining such traffic increase, the Planning Board may consider traffic patterns, quality of roads and sidewalks in the area and other factors related to the need created by the development and anticipated benefit thereto.

(2) Drainage facilities may be based upon the percentage relationship between the subject property acreage and the total acreage of the drainage basins involved.

(3) Sewerage facilities may be based upon the properties that the project's total anticipated volume of sewage effluent bears to the existing capacity of existing and projected sewage disposal facilities, including but not limited to lines and other appurtenances leading to and servicing the development. The Board may also consider types of effluent and particular problems requiring special equipment or added costs for treatment and all such requirements in accordance with the rules and regulations of the sewage treating facility or entity.

D. Deposit of funds. All moneys received by the municipality in accordance with the provisions of this section shall be paid to the Township Treasurer, who shall provide for a suitable depository therefor. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purpose. If such improvements are not initiated within 10 years from the date of payment, said funds shall be transferred to the capital improvement fund of the Township.

§ 136-27.1. Construction in public right-of-way in Special Improvement District.

Editor's Note: This section applies to all properties listed in Ordinance No. 85-64, which list is on file in the office of the Township Clerk.

[Added 10-8-1991 by Ord. No. 91-21]

A. General standards for the sidewalk portion of the public right-of-way. An applicant requiring site plan or exception from site plan approval for construction of a new building or minor or major renovations to an existing building shall be responsible for the following:

(1) Curbs. Install new concrete curbs:

(a) As replacement for existing curb whenever any of the following conditions or combination of the following conditions totals less than 60% of the total amount of required curbing:

[1] A portion of the curb is missing;

[2] The curb is deteriorated; or

[3] The existing curbing is or will be destroyed or rendered useless by or during the proposed construction.

(b) For the entire site whenever the conditions in Subsection A(1)(a) total 60% or more.

(2) Sidewalks.

(a) Install new concrete brick pavingstone sidewalks for the entire site whenever any of the following conditions or combination of the following conditions totals 60% or more of required sidewalks:

[1] There is no existing sidewalk;

[2] Existing sidewalk is or will be destroyed or rendered useless by or during the proposed construction; or

[3] Sixty percent or more of existing curbing is deteriorated.

(b) Sidewalk shall be constructed in accordance with the Township's Engineering Department specifications.

(3) Trees. Plant the species and number of required trees as determined by the Township Engineer after consultation with the Cranford Downtown Business and Economic Development Office and the Township Administrator. Trees shall be planted at not less than 40 feet apart and not less than 25 feet from streetlights. Trees shall not be less than a three to 3 1/2 inch caliper measured one foot from the root system, with branches commencing not less than six feet above grade when planted and staked in the approved manner.

[Amended 6-12-2012 by Ord. No. 2012-10]

(4) Victorian period street lampposts and fixtures. Install the number of required Victorian period street lampposts

and fixtures and all necessary wiring to electrify lampposts and fixtures as determined by the Township Engineer after consultation with the Cranford Downtown Business and Economic Development Office and the Township Administrator.

[Amended 6-12-2012 by Ord. No. 2012-10]

(5) Benches. Install the number of required benches as determined by the Township Engineer after consultation with the Cranford Downtown Business and Economic Development Office and the Township Administrator.

[Amended 6-12-2012 by Ord. No. 2012-10]

(6) Planters. Install the number of required planters as determined by the Township Engineer after consultation with the Cranford Downtown Business and Economic Development Office and the Township Administrator.

[Amended 6-12-2012 by Ord. No. 2012-10]

B. Reimbursement. The Cranford Downtown Business and Economic Development Office will reimburse the applicant at a cost consistent with, but not to exceed, the cost incurred or which would be incurred by the Township for similar work:

[Amended 6-12-2012 by Ord. No. 2012-10]

(1) The incremental difference in cost between installing concrete sidewalks and installing concrete brick pavingstone sidewalks.

(2) The cost to install Victorian period lampposts and fixtures, necessary wiring to electrify the lampposts and fixtures, benches and planters. The Cranford Downtown Business and Economic Development Office may limit the rate of reimbursement to up to $3,000 per year for a maximum period of five years.

C. Review.

(1) The site plan detailing the improvements to be made in the sidewalk portion of the public right-of-way will be subject to the review of the Township Engineering Department Development Review Committee, Planning Board, Downtown Business and Economic Development Office and Board of Adjustment as appropriate.

[Amended 6-12-2012 by Ord. No. 2012-10]

(2) All work in the public right-of-way will be in accordance with Township Engineering Department construction standards.

D. Violations and penalties. Unless otherwise specifically provided herein, any violation of the provisions of this section shall be punishable by a fine not to exceed $500 or by imprisonment in the county jail for a term not to exceed 90 days, or both, at the discretion of the Municipal Court. Each day the violation shall continue after a notice and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

Article V. Zoning

§ 136-28. General intent.

A. The intent of this Article is to establish a precise and detailed plan for the use of land and buildings in the Township of Cranford based upon the Township Master Plan and any amendments thereto and other studies and findings enacted in order to promote and protect the public health, safety, morals, comfort, convenience and the general welfare of the people.

B. This Zoning Article shall be viewed as permissive. After the adoption of this chapter, no use or structure shall be permitted in the Township which is not listed as a permitted, accessory or conditional use or unless permitted by the Zoning Board of Adjustment.

C. The Township of Cranford and all of its owned and operated buildings, structures and uses are specifically exempt from the provisions of this Article.

[Added 5-14-1991 by Ord. No. 91-11 *Editor's Note: This ordinance also provided that nothing in it shall exempt the Township of Cranford from meeting all federal and state regulations and that before the development of any property or structures, the Township of Cranford shall apply to the Cranford Planning Board for its nonbinding recommendation and that notice of hearing with respect to the application be given to property owners within 200 feet of the subject property.* **]**

§ 136-29. Zone districts.

A. Designation of Zoning Districts. For the purpose of this Article, the Township of Cranford is hereby divided into districts or zones, to be designated as follows:

R-1	One-Family Detached Residence District
R-2	One-Family Detached Residence District
R-3	One-Family Detached Residence District
R-4	One-Family Detached Residence District
R-5	One- and Two-Family Residence District
R-6	Townhouse Residence District
R-7	Garden Apartment Residence District
R-8	Apartment Residence District
R-SC-1	Senior Citizen Apartment Residence District
IMR	Inclusionary Multifamily Residence District
D-C	Downtown Core District
D-B	Downtown Business District
D-T	Downtown Transition District
VC	Village Commercial District
NC	Neighborhood Commercial District
O-1	Low-Density Office Building District
O-2	Medium Density Office District
ORC	Office Residential Character District
C-1	Commercial – 1 District
C-2	Commercial - 2 District
C-3	Commercial – 3 District
E-1	Education District
P-1	Public Use District
R-CC	Cranford Crossing Redevelopment District
R-WG	Western Gateway Rehabilitation District

R-R	Riverfront Redevelopment District
R-ARR	Age Restricted Redevelopment District
FO	Floodplain Overlay District

[Added 3-23-2004 by Ord. No. 2004-8]

B. Zoning Map. The location and boundaries of the above districts are hereby established on the Zoning Maps of the Township of Cranford in Union County, dated October 2014, including the revised section of the Zoning Map, which is attached hereto and made a part of this Article. Said map or maps and all notations, references and designations shown thereon shall be a part of this Article as if the same were all fully described and set forth herein. *Editor's Note: The Zoning Map is on file in the Township offices.*

[Amended 8-23-1983 by Ord. No. 83-38]

C. Designation of district boundaries.

(1) Unless otherwise noted, the district boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; the center lines of rivers, streams and other waterways; and municipal boundary lines. However, where a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

(2) In the event that a district boundary line divides one or more lots, then the zone boundary line shall be considered the lot limit for computing all area, bulk, yard, buffer and any other dimension requirements specified in this Article, unless a zone district boundary line falls within 20 feet of a lot line existing at the time of passage of this chapter, then the lot line shall be considered the zone boundary line.

(3) In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination shall be made by the Board of Adjustment.

§ 136-30. Schedule of area, yard and building requirements.

The schedule of area, yard and building requirements is contained in Schedule 1 at the end of this chapter and is a part hereof.

§ 136-31. Supplementary zone district regulations.

A. General.

(1) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses listed as permitted, accessory or conditional in the district in which such building or land is located.

(2) No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated for the district in which such building or structure is located.

(3) No building or structure shall be erected, no existing buildings or structures shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

(4) No yard or other open space provided for any building for the purpose of complying with the provisions of this Article shall be considered as providing a yard or other open space for any other building on any other lot.

(5) No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and setback requirements, parking or other similar requirements for uses in nonresidential zones.

(6) The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Article; and, if already less than the minimum required by this chapter, said area or dimension shall not be further reduced.

(7) The maximum floor area ratio or impervious surface coverage set forth in Schedule 1 shall not be exceeded or, if already more than the maximum, shall not be further increased.

B. Lot regulations.

(1) Nonconforming lot. Notwithstanding any other provisions of this Article, any existing nonconforming lot in the R-1, R-2, R-3, R-4 or R-5 Zone which is in single ownership, is not adjoining any vacant land and is nonconforming due to shape, width or area may be improved with a new structure or building as otherwise permitted by this chapter, provided that:

[Amended 12-9-1980 by Ord. No. 80-44]

(a) The minimum setback shall be as required in Schedule 1, except as noted below.

(b) Required side street setbacks on corner lots may be reduced one foot for each three feet the lot is under the minimum width required in the zone district but shall not be reduced below 1/2 the minimum required setback. (See definition of YARD, STREET SIDE)

(2) Lot width. The minimum lot width shall be maintained from the front lot line for a distance of not less than 40 feet to the rear of the required front yard setback line. Where lots front on culs-de-sac or curved streets, the minimum lot width shall be 65% of the required minimum or 50, feet whichever is greater, measured on the arc of the right-of-way line. Notwithstanding, the minimum lot width shall be maintained at the front yard setback line and for a distance of not less than 40 feet to the rear thereof.

[Amended 7-24-1990 by Ord. No. 90-33]

(3) Corner lots.

a) All portions of a corner lot that adjoin streets shall be considered to be front yards and shall be subject to the front yard setback requirements of this ordinance, except as permitted in Subsection B(1)(b) by this section. On a corner lot, the owner or developer shall designate the yard which is to be the rear yard. All yards not designated as a front or rear yard shall be considered to be side yards and shall meet the side yard requirements of this ordinance.
b) The lot width shall be measured along each required front yard setback line between the side property line and the most nearly opposite street right-of-way line.
c) Corner lots in new subdivisions shall be a minimum of 15 percent larger than the minimum lot area for the zone.
d) Maintenance of adequate intersection sight distances shall be considered in designing structures, grading and plantings.

(4) Through lots. A through lot shall be considered as having two street frontages, both of which shall be subject to the front yard requirements of this Article. Where a lot is bounded on three or more sides by roads, the side opposite the front yard shall be considered the rear yard, and the minimum rear yard setback shall be maintained. The remaining frontage shall be considered a side yard, but the front yard setback shall be maintained for the side street.

(5) Frontage upon a street. Every principal building shall be built upon a lot with the minimum required frontage upon an approved street which shall be improved in accordance with the street standards established by the Township of Cranford.

(6) Number of buildings restricted. There shall not be more than one principal structure on each lot in the R-1 through R-5 Districts.

(7) The Township of Cranford is exempt from the applicability of the chapter for Township properties and public rights-of-way.

[Added 6-24-1992 by Ord. No. 92-19]

C. Height regulations.

(1) General application. No building or structure shall have a greater number of stories or greater height than permitted in the zone where such building or structure is located.

(2) Permitted exceptions.

(a) Height limitations stipulated elsewhere in this chapter shall not apply to the following when attached to the principal structures: spires, belfries, cupolas and domes, monuments, chimneys, flagpoles, private radio and telephone antennas, fire towers, tanks, water towers and standpipes. All freestanding structures shall be considered as accessory structures and shall meet the height requirements as set forth in Schedule 1, except that freestanding light structures shall not exceed 16 feet in height in any zone.

(b) Mechanical appurtenances such as condensers, elevator penthouses, exhaust fans, air-conditioning equipment and other similar equipment are exempt from height restrictions, provided that they do not extend more than 12 feet above the maximum height limitations, cover no more than 20% of the roof area and are properly shielded by a parapet wall.

(c) In the R-8, D-C, D-B, D-T, O-2, , C-1 and C-2 Zone Districts, penthouses are exempt from height restrictions, provided that they cover not more than 20% of the main roof area, are not more than 12 feet above the maximum height limitations, and further provided that all building service equipment and appurtenances are enclosed in the penthouse in addition to any use permitted in the zone where located.

[Amended 8-23-1983 by Ord. No. 83-38]

D. Yard regulations.

(1) Required yards shall be open to the sky and unobstructed, except that parapets, windowsills, door posts, rainwater leaders and similar ornamental or structural fixtures may project up to one foot into such yards.

(2) Cornices, eaves, bay windows and chimneys may project up to two feet into any minimum required front, side or rear yard as set forth in the Schedule of Zone District Area, Yard and Building Requirements, as annotated, *Editor's Note: The Schedule is included at the end of this chapter.* or, in the case of an accessory structure, as provided at § 136-34.

[Amended 8-14-2007 by Ord. No. 2007-21]

(3) Uncovered steps only may project up to five feet into a required front or rear yard.

(4) Room air-conditioning equipment, ground-mounted generators barbeques or patios may be located within any side or rear yard, so long as the furthest extending side is not less than five feet from any property line. Outside central air-conditioning equipment may be located in the side yard, provided that the closest face of the unit is not less than five feet from the property line.

[Amended 11-27-1984 by Ord. No. 84-52; 9-14-1999 by Ord. No. 99-19]

(5) Where any lot abuts a street right-of-way which is proposed to be widened as indicated on the Master Plan or Official Map of the Township of Cranford or Master Plan of Union County or by the State of New Jersey, setbacks shall be measured from such proposed right-of-way.

(6) In the R1, R2, R3, R4 and R5 Zones, a roof with unenclosed sides over an entrance platform of a dwelling may project into the required front yard, provided that the roof over an entrance platform shall not extend into the required front yard more than five feet, nor beyond the platform and steps, nor shall the total area of the extension into the front yard exceed 25 square feet.

[Added 2-10-2004 by Ord. No. 2004-1]

E. Attics and Attic Stories**.**

(1) Attic space may be improved in accordance with the requirements of the New Jersey Uniform Construction Code if it does not meet the definition of a story or if, in the course of such improvement, it is modified in such a way that it does not become a story in excess of the number of stories permitted in this ordinance.

(2) Attic space, which meets the definition of attic story, may be improved as habitable living space when the building exceeds the number of stories permitted in this ordinance if there is no increase to the square footage or volume associated with the attic which may be associated with but not limited to enlarged windows, new dormers or altered roof lines.

§ 136-32. Use regulations.

The use regulations applicable to each zone district within the Township of Cranford are as follows. (Note that "PPU" is permitted principal use; "CU" is conditional use.)

A. Residential districts.

[Amended 12-9-1980 by Ord. No. 80-44; 11-27-1984 by Ord. No. 84-52]

(1) Principal permitted and conditional uses.

[Amended 10-10-1989 by Ord. No. 89-50; 8-20-1996 by Ord. No. 96-2; 3-8-2005 by Ord. No. 2005-3]

	Districts Where Permitted								
Uses	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-7**	**R-8**	**R-SC-1**
Community residences for developmentally disabled[1]	PPU	PPU	PPU	PPU	PPU	--	--	--	--
Community shelters for victims of domestic violence[2]	Permitted in all zones								
Family day-care homes[3]	Permitted in all zones								
Detached 1-family dwellings	PPU	PPU	PPU	PPU	PPU	--	--	--	--
Detached 2-family dwellings	--	--	--	--	PPU	--	--	--	--
Semi-detached 1-family dwellings	--	--	--	--	CU	PPU	CU	--	--
Attached 1-family dwellings	--	--	--	--	CU	PPU	CU	--	--
Garden apartment dwellings	--	--	--	--	--	--	PPU	CU	--
Apartment dwellings	--	--	--	--	--	--	--	PPU	--
Farms	PPU	PPU	PPU	PPU	PPU	PPU	PPU	PPU	PPU
Farm stands	CU	CU	CU	CU	CU	CU	CU	CU	CU
Country clubs and private swimming clubs	PPU	--	--	--	--	--	--	--	--
Institutional and public uses	CU	CU	CU	CU	CU	CU	CU	--	--
Essential services	PPU	PPU	PPU	PPU	PPU	PPU	PPU	PPU	PPU

NOTES:

[1] One through six residents, excluding staff.

[2] One to five residents. Each such facility shall register its street address with the Cranford Township Police Department prior to commencement or continuation of operations, for the purpose of expediting emergency services response.

[3] Three to five children. Each such facility shall register its street address with the Cranford Township Police Department prior to commencement or continuation of operations, for the purpose of expediting emergency services response.

(2) Accessory uses.

	Districts Where Permitted								
Uses	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-7**	**R-8**	**R-SC-1**
Customary accessory uses	Permitted in all zones								
Signs	Permitted in all zones								
Parking facilities to serve a principal permitted use	Permitted in all zones								
Personal recreational facilities	Permitted in all zones								

[Amended 10-10-1989 by Ord. No. 89-50]

(3) Inclusionary Multifamily Residence District

[Added 5-22-2012 by Ord. No. 2012-11 *Editor's Note: This ordinance was adopted under protest in order to obtain second and third round substantive certification and to comply with the outstanding December 9, 2011, Order. If the December 9, 2011, Order is invalidated in any subsequent legal proceeding, this ordinance shall be considered null and void.* **]**

(a) Purpose. The purpose of the Inclusionary Multifamily Residence (IMR) District is to provide an opportunity for the construction of up to 360 multifamily residential units on Block 291, Lot 15.01, and Block 292, Lot 2 (215 to 235 Birchwood Avenue), of which not less than 15% shall be reserved for low- and moderate-income households in accordance with applicable affordable housing regulations.

(b) Permitted principal uses:

[1] Multifamily dwellings.

[2] Parking garages (other than podium parking) serving multifamily residential dwellings subject to the following requirement:

[a] The parking garage structure must be wrapped by a building containing multifamily residential dwellings on at least three sides of the four-sided parking structure.

(c) Accessory uses:

[1] Trash and garbage collection areas which are fully screened.

[2] Maintenance leasing and administration offices and storage buildings, swimming pools and other community recreational facilities (noncommercial) associated multifamily residential uses are allowed in all yards but the front yard.

[3] Podium parking in multifamily residential structures.

[4] Ground-level parking.

(d) Minimum tract area: 15 acres.

(e) Yard and bulk regulations:

[1] Lot frontage: minimum of 750 feet.

[2] Front yard setback: The average front yard setback of the buildings from Birchwood Avenue shall be 30 feet, with a minimum front yard setback requirement of 25 feet.

[3] Side yard setback: minimum of 55 feet.

[4] Rear yard setback: minimum of 175 feet.

[5] Impervious coverage: Impervious coverage, as defined in N.J.A.C. 7:8-1.2 (definition of "impervious surface"), or such successor stormwater management regulations as may be promulgated by the State of New Jersey, shall not exceed the impervious coverage in existence as of the December 9, 2011, date of filing of the Order Granting Relief in Exclusionary Zoning Litigation (Docket Nos. UNN-L-0140-08 and UNN-L-003759-08).

[6] Building height: The maximum height of Building A shall be three stories of residential units above a maximum of one level of parking, and the maximum height of Building B shall be four stories of residential units or three stories of residential units above a maximum of one level of parking. For purposes of this subsection, a story

shall mean a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings shall be 55 feet to the mid-point of the roof.

[7] Multifamily-residential-building-to-multifamily-residential-building distance requirements: minimum of 25 feet.

(f) Site perimeter requirements:

[1] Buffer requirements.

[a] A minimum of 10 feet of landscape buffer shall be provided along the eastern lot line of 215 Birchwood Avenue. The landscaping shall consist of evergreen trees.

[b] A minimum buffer area of 150 feet shall be maintained along the rear property line. Within this buffer area, additional vegetation shall be planted to create a complete stand of understory and mature trees to form a continuous visual screen along the rear perimeter of the developed area (parking lots and buildings) and shall be planted in a proper fashion to create an evergreen screen at least 10 feet in height within three growing seasons. Trees shall be planted at a minimum of 2 1/2 inches in caliper. Evergreens shall be planted at a minimum of six feet in height.

(g) Density: A maximum residential density of up to 24 units per acre of gross tract area is permitted for the construction of up to 360 multifamily residential units, provided that a minimum of 15% of the dwelling units are deed restricted for occupancy by low- and moderate-income households in accordance with applicable affordable housing regulations.

(h) Parking requirements: A parking ratio of a minimum of 1.85 parking spaces per residential unit shall be maintained for residential development.

(i) Supplemental regulations:

[1] Affordable units shall not be segregated within one building and shall be allocated throughout the development.

[2] Buildings and site improvements shall be designed in a manner reasonably consistent with terms of the Court's decision and order and the terms of required NJDEP permits and approvals.

B. Business districts.

[Amended 8-23-1983 by Ord. No. 83-38; 4-9-1985 by Ord. No. 85-12; 4-23-1985 by Ord. No. 85-20; 10-8-1985 by Ord. No. 85-60; 1-28-1986 by Ord. No. 86-2]

(1) Principal permitted and conditional uses.

