

Noncontiguous Parcel Cluster Open Space Clustering Overlay Zones

New Sections – to be included in Article VI Development Standards
DRAFT – June 13, 2011

250- 84 Noncontiguous Parcel Cluster (NPC)

- A. Purpose - to cluster development potential from the Environs into the Centers to conserve, preserve, and protect the sensitive environmental features prominently found in the Environs while encouraging increased development in more suitable areas.
- B. Definition-Noncontiguous Parcel Clustering or NPC – a development technique that allows one parcel to be preserved in its entirety for farming, recreation or open space, while its development rights are conveyed to a noncontiguous parcel that is developed at a higher density than otherwise permitted.
- C. Applicability – NPC allows conveyance of development rights from parcels in the RC Rural Conservation zone to parcels TR Town Residential, R Residential, and TC Town Center zones in accordance with the regulations in this section and district regulations.
- D. Minimum lot area requirements, and maximum densities permitted under NPC:

	R Residential	TC Town Commercial	TR Town Residential
Minimum lot area	5 acres combined 2 acres in R 1 acre in RC	10 acres combined 2 acres in TC 1 acre in RC	5 acres combined 2 acres in TR 1 acre in RC
Maximum density	6 dwelling units/acre	8 du/acre	8 du/acre

- E. NPC is not permitted in the Cape May Court House Overlay Zone
- F. Requirements of NPC program
 - 1. Establish unconstrained land area on lots. Provide NJDEP letter of Interpretation to establish unconstrained lands on lot. Provide map that documents unconstrained lands on tract.
 - 2. A minimum of 1 acre of contiguous unconstrained lot area should be required within the RC Rural Conservation District to ensure that lands to be preserved are adequately sized to have open space value.
 - 3. For each acre of unconstrained land that is preserved in the RC zone, one (1) additional dwelling unit per acre may be developed in the Center (R, TC or TR).
 - 4. Property may be subdivided to exclude an existing residential structure. Remaining unconstrained lands may then be utilized in NPC.
 - 5. Lands within the RC Rural Conservation zone that are approved for NPC shall be preserved as open space permanently encumbered by a deed restriction. These

lands may be retained by the property owner or dedicated to a public entity or conservation group for open space. The Township shall have the first right to acquire the lands followed by the Cape May County, the State of New Jersey and the Federal Government.

G. The following lands shall be considered as priority lands for NPC

1. Lands adjacent to public open space.
2. Lands adjacent to lands identified for Federal acquisition as part of the Cape May National Wildlife Refuge.
3. Lands within NJDEP Natural Heritage Priority Site.
4. Lands within Cape May County Open Space Priority Acquisition Areas.
5. Lands adjacent to preserved farmland.
6. Lands within Rank A or B ground water recharge areas.
7. Lands within defined wellhead protection areas.
8. Lands containing threatened and endangered species habitat.
9. Lands that are forested with at least 50% canopy cover.

250-85 Open Space Clustering (OSC)

- A. Purpose - To provide a method of developing land in the Township so that desirable open spaces, conservation areas, floodplains, recreation areas, agricultural areas, and other environmentally sensitive lands can be preserved.
- B. Definition - Open Space Clustering or OSC– the grouping of residential units on a site to preserve a large portion of land as open space, recreation or agriculture.
- C. Applicability – OSC is permitted on parcels in the RC Rural Conservation District with a minimum lot area of ten (10) acres.
- D. Lot area reduction – Clustered parcels may be reduced from 3.5 acres to a minimum of one (1) acre.
- E. Density bonus - Developments that utilize OSC can increase the permitted density by 20%.
- F. Requirements
 1. Density to be clustered shall be based upon one dwelling unit per one acre of unconstrained lands. Fractions of lots may be considered in the calculation; however, the lot density shall only be rounded downward to establish the ultimate lot density for cluster.
 2. To determine the underlying lot yield, a conventional sketch plat should be required as part of the application submission for subdivision approval. Standards for minimum contiguous unconstrained lot area shall be established for each residential lot to ensure that there is adequate buildable area to accommodate the dwelling, well and septic areas, and other associated improvements.
 3. The preserved land may include recreational facilities, such as play equipment for children, ball fields, court games and picnic tables.
 4. Bulk requirements of the developed lots shall follow the SR Suburban Residential district regulations for single family dwellings.

5. Open space to be created by the development shall be suitable for passive or active recreation uses and/or valuable for the protection of the natural environment and/or necessary for public purposes. Developers have the option of offering the open space lot(s) for dedication to a public entity (such as the Township of Middle, Cape May County, State and/or Federal government) or non-profit land conservation entity. If the lands are not considered suitable for dedication by these governmental entities, the open space shall be encumbered by a permanent deed restriction and designated as a separate lot under the subdivision homeowner's association or alternatively the property may be incorporated into one residential lot with a permanent deed restriction prohibiting any further subdivision.
6. The open space to be created by the development shall comply with the open space requirements of this chapter.

250-86 Overlay Zones

- A. Cape May Tributaries and Bays East Overlay Zone
 1. Purpose – to protect the water quality of the watersheds within the Township.
 2. Applicability - Lands that are being considered for subdivision within the Cape May Bays and Tributaries East Overlay Zone, as identified in the Township Master Plan and reflected on the zoning map.
 3. Subject properties shall be required to meet the NJDEP Nitrate Dilution Model Standards at the property boundaries.
- B. Cape May Court House Overlay Zone
 1. Purpose – to limit density and height to protect the character of the historic area of Cape May Court House,
 2. Applicability – 98 acres in the core of Cape May Court House as identified in the Township Master Plan and reflected on the zoning map.
 3. Maximum building height shall be 35 feet.
 4. Townhouse and Multifamily residential uses shall be prohibited.
 5. Noncontiguous Parcel Clustering is not permitted.