[Amended 8-28-1990 by Ord. No. 90-37; 8-20-1996 by Ord. No. 96-2; 6-29-1999 by Ord. No. 99-14; 10-21-2003 by Ord. No. 2003-37; 3-8-2005 by Ord. No. 2005-3; 7-17-2012 by Ord. No. 2012-20]

	Districts Where Permitted			
Uses	**D-C**	**D-B**	**D-T**	**VC**
Advertising agencies and website design companies	CU	CU	PPU	CU
Air conditioning and heating service and repair shops	CU	CU	PPU	CU
Artist and artisan studios and workshops				
Ground Floor	--	--	PPU	PPU
Upper Floors	PPU	PPU	PPU	PPU
Antique stores	PPU	PPU	PPU	PPU
Apparel and accessory stores	PPU	PPU	PPU	PPU
Apparel embroidery and printing stores	PPU	PPU	PPU	PPU
Art Galleries	PPU	PPU	PPU	PPU
Bakeries	PPU	PPU	PPU	PPU
Banks and financial institutions	CU	PPU	PPU	PPU
Banks and financial institutions with drive-through services	--	CU	CU	--
Bars and taverns	PPU	PPU	--	--
Bed and breakfast hotel	CU	CU	--	CU
Beauty and barber shops	PPU	PPU	PPU	PPU
Bicycle repair and sales shops	PPU	PPU	PPU	PPU
Building supply stores	PPU	PPU	PPU	PPU
Camera and photo supply stores	PPU	PPU	PPU	PPU
Candy Stores	PPU	PPU	PPU	PPU
Child-care centers	PPU	PPU	PPU	PPU
Coffee shops	PPU	PPU	PPU	PPU

	Districts Where Permitted			
Uses	**D-C**	**D-B**	**D-T**	**VC**
Computer repair and sales	PPU	PPU	PPU	PPU
Convenience stores	CU	CU	CU	CU
Cooking schools	PPU	PPU	PPU	PPU
Dance and theatrical studios	PPU	PPU	PPU	PPU
Delicatessens	PPU	PPU	PPU	PPU
Educational services	PPU	PPU	PPU	PPU
Electronic appliance repair shops	PPU	PPU	PPU	PPU
Electronic repair and supply stores	PPU	PPU	PPU	PPU
Essential services	PPU	PPU	PPU	PPU
Eyeglass Sales and Repair	PPU	PPU	PPU	PPU
Florists	PPU	PPU	PPU	PPU
Fruit and vegetable stores	PPU	PPU	PPU	PPU
Funeral homes	--	CU	CU	CU
Furniture Stores	--	PPU	PPU	--
Garden supply and hardware stores	PPU	PPU	PPU	PPU
Gasoline service stations	--	--	CU	--
Gift, card, and novelty shops	PPU	PPU	PPU	PPU
Grocery stores	PPU	PPU	PPU	PPU
Hobby and game shops	PPU	PPU	PPU	PPU
Home furnishing stores	PPU	PPU	PPU	PPU
Household appliance sales	--	PPU	PPU	--
Hotels	CU	CU	--	--
Institutional and public uses	CU	CU	CU	CU

	Districts Where Permitted			
Uses	**D-C**	**D-B**	**D-T**	**VC**
Insurance agents and brokers	CU	CU	PPU	CU
Jewelry stores	PPU	PPU	PPU	PPU
Laundry and dry cleaning services	PPU	PPU	PPU	PPU
Liquor and package goods stores	PPU	PPU	PPU	PPU
Luggage and leather goods stores	PPU	PPU	PPU	PPU
Martial arts instruction	PPU	PPU	PPU	PPU
Museums and art galleries	PPU	PPU	PPU	PPU
Musical instrument sales, rentals, and repair shops	PPU	PPU	PPU	PPU
Car Dealers	--	CU	--	--
New and used book stores	PPU	PPU	PPU	PPU
Offices, (professional, business, administrative)				
1st Floor	CU	CU	PPU	--
Upper Floors	PPU	PPU	PPU	PPU
Office, Professional in dwellings	--	CU	PPU	PPU
Office supply and support stores	PPU	PPU	PPU	PPU
Paint and Wallpaper Stores	PPU	PPU	PPU	PPU
Parking lots	PPU	PPU	PPU	--
Party goods stores	PPU	PPU	PPU	PPU
Performing Arts Studios	--	--	PPU	--
Ground Floor	--	--	PPU	PPU
Upper Floors	PPU	PPU	PPU	PPU
Pet groomers	PPU	PPU	PPU	PPU
Pet stores	PPU	PPU	PPU	PPU
Pet supply stores	PPU	PPU	PPU	PPU
Pharmacies	PPU	PPU	PPU	PPU

	Districts Where Permitted			
Uses	**D-C**	**D-B**	**D-T**	**VC**
Photography studios	PPU	PPU	PPU	PPU
Physical fitness studios and gyms	PPU	PPU	PPU	PPU
Picture framing	PPU	PPU	PPU	PPU
Public and Private garages (structured parking)	CU	CU	PPU	--
Printing and publishing services	CU	CU	PPU	CU
Religious goods stores	PPU	PPU	PPU	PPU
Residential Apartments				
1st Floor	--	--	PPU	--
Upper Floors	CU	CU	PPU	PPU
Restaurant	PPU	PPU	--	PPU
Secondhand and consignment stores	PPU	PPU	PPU	PPU
Security brokers	CU	CU	PPU	CU
Shoe and luggage repair	PPU	PPU	PPU	PPU
Sidewalk cafes	PPU	PPU	PPU	PPU
Spa	PPU	PPU	PPU	PPU
Single and Two-Family Homes existing as of 2014 in accordance with the R-5 Zone Requirements	--	--	--	PPU
Social service agencies	CU	CU	CU	--
Sporting goods stores	PPU	PPU	PPU	PPU
Stationary stores	PPU	PPU	PPU	PPU
Tax return preparation service	CU	CU	PPU	--
Theaters	CU	PPU	--	CU
Trophy shops	PPU	PPU	PPU	PPU
Vending machines	CU	CU	CU	--
Veterinarian office	CU	CU	CU	--
Watch and clock repair	PPU	PPU	PPU	PPU

	Districts Where Permitted			
Uses	**D-C**	**D-B**	**D-T**	**VC**
Web Based Retailers	--	--	PPU	--
Yoga studios	PPU	PPU	PPU	PPU

(2) Accessory uses.

Uses	**D-C**	**D-B**	**D-T**	**VC**
Customary accessory uses	Permitted in all zones			
Signs	Permitted in all zones			
Parking facilities	Permitted in all zones			

C. Office districts.
[Amended 12-9-1980 by Ord. No. 80-44]
(1) Principal permitted and conditional uses.

USES	O-1	O-2	ORC[2]	NC
Artist and artisan studios and workshops	--	--	PPU	PPU
Banks and financial Institutions	--	CU	CU	CU
Beauty and barber shops	--	--	--	PPU
Business and administrative offices not primarily dealing with the public on premises	PPU	PPU	PPU	--
Child-care centers[1]	Permitted in all zones			
Convenience stores	--	--	--	PPU
Data processing and computer firms	PPU	PPU	PPU	--
Essential Services	PPU	PPU	PPU	PPU
Funeral homes	--	PPU	PPU	--
Gasoline service stations	--	--	--	CU
Institutional and public uses	CU	CU	CU	CU
Martial arts instruction	--	--	--	PPU
Nursing homes, long-term care facilities and rehabilitation centers	PPU	--	--	--
Pharmacies	--	--	--	PPU
Professional and business offices primarily dealing with the public on premises	--	PPU	PPU	PPU
Professional offices in dwellings	CU	CU	PPU	PPU
Research laboratories	PPU	PPU		
Existing One and Two-Family residential dwellings as of 2014 subject to the R-5 Zone Standards	--	--	PPU	PPU
Mixed use structures of office suites(s) and one or more residential unit(s)	--	--	PPU	--
Restaurants, Non-Drive Through	--	--	--	PPU
Tax return services	--	--	--	PPU
Veterinarian office	--	PPU	--	PPU

NOTES:

1- [ADDED 8-20-1996 BY ORD. NO. 96-2]
2- Development in the ORC district is subject to supplemental use regulations found in Section 136-33(M)

(2) Accessory uses.

Uses	O-1	O-2	ORC	NC
Customary accessory uses	Permitted in all zones			
Signs	Permitted in all zones			
Parking facilities	Permitted in all zones			

D. Research-office-industrial districts.

[Amended 12-9-1980 by Ord. No. 80-44; 10-8-1985 by Ord. No. 85-60]
(1) Principal permitted and conditional uses.
[Amended 7-28-1992 by Ord. No. 92-23; 9-8-1992 by Ord. No. 92-34]

Uses	District Where Permitted		
	C-1	C-2	C-3
Animal Hospital	--	PPU	--
Banks and Financial Institutions	--	PPU	--
Business, administrative, executive and professional offices	PPU	PPU	PPU
Car dealers	--	CU	--
Convenience stores with and without gasoline	CU	CU	--
Essential services	PPU	PPU	PPU
Existing One and Two-Family residential dwellings as of 2014 subject to the R-5 Zone Standards	--	PPU	--
Golf Courses	--	--	PPU
Grocery Stores	--	--	--
Industrial and manufacturing uses	PPU	PPU	--
Institutional and public uses	--	--	--
Health Care Facilities	--	--	PPU

Health and Fitness Clubs	--	PPU	--
Hotels	PPU	PPU	--
Laboratories	PPU	PPU	--
Lawn and garden equipment sales and repair	--	PPU	--
Office Distribution Centers	--	--	PPU
Performing Arts Studios	--	PPU	--
Pilot plant operation in conjunction with research lab	CU	CU	--
Professional offices in dwellings	PPU	PPU	--
Recreation Facility, Commercial	--	PPU	--
Research laboratories	PPU	PPU	PPU
Restaurants	--	--	--
Warehouses	PPU	PPU	--

NOTES:

[Amended 8-20-1996 by Ord. No. 96-2]

(2) Accessory uses.

	Districts Where Permitted		
Uses	**C-1**	**C-2**	**C-3**
Customary accessory uses		Permitted in all zones	
Parking		Permitted in all zones	
Signs		Permitted in all zones	

E. Education District.
(1) Principal permitted uses: public and private institutions of higher learning licensed by the State Department of Higher Education. Permitted uses: child-care centers.
[Amended 8-20-1996 by Ord. No. 96-2]
(2) Accessory uses: customary accessory uses; signs; parking.
(3) Conditional uses: none.

F. Public Use District.
[Added 3-23-2004 by Ord. No. 2004-8]
(1) Principal permitted uses:
(a) Public facilities and uses on lands owned and occupied by the Township of Cranford.
(2) Conditional uses:
(a) None.
(3) Accessory uses:
(a) Customary accessory uses, signs and parking facilities.
(4) Zoning for private use:
(a) No premises not owned by the Township of Cranford, located in this zone, shall be developed or used for any purpose until such premises shall be zoned for some other use after referral to the Planning Board in accordance with the Municipal Land Use Law.

G. Floodplain Overlay District

A. Purpose. The purposes of these provisions are to supplement the land use rules and regulations promulgated by the New Jersey Department of Environmental Protection for floodways and the flood-fringe portion of flood hazard areas regulated in Article VIA Flood Damage Prevention, to implement the land use regulations of the Federal Emergency Management Agency, United States Department of Housing and Urban Development, to discourage construction and regrading in flood hazard areas, to prevent encroachments into flood hazard areas which would obstruct the area through which water must pass, to prevent pollution of watercourses during low- or high-water periods by preventing the placing or storing of unsanitary or dangerous substances in the flood hazard areas, to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commercial and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

(1) Regulating uses, activities and developments which, acting alone or in combination with other existing or future uses, activities and developments, will cause increases in flood heights, velocities and frequencies.

(2) Restricting or prohibiting certain uses, activities and developments from locating within areas subject to flooding.

(3) Protecting individuals from buying lands and structures which are unsuitable for intended purposes because of flood hazards.

B. Compliance. Any lot containing a floodway portion of a drainage course and on which it is proposed to regrade and or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter, site plan approval has been granted (or subdivision approval in the case of a subdivision) and a permit has been issued by the New Jersey Department of Environmental Protection, Division of Water Resources, where required by state regulations. Any lot containing a flood-fringe portion of the flood hazard area and on which it is proposed to regrade and/or construct an improvement shall not be permitted unless the proposed use is permitted by this chapter and until site plan approval has been granted. Any regrading or improvement must be in full compliance with the terms of this ordinance section and Article VIA and any other applicable ordinances and regulations which apply to structures and uses with the jurisdiction of this ordinance.

C. Establishment of the Floodplain Zoning District.

(1) Basis of District. The Floodplain District shall include areas subject to inundation by water of the one-hundred-year flood. The basis for the delineation of this district shall be the flood hazard area identified by Flood Insurance Rate Maps and Flood Boundary Floodway Maps identified in Section 136-48.7 which are hereby adopted by reference and declared to be a part of this chapter. For the purposes of this chapter, the following nomenclature is used in referring to the various kinds of floodplain areas:

(a) The Floodway Area (FW) is delineated for purposes of this chapter using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one-hundred-year flood without increasing the water surface elevation of that flood more than 0.2 foot at any point.

(b) The Flood-Fringe Area (FF) shall be that area of the one-hundred-year floodplain not included in the floodway. The basis for the outermost boundary of this District shall be the one-hundred-year flood elevations.

(2) Overlay concept.

(a) The Floodplain District described above shall be an overlay to the existing underlying districts, and the provisions for the Floodplain District shall serve as a supplement to the underlying district provisions.

(b) Where there happens to be any conflict between the provision or requirements of the Floodplain District and those of any underlying district, the more restrictive provisions shall apply.

(c) In the event any provision concerning the Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decisions, the basic underlying district provisions shall remain applicable.

D. District boundary changes. The delineation of the Floodplain District may be revised by the municipality where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agent or individual. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

E. Interpretation of District boundaries. Initial interpretations of the boundaries of the Floodplain District shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of the district, the Zoning Board of Adjustment of the municipality shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Zoning Board of Adjustment and to submit his or her own technical evidence if he or she so desires.

F. Floodplain District provisions.

(1) General provisions.

(a) All uses, activities and developments occurring within the Floodplain District shall be undertaken only in strict compliance with the provisions of this chapter as well as Article VIA Flood Damage Prevention and with all other applicable codes and ordinances, such as the Building Code and the subdivision and site plan provisions of this chapter. In addition, all such uses, activities and developments shall be undertaken only in compliance with federal or state law.

(b) Under no circumstances shall any use, activity and/or development lower the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

(c) Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the New Jersey Department of Environmental Protection.

(d) Further, notification of the proposal by the municipality shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to the Federal Emergency Management Agency.

(e) In the Floodplain District, no development shall be permitted except where any rise in flood height caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local, state and federal authorities as required above.

(f) The following list of obstructions and activities present social hazards in floodplains: hospitals, public or private and nursing homes, public or private. No construction, enlargement or expansion of any of the obstructions or commencement of any of the activities listed above shall be undertaken in any one-hundred-year floodplain.

(g) All new or replacement public sanitary sewer facilities shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impact. All new or replacement water facilities shall be located and constructed to minimize the chance of impairment during a flood. All utilities, such as gas lines, electrical and telephone systems being placed in the floodplain, should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood. Adequate drainage shall be provided to reduce exposure to flood hazards.

(h) Any structure placed in the floodplain shall be anchored firmly to prevent flotation, collapse or lateral movement. The Zoning Officer shall require the applicant to submit the written opinion of a licensed engineer that the proposed structural design meets this criterion.

(i) No part of any private sewage treatment and/or disposal system related to the treatment and renovation of sewage effluent shall be constructed within the floodplain.

(j) No materials that can float, that are explosive or that are toxic to humans, animals or vegetation shall be stored in the floodplain. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials of any dangerous materials or substances, including but not limited to the following, on the premises, shall not be permitted in the floodplain:

[1] Acetone.
[2] Ammonia.
[3] Benzene.
[4] Calcium carbide.
[5] Carbon disulfide.
[6] Celluloid.
[7] Chlorine.
[8] Hydrochloric acid.

[9] Hydrocyanic acid.
[10] Magnesium.
[11] Nitric acid and oxides of nitrogen.
[12] Petroleum products (gasoline, fuel oil, etc.).
[13] Phosphorus.
[14] Potassium.
[15] Sodium.
[16] Sulphur and sulphur products.
[17] Pesticides, including insecticides, fungicides and rodenticides.
[18] Radioactive substances.

(2) Permitted uses. In the Floodplain District, all uses and activities within the underlying district are permitted unless specifically prohibited by this ordinance.

(3) Alteration of existing buildings or structures. Any building or structure within the floodplain at the time of enactment of this chapter may be altered or extended, provided that:

(a) The alteration or extension conforms with all applicable regulations of this chapter.
(b) The alteration does not constitute a substantial improvement (50% or more of the structure market value).
(c) Any increase in volume or area shall not exceed an aggregate of more than 25% of such volume or area during the life of the structure.
(d) For all nonresidential development applications, whenever a variance for maximum impervious coverage is granted, the property owner must mitigate the impact of the additional impervious surfaces unless the stormwater management plan for the development provided for these increases in impervious surfaces.

G. In passing upon applications for variances, the Zoning Board of Adjustment shall consider all relevant factors and procedures specified in other sections of this chapter and the following:

(1) The danger to life and property due to increased flood heights of velocities caused by encroachments. No variance shall be granted for any proposed use, activity or development that will cause any increase in flood levels in the Floodplain District.
(2) The danger that materials may be swept on to other lands or downstream to injure others.
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
(4) The importance of services provided by the proposed facility to the community.
(5) The availability of alternative locations not subject to flooding for the proposed use.
(6) The compatibility of the proposed use with existing development anticipated in the foreseeable future.
(7) The relationship of the proposed use to the Comprehensive Master Plan and floodplain management program for the area.
(8) The safety of access to the property by ordinary and emergency vehicles in times of flood.
(9) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater at the site.
(10) The Zoning Board of Adjustment may refer any application and accompanying documentation pertaining to any request for a variance to any qualified engineer, person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for the protection and other related matters.

(11) Variances shall only be issued after the Planning Board or Zoning Board of Adjustment has determined that the granting of such will not result in:

(a) Increased flood heights.
(b) Additional threats to public safety.
(c) Extraordinary public expense.
(d) Creation of nuisances.
(e) Fraud or victimization of the public.
(f) Conflict with local laws or ordinances.
(g) Modification greater than the minimum necessary to obtain relief.

§ 136-33. Supplemental use regulations.

A. Agricultural uses. Agricultural uses, including customary farm occupations and lands which qualify as farmlands as defined herein, shall be subject to the following regulations:

(1) Buildings utilized for horticulture, nurseries, greenhouses and for the growing, raising, harvesting and sale of agricultural crops or for any other farm use shall be not less than 100 feet from any side or rear lot line, except that residential buildings may be constructed and located in conformity with the standards for residences within those districts in which they are located.

(2) No livestock, poultry, fowl or other animals shall be permitted except where incidental to the major agricultural activity.

B. Country clubs and private swimming clubs.

(1) No building shall be located within 50 feet of any property line.

(2) Retail sales shall be restricted to members and their guests only.

(3) Unenclosed recreational facilities shall be located not less than 50 feet from any property line and shall be effectively screened from adjoining residential uses.

(4) No public-address system shall be permitted which is audible at any property line.

(5) Such uses shall be subject to site plan review.

C. (Reserved) *Editor's Note: Former Subsection C, home occupations, was repealed 8-20-1996 by Ord. No. 96-2. See now § 136-34E.*

D. Townhouses. Townhouse dwellings shall comply with the following regulations:

(1) Tract development.

(a) Minimum tract area. The minimum tract area shall be 30,000 square feet.

[Amended 10-8-1985 by Ord. No. 85-60]

(b) Minimum tract frontage. The minimum tract frontage shall be 150 feet

(c) Development density. Each dwelling unit shall be constructed on an individual lot, and there shall be a minimum of 5,000 square feet of tract area per dwelling unit.

(2) Individual lots.

(a) Minimum width. The required average width of all individual lots shall be not less than 20 feet, and no individual lot shall have a width of less than 18 feet, said width to be measured at the actual building setback line for each individual lot. In addition, for each individual lot with a width less than the required average, there shall be not less than one individual lot with a width greater than the required average, and the deviation from the required average of the larger lot shall be at least equal to the deviation from the required average of the smaller lot.

(b) Minimum area. The required average area of all individual lots shall be not less than 1,600 square feet, and no individual lot shall have an area of less than 1,400 square feet. In addition, for each individual lot with an area less than the required average, there shall be not less than one individual lot with an area greater than the required average, and the deviation from the required average of the larger lot shall be at least equal to the deviation from the required average of the smaller lot.

(c) Front and rear yards. The required average for front and rear yards on all individual lots shall be not less than 25 feet, and no individual lot shall have a front or rear yard of less than 20 feet, except that where the front or rear property line of an individual lot abuts open space and which open space shall have a minimum dimension of 50 feet measured at right angles along the full length of the abutting property line, then the required average and minimum yard requirements set forth herein may be reduced by not more than 10 feet for the abutting yard. In addition, for each individual lot with a front or rear yard less than the required average, there shall be not less than one individual lot with corresponding yard greater than the required average, and the deviation from the required average of the larger yard shall be at least equal to the deviation from the required average of the corresponding smaller yard.

(d) Side yards. There shall be a single side yard of not less than 10 feet required only for each individual lot occupied by a semidetached dwelling unit.

(3) Buildings.

(a) Design.

[1] Each dwelling unit shall have not less than two means of ingress and egress.

[2] Each dwelling unit shall have not less than two exposures.

[3] There shall be no more than eight dwelling units in any single group of dwelling units.

[4] No living space shall be permitted above the second story.

[5] No more than two adjacent dwelling units may be constructed without providing a front wall setback of not less than four feet.

(b) Siting.

[1] Each group of dwelling units shall set back not less than 35 feet from primary or secondary arterial streets as designated in the Master Plan and not less than 25 feet from all other streets, roads or ways, whether public or private. New buildings shall not project closer to the street than the established setback, except where a prevailing setback has been established on improved lots within 200 feet of the subject lot. However, in no case need the setback from any public street exceed 50 feet.

[2] Each group of dwelling units shall set back not less than 35 feet from a zone district boundary line, except that, where abutting an R-7 or R-8 Zone, the setback may be reduced to 20 feet.

[3] Each group of dwelling units within a tract shall be set back not less than 30 feet from any other group of dwelling units within the same tract and shall set back not less than 15 feet from the tract boundary line.

(4) Garages.

(a) Design. All garages shall conform architecturally to, and be of similar materials as, the principal building in the development.

(b) Location. Garages may be built into townhouses or may be constructed on individual lots or on common areas, all subject to the approval of the Planning Board.

(c) Private garages. Garages constructed on individual lots under this Article shall be subject to Subsection C(4)(a) and (b) above and the following:

[1] A garage need not be set back from one side line of an individual lot and may be attached to a garage on an adjacent individual lot.

[2] No garage which is not attached to or part of a townhouse on the same individual lot shall be closer than 20 feet to said townhouse.

(d) Common garages shall meet the setback requirements for parking areas as set forth in Article IV, § 136-23G(c)[5], except that the rear walls of such garages may be situated as close as 25 feet to a peripheral public street subject to any greater existing setbacks and approval by the Planning Board.

(5) Ownership of Common Areas. Common areas of any tract utilized for a townhouse development which are not accepted by the Township shall be deeded to a corporation, association, individual or individuals or other legal entity consisting of a majority of the property owners within the development for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the Township Attorney to ensure that adequate safeguards are included guaranteeing the continuance of the agreement in perpetuity and protecting the Township from harm. In any event, said agreement shall give the Township the right

to perform maintenance and assess the cost to the property owners in the event that said property owners fail to maintain the property in accordance with the agreement.

E. Garden apartments. Garden apartment dwellings shall comply with the following regulations:

(1) Tract development.

(a) Minimum area. The minimum area for any tract developed under this section shall be 40,000 square feet.

(b) Minimum frontage. The minimum frontage on a public street for any tract developed under this section shall be 150 feet.

(c) Setbacks.

[1] The following minimum distances shall be maintained between apartment buildings:

[a] No apartment building shall be closer than 30 feet to any other apartment building.

[b] No front wall shall be closer than 85 feet to any parallel wall except as specified below.

[c] No rear wall shall be closer than 70 feet to any parallel wall except as specified below.

[d] A side elevation which does not overlap a parallel front or rear wall by more than six feet may be located as close as 30 feet to said front or rear wall.

[2] In addition to the usual meaning, the term parallel in this subsection shall apply to any facing elevations which, if extended, would intersect at an angle of less than 90°.

(d) Open space. Not less than 30% of the total tract area shall be dedicated for green open space, either for recreation or some other suitable use, public or private, as approved by the Planning Board.

(e) Development density. The minimum tract area per dwelling unit shall be as follows:

[1] Efficiency and one-bedroom dwelling units: 2,500 square feet.

[2] Two-bedroom dwelling units: 2,900 square feet.

[3] Three-bedroom dwelling units: 3,400 square feet.

[4] Four-bedroom dwelling units: 4,000 square feet.

(f) Yards. No apartment building shall be closer than 50 feet to any street right-of-way line nor closer than 40 feet to any property line.

(2) Design. Every dwelling unit shall meet the following requirements:

(a) Each dwelling unit shall have or have immediate access to two separate entrances not on the same exterior wall.

(b) Each dwelling unit shall have not fewer than two exposures.

(c) In each dwelling unit there shall be access to at least one bathroom without passing through any bedroom.

(d) No dwelling unit, or portion thereof, shall be permitted above the second floor or below the first floor of any apartment building.

(e) A minimum storage area of not less than 500 cubic feet shall be provided for each dwelling unit within the same apartment building. Such storage areas shall be exclusive of any garage or any closet or other space within a dwelling unit.

(f) The maximum length of the front elevation of any apartment building shall not exceed 85 feet without an offset, and such offset shall be no less than four feet.

(g) No apartment building shall be constructed so that the angle between any two abutting exterior walls is less than 90°.

(h) Where open balconies for individual dwelling units are provided, they shall be permitted to intrude up to six feet into any required setback. The presence of such balconies on the front elevations of any apartment building shall not be construed as usable in meeting requirements of Subsection E(2)(f) above.

F. Apartment dwellings. The following conditions shall be complied with in the R-8 and R-SC-1 Zone Districts:

[Amended 10-10-1989 by Ord. No. 89-50]

(1) Tract development.

(a) Minimum area. The minimum area for any tract developed under this section shall be 40,000 square feet.

(b) Minimum frontage. The minimum frontage on a public street for any tract developed under this section shall be 150 feet.

(c) Open space. There shall be not less than 200 square feet of open space, other than parking areas or driveways, for each bedroom. Roof space designed for active or passive recreation and individual apartment balconies with a minimum dimension of six feet may be counted as open space at a ratio of two square feet of such space for each

	Minimum Tract Area/Dwelling Unit			
Building Height (stories)	**Efficiency Dwelling Unit (square feet)**	**1-Bed-room Dwelling Unit (square feet)**	**2-Bed-room Dwelling Unit (square feet)**	**3- or More Bedroom Unit (square feet)**
2 1/2	2,500	2,500	3,400	4,000
3 1/2 and above	1,300	1,300	1,500	1,700

required square foot of open space.

(d) Green open space. At least 20% of the entire tract shall be in a green open space.

(e) Development density and yards. The following standards shall apply in this zone district:

	Minimum Yard Size*		
Building Height (feet)	**Front** (feet)**	**Rear (feet)**	**Side+ (feet)**
Through 35 feet	25	35	18
Over 35 through 40 feet	30	40	20
Over 40 through 50 feet	35	50	25
Over 50 through 60 feet	40	60	30

NOTES:
*Increased setbacks shall begin at the designated height.
**Where existing buildings on the same side of the street and within 200 feet of the site form an established front yard setback greater than the minimum required, the established front yard setback shall prevail.
+Required side yard shall be doubled adjoining zone district boundary line.

(2) Dwelling units. Each dwelling unit shall conform to the following requirements:

(a) There shall be access to at least one bathroom without passing through any bedroom.

(b) No dwelling unit or any portion thereof shall be permitted below the first floor of any apartment building.

(c) A minimum storage area of not less than 500 cubic feet shall be provided for each dwelling unit within the same apartment building. Such storage areas shall be exclusive of any garage or any closet or other space within the dwelling unit.

(3) Buildings. Each apartment building shall conform to the following requirements:

(a) Elevators. Each apartment building over 2 1/2 stories shall have not less than one elevator.

(b) Height. No apartment in the R-8 Zone District shall exceed five stories or 60 feet, whichever is lesser. No senior citizens apartment building in the R-SC-1 Zone District shall exceed five stories or 55 feet.

(c) Courts. Courts shall be permitted subject to the following requirements:

[1] Inner court. The minimum dimension of any inner court shall be not less than 60 feet or two times the maximum height of the boundary walls, whichever is greater.

[2] Outer court. The minimum width of any outer court shall be not less than 45 feet, and the depth shall not exceed the width.

G. In addition and notwithstanding any other provisions of this chapter, no principal or accessory building on any lot shall intrude into the area enclosed by the arc of a circle with a radius of 45 feet extending 70° on each side of a line perpendicular to the center of any window in a habitable room. This limitation shall not apply to any wall of the same building in which the window is located, the plane of which intersects the plane of the wall in which the window is located at an exterior angle of 90° or more. All measurements shall be performed in horizontal projections at the sill level of the subject window.

H. Uses in the E-1 Zone District.

(1) Required conditions and applications of standards. The following standards shall apply only to lands in the Township of Cranford. Land in other communities owned, leased or otherwise used by a permitted use in the E-1 Zone shall not be included in any calculations. All contiguous land in the Township of Cranford occupied by an institution of higher learning, deeded or leased to the state, county or other public agency, shall be considered part of the site for purposes of meeting minimum area requirements.

(a) Height. No buildings shall exceed the maximum of two stories or 35 feet, whichever is lesser.

(b) Yards and setbacks (minimum).

Type	Buildings and Recreational Facilities
Interior property lines	50 feet
Street rights-of-way	3 times building height, but not less than 70 feet

(c) Minimum lot area: 45 acres.

(d) Floor area ratio. The maximum gross floor area ratio of all buildings shall be 16 times the total lot area. Parking decks, parking structures and ground level recreational facilities such as tennis courts, baseball diamonds, etc., shall not be considered as floor area.

(e) Open space ratio. A minimum of 60% of the total lot area shall be maintained as green open space.

(f) Required screening. In addition to the required screening for off-street parking areas, all side and rear yards adjacent to a residential zone shall be screened to a depth of 15 feet from such residential zone by a solid and contiguous landscaped screen approved by the Planning Board.

(g) Access. All pedestrian and vehicular access shall be from streets designated as primary or secondary arterials specified in the Master Plan of Cranford.

(h) Other provisions void. All other provisions of this chapter as applied to those uses in the E-1 District which require less restrictive standards than set forth in this Article shall be considered as nonapplicable.

(i) Classroom floor area. Not more than 100,000 square feet of classroom space or 1/3 of the gross building area of all structures in the campus shall be classroom space. "Classroom space" is hereby defined as classrooms designed to accommodate students and an instructor in a formal arrangement of seating and lecturing.

J. Family day-care home in the R-1, R-2, R-3 and R-4 Zones.

[Added 6-27-1989 by Ord. No. 89-26]

(1) Requirements.

(a) Use is permitted only in a single-family detached residence as an accessory to the permitted single-family residence.

(b) The minimum lot width, area and yard setback requirements shall be the same as required for a one-family detached dwelling.

(c) Fencing is required in the rear yard area. Any associated recreation activity equipment shall be restricted to the fenced-in area.

(d) No more than a total of five children under 14 years of age shall be cared for within the facility. Of the five children allowed, no more than two shall be under 30 months of age.

(e) A minimum of 1,000 linear feet distance per three-hundred-foot radius shall be maintained between family day-care

home facilities.

(f) There shall be no other employees except the provider (either paid or unpaid).

(g) The facility shall comply with all applicable BOCA, State of New Jersey and Township building regulations.

(h) Days of operation shall be limited to Monday through Friday.

(i) Signage shall not be permitted.

(j) The day-care provider shall be the owner/occupant of the residence.

(k) Fire extinguishers shall be located on each level of the residence and within the kitchen.

(l) Hard-wire smoke detectors shall be installed throughout the residence (at least one on every floor) and in the basement.

(m) If the basement is to be used for child care, a second external exit shall be installed.

(2) There shall be continuing compliance with the following requirements:

(a) Annual sponsorship shall be obtained and maintained from either the Four C's or other Division of Youth and Family Services approved agency.

(b) The provider must maintain current immunization records covering the provider and all members of the household. These records shall be kept at the facility and be available for inspection.

(c) The provider shall require the current immunization records for each child enrolled in the facility. These records shall be provided prior to the enrollment of any child. These records shall be kept at the facility and be available for inspection.

(d) The provider shall provide a changing facility with separate changing pads or papers for all infants under 30 months of age.

(e) The provider shall comply with all Health Code requirements established by the Township or State of New Jersey.

K. Telecommunications antennae and towers.

[Added 6-10-2003 by Ord. No. 2003-18]

(1) Purpose. It is the intent of this subsection to regulate cellular communications towers and antennae located within the Township of Cranford to:

(a) Restrict the location of towers to certain nonresidential areas;

(b) Minimize the total number of towers throughout the Township;

(c) Encourage strongly the joint use of new and existing tower sites;

(d) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(e) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;

(f) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

(g) Consider the public health and safety of communication towers;

(h) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;

(i) Encourage the use of existing structures for antennae;

(j) Encourage designs that blend into the background setting of their locations.

(2) Definitions. The following terms used in this subsection shall have the following meanings:

ALTERNATIVE TOWER STRUCTURE

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

ANTENNA

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. Satellite dishes shall not be included within this definition.

BACKHAUL NETWORK

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

COLOCATION

When two or more receiving and/or transmitting facilities are placed together in the same location or on the same tower or monopole.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

HEIGHT

When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

PREEXISTING TOWERS AND ANTENNAE

Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this subsection, including permitted towers or antennae that have not yet been constructed so long as such approval is current and not expired.

SATELLITE DISH

Any apparatus with a flat or parabolic surface which is designed for the purpose of receiving television, radio, microwave, satellite or similar electronic signals.

TOWER

Any structure that is designated and constructed primarily for the purpose of supporting one or more antennae, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

TOWNSHIP

The Township of Cranford, County of Union, State of New Jersey.

TOWNSHIP COMMITTEE

The governing authority of the Township of Cranford.

(3) Applicability.

(a) New towers or antennae. All new towers or antennae in the Township of Cranford shall be subject to these regulations, except as provided in Subsection K(4)(f) and (4)(g).

(b) Amateur radio; receive-only antennae. This subsection shall not govern any tower, or the installation of any antenna, that is under seven feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennae.

(c) Preexisting towers and antennae. Any tower or antenna for which a permit has been properly issued prior to the effective date of this subsection shall not be required to meet the requirements of this subsection, other than the requirements of Subsection K(4)(f) and K(4)(g). Any such towers or antennae shall be referred to in this subsection as "preexisting towers or preexisting antennae." This exception shall not apply to any expansion or intensification of said preexisting tower or antenna.

(d) Government agencies. Communication towers or antennae owned, operated or used by the federal, state, county or municipal governments shall be exempt from the requirements of this subsection.

(4) General guidelines and requirements.

(a) Principal or accessory use. Antennae and towers shall be considered principal uses unless subservient and clearly related to an existing principal use or structure, except as may be provided under Subsection K(8)(a) below.

(b) Lot size. For purposes of determining whether the installation of a tower or antenna complies with local zoning regulations, including but not limited to setback requirements, lot coverage requirements, and other such

requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be licensed parcels within such lots.

(c) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide an inventory of its existing towers that are either within the jurisdiction of the Township or within 1/4 mile of the border thereof, including specific information about the location, height, and design of each tower. The Township departments may share such information with other applicants or organizations seeking to locate antennae within the jurisdiction of the Township, provided, however, that the Township departments are not, by sharing such information, in any way representing or warranting that such sites are available or suitable or that the information is complete and accurate.

(d) Aesthetics. The guidelines set forth in this Subsection K(4)(d) shall regulate the location of all towers, and the installation of all antennae, governed by this subsection, provided, however, that the appropriate Township body may waive these requirements if it determines that the goals of this subsection are better served thereby.

[1] Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

[2] At a tower site, the design of the buildings and accessory structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding buildings.

[3] If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

[4] Whenever practicable, towers and antennae shall employ RF transparent materials which appear to be architectural elements of the structure supporting the antennae or otherwise conceal or camouflage antennae to reduce the visual impact of the tower and antennae to the greatest degree.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the appropriate Township body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(f) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennae governed by this subsection shall bring such towers and antennae into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling governmental or quasigovernmental agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall require the removal of the tower or antenna at the owner's expense.

(g) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable national, state and local standards for towers as amended from time to time. If, upon inspection, the appropriate Township official concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owners fail to bring such tower into compliance within said 30 days, the tower shall be removed at the owner's expense.

(h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township of Cranford irrespective of municipal and county jurisdictional boundaries.

(i) Not essential services. Towers and antennae shall be regulated and permitted pursuant to this subsection and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(j) Franchises. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained and shall file a copy of all required franchises with the Clerk of the Township of Cranford who shall distribute copies of same to the Township Construction Official and the Township Zoning Officer.

(k) Signs. No signs or other nonessential accoutrements shall be allowed on any antenna or tower with the exception of warning signs or other signs required by federal, state or local law.

(l) Buildings and support equipment. Buildings and support equipment associated with antennae or towers shall comply with the requirements of Subsection K(12) Buildings and support equipment clearly related to the use of antenna shall be considered accessory structures.

(5) Permitted uses.

(a) Antennae shall be permitted uses in the following zones, provided that they comply with Subsection K(5)(b) below:

[1] O-1 Office Building District.

[2] O-2 Medium-Density Office Building District.

3]

[4] C-1 Commercial District.

[5] C-2 Commercial District.

6 C-3 Commercial District**(b)** No antennae shall be permitted in the special improvement district created pursuant to Chapter 199 of this Code.

(6) Conditional uses.

(a) Towers shall be conditional uses in the following zones, provided that they comply with Subsection K(6)(b) below, and with Subsection K(10) below:

[1] O-1 Office Building District.

[2] O-2 Medium-Density Office Building District.

[3] C-3 Commercial District

[4] C-1 Commercial District.

[5] C-2 Commercial District.

6C-3 Commercial District**(b)** No towers shall be permitted in the special improvement district created pursuant to Chapter 199 of this Code.

(7) Exemption for property owned, controlled or leased by the Township. All applications for antennae or towers to be placed on property owned, controlled or leased by the Township are exempt from Planning Board or Board of Adjustment review but are subject to review and approval by the Township governing body which may require a license or lease for such antenna and/or tower.

(8) Regulations and standards for antennae.

(a) Antennae on existing structures. Any antenna to be installed on an existing structure shall be a permitted accessory use, subject to site plan approval, on any permitted use in the zone. The antennae shall:

[1] Not extend more than three feet above the highest point of the structure;

[2] Comply with all applicable FCC and FAA regulations; and

[3] (3) Comply with all applicable construction codes. *Editor's Note: See Ch. 92, Construction Codes, Uniform.*

(b) Antennae on existing towers. An antenna to be attached to an existing tower shall be subject to site plan approval.

(9) Site plan approval.

(a) General. No person shall construct or erect, or cause to be constructed or erected, a tower or antenna unless site plan approval is obtained from the appropriate approving authority. The following provisions shall also apply:

[1] In granting site plan approval, the approving authority may impose conditions to the extent such approving authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, or the community at large.

[2] Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

[3] Any applicant for site plan approval shall submit the information described in this section and shall also pay all applicable application fees and escrow deposits.

(b) Information required for site plan approval for towers. In addition to any information required for applications for site plan approval pursuant to §136-13 et seq. of this chapter, applicants for site plan approval for a tower should submit the following information:

[1] A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings and materials of the proposed tower and any other structures, topography, parking, and other information as required by this and other Township ordinances to enable comprehensive review of the application.

[2] Survey of the property, signed and sealed by a surveyor licensed in the State of New Jersey, dated no earlier than 12 months prior to the date of the application.

[3] The distance between the proposed tower and the nearest residential unit.

[4] The separation distance from other towers described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated site plan or map certified by a licensed engineer or licensed land surveyor. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s).

[5] A landscape plan showing specific landscape materials and precise locations of existing and proposed landscaping improvements certified by a licensed engineer or certified landscape architect.

[6] Method of fencing, material and finished color and, if applicable, the method of camouflage and illumination.

[7] A statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennae for future users.

[8] Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

[9] A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

[10] A description of the feasible location(s) of future towers or antennae, which may be erected by the applicant, within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

[11] Line-of-sight analysis detailing the view of the proposed tower from various directions and angles from adjacent public and residential areas. The analysis shall be utilized to determine buffer requirements.

(12) Conditional use standards for towers. An applicant shall satisfy the specific conditions enumerated below to obtain site plan approval for towers.

(a) Maximum tower height: The maximum height of any tower shall not exceed 70 feet. For purposes of measurement, the maximum tower height shall include any structures supported by the tower and any antenna.

(b) Setbacks. The following setback requirements shall apply to all towers for which site plan approval is required:

[1] Towers must be set back a distance equal to at least 125% of the height of the tower from any adjoining lot line provided that distance is no closer than the building setback applicable to the zone.

[2] Guys and accessory facilities must satisfy the minimum zoning district setback requirements.

(c) Separation. The following separation requirements shall apply to all towers and antennae for which site plan approval is required. Separation from off-site uses/designated areas.

[1] Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

[2] Separation requirements for the towers shall comply with the minimum standards established in Table 1.

Table 1

Off-Site Use/Designated Line	Separation Distance Measured From the Nearest Point of the Tower to the Structure of the Off-Site Use or Designated Off-Site Use/Designated Line Line
Any zoning district in which residential use is a permitted or conditional use; any lot on which any residential use exists	300 feet or 300% of height of tower, whichever is greater, measured to the residential unit

Table 1

Off-Site Use/Designated Line	Separation Distance Measured From the Nearest Point of the Tower to the Structure of the Off-Site Use or Designated Off-Site Use/Designated Line Line
Lands which are neither zoned for residential use nor in residential use	Setbacks apply pursuant to Subsection K(10)(b).

(d) Availability of suitable existing towers or other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the appropriate Township board and said board makes specific and separate written findings thereon, that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the appropriate Township board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

[1] No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

[2] Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

[3] Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

[4] The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

[5] The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

[6] The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

[7] The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(11) Design standards for towers. Applicants shall satisfy the design standards enumerated below to obtain site plan approval for towers in addition to other standards that may be required pursuant to this Chapter 136:

(a) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device; provided, however, that the appropriate approving authority may waive such requirements.

(b) Landscaping. The following requirements shall govern the landscaping surrounding towers for which site plan approval is required; provided, however, that the appropriate approving authority may waive such requirements if the goals of this subsection would be better served thereby.

[1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall be consistent with §136-22D.

[2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

[3] Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(12) Building or other equipment storage.

(a) The equipment cabinet or structure used in association with antennae shall comply with the following:

[1] The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure shall not be located on the roof of the structure.
[2] If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.
[3] If the equipment structure is located on the roof of a building, it shall be camouflaged.
[4] Equipment storage buildings or cabinets shall comply with all applicable building codes.
[5] The equipment cabinet or structure shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet.
(b) Modification of building size requirements. The requirements of this subsection may be modified by the appropriate approving authority to encourage colocation.
(13) Removal of abandoned antennae and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be presumed abandoned, and the owner of such antenna or tower shall remove same within 30 days of being notified of such abandonment.

L. Office Residential Character District Requirements.

(1) Buffer.
(a) A five (5) foot landscaped buffer shall be required along each side yard and a seven (7) foot landscaped buffer shall be required along the rear property line.

(2) Parking
(a) No parking shall be permitted in the required front yard or between any part of the front building façade and the street right-of-way line.
(b) Parking areas shall be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping fencing or a combination of these to create a buffer at least five (5) feet in height. Landscaping shall contain a mix of deciduous and evergreen plantings sufficient to screen the view of vehicles in all seasons.

(3) Design standards
(a) All uses in the ORC Zone shall maintain the character and architecture of the existing structure and shall also meet the standards of this section and design standards in Section 126-23.
(b) There shall be one (1) principal building per lot and no building shall contain more than six thousand five hundred (6,500) square feet of building area per lot.
(c) All new buildings and any existing buildings that are expanded shall contain at least two stories above grade.
(d) The roof pitch on all new buildings and on existing buildings where a second floor is added or created shall be a minimum of 4:12.
(e) Use of shared driveways shall be encouraged.
(f) Parking areas shall be screened from view of adjacent residential zones or uses by landscaping, fencing, or a combination thereof to create a buffer at least five (5) feet wide and at least five (5) feet tall, and shall provide screening of vehicles in all seasons.
(g) Trash disposal areas shall be located as far from residential zone boundaries or uses as possible, but in no case shall they be located within seven (7) feet of any adjacent residential zone or use. Trash disposal areas are prohibited between the front façade and the street right-of-way and shall be screened from view from the street right-of-way.
(h) Lighting shall be located no closer than (8) feet to adjoining residential districts or uses and shall not exceed eight (8) feet in height. Lighting shall be designed to avoid up-lighting or halo effect with fixtures incorporated shielding/cut-offs to prevent spillage off-site and on adjacent residential properties.
(i) Rooftop mechanical equipment shall be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air conditioning equipment, utility boxes and meters, shall be screened by

landscaping, walls or fencing.

(j) A minimum of one (1) primary building entrance shall be incorporated into the front façade. Sidewalks shall be provided within the front yard area for access from the existing sidewalk system.

(k) The visual character of building along street frontages and entryways shall encourage pedestrian access.

(l) Existing open porches that are visible from the right-of-way shall not be enclosed and shall not be included in the calculations of building square footage or floor area ratio. Any porch that is enclosed will be included win the calculation of building square footage and floor area ratio.

(m) All provisions and facilities for storage, other than pickup of refuse and recyclables, shall be contained within a principal building.

§ 136-34. Permitted accessory uses and structures.

A. Accessory structures in all zones. Accessory structures may be erected only in accordance with the following regulations:

[Amended 12-9-1980 by Ord. No. 80-44; 10-8-1985 by Ord. No. 85-60]

(1) No accessory structure shall be located in the front yard or the required side yard.

(2) Except where specifically required to be otherwise by this chapter, in the R-1 through R-5 Zones, accessory structures may be erected in the rear yard not closer than five feet to the side lot line and three feet to the rear lot line.

(3) Except where otherwise specifically permitted by this chapter, accessory structures in multifamily and nonresidential zones shall meet the setback requirements of the principal building.

(4) No portion of any accessory structure shall be used for living quarters for people.

(5) When an accessory structure is attached to the principal building, it shall be considered as a part of the principal building, and it shall comply in all respects with the requirements of this chapter applicable to the principal structure.

(6) Accessory structures shall be included in meeting the maximum impervious surface requirements in Schedule 1.

Editor's Note: Schedule 1, Schedule of Zone District Area, Yard and Building Requirements, is included at the end of this chapter.

(7) in the R-1 through R-5 Zones, accessory structures for one- and two-family residences shall be set back from any principal building not less than 10 feet. In the R-6, R-7 and R-8 Zones and in all nonresidential zones, the distance accessory structures shall be located from any principal structure shall be determined as part of site plan review.

(8) In any flood-fringe area, the construction of an accessory structure which otherwise conforms to all zoning requirements shall be subject to administrative approval by the Township Engineer in lieu of application to the Planning Board.

[Added 9-14-1999 by Ord. No. 99-19]

B. Personal recreational facilities in residential zones. Except for portable swimming pools less than three feet in height and less than ten 10 feet in length or diameter as well as hot tubs that are less than 64 square feet, the following regulations shall apply to permanent and portable swimming pools tennis courts and similar personal recreation facilities:

(1) Said use shall be erected on the same lot as the principal structure not less than 10 feet therefrom and shall require a construction permit.

[Amended 12-9-1980 by Ord. No. 80-44]

(2) Said use may be erected in the side and/or rear yard and shall be not less than 15 feet from any lot line.

(3) Said use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.

(4) Lighting which extends the hours of operation, other than in-pool lights, shall be prohibited.

(5) In the case of swimming pools, all measurements shall be from the water's edge, and provision for drainage shall be approved as part of the construction permit.

(6) Pool equipment must be located a minimum of five feet from any side or rear lot line.

(7) Pools must be located a minimum of five feet from any shed, garage, or swingset located on the subject property.

C. Parabolic satellite antennas in the residential zones.

[Amended 10-8-1985 by Ord. No. 85-60]

(1) In all residence zones, parabolic or satellite antennas shall be erected only after the issuance of a permit by the Zoning Officer and upon meeting the following conditions:

(a) The antenna shall be located and screened to minimize visibility from the street and adjacent properties.

(b) It shall be located in the rear yard only and shall meet the setback requirements for a principal structure.

(c) The overall height from the mean ground level to the highest point of the antenna shall not be more than 15 feet.

(d) The surface area of the reflective dish shall not exceed a maximum diameter of 12 feet.

(e) The antenna shall be designed for use by the residents of the principal structure only.

(2) In considering such uses, the Zoning Officer may require additional buffering, screening or berming so as to accomplish the intent and objective of this section.
(3) No such antenna shall be permitted above the roofline of the principal structure.
(4) Only receiving parabolic or satellite dish antennas shall be permitted in residence zones.
(5) All restrictions as to location, screening and permit review are waived if the parabolic satellite antenna is 18 inches or less in diameter. Parabolic antennas are banned from the front yard unless the front yard is the only practical location, as determined by the Board of Adjustment.
[Added 8-20-1996 by Ord. No. 96-2]
D. Special accessory uses in the C-3 Zone.
[Added 8-28-1990 by Ord. No. 90-37]
(1) The following special accessory uses are permitted in the C-3 Zone:
(a) Restaurant or cafeteria supplying meals only to employees and guests of the principal permitted uses on site.
(b) Automated banking facilities, excluding drive-in facilities.
(c) Day-care facilities for service to the employees of the principal permitted uses on site.
(d) Health clubs and physical fitness facilities for the use only by employees of the principal permitted uses on site.
(2) Special accessory uses are intended to complement the principal permitted uses provided on the site and shall be designed and provided for the use of only the employees, visitors and guests of the principal permitted uses on-site. All special accessory uses shall be planned as an integral part of the principal permitted development, with no external evidence of such use, and shall be subject to the following conditions:
(a) Special accessory uses shall not occupy more than 10% of the gross floor of the total floor area of all principal structures developed on site.
(b) No exterior signage, except as part of the overall building identification directory, shall be permitted.
E. Exempt home occupations.
[Added 8-20-1996 by Ord. No. 96-2]
(1) Requirements. Exempt home occupations shall be permitted as accessory uses in all residential zones and shall be exempt from approval by the Planning Board or Zoning Board of Adjustment if the following standards are satisfied:
(a) The practitioner shall be the owner or lessee of the residence in which the home occupation is located.
(b) The practitioner must live in the residence in which the home occupation is located.
(c) There shall be no external evidence of the home occupation.
(d) There shall be no nonresidential employees working on the premises.
(e) There shall be no retail or commercial sales conducted on the site.
(f) No clients, customers, sales or other outside personnel shall visit the site.
(g) No sign identifying the home occupation shall be permitted.
(h) No delivery other than associated with the residential use on site shall be permitted.
(i) The home occupation shall be clearly incidental and subordinate to the residential use of the premises. The maximum area devoted to the home occupation shall be limited to not more than 25% or 400 square feet, whichever is smaller, of the total area of the floor where located, including the basement but excluding space used for a private garage.
(j) The home occupation shall not involve the assembly, manufacture, repair, fabrication or processing of things, goods, materials or food.
(k) No equipment or processes shall be used in such home occupation which create noise, glare, fumes, odors, electrical interference, medical waste or other nuisance factors detectable to the normal senses or to radio or television equipment from the property line.
(l) The home occupation shall not use chemicals or materials which must be registered with the State of New Jersey.
(m) No materials related to the home occupation shall be stored in the garage.
F. Decks in residential zones.
[Added 8-20-1996 by Ord. No. 96-2]
(1) In all residence zones, decks shall be permitted to encroach into the minimum rear and side yard setback only in

accordance with the following requirements:

(a) Decks no greater than four feet in height shall be permitted to encroach into the minimum required rear yard a maximum of 25%, but not closer than Subsection F(1)(b) below. Height shall be measured from the average grade to the floor of the deck.

(b) The minimum rear yard setback for any deck shall be 20 feet.

(c) The minimum side yard setback for any deck shall be seven feet, or the side yard setback otherwise allowed by the LDO, whichever is less.

(d) In any flood-fringe area, the construction of a deck which otherwise conforms to all zoning requirements shall be subject to administrative approval by the Township Engineer in lieu of application to the Planning Board.

[Added 9-14-1999 by Ord. No. 99-19]

§ 136-35. Conditional uses.

A. General. All conditional uses shall be subject to site plan review. A conditional use shall not be approved unless it is found that it meets all the requirements of this chapter, does not substantially impair the use and enjoyment of surrounding properties and does not substantially impair the character of the surrounding area.

[Amended 1-28-1986 by Ord. No. 86-2]

B. Specific conditions for conditional uses.

(1) Advertising agencies.

[Added 7-17-2012 by Ord. No. 2012-20]

(a) Shall be permitted on the second floor or above without limit as to size.

(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.

(c) The space shall be measured from the interior wall surface of the walls encompassing the use.

(d) First-floor uses shall be required to provide on-site parking.

(2) Air conditioning and heating service and repair shops.

[Added 7-17-2012 by Ord. No. 2012-20]

(a) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.

(b) Shall be permitted on the second floor or above without limit as to size.

(c) The space shall be measured from the interior wall surface of the walls encompassing the use.

(d) First-floor uses shall be required to provide on-site parking.

(3) Automobile dealers.

[Amended 11-27-1984 by Ord. No. 84-52; 10-8-1985 by Ord. No. 85-60]

(a) The minimum lot area shall be 40,000 square feet.

(b) They shall be located on primary or secondary arterial streets.

(c) All sales and repair activities shall take place within a principal structure.

(4) Auto repair garages.

[Amended 11-27-1984 by Ord. No. 84-52; 7-28-1987 by Ord. No. 87-27; 9-22-1987 by Ord. No. 87-35; 11-27-1990 by Ord. No. 90-57; 7-15-2003 by Ord. No. 2003-25; 7-17-2012 by Ord. No. 2012-20]

(a) Such uses shall be located a minimum distance of 200 feet from other such uses, theaters and public recreation uses and drive-in uses, as measured from the perimeter of the lot line.

(b) Repairs and services shall take place within a principal structure. All minor repairs and services are permitted to take place outdoors.

(c) The minimum lot area shall be 15,000 square feet, with a minimum street frontage of at least 100 feet.
(d) The walls of the principal structure shall be at least 25 feet from the side and rear property lines and at least 40 feet from a street right-of-way line.
(e) All exit and entrance drives shall be at least 10 feet from any adjoining property line and 20 feet from the corner of an intersecting public street.
(f) Any fuel or air pump and filler pipe shall be located 25 feet from any property line.
(g) No sale, leasing or rental of any vehicles shall be permitted.
(h) Permitted outdoor storage shall be limited to valid registered light vehicles awaiting repairs; permitted outdoor parking shall be limited to vehicles awaiting repairs, provided that those vehicles shall be parked or stored on surfaced areas, including concrete, asphalt or stone, and shall not hinder or obstruct access to dispensers, bays and other service areas and shall be in accordance with an approved site plan. No vehicle shall be kept overnight on jacks, stands or lifts.
(i) Such uses that are located less than 100 feet from a residential zone, as measured from the perimeter of the lot line, shall be closed between the hours of 10:00 p.m. and 6:00 a.m.
(j) No other use shall be permitted on the same lot.
(k) Such uses shall not be located in any special improvement district.

(5) Banks and financial institutions. Such uses shall be located a minimum distance of 200 feet from other such uses as measured from the perimeter of the lot line.
[Amended 11-27-1984 by Ord. No. 84-52]

(6) Banks and financial institutions with drive-through.
[Amended 8-23-1983 by Ord. No. 83-38; 11-27-1984 by Ord. No. 84-52; 7-17-2012 by Ord. No. 2012-20]
(a) Such uses shall be located a minimum distance of 200 feet from other such uses, theaters and public recreation uses and repair garages and gasoline service stations, as measured from the perimeter of the lot line.
(b) Ingress to the site shall not be from the same street as egress.
(c) The minimum lot area shall be 15,000 square feet, with a minimum street frontage of at least 100 feet.
(d) A bypass lane shall be provided.

(7) Bed and Breakfast.
(a) The owner or operator of the bed and breakfast establishment shall live on the premises.
(b) The total number of guest rooms shall not exceed 10.
(c) The establishment shall be located within a 1,000 foot walking distance of a parking lot or an enclosed parking facility in which space is leased for tenant use or within a 1,000 foot walking distance of Cranford Station
(d) New off-street parking facilities shall not be created for the establishment unless the establishment is located in a base zone district which allows accessory off-street parking.
(e) Off-street parking spaces that were in existence as of the date of adoption of this section may be utilized for the establishment.
(f) The establishment may serve meals, but such meals shall be served only to overnight guests of the facility.
(g) Kitchen facilities other than a microwave oven and compact refrigerator shall not be provided in individual guest rooms.

(8) Community residences for the developmentally disabled and community shelters for victims of domestic violence. Such uses containing more than six persons, excluding resident staff, shall meet the following conditions:
[Amended 11-27-1984 by Ord. No. 84-52]
(a) They shall house not more than 15 persons, excluding resident staff.
(b) The minimum lot area shall be 12,000 square feet for residences or shelters with a capacity of seven persons, and for each additional person up to 15, additional lot area of 1,000 square feet shall be required.

(c) They shall not be located less than 1,500 feet from an existing such residence or shelter.
(d) Before a certificate of occupancy is issued, the Planning Board shall review and approve a site plan.
(e) The maximum impervious surface requirement of the zone in which such use is located shall be adhered to.
(f) The proposed use shall maintain a residential appearance and shall be substantially similar to the existing surrounding residential development.
(g) Off-street parking shall be required and located in accordance with the requirements of this chapter on the basis of one additional off-street parking space for each two persons, excluding residence staff.
(h) The Planning Board may deny the conditional use if the number of persons resident at existing community residences or community shelters exceeds 0.5% of the population of the municipality based on population estimates published annually by the New Jersey Department of Labor.

(9) Convenience stores.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Shall be located at least 100 feet from any residential district.
(b) Hours of operation shall be in accord with § 124-3 of the Township Code
(c) Shall provide on-site parking.

(10) Convenience Stores with gasoline sales

(a) The minimum lot size shall be 60,000 square feet.
(b) The lot shall have a minimum of 200 feet of frontage along a state or county roadway.
(c) Any overhead canopy serving the gas fueling positions shall be set back a minimum of 30
(d) feet from a public right-of-way.
(e) The maximum impervious coverage shall be 80%.
(f) The maximum height shall be 35 feet for principal buildings and 30 feet for the canopy.
(g) An average 15-foot landscaped buffer shall be provided along any residential zone boundary line, however in no event shall said buffer area be less than 10 feet at any such location.
(h) No auto repair or service, other than gasoline sales, shall be permitted.
(i) No tractor trailer diesel fuel sales shall be permitted.
(j) Canopies shall have a pitched roof with a change in elevation of at least seven feet from the bottom to the top most point of the roofline.
(k) The subject property shall be located a minimum of 100 feet from any residential district as measured from the perimeter of the lot line.
(l) Shall provide off-street parking in accordance with §136-39
(m) Hours of operation shall be in accord with §124-3 of the Township Code.
(n) No sale, leasing, or rental of any vehicles shall be permitted
(o) The walls of the principal structure shall be at least 25 feet from the side and rear lot lines and at least 40 feet from a street right-of-way line.
(p) All exit and entrance drives shall be at least 10 feet from any adjoining property line and 20 feet from the corner of an intersecting public street.
(q) Any fuel or air pump and filler pipe shall be located 25 feet from any property line.

(11) Dwellings.
[Amended 11-27-1984 by Ord. No. 84-52; 8-20-1996 by Ord. No. 96-2; 7-17-2012 by Ord. No. 2012-20]
(a) Residential uses listed as conditional uses in residence zones shall be permitted in accordance with the same standards of development as in those zones in which they are principal permitted uses.
(b) In nonresidential zones:
[1] Residences shall be permitted only on the second floor or above.

[2] Ingress and egress for residences shall be separate from nonresidential uses.
[3] Each dwelling unit shall have a minimum floor area of 600 square feet.
[4] Not more than one dwelling unit for each 800 square feet of lot area shall be permitted.

(12) Farm stands. Farm stands shall only be permitted where:
[Amended 11-27-1984 by Ord. No. 84-52]
(a) The products sold are in their natural state.
(b) The stands are located on a farm.
(c) The place of sale or storage of any such products, whether of a permanent or temporary nature, shall not be closer than 100 feet to any side or rear lot line.
(d) The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard or other factors as specified in this chapter.
(e) The sale of any such products shall also require that a suitable amount of off-street parking and loading space be required as provided in this chapter.

(13) Gasoline service stations.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Such uses shall be located a minimum distance of 100 feet any residential zone as measured from the perimeter of the lot line.
(b) All repairs and services shall take place within a principal structure. All minor repairs and services are permitted to take place outdoors.
(c) The minimum lot area shall be 15,000 square feet, with a minimum street frontage of not less than 100 feet on a single street.
(d) The walls of the principal structure shall be at least 25 feet from the side and rear lot lines and at least 40 feet from a street right-of-way line.
(e) All exit and entrance drives shall be at least 10 feet from any adjoining property line and 20 feet from the corner of an intersecting public street.
(f) Any fuel or air pump and filler pipe shall be located 25 feet from any property line.
(g) No sale, leasing, or rental of any vehicles shall be permitted.

(14) Golf courses.
[Added 6-25-1996 by Ord. No. 96-9]
(a) The minimum site area shall be 80 acres, all of which need not be in the Township of Cranford.
(b) There shall be not less than nine regulation holes.
(c) Accessory uses shall be limited to dining and refreshment facilities, driving ranges, equipment and sales and rentals (pro shop), parking, practice greens and tees.
(d) Golf course holes and tees shall set back not less than 50 feet from any district boundary line or property line.
(e) All accessory buildings, structures and uses shall meet the setback requirements of the C-3 District.
(f) All other C-3 District standards shall apply.

(15) Hotels.

(a) Such uses shall be required to provide adequate on-site parking in accordance with the provisions of this Ordinance.

(b) Hotel and motel units shall not contain kitchen facilities of any nature, shall not be used as apartments for nontransient tenants, shall not contain more than two rooms and shall not be connected by interior doors in groups of more than two. There shall be no more than one hotel or motel unit for each 1,000 square feet of site area, exclusive of required yards.

(c) Each hotel or motel room shall have an area of at least 300 square feet. Each hotel or motel unit shall have a bath facility with shower or bath, one toilet facility and sink.

(d) The following accessory uses shall be permitted:

(1) One coffee shop for hotels or motels with no more than 100 rooms. For hotels or motels of over 100 rooms, a restaurant and a coffee shop are permitted. Such facilities shall be located within the hotel building.

(2) Amusements and sports facilities for the exclusive use of hotel guests, including:

(a) Swimming pool.

(b) Children's playground.

(c) Tennis and other game courts.

(d) Game or recreation rooms.

(4) Office and lobby, provision of which shall be mandatory for each hotel.

(5) Meeting and/or conference rooms.

(e) All hotels shall be equipped with sprinkler and fire alarm systems in accordance with the Township of Cranford Fire Prevention Code.

(16) Institutional and public uses.

[Amended 11-27-1984 by Ord. No. 84-52]

(a) Such uses shall be permitted in residential zones only if located on a primary or secondary arterial street.

(b) A minimum lot area of one acre shall be provided.

(c) All or part of the required off-street parking may be located on a separate lot in accordance with Article IV of this chapter and such separate lot area may be counted as part of the minimum required lot area.

(d) The maximum impervious surface shall not exceed that permitted in the zone where located.

(e) The minimum side yard shall be equal to the height of the principal structure or 20 feet, whichever is greater.

(f) The front and rear yards shall be the same as required for principal permitted uses in the zone where located, or 20 feet, whichever is greater.

(g) A ten (10) foot landscaped buffer shall be required along the rear property line.

(h) Parking areas shall be screened from view from residential zones or uses by landscaping, fencing, or a combination thereof to create a buffer at least five (5) feet wide and at least five (5) feet tall, and shall provide screening of vehicles in all seasons.

(i) Trash disposal areas shall be located as far from residential zone boundaries as possible.

(j) Lighting shall be located no closer than eight (8) feet from an adjoining residential district and shall not exceed eight (8) feet in height. Lighting shall be designed to avoid up-lighting or halo effect with fixtures incorporating shielding/cut-offs to prevent spillage off-site and on adjacent residential properties.

(17) Insurance agents and brokers.

[Added 7-17-2012 by Ord. No. 2012-20]

(a) Shall be permitted on the second floor or above without limit as to size.

(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.

(c) The space shall be measured from the interior wall surface of the walls encompassing the use.

(d) First-floor uses shall be required to provide on-site parking.

(18) Offices, professional, business, administrative in the Downtown Core (D-C) and Downtown Business (D-B) Zones.

[Amended 8-20-1996 by Ord. No. 96-2; 3-8-2005 by Ord. No. 2005-3]

(a) Offices shall be permitted on the second floor or above without any limit as to size.

(b) Offices (not accessory to any other permitted use) shall only be permitted on the first floor in existing space measuring less than 1,000 square feet or in an existing office-style building that does not have storefront-type windows on the first floor.

(c) Space shall be measured from the interior wall surface of the walls encompassing the office.
(d) First-floor offices shall be required to provide off-street parking.
(e) No first-floor space for a single occupant may be divided to create an occupant space of less than 1,000 square feet.

(19) Office, Professional in dwellings.
[Amended 11-27-1984 by Ord. No. 84-52]
(a) Such uses shall be allowed in all residential zones and all nonresidential zones in one-family detached dwellings in accordance with the following requirements:
[1] The minimum lot size shall be 10,000 square feet.
[2] The professional must reside on the premises.
[3] A maximum of two nonresident employees shall be permitted.
[4] Not more than 25% of the gross floor area of the principal building, excluding cellar areas, shall be permitted to be used for the professional office.
[5] The professional office shall meet all performance standards as set forth in Article IV.
[6] No retail sale of products shall be permitted.
[7] Only one practitioner at any time may be allowed on the premises.
[8] Professional offices in the R-1 through R-5 Zones shall be permitted only on those streets designated as major or minor arterials in the 1979 Cranford Master Plan.
[9] Professional offices in all zones shall be subject to the provisions of Article VI, Stormwater Control; Flood Damage Prevention.
(b) The Planning Board shall approve a site plan of the professional office, which shall meet site plan review standards and requirements set forth in this chapter.

(20) Printing and publishing services.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Shall be permitted on the second floor or above without limit as to size.
(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.
(c) The space shall be measured from the interior wall surface of the walls encompassing the use.
(d) First-floor uses shall be required to provide on-site parking.

(21) Public and private garages.
(a) Lot area:
1. Minimum lot area: 10,000 square feet.
2. Maximum lot area: 25,000 square feet for a parking garage serving private uses; 125,000 square feet for a parking garage serving public uses and located within 100 feet of the public building it is intended to serve.

(b) Lot width:
1. Minimum lot width: 100 feet.
2. Maximum lot width: 250 feet for a parking garage serving private uses; 500 feet for a parking garage serving public uses and located within 100 feet of the public building it is intended to serve.

(c) Maximum height:
1. The maximum height for a parking garage serving private uses shall be the same as for the district in which it is located.
2. Maximum lot coverage. The maximum lot coverage for a parking garage serving public uses and located within 100 feet of the public building it is intended to serve shall be 95 percent. For other parking garages, the lot coverage requirements for the district in which the garage is located shall apply.

(d) Principal uses permitted in parking garages. In addition to off-street parking, the following uses shall be permitted on ground level facing the street in a parking garage:
1. Business and professional offices.

2. Retail sales and personal services and restaurants.
3. Accessory uses shall be those permitted for the above uses, subject to all applicable requirements of this chapter.

(22) Residential apartments on upper floors.

(a) Where permitted as a principal permitted use, apartments shall be permitted above the ground floor, subject to the following:

1. Each apartment shall have its own entrance to a hallway, staircase or to the exterior.
2. The ground floor entrance to the apartment unit or units shall be separate from the entrance to the ground floor use.
3. An applicant or developer shall provide credible evidence to the satisfaction of the reviewing board that sufficient parking spaces are available and/or reserved in either public or private off-street parking lots for the overnight parking of vehicles of the prospective tenants of the apartment or apartments.
4. Such apartments shall be a minimum of 700 square feet for one-room studio or efficiency apartments and 150 square feet for each additional bedroom, but in no case contain more than two bedrooms.
5. No boarders shall be permitted to occupy such apartments, nor shall any portion of the space within the apartment be sublet or rented out for any period of time.
6. A minimum lot size of 5,000 square feet is required.
7. The gross density shall not exceed 20 units per acre.

A principal non-residential use must be located on the ground floor of the building.

(23) Retail services in the D-B Zone.
[Amended 8-23-1983 by Ord. No. 83-38; 11-27-1984 by Ord. No. 84-52; 8-20-1996 by Ord. No. 96-2; 6-29-1999 by Ord. No. 99-14; 3-8-2005 by Ord. No. 2005-3]
(a) Retail services shall be permitted on the second floor or above without any limit as to size.
(b) Upper-floor retail services shall be required to provide off-street parking in accordance with Parking Schedule I.

(24) Retails services on upper floors.
(a) Shall be permitted on the second floor or above without limit as to size when the ground floor is occupied by the same business.

(25) Security brokers.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Shall be permitted on the second floor or above without limit as to size.
(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.
(c) The space shall be measured from the interior wall surface of the walls encompassing the use.
(d) First-floor uses shall be required to provide on-site parking.

(26) Semidetached one-family dwellings in the R-5 Zone.
(a) Except as part of a townhouse development, the minimum lot width and area shall be the same as required for a one-family detached dwelling.
(b) Such uses shall be constructed in attached pairs simultaneously on contiguous lots.
(c) The minimum remaining side yard shall be not less than 30% of the lot width.
(15) Theaters. Such uses shall be located a minimum distance of 200 feet from other such uses, drive-in uses, auto repair garages and gasoline service stations, as measured from the perimeter of the lot line.
[Amended 8-23-1983 by Ord. No. 83-38; 7-17-2012 by Ord. No. 2012-20]

(27) Social service agencies.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Shall be permitted on the second floor or above without limit as to size.
(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.
(c) The space shall be measured from the interior wall surface of the walls encompassing the use.
(d) First-floor uses shall be required to provide on-site parking.

(28) Tax preparation services.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Shall be permitted on the second floor or above without limit as to size.
(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.
(c) The space shall be measured from the interior wall surface of the walls encompassing the use.
(d) First-floor uses shall be required to provide on-site parking.

(29) Vending machines.
[Added 1-28-1986 by Ord. No. 86-2]
(a) Such uses are hereby regulated and controlled in order to:
[1] Provide that such machines shall be appropriately located in accordance with the overall zoning and land use planning of the Township.
[2] Provide for aesthetic concerns.
[3] Avoid interference with vehicular and pedestrian circulation and safety.
[4] Assure conformance with the Master Plan and Central Business District Plan of the Township.
(b) Such uses shall be permitted as follows:
[1] Not more than one such machine shall be permitted for each 40 feet of lot width.
[2] Any such machine shall meet the setback requirements of this chapter, except that a vending machine which occupies less than four square feet of ground area may be located in the minimum front yard.
[3] Such machines shall not be illuminated.
[4] Such machines shall be located so as not to encourage traffic congestion or contribute to unsafe traffic conditions.
[5] Such machines shall be located so as not to interfere with vehicular or pedestrian circulation.
(c) Approval may be granted for vending machines on sidewalks within street rights-of-way if such approval serves the public interest and subject to the above conditions.

(30) Veterinarian office.
[Added 7-17-2012 by Ord. No. 2012-20]
(a) Shall be permitted on the second floor or above without limit as to size.
(b) Shall be permitted on the first floor in existing space measuring 1,000 square feet or less.
(c) The space shall be measured from the interior wall surface of the walls encompassing the use.
(d) First-floor uses shall be required to provide on-site parking.

(31) (Reserved) *Editor's Note: Former Subsection B(16), which immediately followed this subsection, restricting uses located less than 350 feet from a residential zone, was repealed 8-15-1995 by Ord. No. 95-33.*

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§ 136-36. Existing buildings in fire zones.

A. Existing buildings solely in residential use. Any existing building located in a fire zone, as designated by the Township, which is solely in residential use shall not be changed or converted to any nonresidential use unless the construction of such building meets the requirements of the fire zone in all respects. Any such building, the construction of which does meet the requirements of the fire zone in all respects, may be changed or converted to nonresidential use as permitted by this article.

B. Planning Board approval. Before the change or conversion of any existing building in a fire zone, as permitted in this article, the Planning Board shall review and approve a site plan.

§ 136-37. Outdoor storage.

[Amended 12-9-1980 by Ord. No. 80-44; 11-10-2009 by Ord. No. 2009-47]

A. No outdoor storage of merchandise, articles, material or vehicles shall be permitted in any zone except for used cars as part of a new-car dealer. The provisions of this section shall not be construed to prohibit customary accessory uses in residential zones such as patios, picnic tables, outdoor fireplaces and similar uses, nor shall it be construed to prohibit outdoor storage or parking which may be specifically permitted elsewhere in this chapter.

B. Portable home storage units (PODs).

(1) Definition. As used in this subsection, the following term shall have the meaning indicated:

PORTABLE HOME STORAGE UNIT (POD)

A portable shed or storage container, storage unit, shed-like container or other portable structure that can or may be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory structure.

(2) A portable home storage unit may be placed upon any property only upon the issuance of a permit by the Zoning Officer. The application fee is $25.

(3) Permission will be granted for a period of 30 days. At the expiration of the thirty-day period, the permittee may seek one extension of the permit for 30 days for an additional fee of $25.

(4) PODs are prohibited from being placed in streets or in front yards of a property. POD units must be kept in the driveway of the property at the furthest accessible point from the street, or in the rear yard. All locations must be paved off-street surfaces. The applicant must obtain preapproval from the Zoning Officer in the following situations:

(a) If the property does not have a driveway.

(b) If the location of the unit in the driveway is in the front yard of the property.

(c) If the property is a corner lot.

(5) This subsection shall be enforced by the Police Department and the Zoning Officer.

§ 136-38. Nonconforming uses and structures.

A. Continuation of use. A use, building or structure lawfully in existence at the effective day of this chapter which shall be made nonconforming at the passage of this chapter may be continued except as otherwise provided in this section.

B. Nonconforming setbacks. Where a lot exists in single ownership and is improved with a building which is nonconforming due to location, said building may be expanded, provided that existing nonconforming yards or setbacks are only extended and not further encroached upon, and further provided that where yards or setbacks are required, no such yard or setback shall be less than five feet.

[Amended 11-27-1984 by Ord. No. 84-52; 8-20-1996 by Ord. No. 96-2]

C. Regulation of nonconforming uses.

(1) No existing building or premises devoted entirely or in part to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except to enlarge or allow a conforming use, or as follows:

[Amended 11-27-1984 by Ord. No. 84-52]

(a) Restoration. Except as in Subsection C(1)(b) below, any nonconforming use or structure damaged by fire, casualty or act of God may be repaired but not further enlarged.

(b) Destruction. If, in the opinion of the Construction Official, a structure is damaged beyond repair, any new structure and the use thereof shall be in compliance with this chapter.

(c) Repairs. Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use and does not increase the number of dwelling units.

(d) Residential garages. A single-family residence constructed with less than the required private garage parking may be enlarged, extended, substituted or structurally altered if otherwise in conformity, provided that the minimum number of off-street parking spaces as required under Article IV, § 136-23G(3)(a) are constructed; but such spaces need not be garages.

[Added 11-10-1981 by Ord. No. 81-31]

(2) Nothing in this Article shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the Construction Official or other authorized state or Township official.

3) Subdivision of land. No land upon which a nonconforming use is located may be subdivided except by action of the Zoning Board of Adjustment in accordance with Article II, § 136-3C(4).

[Added 11-27-1984 by Ord. No. 84-52]

§ 136-38.1. C-3 Commercial District

[Added 8-28-1990 by Ord. No. 90-37]

A. Intent. The intent of the C-3 Commercial District is to permit the development of office, research, limited assembly and warehouse distribution uses in a comprehensively planned and aesthetically designed setting. Because of its location adjacent to existing residential areas in the Township, only those uses and operations which can be compatible with and which will not adversely impact adjacent residential areas are to be permitted in this zone. As such, it is the intent of this zone to permit only development of high aesthetic quality and proper site design. Bulk and yard requirements for this zone are set forth in the Schedule of Zone District Area, Yard and Building Requirements found at the end of this chapter.

B. Planned development option in the C-3 Zone.

(1) Purpose. The intent of the C-3 Planned Development Option is to provide for the development of uses permitted in the C-3 Zone in accordance with a comprehensive plan and in balance with available infrastructure systems, including roads and transportation facilities, of sound design and sufficient capacity to protect the health, safety and welfare of the residents of Cranford. In addition, the purpose of this section is to provide an orderly procedure for the review, consideration and approval of planned developments within the C-3 Zone of the Township of Cranford. This section is designed to encourage:

(a) The innovative design and development of those uses permitted in the C-3 District in accordance with a comprehensive general development plan for the tract.

(b) The creation of a planned development that protects and preserves the existing character and continued viability of adjacent residential areas and preserves existing landscape features and setbacks to provide a good transition between the permitted nonresidential uses and the existing residences along Walnut Avenue.

(c) Careful planning of traffic circulation and off-street parking in order to avoid traffic congestion and inadequate parking and to ensure the continued functioning of Walnut Avenue and the intersection of Walnut Avenue and Raritan Road as an effective and attractive gateway into Cranford Township.

(d) The planning and utilization of land and buildings in a manner that will contribute to the economic base of the Township of Cranford.

(2) For the purposes of interpretation of this subsection, planned development within the C-3 Zone shall be regarded as

"planned development," as that term is used and defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

(3) General provisions.

(a) Within those areas specifically designated on the Zoning Map of Cranford Township as C-3 Commercial District, an application may be made in accordance with the regulations and procedures described in this section pertaining to a planned development, provided that the proposal meets with all of the following minimum criteria:

[1] The tract area to be developed has a minimum of 20 acres.

[2] The tract area is to be developed according to a comprehensive general development plan as a single entity to accommodate those uses as permitted.

[3] A Traffic Reduction Plan shall be provided in compliance with the requirements of Article VII of this chapter.

[4] Improvements to the intersection of Walnut Avenue and Raritan Road are sufficient to ensure that this intersection continues to function at an acceptable level of service in accordance with the standards of intersection operation established by the Institute of Transportation Engineers (ITE) and as further defined in Subsection B(3)(a)[4][a] through [c].

[a] To enable the intersection to function at an acceptable level of service, planned developments with the principal vehicular access point on Walnut Avenue shall, at a minimum, include improvements to Walnut Avenue to provide a dedicated left-hand-turn lane, a through-movement lane and a right-hand-turn lane at both the northbound and southbound approaches at its intersection with Raritan Road, with appropriate signal timing.

[b] Planned developments which have their principal access point on Raritan Road shall, at a minimum, include improvements to Raritan Road to provide a dedicated left-hand-turn lane, a through-movement lane and a right-hand-turn lane in the eastbound and westbound approaches at its intersection with Walnut Avenue, with appropriate signal timing.

[c] To enable the intersection to function at an acceptable level of service, planned developments which have more than 150 feet of frontage on both Walnut Avenue and Raritan Road shall, at a minimum, include improvements to Walnut Avenue to provide a dedicated left-hand-turn lane, a through-movement lane and a right-hand-turn lane in the eastbound and westbound approaches at its intersection with Raritan Road, with appropriate signal timing, and improvements to Raritan Road to provide a dedicated left-hand-turn lane, a through-movement lane and a right-hand-turn lane in the eastbound and westbound approaches at its intersection with Walnut Avenue, with appropriate signal timing. At least one major vehicular access point to the site shall be provided on both Walnut Avenue and Raritan Road.

(b) Maximum floor area ratio (FAR) for planned developments in the C-3 Zone shall be 0.60, and a maximum of 65% of the gross floor area of the entire development may be developed as office. For the purpose of calculating this percentage, executive and administrative offices developed as ancillary to any office distribution center, as defined in § 136-1 of this chapter, developed on site or ancillary to any limited assembly use on site shall be included in the calculation of the total square footage of office uses. Planned developments which provide, at a minimum, improvements to Walnut Avenue as specified in Subsection B(3)(a)[4][a] of this section and, in addition, provide improvements to Raritan Road to provide, at a minimum, the improvements specified in Subsection B(3)(a)[4][b] of this section, may be developed with up to 100% of the total gross floor area as office.

(4) Permitted uses. All uses permitted in an C-3 Zone as set forth in § 136-32, Use regulations, shall be permitted in an C-3 planned development option.

(5) Findings for planned developments. Prior to approval of any planned development option, the Planning Board shall find, as required by N.J.S.A. 40:55D-45, the following facts and conclusions:

(a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning standards applicable to the planned development.

(b) That the proposals for maintenance and the amount, location and purpose of any common open space which may be provided as part of the development 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.

(6) Procedure for approval of the planned development.

(a) Planning Board review. The Planning Board shall review applications for approval of a planned development in accordance with the provision of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

(b) Required submissions; complete application. An application for approval of the planned development shall be deemed complete, upon submission by the applicant of the following:

[1] An application form containing the name of the developer; a signed statement of the developer affirming compliance with all of the minimum criteria for planned development contained in this section; proof that the property taxes pertaining to the subject property have been paid to date; a corporate or partnership disclosure statement where applicable, in accordance with the provisions of N.J.S.A. 40:55D-48.1 and 55D-48.2; and any application fees that may be established by ordinance.

[2] A general development plan consisting of the following plans and statements:

[a] A land use plan, indicating the tract area and general locations and approximate land areas to be devoted to the proposed land uses. The land use plan shall be prepared at a scale of not smaller than one inch equals 50 feet. The total amount of floor area and floor area ratio (FAR) for the entire planned development shall be specified, including the total amount of floor area and FAR for each type of use to be developed in the planned development.

[b] A traffic circulation plan indicating the location of all internal roadway parking and loading areas and the locations of ingress and egress, as well as all planned improvements to local and county streets, roads and intersections. A traffic impact analysis shall also be submitted. The traffic impact analysis shall indicate the impact of the proposed development on the surrounding road network, including the impact on the level of service of the Walnut Avenue and Raritan Road intersection. The traffic report shall specify sufficient intersection improvements which may be provided by the applicant or the county to mitigate any adverse impacts identified in this traffic report and ensure that the Walnut Avenue/Raritan Road intersection functions at an acceptable level of service in accordance with the standards for intersection operation accepted by the Institute of Traffic Engineers (ITE). The plan shall indicate how the overall collector and arterial road network relates to the overall design of the planned development and the county and municipal road network. The traffic circulation plan shall conform to the plan adopted by Cranford Township in connection with any off-tract improvements.

[c] A drainage and stormwater management plan, indicating the general size and location of on-site and off-site drainage areas and the direction of runoff flow, the approximate size of major existing conduits and pipes, existing watercourses and floodplains and the existing and proposed methods of controlling and draining surface water on and from the site. The drainage plan shall be in accordance with the provisions of Article VI, Stormwater Control; Flood Damage Prevention, of this chapter.

[d] An open space and buffering plan, indicating the approximate major land areas to be open space and buffer areas, a description of the intended improvements within said areas and the allocation of responsibility for maintenance of the open space and buffers. This plan shall be prepared in accordance with the buffering and landscape guidelines specified in § 136-22D of this chapter.

[e] A fiscal report describing the anticipated demands on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the time schedule for development of the planned development and following the completion of the planned development in its entirety.

[f] In the case of a planned development whose construction is contemplated over a period of years, the general development plan shall include a proposed timing schedule, including any terms or conditions which are intended to protect the interests of the public and the occupants of any section or phase of the planned development prior to the completion of the development in its entirety.

(c) Technical analysis. Upon submission of an application for planned development to the Planning Board, the applicant shall submit a copy of the application to the Development Coordinator. Within 15 days of receipt of the copy of the application by the Development Review Committee, the Committee shall meet with the developer's experts for the purpose of reviewing the general development plan.

(d) Technical report submitted to Planning Board. The Development Review Committee shall submit a report of its technical analysis to the full Planning Board within 45 days of submission of a complete application by the applicant. The review of the Development Review Committee shall be based upon the design standards set forth in this section and Article IV, Development Requirements and Standards, of this chapter and any other applicable recognized professional engineering standards.

(e) Planning Board review. The Planning Board shall schedule hearings on the application for the planned development at the time the application is deemed complete by the Development Coordinator.

(f) Action by the Planning Board. The Planning Board shall approve the application for the planned development if it finds that the application conforms to and complies with the requirements of this section.

(7) Effect of planned development option approval.

(a) The term of effect of the general development plan approval shall be determined by the Planning Board, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section or phase of the planned development. In making its determination regarding the duration of the effect of approval of the development plan, the Planning Board shall consider the amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capacity of completing the proposed development and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

(b) Approval of preliminary and final site plan and/or subdivision applications which may be submitted from time to time for portions of a planned development shall be granted upon proof of compliance with the approved general development plan and with the permitted uses, densities and development standards set forth in this chapter and, in the case of a planned development with an approved Traffic Reduction Plan, Article VIII, of this chapter as of the date of approval of the planned development option. Notwithstanding the above, the applicant may be required by the Planning Board to post any performance or maintenance guaranties and pay any inspection fees permitted by statute in accordance with N.J.S.A. 40:55D-53 and required by ordinance.

(8) Planned development approval revisions. Any revisions to the general development plan shall be in accordance with the provisions of the Municipal Land Use Law (N.J.S.A. 40:55D-45.4 to 55D-45.6).

§ 136-39. Off-Street Parking.

(A) Off-street parking. In all zones off-street parking shall be provided for all uses in accordance with the following schedule. All ground floor nonresidential principal permitted uses, except offices in the D-C and D-T Zones shall not be required to provide off-street parking spaces. These are Central Business District blocks for which public parking shall be provided by the Township.

1. Minimum required off-street parking schedule for non-residential uses. The number of off-street parking spaces required for any non-residential uses. The number of off-street parking spaces required for any non-residential use shall be determined by reference to Parking Schedule 1 below.

a. Unscheduled uses. Off-street parking requirements for uses not listed in Parking Schedule I shall be established by the Board, based upon accepted industry standards.

b. Combined uses. In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification in accordance with shared parking rules identified in Section 136-39 c.

c. Fractional spaces. Whenever the application of Parking Schedule I standards results in the requirements of a major fraction of a space in excess of fifty (50) percent, a full space shall be required.

d. On-street parking directly in front of a business shall count towards meeting off-street parking requirements. A length of twenty-three (23) feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

Parking Schedule I
Parking Requirements for Non-Residential Uses

Use	Required Parking Spaces
Advertising agency	One space for each 300 square feet of net floor area
Air conditioning and heating service and repair shop	One space for each 500 square feet of net floor area
Assisted living facility	0.5 spaces per dwelling unit
Auto repair garage (without gasoline)	3 for each bay, plus not less than 1 per each service vehicle
Bank and financial institution	One space for each 200 square feet of net floor area
Bank and financial institution with drive-through services	One space for each 200 square feet of net floor area
Bowling establishment	One space for each 180 square feet
Building supply store	One space for each 500 square feet of net floor area
Child-care center	None as per N.J.S.A. 40:55D-66.6, however 1 space per 270 square feet is encouraged in accordance with ITE parking generation standards
Colleges	2 for each 3 full-time day students and 1 for each 5 part-time day students
Community Care Retirement Community	1.3 spaces per dwelling unit
Convenience store (without gasoline)	One space for each 200 square feet of net floor area
Convenience store with gasoline sales	One space for each 150 square feet of net floor area.
Dance and theatrical studio	One for each three seats or one per 200 square feet whichever is greater.
Dwelling (Not subject to RSIS)	1.5 per dwelling unit
Educational services	One space for each 200 square feet of net floor area
Electronic and computer repair and supply store	One space for each 200 square feet of net floor area
Essential services	1 for each 400 square feet of net floor area

Use	Required Parking Spaces
Farm stand	A minimum of 3 spaces for the first 250 square feet of retail display area and one space per every 50 additional square feet of retail display area.
Financial institution	1 for each 250 square feet of net floor area
Funeral home	10, plus 1 for each 50 square feet of net floor area
Gasoline Service Station (without convenience store and/or auto repair)	1 space per 200 square feet of net floor area
Health care facility or clinic	One space for each 200 square feet of net floor area
Home improvement superstore	One space per 350 square feet of gross floor area
Hotel and motel	1 for each rental unit
Industrial use (general)	1 for each 400 square feet of net floor area
Institutional and public use	1 for each three seats or 1 space per each 25 square feet of assemblage area, whichever is greater
Laboratory and research use	1 for each 300 square feet of net floor area
Liquor store	1 for each 333 square feet of net floor area
Limited assembly	1 for each 650 square feet of net floor area
Light Industrial	1 for each 1,000 square feet of net floor area
Museum and art gallery	One space for each 500 square feet of net floor area
New and used automobile dealer	1 for each 200 square feet of net floor area plus 1 per each 1000 square feet of lot area.
Nursing home	1 for each 2 beds
Office, dentist or physician	4 for each dentist or physician, plus 1 for each 250 square feet of net floor area
Office, administrative and executive not listed elsewhere	One space for each 250 square feet of net floor area

Use	Required Parking Spaces
Office, distribution center	1 for each 4,000 square feet of net floor area devoted to a warehouse and storage and 1 for every 250 square feet of net floor area devoted to office space
Office, other	1 for each 250 square feet of net floor area, except in the D-C, D-B, D-T and O-3 Zones, where 1 for each 325 square feet of net floor area
Office, professional (except dentist or physician)	One space for each accountant, architect, attorney, engineer or and 250 square feet of net floor area
Office, supply and support store	One space for each 250 square feet of net floor area
Physical fitness studio and gym	One space for each 150 square feet of net floor area
Place of worship, community building, social hall and place of public assembly	1 for each 3 seats, or 1 for each 72 inches of seating space when benches rather than seats are used. Where the specific amount of seating is undetermined, then 1 parking space shall be required for each 25 square feet of assemblage area.
Recreation use	
Bowling alley	5.5 spaces per lane
Court games	4 for each court
Golf course	8 for each tee
Golf driving range	1.25 for each tee
Other	1 for each 150 square feet of floor area
Religious goods store	One space for each 250 square feet of net floor area
Restaurant (with seats)	1 for each 2.5 seats
Restaurant (without seats)	1 per 75 square feet of customer service area
Retail Service	1 for each 250 square feet of net floor area
Retail Trade	1 for each 250 square feet of net floor area
School	
Grades K-10	1 1/2 for each classroom
Grades 11 and 12	10 for each classroom

Use	Required Parking Spaces
Self-Storage Facility	One space for each 5,000 square feet of gross floor area
Social service agency	One space for each 200 square feet of net floor area
Swim club	1 for each family membership unit
Theater	1 for each three seats or 1 space per each 25 square feet of assemblage area, whichever is greater
Veterinarian office	One space for each veterinarian and 200 square feet of net floor area
Warehouse	One space per each 4,000 square feet
Website designer	One space for each 250 square feet of net floor area
Wholesale establishment, or warehouse, furniture store	1 for each 800 square feet of net floor area
Yoga studio	One space for each 150 square feet of net floor area

2. Minimum required off-street parking schedule for residential uses.
The number of off-street parking spaces required for residential uses. The number of off-street parking spaces required for residential uses shall be determined pursuant to N.J.A.C. 5:21, as amended, and by reference to Parking Schedule II below. Alternative parking standards to those shown in the Schedule below shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location and available off-site parking sources.

Parking Schedule II[a]

Parking Requirements for Residential Land Uses

Housing Unit Type/Size	Parking Requirement
Single-Family Detached and Two-Family	
2 Bedroom	1.5
3 Bedroom	2.0
4 Bedroom	2.5[c]
5 Bedroom	3.0
Garden Apartment[b]	
1 Bedroom	1.8
2 Bedroom	2.0c
3 Bedroom	2.1
Townhouse[b]	
1 Bedroom	1.8
2 Bedroom	2.3c
3 Bedroom	2.4
Retirement Community	Values shall be commensurate with the most appropriate housing type and size noted above that the retirement community resembles
Assisted Living	0.5

Notes:

a As amended from time to time.

b Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking (0.5 spaces per dwelling unit). Guest parking must either be provided for on street or in common parking areas.

c If applicant does not specify the number of bedrooms per unit, this parking requirement shall apply.

a. Garage and driveway combinations shall be counted as follows:
   1. Each garage car space shall be counted as 1.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way.
   2. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way.
   3. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.
   4. When housing is included in mixed-use development in accordance with subsection c. below, a shared parking approach to the provision of parking shall be permitted.
   5. When, in the judgment of the Board, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of twenty-three (23) feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.
   6. For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7), to be accessible, parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

3. Shared Parking

a. In the D-C, D-B, D-T, VC and ORC districts, shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Applicants for new developments or significant redevelopment of site(s) should examine the feasibility of using shared parking arrangements.
b. A use for which an application for shared parking is made shall be located within 800 feet of the parking facility which is being shared.
c. An agreement providing for the shared use of parking, executed by all the parties involved, shall be approved by the approving board's attorney and filed with the Township Clerk. Shared parking privileges shall continue in effect so long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, parking shall be provided as otherwise required in this chapter.
d. The approving board may require that an applicant for shared parking provide testimony and/or a shared parking feasibility study in support of the application from a licensed engineer in the State of New Jersey with expertise in parking operations.
e. e. Shared parking for uses with different hours of operation. Shared parking shall be permitted between two uses with differing hours of operation, provided that the approving board shall have discretion in determining which uses are daytime uses and which are nighttime or Sunday uses. The following shall serve as general guidelines:

(1) The following uses may be generally considered daytime uses:

(a) Offices.

(b) Retail sales and services except restaurants, bars and entertainment uses.

(c) Wholesale, storage and distribution uses.

(d) Manufacturing uses.

(e) Other similar primarily daytime uses as determined by the approving board.

(2) The following uses may be generally considered nighttime or Sunday uses:

(a) Places of worship, clubhouses, and theaters.

(b) Bars.

(c) Other similar primarily nighttime or Sunday uses as determined by the approving board.

(3) The approving board may authorize the use of up to 90 percent of the required off-street parking for a daytime use to serve as the required off-street parking for a nighttime or Sunday use and vice-versa. The applicant shall demonstrate that the hours of operation of the two uses will not conflict, and the approving board shall place conditions limiting the hours of operation to ensure that adequate parking is available to all users at the appropriate times.

d. General Parking Requirements

[1] Off-street parking requirements for a combination of uses shall be computed separately and then added together to compute the total number of required parking spaces, except for places of worship, community buildings, social halls and places of public ownership where the facility or use requiring the maximum number of spaces shall prevail. In all questionable or doubtful cases, or for uses not enumerated, the Planning Board shall determine the required number of spaces.

[2] If the Construction Official orders the demolition of a dilapidated, detached garage, no replacement garage need be erected for residential uses, subject to the following conditions:
[a] The garage shall have been constructed prior to July 1, 1959.
[b] Only operational, noncommercial, light vehicles shall be kept on the premises.
[c] If deemed necessary by the Construction Official, the garage slab and footing shall also be removed.
[d] On-site parking shall be provided in accordance with the applicable provisions of this chapter.
(b) Parking in residential zones.

Only currently registered operational, noncommercial light vehicles may be parked on any property in a residential zone, except that the following are also permitted:
[a] One commercial light vehicle used by the occupant, if garaged.
[b] Unregistered or nonoperational light vehicles owned by the occupant, if garaged or stored in a rear yard.
[c] Two items of recreation equipment belonging to the occupant, if garaged or stored in the rear yard.. Any recreation item or items affixed on a recreation trailer as for travel shall, together with the trailer, be considered as one item of recreation equipment.
[d] Vehicles other than light vehicles used by an occupant in connection with a conditional use, if garaged.
[e] Vehicles being used in connection with a service, pickup or delivery being provided at the property.

[f] The provisions of this subsection shall be enforced by the Cranford Police Department and the Zoning Officer.

[3] In R-1, R-2, R-3, R-4 and R-5 Zones, not more than one of the required off-street spaces for such dwelling unit may be on the driveway.
[4] Off-street parking facilities as accessory to any use permitted in a residential zone shall be provided on the same lot with the permitted principal building.

[5] Off-street parking facilities as required by this Article in nonresidential zones shall be provided on the same lot as the principal building or use or on other property or properties owned by the applicant in the same or other nonresidential zone, provided that all such property so used is within 600 feet, measured in a straight line, of any entranceway to the principal building or use. This provision shall apply only to those properties which are entirely in the Township of Cranford.

Article VI. Stormwater Control

[Added 2-22-1983 by Ord. No. 83-7; amended 4-28-1987 by Ord. No. 87-8; 8-20-1996 by Ord. No. 96-2; 9-14-1999 by Ord. No. 99-19; 8-15-2006 by Ord. No. 2006-29; 11-25-2008 by Ord. No. 2008-41]

§ 136-40. Scope, purpose and objectives; findings.

A. Policy statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed by a professional engineer licensed in the State of New Jersey. These plans will be based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose and objectives. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Township of Cranford by:

(1) Protecting human life and health.

(2) Minimizing expenditure of public money for costly flood control projects.

(3) Minimizing the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimizing prolonged business interruptions.

(5) Minimizing damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains.

(6) Maintaining a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future damages from flood.

(7) Ensuring that potential property purchasers are notified that property is in a flood-prone area.

(8) Promoting water quality for rivers and streams.

C. Findings of fact. The Township Committee of the Township of Cranford finds that:

(1) The flood hazard areas of the Township of Cranford are subject to periodic inundation which could result in loss of life or property, affect health and produce safety hazards, disrupt commerce and governmental services or result in extraordinary public expenditures and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or uses hazardous to other lands which are inadequately protected from flood damage.

(3) These flood losses are also caused by the cumulative effect of increases in impervious cover by construction of structures, such as new homes, buildings, building additions, roadways, driveways, patios, and other materials that disallow water to pass through soils into the groundwater, or to be stored in plant life and soils.

(4) By not controlling stormwater runoff, soil erosion, loss of groundwater recharge, and pollution reduction through structural BMPs, nonstructural or low-impact techniques that reduce or prevent pollutants from being placed on the sites or from being exposed to stormwater, the streams and rivers in the Township of Cranford will become more polluted, will lose natural plant and aquatic life, and will eventually reduce the natural beauty and charm of the Township's streams and river.

D. Applicability.

(1) This article shall be applicable to:

(a) All development plans, building additions, driveway widening, new patios, pools, garages, sheds, and any residential projects that are below the threshold of major developments, if they are neither a site plan nor subdivision that either

increase impervious cover 300 square feet or more

(b) Nonresidential major developments; and

(c) Aspects of residential major developments that are not preempted by the residential site improvement standards at N.J.A.C. 5:21; and

(d) Aspects of all development in the special flood hazard areas within the jurisdiction of Cranford, Union County, New Jersey, which are not covered under the Cranford Township Article VIA, Flood Damage Prevention.

(2) This article shall also be applicable to all major developments undertaken by the Township of Cranford.

E. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 136-41. Definitions.

A. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meanings they have in common usage and to give this article its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules N.J.A.C. 7:8-1.2.

B. As used in this article, the following terms shall have the meanings indicated:

BMPS

Best management practices as found in the latest edition of the New Jersey Stormwater Best Management Practices Manual.

COMPACTION

The increase in soil bulk density.

CORE

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY

An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may be either:

(1) A county planning agency; or

(2) A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGNATED CENTER

A state development and redevelopment plan center as designated by the State Planning Commission, such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER

A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but are not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT

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

DRAINAGE AREA

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD

A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

ENVIRONMENTALLY CRITICAL AREAS

An area or feature which is of significant environmental value, including but not limited to, stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION

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

IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION

The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT

Any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY

Any city, borough, town, township, or village.

NODE

An area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.

NUTRIENT

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON

Any individual, corporation, company, partnership, firm, association, Township of Cranford, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT

Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt,

industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE

The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT

Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE

The lot or lots upon which a development is to occur or has occurred.

SOIL

All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP

The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BASIN

An excavation or embankment and related areas designed to retain or detain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE

Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF

Water flow on the surface of the ground or in storm sewers resulting from precipitation.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES

A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA

Previously developed portions of areas:

(1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

(2) Designated as CAFRA Centers, Cores or Nodes;

(3) Designated as Urban Enterprise Zones; and

(4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

§ 136-41.1. Development requiring permit.

A. Any development with over 1,000 square feet of change in impervious cover, or that meets the applicability requirements of § 136-39D(1)(b) through (d), shall submit a site development storm water plan pursuant to the requirement of § 136-47.1.

B. Any residential development that meets the applicability requirements of § 136-39D(1)(a) but is less than 1,000 square feet shall submit a minor site development stormwater plan pursuant to § 136-47.1B and shall meet all other applicable requirements of this chapter.

§ 136-41.2. Design and performance standards for stormwater management measures.

A. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in § 136-42. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

B. The standards in this article not only apply to new development but any development that causes the increase in impervious cover. These standards are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

C. Administration. The administration and enforcement of the provisions of this article relating to the construction, erection, maintenance and continued operation at design capacity of stormwater detention facilities and other facilities, structures, devices and techniques required to carry out the objectives of this article shall be the responsibility of the Township Engineer.

D. Basis for establishing the areas of special flood hazard. The areas of special flood hazard have been identified by the Federal Insurance Administration through a scientific and engineering report entitled the "Flood Insurance Study, Union County, New Jersey," dated September 20, 2006, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, which report is hereby adopted by reference and declared to be part of this article. The Flood Insurance Study is on file at the office of the Township Engineer.

E. Other flood hazard areas. When the base flood elevation and floodway data has not been provided in accordance with Subsection D above, the Township Engineer shall obtain, review and reasonably utilize any base flood elevations and floodway data available from any federal, state or other source in order to properly interpret and enforce the Land Development Ordinance for any type of construction in the Township of Cranford.

§ 136-42. Stormwater management requirements for all development.

A. All major developments or any development with over 1,000 square feet of change in impervious cover shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 136-47.2.

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

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections G and H:

(1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion.

(2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable.

(3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

(4) The reconstruction or widening of public roadways.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections G and H, may be obtained for the enlargement of an existing public roadway or railroad, or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(2) The applicant demonstrates through an alternatives analysis that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Subsections G and H to the maximum extent practicable;

(3) The applicant demonstrates that in order to meet the requirements of Subsections G and H, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above, within the upstream drainage area of the receiving stream that would provide additional opportunities to mitigate the requirements of Subsections G and H that were not achievable on-site.

E. Runoff standards. The following standards shall apply to all development in the Township, except Subsection C:

(1) The rate of stormwater runoff from the site is not increased as a result of the development proposed in the application.

(2) The volume of stormwater runoff shall be minimized.

(3) The drainage of the adjacent areas is not adversely affected.

(4) Soil absorption and groundwater recharge capacity of the area is not decreased below what occurs there under existing conditions.

(5) The natural drainage pattern of the area is not significantly altered.

F. Nonstructural stormwater management strategies.

(1) To the maximum extent practicable, the standards in Subsections G and H shall be met by incorporating nonstructural stormwater management strategies set forth in this section into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection F(2) below into the design of a particular project, the applicant shall identify the strategy considered and provide basis for the contention.

(2) Nonstructural stormwater management strategies incorporated into the site design shall:

(a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss.

(b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces.

(c) Maximize the protection of natural drainage features and vegetation.

(d) Minimize the decrease in the time of concentration from preconstruction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

(e) Minimize land disturbance, including clearing and grading.

(f) Minimize soil compaction.

(g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides.

(h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas.

(i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

[1] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Subsection F(3) below;

[2] Site design features that help to prevent discharge of trash and debris from drainage systems;

[3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

[4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24- 39 et seq., and implementing rules.

(3) Site design features identified under Subsection F(2)(i)[2] above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection F(3)(c) below.

(a) Grates.

[1] Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

[a] The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

[b] A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.

[2] Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

(b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.

(c) This standard does not apply:

[1] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

[2] Where flows from the water quality design storm as specified in Subsection H are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[a] A rectangular space 4 5/8 inches long and 1 1/2 inches wide (This option does not apply for outfall netting facilities.); or

[b] A bar screen having a bar spacing of 0.5 inch.

[3] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in Subsection H(1); or

[4] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register-listed historic property.

(4) Any land area used by a major development as a nonstructural stormwater management measure to meet the performance standards in Subsections G and H for all nonresidential construction shall be dedicated by easement to the government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

(5) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 136-45, or found on the Department's website at www.njstormwater.org.

G. Erosion control, groundwater recharge and runoff quantity standards.

(1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(b) The minimum design and performance standards for groundwater recharge are as follows for all development, except those that qualify to use § 136-45C design techniques as described in Subsection G(1)(c)[4]:

[1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 136-43, either:

[a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or

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

[2] This groundwater recharge requirement does not apply to projects within the urban redevelopment area, or to projects subject to Subsection G(1)(b)[3] below.

[3] The following types of stormwater shall not be recharged:

[a] Stormwater from areas of high pollutant loading. "High-pollutant loading areas" are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than reportable quantities as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with a Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[b] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

[4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

(c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 136-43, complete one of the following:

[1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff

hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events.

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

[3] Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten- and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge.

[4] For residential site improvements with a proposed impervious cover increase of 1,000 square feet or less, the required storage volume may be taken from the chart entitled "Volume of Required Storage vs. Difference in Impervious Cover" found in § 136-45C. These residential improvements will only have to provide on-site stormwater storage in the form of stone landscape beds, wetlands ponds, seepage pits, underground stormwater storage chambers, or other BMP measures that will retain the stormwater runoff volume, as taken from this chart, and recharge that volume back into the ground or release it at a pre-improvement runoff rate. This stormwater design process does not have to be designed by a professional engineer. An architect, landscape architect, or other individual, upon approval of the Township Engineer, could prepare it. This design process shall include the checklist requirements found under § 136-47.1B. Any nonresidential development still requires BMPs in accordance with this article; or

(2) Any application for a new agricultural development that meets the definition of "major development" at § 136-40 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

H. Stormwater runoff quality standards for all development, except those that qualify to use § 136-45C design techniques as described in Subsection G(1)(c)[4]:

(1) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt from this requirement under a NJPDES permit. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917

Table 1: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
	0.1000	95	1.1750
	0.1330	100	1.2000
	0.1660	105	1.2250
	0.1660	110	1.2334
	0.2583	115	1.2417
	0.3583	120	1.2500
	0.6250		

(2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 136-45, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in § 136-45. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey 08625-0418.

(3) If more than one BMP in series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where

R = total TSS percent load removal from application of both BMPs.

A = the TSS percent removal rate applicable to the first BMP.

B = the TSS percent removal rate applicable to the second BMP.

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90%
Constructed stormwater wetland	90%
Extended detention basin	40% to 60%
Infiltration structure	80%
Manufactured treatment device	See Subsection 136-44C
Sand filter	80%
Vegetative filter strip	60% to 80%
Wet pond	50% to 90%

(4) If there is more than one on-site drainage area, the eighty-percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site, in which case the removal rate can be demonstrated through a calculation using a weighted average.

(5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Subsections G and H.

(6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in § 136-45.

(7) In accordance with the definition of "FW1" at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as "FW1."

§ 136-43. Calculation of stormwater runoff and groundwater recharge.

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

(1) The design engineer shall calculate runoff using one of the following methods:

(a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 — Hydrology and Technical Release 55 — Urban Hydrology for Small Watersheds; or

(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection A(1)(a) and the Rational and Modified Rational Methods at Subsection A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use

type is cultivation).

(3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce preconstruction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 — Urban Hydrology for Small Watersheds and other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tail water in the design of structural stormwater management measures.

(6) The rainfall excess shall be computed for each site using accepted, published runoff coefficients which reflect land use and topography. Acceptable runoff coefficients currently in practice include, but are not limited to, the following:

Surface Type	**ınoff Coefficient**
Streets:	
Asphaltic	0.70 to 0.95
Concrete	0.80 to 0.95
Brick	0.70 to 0.85
Drives and walks	0.75 to 0.85
Roofs	0.75 to 0.95
Lawns, sandy soil:	
Flat, 2%	0.05 to 0.10
Average, 2% to 7%	0.10 to 0.15
Steep, 7%	0.15 to 0.20
Lawns, heavy soil:	
Flat, 2%	0.13 to 0.17
Average, 2% to 7%	0.18 to 0.22
Steep, 7%	0.25 to 0.35

B. Groundwater recharge may be calculated in accordance with the following:

(1) The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

§ 136-44. Standards for structural stormwater management measures.

A. Standards for structural stormwater management measures are as follows:

(1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

(2) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 136-46B.

(3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion-resistant. Measures that are consistent with the relevant portions of the residential site improvement standards at N.J.A.C. 5:21-7.3, 21-7.4, and 21-7.5 shall be deemed to meet this requirement.

(4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

(5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 136-46.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized, provided that the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 136-42 of this chapter.

C. Manufactured treatment devices may be used to meet the requirements of § 136-42 in this chapter, provided that the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 136-45. Sources for technical guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed at Subsection A(1) and (2) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey 08625; telephone (609) 777-1038.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures, such as bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

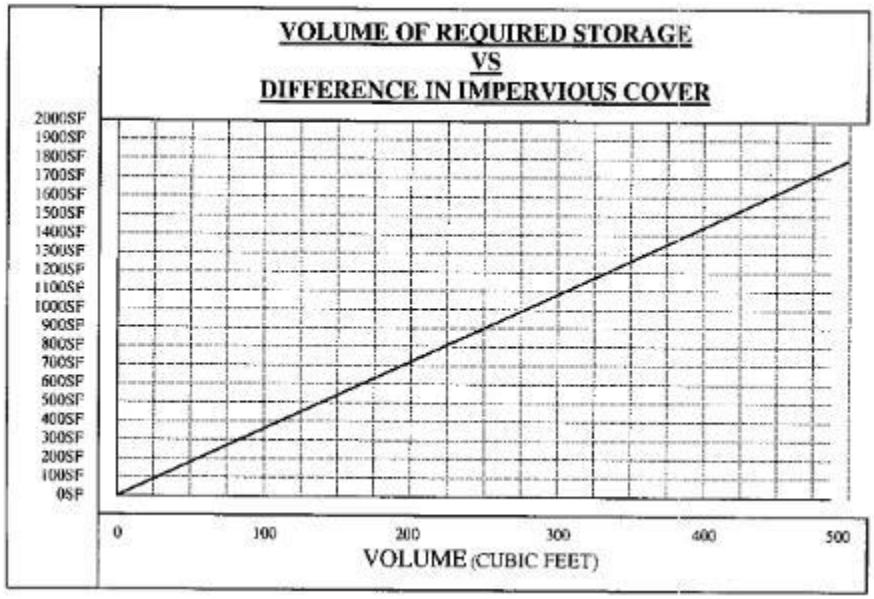
B. Additional technical guidance for stormwater management measures can be obtained from the following:

(1) The Standards for Soil Erosion and Sediment Control in New Jersey promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

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

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

C. Use of the following "Volume of Required Storage vs. Difference in Impervious Cover" chart for change in impervious cover that is 1,000 square feet or less for residential development only. Nonresidential site plans and developments still required BMPs as addressed in this article.



§ 136-46. Safety standards for stormwater management basins.

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

B. Requirements for trash racks, overflow grates and escape provisions.

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

(d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

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

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) For purposes of this Subsection B(3), "escape provisions" means the permanent installation of ladders, steps, rungs,

or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

(a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Subsection C, a freestanding outlet structure may be exempted from this requirement.

(b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one foot to 1 1/2 feet above the permanent water surface. See Subsection D for an illustration of safety ledges in a stormwater management basin.

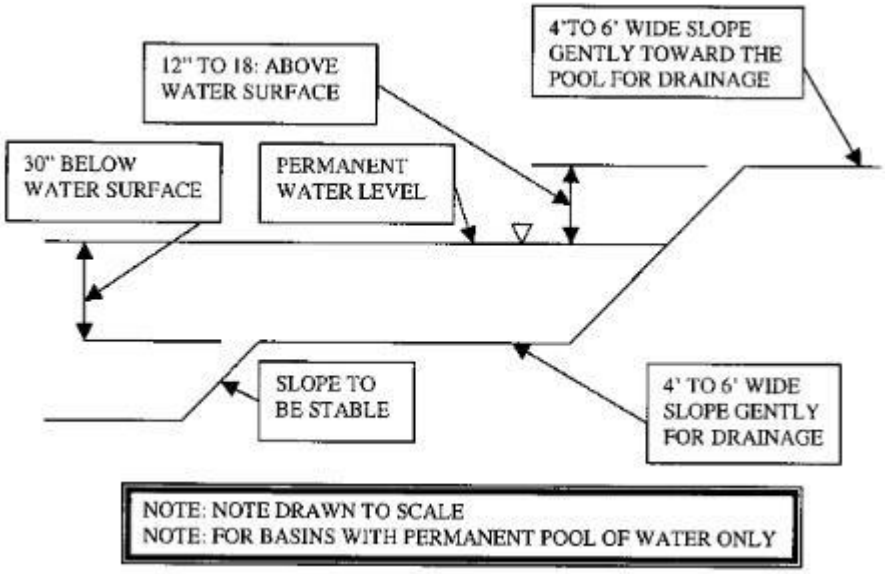
(c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

C. Variance or exemption from safety standards.

(1) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of safety ledges in a new stormwater management basin.

Depicted is an elevation view



§ 136-47. (Reserved)

§ 136-47.1. Requirements for site development and minor site development stormwater plans.

A. Submission of site development stormwater plan.

(1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at Subsection A(5) below as part of the submission of the applicant's application for subdivision or site plan approval. A site development stormwater plan is not required for residential improvements or residential developments that have 1,000 square feet

or less change of impervious cover.

(2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.

(3) The applicant shall submit 18 copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection A(5) of this section.

(4) Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision, site plan and/or construction department review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the Township Engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

(5) Checklist requirements. The following information shall be required:

(a) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one foot equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.

(b) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(c) Project description and site plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(d) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 136-41.2 through 136-44 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

[1] Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

[2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations.

[1] Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 136-42 of this chapter.

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

(g) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the

maintenance requirements of § 136-47.2.

(h) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the Municipal Engineer, waive submission of any of the requirements in Subsection A(5)(a) through (f) of this section when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

B. Submission of minor site development stormwater plan.

(1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the checklist for the minor site development stormwater plan of Subsection B(5), found below as part of the submission of the applicant's application for subdivision or site plan, or construction or zoning permit approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.

(3) The applicant shall submit six copies of the materials listed in the checklist for minor site development stormwater plans in accordance with Subsection B(5) of this section.

(4) Minor site development stormwater plan approval. The applicant's minor site development project shall be reviewed as a part of the subdivision, site plan and/or construction department review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the Township Engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.

(5) Checklist requirements. The following information shall be required:

(a) Copy of resent existing property survey, to scale, showing all existing impervious features, such as dwellings, garages, sheds, driveways, patios, steps, and porches. Each of these items shall have a description of their material make-up, i.e., pitched slate roof, asphalt driveway, concrete steps, etc.

(b) Marked up copy of the material listed in Subsection B(5)(a) (copy of resent existing property survey) above showing all new features being proposed, to scale and with dimensions. The new features shall be described in the same manner as the existing features described above in Subsection B(5)(a).

(c) Calculations of change in impervious cover:

[1] Existing impervious cover within the property boundary limits, described in square feet.

[2] Proposed impervious cover within the property boundary limits, including the remaining existing impervious cover, described in square feet.

[3] The difference in impervious cover, which is the difference between the proposed impervious cover found in Subsection B(5)(c)[2] above and the existing impervious cover found in Subsection B(5)(c)[1] above.

[4] Calculations of the volume of required storage. This information would be taken by using the difference in impervious cover, as found in Subsection B(5)(c)[3] above, and finding this number on the left side of the Volume of Required Storage vs. Difference in Impervious Cover graph found in § 136-45C. Using this chart, follow the horizontal line closest to this number across until it meets the diagonal line. At this point on the diagonal line, follow the matching vertical line down to the bottom of the chart until it gets to the reading of the volume in cubic feet. Each vertical line is broken up into twenty-five-cubic foot segments. If your numbers do not fall on a specific line, then you must interpolate the answer.

[5] Design a stormwater detention or retention structure based on this volume found in Subsection B(5)(c)[4] above. The Township Engineering Department will assist you in the design options and methods of calculating a structures volume for stone or seepage pit chambers, if you request. All other designs must be supported by the manufacturer, engineer, architect, or landscape architect. Each design must: contain a sketch with enough dimensions on it to be able to calculate the volume of storage provided by the structure; describe the material that the structure is made out of, and all designs shall have an overflow capability that will not back water up into any basements, dwellings or adjoining properties.

§ 136-47.2. Maintenance and repair.

A. Applicability.

(1) Projects subject to review as in §§ 136-39D(1)(b) through (d) and 136-41.1A of this article shall comply with the requirements of Subsections B and C.

B. General maintenance.

(1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

(4) If the person responsible for maintenance identified under Subsection B(2) above is not a public agency, the maintenance plan and any future revisions based on Subsection B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

(6) The person responsible for maintenance identified under Subsection B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

(7) The person responsible for maintenance identified under Subsection B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

(8) The person responsible for maintenance identified under Subsection B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsections B(6) and (7) above.

(9) The requirements of Subsection B(3) and (4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.

C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 136-47.3. Violations and penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be subject to penalties. Unless otherwise specifically provided herein, any violation of the provisions of this article shall be punishable by a fine not to exceed $1,000 or by imprisonment in the county jail for a term not to exceed 90 days, or both, at the discretion of the Municipal Court. Each day that the violation continues after a notice of violation and a reasonable opportunity to correct or remedy the violation shall constitute a separate violation.

§ 136-47.4. When effective.

This article shall take effect immediately upon the approval by the county review agency, or 60 days from the receipt of the article by the county review agency if the county review agency should fail to act.

§ 136-47.5. Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this article.

§ 136-47.6. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflicts or overlaps, whichever, imposes the more stringent restrictions shall prevail.

§ 136-47.7. Interpretation.

In the interpretation and application of this article, all provisions shall be:

A. Considered as Minimum requirements.

B. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 136-47.8. Warning and disclaimer of liability.

The degree of flooding protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights maybe increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Township of Cranford or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 136-48. (Reserved)

Article VIA. Flood Damage Prevention

[Added 8-15-2006 by Ord. No. 2006-29]

§ 136-48.1. Statutory authorization.

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Cranford, New Jersey, does enact this article.

§ 136-48.2. Findings of fact.

A. The flood hazard areas of the Township of Cranford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 136-48.3. Purpose.

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood-control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 136-48.4. Methods of reducing flood losses.

In order to accomplish its purposes, this article includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood height or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 136-48.5. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

APPEAL

A request for a review of the Construction Official's interpretation of any provision of this article or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO or AH Zone on a community's Flood Insurance Rate Map with a one-percent or greater chance of flooding to an average depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within an area of special flood hazard.

ELEVATED BUILDING

A non-basement building (i) built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS)

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as render the structure in violation of other applicable nonelevation design requirements.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

RECREATIONAL VEHICLE

A vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the longest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-

348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

§ 136-48.6. Applicability.

This article shall apply to all areas of special flood hazards within the jurisdiction of Cranford, Union County, New Jersey.

§ 136-48.7. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Township of Cranford, Community No. 345291, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) A scientific and engineering report "Flood Insurance Study, Union County, New Jersey (All Jurisdictions)" dated September 20, 2006.

(2) Flood Insurance Rate Map for Union County, New Jersey (All Jurisdictions) as shown on Index and Panel Numbers 0020, 0021, 0031, 0032, 0033; the effective date of which is September 20, 2006.

B. The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and maps are on file at 8 Springfield Ave, Cranford, NJ 07016.

§ 136-48.8. Violations and penalties.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1,500 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Cranford from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 136-48.9. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 136-48.10. Interpretation.

In the interpretation and application of this article, all provisions shall be:

A. Considered as minimum requirements; and

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 136-48.11. Warning and disclaimer of liability.

A. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

B. This article shall not create liability on the part of the Township of Cranford, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 136-48.12. Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 136-48.7. Application for a development permit shall be made on forms furnished by the Construction Official 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:

A. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;

B. Elevation, in relation to mean sea level, to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 136-48.17B;

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 136-48.13. Designation of local administrator.

The Construction Official is hereby appointed to administer and implement this article by granting or denying development permit applications in accordance with its provisions.

§ 136-48.14. Duties and responsibilities of administrator.

Duties of the Construction Official shall include, but not be limited to:

A. Permit review:

(1) Review all development permits to determine that the permit requirements of this article have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of § 136-48.18A are met.

B. Use of other base flood and floodway data. When base flood elevation and floodway data have not been provided in accordance with § 136-48.7, Basis for establishing areas of special flood hazard, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 136-48.17, Specific standards for flood hazard reduction, Subsection A, Residential construction, and Subsection B, Nonresidential construction.

C. Information to be obtained and maintained:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in § 136-48.12C.

(3) Maintain for public inspection all records pertaining to the provisions of this article.

D. Alteration of watercourses:

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Floodplain Management Section, and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries: make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 136-48.15.

§ 136-48.15. Variance procedure.

The following variance procedure is adopted:

A. Appeal board.

(1) The Planning Board of the Township of Cranford shall hear and decide appeals and requests for variances from the requirements of this article.

(2) The Planning Board 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 article.

(3) Those aggrieved by the decision of the Planning Board, 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 shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

(a) The danger that materials may be swept onto other lands to the injury of others;
(b) The danger to life and property due to flooding or erosion damage;
(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(d) The importance of the services provided by the proposed facility to the community;
(e) The necessity to the facility of a waterfront location, where applicable;
(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
(g) The compatibility of the proposed use with existing and anticipated development;
(h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
(5) Upon consideration of the factors of Subsection A(4) and the purposes of this article, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
(6) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
B. Conditions for variances.
(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided items (a) through (k) in Subsection A(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
(5) Variances shall only be issued upon:
(a) A showing of good and sufficient cause;
(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection A(4), or conflict with existing local laws or ordinances.
(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 136-48.16. General standards for flood hazard reduction.

In all areas of special flood hazards the following standards are required:
A. Anchoring.
(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
(2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in

addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least 50 lots or five acres (whichever is less).

E. Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 136-48.17. Specific standards for flood hazard reduction.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 136-48.7, Basis for establishing areas of special flood hazard, or in § 136-48.14B, Use of other base flood and floodway data, the following standards are required:

A. Residential construction.

(1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation;

(2) Require within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified); and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood

elevation or, together with the attendant utilities and sanitary facilities, shall:

(1) Require, within any AO Zone on the municipality's FIRM, that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified); and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or

(2) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(4) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 136-48.4C(2).

C. Manufactured homes.

(1) Manufactured homes shall be anchored in accordance with § 136-48.16A(2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

§ 136-48.18. Floodways.

Located within areas of special flood hazard established in § 136-48.7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Subsection A is satisfied, all new construction and substantial improvements must comply with §§ 136-48.16 through 136-48.18.

C. In all areas of special flood hazard in which base flood elevation data have been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 0.2 of a foot at any point.

Article VII. Traffic Reduction

[Added 8-28-1990 by Ord. No. 90-37]

§ 136-49. Purpose.

The purpose of this article is to provide for reasonable and appropriate development opportunities in Cranford Township's C-3 Zone while recognizing the limited capacity of the existing road network in Cranford Township.

§ 136-50. Application for increase in floor area ratio.

All proposed new developments in the C-3 Zone, including planned developments, may, as part of their application for development approval, apply for an increase in the permitted floor area ratio (FAR) above that permitted in the C-3 Zone as specified in § 136-30 and 136-38.1B(3) in this chapter. Such a request shall be made in accordance with the provisions of this article and is subject to the approval of a Traffic Reduction Plan and associated traffic reduction strategies and implementation mechanisms as set forth in this article.

§ 136-51. Floor area ratio requirements.

A. The maximum floor area ratio (FAR) for all those developments other than a planned development in the C-3 Zone with a Traffic Reduction Plan approved by the Planning Board shall be 0.60, and a maximum of 50% of the gross floor area of the entire development may be developed as office. For the purpose of calculating this percentage, executive and administrative offices developed as ancillary to any office distribution center, as defined in § 136-1B of this chapter, developed on site or ancillary to any limited assembly use on site shall be included in calculation of the total square footage of office uses.

B. The maximum floor area ratio (FAR) for planned developments in the C-3 Zone shall be 0.60, and a maximum of 65% of the gross floor area of the entire development may be developed as office. For the purpose of calculating this percentage, executive and administrative offices developed as ancillary to any office distribution center, as defined in § 136-1B of this chapter, developed on site or ancillary to any limited assembly use on site shall be included in calculation of the total square footage of office uses. Planned developments with improvements to both Walnut Avenue and Raritan Road as specified in § 136-38.1B(3)(a) may be developed up to 100% of the total floor area as office.

§ 136-52. Definitions.

For the purposes of this Article, the following definitions shall apply:

EMPLOYEE

Any salaried or hourly worker, including both full-time and part-time workers, whether they report to work regularly or are assigned primarily to a facility in Cranford Township.

EMPLOYER

Any entity which employs people, including but not limited to businesses, corporations, government entities and private institutions.

NONRESIDENTIAL DEVELOPMENT COMPLEX

Any development in the ORD-1 Zone, including planned developments, which is serviced by a common circulation and access system, where buildings in the aggregate exceed 100,000 square feet and which can be identified by any one or a combination of the following characteristics

A. It is known by a common name given to the project by its developer.

B. It is governed by a common set of covenants, conditions and restrictions.

C. It was approved or is to be approved as a single entity in accordance with a single conceptual, preliminary or

final site plan or, in the case of planned developments, by a general development plan.

OFFICE OF TRANSPORTATION MANAGEMENT

The municipal department, agency or official appointed by the Mayor to implement the requirements of this Article.

PEAK-HOUR PERIOD

The sixty-minute periods within the a.m. and p.m. peak periods in which the largest number of hourly vehicle trips are generated to and from the site.

SINGLE OCCUPANCY VEHICLE

A motor vehicle occupied by one employee for commuting purposes.

§ 136-53. Traffic Reduction Plan.

In addition to all submission requirements for applications for development as specified in this Article, any proposed new development in the C-3 Zone which is proposed to be developed in accordance with FAR maximums specified in this Article shall be required to submit a Transportation Reduction Plan as part of an application for development.

A. Traffic reduction goals.

(1) The Traffic Reduction Plan shall be designed to reduce the total number of vehicle trips generated by the development in the peak-hour periods to 70% of the projected number of vehicle trips generated by the development in the peak-hour period as determined by a traffic impact analysis prepared by a qualified professional traffic consultant and incorporated into the Traffic Reduction Plan approved at the time of site plan approval. These traffic reduction goals shall be maintained each year after the issuance of the certification of occupancy for the development.

(2) The Traffic Reduction Plan shall also be designed to facilitate and encourage use of Cranford Township's central business district in accordance with the goals and provisions of the Township's Master Plan.

B. Format. The prescribed format for the Traffic Reduction Plan shall be provided by the Office of Transportation Management, and all Traffic Reduction Plans shall comply as far as it is practicable with the prescribed format.

C. Traffic reduction strategies. The Traffic Reduction Plan can incorporate but need not be limited to any combination of the following traffic reduction strategies to achieve the required traffic reduction goals of the plan:

(1) Facilitating the use of mass transit.

(2) Facilitating ride-sharing and van-pooling.

(3) Encouraging nonvehicular work trips.

D. Traffic reduction implementation mechanisms. The selected traffic reduction strategies can incorporate but need not be limited to any combination of the following traffic reduction implementation mechanisms. Application for planned developments which are proposed pursuant to the maximum FAR set forth in § 136-51B shall include as components of a comprehensive plan the implementation mechanisms set forth in Subsection D(1) and (6):

(1) The implementation of an alternate work-hours program, a highly regarded technique, which is designed to shift the workday of an employee so that the workday starts and/or ends outside of the peak-hour periods. Such programs may include but are not limited to compressed work weeks, staggered work hours involving a shift in the set work hours of employees at the work place and flexible work hours within guidelines established by the employer.

(2) The use of vans or shuttle buses for commutation and lunch hour trips to provide opportunities for and encourage the use of businesses, restaurants and retail establishments in the downtown and other areas of the Township.

(3) Designation of preferred parking for ride-sharing and van-pooling participants.

(4) Construction of public or private bus shelters to facilitate traffic mitigation measures.

(5) Establishment of shuttle bus service to and from the Cranford train station in the morning and afternoon.

(6) Establishment of an in-house or third-party ride-sharing or van-pooling program.

(7) Establishment of an information center to coordinate ride-sharing and van-pooling among smaller businesses in a complex.

(8) The use of any other informational and promotional techniques to inform employers and employees of transit and alternate transportation opportunities and encourage the use of these alternatives.

(9) The provision of special accessory uses on site to limit off-site trips.

E. Traffic impact analysis. A traffic impact analysis prepared by a professional traffic consultant shall be included as part of the Traffic Reduction Plan. The traffic impact analysis shall include a projection of the vehicle trips in the peak-hour period generated by the proposed development. The traffic impact analysis shall also include an analysis of the effectiveness of the proposed Traffic Reduction Strategies and implementation mechanisms in achieving the traffic reduction goals of the plan. This analysis shall include a projection of the vehicle trips generated by the development in the peak-hour period after implementation of the proposed Traffic Reduction Plan.

§ 136-54. Review procedures.

A. The Traffic Reduction Plan shall be submitted to the Township Traffic Coordinating Committee before an application for site plan approval or general development plan approval can be determined complete. Said Traffic Reduction Plan shall be forwarded by the Planning Board to the Office of Transportation Management for a nonbinding recommendation as to whether the plan meets the traffic reduction goals of this Article.

B. The Office of Transportation Management shall review and recommend the Traffic Reduction Plan for approval within 45 days of submission unless the Office of Transportation Management determines that said plan as designed cannot achieve required traffic reduction goals. If such a determination is made, the Office of Transportation Management shall recommend that the Planning Board not accept the plan and require that said plan be revised.

C. Approval of a Traffic Reduction Plan by the Planning Board shall be a requirement for site plan approval or general development plan approval for all development applications in the C-3 Zone which are proposed to be developed in accordance with the FAR maximums specified in this Article.

§ 136-55. Traffic Coordinator.

Every proposed new nonresidential development complex which is subject to the requirements of this Article shall designate a Traffic Coordinator to act as a liaison to the Office of Transportation Management. All notices and information regarding surveys, reports and traffic reduction plans required pursuant to this Article shall be directed to said Coordinator. Notices communicated to the Coordinator shall be deemed effective as to the business or development when received, in writing, by the Coordinator.

§ 136-56. Report; survey.

It shall be a condition of approval that all nonresidential development complexes must provide ongoing traffic management services in accordance with the approved Traffic Reduction Plan and provide annual surveys of all businesses occupying the premises to the Office of Transportation Management.

A. Annual report. An annual report on the effectiveness of the Traffic Reduction Plan in achieving the traffic reduction goals shall be submitted to the Office of Transportation Management. Failure to achieve the intended levels of trip reduction will be grounds for review and revision of any previously approved plans. The annual report shall include actual counts of vehicle trips generated by the development in the peak-hour periods.

B. Annual survey.

(1) All nonresidential development complexes with 100 or more employees shall survey their work force annually to gather data on place of residence, working hours and commutation mode. In order to be in compliance with this section, a minimum completed survey response rate of 75% shall be required on employee surveys.

(2) The Office of Transportation Management shall distribute the employee survey form annually and shall provide a minimum of 60 days between distribution of the survey and deadline for submission.

(3) Results from the survey shall be compiled by the designated Traffic Coordinator for the development and submitted as part of the annual report on the Traffic Reduction Plan to the Office of Transportation Management.

(4) It shall be a condition of site plan approval that all new businesses which occupy 15,000 square feet or more of gross floor area in a nonresidential development complex be notified that they are individually required to comply with the annual survey requirements of this subsection within five months of occupancy and submit the results of the annual survey to the designated Traffic Coordinator. Subsequent occupants of 15,000 square feet or more shall be required to submit annual surveys to the designated Traffic Coordinator in accordance with the requirements of this subsection. Developers or subsequent owners of nonresidential development complexes shall be required to submit to the Office of Transportation Management the names of all businesses leasing or, if the development is a condominium association, owning 15,000 square feet or more of the nonresidential development complex.

§ 136-57. Continuation of plan goals.

Developers or subsequent owners of nonresidential development complexes as defined in this Article shall be responsible for ensuring that the traffic reduction goals of the Traffic Reduction Plan continue to be met and that the traffic reduction strategies set forth in the Traffic Reduction Plan will continue to be implemented. This requirement will not preclude the developer from providing alternate but commensurate traffic reduction strategies and implementation mechanisms which are equally or more successful in meeting the traffic reduction goals of the plan. Revisions to the selected traffic reduction strategies and implementation mechanisms and amendments to the Traffic Reduction Plan may be requested as part of the annual report to the Office of Transportation Management, but may be submitted to the Office of Transportation Management at any time. The Office of Transportation Management shall review requests for revision or amendment to the Traffic Reduction Plan and shall make its recommendation to the Planning Board within 45 days from receipt of the request.

§ 136-58. Violations and penalties; enforcement.

A. Violation. Upon failure to implement in a demonstrated good faith fashion, the required Traffic Reduction Plan will constitute a violation of this Article. Failure to submit a required annual survey, annual report, Traffic Reduction Plan or revision to a Traffic Reduction Plan will also constitute a violation of this Article.

B. Enforcement agent. The Zoning Officer shall be empowered to issue fines and summonses pursuant to this Article upon certification from the Office of Transportation Management that developers or owners of developments approved pursuant to this Article have failed to comply with the requirements of this Article.

C. Fines and penalties. After 30 days' written notice to remedy said infraction, violators shall be subject to a fine of $100 per day until such time as said violation of this Article is abated by complying with the requirements herein. No building permits or certificates of occupancy shall be issued to any applicant, developer or owner of a development which is deemed in violation of the provisions of this Article.

Article VIII. Application for Rezoning

[Added 9-14-2004 by Ord. No. 2004-37]

§ 136-59. Application authorized.

The owner of any real property in the Township of Cranford may submit an application to the Planning Board of the Township of Cranford for the rezoning of its real property. A "developer," as that term is used in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., may submit an application for rezoning, provided that such application is submitted with the written consent of the owner of the affected property.

§ 136-60. Required submissions.

Each application for rezoning shall include all required fees and escrows and 24 copies of the following:

A. A fully completed application for rezoning.

B. A map of the entire tract depicting, at minimum, all of the information required by § 136-21D.

C. A concept plan, depicting the nature, features and proposed use of the property as rezoned.

D. A specific proposal for rezoning, which may be either that the tract in question be rezoned to a specific existing zoning district or that a new zoning district be created. If a new zoning district is to be created, applicant shall submit a specific, detailed proposal for said zoning district which shall include permitted uses, conditional uses, if any, and all required bulk conditions, including lot size and area, setbacks, height requirements, open space requirements, building coverage requirements, parking requirements and the like.

§ 136-61. Certification of complete application.

The procedure set forth in § 136-13A(4) with respect to an application for development shall be utilized for the purpose of certifying an application to be complete.

§ 136-62. Distribution.

When an application shall be deemed complete, the Zoning Officer shall distribute 14 of the 24 copies of the application to the Board and appropriate professionals, and the remaining 10 copies shall be distributed to the Planning Board Secretary.

§ 136-63. Hearing procedure.

The Planning Board shall hold a hearing on each application for rezoning which complies with the procedures set forth in § 136-4I. The hearing shall be held within ninety (90) days of the certification of a complete application.

§ 136-64. Proofs, findings and report.

After hearing the application, the Planning Board shall determine whether any action other than rezoning will properly protect the interest of the community of the municipality. The Planning Board shall review the application in light of the existing Master Plan, the conditions existing within the community and the expertise of the Planning Board in matters of land development to determine whether the applicant's proposal should be favorably recommended to the Township Committee. The Planning Board shall make specific detailed findings of fact and conclusions of law concerning the applicant's proposal as it relates to the review standards set forth below. It shall be the applicant's burden of proof to present sufficient credible evidence to the Planning Board for the Board to make appropriate findings, conclusions and recommendations.

§ 136-65. Decision.

The Planning Board shall conclude its review and make its recommendation within 120 days of the certification of a complete application. Unless the applicant shall consent in writing to an extension of the time for decision, if the Planning Board shall not act favorably on such application within said one-hundred-twenty-day period, the applicant's request that the Planning Board recommend rezoning to the Township Committee shall be deemed denied.

§ 136-66. Report to governing body.

Subsequent to action by the Planning Board, the Board shall cause its written findings and conclusions to be forwarded to the Township Clerk for action by the Township Committee. The Planning Board Secretary shall also forward the 10 remaining copies of applicant's application. The report to the Township Committee shall also include a brief statement as to whether or not the Planning Board recommends that the Township Committee adopt an ordinance rezoning the subject property.

§ 136-67. Review standards.

Each application for rezoning shall comply with and address the following standards:

A. Necessity. No application for rezoning shall be granted if the relief sought could be granted through an application for development other than one pursuant to N.J.S.A. 40:55D-70d.

B. Master Plan. In submitting its recommendations, the Planning Board shall submit a report in accordance with N.J.S.A. 40:55D-26. The governing body shall comply with such section in acting on the application. If the proposed rezoning is inconsistent with the Master Plan, the Planning Board shall include in its recommendation whether it is in the best interest of the municipality to amend the Master Plan in accordance with the Municipal Land Use Law.

C. Modification. In making its recommendations, the Planning Board may recommend that the application for rezoning be granted, in whole or in part, or be modified. If the Planning Board recommends the granting of the application with modifications or conditions, the Planning Board shall set out such modifications or conditions in detail, including findings, conclusions and recommendations.

D. Effect of current zoning. The applicant shall demonstrate by proper proof that, absent rezoning, there is a substantial likelihood that the zoning regulations currently in existence will zone the property into inutility or that the rezoning shall substantially and meaningfully benefit the municipality and further the purposes of the Municipal Land Use Law, including purposes set forth in N.J.S.A. 40:55D-2.

E. Municipal services. In demonstrating that the proposed rezoning will substantially benefit the municipality and will advance the purposes of the Municipal Land Use Law, the applicant shall demonstrate that the proposed rezoning will not unduly burden the planned and orderly development of the municipality or place an undue burden upon community services and facilities. Where deemed appropriate by the Planning Board, the Board may require traffic studies, fiscal impact studies or such other information as it requires to be produced either by the applicant or for the Board at the applicant's expense.

§ 136-68. Action by Township Committee.

After receipt of the report and recommendations of the Planning Board, the Township Committee shall consider the application. The decision of the Township Committee to act or not to act on any application shall be deemed a legislative act in the sole discretion of the Township Committee. The Township Committee may determine, in its sole discretion, whether or not to act on any application and whether or not to grant, deny or modify any application. If the Township Committee shall act on any proposed amendment to this chapter, it shall do so in compliance with N.J.S.A. 40:55D-62, et seq.

Article IX. Affordable Housing

[Added 12-11-2012 by Ord. No. 2012-32 *Editor's Note: This ordinance also superseded former Art. IX, Affordable Housing, added 9-11-2012 by Ord. No. 2012-24.* **]**

§ 136-69. Municipal fair share obligation established.

The Township of Cranford has a fair share obligation consisting of a one-hundred-forty-eight-unit prior-round obligation and a fifty-five-unit rehabilitation obligation. The Township's third-round obligation has yet to be determined.

§ 136-70. Definitions.

The following terms, when used in this article, shall have the meanings given in this section:

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.).

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity responsible for the administration of affordable units in accordance with this article, N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9 and in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT

A housing development of which all or a portion consists of restricted units.

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 housing development.

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A.

55:14K-1 et seq.).

AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that:

A. All the residents of the development where the unit is situated are 62 years of age or older; or

B. At least 80% of the units are occupied by one person that is 55 years of age or older; or

C. The development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons," as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

ASSISTED LIVING RESIDENCE

A facility that is licensed by the New Jersey 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 and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

CERTIFIED HOUSEHOLD

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH

The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

DCA

The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market-rate units. This term includes, but is not limited to: new construction, the conversion of a nonresidential structure to residential use and the creation of new affordable units through the reconstruction of a vacant residential structure.

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 50% or less of the median household income.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include, but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load-bearing structural systems.

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by COAH.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

NONEXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median, as defined by COAH's adopted Regional Income Limits, published annually by COAH.

REHABILITATION

The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

RENT

The gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

UHAC

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 et seq.

VERY-LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to 30% or less of the median household income for the applicable housing region.

VERY-LOW-INCOME UNIT

A restricted unit that is affordable to a very-low-income household.

WEATHERIZATION

Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of the rehabilitation program.

§ 136-71. Affordable housing programs.

A. Cranford has determined that the following programs will be used to satisfy its affordable housing obligations:

(1) A rehabilitation program. See § 136-72.

(2) Inclusionary multifamily residential district (Cranford Development Associates) development of Lot 15 in Block 291 and Lot 2 in Block 292, to be developed with a total of 54 affordable dwelling units, which will be non-age-restricted family rental units pursuant to court order dated December 9, 2011, in the matter of Cranford Development Associates, LLC et al. v. The Township of Cranford et al., Superior Court of New Jersey, Law Division, Union County, Docket No. UNN-L-3759-08.

(3) Lehigh Acquisition Project, an inclusionary development of Lot 1 in Block 511, to be developed with a total of 24 affordable dwelling units, which will be non-age-restricted family rental units pursuant to court order dated December 9, 2011.

(4) All of a one-hundred-unit age-restricted rental development completed in the 1990s, known as Lincoln Apartments, developed on Lot 18.01 of Block 532.

(5) Needlepoint Homes, consisting of one non-age-restricted rental affordable housing unit already constructed, on Lot 1 of Block 480.

(6) Riverfront developers, LLC, consisting of a total of 19 non-age-restricted rental affordable housing units proposed on Lots 1.02, 2.01, 3, 4, 5, 6, 7, 8 and 9 of Block 481 within an inclusionary mixed-use redevelopment site.

(7) Special needs housing, Community Access Unlimited 1 group home, consisting of four bedrooms on Lot 62 of Block 403.

(8) Special needs housing, Community Access Unlimited 2 group home, consisting of four bedrooms on Lot 59 of Block 403.

(9) Special needs housing, SERV Center of NJ group home, consisting of four bedrooms on Lot 3 of Block 514.

B. In addition to the foregoing, any property in the Township of Cranford that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a use variance to permit residential development, and where such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

C. The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§ 136-72. Rehabilitation program.

A. Cranford's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The rehabilitation program shall include an owner occupancy rehabilitation program and a renter occupancy rehabilitation program.

B. Cranford hereby designates _____ as the administrative agent for its entire rehabilitation program.

C. Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.

D. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the

control period). For owner-occupied units, the control period shall be enforced with a lien, and, for renter occupied units, the control period shall be enforced with a deed restriction.

E. Cranford shall dedicate a minimum of $10,900 for each unit to be rehabilitated through the rehabilitation program, with $10,000 of this amount reflecting the minimum hard costs of rehabilitation per unit and the remaining $900 reflecting the cost of the administrative services for each rehabilitation unit.

F. The Township of Cranford shall adopt a resolution committing to fund any shortfall in the rehabilitation program.

G. The administrative agent shall provide a rehabilitation manual for the owner occupancy rehabilitation program to be adopted by resolution of the governing body, and the Township of Cranford shall prepare and adopt by resolution a rehabilitation manual for the rental occupancy rehabilitation program to be administered by the administrative agent. Both manuals shall be continuously available for public inspection in the office of the Township Clerk and in the office of the administrative agent.

H. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and UHAC, but shall be administered in accordance with the following:

(1) Upon the initial rental of a vacant unit subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and to be affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.

(2) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.

(3) Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

(4) Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

§ 136-73. Permanent supportive living and supportive shared living housing.

A. The administration of a supportive living housing facility shall be in compliance with N.J.A.C. 5:97-6.10, including the administration thereof in accordance with N.J.A.C. 5:97-9 and UHAC, with the following exceptions:

(1) Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by the Court or by COAH's Executive Director, if approval is delegated by the Court;

(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

B. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, supportive living housing facilities shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9 and UHAC.

C. The service provider for a supportive living housing facility shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the supportive living housing facility.

§ 136-74. Phasing schedule for inclusionary zoning.

In inclusionary developments, the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25 + 1	10
50	50

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
75	75
90	100

§ 136-75. New construction.

A. Low/moderate split and bedroom distribution of affordable housing units:

(1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 10% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.

(2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.

(3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

(b) At least 30% of all low- and moderate-income units shall be two-bedroom units;

(c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and

(d) The remaining units may be allocated among two and three-bedroom units at the discretion of the developer.

(4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility requirements:

(1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and 5:97-3.14.

(2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

(a) An adaptable toilet and bathing facility on the first floor;

(b) An adaptable kitchen on the first floor;

(c) An interior accessible route of travel on the first floor;

(d) 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;

(e) An interior accessible route of travel between stories within an individual unit, except that if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, an interior accessible route of travel shall not be required between stories within an individual unit; and

(f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and the Barrier Free Subcode, N.J.A.C. 5:23-7 and 5:97-3.14, or evidence that Cranford has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been 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.

[2] To this end, the builder of restricted units shall deposit funds within the Township of Cranford's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with

adaptable entrances.

[3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Township of Cranford for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

[4] The developer of the restricted units shall submit a design plan and cost estimate for the conversion of adaptable to accessible entrances to the Construction Official of the Township of Cranford.

[5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund, in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

[6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and 5:97-3.14.

C. Design:

(1) In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

(2) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

D. Maximum rents and sales prices:

(1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH.

(2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.

(3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10% of all low- and moderate-income rental units shall be affordable to very-low-income households.

(4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

(5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;

(c) A two-bedroom unit shall be affordable to a three-person household;

(d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and

(e) A four-bedroom unit shall be affordable to a six-person household.

(6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

(a) A studio shall be affordable to a one-person household;

(b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and

(c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost 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 homeowners' association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant-paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

(9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(10) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§ 136-76. Utilities.

A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

§ 136-77. Occupancy standards.

In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

A. Provide an occupant for each bedroom;

B. Provide children of different sexes with separate bedrooms;

C. Provide separate bedrooms for parents and children; and

D. Prevent more than two persons from occupying a single bedroom.

§ 136-78. Control periods for restricted ownership units.

A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this article for a period of at least 30 years, until Cranford takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the restrictions set forth in this article, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be

secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

E. The affordability controls set forth in this article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

§ 136-79. Price restrictions for restricted ownership units.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.

B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowners' association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 136-82.

§ 136-80. Buyer income eligibility.

A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.

B. Notwithstanding the foregoing, however, the administrative agent may, subject to COAH's approval, permit moderate-income purchasers to buy low-income units in housing markets determined by COAH to have an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing restrictions for low-income units.

C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.

D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowners' association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

§ 136-81. Limitations on indebtedness secured by ownership unit; subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination, in writing, that the proposed indebtedness complies with the provisions of this section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of first-purchase money mortgages, neither an owner nor a lender shall at any time cause or

permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

§ 136-82. Capital improvements to ownership units.

A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale, provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§ 136-83. Control periods for restricted rental units.

A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this article for a period of at least 30 years, until Cranford takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Union. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.

C. A restricted rental unit shall remain subject to the affordability controls of this article despite the occurrence of any of the following events:

(1) Sublease or assignment of the lease of the unit;

(2) Sale or other voluntary transfer of the ownership of the unit; or

(3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

§ 136-84. Rent restrictions for rental units; leases.

A. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.

C. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the

applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this article.

§ 136-85. Tenant income eligibility.

A. tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

(1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.

(2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.

(3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.

B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

(1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

(2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

(3) The household is currently in substandard or overcrowded living conditions;

(4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or

(5) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

§ 136-86. Municipal Housing Liaison.

A. COAH requires Cranford to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. Cranford shall adopt an ordinance creating the position of Municipal Housing Liaison. Cranford shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee. The Municipal Housing Liaison shall be approved by the Court unless such approval is delegated by the Court to COAH and shall be duly qualified before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Cranford, including the following responsibilities which may not be contracted out to the administrative agent:

(1) Serving as Cranford's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;

(2) Monitoring the status of all restricted units in Cranford's Fair Share Plan;

(3) Compiling, verifying and submitting annual monitoring reports as required by COAH;

(4) Coordinating meetings with affordable housing providers and administrative agents, as needed; and

(5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative

marketing as offered or approved by COAH.

C. Subject to the approval of the Court or of COAH if such approval is delegated to COAH by the Court, the Township of Cranford shall designate one or more administrative agent(s) to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC. An operating manual shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the Court or of COAH if approval is delegated by the Court to COAH. The operating manuals shall be available for public inspection in the office of the Township Clerk and in the office(s) of the administrative agent(s). The Municipal Housing Liaison shall supervise the contracting administrative agent(s).

§ 136-87. Administrative agent.

The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in N.J.S.A. 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which includes:

A. Affirmative marketing:

(1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Cranford and the provisions of N.J.A.C. 5:80-26.15; and

(2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household certification:

(1) Soliciting, scheduling, conducting and following up on interviews with interested households;

(2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(3) Providing written notification to each applicant as to the determination of eligibility or noneligibility;

(4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;

(5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Cranford when referring households for certification to affordable units.

C. Affordability controls:

(1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Union County Register of Deeds or Union County Clerk's office after the termination of the affordability controls for each restricted unit;

(4) Communicating with lenders regarding foreclosures; and

(5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and rerentals:

(1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rerental; and

(2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rerental.

E. Processing requests from unit owners:

(1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;

(2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central-air-conditioning systems;

(3) Notifying the municipality of an owner's intent to sell a restricted unit; and

(4) Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

(1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

(2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;

(3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent, together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;

(4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

(5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA; and

(6) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

(1) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

(2) The administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to COAH, as required by COAH.

(3) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH.

§ 136-88. Affirmative marketing requirements.

A. The Township of Cranford shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Court, that is 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 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 marketing activities toward COAH Housing Region 2 and is required to be followed throughout the period of restriction.

C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2, consisting of Morris, Essex, Union and Warren Counties.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Township of Cranford shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

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 Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the administrative agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 136-89. Enforcement; violations and penalties.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

(1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units, the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

(a) A fine of not more than $500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Cranford Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

(2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first-purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

(a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the

judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

(c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§ 136-90. Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this article shall be filed, in writing, with the Court unless the Court delegates this responsibility to the Executive Director of COAH.